

PENNSYLVANIA STATEWIDE HIGH SCHOOL
MOCK TRIAL COMPETITION

1999-2000

Commonwealth of Pennsylvania

v.

Sam Krupp

A Case of Voluntary Manslaughter?

*Sponsored by the Young Lawyers Division
of the Pennsylvania Bar Association*

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PROBLEM QUESTIONS & CONTACT INFORMATION

In an effort to accommodate questions from all regions regardless of competition dates, we have made some changes in the manner in which questions relating to the problem will be handled.

All questions regarding the problem should be submitted (preferably in writing so as to avoid any mistakes in communicating questions) to Temple-LEAP. Questions may be received in the following manners:

Fax: 215-204-5455

Email: dtrevask@thunder.ocis.temple.edu

Mail: Temple-LEAP
Temple University School of Law
1719 N Broad St
Philadelphia PA 19122-6098

Phone: 215-204-1887

Deadline for submission of any and all questions relating to the problem is Friday, December 17, 1999. No questions will be accepted after this date.

Once the question submission deadline has passed, the problem committee will begin its review. All questions will be handled in one (1) memo to be distributed to all schools and coordinators no later than January 14, 2000. **This will be the only question and answer memo distributed.** Requests for copies of this Q & A Memo should be made directly to the local mock trial coordinator for your area (this might be a county, district or regional coordinator, but it should be someone known to you from the time you receive your problem). Temple-LEAP will be happy to send you a copy of the Q & A memo after the 1/14/2000 deadline if you make your request in writing using one of the avenues above utilized for posing questions.

Questions regarding local competitions, Rules of Competition, and Rules of Evidence should be directed to your Regional Coordinators or your District/Local Coordinators.

WEBSITE INFORMATION

This year we are again pleased to be able to include an unofficial copy of the mock trial problem and competition information on the Pennsylvania Bar Association's website. Teams may download the information from:

<http://www.pa-bar.org/mock.shtml>

We expect the problem and other mock trial materials to be available on the website Monday, January 7, 2000. Although competition material will be available on the internet, please be aware that this mock trial material is for information purposes only. The only documents considered official will be those sent out under the auspices of the Pennsylvania Bar Association. This is a necessary requirement so that those schools without internet access compete on a level playing field with schools that have such access. Our hope in the future is to have competition problems on line earlier in the competition schedule; blame our cautious approach here partly on Y2K considerations.

INTRODUCTION & ACKNOWLEDGMENTS

The 2000 Pennsylvania High School Mock Trial Competition is modeled after a competition sponsored by Street Law, Inc. (formerly known as NICEL) in Washington, D.C. Temple-LEAP, supported by the Young Lawyers Division of the Philadelphia Bar Association, began the initial mock trial efforts in the Commonwealth with a Philadelphia competition that will celebrate its 20th anniversary this year. The Pennsylvania Bar Association, through its Young Lawyers Division, took the program statewide in 1984. Today, the Pennsylvania competition annually involves more than 250 teams from schools across the Commonwealth.

This year's case materials were created by Kevin J. Roth, a fourth year evening student at Temple University Beasley School of Law. John Drost, Director of the LL.M. in Trial Advocacy Program at Temple, supervised the writing of the problem during the summer of 1999. Temple-LEAP and the Pennsylvania Bar Association sincerely thank Mr. Roth and Professor Drost for their wonderful efforts in creating the problem.

The mock trial case centers around the handgun shooting of Pat Stone-Flint by Sam Krupp. Krupp is a student in the special at-risk program run at New Temple High School by Stone-Flint's spouse, Freddie Stone-Flint. Police Chief Tracy Shooter, a mentor of Pat Stone-Flint, believes the evidence points to voluntary manslaughter. Other witnesses for the prosecution include a neighbor of the Stone-Flints, Robin Byrd, and Taylor Flint, mother of the victim. Both Byrd and Flint have strained relationships with Freddie Stone-Flint, a witness for the defense. Other defense witnesses include Krupp, the defendant charged with voluntary murder, and Dr. Chris Cloud, principal at Temple High School.

Through an odd set of seemingly unconnected circumstances, all six witnesses are in or near the scene of the shooting, the Stone-Flint residence, at the time Pat Stone-Flint is killed. Krupp admits killing Stone-Flint but the defense claims that the shooting was either justifiable under New Temple law or accidental. Each witness reports the shooting from his or her unique perspective.

The Y2K case materials were revised and edited for competition purposes by Temple-LEAP staffer and Temple Law School alumnus Gerry Plourde under the auspices of the Young Lawyers Division of the Pennsylvania Bar Association (PBA/YLD). A number of Philadelphia area and statewide volunteers helped fine tune the problem. Susan Donmoyer of the Pennsylvania Bar Association again provided her superb administrative assistance in preparing for the competition. Members of the PBA/YLD Mock Trial Committee headed by Beaver, Pennsylvania attorney Deborah Lancos DeCostro provided important leadership in preparing the problem and coordinating the statewide competition. Harrisburg lawyers and past committee chairs Alan R. Boynton, Jr. and Deborah Spertzel Freeman provided their usual expert advice in preparing the competition materials. Many others who reviewed the materials are also owed a debt of gratitude for their support of the young people who

participate in mock trial across Pennsylvania, including the committee vice-chair, Dauphin County attorney Jane E. Mayer, third year Dickinson law student Ann Marie Scarpino, Pennsylvania State University, Abington College Professor Dr. Morris Jenkins and Philadelphia lawyer Giovanni O. Campbell. A special thanks goes to Dauphin County Court of Common Pleas Judge Lawrence F. Clark , Jr., who provided a quick lesson on handguns that has been incorporated into the problem.

The start of the mock trial season brings the exciting news that the Philadelphia Bar Association has won its bid to host the 2002 National High School Mock Trial Committee. The nationals will be one of the highlights of the Philadelphia Bar Association's celebration of its 200th anniversary that year. As we look to the 2000 competition and beyond, our thoughts go out to the family of Greg Wiegand, principal author of the 1998 case materials and the primary editor of the 1999 problem. Mr. Wiegand participated in the mock trials as a student at Father Judge High School in Philadelphia; more recently he worked for Temple-LEAP, both as a law student and as an attorney, in support of the mock trial program. Mr. Wiegand was part of the team that presented Philadelphia's bid for nationals at last spring's national championships in St. Louis. Few individuals have had his wide range of mock trial experience, which is but one of many reasons why he is so deeply missed by those who worked with him. Greg Wiegand passed away in late August at the age of 27.

IN THE COURT OF COMMON PLEAS
OF NEW TEMPLE COUNTY
Criminal Division

Commonwealth of Pennsylvania

*

Criminal Action: No. 1719--99

v.

*

Charges: §2503 Voluntary
Manslaughter

Sam Krupp, Defendant

*

CRIMINAL COMPLAINT

I, the undersigned, do hereby state under oath (affirmation):

- (1) My name is Chief Tracy Shooter, Badge #45 of the New Temple County Police Department;
- (2) I accuse Sam Krupp, who lives at 123 River Road, with violating the penal laws of the Commonwealth of Pennsylvania;
- (3) The day of the week and date when the accused committed the offense was on or about Friday, May 7, 1999.
- (4) The place where the offense was committed was in the county of New Temple;
- (5) The act committed by the accused was in violation of §2503 Voluntary Manslaughter which is against the peace and dignity of the Commonwealth of Pennsylvania and contrary to the Act of Assembly;
- (6) I ask that a warrant of arrest or a summons be issued and that the accused be required to answer the charges I made; and
- (7) I swear to or affirm the within complaint upon my knowledge, information and belief, and sign it on May 10, 1999 before Chris Herrington whose office is that of County Magistrate.

Commonwealth of Pennsylvania

County of New Temple

}

/s/Chief Tracy Shooter #45

Personally appeared before me on May 10, 1999, the affiant above named who, being duly sworn (affirmed) according to law, signed the complaint in my presence and deposed and said that the facts set forth therein are true and correct to the best of his/her knowledge, information and belief.

/s/ Chris Herrington, County Magistrate
Issuing Authority

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AFFIDAVIT OF PROBABLE CAUSE

I, the undersigned, do hereby state under oath (affirmation):

- (1) My name is Chief Tracy Shooter, Badge #45 of the New Temple County Police Department;
- (2) I am a representative of the New Temple County Police Department which has been investigating the death of Pat Stone-Flint, residing at 18 Owl's Loft Lane, New Temple County.
- (3) The New Temple County Police Department has received the following information regarding the death of Pat Stone-Flint:
 - A. Robin Byrd, whose residence is 16 Owl's Loft Lane, New Temple County, witnessed Sam Krupp point a gun at Pat Stone-Flint and shoot Pat Stone-Flint as Pat Stone-Flint was standing still in the Stone-Flint garage.
 - B. Sam Krupp admitted to shooting Pat Stone-Flint, claiming defense of another as justification.
 - C. The autopsy report and other evidence garnered through the testimony of witnesses at the scene of the shooting is inconsistent with the contention that Pat Stone-Flint was shot accidentally, or lawfully, by Sam Krupp.

Based on the aforementioned information, I request that an arrest warrant be issued for Sam Krupp, whose residence is 123 River Road, New Temple County.

I swear to or affirm the above information upon my knowledge, information, belief, and sign it on May 10, 1999 before Chris Herrington whose office is that of County Magistrate.

/s/ Chief Tracy Shooter #45

WARRANT

TO ANY AUTHORIZED PERSON:

Pursuant to this warrant, you are commanded to arrest Sam Krupp, defendant, if found in the Commonwealth of Pennsylvania and bring him/her before the undersigned to answer the foregoing complaint.

/s/ Chris Herrington, County Magistrate
Issuing Authority

DOCKET TRANSCRIPT

Chris Herrington, County Magistrate
Issuing Authority

Sam Krupp
Defendant

Tracy Shooter
Affiant

Date of Arrest: May 10, 1999

Preliminary Hearing: May 15, 1999

Charges:

§ 2503 Voluntary Manslaughter

Offense Date:

On or about May 7, 1999

All charges bound over to court. Bail set at \$10,000 cash or bond. Bond posted. Defendant released subject to conditions of bail.

Certified this 15th day of May, 1999

/s/ Chris Herrington
County Magistrate

I, the above-named Issuing Authority certify that this Transcript is a true and correct Transcript of the Docket.

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v.

Sam Krupp, Defendant

*

*

*

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ARRAIGNMENT

I, Sam Krupp, have been advised of the offenses charged in the criminal information against me by the District Attorney of New Temple County and I/my lawyer have received a copy thereof.

I have been advised and fully understand that I/my lawyer have the right to request discovery or disclosure from the District Attorney as provided by the Rules of Criminal Procedure within fourteen (14) days of today's arraignment date.

I have been advised and I fully understand that I/my lawyer have the right to file with the Court any pre-trial application for relief in the form of a single omnibus pre-trial motion as provided by the Rules of Criminal Procedure within thirty (30) days of today's arraignment date.

I hereby enter a plea of Not Guilty to the above charges and request a trial by Jury.

Date: 5-15-99

/s/ Sam Krupp
Defendant

/s/
Attorney for the Defendant

/s/
Attorney for the Commonwealth

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INFORMATION

The District Attorney of New Temple County by this information charges that on or about May 7, 1999, in said County, Sam Krupp, did, with the intent to commit a specific crime, do an act which constituted a substantial step toward the commission of the crime.

Specific Crimes Attempted:

Voluntary Manslaughter

Acts done: Defendant did on or about May 7, 1999 intentionally kill Pat Stone-Flint with an unjustifiable belief that s/he was acting in protection of self and/or protection of others.

All of which are against the Act of Assembly and the Peace and Dignity of the Commonwealth of Pennsylvania

/s/ _____

District Attorney

Citations: Voluntary Manslaughter §2503

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RULE 1100 WAIVER

I have been advised and I understand that under Rule 1100 of the Pennsylvania Rules of Criminal Procedure my trial in New Temple County Court must begin on or before the 180th day from the date of the filing of the criminal complaint accusing me of the above charges. I am aware that these charges may be dismissed if my trial does not commence on or before the 180th day or within any additional time allowed to the Commonwealth under the provision of Rule 1100.

I have been advised and I understand that by signing this "Waiver" I am waiving or giving up my right to be tried within 180 days from the filing of the criminal complaint, and I am agreeing that I can be tried after the 180th day.

I have not received any promises, nor have I been forced to sign this waiver. I read and write the English Language and have attended school to grade 11. I have reviewed this "Waiver" with my attorney.

Date: October 1, 1999

/s/ Sam Krupp
Defendant

Date: October 1, 1999

/s/
Attorney for the Defendant

IN THE COURT OF COMMON PLEAS
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PRE-TRIAL ORDER

And now, this 22nd day of October, 1999, it is hereby ordered that:

The Commonwealth brings this action against Sam Krupp for Voluntary Manslaughter stemming from the May 7, 1999 death of Pat Stone-Flint. The Commonwealth alleges that Sam Krupp intentionally and unjustifiably killed Pat Stone-Flint with a handgun during an altercation in the home of Pat and Freddie Stone-Flint. The Commonwealth alleges that Sam Krupp was not acting in defense of another and could have taken steps to retreat if s/he felt s/he was in personal danger. The Commonwealth alleges that the Defendant's actions were in violation of §2503 of the Criminal Code of the Commonwealth of Pennsylvania.

Defendant admits that s/he killed Pat Stone-Flint, but claims that s/he was justified in doing so. Defendant argues that s/he killed Pat Stone-Flint in protection of him/herself and Freddie Stone-Flint. Defendant argues that Pat Stone-Flint's actions provoked the attack on him/her. Furthermore, Defendant denies that s/he could have avoided the use of force by retreating. (Note: These are not the only defenses that may be raised at trial. Other defenses, such as the failure of the prosecution to prove its case beyond a reasonable doubt, are also available to the Defendant.)

The Commonwealth and the Defendant have agreed to stipulate to the authenticity of certain documents as more fully set forth on the Evidentiary Stipulations filed herewith. Certain facts have also been stipulated to below.

A defendant in a criminal action is presumed to be innocent until proven guilty. This presumption places upon the Commonwealth the burden of proving the Defendant in this matter guilty beyond a reasonable doubt. Although the Commonwealth has the burden of proving that the defendant is guilty beyond a reasonable doubt, this does not mean that the Commonwealth must prove its case beyond all doubt and to a mathematical certainty, nor must it prove the complete impossibility of innocence. A reasonable doubt is a doubt that would cause a reasonably careful and sensible person to hesitate before acting upon a matter of importance in his or her own affairs. A reasonable doubt must fairly arise out of the evidence that was presented or out of the lack of evidence presented with respect to some element of the crime. A reasonable doubt must be a real

doubt; it may not be an imagined one, nor may it be a doubt manufactured to avoid carrying out an unpleasant duty.

The witnesses available for trial are listed below. The prosecution and defense may call only two of the three witnesses. The selection of which witnesses to use is up to each side to determine, but must be communicated to the other side prior to the start of the trial. The failure to call a particular witness may be noted at trial and inference may be made from that failure, except where the witness not called is the defendant because constitutional protections require that there be no mention of the defendant's failure to testify at trial. Testimony from a witness not called may not be introduced at trial.

For the Commonwealth

- Taylor Flint, Parent of Victim Pat Stone-Flint
- Robin Byrd, Neighbor of the Stone-Flint's
- Tracy Shooter, Police Chief, New Temple

For the Defendant

- Freddie Stone-Flint, Spouse of Pat Stone-Flint
- Sam Krupp, Defendant
- Dr. Chris Cloud, Principal, Temple High School

/s/ Nancy Frantz
Senior Judge

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*

EVIDENTIARY STIPULATIONS

The parties have stipulated to the authenticity of the following items:

1. The Criminal Complaint, attached Affidavit of Probable Cause, Arrest Warrant, Docket Transcript, Arraignment Sheet and Information.
2. Message to Freddie Stone-Flint from Pat Stone-Flint.
3. Email Transcript between Freddie Stone-Flint and Sam Krupp
4. Diagram of Stone-Flint and Byrd Residences (2 pages)
5. Diagram of Colt Python .357 Magnum Revolver
6. Transcript of Sam Krupp
7. Juvenile Record of Sam Krupp

The parties reserve the right to dispute any legal or factual conclusions based on these items and to make objections other than to authenticity.

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STIPULATED FACTS

1. Pat Stone-Flint was killed by Sam Krupp on May 7, 1999 at approximately 1:20 p.m.
2. Pat Stone-Flint died from a single gunshot fired from a Colt Python .357 Magnum Revolver with a 4" barrel.
3. The gun used to kill Pat Stone-Flint was lawfully registered to Pat Stone-Flint.
4. Two bullets were fired from the Colt on the day of the shooting according to ballistic reports.
5. Only the bullet that killed Pat Stone-Flint was recovered. No second bullet was found at the scene of the shooting.
6. All evidence presented at the Coroner's Inquest was provided by Chief Tracy Shooter of the New Temple Police.
7. The Coroner's Report was written after the Inquest and incorporates the information provided at the Inquest.
8. The Coroner's Report indicates that the weapon used to kill Pat Stone-Flint was fired from approximately twelve feet away.
9. The Coroner's Report shows Pat Stone-Flint standing still and facing the shooter at the time s/he was shot.
10. Sam Krupp was a senior at Temple High School at the time s/he killed Pat Stone-Flint. S/he graduated in May 1999.

11. Freddie Stone-Flint was a teacher of Sam Krupp's in the LEAP program.
12. Dr. Chris Cloud is the principal of Temple High School and has been since 1978.
13. Tracy Shooter is the police Chief for New Temple. He/She has been an officer on the local force since 1981 and Chief since 1990. He/She is the investigating officer in the death of Pat Stone-Flint.
14. Pat Stone-Flint was a partner and one-tenth stockholder in the technology company, NuSoft, which was valued at just over \$10 million at the time Pat Stone-Flint was killed. The company's value after his/her death is considered about half of its value while Pat Stone-Flint was alive, according to local industry analysts.
15. Pat Stone-Flint was a 2nd Degree Black Belt in Tae Kwan Do, a Korean form of Karate noted for its militaristic origins and its aggressive teachings.
16. On Friday, May 7th, 1999, Sam Krupp went to the Stone-Flint residence, arriving at approximately 1:10 p.m.

APPLICABLE LAW OF NEW TEMPLE

Standard of Proof/Presumption of Innocence

A defendant in a criminal action is presumed to be innocent until proven guilty. This presumption places upon the Commonwealth the burden of proving the defendant guilty beyond a reasonable doubt. This does not mean that no possible doubt must exist, because some doubt will always exist. Beyond a reasonable doubt means that a juror, after hearing all of the evidence, is still convinced to a moral certainty that the defendant is guilty.

Statutory Law

COMMONWEALTH VOLUNTARY MANSLAUGHTER LAW

§ 2503. Voluntary manslaughter

- (a) General rule.--A person who kills an individual without lawful justification commits voluntary manslaughter if at the time of the killing he/she is acting under a sudden and intense passion resulting from serious provocation by the individual killed.
- (b) Unreasonable belief killing justifiable.--A person who intentionally or knowingly kills an individual commits voluntary manslaughter if at the time of the killing he/she believes the circumstances to be such that, if they existed, would justify the killing but his/her belief is unreasonable.

COMMONWEALTH SELF PROTECTION LAW

§ 505. Use of force in self-protection

- (a) General rule.--The use of force upon or toward another person is justifiable when the actor believes that such force is immediately necessary for the purpose of protecting him/herself against the use of unlawful force by such other person on the present occasion.
- (b) Limitations on justifying necessity for use of force.--The use of deadly force is not justifiable under this section unless the actor believes that such force is necessary to protect himself against death, serious bodily injury, kidnapping or sexual intercourse compelled by force or threat; nor is it justifiable if:

- (1) the actor, with the intent of causing death or serious bodily injury, provoked the use

of force against her/himself in the same encounter; or

(2) the actor knows that s/he can avoid the necessity of using such force with complete safety by retreating or by surrendering possession of a thing to a person asserting a claim of right thereto or by complying with a demand that s/he abstain from any action which s/he has no duty to take, except that a person employing protective force may estimate the necessity thereof under the circumstances as he/she believes them to be when the force is used, without retreating.

COMMONWEALTH PROTECTION OF OTHER PERSONS LAW

§ 506. Use of force in protection of other persons

- (a) General rule.--The use of force upon or toward another person is justifiable when the actor believes that such force is immediately necessary for the purpose of protecting a third person against the use of unlawful force by such other person on the present occasion.
- (b) Exceptions.--When the actor would be obliged under section 505 of this title to retreat, before using force in self-protection, s/he is not obliged to do so before using force for the protection of another person, unless s/he knows that s/he can thereby secure the complete safety of such other person.

LIST OF WITNESSES

Please note that the 2000 Mock Trial packet provides witness statements from three witnesses on each side. The prosecution and defense may call only two of the three witnesses. The selection of which witnesses to use is up to each team, but must be communicated to the other side prior to the start of the trial. The failure to call a particular witness may be noted at trial and inference may be made from that failure, except where the witness not called is the defendant because constitutional protections require that there be no mention of the defendant's failure to testify at trial.

For the Commonwealth

- Taylor Flint, Parent of Victim Pat Stone-Flint
- Robin Byrd, Neighbor of the Stone-Flint's
- Tracy Shooter, Police Chief, New Temple

For the Defendant

- Freddie Stone-Flint, Spouse of Pat Stone-Flint
- Sam Krupp, Defendant
- Dr. Chris Cloud, Principal, Temple High School

PROSECUTION WITNESS: Statement of Taylor Flint

1 I worked in the office at Temple High School for nearly fifteen years until May 7, 1999.
2 My child, Pat, went to school there and my child's spouse, Freddie, was, and still is, a teacher at
3 the school. After what happened to my Pat, I could not go back to work at that place and have to
4 deal with those people. It is just too painful. And to think, there was a time I really thought of
5 Temple High School as my place of shelter. I guess my divorce made it hard for me to see people
6 clearly. But after Dr. Cloud announced that s/he was going to let the murderer of my child back
7 in school until s/he is convicted of a crime by a court of law, I saw him/her for what s/he really
8 is--a person who hated my Pat from the beginning. I used to think that Dr. Cloud was tough on
9 Pat because Dr. Cloud thought that would make Pat a better person. But Dr. Cloud never
10 celebrated Pat's gift to the school of the internet wiring---s/he just talked about Freddie and that
11 awful LEAP group.

12 My Pat was shot and killed by Sam Krupp, a punk LEAPer if ever there was one---and
13 there are plenty. I know all about the privacy laws, but you should see his/her school reports.
14 Sam was a horrible child who should have been kicked out of school in the 10th grade. If that had
15 happened, Pat might still be alive. My friends in the Temple Police Department tell me that Sam
16 has a record longer than my arm. I was never keen on Pat's choice of spouse. Freddie Stone-
17 Flint --- the "merry widow(er)" as I hear s/he calls him/herself these days --- is a dishonest and
18 disloyal person. I blame her/him for Pat's death. Working with these kind of kids, bringing them
19 into contact with my child --- if s/he had just focused on my Pat and not these LEAP kids, Pat
20 would be alive today.

21 I feel partly to blame for what happened, too. I overheard Freddie telling Sam Krupp to go
22 get the computer tool chest from Pat's garage after school was let out on May 7th. I didn't say
23 anything to Freddie --- s/he wouldn't have listened to me anyway --- but I did say to Sam that s/he
24 shouldn't go over to Pat's house without Pat's permission. The snotty kid told me to mind my
25 own business. S/he said that s/he could go anywhere s/he wanted to go since Freddie said it was
26 okay. And besides --- Sam told me that Freddie told him/her that Pat was away until the next day.
27 "Too bad," Sam added, "I wouldn't mind showing that Kung Fu master a move or two."

28 Now I know that Pat was home --- I took the call to the school that morning when Pat
29 called to let Freddie know s/he was coming home a day early from the NuSoft Conference. I put
30 the note in Freddie's office box myself hours earlier and s/he had been in and out of the office
31 numerous times since then. I told Sam to tell Freddie to check for a message from Pat before Sam
32 left the school but I don't know if Sam relayed the messages. That bum probably ignored me and
33 it cost my Pat's life. I think Sam had it in for Pat.

34 Pat was the apple of my eye, so smart and so successful. S/he was starting to make it big-
35 time at NuSoft and the money and prestige was pouring in. It was only a matter of time before
36 Pat would have left Freddie and those LEAP punks behind. It galls me that Freddie is living in
37 that big fancy house and enjoying all the fruits of my Pat's hard work, but what kind of Will does
38 a young person write? They think they will live forever and take care of their parent the way Pat

1 always helped me. No child expects to die before their parent.

2 I will never understand what Pat saw in Freddie. Freddie really had Pat tied to a short
3 leash. Not only did Freddie ignore Pat to spend time with those LEAP kids, but Freddie
4 convinced Pat to contribute money, time and tools for the LEAP punks to wire the entire school
5 for the internet. What do those kids need with the internet anyway? They only use it to interfere
6 in decent people's lives the way Sam did with that e-mail s/he sent to Freddie suggesting s/he
7 divorce Pat. Pat didn't like seeing that when I copied it for him/her, but Pat probably was proud
8 that I had learned to use computers so well from him/her.

9 I hope Sam goes to jail. The police should have charged him/her with felony murder ---
10 s/he was trying to steal that gun when Pat confronted him/her in the garage. Pat had told me
11 before that s/he thought the LEAP kids were thieves. I also know my Pat would never have left a
12 loaded gun around the house. Somehow, Sam must have loaded the gun.

13 I went to Pat's house --- I'll always think of it that way --- after school let out on May 7th,
14 to tell Pat just how obnoxious Sam had been and to again urge Pat to get rid of Freddie and his/her
15 social causes. There was no LEAP around for my Pat and s/he turned out great. I parked my car
16 down at the dead end where the bird sanctuary starts so that I wouldn't be blocked in later on
17 when Freddie came home. I saw Pat's car there, too. Pat was so considerate s/he wouldn't have
18 wanted to block Freddie's access to the garage. I waved to Robin Byrd (I didn't see him/her but I
19 figured s/he was watching as s/he always did --- Pat found Byrd funny and I liked how Byrd kept
20 a watch on things -- it made me feel they were safe. I also liked it that Byrd drove Freddie nuts).
21 I then let myself in the front door with my key. I called for Pat who was, as always, at work in
22 his/her den. I called that den Pat's personal computer lab.

23 Pat was intently working on a new project and asked me to wait to tell him/her my news. I patted
24 him/her on the shoulder and said fine. These were our last words together. I went to use the
25 bathroom and, just a few minutes later as I was washing my hands, I heard glass shattering. I
26 knew immediately that Sam had disregarded my instructions and come to the house. I ran out to
27 tell Pat that it was Sam and that Freddie had sent him/her, but I fell over the door jam and hit my
28 head into the wall. Sitting back against the wall, I heard laughter--- I know it was Sam's nasty
29 laugh--- and then I heard two gun shots. Sam was laughing as s/he killed my Pat. When I heard
30 the shots, I caught my breath because I didn't know who had fired at whom, but my hope that Pat
31 was the shooter ended when I heard Freddie say, "Sam, you did it. Pat is no threat to anyone
32 now." That horrible Freddie and his/her delinquent protege Sam both knew then and know now
33 that Sam had no reason to shoot Pat. The truth is they are both responsible for murdering my son.
34 Since only Sam can go to jail to pay for this crime, I want Sam put away for as long as the law
35 allows.

36 Pat felt betrayed by Freddie and Sam because of the disrespect Sam showed him/her by
37 trying to meddle in his/her marriage. That Freddie probably encouraged it since Sam was so easy
38 to manipulate. Pat had even tried to be nice to Sam, letting the kid win some contest they had on
39 the winter LEAP trip. Pat had explained to me that letting the kid win was one way to help

1 develop his/her self-esteem. With all that Pat did for all of the LEAP kids and for Freddie, you
2 would have thought it enough to make a difference...but it didn't.

3 I don't know anything more after that --- the medical response team told me I must have
4 fainted from the blood loss after I hit my head in the fall. I awoke in the hospital with a
5 concussion that will heal, but a broken heart, that will be mine forever.

Signed and sworn to oath this 13th day of May, 1999

/s/ Taylor Flint

Signed before me this 13th day of May, 1999

/s/ Mark Innink
Notary Public

WITNESS STATEMENTS

PROSECUTION WITNESS: Statement of Robin Byrd

1 My name is Robin Byrd. I live at 16 Owl's Loft Lane. I've lived here since my
2 house was built over fifteen years ago in April of 1984. I've been here alone since my
3 wife/husband Tony passed away close to 3 years ago in July of 1996. The Stone-Flints live. . .
4 uuhhh, previously lived. . . , ummm, well, Freddie still lives at 18 Owl's Loft Lane- right next
5 door. Heading South on Owl's Loft, the Stone-Flint house is the last house on the left before the
6 road's dead end. Their property borders a bird sanctuary and protected game lands. The Flints
7 purchased their home from my previous neighbors, the Fleers, almost 5 years ago in June of 1994.
8 Being an experienced bird watcher with a mind for recalling hundreds of types of birds and an eye
9 for fine detail, I tend to have a focused memory - especially for the events that transpired on May
10 7, 1999, the day that I saw Pat Stone-Flint gunned down in her/his own home by Sam Krupp.

11 Before I get into that, I guess I should give you a little more background on myself and my
12 relationship with Freddie and Pat. The last neighbors, the Fleers, left kind of abruptly. They were
13 kind of strange and not very friendly. They said they needed more privacy or something like that--
14 . . . whatever. So, understandably, my wife/husband and I were rather excited at having new
15 neighbors who were young and friendly. When Freddie and Pat moved in, we took them a cake to
16 welcome them to the neighborhood. Soon enough, we became fairly close.

17 One of the first things they did was to put a fence around their back yard. I don't mind
18 telling you I was very upset at first. I used to have an understanding with the Fleers that I could
19 cut across their yard to get to the bird sanctuary. When I went to complain they told me the fence
20 was for safety because they were having a pool put in, but to be good neighbors they allowed us to
21 use it whenever we wanted.

22 There was one other thing that they did that bothered me--well, actually it was Pat who did
23 it--and this actually caused me to call the police on Pat a few times at first. Pat was a big gun nut.
24 S/he loved to show me her/his guns and s/he loved to shoot them off in the park. Well, I worried
25 about my birds, so you can imagine I was pretty upset the first time I heard gunfire coming from
26 the sanctuary. A police car came and I saw the officer talking heatedly to Pat. Tracy Shooter
27 then pulled up and the other officer went away. Shooter went into the Stone-Flint house with Pat
28 and stayed in there a long time. I figured Pat was getting the riot act read to him/her, but when
29 Shooter left the house an hour later, Pat and Shooter were both smiling and laughing about
30 something. The next couple of times I called the police, I was told they would be right over, but
31 no one ever came. I finally decided to confront Pat about it directly. Pat took my concerns really
32 well and s/he explained to me that s/he was really careful not to shoot anywhere near the bird
33 nests. Evidently, Pat had built a private gun range deep in the park to exercise his/her passion for
34 shooting. It must be nice to have that kind of extra money. S/he didn't shoot often or for long
35 periods of time; Pat explained it to me as a kind of release, like bird watching was for me. "Once
36 I hit the target, whether it's one shot or 100, I'm ready to get back to work." Since Pat did so

1 much work at home hunched over his/her computers (you should see what s/he looks like), I
2 understood her/his need for a release. I also learned quickly to trust Pat, unlike Freddie.

3 When I purchased a computer, Pat came over and set it all up for me and showed me the
4 basics. I knew that Pat worked with computers, but seeing is believing. Her/his hands and fingers
5 flew across that keyboard faster than my eyes could follow. She/he had my computer all set up in
6 no time. Once she/he had an Internet connection established for me, she/he asked if I had any
7 interests or hobbies that I might want to check out online. I told her/him that I was really into bird
8 watching and voila - Pat accessed a variety of amazing bird watching sites. From some of these
9 sites, I could view anything in the comfort of home from thousands of Bald Eagles assembling at
10 the Chilkat River in Alaska to feast on salmon to the Great Gray in the sub-zero dead of winter at
11 Duluth, Minnesota. She/he then bookmarked a few of these sites for my future reference. Bird
12 watching is such an intense hobby of mine that I would've definitely made an offer on the ideally
13 situated Fleer home myself. That is, if it wasn't priced out of our range.

14 Not to get off track. but the main reason that my Tony and I bought our own home was due
15 primarily to its close proximity to the Owl Haven Bird Sanctuary bordering, what is now, the
16 Flint's property. From up in my attic den, I have a perfect vantage point from which to focus my
17 binoculars into the lush habitat of the sanctuary. The diversity of birds represented at the sanctuary
18 is truly amazing. Mottled Ducks. Olive Sparrows, Aplomado Falcons, Williamson's Sapsuckers,
19 Three-toed Woodpecker Pine Grosbeaks, Red Crossbills and Calliope Hummingbirds all make Owl
20 Haven their home at one point or another throughout the year. But for having to work to pay the
21 bills, bird watching takes up almost all of my free time. Nonetheless, my wife/husband and I did
22 find some time to spend with our new neighbors, the Flints.

23 Freddie and Pat would sometimes have groups of Freddie's fellow teachers from Temple
24 over for barbecues and pool parties. Those LEAP teachers were absolute bores. Now I believe
25 that it's good for teachers to be dedicated, but I think people should have broader interests than
26 just always trying to help their students. Freddie was very nice to me when s/he asked me to lead
27 some of his/her thugs-- well, that is what they are, pretty much, as what happened to poor Pat
28 shows. Anyway, I just laughed and said I'd be afraid her/his delinquents would try to eat the
29 birds. Talk about having no sense of humor. Freddie went into this long song and dance about
30 how every child needed love, needed chances. S/he even had the gall to say that Pat was just like
31 these punks as a kid and as an adult. I begged to differ with her/him then and I do so still today--
32 Pat was kind, gentle and generous. And I pointed out how Pat had achieved so much without
33 having LEAP around when s/he went to school. Freddie told me that, with the way I talked, I
34 should go meet Pat's parent Taylor. It was good advice. Taylor and I get along fine. That
35 probably was the last straw for Freddie and me. When I told her/him, mostly just as a tease, that
36 I really appreciated the invite to meet Taylor, s/he cursed at me and said "you two belong together
37 in a museum--or maybe a mausoleum." I was always careful of Freddie after that. There were
38 times I would be walking out of the Stone-Flint home after a talk with Pat and Freddie would pull
39 in the driveway so fast I thought s/he was trying to hit me. Well, s/he has shown her/his true
40 colors now. Can you imagine defending the killer of your spouse? I hear that s/he is even paying

1 for Sam Krupp's topgun defense attorneys. Well, the prosecutors here in Temple are good--they
2 will put Sam away.

3 I miss Pat--what an interesting person. I must admit that I was fascinated by Pat's love of
4 karate. Every morning from spring through fall I would see him/her practicing his/her
5 programmed exercise, I think s/he called it a kata. It was as graceful as a bird on the wing or a
6 ballet. Pat told me that s/he had earned her/his black belt and hoped to instruct some of Freddie's
7 special students. Pat said karate was a way of achieving inner peace and maturity.

8 Since my spouse's death, I have become increasingly engrossed with my bird watching. I
9 was somewhat of an introvert before, but afterwards, other than Pat, I really had no reason to see
10 anyone. After all, I work the graveyard shift and it's hard to meet people while working those
11 hours. Also, being somewhat isolated from other houses in the neighborhood, I often feel all alone.
12 I like to sit with my binoculars and observe the various birds that frequent the lively sanctuary. I
13 guess I have become somewhat of a recluse; it'll be worse now that Pat is gone. The birds are now
14 my only friends. That is okay with me. It's been my experience that people eventually hurt you;
15 but, as for the birds, they just carry on their business and they seem to get along together just fine.
16 They also seem to actually appreciate the way that I leave various types of feed out for them in my
17 feeders. Sometimes it even looks like they smile up at me from my feeders. So anyway, I had
18 gotten into the habit of parking my car in the garage and keeping the blinds and curtains drawn
19 shut so that the birds couldn't see my movements within the house. Their eyesight is much keener
20 than ours, you know. I even moved my computer up in the attic so that I could compare and
21 contrast online bird photos with birds that I spotted in the sanctuary that I couldn't identify. Well,
22 I guess the real reason that I'm here isn't to talk about my bird watching. No, my attic also has an
23 ideal view of the Stone-Flint's place. I could see right into Pat's den on May 7th and see that s/he
24 was home working that morning. Actually, I figured that Pat had to be home because I heard
25 some shooting earlier that morning, before I got out of bed. I have been fighting the flu and last
26 Friday I felt pretty miserable so I stayed in bed longer than usual. I heard Freddie race out of the
27 garage at her/his usual 5 a.m. start (s/he just can't wait to get to her/his criminals!), then I fell
28 back to sleep, awaking to the sound of a gunshot at around 11 a.m.

29 As I mentioned, I was feeling very poorly, but my spirits really lit up early in the afternoon
30 when I spotted what looked to be a nearly-extinct species of warbler that was feeding in my
31 shelled-sunflower feeder. I wanted to get a closer look and get a picture. I left the attic and came
32 out to the yard. I grabbed my camera on the way and my lucky red NuSoft hat that Pat had given
33 me. I lost sight of the warbler for a moment. I guess I shouldn't have stopped to get my hat or
34 look at the clock (it was 1:15 p.m.). Anyway, by the time I got outside, the warbler had moved.
35 Then I caught sight of it just past the back garage door of the Flints' house. I climbed the fence
36 between our houses because I didn't have time to go down to the gate. I ran across the back yard
37 but the warbler was moving, too, right into the sanctuary. After a few minutes of futile
38 observation, I started back to my house.

39 The Flints have a large window to their kitchen that looks out on the pool. I happened to
40 look in the window as I walked back to my house. I saw Pat Stone-Flint opening the door that

1 went from the kitchen to the garage. I thought I saw a figure in the garage holding something. It
2 was Sam Krupp with a gun. I couldn't see very well but I thought I saw Pat's hands go up in the
3 air as if s/he was surrendering. The two figures seemed about ten feet apart and neither was
4 moving. I heard the garage door begin to open and I heard Freddie shout to Sam to put down the
5 weapon. There was a single shot and Pat fell to the ground. I have watched hunters kill birds and
6 that is just what it looked like to me-- a duck being dropped from the sky-- as Pat fell to the floor.
7 I then heard Freddie say, "Sam, you've done it. Pat will not be a threat anymore." I couldn't
8 believe my ears. I thought that this might be just like one of those television movies where the
9 teacher gets the student to kill off the spouse. I ran back to my house--I saw someone off to my
10 left but I was not going to stop in case it was Sam or Freddie-- and I called the police. I was told
11 a car was on its way and when I went to look outside I saw Chief Shooter getting out of a patrol
12 car.

13 I'll miss Pat a lot. S/he was so much nicer to me than other people who treat me more like
14 Freddie treats me. I understand from reading the papers that Sam killed Pat because s/he thought
15 Pat was going to attack Freddie. What hogwash! I saw Pat standing still with his/her hands in the
16 air right before Sam shot him/her. I had never seen Sam before that moment, but I can tell that
17 Sam is a no good liar and a killer. I think the police may be being misled into thinking this was
18 not premeditated murder.

Signed and sworn to oath this 10th day of May, 1999

/s/ Robin Byrd

Signed before me this 10th day of May, 1999

/s/ Will Inleesine
Notary Public

PROSECUTION WITNESS: Statement of Chief Tracy Shooter

1 I'm Chief of the New Temple Police. I've been Chief since April of 1990. I am forty
2 years old. I basically spent my whole life here in New Temple. I graduated from Temple High in
3 June of 1977. I never really had the urge to leave New Temple, so I remained here and attended
4 Temple State University where I majored in law enforcement. In the Spring of 1981 I graduated
5 from Temple State with high honors. Prior to graduation, I was accepted at the New Temple
6 Police Academy. I finished the program there by May of 1982. I was ready to hit the community
7 streets that I grew up on. From 1982 to 1987, I patrolled various beats until I was promoted to
8 Sergeant in April of 1987. I worked my butt off and never turned down or tried to weasel out of
9 any assignments. I was quickly promoted to Lieutenant in January of 1989. And, as I mentioned,
10 I was appointed Chief in 1990. I couldn't have been happier about my new position; however, I
11 missed the front lines since becoming Sergeant. So, when I became Chief, I decided to make it a
12 hands-on position. I wanted to get back to the streets. I wanted a first-hand sense of what was
13 going on in the community. Accordingly, I instituted a number of new programs.

14 Upon my urging, the city solicited property owners of buildings in crime-ridden sections of
15 town, to contribute their properties to the city to establish neighborhood police station annexes.
16 Local contractors contributed their time to refurbish the buildings and office supply shops
17 contributed the furniture. This was a win-win situation for everyone involved. The property
18 owners and merchants received tax write-offs for their contributions, and the city received, to date,
19 five on-site neighborhood stations at virtually no cost. I wanted to get our officers back in the
20 neighborhoods that really needed their presence. I didn't want residents in these challenged
21 neighborhoods to feel threatened or intimidated by our officers. I wanted them to see our
22 uniformed servants as the fine, hard-working women and men that they were. To me, it was a
23 necessity for our officers to get out in those mired communities and get to know the residents and
24 let them know that their duty and top priority was to keep the neighborhood streets safe. I make it
25 a point to spend at least one day a week at one of the neighborhood stations on a rotating basis
26 between the different sites. I also go on regular patrol. That is how I happened to be the first
27 officer on the scene on Friday, May 7, 1999 in the early afternoon when my friend and karate
28 student was shot and killed by Sam Krupp. Ironically, I was actually on my way to see Pat (s/he
29 had called to say s/he had gotten home early from a business trip) when a call came in about a
30 prowler at the Stone-Flint home. I figured it was probably just Robin Byrd again-- that had
31 happened often enough-- but I responded quickly just in case. According to my notes, the call
32 came to me at 1:17 p.m. and I arrived in front of the Stone-Flint home at 1:19 p.m.

33 Anyway, when I pulled down Owl's Nest Lane I saw Principal Cloud's car parked in front
34 of the Byrd house. There were three other cars parked down at the end of the lane and Freddie
35 Stone-Flint's car was in the driveway. Freddie was at the left side of the garage from my view
36 working the garage door opener and the garage door was moving up. I had my window down and
37 I could see Freddie clearly, though her/his back was to me. I was just pulling to a stop when I
38 thought I heard two shots (which I know, from ballistic reports, to be the case since the gun was
39 fired twice). One bullet felt as if it went right over my car which is probably why we never found

1 the second bullet. I had registered two other people in the garage as I arrived and one of the two,
2 the one closer to me, was down, obviously shot. I was pulling my shotgun off its mount and
3 calling for back-up and an ambulance when I heard Freddie shout for the other person to "put
4 down the weapon". The other person laid down his/her gun and walked towards Freddie. I
5 recognized Sam Krupp at about the same time I heard Freddie say, "Sam, you did what you
6 thought you had to do, but Pat was no threat to anyone." S/he turned to me and shook her/his
7 head; I knew that Pat was dead. I saw Freddie put his/her arm around Sam and lead Sam into the
8 house.

9 Knowing Freddie as an incredibly capable person, I knew s/he had things under control.
10 Breathing deeply, I paused a moment to gather myself before going up to see my long-time friend
11 and karate student Pat lying dead in a pool of blood. It is amazing how the mind works in times
12 like that--the first thing that came to mind was the time Pat and I were sparring and I embarrassed
13 Pat in front of the class with a special move that put him/her down. S/he came up kicking and
14 broke my nose. We would always laugh about that whenever we got together to shoot the breeze
15 or shoot our guns.

16 There was a lot of activity around the scene. I saw Robin Byrd hop the fence and race
17 back to his/her house. I then saw Principal Cloud with his/her cell phone out punching in
18 numbers. Cloud saw me, put down the phone and walked over to my car. I told her/him to wait
19 for the others since I had already called for back-up. I then walked up the driveway and into the
20 garage. I double checked to make sure there was nothing I could do for Pat and I then secured the
21 crime scene. My investigative notes are with me and I will read them from this point on. I
22 marked off the 12 foot distance from where Sam had been standing (the gun s/he had laid down at
23 Freddie's command was laying there on the floor) and from where Pat had been standing when
24 s/he was shot (which I knew from extrapolating back from where his/her body lay). Freddie had
25 opened the garage from a spot 12 feet distant from Pat's body. I noted the open drawer of the gun
26 cabinet which had a key inserted in the lock. Inside the drawer was an open box of .357 shells.
27 Incidentally, I later fingerprinted the drawer, key and shells, as well as the gun. Fingerprints from
28 Pat, Freddie and Sam were on the drawer, shell box and gun; there were no identifiable prints on
29 the key.

30 When the ambulance and my back-up arrived there was a slight commotion. I went inside
31 to see Sam alone at the table calmly drinking a glass of water. The commotion was from the
32 medics working on an older person who had collapsed in the hall. That turned out to be Taylor
33 Flint. Pat's parent, I later learned, had fallen and then fainted. As the medics attended to Taylor,
34 I started to talk to Sam. I asked if s/he was okay. When Sam said yes, I started to give Sam the
35 Miranda warnings. Sam said s/he didn't need them, but I went through them anyway because I
36 knew Sam was in trouble and I did not want to lose the case on a technicality. Sam then told me
37 s/he had shot Pat dead. Her/his story basically was that s/he shot Pat because Pat was going after
38 Freddie with the hoe. I had found a hoe in the garage by the broken glass from the kitchen
39 window near Pat's body, but it was a pretty flimsy weapon next to a .357 if you ask me. Sam
40 said s/he was afraid that Pat was going to kill Freddie. I asked Sam why s/he thought that Pat

1 would try to kill Freddie and Sam said s/he had seen enough of their marriage to know what Pat
2 was capable of doing.

3 Sam's story did not ring true to me since I had already looked at the crime scene clearly
4 enough to tell that Pat was shot as s/he faced the shooter. If Pat was shot as s/he was going after
5 Freddie, s/he would have had to have been shot from a side angle. The location of the body also
6 suggested that Pat had made no movement in either direction, not towards Sam and certainly not
7 towards Freddie, when s/he was shot. It was just too incredible for me to imagine that Pat could
8 have so lost his/her temper that s/he would have gone after Freddie--Pat loved Freddie and often
9 told me that we three, Taylor, Freddie and me, were the only folks who had ever really loved
10 him/her. One of my officers thought the evidence showed Pat moving towards Freddie, but to
11 believe that would be to believe Pat would sacrifice everything s/he loved in a rage. When I
12 presented the evidence to the Coroner, I mentioned my officer's concerns, but the Coroner asked
13 me which way I saw it and that is the way the Coroner found it. We--the Coroner and me-- have
14 worked too many crimes together not to rely absolutely on each other.

15 I could see Pat being angry at Sam if s/he thought Sam was stealing her/his prize Colt, but
16 mad enough to kill, no way. I had known Pat for a long time, since the days Principal Cloud
17 brought me a wild, undisciplined kid with a chip on her/his shoulder. That was the kid who broke
18 my nose, not the partner at NuSoft with the world as his/her oyster. Now, I know some people
19 are going to make a big thing out of the little incident that Pat and Sam had with Freddie on the
20 LEAP winter trip. That was nothing--no big deal. The kid should never have taken sides in a
21 marriage spat, but Pat put the kid in his/her place and it was done. Later on during the same trip,
22 I arranged a couple of skills contests-- a sprint race, a log toss and an endurance run-- just between
23 Pat and Sam to let them work off some of the steam they had generated. Even though Sam
24 smoked Pat in the speed and strength events (Pat won the distance run, but that Sam really is one
25 fast and strong kid), the two got along fine the rest of the time. We even talked a little bit about
26 guns--the kid didn't have Pat's taste for guns, but sure knew a lot for a young person about guns.

27 I actually thought that Pat might be a good influence on Sam. They had a lot in common.
28 Both kids had it hard early in life. Sam had had more police contacts than Pat, but part of that
29 was Sam's outgoing personality. Sam just got out to get in trouble more than Pat ever did. Sam
30 had a pretty long juvenile record for these parts, but since Sam turned 18 years old things had
31 been going fine. Her/his adult record is clean until now. From talking to the officers who got to
32 know a little bit about Sam, I understand that she/he isn't really a bad kid. She/he just seems to
33 have a lot of pent-up aggression that surfaces in her/his various physical altercations. Further, I
34 understand that she/he is the type of person who gets caught up in the peer pressure that almost all
35 teens seem to at one point or another. What I mean is, it appears that she/he, like other teens, is
36 easily swayed by friends. Every time that she/he was caught in possession of alcohol or drugs,
37 she/he was with a group of friends. Whether she/he was a recreational drinker and user is a moot
38 point, Sam has got the concern of her/his life to deal with now.

39 At approximately 1:20 p.m. on Friday, May 7, 1999, Sam Krupp shot and killed Pat Stone-
40 Flint at point blank range. Next door neighbor Robin Byrd made the first emergency call.

1 Freddie Stone-Flint called soon thereafter. The autopsy report indicated that the bullet ripped a
2 hole right through Pat Flint's heart. She/he was dead on the spot. The gun used was Pat's
3 nickel-plated Colt Python .357 Magnum with a 4" ventilated barrel. Nice piece. This gun is
4 regarded by many gun enthusiasts, including myself, to be the finest handgun ever designed. It
5 was legally registered to Pat Flint. She/he, like Sam Krupp, enjoyed target shooting. However,
6 Pat Stone-Flint originally bought the gun for self defense purposes in March of 1996 after Freddie
7 complained to her/him about someone following her/him home on various occasions and remaining
8 parked up the block. The gun that Pat purchased for self defense purposes ended up taking her/his
9 life. Or, I should say, Sam Krupp took her/his life with that gun. Guns don't kill, people do.

10 The autopsy report indicates that the weapon was fired from approximately 12 feet away.
11 This corresponds with Freddie Flint's and Sam Krupp's testimony to me at the scene. However,
12 the report does not correspond with Sam's contention that Pat Stone-Flint was shot while attacking
13 Freddie. The bullet's trajectory path through Pat Flint's chest is not consistent with her/his
14 moving. It is more consistent with the victim standing still facing the shooter.

15 Sam Krupp is an exceptional target shooter. She/he was captain of the award-winning rifle
16 squad at Temple High. She/he knew firearms. She/he knew the damage that a .45 caliber
17 handgun could do. With this being the case, why would she/he have shot Pat through the heart as
18 a matter of self defense? Why didn't she/he shoot her/his in her/his knee cap or thigh or foot to
19 disable her/him? Sam isn't nervous with guns. Further, she/he obviously has excellent aim.
20 There is no reason that she/he had to shoot to kill. Sam also said s/he wasn't even sure the gun
21 was loaded. If that was the case, why pull the trigger? And once you've shot once, you know the
22 second shot is for real. I've personally been involved in plenty of cases of self defense. This was
23 not such a case.

24 Any kid, especially a kid like Sam who has been around guns, should have known that the
25 revolver was loaded. As you can see in the drawing from my police report, with two bullets in
26 the cylinder, one bullet would clearly have been visible to Sam as s/he handled the weapon.

27 You know, it would be easy for me to look the other way here and be easy on Sam since I
28 really like Sam and I care strongly for Freddie. Plus, with Pat dead, any hope I have to have
29 NuSoft build a new Police Athletic League Center rests with Freddie. I know Freddie just sees
30 going after Sam as compounding the tragedy here. But I am a sworn officer of the law and I have
31 to play the cards the evidence gives me.

Signed and sworn to oath this 10th day of May, 1999

/s/ Chief Tracy Shooter

Signed before me this 10th day of May, 1999

/s/ Will Inleesine
Notary Public

DEFENSE WITNESS: Statement of Freddie Flint

1 It wasn't Sam's fault. It's that simple. I know that there are people out there who must
2 have it in for me or something. I also know that their misplaced anger is now aimed at Sam, but
3 she/he did what s/he had to do. Sam believed that Pat would've seriously injured Sam or both of
4 us if Sam didn't stop her/him. I know that is not true, but I also know that it would have been
5 impossible for a stranger to know what a gentle person Pat really was despite all of his/her bluster.
6 Oh, where do I start? I guess back at college when I first met Pat.

7 It was during our freshman year at Cunnane College when I met Pat. I sat behind her/him
8 in an introductory computer science class. At first, I thought that I would major in computer
9 science, but I was never much of a math whiz, so, when I realized all the math that was involved,
10 I switched my major to education. Ultimately, I ended up very thankful that I made this move so
11 that I could help students learn and grow. Anyway, we were in computer class together and Pat
12 was a whiz. She/he seemed friendly, warm, and intelligent. Yea, I guess you could say that I
13 was attracted to her/him right from the start. Besides, I soon had the smartest student in the class
14 as a personal tutor. We hit it off great, and by my junior year, we were making plans for our
15 future together.

16 Pat was at times a tough person to understand and to love. S/he could be incredibly
17 generous and then incredibly petty. Like the way Pat snapped at Sam when Sam said something to
18 her/him on our winter retreat. Pat and I were discussing a personal issue- having a child- and I
19 was telling Pat that I wanted to wait until the LEAP Program was better organized with someone
20 to run things while I gave quality time to our child. Pat- and it was Pat whose company- NuSoft-
21 at Pat's urging- was paying for the entire winter experience- s/he just tore into me for paying more
22 attention to LEAP than I did him/her. Sam said something in my support; standing up for others
23 as is taught through LEAP, so I was pleased. Pat responded like a 12 year old. Yet, just a few
24 hours later, Pat, Sam, and Chief Shooter were all playing games and talking about guns- Sam's
25 and Pat's passion- together. Deep down, I think Pat had a lot of issues leftover from his/her
26 parents' divorce. I don't think Taylor Flint helped things out very much, though I do respect
27 Taylor's dedication and love as a single parent raising Pat. Taylor and I didn't get along very well
28 while Pat was here and somehow I don't think Taylor will be inviting me over for dinner any time
29 soon. S/he's hurt by Pat's death and I understand that very well. I'm hurt, too, but I'll never
30 understand people who have to hurt others when they are feeling pain.

31 I've already heard people whispering about me being a "merry widow(er)"- that somehow I
32 am happy to be able to control Pat's riches without having to put up with Pat. Well, I miss my
33 spouse deeply and would give anything to have him/her back right this minute. And, if I was only
34 in it for the money, Pat was well on his/her way to being even more successful. Sure there was a
35 lot of insurance and NuSoft stock- Pat had ironically promised to make us a million before we
36 turned thirty- but what price would you pay to lose the love of your life?

1 That I knew Pat well enough to know that nothing was going to happen last Friday doesn't
2 mean that Sam knew that fact. Pat angry was a scary looking person and Pat was very angry the
3 moment before s/he died. Sam says s/he was trying to protect me and I think that s/he shouldn't
4 be punished for that. I didn't feel threatened by Pat- I didn't even see Pat move towards me
5 because I was turning my attention towards Sam- but if Sam says s/he felt I was threatened, I'm
6 sure that is the case. I was there. I was horribly saddened by Pat's death. My life is changed
7 forever, but if I can understand and accept Sam's actions, why can't others do the same? Hurting
8 Sam, ruining his/her life, will not bring Pat back. Pat believed in kids like Sam- Pat thought of
9 him/herself as a kid like Sam. To send Sam to jail as a killer would be to undercut everything Pat
10 and I worked for together with LEAP.

11 Pat and I could handle anything together. We were a great team. We were married on
12 June 2, 1992 - right after finishing college. Pat started working at NuSoft as a software designer
13 and I began teaching at Temple High School in the fall.

14 Money was tight at first, so we rented until we could afford to buy a house of our own in
15 June of 1994. We bought our first home at 18 Owl's Loft Lane here in New Temple. The Fleers,
16 the previous owners, were in a hurry to sell and the price was right for us. Plus, we liked how
17 the house was secluded and bordering protected game lands and the acclaimed Owl Haven Bird
18 Sanctuary. It's at the end of a dead end road. It just seemed too good to be true. And of course,
19 like most things, it was.

20 When I asked Irma Fleer why they were in such a hurry to move, she confided in me that
21 she caught the next door neighbor, Robin Byrd, constantly spying on her and her husband with
22 binoculars. She even once called the police on her/him. I'm not sure if she/he was charged with
23 anything or not, but I do know that Robin became stranger after his/her spouse died. Robin spent
24 a lot of time watching birds from her/his attic window for hours on end. Anyway, Irma Fleer was
25 so bent out of shape, that she just had to get out of the house. She felt that Robin was simply
26 trying to pressure them into selling so that she/he could purchase their house to get closer to the
27 bird sanctuary. Unfortunately for Robin, we liked the house, the neighborhood, everything, and
28 we could meet the Fleer's asking price. It seemed like the house was meant for us. We bought it
29 despite the fact that Robin might've been a bit strange. Did I say a bit? Scratch that. She/he
30 belongs in the woods with the birds.

31 Robin would call the police whenever Pat or I did anything that makes noise and distracted
32 his/her birds. Pat found it all funny and s/he would actually visit with Robin over at his/her
33 house. I think Pat always took kindly to oddballs since s/he had been that way as a kid. But
34 Robin was way too weird for me. I tried to be nice, but it reached a point finally where I just had
35 to shut him/her out.

36 When we first moved in, the Byrds welcomed us to the neighborhood. They even brought
37 us a cake. That was so nice. We actually became friends with them for a while. Robin's spouse
38 and I would get together now and then, and Pat and Robin would hang out, too. It wasn't until
39 about two years after we moved in when things went downhill fast. I was hosting a party for the

1 LEAP staff and I got the bright idea that a great LEAP project would be to have Robin lead a bird
2 watching trip for the kids. Well, Robin's true colors came out then. S/he made a horrible crack
3 about the LEAP kids eating the birds and referred to my students as thugs. I was so mad that I
4 almost slugged Robin myself. After that, especially after Robin's wife died and Robin became
5 even stranger, I found it very hard to have any time for that person who treasures birds above
6 people.

7 Pat just couldn't understand why I spent so much time with the LEAP students in and
8 outside of school. LEAP stands for Learn to Earn a Paycheck. Basically, the LEAP program was
9 instituted to help students who had various obstacles to achieving in the classroom. I sympathize
10 with these students. My grades were never stellar either when I went to high school, but I always
11 had the motivation to continue. It is this personal motivation that I try to instill in LEAP students.
12 Although I have a full-time position to work with all of the LEAP students, certain students always
13 stand out. Sam Krupp was one of those students, s/he was this year's great project.

14 Sam had a rough home life. Her/his father, Stan Krupp, beat Sam on a regular basis until
15 Stan picked up and left Sam and her/his mother to fend for themselves. Sam was twelve. Sam's
16 mother tried to keep her/him in line, but Sam was just too much for her. Sam ended up flunking
17 the fourth and seventh grades. Sam was barely getting by at Temple High when she/he was
18 accepted into Temple's LEAP program, but Sam is doing great now and will graduate, despite
19 everything.

20 It's ironic to mention, but except for Pat being killed, this has been my best year teaching
21 yet. I guess ironic is the wrong word- it is just that as devastated as I am by the loss of Pat, I see
22 Sam was and is a success because of LEAP. Since LEAP was a project Pat and I worked on
23 together, our work together is saving Sam. Sam will graduate with his/her class later this spring.
24 Sam's average will not be stellar, but there will be Sam's first B for a year-long course in high
25 school. Depending on how the trial works out, Sam has a job lined up at NuSoft and s/he has
26 plans to enroll in community college. Sam's job at NuSoft is a direct result of the internet wiring
27 job Pat set up for LEAP students at Temple.

28 That's actually how the whole sad situation came about on May 7th. Since it was an early
29 dismissal day, Sam and nearly 20 other LEAP students were planning to work the entire afternoon
30 on the wiring project. I had placed Pat's NuSoft tools that the LEAP students used in the garage
31 so I would remember to bring them to school that day. But in the rush of the morning, I forgot
32 the tool chest. Since I thought Pat was away and since I had other students to supervise, I asked
33 my seniors if one of them would go to my house and get the tools. Sam volunteered so I gave
34 Sam instructions to get into the garage and sent him/her off. Only then did I go to the office to
35 see the message that Pat was here. I wasn't really worried, although I thought Sam might startle
36 Pat as s/he worked, so I tried to call home. Pat must have been on-line because the phone was
37 busy. We had extra phone lines, plus cable access, but Pat sometimes tied up all of the lines. I
38 gave my LEAP students their assignments and decided to drive home to see Pat and to make sure
39 Sam had retrieved the tool kit for school.

1 When I pulled into the driveway, I heard angry voices coming from the garage. I exited
2 my car and hit the garage door opener to reveal a sight I'll never forget. There was Pat holding a
3 hoe as if it were a medieval sword and Sam was pointing one of Pat's prize handguns back at him.
4 I told Pat to put the hoe down and I was about to tell Sam to drop the gun when Sam fired the
5 gun. I was looking right at Sam so I didn't see what Pat had done to frighten Sam, but I could tell
6 that Sam was a truly frightened child. I may have come close to going into shock---my whole
7 body went cold---but I had a clarity of thought and action that amazed me as I looked back on it a
8 few days later. I knew Pat was dead and I was afraid I might lose Sam, too. I had Sam put down
9 the gun and I took Sam into the kitchen to sit down while we waited for help to come. Once Sam
10 was settled, I walked out the front door , sat down on the steps and cried.

11 The aftermath with Tracy Shooter charging Sam with voluntary manslaughter---it is just a
12 pretty word for murder---has been worse than anything I ever imagined. I know Tracy treated Pat
13 like s/he would her/his own child, but that is no excuse for bringing the law down on an innocent
14 person.

Signed and sworn to oath this 10th day of May, 1999

/s/ Freddie Flint

Signed before me this 10th day of May, 1999

/s/ Mark Innink
Notary Public

DEFENSE WITNESS: Statement of Sam Krupp

1 I'll start back when Ms./Mr. Stone-Flint put me in the LEAP program at Temple High.
2 I've always had trouble with my grades and, fortunately for me, I was finally put in a special
3 program to get me the help that I needed to make it through school. All of this time I thought that
4 I was just plain slower than everyone else at school. But then, in junior year, I was finally
5 diagnosed as being dyslexic. After all of this time, someone finally took notice. There is not
6 much to say about me except that LEAP and Freddie Stone-Flint changed my life.

7 The other teachers in the LEAP program are good, but there were just too many students to
8 really get that much personal attention. Plus, I didn't feel that they were understanding me. They
9 seemed kind of stand-offish. But it's probably just me. I always tend to think that people don't
10 want to get near me or are afraid of me or taken aback with me or something. Freddie Stone-Flint
11 wasn't like that. For some reason, she/he seemed to understand. I didn't have to act with
12 her/him. I didn't have to make excuses. I was straight with her/him and that was good enough.
13 Within two weeks, she/he referred me to her/his doctor for an exam. And sure enough, as I
14 already told you, I was found to be dyslexic. Her/his suspicions were correct. I wasn't just plain
15 dumb. I may not be the sharpest tool in the shed, but at least then I knew that it wasn't my fault.
16 I felt like a sack was removed from over my head and that I could see and breathe again. I
17 actually looked forward to school. I wanted to do well as a way of thanking Freddie for taking the
18 time with me; to thank her/him for being the one person that finally understood me; to thank
19 her/him for opening my eyes to the possibilities that lay ahead. I also wanted to do it for myself.
20 As you probably know already, I haven't exactly been a shining star of a student.

21 People have always said I was a bad kid, a punk. Yeah, I got in fights. Yeah, I
22 experimented with minor drugs and alcohol. But a lot of other kids at school did too. I know that
23 doesn't make it right or anything, but I don't think it should be blown out of proportion.
24 Teenagers do these things. I was no exception. I'm not proud of it, but I'm also not going to
25 make excuses. The fights, however, really weren't my fault. I was one of those target students at
26 school. School's not an easy place to get by. The kids can be cruel. When I say that I was a
27 target, I mean that, because of my problem with learning, kids would call me a dunce and other
28 hurtful names. Over years and years of these taunts, I developed a real short fuse. What I
29 couldn't respond to with words, I responded to with my fists. I was familiar with communicating
30 physically - my father beat me for years before he left my Mom and I on our own.

31 My mom tried hard to settle me down. She took me from doctor to doctor. They gave me
32 drugs like Prozac, Paxil, Zoloft, Luvox, and on and on. Actually, I've been on Luvox for the past
33 year. I guess these drugs are supposed to make me less depressed or something, but, at times it
34 seems that I become agitated and antsy and I can't sit still after taking them. By the time I
35 reached high school, I had no more patience for anyone talking down to me anymore. I just
36 couldn't take it.

1 Fortunately, at Temple High, this didn't fly as a defense for my actions. I was told time
2 and time again that violence never solves anything; that names can't hurt you, that adults don't
3 fight, that I was a young adult and I'd have to get used to not being able to lash out at people for
4 silly words. Well, I'm here to tell you that names do hurt. I believe that violence doesn't settle
5 anything but I'm not sure the world really believes that. If violence doesn't solve anything, why
6 are people dying all over the world for territory, for money, for the clothes on their backs, for
7 religion? As for adults not fighting, that's just plain bull. Just take a look around. Adults fight,
8 they kill, they maim. They kill by the thousands in wars when they feel the urge. The only
9 difference is that when adults fight, they have so-called justifiable reasons. Well, I did not intend
10 to hurt anyone. It was just an accident that it all came down that way.

11 On Friday, May 7th, 1999, we had an early dismissal day when school gets out at noon.
12 The LEAP students were going to meet to work on the internet wiring project. Freddie got us all
13 together and realized that s/he had left the computer tools we needed for the wiring job back at
14 her/his house. Rather than leave all of the LEAP kids on their own (some of those folks are
15 rough), s/he asked me to run over to her/his house and pick up the tools. I was a little nervous to
16 do this since I understood Pat was upset with me over an email I had sent Freddie (how s/he ever
17 got a copy of the email, I'll never know), but Freddie told me Pat was out of town. Pat's parent,
18 Taylor Flint the office fascist (I really do not get along with her/him) gave me some garbage about
19 going over to the house without Pat's permission, but I just ignored her/him and went on my way.
20 However, I did tell Freddie that Taylor Flint had said Freddie had a message in the office from
21 Pat.

22 When I arrived at the Stone-Flint home-- I don't know what time it was-- I parked my car
23 at the end of the lane next to two other cars. Freddie had told me s/he did not want me to park in
24 the driveway because s/he had a nosy neighbor who would have probably called the police on me.
25 I went directly to the back of the Stone-Flint garage as s/he had instructed me to do and I used the
26 hidden key which was under the rock by the side of the garage, just where s/he had said it would
27 be.
28 However, when I entered the garage, the tool kit was not right inside the door where s/he said it
29 would be located. As I looked around, I was immediately drawn to the two large oak gun cabinets
30 sitting in the corner off to my right. I knew that Pat Stone-Flint collected guns but I never knew
31 just how big a gun nut s/he was until I walked into that garage. There was every kind of gun
32 imaginable, from palm derringers to classic Thompson submachine guns. I was amazed that one
33 of the drawers at the bottom of the larger cabinet was opened. I had to look--anyone who knows
34 me even a little bit knows I had to look--to see what was there in the drawer. It was beautiful, a
35 nickel-plated Colt Python .357 magnum revolver with a ventilated rib across the four inch barrel.
36 There was an open box of shells in the drawer, too, that I moved aside when I took out the gun.
37 The gun was in perfect condition. I pulled it out of the drawer to admire it, to hold it in my
38 hands.

39 Just then, I heard a shout and I saw Pat Stone-Flint at the door. S/he was red in the face
40 and screamed my name. Pat came at me from the side door that connected the house to the
41 garage. I had the gun in my hand and s/he must have misunderstood what I was doing because

1 s/he grabbed a hoe off the wall and started wielding it around her/him like something from a
2 Jackie Chan movie. "I'll teach you to steal my guns," s/he screamed. S/he pulled back the hoe
3 over her/his shoulders in some sort of karate move, I think to get momentum to come at me.
4 Her/his movement put the hoe through the glass window on the top half of the kitchen door. I was
5 so scared that I actually laughed--the way you do when you are really nervous. My laughing at
6 Pat breaking the glass seemed to enrage her/him even more. Just then, the garage door at the
7 front of the garage lifted up. Freddie Stone-Flint stepped into the garage and screamed at Pat to
8 put down the weapon and let me go. Freddie then turned to me, probably to tell me that things
9 were all right, that is the way Freddie is, when Pat completely freaked. Pat moved towards
10 Freddie with the hoe pulled back to strike. I shouted for him/her to stop and raised the gun. I
11 was trying to bluff Pat with the gun; I did not think it was loaded. I must have accidentally pulled
12 the trigger because the next thing you know the gun exploded. It was so loud in that small space.
13 Freddie and I both looked at each other and looked at Pat lying bleeding on the floor. I've seen
14 lot's of dead bodies in movies, but this wasn't anything like a movie. I knew s/he was dead--I just
15 knew it. And, well, I know this sounds terrible, but right then I didn't feel anything at all. I must
16 have been in shock. I walked over to Freddie and told her/him that Pat was dead and we should
17 go into the house to call the police. S/he must have been in shock, too, because s/he didn't even
18 go check Pat's body. Freddie just took me by the arm and led me into the kitchen. I don't know
19 how long passed before s/he said s/he was going to call 911. For awhile there, I was losing it. I
20 thought I was hearing voices, but I probably just was hearing the 911 operator ask if anyone was
21 on the line. Freddie must have gone somewhere by then. I looked around, got up and got a glass
22 of water, then sat back down again. I then heard sirens and the arrival of the ambulance and the
23 police cars. I don't know how much longer it was before Chief Shooter came into the kitchen.
24 S/he sat down next to me at the table, asked me if I was all right and then asked me what had
25 happened. I told him/her the story--pretty much the same story as I told today, except today my
26 head is a lot clearer. Shooter never read me my rights but I would have told her/him I wanted to
27 talk anyway. It was just a terrible accident that Pat is dead. I fired the one shot-- and it was only
28 one shot--and I had to hit him/her in the chest. Of course, shooting a person is not like shooting
29 targets. I doubt I'll ever shoot again.

30 You know, I really liked Pat. You always knew where you stood with him/her even if Pat
31 stood against you. I did not know the Flints were having marriage troubles. Sometimes when you
32 work with people you get a sense of personal things, but I figured they were just like most married
33 couples-- some ups, some downs. After what I saw with my parents, I'm not much of a judge, but
34 as long as there is no blood, I figure things are okay. Now, I am real loyal to Freddie Flint--she
35 has done so much for me-- but I thought Pat was cool, too. Pat and I had a little thing over the
36 LEAP winter trip, but afterwards Pat and I had some fun together with Chief Shooter. I enjoyed
37 racing Pat and beating him/her-- you can be karate champion of the world but there aren't many
38 people going to beat me in a sprint.

39 I really do not know why Pat went crazy. I play over and over again in my mind what
40 happened. I wonder if s/he would have killed Freddie if I hadn't shot her/him. I was so sure of
41 that right before I pulled the trigger, but I still wonder and I will always wonder. It is amazing

1 how it all happened-- one second I'm admiring the gun, thinking how lucky Pat is to be Pat; the
2 next moment the gun has killed Pat. I wish Pat had just stood there and not tried to kill Freddie.

3 All the cops want to do is to cut some type of deal with me. From what I understand, they
4 are trying to offer me a chance to plead to a lesser charge of an unlawful discharge of a weapon.
5 The catch is that I would have to admit my guilt in the matter. Of course, I say no way! Even
6 my initial provided counsel tried to persuade me into "cooperating" for a lesser sentence; Freddie
7 told me s/he'll get me a real lawyer. I will not have any of it. I'd rather sit in jail than admit
8 something that didn't happen!

9

Signed and sworn to oath this 10th day of May, 1999

/s/ Sam Krupp

Signed before me this 10th day of May, 1999

/s/ Mark Innink
Notary Public

DEFENSE WITNESS: Statement of Dr. Chris Cloud

1 I must say at the outset that what has transpired here is a great shock to me.
2 Nothing like this has ever happened here at Temple High School throughout its 90-year history -
3 Further, during my nearly thirty years of experience in the field of high school education, I have
4 never been so personally affected by a tragedy such as this. Before I get too deeply into this, I
5 better provide you with a little background on myself. I began my higher education at the
6 University of Reinstein in the fall of 1968.

7 From the moment I started, I knew that teaching was my calling. I decided to become a
8 declared education major right from the beginning. After graduating with honors from college, I
9 landed a full-time teaching position at Temple High School. Nonetheless, my own education was
10 far from complete. While teaching during the day, I attended Beasley College at night to earn my
11 Master's in Education after two years of study. I went on to earn my Ed.D., a Doctorate in
12 Education, after two more years in a doctoral cohort at Beasley. Beasley had a special weekend
13 program that allowed a group that I was involved with of young educators to get our degrees while
14 still teaching full time. My ascendance from teacher to principal was fairly swift and without
15 fanfare. I simply put my nose to the grindstone and got the job done - no matter how much work
16 was involved. This no nonsense, hard-working approach has always worked well in my
17 administrative duties, too. I feel that my hard work has earned both the teachers' and the students'
18 trust and respect. In fact, both students and faculty members feel free to approach me with either
19 personal problems or problems within the school. That's how I first met Pat Flint.

20 Pat was a member of the Class of 1988. S/he started at Temple when his/her parents were
21 getting divorced. His/her parent, Taylor Flint, worked in the school office for the last fifteen
22 years. S/he came to work here after the marriage broke up. I really don't know the circumstances.
23 I have all the respect in the world for Taylor Flint as a single parent who did the tough job of
24 raising a child alone with total energy and devotion. Taylor started in the office as a clerk, but by
25 the time s/he stopped working here following Pat's death, Taylor pretty much ran the school. S/he
26 can be hard to work with at times, but you will never find a more honest and hard working
27 person.

28 Hardworking is not the way I remember Pat Stone-Flint as a student here. Pat was a
29 classic underachiever. S/he had the highest test scores in his/her class in mathematics, but did just
30 enough work to get by in math and hardly any work at all in the other subjects. Pat was a bit of
31 an oddball kid and was also not really physically imposing. As a result, Pat was hazed pretty
32 badly by the other students. That was why I suggested to Pat and Taylor that Pat enroll in Tracy
33 Shooter's karate class at the Police Athletic League. I thought that the mental discipline would
34 instill a better work ethic concerning school work and that the physical training would make Pat
35 less of a target. I guess one out of two isn't bad. Pat excelled at karate but didn't get much more
36 motivated in his/her studies. The karate actually caused me some problems with Pat. Pat became
37 expert at breaking boards and s/he would occasionally attack trees on the school property, breaking

1 off branches. Pat often did this when s/he felt threatened or insecure because of the other
2 students. Far more troubling was Pat's common retort to peers s/he was upset with that s/he
3 might have to "break bones, not boards." Some kids were really frightened by Pat and I know
4 Taylor was at her/his wit's end. But I was able to get Pat through high school without serious
5 incident--I saw Pat's behavior for what it was, a cry for help after his/her parent's divorce. I see
6 protecting kids as the core of my job and I value my insight into young people.

7 Pat's standardized test scores were good enough to get into Cunnane College. In college,
8 Pat became a star. I think Pat realized the good life that awaited him/her if s/he utilized her/his
9 talent. The explosion of work on the internet gave Pat a quick taste of that good life. S/he was
10 making more money at NuSoft than I make by the time s/he graduated. Pat was always good to
11 Taylor and the quality of the gifts increased as Pat progressed with NuSoft.

12 I did not see Pat much during his/her college days since s/he was always holed up
13 somewhere on a computer according to Taylor. Taylor was so proud of everything Pat
14 accomplished and everything Pat did for her/him. Taylor had the best computer of anyone at
15 school and was one of the first Temple staffers to effectively use the internet. S/he said Pat taught
16 her/him everything s/he knew about computers. Taylor was not very happy about Pat's marriage
17 after college graduation--s/he eloped with Freddie Flint--but it did bring Pat back to town since
18 Pat's spouse was a teacher I had recruited from Cunnane to come teach at Temple.

19 I think the next time I actually saw Pat after high school graduation was at the reception for
20 new faculty and their families in the fall of 1992. Freddie Stone-Flint had been hired to teach
21 Social Studies. Freddie was a valuable addition to the faculty. S/he is an intelligent, interesting,
22 energetic, giving and outgoing young teacher who has never been reluctant to step up to a
23 challenge. When the School Board was seeking input on methods to reach undermotivated
24 students, Freddie was part of the faculty-administration committee that developed what became the
25 Learn to Earn A Paycheck or LEAP program. Freddie said that a major basis for his/her
26 commitment to LEAP was Pat. S/he said Pat always believed that a program like LEAP would
27 have helped him/her mature faster and make the transition to college easier.

28 Probably because of that belief, or maybe just because s/he wanted to support his/her
29 spouse, Pat was a staunch supporter of the LEAP program. Pat was instrumental in getting his/her
30 company NuSoft to donate the hardware, software and technicians to make every school in the
31 district internet-ready by summer 2000. LEAP students are acting as interns in the project. Pat
32 thought it important that LEAP students both learn marketable skills and provide real service to the
33 school community. As a result, both the Thousand Points of Light Foundation and the Department
34 of Education have honored the Program. As a matter of fact, Freddie was scheduled to be a
35 panelist at a White House summit on education the day after the incident. Under the
36 circumstances, I went in his/her place. I shared with all of those present Pat's dream and, but for
37 this mess with Sam being wrongly charged, Temple might have snagged a visit from the President.
38 I've been told that if everything works out well at the trial, something may still be arranged for the
39 day when we unveil the new technology center. Although Pat is no longer around to see the
40 results, his/her efforts still live on at Temple.

1 One of the methods LEAP uses to reach students is an enhanced outward bound type of
2 experience. It is a wilderness camping and cross-country skiing weekend for Seniors that occurs at
3 the end of Winter Break right before school starts back up in January. They use the wilderness
4 area at Snowy Owl Mountain. Pat would often go as part of the team with Freddie. Other adults
5 attending this last trip were myself and Chief Shooter. One of the students involved was Sam
6 Krupp, who turned out to be the focus of an unpleasant incident.

7 It is hard to believe that everything was fine, so different from now, just a bit more than
8 four months ago. Looking back on it with what we know now, that trip was the sign of bad things
9 to come. The trip was going really well until there was a disturbance between Pat and Freddie
10 that Sam joined into in an inappropriate way, except for the fact that s/he was doing just what we
11 try to teach the LEAP kids to do--to get involved and take stands for themselves and others. The
12 theory behind the wilderness experience is that troubled kids will develop self-esteem and bond
13 with positive adults, providing a connection to the community that counters delinquency--or even
14 events such as recently transpired here. These trips take a lot of time and energy to set up and
15 run and I think what happened between Freddie and Pat on this last trip was just Pat blowing off
16 steam over Freddie's commitment to LEAP. Pat certainly made enough money by last winter that
17 Freddie didn't need to work so hard, or at all. If Sam Krupp stays out of it, the whole thing
18 probably would have gone away. Indeed, until the shooting, I thought it had been forgotten.

19 I appreciated Pat's frustration at the time--it is hard to be married to a saint who cares so
20 much for others that you oftentimes feel yourself being ignored. Taylor told me that that was
21 Pat's great concern; s/he even suggested to me that Freddie's commitment to LEAP was going to
22 cost her/him the marriage. Anyway, what happened on the trip was that Pat and Freddie starting
23 talking pretty loudly and angrily to each other. Sam, who later told me s/he knew s/he should
24 have stayed out of it but hated the way Pat bossed around Freddie, told Pat to "chill and show
25 Freddie a little respect." And with that, Pat took a karate stance, jumped towards a nearby tree
26 and broke off a thick branch. Pat told Sam that s/he had a "2nd degree black belt in karate," and
27 added that her/his form of karate was not "one of those wimpy, be one with nature, forms--my
28 karate is designed to kill." Pat concluded, as Freddie was leading him/her away, that if Sam
29 wanted a "little demonstration" Pat was ready to "Break bones, not branches!" I was so
30 disappointed in Pat because threats of violence are no way to settle problems. I told Chief Shooter
31 that I wanted him/her, as Pat's mentor, to get Pat to apologize to Sam. Shooter did not feel that
32 Pat needed to apologize, but s/he said s/he would calm things down. Shooter added that s/he
33 "wouldn't want Pat mad at me."

34 Sam Krupp is exactly the type of student LEAP was designed to help. But s/he is also an
35 example of how even the best program can only do so much. S/he has squeaked by at Temple
36 High with D's and an occasional C. Freddie was always trying to motivate Sam to do better
37 before the shooting, and, saint that s/he is, Freddie is still working with Sam. I guess we can
38 consider it a tribute to Freddie's perseverance that Sam received a B in a Social Studies class for
39 the fall term and is going to repeat that feat for the spring. I know from his/her school records
40 that s/he was held back in the 4th and 7th grades, yet Sam will graduate with the class s/he entered
41 high school with in another month. I know some people do not like it that I am letting Sam attend

1 classes and that I will let her/him participate in graduation ceremonies next month. I believe Sam
2 is innocent of these charges; I was there and I know. But even if I had doubt about Sam, I believe
3 enough in our justice system to know that all men and women are innocent until proven guilty. I
4 do not see how destroying Sam will help anyone, though that seems to be Taylor Flint's response
5 to this horrible situation.

6 In contrast to her/his poor academics, Sam was an exceptional member of our renowned
7 rifle squad. I had to give Sam a special academic waiver, because of her/his poor grades, to
8 compete. Actually, s/he was the team captain for her/his senior year. The Temple rifle squad
9 competes successfully in shooting competitions throughout the state. This past year, Sam led the
10 squad to a state championship. I had reason to speak to a number of teachers and students about
11 Sam long before this tragic shooting- as well as to the New Temple police officers who are
12 assigned to the on-site student outreach office. There has always been some suspicion that Sam
13 would occasionally use drugs and/or alcohol. There were also rumors that s/he had been placed
14 on probation, but I would not know about that because of the privacy laws. The on-site cops told
15 me they had picked up Sam a couple of times with drugs, but the mandatory random drug tests
16 conducted by the athletic department on all team members has always come back negative for Sam.
17 You know how concerned I am about those tests after our track fiasco back in 1997.

18 Sam, when s/he first started at the high school, got into physical altercations on a fairly
19 regular basis. S/he was known to have a short fuse and a quick temper. In fact, her/his student's
20 file shows s/he received in-school suspension five times and one three-day at-home Suspension. All
21 of these punishments were levied due to altercations on school property. Sam was about one fight
22 away from being turned over to the police. However, the work of Freddie with Sam and his/her
23 involvement in LEAP really turned Sam around. By Sam's senior year, I thought all of his/her
24 problems were behind her/him. Poor kid, things really got bad on Friday, May 7, 1999.

25 It was an early dismissal Friday when school ends at 12 noon for the students. Usually I
26 meet with the faculty at that time, but that Friday I wanted to give the teachers time to work on
27 their spring projects and I knew Freddie wanted time with the LEAP kids. That afternoon, I was
28 on my way to the School District Administration building for a planning meeting concerning the
29 use of the high school auditorium for public hearings on the new state standards for civics and
30 government. My route took me past Owl's Loft Lane on the East-West Highway that runs parallel
31 the Bird Sanctuary (I was heading east). I noticed someone climbing over the side fence into the
32 yard of the houses right next to the sanctuary. I happened to glance at the clock on the dashboard.
33 It said 1:15 p.m. I was concerned and, as a member of my neighborhood town watch I felt I
34 should be a good citizen, so I turned down Owl's Loft Lane, parked the car in front of the house
35 that was second from the park and got out, taking my cell phone. I walked up the driveway of this
36 house (which I later found out belonged to Robin Byrd) where I saw the person had cleared the
37 fence. I saw someone wearing what looked like a red, Temple High School, baseball cap snooping
38 around near the side of the garage. Thinking it was one of my students because of the hat, I
39 yelled "Hello" but whoever it was went around the back of the garage very quickly. I thought the
40 action was suspicious, so I dialed 911 on my cell phone. The dispatcher took my report and said
41 they'd send a car around.

1 I had walked around the front of the Byrd house to get a better view, though some bird
2 feeders were in my way. I actually tripped over a feeder and broke my glasses (I usually wear
3 contacts, but that day I had my glasses on). I jumped up and resumed walking up to the gate in
4 the fence between the two houses when I heard the sound of breaking glass coming from inside the
5 house by the bird park. I quickly went through the gate towards the garage to see what was
6 happening. I moved towards the back door of the garage which I saw was open. Just as I turned
7 into the doorway, I heard a shot ring out. I then heard another loud sound, not a shot, but a
8 "click" as if someone was striking empty metal. I stood in the doorway and saw Pat Stone-Flint
9 lying on the garage floor by the door that leads from the garage into the main part of the house.
10 Sam Krupp was standing in the corner to my right next to a couple of big oak bookcases. S/he
11 was holding a gun. On the ground was her/his Temple Rifle Team hat. I heard someone say,
12 "Sam, you had to shoot him/her. Otherwise, s/he would have probably killed us." I looked
13 around and saw that it was Freddie Stone-Flint speaking; s/he was standing in the open garage
14 doorway at the front of the garage to my right.

15 I do not think the garage door was opened when I arrived, but, now that I think about it,
16 there was a car that looked like Freddie's car in the Stone-Flint driveway when I pulled up in front
17 of the Byrd house. It just did not register with me that it was Freddie's car until later; I didn't
18 even realize until after everything was over that I was at the Flint's home.

19 I watched dumbfounded as Freddie took Sam by the shoulder into the house past Pat. It
20 was clear there was nothing to do for Pat but wait for the Coroner. I saw Chief Shooter's car pull
21 up at the end of the Stone-Flint driveway so I walked out to tell him/her what happened, though I
22 was a little confused about that right then. After talking with Freddie and Sam it is all clear to me
23 now. Pat's horrible temper finally got the best of him/her. I am sure that s/he had let the incident
24 on the trip fester--Taylor had told me as much--and seeing Sam in the garage just triggered the
25 wrong reaction. It is a shame Pat kept the gun loaded; however, if the gun had been empty, I
26 might be giving this statement about Pat's attack on Freddie and Sam.

Signed and sworn to oath this 10th day of May, 1999

/s/ Dr. Chris Cloud

Signed before me this 10th day of May, 1999

/s/ Will Inleesine
Notary Public

EXHIBITS

Exhibit A Message from Pat Stone-Flint to Freddie Flint

Exhibit B Email transcript between Stone-Flint and Krupp

Exhibit C Diagram of Stone-Flint and Byrd Residences

Exhibit D Front view of Colt Python .357 Magnum Revolver

Exhibit E Krupp's student transcript

Exhibit F Krupp's juvenile record

EXHIBIT "A"

MESSAGE

To: Freddie Stone-Flint

From: Pat Stone-Flint

Re: Early return

Pat called and said he arrived home a day earlier than planned from NuSoft Conference. He said he will be working in the den. Call him and let him know your plans.

Taylor.

EXHIBIT "B"

**EMAIL TRANSCRIPT OF FREDDIE STONE-FLINT AND SAM
KRUPP
COMMUNICATION--APRIL 1, 1999**

Subject: Re: A Rough Day – reply

Date: Thursday, 01 April 1999 20:18:27

From: Sam Sharpshooter

To: Freddie fuflint@earthlink.net

Freddie,

I just got your email. You sound depressed. Hang in there! I hate when you get down over this. Sometimes it gets me so mad. You're such a giving person with everyone. And with me – you've given me a second chance to do something with my life. Before you came along, I probably would've dropped out of high school. Let me help you now. You're too good a person to be going through this junk.

Sam

PS: you know, getting a divorce is always an option too...

fuflint@earthlink.net wrote:

>

>Sam,

>

>Thank you for giving me strength and support. I'm amazed at your insight into finding inner strength to deal with the problems that I've been experiencing. Your success means so much to me. I am so glad you are reaching out to me and others through LEAP. That is the spirit!

>

>Freddie

EXHIBIT C

DIAGRAM OF STONE-FLINT AND BYRD RESIDENCES

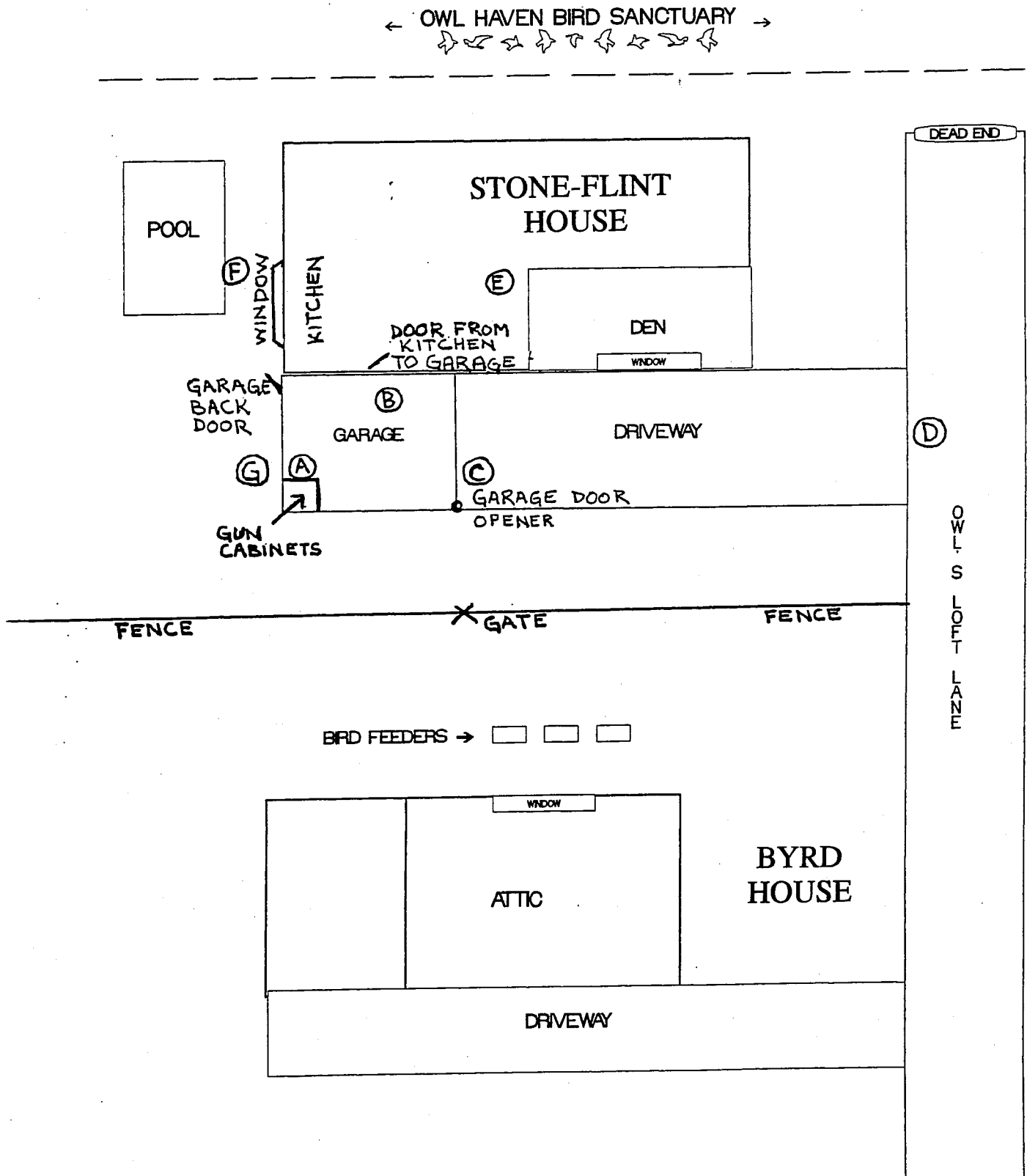


EXHIBIT C - PAGE 2

LIST OF WITNESSES AT THE SCENE OF THE SHOOTING

Please note that the following witnesses are identified by letter on Exhibit C.

A) Sam Krupp

B) Pat Stone-Flint

C) Freddie Stone-Flint

D) Chief Tracy Shooter

E) Taylor Flint

F) Robin Byrd

G) Dr. Chris Cloud

**COLT PYTHON .357 MAGNUM REVOLVER
PAT STONE-FLINT'S HANDGUN**

**With Two Bullets Loaded
FRONT VIEW**

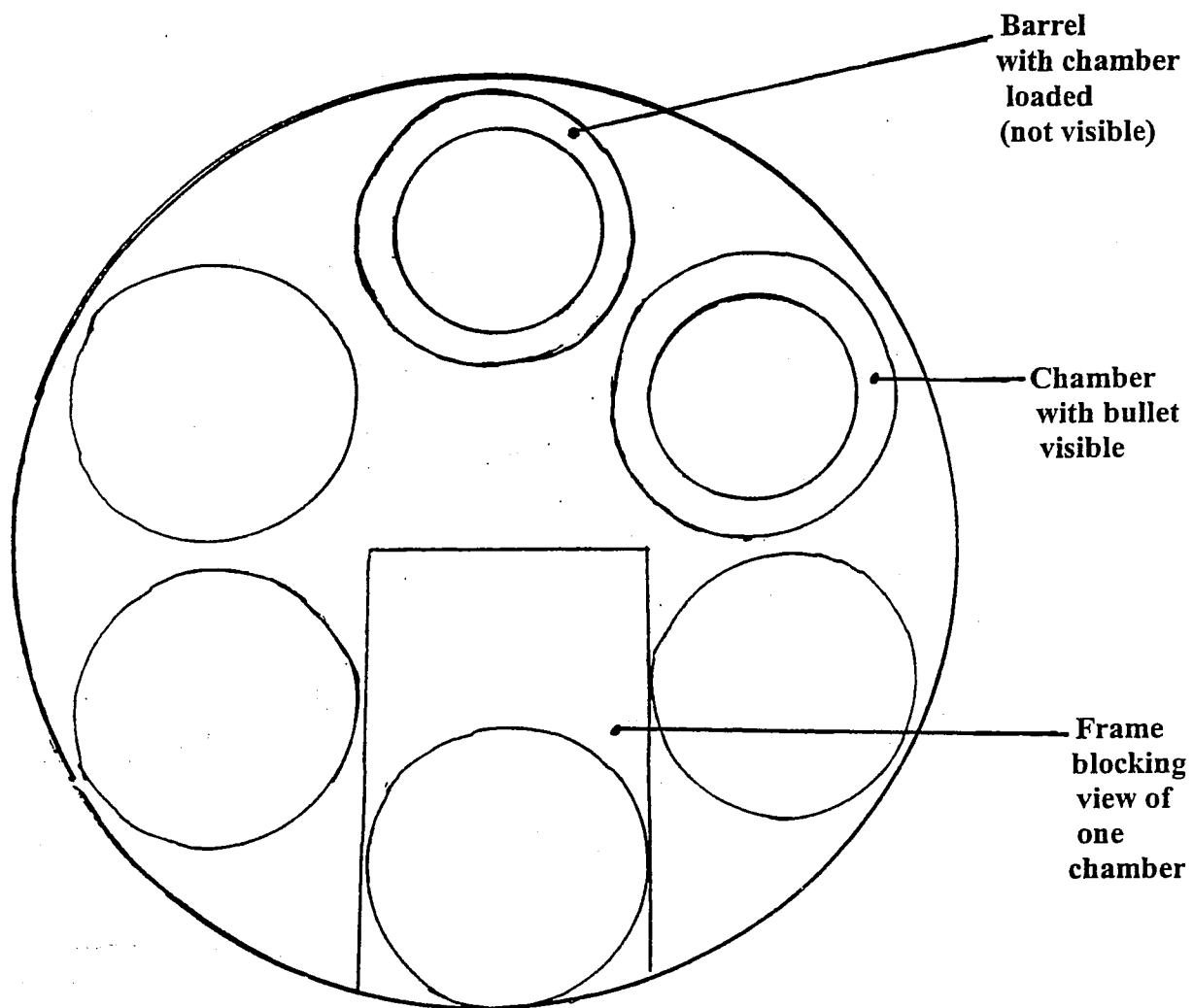


EXHIBIT D

EXHIBIT "E"

TRANSCRIPT OF SAM KRUPP

January 23, 1999

SUBJECT	Grade
Algebra II	D
Social Studies	B
English III	D
Physical Education	C
LEAP Program	P

CODES

A = Excellent

B = Good

C = Satisfactory

D = Below Average

E = Failing

P = Passing

F = Failing

EXHIBIT F

JUVENILE ARREST AND DISPOSITION RECORD

Name:	Sam Krupp	DOB:	11/21/80
SSN:	215-20-8954	POB:	New Temple, Owl County
Date	Address	Offense	Disposition
09/10/96	425 Main St. New Temple, Owl County	33 New Temple G.S. §12(d) – Underage Drinking	Delinquent Fine: \$250
11/10/96	2672 Broad St. New Temple, Owl County	27 New Temple G.S. 10(b) – Poss. Cocaine	Delinquent Fine: \$500
01/01/97	801 Market St. New Temple, Owl County	33 New Temple G.S. §12(d) – Underage Drinking	Delinquent Fine: \$250
04/04/97	300 South St. New Temple, Owl County	27 New Temple G.S. §11(c) – Poss. Marijuana	Delinquent Fine: \$350

/s/ Justin Time
Superintendent of Documents

Certified as this 24th day of May, 1999

/s/ Karl Miller
Notary Public