

UNIVERSITY OF VIRGINIA

COLLEGIATE MOCK TRIAL

Dear Prospective Mockers:

So you want to join UVa Mock Trial?

Excellent. We'd love to have you. Whether you're pre-law, an aspiring actor, or just looking for a fun extracurricular to sharpen your wits and expand your social network, Collegiate Mock Trial at UVa is the group for you.

Read on to find out how to join ...



General Try-out Procedure: Round I

Try-out Dates, Location, and Sign-ups

Collegiate Mock Trial will be holding the first round try-outs for prospective new members on Saturday, September 2 and Sunday, September 3. Try-outs will be held in 15-minute time slots throughout the day and will take place on Saturday in Newcomb Hall, room 389, and on Sunday in the Commonwealth Room at Newcomb Hall.

To sign up for a try-out time, please attend the informational meeting on Sunday, August 27 at 3:30 pm in Wilson 402. If you are unable to attend the info meeting for any reason, please stop by Room 42 East Lawn (East is on the right side when you are facing the Rotunda) and sign up on the sheet posted outside the door. You must sign up by 5 pm on Friday, September 1.

Please sign up for only one 15-minute try-out slot. On Saturday, September 2, you may sign up for any time between 9:30 am and 7 pm. On Sunday, September 4, you may sign up for any time between 9:30 am and 7 pm. You don't need to remember that information, just check the sign-up sheet and put your name down next to a time that's free.

You do, however, need to remember the specific time you sign up for. Write it down in your planner, on a post-it note, on your forehead, wherever. Just make sure you're on time - or preferably a few minutes early - for your try-out.

Attorney Tryout Checklist

Have you:

- Signed up for a tryout time, either at the information session or at 42 East Lawn
- Completed and printed out the tryout questionnaire
- Written your closing argument
- Chosen a witness from the six in the tryout packet to portray
- Developed a character for that witness using the direct examination in the tryout packet

Witness Tryout Checklist

Have you:

- Signed up for a tryout time, either at the information session or at 42 East Lawn
- Completed and printed out the tryout questionnaire
- Chosen a witness from the six in the tryout packet to portray
- Developed a character for that witness using the direct examination in the tryout packet

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Preparing for your Try-out

If you're reading this letter, you have almost successfully completed step 2 of preparing for try-outs, which is to download and read the try-out packet. This packet contains detailed information about the specific procedure for trying out to be an attorney, a witness, or both, as well as the materials you will need to prepare for your try-out.

First, please print out and complete the enclosed questionnaire. This will provide us with important contact information and will also be an opportunity for you to tell us a bit more about yourself, your background, and why you are interested in mock trial. Please bring your completed questionnaire with you to your try-out.

Next, decide if you would like to try out to be both an attorney and a witness or simply a witness. Even if you are really only interested in competing as an attorney, we require all individuals who want to try out to be attorneys to also read for the role of witnesses. *This is to benefit you.* It is almost impossible to compare two candidates, one of whom gives a great try-out as an attorney and one of whom gives a fair to good try-out as both an attorney and a witness. We want to see as many sides of your personality as possible, and the more we know about you the more likely you are to make the team.

Attorney Try-outs

If you are interested in trying out to be an attorney, please prepare a short (3 to 5 minute) closing argument either prosecuting or defending a fictional, cartoon, or fairytale character. The case is entirely of your choosing, and you can make up any witnesses, facts, exhibits, or testimony you would like to have appeared in your trial. Be creative and have fun with it!

Possible examples include prosecuting the Grinch for stealing Christmas and for 99 counts of breaking-and-entering and one count of cruelty to animals, defending the witch from "Hansel and Gretel" on charges of cannibalism, or prosecuting Willy Wonka for 5 counts of child endangerment. You pick the crime, you name the defendant, and you tell us why he or she should (or should not) go to jail.

We should emphasize that we are **not** grading you on your content or your knowledge of the law. If you've never given a closing argument before, that's absolutely fine. We are much more interested in your basic public speaking abilities – your presence, passion, persuasiveness, and poise. You have up to 5 minutes to engage and entertain us and to convince us that your side is right – and like many things in life, a successful speech is probably only 10% content and 90% presentation.

We will also be requiring attorney candidates to read for the role of a witness. Please read the information below so that you understand what we'll be looking for.

Witness Try-outs

For those interested in trying out for the part of a witness, you will be asked to prepare to read for the part of a witness from last year's mock trial case, just as if you were auditioning for that role in a play.

You can choose from among 6 witnesses, whose affidavits (general statements of background info and the facts they know) and direct examinations (scripts of attorney's questions and witness's responses) appear below.

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The case summary is also included to give you a general idea of what the case is about. The witnesses have been chosen to provide a range of characters to pick from – everything from the distraught parent of a kidnapped child to an FBI investigator to a few kooky characters.

For your witness try-out, please choose one of the 6 witnesses and construct a character for that particular witness. Get inside their head, figure out what makes them tick, what their childhood was like, what motivates them, what makes them emotional. Come in costume, adopt an accent, use quirky turns of phrase – anything you want to make your character come alive.

During the actual try-out, a current member of the team will serve as the attorney asking you the questions and you will sit in the witness chair and answer them, just as if it were an actual mock trial round. Feel free to deviate from the script we have given you if you can phrase something in a way that better suits your character, and be prepared if the attorney questioning you changes up the questions slightly.

You can read from the script if you like (we definitely don't expect you to memorize the entire thing), but try not to just *read* from the script. What we mean by that is that what we are looking for above all else is your ability to take the words on the page and make them sound real. At the end of the direct, we should not feel as though we have simply heard Sally Mc-College Student or Joe Mc-First-Year read some lines pretending to be FBI profiler Jordan Nathanson; instead, we should feel as if we have actually heard from Mr. Nathanson himself.

General Try-out Procedure: Round 2

After the first round of try-outs on September 2 and 3, we will make first cuts. We will then notify everyone who tried out whether or not they have made it to the second and final round of try-outs. We will send out e-mail notifications by Monday, September 4.

For those who make it to the second round, we will ask you to stop by 42 East Lawn at some point on Monday, September 4 to sign up for an interview time for the second round of try-outs.

The second round of try-outs will be held in the evenings in 42 East Lawn on Tuesday, September 5, Wednesday, September 6 and Thursday, September 7. You will sign up for a 20-minute try-out time, this time formatted in a question-and-answer interview style. No additional preparation will be required for the second round of try-outs.

FREQUENTLY ASKED QUESTIONS

What is the dress code for try-outs?

For attorneys, the suggested dress code is business casual. For witnesses, you may dress in business casual or come in costume. If you are trying out to be both an attorney and a witness, you may wear either. Some people will bring two outfits and change, but it is perfectly fine for you to be wearing your costume while giving your closing argument.

Where is the room 389 or the Commonwealth Room in Newcomb Hall?

Both these rooms are located on the third floor of Newcomb Hall. From the main entrance to the dining hall, walk up the stairs, turn left, and you will see the signs for these rooms posted.

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What if I can't make it to try-outs? What happens if I'm out of town that weekend or if I have class on Tuesday, Wednesday or Thursday nights?

Please make every effort to make it to one of the scheduled try-out times. It will be almost impossible for us to schedule make-up try-outs for the first round. In the highly unlikely event that you are unavailable on Tuesday, Wednesday and Thursday nights for the second round, we will likely be able to be more flexible with that. If you anticipate a conflict with one of the try-out dates, please contact President Daniel Young at dty5s@virginia.edu to explain the situation.

If I want to try out to be both a witness and an attorney, do I need to sign up for two try-out times?

No, just sign up for one. Your 15-minute try-out time should give you plenty of time for your 5-minute closing argument and about an 8-minute direct.

What are you looking for in people who try out?

That's an excellent question, but unfortunately not one that's easy to answer. We should note that we are not grading you on how good you already are at mock trial, but rather on your demonstrated potential to be good at mock trial. We can teach you what an impeachment is and how to argue case law; what we're searching for now is the confidence and commitment that will help make you a good student of the mock trial game.

If you've done mock trial, debate, forensics, theatre, etc. in the past, that's wonderful. If you've never done any of those things, that's great, too. We are looking for dedicated, passionate people who can speak articulately, think critically, and communicate effectively – no matter what your year, experience, or background.

Who can I contact with other questions about try-outs and try-out procedure?

For all other questions, please contact Mock Trial President Daniel Young at dty5svirginia.edu.



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Please fill out this form and bring it with you, completed, to your try-out.

Name:

Gender:

Year:

Email:

Major/Intended Major:

How did you hear about UVa Mocktrial?

School:

If other, please explain:

Address:

Do you have any mock trial experience? If so, please describe.

Do you have any public speaking experience? Examples would include debate, forensics, Model U.N., etc. If so, please describe.

Do you have any drama or acting experience? If so, please describe.

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What other activities are you involved in? if you're a first year, please list what activities you're considering becoming involved in.

How many hours per-week do you devote to your other activities? If you're a first year, please estimate.

Why do you want to become a member of UVa's Mock Trial program?

Is there anything else you'd like is to know about you? Please, don't feel pressured to fill this space simply for the sake of filling it. Your try-out, not your questionnaire, will determine if you make the team.

State of Midlands
v.
Tyler Perry



A Criminal Case for the American Mock Trial Association, by:

Elliott Edgar Dionisio
Lindsay Kendall Eyler
Stephanie Anne Zosak

With:

Alicia Marie Hawley

Revised 12-19-05

Case Summary

On Friday, October 22, 2004, after returning home from a night out with the soccer team, Bailey Reynolds was kidnapped from the Reynolds home. That evening Bailey's parents, Ryan and Madison Reynolds, were having dinner at the residence of Tyler and K.C. Perry. The couples both live in Evanston, Midlands. They had left their three children, Kayla, Spencer, and Bailey with the babysitter, Peyton Bralow. After checking on Bailey around 11:00PM, Peyton placed a 911 call to report a possible kidnapping. The police arrived shortly after the call was placed and found Peyton, Kayla and Spencer in the home. Upon investigation, a ransom note was found in Bailey's room asking for \$250,000 for the return of the child. Three days later on Monday, October 25th, Bailey was found in a Hampton Hotel in the neighboring town of Freeport. The child was blindfolded and handcuffed to a pipe in the bathroom. Bailey was not physically injured and was returned to the Reynolds. After the police investigation, Tyler Perry was arrested for the kidnapping.

**This case summary may not be referred to or used as evidence in trial.*

Witness Selection

Parties will select witnesses in the following order: PPDDPD

Available Witnesses

Peyton Bralow**
Frankie Gustavo
Lauren Konanova
Jordan Nathanson
Tyler Perry*
Bailey Reynolds**
Ryan Reynolds
Micky Skogan
Jesse Sturgeon
Donny Walsh

*may only be called by the defense. **may only be called by the prosecution.

ALL WITNESSES ARE GENDER NEUTRAL; IT IS INADVERTANT IF ANY AFFIDAVIT USES A GENDER-PRONOUN AND IT MUST BE CHANGED TO THE WITNESS' ACTUAL NAME

Available Exhibits

- 1) 10/18/04 Letter from Hawley Publishing
- 2) Chemical Analysis from Bloch Laboratories
- 3) Criminal History Record
- 4) DNA Analysis from Bloch Laboratories
- 5) Fingerprint Analyses from Bloch Laboratories
- 6) Freeport Memorial Hospital Report
- 7) Floor Plan of Reynolds House
- 8) Guest Log from Hampton Hotel
- 9) Maps of Evanston and Freeport
- 10) Ransom Note
- 11) Receipt from Freeport's Fine Liquors
- 12) Police Report
- 13) Front Page of *The Maverick*
- 14) Nathanson CV
- 15) Each prosecution team may create as physical evidence six strands of hair from the head of Bailey Reynolds and placed in a baggie, the hair strands being the hair strands alluded to in Donny Walsh' affidavit.

ITOOK

YOU'RE RID.

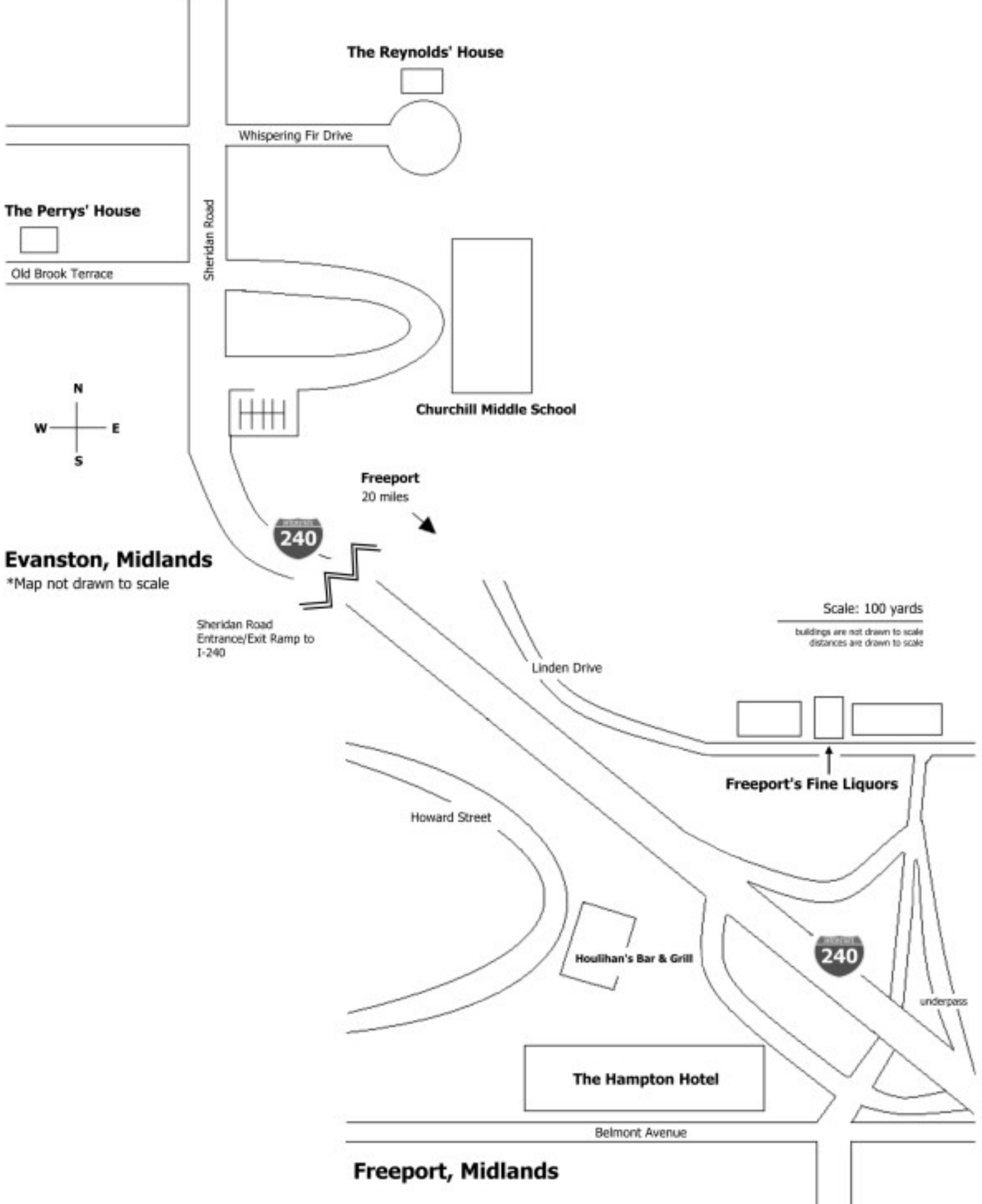
1/4 MILLION

HOLIDAYS

BATHROOM

Halloween

5-6 PM



The Reynolds' House

The Perrys' House

Whispering Fir Drive

Sheridan Road

Old Brook Terrace

Churchill Middle School

Freeport
20 miles

240

Evanston, Midlands

*Map not drawn to scale

Sheridan Road
Entrance/Exit Ramp to
I-240

Scale: 100 yards

buildings are not drawn to scale
distances are drawn to scale

Linden Drive

Freeport's Fine Liquors

Howard Street

Houlihan's Bar & Grill

240

underpass

The Hampton Hotel

Belmont Avenue

Freeport, Midlands

BLOCH LABORATORIES FINGERPRINT ANALYSIS REPORT

Requested by: Sheriff Donny Walsh
Date Requested: October 23, 2004
Date Report Created: October 25, 2004
Created by: Kate Jones, Bloch Labs

All fingerprints obtained from 2201 Whispering Fir Drive, Evanston, MD
All fingerprints obtained on October 22, 2004

Location Dusted

Identifiable Prints

Front Doorknob

Ryan Reynolds
Madison Reynolds
Bailey Reynolds
Spencer Reynolds
Peyton Bralow
Tyler Perry
Mike Ryan
(five partial/unmatchable prints)

Back Doorknob

Madison Reynolds
Bailey Reynolds
Spencer Reynolds
Kayla Reynolds
(three partial/unmatchable prints)

Staircase Railing

Ryan Reynolds
Madison Reynolds
Bailey Reynolds
Spencer Reynolds
Kayla Reynolds
Peyton Bralow
(one partial/unmatchable print)

Bailey Reynolds' Bedroom

Ryan Reynolds
Madison Reynolds
Bailey Reynolds
Spencer Reynolds
Kayla Reynolds
Peyton Bralow

Ransom Note

Brian Budzick

Revised 12-19-05

BLOCH LABORATORIES

Requested by: Sheriff Donny Walsh
Date Requested: October 25, 2004
Date Report Created: October 28, 2004
Created by: Kate Jones, Bloch Labs

BLOCH LABORATORIES DNA ANALYSIS REPORT

Item Tested	Genetic Results
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Six Strands of Hair found in Tyler Perry's car	99% match with Bailey Reynolds
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BLOCH LABORATORIES CHEMICAL ANALYSIS REPORT

Item Tested	Results
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3 Residue swabs taken from Tyler Perry automobile	trace elements of chloroandromine Type: barbituate
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Revised 12-19-05

Freeport Memorial Hospital

October 25, 2004

Laboratory and Radiology Services

Patient: Bailey Reynolds, age 13

Blood drawn 18:46 10/25/04

Radiology report: negative

Blood work: *routine* – presence of barbiturate chloroandromine found in trace amounts (<1 part/1,000) indicating administration of drug 48-96 hours prior to blood being drawn

Revised 12-19-05

Freeport's Fine Liquors
108 Linden Drive
Freeport, Midlands

Terminal I.D.:
0003184000
Merchant #:
0108844512583

Cash
SALE

6011 Romanee Conti Wine 1
35.95

Subtotal	35.95
6.5% SALES TAX	2.34
Total	38.29

Thank you for shopping with us!
10/22/04
10:02:43 PM

Affidavit of Donny Walsh

1 My name is Donny Walsh, and I am 37 years old. I am a crime scene investigator with the
2 Fairfax County Sheriff's Department. Fairfax County includes Evanston, the county seat, as well
3 as Freeport, Cedarburg and Villa Park. I've always known I wanted to be a detective, ever since
4 I was a little kid, so when I graduated from Evanston Valley High School in 1986, I went to
5 Fairfax County Community College to get my associate's degree in criminal justice. I graduated
6 in 1988 and went into the Midlands State Police Academy. I completed my 12-week course and
7 joined the force as an officer in Evanston. I was just a beat cop for the first year or so. You
8 know the drill. I did a lot of traffic duty. But the longer I worked for the department, the bigger
9 the cases I got to work on. By 1992, I'd moved my way up to the crime scene investigation
10 division. As part of my training as a crime scene investigator I participated in a 12-week course
11 entitled "New Technologies in Crime Scene Investigation" at the United States Marine Corps
12 Base at Quantico, Virginia. When a crime occurred, I would be called in as soon as the scene
13 was secure to dust for fingerprints, look for signs of breaking and entering or of a struggle, try to
14 match evidence left behind at the scene to a possible suspect...that sort of thing. I worked on a
15 ton of cases, including about a dozen kidnappings.

16 In 1994, my boss and mentor, Officer Ryan Stanfield, suggested that I might want to apply
17 for a position with the Fairfax County Sheriff's Department. I liked the idea, so I applied and
18 was accepted at the Midlands State Sheriff's Academy. I completed an intensive 22-week
19 training program and then began serving as a deputy patrol officer. Just like at the police
20 department, I worked my way up through the ranks until I was assigned to the crime scene
21 investigation division of the Sheriff's Department. That was back in 1998. I've been doing what
22 I've always wanted to do—detective work—and loving it ever since. There's nothing more

23 satisfying than finding the paint chip that solves the homicide.

24 On the night of October 22nd, 2004, I was staying late at the office trying to piece together a
25 sliding glass door that had been shattered during a burglary. The scanner was on in the
26 background, and at 11:07 p.m. I heard the 911 call come in saying that deputies were needed at
27 2201 Whispering Fir Drive. The address caught my attention because it sounded familiar. I was
28 sure I had been there before. I looked it up in the database and saw it was the Reynolds' address.
29 My daughter Chloë takes ballet lessons with Kayla Reynolds and I've driven her home a few
30 times. Even though I'm no longer a patrolling officer, when I heard it was suspected that one of
31 the Reynolds' children had been kidnapped, I ran out of the building, jumped in my car, hit my
32 lights and went.

33 I arrived on the scene at 11:15 p.m., just as the first of the patrolling officers, Deputy
34 Budzick, was getting out of his car. As we approached I told him we needed to protect the
35 house. The two of us drew our guns and approached the house slowly. I could see one first floor
36 light on; otherwise the house was dark. I pounded on the door and called the name "Peyton
37 Bralow," since that was the name given by the 911 caller. When no one responded immediately,
38 I tried the door. It was unlocked. After a minute a youth of 18-20 years old came to the door. It
39 was Peyton Bralow. Peyton seemed very frightened -- visibly shaking a bit. Peyton carried a
40 toddler and dragged a young boy by the hand. Deputy Budzick and I called for backup, which
41 was already on its way. We left Peyton and the kids with the new guy while we secured the
42 premises.

43 Deputy Budzick and I entered the house, taking care not to disturb anything. We conducted a
44 preliminary search of all floors of the house. We found no other persons within the house. We
45 then brought Peyton into the house with us and instructed Peyton to show us where the missing

46 child had last been seen. Peyton took us to Bailey's room, in the far part of the second floor, but
47 I wouldn't let anyone else enter the room. The room was disheveled. The bed clothes were
48 strewn around the floor. A lamp had been knocked down and several books had been knocked
49 off the desk near the door. It looked as if someone has been carried kicking from the bed to the
50 door. I also found a ransom note on the desk. I roped off the room with caution tape and then
51 Deputy Budzick and I conducted a search of the rest of the house.

52 I found no complete or partial footprints anywhere in the house. Nothing seemed disturbed
53 outside of Bailey's room. Then I walked outside. I looked at the feet of the three persons who
54 had been in the house when I arrived: Peyton was wearing white flip-flops and both children
55 were wearing slippers. I went back into the house. There was a mat with several pairs of shoes
56 on it just inside the door.

57 By this time three or four other police cars had arrived. Neighbors were beginning to gather
58 in the street. Ryan and Madison Reynolds had arrived as well. One of the other officers must
59 have located them and told them to come home. I let the new guy take them down to
60 headquarters while Deputy Budzick and I continued to investigate the house. I found no doors or
61 windows that showed signs of having been forced open. The front and back doors, however,
62 were both unlocked. With no other visible evidence to be found, I began the next step of my
63 investigation—dusting for fingerprints.

64 I started dusting for fingerprints with the front doorknob. I also dusted the back door, the
65 railing of the staircase, the door to Bailey's room, the desk in Bailey's room, and the ransom
66 note. At this point I had to remind Deputy Budzick to put on his gloves. I sent the fingerprint
67 samples to Bloch Laboratories, the state-run forensics lab that processes all evidence collected by
68 the Fairfax County Sheriff's Department. Then I returned to the station to talk with Ryan and

69 Madison Reynolds. The information I learned from interviewing them is contained in the police
70 report I have provided with this statement.

71 The search for Bailey Reynolds lasted two and a half days. Thank God for Micky Skogan.
72 During that time I interviewed Ryan and Madison Reynolds, Peyton Bralow, and Spencer and
73 Kayla Reynolds. I also spoke with several of the closest neighbors. Ms. Kendle, who lives
74 across the street from the Reynolds, stated that she thought she had heard a car pull up to the
75 house and then pull away a few minutes later around 9:15 p.m.. No one else had noticed
76 anything remarkable.

77 It took 48 hours to get the results back from Bloch Laboratories. I have included the lab
78 report they created with this statement. I learned from the report that seven distinguishable
79 partial and complete sets of fingerprints had been found on the front doorknob: those belonging
80 to Ryan, Madison, Bailey and Spencer Reynolds, Tyler Perry, Peyton Bralow and Mike Ryan
81 (who I was informed was the general contractor overseeing the construction on the house and
82 also happened to be in our arrest database.)

83 As a result of these prints, I knew that I needed to interview with all three suspects. I talked
84 with Mike Ryan via phone on October 25th and found out that he had been verifiably out of the
85 country on vacation in Cancun since October 21st. He had been to the Reynold's house on the
86 morning of October 21st checking the newly established electrical wiring that the subcontractor
87 had installed in the family room for the new entertainment center. He and his wife left on a
88 flight later on the 21st.

89 I had interviewed Peyton Bralow at the crime scene on the night of October 22nd.

90 There were numerous other unidentifiable or partial prints. The back door contained the
91 partial or complete fingerprints of Bailey, Spencer, Kayla and Madison Reynolds. No other

92 prints were identifiable on this door. The fingerprints of all members of the Reynolds family,
93 along with those of Peyton Bralow, were found on the stair railing and in Bailey's room. Only
94 the fingerprints of Deputy Budzick were found on the ransom note. I had also taken bedding
95 from Bailey Reynolds' bed and had it analyzed. Residue from the barbiturate chemical
96 chloroandromine was found on the pillow case. This is a type of barbiturate
97 that temporarily paralyzes those who ingest it, causing them to enter a sleep-like state on and off
98 for periods of 1-2 hours.

99 Now, again, I received the lab report, I looked it over for familiar names. In addition to
100 Mike Ryan's and Peyton Bralow's fingerprints, Tyler Perry's fingerprints was there as well.
101 Tyler Perry's name jumped out at me. I was sure Tyler was one of the people who had
102 driven Ryan and Madison Reynolds home the night of the kidnapping. In my interview with
103 Ryan Reynolds, Ryan had also informed me that Ryan was Tyler's boss and that Ryan had
104 recently denied Tyler a promotion at work. When I learned that Tyler had left dinner with the
105 Reynolds for a time the night of the kidnapping and that Tyler's fingerprints were on the door, I
106 had enough to bring Tyler in for questioning Monday morning. After speaking with
107 Tyler, Tyler Perry became our chief suspect. During that conversation I learned that the Perrys'
108 and the Reynolds' were very close with each other. They drove each other's kids to and from
109 school and they had even exchanged keys to each other's houses. I didn't have time to complete
110 my investigation of Tyler that day, however, because Bailey Reynolds was found early that
111 afternoon.

112 At 2:11 p.m. on Monday, October 25th, a 911 call came over the scanner. The caller was
113 Micky Skogan, an employee at the Hampton Hotel in Freeport. Skogan was calling because
114 Skogan had entered one of the hotel's rooms and found a child handcuffed to a pipe in the

115 bathroom. I knew it must be Bailey Reynolds, so I headed to the site immediately. Sure
116 enough, when I arrived, I found Bailey in the bathroom of room 312. Bailey appeared very
117 scared, and had been both blindfolded and gagged, according to Mickey Skogan. Bailey
118 claimed never to have seen or heard the voice of the kidnapper. I took custody of Bailey and
119 turned her over to other officers to take her to the hospital for a routine checkup and they
120 returned Bailey to the station where Bailey's very relieved parents arrived a short while later.

121 I then began to collect evidence from the room. As a result of my regular investigation, I
122 secured a floor plan of the 1st & 3rd floors of the Hampton Hotel from The Stensland Group, the
123 Midlands firm that built the Hampton Hotel. This same floor plans are on file with the
124 Fairfax County Planning and Zoning Commission. I highlighted the stairwells and room 312.

125 On the floor next to the pipe to which Bailey had been handcuffed was a blanket and pillow,
126 which proved to be missing from the bed in the room. Nothing else about the room had been
127 disturbed. I dusted for fingerprints—the door to the room, the door to the bathroom, the toilet
128 handle, the phone, you name it. I decided to handle this one alone. I sent all of this evidence to
129 Bloch Laboratories. I then reviewed hotel logs. I learned that room 312 had been rented to a
130 Kris Lyons for October 21st-November 1st. No "Kris Lyons" appeared anywhere in
131 Sheriff's Department records, in FBI records, in IRS records, or in any birth records database. I
132 concluded that this name was an alias used for the purpose of renting the room in which to keep
133 Bailey captive. In talking with the hotel staff, no one remembered checking Kris Lyons in. I also
134 learned that the hotel was hosting a conference for Fisz Enterprises. I knew Tyler Perry worked
135 for Fisz and had attended the conference. With this information, I obtained a warrant to conduct
136 a search of the Perry's house and cars.

137 On Tuesday morning I searched the Perry residence. I found nothing remarkable. In the

138 backseat of Tyler Perry's car, however, I found six strands of unidentified hair. The car
139 appeared to me to have been recently vacuumed. In the trunk of Tyler's car I found three
140 bottles of wine. I also swabbed the steering wheel, driver's side doorhandle, and driver's side
141 backdoor handle of the Perry car. I sent this evidence to Bloch Laboratories. The results came
142 back via courier on Thursday October 28 morning. The hair was a 99% DNA match to
143 Reynolds. Residue on the steering wheel and both door handles turned out to be to the
144 barbiturate chemical chloroandromine.

145 Hundreds of complete and partial fingerprints were found in room 312 at the Hampton
146 Hotel. The only ones the lab was able to identify were those of Peyton Bralow, found
147 throughout the room, and those of Bailey Reynolds, found exclusively in the bathroom.
148 I confirmed with the hotel that Peyton Bralow is a part-time housekeeper for the hotel and that
149 Peyton works the third floor only. Peyton had last worked on Thursday October 21st and had
150 cleaned room 312. I also found out that Peyton has a pass key to all the rooms in the hotel
151 which Peyton keeps at all times.

152 Tyler Perry used to be quite a journalist in the past, and, as part of my investigation I did
153 research into some of the work Tyler did while a grad student at the University of Midlands.
154 One of the articles that Tyler had written that I was able to recover was an in-depth look at a
155 ring of drug dealers and drug manufacturers at the University of Midlands. It was a very
156 interesting series of articles because Tyler interviewed, at length, drug dealers who talked
157 about the different types of drugs that they dealt, including Marijuana, Cocaine, GHB,
158 Rohypnol, and Ketamine. The article showed me that, at least in the past, Tyler had a clear
159 connection to the types of drugs used to incapacitate the Reynolds child.

160 As part of my investigation, I looked into the medical history of both Tyler Perry and K.C

161 Perry. As a consequence of that aspect of my investigation I learned that K.C. Perry had a
162 very serious brain tumor that would require an expensive experimental surgical procedure to
163 remove. In furthering this aspect of my investigation I discovered that because the surgery
164 was experimental, and had a very low success rate, the Perry's insurance company would not
165 cover any aspects of the surgery or the follow-up treatment.

166 My one last piece of investigation before I arrested Tyler Perry was to check the local phone
167 records. I discovered that on Friday October 22nd, 2004 at 9:13PM, a call was placed from
168 the Perry home to the Reynold's home. It was not answered and rolled over to the automated
169 voice answering service provided by the phone company. Neither of the Reynold's recall
170 making a call home to check on the children, but they do not remember clearly.

171 Late Thursday afternoon I sat down to review all of the evidence, to be sure, one last
172 time, that I felt convinced. By Thursday evening, there was little doubt in my mind—Tyler
173 Perry kidnapped Bailey Reynolds. Tyler had the means, the motive and the opportunity to
174 commit this crime. There's nothing more satisfying than catching a criminal and Tyler Perry
175 should get what any criminal deserves. I arrested Tyler on Friday, October 29th, 2004 while
176 Tyler was eating dinner at Tyler's house. I then followed up the arrest by securing signed,
177 sworn statements from those individuals with whom I spoke along with those secured by other
178 officers.. These were obtained in early November. Also, I prepared my investigation report and
179I testified before the Grand Jury in December which issued the indictment against Tyler Perry.

180 Also, sometime after Tyler Perry's arrest, an old buddy of mine from the FBI, Jordan
181 Nathanson contacted me about getting the file on this case. I guess the Reynolds' hired
182 Jordan to do some outside investigation into the kidnapping. It's not our usual protocol, but I
183 thought I'd do Jordan a favor and let Jordan have a copy of the file. I thought for sure Jordan

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184 would agree with my conclusion. It's pretty obvious that Tyler was the kidnapper.

Donny Walsh

Subscribed and sworn to me on this, the 15th day of November, 2004

Barbara King, Notary Public

ADDENDUM:

I released the entire file on this case to Sam Lawrence in early 2005. I have reviewed Lawrence's affidavit.

Donny Walsh

Subscribed and sworn to me on this, the 15th day of December, 2005

Barbara King, Notary Public

II Direct: Donny Walsh

Please state your name and spell your last for the record.

Donny Walsh. W-A-L-S-H.

What is your profession?

I'm a detective with the Fairfax County Sheriff's Department.

Detective Walsh, how are you involved in the case before the court today?

I was the lead detective in charge of investigating the Reynolds kidnapping.

I'd like to ask you a bit about your background, Detective. How long have you worked in law enforcement?

17 years. I graduated from the Midlands State Police Academy in '88, and worked my way up from patrolman to crime scene investigator. I then moved over to the Fairfax County Sheriff's Department. I've been a detective with the Sherriff's Department for seven years.

Have you received any specialized training as an officer?

Yes, I have. I completed the standard training at the Midlands Police Academy and the Midland's State Sheriff's Academy. I was also selected to participate in a specialized 12-week course on crime scene investigation at the U.S. Marine Corps Base in Quantico.

Turning your attention to the matter before the court today, you mentioned you were the lead investigator on the case. How did you become involved in the investigation?

On the night of October 22nd I responded to a 207 – a kidnapping – that came through dispatch. I made my way to the scene: the Reynolds home, located at 2201 Whispering Fir Drive in Evanston. I secured the premises and began my investigation, starting in the kidnapped child's bedroom.

What did you find there?

Well, there were clear signs of a struggle. On the desk, I found a ransom note. It asked for a quarter of a million dollars for the child's return.

Enter ransom note

Did you dust that ransom note for fingerprints?

Yes sir, I did

Did you find any prints on that note?

We did not find the perpetrator's prints on the note. Actually, the only print we did find was a left thumb print from a fellow investigator, Deputy Budzick, who briefly handled the note without gloves.

Detective Walsh, is handling evidence without gloves proper protocol for one of your officers?

Absolutely not. I immediately told Deputy Budzick to put on gloves, and as his commanding officer, I reprimanded him sternly for that behavior.

Did you ever notice Deputy Budzick handling any other pieces of evidence improperly?
No, he did not.

Detective Walsh, you mentioned that when you first got to the home, you searched Bailey's bedroom. Did you search the rest of that home?
Yes, I did.

During that search, did you notice any signs of forced entry?
No sir, I did not.

Did you ever interview the defendant, Tyler Perry?
Yes, we brought Mrs. Perry down to the station for questioning.

Did you ever learn whether or not the defendant had access to the Reynolds home?
Yes. The defendant told me she had a key to the Reynolds residence.

I'd like to ask what else you learned during the course of your interview with the defendant. Did you ever discuss Mrs. Perry's financial position?
Yes, sir.

What did you learn?
Mrs. Perry told me that she was in need of money to pay for a major medical operation for her husband.

Did the defendant tell you exactly how much money she needed for her husband's operation?
Yes. She told me the operation cost more than a quarter of a million dollars.

Detective Walsh, were you ever able to conclude to a reasonable degree of certainty the time that the kidnapping took place?
Yes. Based upon my interview with the victim and the babysitter, Peyton Bralow, I concluded that it happened some time between 8:30 and 11:00pm.

Did you ask the defendant where she was during that time period?
Well, during my interview with the defendant, she admitted that she left her home at about 9:15 and returned some time around 10:20. She claimed that she ran an errand to the liquor store that took that entire time.

Did you check into that story?
Yes. Mrs. Perry told us that she had been engaged in a long conversation with the liquor store clerk. Specifically, she claimed the clerk talked about a plan to swim the five rivers of Iowa. However, I interviewed the clerk, and based on that interview, I began to investigate whether it would have been possible to complete the kidnapping **and** go to the liquor store during the seventy minutes she was gone from her home.

Would you be able to show us the relevant locations on a map of the area?

Yes, I would.

Step down...

Detective Walsh, what are we looking at here?

In the top left corner we have a map of the neighborhood in Evanston where Tyler Perry and the Reynolds live. In the bottom right corner we have a map of Freeport. Now, only the Freeport part of the map is drawn to scale; I-240 also connects Evanston and Freeport— we've cut out about a 20 mile stretch of highway right here.

Is this a fair and accurate depiction of the area?

Yes. It has all of the major streets and the relevant locations.

What are the relevant locations here?

There are 4 locations that are important to the case here: Mr. Perry's home, the Reynolds' home, the liquor store, and the location where Bailey Reynolds was confined. We later found that place to be the Hampton Hotel.

How familiar are you with the areas of Evanston and Freeport and with the streets and highways depicted on this map?

I've been an officer for 17 years, eight of which as a patrolman in this county so I'm very familiar with the area.

Could you tell us the approximate distances between the locations you mentioned?

The Reynolds' and Perrys' homes are within walking distance of each other. The liquor store is 20 miles away down I-240. As I said, this portion of the map *is* drawn to scale. The liquor store and the Hampton Hotel are about 300 yards apart; they're connected by this underpass here.

In your opinion, would it have been possible for the defendant to have gone to all of these locations within the time she was gone from her home.

Absolutely. It was my determination that the hour and ten minutes Mrs. Perry was gone from her home gave her ample opportunity to commit this crime.

Thank you, Detective Walsh. You may retake your seat.

Detective Walsh, you mentioned that Bailey was confined at the Hampton Hotel in Freeport — how was she discovered there?

On Monday the 25th an employee at the hotel called 911 to report finding Bailey in room 312.

What did you do on the basis of that information?

I went to the hotel. When I arrived on the scene, I found Bailey in the bathroom of room 312.

Could you describe Bailey's condition when you found her?

Bailey was on the bathroom floor. She was blindfolded, gagged, and chained to a pipe under the sink.

Did you ever dust that hotel room for fingerprints?

Yes, sir.

Approach with the fingerprint report.

Do you recognize what I have just handed you?

This is the fingerprint report from Bloch Laboratories based on the prints found in the living area of room 312.

Is that a fair and accurate copy of the report from Bloch?

Yes, sir.

Enter report.

What prints did you find in room 312?

We dusted the room for fingerprints, and we found hundreds of prints, but the only identifiable ones belonged to Bailey Reynolds, found exclusively in the bathroom, and Peyton Bralow, found only in the room itself.

When you say Peyton Bralow, are you referring to the same person who babysat for the Reynolds family?

Yes.

What did you do after finding her fingerprints in the same room where Bailey was confined?

At first, that certainly raised some red flags. I needed to determine whether or not that was a coincidence or merited further attention. I looked into the employment records at the hotel and learned that Peyton Bralow actually has a part-time job at the hotel as a housekeeper and regularly cleans guest rooms. Based on this information, I concluded that finding her fingerprints was not significant for my investigation.

Were you able to determine who had rented room 312 that weekend?

There was a name in the hotel log but I ran that name through all known databases with no hits. It was my conclusion that the room was actually checked out under an alias.

Were you ever able to connect the defendant to the Hampton Hotel during the dates that Bailey was held there?

Yes. Mrs. Perry admitted that she was actually registered as a participant in a conference at the hotel that weekend.

After making that connection, what was the next step in the investigation?

At this point, I had enough evidence to obtain a warrant to search Mrs. Perry's home and vehicle. The car in particular became important in my investigation.

What did you find?

In the backseat of her car, I found a clump of 6 hairs. These were the only hairs found in the vehicle. Then, using an ultraviolet light, I detected chemical residue on the steering wheel and on both driver's side door handles.

What did you do with that evidence?

I collected the hairs, and I swabbed the chemical residue from all 3 locations. I sent then sent all of that evidence to forensics lab for analysis.

Did you receive reports back from the lab?

Yes, sir. I did

Approach with all 3 documents

Recognize and enter all three reports

What if anything did you learn on the basis of the chemical and DNA analysis report from the evidence found in the defendant's vehicle?

Did those reports indicate anything significant for your investigation?

Yes. The hairs—99% DNA match to the kidnapped child, Bailey Reynolds. The chemical was chloroandromine.

Detective, have you ever seen chloroandromine used before in the commission of crimes you have investigated?

Yes, I see it commonly in crimes where the victim is incapacitated.

Did you find any other traces of chloroandromine in your investigation?

Yes. That same chemical was found on the bedsheets from Bailey Reynolds' bedroom and in her bloodstream.

Detective Walsh, after completing witness interviews and finishing your collection of the evidence in the Mrs. Perry's car, how did you conclude your investigation?

At that point, I had enough evidence to obtain an arrest warrant. On October 29, I arrested Mrs. Perry.

No further questions.

Affidavit of Ryan Reynolds

1
2 My name is Ryan Reynolds, and I am 54 years old. I live at 2201 Whispering Fir Drive,
3 Evanston, Midlands with my spouse Madison and our three children, Bailey (13), Spencer (7)
4 and Kayla (4). Madison and I moved to Evanston from Eugene, Oregon in the late 70's. I
5 attended the University of Oregon, where I majored in economics and accounting. Madison
6 attended Oregon State. We met in a sports bar the weekend that the Ducks played the
7 Beavers...the football game commonly called the Civil War. We hit it off right away. We dated
8 for the next two years, while Madison finished college. I had been named a Herron Fellow and
9 was given the opportunity to participate in the prestigious two-year fellowship program that
10 allows recent college graduates to study business. Meanwhile, I applied and was accepted to the
11 Nabisco School of Management at the University of Midlands, an opportunity of a lifetime that I
12 just couldn't pass up. Madison and I decided to get married and move to Evanston. While in
13 business school, I became interested in publishing, and upon graduating I took an internship with
14 Random Cabin. I was then offered an entry-level position with Thompson Eckert, and finally, in
15 1985 transferred to Fisz Enterprises and began moving up the corporate ladder.

16 Madison and I have done well for ourselves in Evanston. Initially, we lived in a condo for
17 the first couple years as we didn't have very much money. But as time went on, we were able to
18 save and began looking for a neighborhood where we could raise children. We found a cute
19 little house with a couple of bedrooms and a nice yard—it wasn't anything flashy, but we lived
20 comfortably. The neighborhood had always been very safe, with a low crime rate. When Bailey
21 reached the fourth grade, we allowed Bailey to walk the half-mile to Eldorado Elementary
22 School. Despite the fact that the house was small, Madison and I loved the location, so when I
23 got promoted to CEO of Fisz Enterprises four years ago, we decided to remodel our house rather

24 than trying to move. We added a third floor and expanded out to the side as well, with the
25 addition of a new wing. Spencer and Kayla got new rooms on the third floor, and Bailey got a
26 room on the second floor. The family room and kitchen as well as the master bedroom remained
27 on the first floor, in the original part of the house.

28 The night of the kidnapping, October 22, 2004, Madison and I went to the Perry's house for
29 dinner. Tyler had called us Wednesday evening October 20th and asked us over for dinner two
30 days later; Tyler said something to the effect of how busy I was going to be with the upcoming
31 conference and this would be a good opportunity to relax and get our minds off the conference.
32 Tyler and K.C. have us over for dinner about once a month, and Madison and I do likewise. This
33 has been our tradition since Madison and I met the Perry's during a golf outing at work about a
34 few years ago. I'm Tyler's boss at Fisz Enterprises, a prestigious publishing firm here in
35 Midlands. Four years ago I was promoted to CEO. Tyler has been the copy editor for the non-
36 fiction department for a while. I know Tyler's been vying for a promotion for a long time. I
37 think when I was promoted to CEO and the position of editor for the non-fiction department was
38 to become available due to an eventual retirement, Tyler expected that I would give Tyler the
39 promotion because of our friendship. I haven't gotten as far as I have in the business world,
40 however, by compromising what I know to be good business practices for friendship. The
41 position became available in the fall of 2004. Tyler just wasn't qualified for the job. While
42 Tyler's a very good copy editor, Tyler doesn't have the management skills you need to be a
43 managing editor for a major company like Fisz. I wanted to give Tyler the job. I know how
44 desperate Tyler is for money to pay for the surgery K.C. needs. But I have to think about my
45 board, and what they'd say if I starting handing out positions to unqualified friends.

46 It didn't seem like the fact that I denied Tyler the promotion really affected our

47 friendship much, other than right after it happened. Tyler seemed outwardly angry at first. Tyler
48 confronted me in the living room of our house. Tyler seemed really agitated and then irrational
49 and began berating me. Tyler screamed, "Nothing really bad has ever happened to your family!
50 You wouldn't understand!" I was pretty shaken up because Tyler was so angry and out of
51 control, and I know Tyler is somewhat emotionally unstable. Tyler seemed standoffish for a few
52 days at work but then calmed down very quickly and became overly friendly. That was a bit odd,
53 now that I look back. The Perrys invited us over for dinner one more time, Friday October 22.
54 Before the promotion blowup and Bailey's kidnapping, we were close with the Perry's. They
55 brought in mail and packages while we were out of town and fed our cat. They had a key to our
56 house, and we had a key to theirs. We shared rides for our kids and our kids go to school
57 together, and Claire, who's fourteen, is friends with Bailey. They even told us about their one
58 time babysitter, Peyton Bralow.

59 Whenever we go out, we hire Peyton Bralow to watch the kids. Madison had always been a
60 bit skeptical about leaving the kids with Peyton. Peyton babysat for the Perrys a couple of times
61 as well, and K.C. told me later that they thought Peyton was stealing from them. Based on this,
62 Madison wanted to fire Peyton but I thought that would be foolish to fire Peyton based on an
63 accusation that couldn't be proven. Peyton did ask for a raise a little while ago. Peyton said
64 something about really needing the money. Ultimately, Madison and I said no to the raise. I
65 mean, it's one thing not to fire Peyton, but it's another to give a kid a raise when Peyton gets
66 away with far too much as it is - falling asleep and bringing friends over. I think Peyton was
67 pretty mad about not getting the raise.

68 Anyway, back to October 22nd, Madison and I arrived at the Perry's house at around 6:30
69 p.m. and ate hor d'oeuvres with K.C. while Tyler finished cooking dinner. We sat down to eat

70 around 7:30. Over dinner, which lasted about an hour, Madison, Tyler and I shared a bottle of
71 wine, well, maybe two. Then we sat down to look at the pictures Madison and I had taken on
72 our recent trip to Croatia. Eventually we decided to move our party to the Perry's back deck,
73 even though it was a little windy out. Tyler went to refill the wine glasses and noticed that the
74 bottle was almost empty.
75 Madison and I are not big drinkers, and we insisted that all we wanted was coffee, but Tyler was
76 adamant about going to the wine store to pick up another bottle. Tyler could not be dissuaded. I
77 heard the car pull out of the garage. When I looked at the clock, I remember seeing that the
78 clock said 9:20 p.m.

79 Tyler didn't return until sometime after 10:30p.m.. During that time Madison and I chatted
80 with K.C. about the conference Tyler and I were attending for work at the Hampton Hotel in
81 Freeport that weekend and about Spencer's new little league team. We also talked about K.C.'s
82 illness. I feel sorry for K.C. I couldn't imagine life with the amounts of headaches and nausea
83 that is associated with K.C.'s brain tumor. K.C. has a lot of trouble remembering things and is
84 pretty irritable, too. When Tyler did return, Tyler seemed out of breath, and I noticed Tyler's
85 shirt was half-way untucked. I asked if anything was wrong. Tyler said everything was fine
86 despite being in a hurry to get back. In retrospect, I thought Tyler was behaving a bit oddly, but
87 after Tyler regained composure, opened the wine, and sat down on the couch next to K.C., I
88 thought nothing more of it.

89 Eventually, our conversation was interrupted by the phone ringing. It was already
90 11:30p.m.! K.C. answered the phone and then gave it to Madison. I immediately knew
91 something was wrong. Madison gasped and dropped the receiver. It's a call I will never forget.
92 We always thought our neighborhood was so safe! The only people who have keys to our house

93 are the Perrys, Peyton, and Mike Ryan, the general contractor who has been in charge of the
94 construction. We usually lock the doors when we leave the house, but I know the kids have
95 developed a bad habit of leaving them unlocked when they come home. Bailey is particularly
96 bad about leaving the back door unlocked when Bailey gets home from soccer practice.

97 The next thing I knew Tyler and K.C. were driving Madison and I home, and I could see the
98 flashing lights from the police cars on the street ahead of us. Peyton came running outside as our
99 car pulled up. Peyton carried Kayla and seemed much calmer than either of the children, who
100 were screaming hysterically. Peyton begged, "Please don't be mad at me!" I can understand
101 why Peyton would be worried we'd be mad.

102 When we got inside, the police had roped off Bailey's bedroom with caution tape. Bailey's
103 room is on the second floor of the new addition we just completed on the house. There is a
104 bedroom, a bathroom and a playroom for Bailey and friends. It was meant to give Bailey
105 privacy...I remember how hard middle school can be. But I guess Bailey's room became fairly
106 isolated from the rest of the house. We can never even hear Bailey's music from the main part of
107 the house.

108 Bailey's room was in disarray. The sheets had been mostly stripped from the bed, the books
109 from the night stand were strewn around the floor, and a lamp had been knocked over. A
110 detective was photographing something on Bailey's desk. I walked over to it and looked down.
111 It was a ransom note. The note was made out of cut-out letters from newspapers and magazines
112 and read: "I took you're kid. ¼ million. Houlihan's bathroom. Halloween. 5-6pm."

113 The police took us down to the police station. I kept thinking about the ransom note. Who
114 needed money, knew we had it, had access to our house, and knew where to find Bailey's room?
115 The first person I thought of that met all those criteria was Tyler Perry. I really had hoped Tyler

116 wasn't the kidnapper. Tyler had been such a good friend. But it is kind of funny, I wanted to
117 cancel the Fisz conference over the weekend of October 22 at the Hampton Hotel but Tyler
118 absolutely insisted on running it for me. Tyler was almost unreasonably insistant that the
119 conference must go on.

120 Bailey was found in the Hampton Hotel three days later. Bailey had been gagged and
121 handcuffed to a pipe in the bathroom of a room. Fortunately Bailey wasn't seriously hurt,
122 although we sent Bailey to counseling immediately. I've never been so relieved in my life. All I
123 know about the Hampton Hotel is that a couple of times after babysitting, I drove Peyton there. I
124 don't think Peyton would ever have kidnapped one of my children, though. Peyton's not the
125 most responsible babysitter but is basically a good kid.

126 _____
127 Ryan Reynolds

128 Subscribed and sworn to me on this, the 4th day of November, 2004.

129 _____
130 Caroline Kalinoski, Notary

131 ADDENDUM

132 This is to acknowledge that I and my spouse did indeed hire Jordan Nathanson after our child's
133 kidnapping but then due to professional differences we fired Nathanson in March 2005.

134 _____
135 Ryan Reynolds

136 Subscribed and sworn to me on this, the 14th day of May, 2005.

137 _____ Caroline Kalinoski, Notary

II Direct: Ryan Reynolds

Please state your name and spell your last for the record.

Ryan Reynolds. R-E-Y-N-O-L-D-S.

Where do you live, Mr. Reynolds?

Right here in Evanston. My wife, Madison, and I moved from Oregon after we were married.

Do you and your wife have any children?

Maddie and I have three children. Kayla's our baby; she's 7. Spence is 10 years old. And Bailey is our oldest. She's 16.

Mr. Reynolds, do you know Tyler Perry, the person who's been charged with kidnapping your daughter Bailey?

I do. I've known Tyler for about six years now. We both work at Fisz Enterprises, a local publishing company. There was a time when I considered us to be good friends.

Could you please identify the defendant using an article of clothing?

Yes. Tyler is sitting right over there wearing _____.

Your Honor, may the record reflect that the witness has correctly identified the defendant, Tyler Perry.

Mr. Reynolds, you mentioned that you were friends with the defendant. In the weeks prior to your daughter's kidnapping, had your relationship with the defendant changed in any way?

It had, about two weeks before it happened Tyler approached me about a promotion. She said she really needed the money but, as hard as it was, I had to give the position to somebody else. After that, things were very tense.

Did the defendant ever tell you why she really needed the money?

Well, she'd talked to me about her husband, K.C. K.C. had been diagnosed with cancer. The chemo wasn't working—they were running out of options. She told me how badly she needed money for K.C.'s operation.

How did the defendant react when you told her she wouldn't be getting the promotion?

I told her at work. She left my office without saying much. But that night, she actually came over to my house and confronted me.

Could you tell the court what happened during that confrontation?

Maddie and I were reading a story to Kayla in the family room when the doorbell rang. When I went to answer it Tyler came barging in and just starting screaming, cursing about not getting the promotion.

What did you do?

I told Tyler that she had no business coming into my home and yelling like that in front of my family. I told her that this was not the place to be discussing this, and that she needed to leave right away.

Did the defendant say anything when you asked her to leave?

She was ranting mostly, but right before she stormed out, she looked at Kayla and then right at me, and then she said “Nothing bad has ever happened to your family – you wouldn’t understand.”

I need to ask you now about the night of October 22, 2004, the night it’s been stipulated that your daughter Bailey was taken from your home against her will. Where were you and your wife that evening?

We were actually over at Tyler’s house. She had actually invited Maddie and me over for dinner that night – I thought to try to smooth things out.

Mr. Reynolds, I need to walk now you through everything you remember about that evening. What time did you go over to the Perry’s house?

Maddie and I went over at about 6:30, right after Peyton, our babysitter, walked over.

What happened after dinner?

We went out on to the back porch for a while to talk with Tyler and K.C.

Now, had you ever been over to the defendant’s home for dinner before that evening?

Sure, Maddie and I would have dinner with Tyler and K.C. pretty often – I’d say maybe every other month or so.

Well was there anything about the defendant’s behavior on October 22 that, given your previous interactions with her, seemed unusual to you in any way?

Yes. While we were out back, Tyler *kept* offering to refill our wine glasses. We were fine with just coffee, but she insisted. Then, she came back outside and tells us that she’s out of wine and needs to go to the store to get more. I tried to tell Tyler there was no need for her to leave, but she left anyway.

What time did the defendant leave?

It was about 9:20.

How long was the defendant gone?

Tyler walked in the door around 10:30 ... maybe a little after. She was gone for over an hour.

Could you describe the defendant’s appearance when she returned?

Tyler just looked a mess. She was sweating, her shirt was untucked, she was out of breath ...I asked if anything was wrong but she said no.

Mr. Reynolds, what’s the next thing you remember about that night?

When the phone rang. It was the police. K.C.—Tyler’s husband—answered the phone. He handed it over to Maddie. I remember hearing her say “hello” . . . and then hearing the phone hit the floor. I knew something was wrong.

What did you do after you received that phone call?

At that point, I didn't know what to do. I started running through that list that every parent has in their head: was somebody hurt, was somebody sick, was there an accident –never for a second did I imagine something like this.

What did you do next?

We had to get home right away. Tyler offered to drive us. When we got there, I ran to meet the police officer standing by the front steps. I asked what was going on. He told me to calm down and then said . . . he said, “Sir, we can't find your daughter anywhere. We think someone took Bailey.”

What did you do when you heard that?

I ran inside, straight to Bailey's room. There were police officers everywhere. Her room was a mess . . . and there was a ransom note on her desk. I just stood there in shock.

Ask permission to approach opposing counsel with ransom note; approach the witness.

Mr. Reynolds, do you recognize what I've just handed to you?

Yes. It's the note that was sitting on Bailey's desk when I walked into her room.

Is it in substantially the same condition as when you first saw it on October 25, 2002?

Yes, it is.

Tender the note into evidence. –At this time, your Honor, we offer this into evidence as State's exhibit 1

Mr. Reynolds, did you ever see your daughter Bailey again?

Yes, thank god. Three days later. . . .Someone found her chained to a bathroom pipe at the Hampton Hotel.

Did the defendant ever tell you where she was during the weekend that your daughter Bailey was missing?

Yes. She told me she was at the Hampton Hotel all day Saturday and all day Sunday. She actually insisted that she run a conference for the company that I just didn't think was important after what had happened to Bailey. I wanted to reschedule, but Tyler wouldn't let it go. She was adamant that the conference had to happen that weekend.

Finally Mr. Reynolds, I need to return one last time to the night of October 22. When you returned home to find that Bailey had been taken, did you notice any broken locks on your front door?

No.

Did you notice any broken locks on your back door?

No.

Did you notice any broken windows?

No.

Outside of your family, did anyone else have a key to your home at the time that Bailey was kidnapped?

The only people who had a key to our home were Peyton, our family babysitter, Mike Ryan, our contractor, **and Tyler Perry.**

No further questions.

Affidavit of Sam Lawrence

1
2 My name is Sam Lawrence and I am a forensic investigator for the Midlands Police
3 Department. I am currently part of the Chemical Investigation Team. I've worked on the C.I.T.
4 since 1980. Before joining the Narcotics team I worked as an assistant to Meredith Bernstein at
5 the FBI's Chemical Analysis Unit in Washington DC. Under Dr. Bernstein's guidance I worked
6 on cases such as bombings and poisonings. I also authored journal articles on topics such as
7 illegal narcotics, the use of acids to extract DNA as well as chemicals used for incapacitation.

8 Prior to joining the Midlands force I attended New York University for my undergraduate
9 education and graduated summa cum laude with degrees in Chemistry and Biology. I then
10 received my PhD in Chemistry from the University of California at Berkeley. It was at Cal that I
11 worked on the research team responsible for the discovery of element 109 on the Periodic
12 Table—Meitnerium. After spending several years in research, I came to the realization that
13 working in a chemistry lab was rather dry. I decided to pursue my lifelong dream and pursue a
14 career in law enforcement. I enrolled in the Police Training Academy in Fairfax, Virginia and
15 quickly began studying the applications of chemistry in law enforcement. From there, I went to
16 the FBI and eventually ended up here in Midlands.

17 Currently, I am responsible for performing chemical analysis on evidence that is
18 recovered at a crime scene. Basically, when the police find a piece of physical evidence such as
19 a fiber or a liquid, they send it to me. I analyze all different types of evidence. In the last case I
20 worked on, I analyzed lint balls that were left at the scene of a murder. I examined the chemical
21 content of the lint balls and determined that they were made up of a carbon and nitrogen
22 subgroup known as a polyoxy-carbamate. We were later able to find the exact same compound

23 on a baseball cap owned by the suspect. My analysis was a key ingredient in our eventual
24 conviction of the suspect.

25 I should state that I have a bit of a blemish on my record. I'll level with you—in college
26 I was arrested for marijuana possession. At the time I was trying to isolate a cannabinoid variant
27 that would help treat pain in cancer patients. The University Ethics board denied my request to
28 try to obtain the drug from the Drug Enforcement Agency. I therefore bought a small amount of
29 marijuana from a man I believed to be a drug dealer. It turned out he was an undercover police
30 officer! After I was arrested, I showed the prosecutor the documents supporting my research and
31 the charges were dismissed. Even still, this was a stain on my record that has made it difficult to
32 obtain jobs in law enforcement. Luckily, my employers thus far have been very understanding.

33 My involvement in this case began on November 15th, 2005. I was contacted by Officer
34 Brian Budzick. Don't get me started on Budzick. He's known around the office as Bumbling
35 Brian because of his frequent mistakes. I recall a recent case where Budzick stepped on a loaded
36 firearm at a crime scene. This destroyed the DNA evidence on the gun, nearly hit another officer
37 with the shot, and almost cost us the conviction.

38 Officer Budzick called me at 9:30 AM on November 15th, 2005. By then there had
39 already been a lot of press about the Perry case. I had seen the case on television and it was the
40 talk of the office. I had even heard that Tyler had tried to flee the country! Most of the people I
41 saw on TV thought Perry was guilty after that. Anyhow, Budzick told me that a rare chemical
42 had been used in this case—a 'bar-bit-a-rit' as he put it. I told him that the proper term was 'bar-
43 bit-chur-ate,' and that I would analyze the evidence as best I could.

44 I contacted Det. Walsh and was provided with the entire case file which included a DNA
45 report, fingerprint analysis, chemical analysis from Bloch Laboratories as well as a chemical

46 swab and a pillowcase. When I saw the evidence had already been analyzed by Bloch I was
47 displeased. I wish Walsh had submitted the evidence to me as Bloch doesn't always do a
48 thorough job reviewing evidence and they often perform only the simplest of tests. But, that was
49 Det. Walsh's call and Bloch does a good job fundamentally, if, occasionally, not thorough.. I
50 may take a long time to analyze evidence, but I make sure I get the job done. I immediately
51 focused on the chemical swabs and attempted to analyze them myself.

52 I labeled the pillowcase I received as Sample A. This was the sample that was recovered
53 from Bailey Reynolds' room after the abduction. I labeled the swab as Sample B—this was the
54 swab taken from Tyler Perry's automobile. To analyze this evidence I used my standard
55 procedure—the Analysis, the Gas Chromatography/Mass Spectrometry and Comparison method.

56 The analysis method requires examining your evidence for physical characteristics.
57 Chemicals in different forms display different properties. Color, smell, state of matter—these
58 are all things we look at in the analysis phase. In this case, I determined we were dealing with a
59 volatile liquid of the fluoro-carbon class. The liquid produced a pungent aroma when small
60 amounts were wafted. This smell was consistent with Bloch Laboratories' conclusion that we
61 were working with a barbiturate. The color and smell of both the swab and pillowcase were
62 identical.

63 This brings me to the second part of my analysis—Gas Chromatography/Mass
64 Spectrometry or GCMS. GCMS is a common analytical technique used in all forensic
65 laboratories. The GC portion of the instrument separates a sample into its molecular components
66 while the MS portion of the instrument analyzes each of these components for a characteristic
67 fragmentation pattern. The computer compares the MS results to vast libraries of known
68 molecules and generates a report. Thus, determination of molecular structures with this technique

69 is *relatively* straightforward. This technique is the most common tool used in drug tests in the
70 workplace and in the horseracing and athletics industries to detect doping. I sampled a small
71 amount of the chemical from both the pillowcase and the swab recovered by Officer Walsh. I
72 next injected these samples into the instrument.. I analyzed the samples one at a time I
73 performed the same analysis on the chemical swab from Tyler Perry's automobile. The samples
74 were identical.

75 This brought me to the final, and most important part of the process—the comparison
76 phase. I analyzed the results for the pillowcase. It turns out Bloch Laboratories was only correct
77 in part. They identified the chemical found on Bailey Reynolds' pillowcase as chloroandromine.
78 Indeed, the results showed this was a type of chlorandromine. However, this label is misleading.
79 The GCMS showed that the chemical in question was actually 3,5—oxy-chloroandromine It is
80 easy to see how Bloch labs would have made the error. The fragmentation pattern for the
81 samples was sufficiently consistent with chloroandromine to yield a “hit” in the library that most
82 labs use. However, an experienced chemist looks not only at the mass number of the peaks in
83 the spectrum, but also at the height of the peaks. This is a subtle difference and one that the
84 instrument wouldn't catch in comparing the peaks to the library. After noting the unusual peak
85 heights, I ran the sample against the National Institute of Standards Technology (NIST) Library
86 - it is a more extensive library that I learned to use at Cal and I am willing to pay the premium
87 for greater accuracy. 3,5-oxy-chloroandromine is an isomer of chloroandromine – it has the
88 same molecular weight, but a slightly different molecular arrangement. Both samples the one
89 from the pillowcase and the one from Tyler Perry's car – were 3, 5 oxychloroandromine.

90 This type of barbiturate would be used only for purposes such as anesthesia. It
91 incapacitates a person for a short period of time. It is not used in any kind of medication other

92 than anesthetics. In the chemical reference manuals I referenced, I could not find the 3,5—oxy
93 variant of this chemical anywhere. I next checked the FBI’s Chemical Registry Database. The
94 FBI keeps detailed records of FDA regulated chemicals in the United States. It’s a result of the
95 Patriot Act. Every medical supplier, distributor and manufacturer is required to list all chemicals
96 in this database. I found only one match—*Washington Square Chemical Suppliers*. They were
97 the only manufacturers in the whole country to produce this variant of chloroandromine.

98 I next decided to contact someone at Washington Square. I was eventually referred to the
99 company’s Executive Vice-President Steve Borello. Mr. Borello was uncooperative from the
100 offset. He said he was worried about trade-secrets and compromising his investors’ interests.
101 We finally had to serve him with a subpoena before he would speak with us and provide us with
102 information. Mr. Borello told me that the variant of the barbiturate found on Bailey Reynolds’
103 pillowcase was only used by doctors for rare brain surgeries. He also informed me that the drug
104 was made available only to licensed medical professionals. I know this drug is not the variant of
105 chloroandromine commonly used in date rape and kidnapping cases. But I can’t state with any
106 scientific certainty that it could not be used for these purposes.

107 After learning all this, I needed to know if Tyler Perry had ever purchased this barbiturate
108 from Washington Square. I went back to the FBI’s Chemical Registry Database. The database
109 keeps a record of everyone that requests a chemical and whether their request is denied or
110 approved. I performed searches for both Tyler and K.C. Perry.

111 I found no match for Tyler Perry. However, the report stated that K.C. Perry had
112 requested this exact barbiturate from *Washington Square Chemical Suppliers* in early October of
113 2004. Apparently, K.C.’s request was denied because K.C. Perry was not a licensed medical
114 professional. I found no record of the drug ever being sent to Tyler Perry, K.C. or their address.

115 But, I did learn that later in mid-October a small shipment of the drug was sent to a Dr. Williard
116 Mahfood in Evanston c/o a post office box. I discovered Dr. Mahfood does not exist.
117 Washington Square and the U.S. Post office refused to discuss Dr.Mahfood with me claiming
118 some ridiculous privilege claims.

119 I spoke with Tyler the next day to find out why K.C. had requested the drug. Tyler told
120 me that K.C. needed the drug for a brain procedure. When I asked why K.C. had ordered the
121 drug instead of a doctor, Tyler told me that they were looking for ways to lower the cost of the
122 surgery. Tyler then hung up the phone. Tyler was acting very defensive.

123 After learning that the Perrys had been in contact with the only chemical supplier of this
124 rare barbiturate in all of the country, it seemed that all the evidence was there. Obviously the
125 drug was never sent to Tyler's home; only a fool would leave a paper trail when ordering such a
126 rare drug. Tyler --- or in my opinion--- "Dr.Mahfood " probably had it sent to that p.o. box..

127 I also examined the DNA analysis of the hair found in Tyler Perry's backseat as well as
128 the Fingerprint analysis performed by Bloch. I should state from the onset that I am not very
129 familiar with fingerprinting procedure. However, the lack of Tyler Perry's fingerprints in the
130 Reynolds' home could be confusing to the untrained investigator. I learned Tyler had dinner
131 there a few times a month—yet Tyler's prints were never found anywhere in the house. But,
132 Tyler's fingerprints could be some of those partial, unidentified prints that are always present.

133 I was also astonished by the lack of hair in Tyler Perry's automobile. Officer Walsh only
134 found the hair of Bailey Reynolds in the backseat. People lose hair on an average of one strand
135 per minute. Why Tyler's hair couldn't be found anywhere in the vehicle is beyond me, except
136 that I believe that Tyler could have vacuumed the car and just missed the six hairs from Bailey.
137 If Tyler or K.C vacuumed the car after the kidnapping, they obviously had had no one in the

138 back seat after kidnapping Bailey or that hair would have been found. The mistake was failing to
139 thoroughly vacuum the car.

140 Despite the questions about the fingerprints and hair, the chemical analysis was
141 conclusive enough and beyond question. The drug was found on Bailey Reynolds' pillowcase
142 and Tyler Perry's automobile. This, to me, is the smoking gun. Unless someone knew a lot
143 about chemicals, and I mean a lot—as in, had done considerable research into the subject—and
144 framed Tyler, it seems to me that Tyler Perry is unequivocally guilty.

145

146

147

Officer Sam Lawrence

148

149 Signed and sworn to me on this, the 30th day of November, 2005

150

151

152

Lila Dunn, Notary Public

II Direct: Sam(antha) Lawrence

Please state your name and spell your last for the record.

My name is Samantha Lawrence. That's L-A-W-R-E-N-C-E.

What is your profession, Mrs. Lawrence?

I'm a forensic investigator with the Midlands State Police Department.

What does the work of a forensic investigator entail?

Forensic investigators are trained scientists who apply their expertise to analyzing the evidence in a criminal investigation. In my lab, we look at everything from carpet fibers and soil samples to bullet casings and DNA evidence – anything a perpetrator might unknowingly leave behind.

You mentioned that forensic investigators often have a science background. Could you outline your educational background for the court?

Sure. I attended New York University and graduated with degrees in Chemistry and Biology. I then went on to the University of California at Berkeley, where I got my doctorate, also in Chemistry.

What did you do after you received your doctorate?

Immediately after graduation I took a job in a research lab at UC-Berkeley. But after a while I decided that I wanted to do something more hands-on. My father had worked CSI in New York, so I took an interest in law enforcement. I enrolled in the Police Academy and then I took a position with the FBI in their Chemical Analysis Unit.

How long did you work for the FBI?

I worked for the Bureau for 8 years.

What did you do after leaving the Bureau?

I went to work for the Midlands Police Department on their Chemical Investigation Team. I've been working with the C.I.T. for over 20 years now.

Ms. Lawrence, I'd like to turn your attention now to the case before the court today. How did you become involved in this case?

I was contacted by officers from the Fairfax County Sheriff's Department to perform some chemical tests for a case they were investigating - the kidnapping of a thirteen-year-old girl named Bailey Reynolds.

What specific pieces of evidence were you asked to analyze?

I was called in to look at the chemical evidence here. Specifically there were 2 main pieces of evidence: a pillowcase recovered from Bailey Reynolds' bedroom and a swab taken from Tyler Perry's vehicle.

How did you gain access to that evidence?

I went down to the station and obtained it directly from Detective Walsh.

Could you describe the condition of the evidence when you obtained it?

It was in two sealed evidence bags at the time.

Ms. Lawrence, could you describe for the court how you went about analyzing that evidence?

Sure. I used the method that we always use to analyze chemical samples like these. It's a process called simulated ionic reduction and spectrographic analysis, ...SIRSA for short.

What is SIRSA?

SIRSA is a method we use to identify an unknown chemical. When we're dealing with complex substances like these, we break them down into its molecular parts. We can then count those pieces in order to determine the composition of the chemical.

Could you explain how you applied the SIRSA method to the evidence in this case?

Well, actually, I brought along some diagrams that might help me to explain that.

Permission to step down to refer to demonstrative exhibits (and for opposing counsel to move to see exhibit)

What are we looking at here?

This is a basic representation of what we do in the SIRSA process. First we heat the compound to extreme temperatures, creating a gas which we trap in a tube, shown here. Next, we send that gas through an ionizer, here. The ionizer breaks the compound into its molecular pieces. It's those pieces that allow us to identify the compound itself.

What do you mean when you say that those molecular pieces allow you identify the chemical?

Well, when you break a compound down into its molecular parts, each part has a different weight. What we want to be able to do is count how many particles of each weight there are – that way we can figure out the composition of the original chemical.

Could you explain exactly what you mean by that?

Well, you can think of it kind of like a coin machine. The original compound is like a jar of loose change. When you put the change into a coin machine, it separates it out into quarters, dimes, nickels, and pennies so it can count the change. The spectrometer works just like that. For example, here our spectrometer is counting these red, green, and blue particles. These magnets filter out one kind of particle at a time so they can be counted. That tells us the composition of the chemical, just like the coin machine can tell you how much change you had in your jar.

What do you do with the data after the machine counts the particles?

Well, we send all of the data to our computer, and it shows up on the screen as a spectrograph, like you see here. The spectrograph plots the different kinds of particles on one axis and the number of each particle on the other.

Finally, Dr. Lawrence, how do you use the spectrograph to help you identify the chemical?
Well, every chemical has a different spectrograph – it's like a chemical fingerprint. The peaks and valleys on these graphs are as unique as the ridges on your fingers – they're how we classify a given chemical. All we do is take the spectrograph from the computer and match it with the spectrographs in our database, and that's how we identify the chemical.

Ms. Lawrence, is this the standard method used in your field to identify chemicals?
Yes, it is.

And is that the method that you used in this case?
Yes.

Thank you Ms. Lawrence. You may retake your seat.

Ms. Lawrence, what were the results of your analysis in this case?
Well first, I confirmed the preliminary results from Bloch Laboratories. Bloch was correct in identifying both the sample from Bailey Reynold's pillowcase and Tyler Perry's steering wheel as chloroandromine, but they failed to narrow this down to its particular subtype.

Are you saying that Bloch Laboratories made a mistake?
Well, yes. The error here was just not being specific enough about the subtype. I used a more extensive database than the one that's available at Bloch to identify that subtype. Specifically, I found that the chemical was 3,5 oxy-chloroandromine.

What is 3,5 oxy chloroandromine?
3,5 oxy chloroandromine has an extra oxygen molecule which makes it much more potent. It also makes it extremely rare, and because of that, it's much easier to track down where the chemical came from.

Dr. Lawrence, do you have any knowledge regarding the effects of chemicals like chloroandromine?
Yes. As a member of the Chemical Investigations Team, I have to be trained not only in how to test for these chemicals but also in understanding their effects on the human body.

Can you tell us what effects that 3,5 oxy-chloroandromine have on a person?
Chloroandromine is a barbiturate. When inhaled, the 3,5-variant can incapacitate a person for a period of several hours, depending on the dosage.

You mentioned tracking down where the chemical came from. Is that a regular part of your job as a forensic investigator?
Yes, absolutely.

And how do you go about doing that?

Well, since 2001, as a result of the Patriot Act, there's actually a centralized chemical registry database that we can look at.

Who maintains this database?

The database is maintained by the FBI.

The records in this database, are they entered by the suppliers themselves or by law enforcement agents?

Suppliers are required by law to enter this information themselves using an internet website.

Did you consult those records with regard to this case?

Yes, I did.

How many manufacturers of 3,5 oxy chloroandromine are listed in that database?

Only one. Washington Square Chemical Suppliers in New York.

To your knowledge, does the Chemical Registry Database keep track of purchases or requests to purchase these chemicals?

Yes, it does.

Did you consult the database to look for any requests made by the defendant, Tyler Perry?

I did. A search for Tyler Perry's name came up with no matches. So then we tried her husband, KC Perry, and that did return a result. The database indicated that KC Perry requested a shipment of this exact same chemical in early October of 2004.

Ms. Lawrence, did you ever speak with the defendant after learning that her husband had requested the same type of chloroandromine that was found in this case?

Yes, I did.

Can you describe that conversation for the court.

Mrs. Perry admitted to me over the phone that she and her husband had been calling chemical companies looking to purchase that drug. She *said* it was just to help fund her husband's operation, but when I tried to ask her any further questions about it, she hung up the phone.

You said that KC Perry had attempted to purchase this chemical. According to the database, did the supplier grant his purchase order?

No, according to the database, Washington Square did not fill the order.

When you learned that KC Perry's request was denied, was that the end of your investigation?

No.

What did you do next?

Well, in a case like this one, where a criminal suspect requests a tightly controlled substance and that request has been denied, we'll look to see if that suspect could have obtained the substance through an alias or other means.

How do you do that?

We look to see if any other shipments of that substance were made to the same geographic area during the same time period.

What did you find when you performed those searches in this case?

The database showed that just a few days after KC Perry's request was denied, a purchase was made under another name and delivered to an unidentified PO Box in Evanston.

A shipment to an unidentified P.O. Box in Evanston – Ms. Lawrence, does the database indicate when that shipment was made?

It does. The chloroandromine was shipped in mid-October - just days before Bailey Reynolds was kidnapped.

No further questions.

Affidavit of Frankie Gustavo

1 My name is Francis Gustavo but people call me Frankie. My mother started calling me that
2 since I was a little kid, then all my friends started using it. We lived where I still live today,
3 Evanston, Midlands. I'm 45 years old and I have a good job. I'm the manager of Freeport's
4 Fine Liquors; Freeport is 20 minutes away from Evanston, the town over. Evanston is dry and
5 has been for tens of years at least. I think since mobsters were around. But all the better
6 business for me -- I've got all of Fairfax County knocking on my door whenever there's a party.
7 I'm doing pretty well for myself. No spouse or kids though. But you can't ask for it all at once,
8 am I right?

9 Freeport's has always been in my family. It was my father's business when I was
10 growing up and it was his father that first started it. I knew that if I didn't get a degree or
11 something like that then I could just resort to managing the liquor store and get by that way.
12 That's kind of what I depended on. I ended up dropping out of high school, partly because
13 school wasn't my kind of thing when I was younger. I did go back and get my GED, which was
14 a sweet deal. Four years of school in six months, you can't beat that.

15 These cops came by here on the Monday after the kidnapping. Right in the middle of
16 my busiest time of day. They wanted to know anything about the Perry's. I've known
17 Tyler Perry for a while now. We went to high school together. Tyler is a regular that comes into
18 my place to pick up the sauce. Don't get me wrong, it's not like Tyler's a lush or something.
19 We're both well-to-do business people, right? But the Perry's do enjoy a good bottle of wine.

20 So when Tyler walked in on the night of Friday, October 22nd, 2004, I wasn't expecting
21 anything out of the ordinary. But there were some things that I have to admit were different

22 about Tyler's demeanor compared to the other times I've seen Tyler. I think It was around 9:45
23 p.m. but I am not sure because it was so busy that night. Tyler came in really rushed-like,
24 bouncing-off-the-walls. Tyler didn't even stop to say "hi" after coming in the doors. Tyler just
25 went straight to the aisle where I stock the fine wines and pulled one off the shelf so fast; it
26 didn't even look like Tyler read the label. But I'm a reasonable person, you know, a person that
27 doesn't put up judgment real quick, so I didn't think anything of it. Tyler was just in a hurry.
28 People get in hurries. Happens all the time. Tyler was in my store only a few minutes.

29 But when Tyler rushed on over to the counter to pay for it I knew something was kind of
30 off kilter. Tyler kept looking at the time and Tyler's arm was twitching, real fidgety-like. Tyler
31 also kept looking out to the car, which I noticed had been left running with the lights on. I even
32 heard Tyler ask someone to cut ahead in line. The guy stepped aside and let Tyler pay for the
33 wine.

34 I did talk to Tyler before I checked Tyler out. I said something like, "It looks like you
35 guys are having a party or something. K.C. came and bought four bottles of wine a few days
36 ago." And it's true. K.C. came in I remember a few days before Friday and bought some wine.
37 So they must have been having a get-together or something that night. But that's none of my
38 business anyway. Tyler just sort of laughed and took off.

39 And so like I said, the cops came and pulled me away from my customers a few days
40 later. I told them about how I saw Tyler Friday night and I told them how Tyler acted and what
41 we talked about. That was about it until the police came again later that week. By then I had
42 read in the papers about the Reynolds kid being kidnapped; it was all over the front page. I
43 didn't know that the Perry's and the Reynold's knew each other. But the police officer didn't
44 ask me about any of that, the officer only wanted to inspect the speaker system of Freeport's Fine

44 Liquors. There's this intercom system that was installed when the building was first built as a gas
45 station. So I rigged it to play music in the store and outside, right under the awning above the
46 entrance. I just thought a liquor store would be all the better if there was classic rock jammin'
47 when you arrived. I like the system we got. I gave the cop a copy of Tyler's receipt for the wine
48 purchased that night. I know it was Tyler's because no one buys that wine except for Tyler.

49 That's basically all there is in terms of how I'm involved in this whole thing. I really
50 didn't know Tyler that well. Our conversations didn't go beyond the usual small talk or sports
51 commentary. It's crazy that Tyler's in the middle of this thing.

Frankie Gustavo

Signed and sworn to me on this, the 3rd day of November, 2004

Lauren Dunn, Notary Public

Δ Direct: Frankie Gustavo

Please state your name and spell your last.

Francis Gustavo. G-U-S-T-A-V-O.

Where do you live, Mr. Gustavo?

I live right here in Evanston.

What do you do for a living?

Well, for generations, the Gustavos have owned and operated Freeport's Fine Liquors. We're the only vendor of fine wines, spirits, mixed drinks and moonshine in Freeport, and since Evanston is dry, the entire county comes knocking on our door whenever there's a soi(h)ree.

You mentioned that you live in Evanston. How long does it take to drive from Evanston to the liquor store in Freeport?

Depends on where you're coming from. If you're driving from the McDonalds at the downtown mall in Evanston to the Freeport's Fine Liquors – that'll take you at least twenty minutes.

What times is your store open during the day?

Well, I come into the store after breakfast, bout 11:00. I shut down the store for lunch between the hours of 12 and 3. Come back for the afternoon; shut down the store again for dinner between 6 and 7:45, reopen the store by 8 – keep it open till about 11. Just in time for my desert.

Was your store open on the night of October 22, 2004?

Yes. It was a Friday night.

Mr. Gustavo, do you know an individual named Tyler Perry?

Why, Tyler and I went to Evanston High together. I see her in the store now and again, and we'll catch up on old times.

Do you recall seeing Mrs. Perry in your store on the night of October 22, 2004?

I most certainly do.

Did she make a purchase that evening?

Yes. Yes she did. Bought a bottle of wine.

Do you keep records of purchases customers make at your store?

Of course. We print receipts for every purchase. Give one to the customer, keep one for ourselves.

Approach With Receipt

Mr. Gustavo, do you recognize what I've just handed you?

This is a receipt. That you well, receive when you shop with us at Freeport's Fine Liquors and this is a copy of Mrs. Perry's receipt that night.

Is it a fair and accurate copy of the receipt that you gave Mrs. Perry?

Yes sir.

Did you provide a copy of that receipt to the police?

Yes. Yes I did.

Is there a timestamp on that receipt?

Well, yes.

To the best of your knowledge, are the times on those receipts accurate?

Sure, sure. Every night I make sure to synchronize the times on the clock and the register while watching *Larry King Live* on CNN – I see the time right there on the screen.

Enter receipt.

What happened after Mrs. Perry entered your store?

Right away he headed to the back of the store. He grabbed a bottle of wine off the racks and then turned 'round back towards the line.

How long was the line?

This was Friday night so there were a few customers. I remember I had to go to the back and get some kegs for a couple customers. I was huffin and puffin quite a bit, not moving real fast. When I got back to the front, I saw that a line had formed by the register.

Did you see Mrs. Perry in the line that evening?

Yes, I did. And when I got back to the front I heard Tyler ask if she could cut in front of another customer in line. The gentlemen let her, and at that point she came up to the register.

Could you describe how Mrs. Perry was acting as she stood in line?

She seemed like he was in a hurry. She glanced out at her car and checked her watch once or twice.

You mentioned that Mrs. Perry glanced out at her car. Could you see her car from where you were standing?

Of course. I was standing right at the register and I could see her car was parked right outside the store.

Did you ever see anyone inside Mrs. Perry's car with the exception of Mrs. Perry herself?

No, no I didn't.

You said this was a busy night. Did any other customers say that they saw someone in the back of Mrs. Perry's car while she was inside your store that night?

No, no. No one said anything of that kind.

What happened after Mrs. Perry paid for her wine that night?
She took her receipt and headed out the door.

Mr. Gustavo, what time did Mrs. Perry enter your store that evening?
I can't be exactly sure, but I think it was right around 9:45.

And what time did she leave?
Well, Mrs. Perry was only inside the store for a few minutes. She left right after she made her purchase, just a few minutes after 10.

No further questions.

Affidavit of Jordan Nathanson

1 My name is Jordan Nathanson. I am 61 years old and I live in Deerfield, Midlands. I am the
2 founder and head administrator of Nathanson & Associates, an office of private investigators.
3 We consult with families, individuals, and sometimes the police to uncover or solve personal and
4 criminal matters. We are also hired by law enforcement agencies to conduct what I like to call
5 “investigative audits.” We look to see if local law enforcement agencies are adhering to standard
6 protocol and operating investigative procedures. For example, I just finished a large
7 “investigative audit” for the Ohio Attorney General’s office on the city of Cleveland police
8 department. Bad results, but I won’t go into that now. My office has been open since April of
9 2002. Though I’m known by many as eccentric and have even been called a “nut” by some, I do
10 get results that are verifiable and useful.

11 I received an undergraduate degree from Bowling Green State University in psychology
12 and biochemistry and a masters in biochemistry from Michigan State.
13 Immediately following that I was hired in the Behavioral Sciences and Forensics Unit of the
14 Federal Bureau of Investigation, assigned to do criminal profiling work. Criminal profiling is an
15 area I have always been interested in, and I’m glad that the FBI provided me an outlet to exercise
16 my education in psychology as well. Criminal profiling, which I still practice as a part of
17 Nathanson & Associates, and “investigative auditing” involves helping investigators properly
18 examine evidence from crime scenes, determining patterns of criminal behavior and practice
19 based on that evidence and witness and victim witness reports, and eventually drafting an
20 offender description. Offender descriptions are a culmination of numerous factors including:
21 personality traits, psychopathology patterns, and demographic information. All of these pieces
22 fit together to frame a criminal and a crime in question. It also enables me to determine if the

23 integrity of an investigation has been compromised by the law enforcement agency.

24 I worked for the FBI for 25 very satisfying years. During that time I worked on hundreds
25 of cases involving crimes of murder, larceny, domestic terrorism – you name it, I’ve seen it. But
26 twenty-five years at the FBI was plenty for me. I decided to open up a private office which gave
27 me the opportunity to be a little more selective with the cases I chose to accept. It also allowed
28 me to finally make some good money.

29 I was contacted by Ryan and Madison Reynolds on Monday, October 25th, 2004, the day
30 their child, Bailey, was found. The Reynolds made it explicit that they would go to any length to
31 find the person that kidnapped their child. My contract with them was for \$25,000 plus a \$5,000
32 retainer.

33 I began my investigation by contacting the Fairfax County Sheriff’s Office to obtain
34 evidence reports. I had worked with them before and had a good rapport with the lead
35 investigator on this case, Donny Walsh, so receiving the evidence was no problem at all. I
36 received the file in early December containing fingerprint reports, a report and affidavit written
37 by Walsh, all Bloch Laboratory, hospital, and telephone records reports and some witness
38 affidavits, specifically those from Peyton Bralow, Ryan Reynolds, Bailey Reynolds, Tyler Perry,
39 K.C. Perry, Frankie Gustavo, Mickey Skogan, and Loren Konanova..

40 I was unable to examine Peyton Bralow’s or Tyler Perry’s residences, as I did not have
41 the authority of a county official with the sheriff’s office to enter.

42 After reviewing all of the evidence, I extensively interviewed Ryan and Madison
43 Reynolds. They mentioned that they had given out a key to their house to three parties: the
44 contractor who was remodeling their house, Peyton Bralow, and the Perrys. I was told Tyler
45 Perry had displayed displeasure with Ryan Reynolds over a promotion at work, and I was also

46 told that K.C. Perry had a very serious brain tumor that would require an expensive experimental
47 surgical procedure to remove. I asked to interview Peyton and Tyler, but both of them refused.

48 The Reynolds hired me to make sure that the Sheriff's department did all that should
49 have been done in the investigation and to piece together all of the evidence to determine the
50 behavioral and psychological patterns of the perpetrator. Since Tyler Perry was the prime
51 suspect, I decided to work backwards and take the information about Tyler Perry and determine
52 if the evidence was a match and if Tyler fit the profile. There are three main phases of a criminal
53 profile that correlate to the suspected actions of the criminal: the antecedent phase, the manner
54 and method phase and the post-offense behavior phase. At the end of the evidence analysis, I
55 determined that Tyler Perry did not fit the profile of the suspected kidnapper in this case.

56 The first phase of profiling is the antecedent phase during which I determine the motive
57 and intent of the criminal. Tyler Perry had a relationship with the Reynolds family of
58 approximately three years. The two couples regularly spent time together outside of work. This
59 long, preexisting relationship between Tyler and the Reynolds significantly decreases the chance
60 that Tyler's disposition would strikingly change due to being denied a promotion. Tyler is also a
61 parent, and I determined that Tyler would be sensitive to a parent's protective right and
62 responsibility to his or her children. Tyler is an accomplished individual with, I understand, no
63 history or diagnoses of serious mental illness. Tyler is reasonable and rational. Tyler exhibits
64 characteristics consistent with what a layman would call 'a normal person.' I learned from the
65 police that Tyler was pursuing other areas of employment so as to obtain the necessary salary
66 and benefits to cover the operation. I even saw a letter that Tyler received from another
67 publishing company offering Tyler a position and confirmed such with a telephone call to
68 Hawley.

69 It should furthermore be considered that 85% of the kidnapping cases of the last fifty
70 years have involved a perpetrator that in no way knew the family of the child they had kidnapped
71 prior to the crime. The demographic also suggests that perpetrators are generally poor, usually
72 below the national poverty line, and have an incomplete or complete lack of formal education.
73 However, kidnappings are not usually monetarily related. The idea that children are kidnapped
74 for egregious sums of money is a misconception propagated by Hollywood.

75 The second phase of profiling is analyzing the method and manner of the suspect. In this
76 area, the odds work against Perry as well; however, any fingerprint evidence is not at all
77 conclusive against Tyler Perry. Tyler was a regular visitor at the Reynolds' house and therefore
78 Tyler's fingerprints would reasonably be found in the house. Furthermore, fingerprint evidence
79 is not as conclusive as is commonly thought. Some individuals leave prints, some do not. For
80 example, a person who has a heightened level of stress or anxiety may not leave prints at all.
81 Also, fingerprints may last on a given surface for days, weeks, or even years.

82 The third phase of profiling is to examine post-offense behavior. The most revealing
83 factor of guilt tends to be if the suspect attempts to inject himself into the investigation by
84 reacting to media reports and contacting investigators. Usually, the suspect would try to divert
85 suspicion away from him or herself. The rationale behind the behavior is that as long as he or
86 she acts overtly confused, worried, or observant, then the obvious reaction by police and family
87 members would in essence be no reaction at all. The usual behavior for family members and
88 friends close to an investigation is to become reclusive and withdrawn. They would be so
89 engulfed with the immediate shock and trauma that any active involvement in the case aside
90 from simple cooperation with the authorities is rare. Tyler Perry did not try to participate in the
91 investigation at all.

92 I also examine the suspect's reaction to questioning and any subsequent, intensive
93 interrogations. Guilt is hard to hide. Most of the time, guilt is easiest to detect when there are
94 inconsistencies in the suspect's responses. In addition to that, noting the suspect's behavior and
95 attitude to the questioning can provide clues as well. I try to determine if the suspect is hesitant
96 to provide any information, or if he or she acts stressed and nervous. Tyler Perry did not. Tyler
97 was cooperative and attentive and never responded in a way that would cause undue attention.

98 I next considered the use of the barbiturate to render Bailey unconscious. Barbiturates
99 are absolutely not sold publicly. They are used primarily by doctors for purposes of anesthesia.
100 Whoever obtained the barbiturate either would have needed to get it by underhanded means from
101 a medical office, or straight from a supplier or laboratory. There are no barbiturate distributors
102 and manufacturers in Midlands, so that possibility is ruled out. In my investigation, I know of
103 only one manufacture in the country that makes chloroandromine and its different variants, a
104 company from New York city, Washington Square or something like that. As I noted,
105 chloroandromine and its variants are used for anesthesia purposes but can also be used in date rape
106 and kidnapping cases. I have worked with this drug in many of my investigations with the FBI
107 and with my own firm. The fact is, I have absolutely no idea where Tyler Perry would have
108 gotten that stuff, or in fact where anyone could have gotten the drug unless they had some
109 sophisticated knowledge or had done some research into it. That piece of evidence is the one
110 piece that really stumps me and that I cannot explain in any theory of this case.

111 The chloroandromine notwithstanding, as I said, Tyler Perry does not fit the profile of the
112 kidnapper in this case. But, I will add, every profile has its exceptions. However, it doesn't
113 matter whether I believe Tyler Perry guilty or not guilty but my conclusions show that there is a
114 likelihood that the real offender is still out there.

115 This conclusions leads me to the “investigative audit” portion of my examination. In my
116 professional opinion, the investigation is incomplete. There is sufficient
117 questions about Fisz Enterprise employees’ discontent with Ryan Reynolds and with the
118 behavior of Peyton Bralow to allow me to conclude, within my professional opinion and
119 expertise, that Donny Walsh has not been as thorough and efficient as standard investigative
120 operating procedure would require. Specifically: there was a failure to do the following: explore
121Peyton Bralow’s need for money due to an outstanding criminal fine; explore Peyton Bralow’s
122criminal past with drugs; search the Perry house for traces of choloradromine; interview K.C.
123Perry’s doctors as to whether any medication K.C. is on has traces of choloradromine in it that
124could be transferred to the car; fingerprint the bottle of wine found in the Perry car; verify the
125Hawley job offer; talk with the various pharmaceutical companiesthe list can go on and on of
126what Walsh failed to do and I can expound on this for a number of pages. But I was told by
127counsel and the police to keep this affidavit succinct and to the point.

128 After I communicated my thoughts to the Reynolds, they became upset and dismissed me
129 from the case. They said that I had not utilized all the resources I could to “put two and
130 two together to obviously see that Perry did it.” Just because Tyler Perry has a possible motive,
131 does not mean Tyler fits the criminal profile of the perpetrator. Normally I would memorialize
132 my findings in a report but since I was fired by the Reynold’s before I could do so, I do not have
133 a report. I put as much as I could into this affidavit. I did enquire of the Fairfax County
134Sheriff’s department if they wanted my information, but the Sheriff curtly told me on the phone
135that since they have the perpetrator why would they need my information.

Jordan Nathanson

Revised 02-27-06

Subscribed and sworn to me on this, the 18th day of March, 2004

Peter Kuprys, Notary Public

Addendum to Affidavit

Prior to testifying at trial, I did review Sam Lawrence's affidavit in its entirety. Fundamentally, I agree with the forensic conclusions in the report, except Lawrence is mistaken in that the oxy-variant of chloroandromine is only used for brain surgery; it is also used in date rape and kidnapping cases by those who know exactly what they are doing. If Lawrence wants to draw conclusions as to the origins of the barbiturate, I am amazed that Lawrence would overlook Peyton Bralow as a suspect as Bralow is known to have a chemistry education and a history with narcotics. Also, I believe that a number of Lawrence's statements indicate very unprofessional bias. Clearly the police are trying to clean up a poorly managed investigation.

Jordan Nathanson

Subscribed and sworn to me on this, the 8th day of March, 2006

Peter Kuprys, Notary Public

Revised 02-27-06

Curriculum Vitae of Jordan Nathanson

Personal Information

Occupation: Investigative Auditor and Criminal Profiler

Nathanson & Associates
2202 Spruce Avenue
Deerfield, Midlands

Employment History

Federal Bureau of Investigation
Behavioral Sciences and Forensics Unit
1977 - 2002

Nathanson & Associates
Criminal Profiling and Private Investigation
2002-present

Midlands Law Enforcement Training and Standards Board
1985-present

Education

B.S. 1966 Biochemistry and Psychology, Bowling Green State University, Bowling Green OH
Summa Cum Laude

M.S. 1977 Biochemistry, Michigan State University, East Lansing MI

The FBI Academy, Quantico, Virginia:
Behavioral Sciences/Forensic Investigation specialization, 1979
Certificate in Forensic Chemistry, 1980

Service Work

Federal Bureau of Investigation—Lecturer: 2002-present
Indiana University--Guest Speaker: 1985-present (once every year or two)
Forensic Psychology Research Institute—Associate Affiliate

Professional Associations

Midlands Law Enforcement Training and Standards Board
Federal Bureau of Investigation Behavioral Sciences Educators
Midlands Board of Criminal Justice
National Association of Criminal Forensic Investigators

Δ Direct: Jordan Nathanson

Please state your name and spell the last for the record.

Jordan Nathanson. N-A-T-H-A-N-S-O-N.

What is your profession?

I'm an investigative auditor. I am also the founder and managing partner of Nathanson & Associates, an office of private investigators.

You said that you're an investigative auditor. What does the work of an investigative auditor entail?

Investigative auditors are Bureau-trained law enforcement supervisors. We both train and assess the work of local police detectives across the country.

Could you elaborate on what you mean when you say that investigative auditors assess the work of local detectives?

Well there are really two main functions I can serve for local law enforcement. One is to provide a second opinion on the evidence – an opinion that hopefully helps steer a complex investigation in the right direction. The other is to provide an assessment of the officers themselves – to review their conduct, determine if they're following protocol, and communicate my evaluation of their work to either their commanding officers or—in the private sector—to an independent client.

Now as an investigative auditor, do you perform an investigation yourself or interview witnesses yourself?

An investigative audit is purely a protocol assessment. We don't reopen the case or talk directly with witnesses, though we might recommend that to the investigators. Instead, we review investigators' methods and determine if it conforms to standard protocol.

Mr. Nathanson, could you outline for the court what educational background or experience you have to qualify you to make these sorts of audits?

Sure. I received my undergraduate degree from Bowling Green State (with twin degrees in Biochemistry and Psychology). I got my Masters (in Biochemistry) at Michigan State, and was then accepted into the FBI Academy, where I spent three years in training in the Behavioral Sciences and Forensic Investigation Division.

What did your training at the FBI Academy consist of?

It was a combination of classroom work and field training. The entire program is focused around proper investigative techniques, so we took courses in everything from advanced forensics to field-interview procedures to criminal psychology. We would then couple that training with applied work in the field.

What did you do after graduating from the Academy?

I actually accepted a position working for the Bureau in the Behavioral Sciences (and Forensics) Unit. I worked there for 25 years.

What kind of cases did you work on in your time with the Bureau?

Well the Behavioral Sciences and Forensics Unit – the BSF - is primarily focused on crimes where an understanding of the criminal's motivations is critical. We specialize in the investigation of cases ranging from murder and kidnapping to domestic terrorism.

Finally, Mr. Nathanson, do you belong to any professional organizations in your field?

I do. I'm a member of the National Association of Criminal Forensic Investigators and a certified Behavioral Sciences instructor with the FBI. I serve on the Midlands Law Enforcement and Training Standards Board.

Could you explain what you do as a member of the Midlands Law Enforcement and Training Standards Board?

Well, the Standards Board puts together the MIM – the Midlands Investigative Manual, which details investigative protocol for all officers in the state. It covers everything from evidence handling and collection to interrogation techniques. We update this manual annually to address any unusual situations and new technologies that come to our attention.

Mr. Nathanson, I'd like to turn your attention now to the matter before the court today.

How did you first become involved in today's case?

I was hired by the Reynolds family in the early stages of the kidnapping investigation. They retained me as a private consultant to provide an independent assessment of the evidence in their daughter's kidnapping case and also to oversee the work of local detectives – basically to make sure Evanston detectives were following standard investigative protocol.

You said you were hired by the Reynolds family. Are you still being paid by the Reynolds'?

No, my contract with the Reynolds ended once I provided them with my conclusions.

Are you being compensated by anyone for your time in court today?

No. I was subpoenaed to testify here.

Mr. Nathanson, you said earlier that as an investigative auditor you review the evidence collected by local law enforcement. How did you get access to the evidence in this case?

I have a good working relationship with Detective Walsh, the lead investigator on the case. I was forwarded evidence as it was collected by local police, and when the investigation was completed, I received a copy of the complete case file.

I'd like to ask you now about your review of the physical evidence in this case. Did you review the chloroandromine evidence that was found in Mrs. Perry's vehicle?

Yes, I did.

How familiar are you with the chemical chloroandromine and its uses in crimes like this one?

The Bureau provides training in chemical analysis and chemical testing for a range of substances employed by criminals. We see chloroandromine quite often in criminal cases where the victim is incapacitated.

Have you ever received training in the tests used to detect the presence of chloroandromine?

Yes. It's a standard spectroscopy test. The Bureau trains all investigators in how to conduct those tests and interpret the results.

Approach with Chemical Analysis Report

I'm handing you a copy of what has been entered into evidence as State's Exhibit _____. Do you recognize this document?

Yes. This is the Chemical Analysis Report from Mrs. Perry's vehicle.

Based on your experience with the tests run here, is it possible to conclude from that document *how* the chloroandromine got onto Mrs. Perry's car?

No, it is not. The test merely suggests that Mrs. Perry came into contact with trace amounts of chloroandromine at some point before getting into her car. Whether or not she was involved in the crime or merely came into contact with the chemical some other way – that's something that the test simply cannot reveal.

You mentioned coming into contact with chloroandromine. In your experience with chloroandromine, is it possible for someone to come into contact with chloroandromine, get that chemical on their hands, and then transfer that chemical to another surface?

Yes. Chloroandromine is a fairly viscous liquid – and like all liquids, it can transfer.

Let me give you a hypothetical. Earlier Detective Walsh testified that Mrs. Perry was at the crime scene after the kidnapping because she drove Mr. and Mrs. Reynolds back home. Are you aware of that fact?

Yes, I am.

Alright. Let's say Mrs. Perry touched something inside the house that night that had chloroandromine on it or came into contact with another person at the scene who had chloroandromine on his or her hands. Based on your knowledge of that chemical, is it possible for Mrs. Perry to have gotten chloroandromine on her hands and then transferred it to her car when she drove home later that night?

It depends on how much of the original liquid was present, but yes, that's consistent with how these chemicals can transfer.

Let me give you a hypothetical. Earlier in today's trial we learned that Mrs. Perry was at the Reynolds home on the night of the kidnapping after she drove Mr. and Mrs. Reynolds back to their house. We also learned that Peyton Bralow ran up and grabbed Mrs. Perry's hand. Now, if Ms. Bralow had chloroandromine on her hands that night, is it physically possible for that chemical to have transferred to Mrs. Perry's hands and then to her car when she drove back home?

It depends on how much of the original liquid was present, but yes, that's consistent with how these chemicals can transfer. The fact is without more extensive tests being run on other individuals and other surfaces at the crime scene, I simply can't account for the chloroandromine evidence here under *any* one theory of this case.

Re-tender Chemical Analysis Report

Mr. Nathanson, you mentioned that in addition to looking at the evidence in a case, you also evaluate the officers to see if they're following proper protocol. Did you do that in this case?
Yes, ma'am, I did.

I'd like to ask specifically about the protocol for investigating suspects. First, in a criminal investigation, how do you differentiate between a witness and a suspect?

Anybody who has potential information in a crime is a witness. However, if evidence indicates that someone may have means, motive, opportunity, or any combination thereof, that person instantly becomes a suspect. In our eyes the main difference is that a suspect is someone who may be intentionally withholding information to conceal guilt, and because of that, protocol demands that they be treated very differently throughout the process.

As an investigator, what is the proper protocol for attempting to uncover information that a suspect might be withholding?

Well there are basically two approaches we can take. The first is an interrogation—a much more adversarial process than a field interview. The suspect is taken out of his or her normal environment, brought down to the station, and undergoes intensive questioning. The second involves the use of search warrants to obtain physical evidence that the suspect might be withholding.

You mentioned interrogations and search warrants. Detective Walsh testified under cross-examination today that he never interrogated Ms. Bralow at the station as a suspect and that he never obtained a search warrant for her home or car. Based on your review of this case file, is that consistent with proper protocol?

No. In an investigation with multiple suspects, protocol demands that each suspect be investigated fully. If those steps are not taken, key questions in a case may continue to go unanswered, leaving us with suspects that cannot be ruled out.

Nothing further, Your Honor.

Affidavit of Jesse Sturgeon

1 My name is Jesse Sturgeon, and I'm 52 years old. I went to Duke University where I
2 received a bachelor's degree in marketing. I then went on to get my master's degree in
3 economics from Duke University as well. After I graduated, I got a job working for the
4 *Midlands Gazette*, a newspaper, as a photo editor. I moved to Evanston, Midlands about ten
5 years ago when I got an offer from Fisz Enterprises to be their photo editor. I work there to this
6 day. The pay isn't that great, but Fisz's reputation makes it worth staying. I live in Freeport now
7 with my spouse and two kids. My son is a sophomore in college at Washington University in St.
8 Louis, which costs the family so much money. My spouse has to work overtime to help pay for
9 his education, and I had to take on a part-time job teaching economics at a local liberal arts
10 college. I don't know what we're going to do when my daughter, who is a junior in high school,
11 goes to college too. I always ask myself, will we be able to afford it?

12 Fisz Enterprises is a well known publishing company. It has about 200 some employees,
13 but many know each other pretty well. There is a sense of community, and it's a good
14 environment in which to work. Ryan Reynolds was recently promoted to CEO of Fisz. I have
15 the pleasure of having an office right next door to Reynold's huge office. When I say pleasure, I
16 mean I get to hear a ton of complaining from all the employees at Fisz. I'm a bit of a gossip.
17 The biggest complaint people have is the salary. Everyone complains about the salaries, and
18 they all take out their problems on Reynolds since Reynolds is CEO. I've never complained
19 because I don't think that complaining will help. How do I put this...Reynolds is not an
20 understanding person. Reynolds doesn't treat the Fisz employees well, and I know that Reynolds
21 doesn't care about us at all. Rarely do any of us get raises or extra bonuses. What makes it
22 worse is the fact that Reynolds is so rich. Reynolds has to have money stashed away or

23 something. What a greedy person. The Reynolds family just put this huge addition on their
24 house too. How can Reynolds have all this money when some of the Fisz employees can't even
25 get by?

26 One of those employees is Tyler Perry. I've known Tyler ever since I started working at
27 Fisz. Tyler is a good person and a hard worker, and we share a laugh now and then. It's safe to
28 say that we're pretty good friends. However, things have been pretty rough for Tyler recently.
29 Tyler's spouse, K.C., was diagnosed with a brain tumor, which is pretty serious from what I
30 understand. Tyler told me that K.C. needs a medical procedure which isn't covered by the
31 company insurance plan. What a horrible plan it is! I think Tyler is pretty desperate though.
32 One day Tyler told me in confidence, "I'll do anything to help K.C., at any cost. I can't lose
33 K.C." I know that Tyler was looking forward to that promotion, since Tyler would be making
34 more money. When Tyler was passed up, I was so surprised. I figured since Tyler was such
35 good friends with Reynolds, Reynolds had to promote Tyler. Tyler recently told me about
36 an interview for a different job that had a health insurance plan to pay for the procedure. I'm
37 pretty sure Tyler got the job and is planning on taking it.

38 During the weekend of October 22-24, 2004, Fisz Enterprises had a conference at the
39 Hampton Hotel. It started on Friday and ended Sunday. Every Fisz employee was expected to
40 be there during the whole conference. I can say for sure that I saw Tyler Perry there the entire
41 time. I know that Tyler left early from the Hampton Hotel on Friday, but other than that Tyler
42 was present. I didn't notice anything unusual, and Tyler never left for large periods of time. The
43 one thing I will say is that Tyler seemed pretty edgy the whole weekend. Tyler gets this way
44 sometimes, and between K.C.'s medical condition and a stressful conference it wasn't out of the
45 ordinary.

Revised 12-19-05

46 Most of us found out later that Ryan Reynolds' child Bailey was kidnapped on the Friday
47 night of the conference. I know many people told Reynolds to cancel the conference, but
48 Reynolds wouldn't have it. The conference went on as planned.

49 Tyler didn't come to work on the Monday of that week, the 25th. Shortly thereafter we
50 found out that the Reynolds kid was found and that Tyler Perry was arrested for the kidnapping.
51 It's a shame what has happened to Tyler Perry. I know Tyler didn't do it.

Jesse Sturgeon

Subscribed and sworn to me on this, the 5th day of November, 2004

Jennifer Richard, Notary Public

Δ Direct: Jesse Sturgeon

Please state your name and spell your last.

Jesse Sturgeon. S-T-U-R-G-E-O-N.

Where do you live, Mr. Sturgeon?

I live right here in Evanston.

What's your occupation?

I work at Fisz Enterprises. It's a local publishing company. There, I serve as both graphic design artist and head photo editor.

How long have you worked at Fisz?

It'll be 15 years this upcoming July.

Do you know a woman named Tyler Perry?

I do. I've known Tyler ever since I started working at Fisz. Our offices have been next door to one another for about as long as I can remember.

How well would you say that you know Mrs. Perry?

We're pretty good friends. We see each other in the office everyday. And we do lunch about every week or so. I tell her how things are going at the Sturgeon household and she'll tell me about the kids and how Casey is doing.

Earlier today we learned that Mrs. Perry's husband needed an expensive operation in October of 2004. Did you ever talk about that with Mrs. Perry?

Yes. We talk about it every now and then. I try to be there for her as best I can.

Did Mrs. Perry tell you how she **intended** to pay for the operation her husband needed?

She did. She told me that she'd do anything to help K.C., **even** if that meant leaving Fisz and getting a job with a firm that had better health care coverage.

Did Mrs. Perry ever tell you that she'd gotten a job offer?

Yes, she did – from Hawley Publishing.

Did she tell you whether or not she intended to take that job?

She did. She said she definitely planned on taking it.

Now, did Mrs. Perry ever tell you that she needed money after she'd the job offer from Hawley?

No, she never mentioned anything about needing money after that.

I want to talk to you now about the weekend of October 22, 2004. Now, do you recall what you were doing that weekend?

Well sure, I was at the Annual Fisz Enterprises Conference. The conference lasted Friday through Sunday.

Where does the Fisz Enterprises Conference take place?

Every year we have the conference at the Hampton Hotel in Freeport.

Who is responsible for attending the conference?

All the employees are required to attend. It's the most highly anticipated event of the year.

Were you at the Hampton Hotel for the entire Conference?

Yes. Everyday, I arrived bright and early in the evening and left in the evening like all the other employees.

Where in the Hampton Hotel did the Fisz Conference take place?

Well, every year we reserve the two largest conference rooms. They're both located on the first floor right off the lobby.

Did you ever see Mrs. Perry at the conference that weekend?

Yes, I did.

Where specifically did you see Mrs. Perry at the conference that weekend?

Just in those two conference rooms. She was in there ensuring that the event was running smoothly, making sure we had access to PowerPoint presentations, pens, pencils, pads, things of that sort.

Did you yourself ever leave the first floor where that conference was taking place?

No, I did not. Lunches were catered for all the employees – grilled chicken sandwiches from Mincer's - and even the restrooms are right across the lobby from the conference rooms, so there was never a reason to leave.

Did you ever see Mrs. Perry leave the first floor of the hotel on either Saturday or Sunday of that weekend?

No, as far as I saw she was there with us the **entire** time.

No further questions.