

THE PEOPLE OF THE STATE
OF LONE STAR,

Plaintiff,

v.

PETER PAUL SEEGER,

Defendant.

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IN THE DISTRICT COURT

IN AND FOR

THE CITY AND COUNTY
OF LONE STAR

Prepared by:

**Pamela Robillard Mackey
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150 E. 10th Avenue
Denver, CO 80203**

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This case file was commissioned by the Texas Young Lawyers Association and was prepared by Pamela Robillard Mackey for the 2014 National Trial Competition

Statement of the Case

This is a criminal action against Peter Paul Seeger for assault in the first degree and domestic violence. The People of the State of Lone Star allege that on or about June 14, 2014, Pete Seeger assaulted his live-in girlfriend, Adriana Testa, with a deadly weapon, to wit a hammer, causing serious bodily injury and that the act was one of domestic violence.

Witnesses:

For the Prosecution:

1. Adriana Testa, girlfriend of the Defendant.
2. Dr. Derrick Sheppard, ED doctor who treated Ms. Testa at Lone Star Memorial.

For the Defense:

3. Peter Paul Seeger, the Defendant, who will testify on his own behalf.
4. Jordan Kravitz, an eye witness to the events.

No. CR-11-2444

THE PEOPLE OF THE STATE OF LONE STAR,	§	IN THE DISTRICT COURT
Plaintiff,	§	
v.	§	
PETER PAUL SEEGER,	§	IN AND FOR
Defendant.	§	
	§	THE CITY AND COUNTY
	§	OF LONE STAR
	§	

COMPLAINT AND INFORMATION

TWO CHARGES:

COUNT 1: ASSAULT IN THE FIRST DEGREE

COUNT 2: DOMESTIC VIOLENCE

Timothy C. Williams, District Attorney for the First Judicial District of the State of Lone Star, in the name and by the authority of the People of the State of Lone Star, informs the Court of the following offenses committed, or triable, in the City and County of Lone Star.

COUNT 1: ASSAULT IN THE FIRST DEGREE

That on or about June 14, 2014, Peter Paul Seeger, with intent to cause serious bodily injury to another person, unlawfully and feloniously caused serious bodily injury to Adriana Testa by means of a deadly weapon, to wit: a hammer, in violation of LSRS 18-3-202(1)(a).

COUNT 2: DOMESTIC VIOLENCE

On or about June 14, 2014, Peter Paul Seeger did unlawfully and knowingly inflict an act of violence on Adriana Testa, a person with whom the defendant has been involved in an ongoing intimate relationship and committed another crime against Adriana Testa in violation of LSRS 18-6-800.3, all against the peace and dignity of the People of the State of Lone Star.

DATED: JUNE 20, 2014



Timothy C. Williams
Office of the District Attorney for the
First Judicial District
State of Lone Star

WITNESS AND EXHIBIT LIST

WITNESSES:

1. Adriana Testa (must be female)
 2. Derrick Sheppard, M.D. (may be male or female)
 3. Peter Paul Seeger (must be male)
 4. Jordan Kravitz (may be male or female)
-

EXHIBITS:

1. Map of the French Quarter Trailer Park
2. Satellite view of the French Quarter Trailer Park
3. Photo of Defendant
4. Photo of hammer
5. Photo of picture hangers
6. Photo of Elvis painting
7. Photo of boat
8. 911 tape transcript*
9. Transcript of Defendant's audiotaped statement*
10. Handwritten Victim Impact Statement by Adriana Testa
11. Serious Bodily Injury form
12. Medical Records

*The trial court has ruled pretrial that the audio recordings are admissible as exhibits at trial. This pretrial ruling is not to be challenged.

STIPULATIONS AS TO EVIDENTIARY MATTERS

Procedural Matters

1. Federal Rules of Criminal Procedure and Federal Rules of Evidence apply.
2. All witnesses called to testify have identified the parties, other individuals, or tangible evidence in prior testimony and will, if asked, identify the same at trial.
3. Other than what is supplied in the problem itself, there is nothing exceptional or unusual about the background information of any of the witnesses that would bolster or detract from their credibility.
4. This competition does not permit a listed witness, while testifying, to "invent" an individual not mentioned in this problem and have testimony or evidence offered to the court or jury from that "invented" individual.
5. "Beyond the record" shall not be entertained as an objection. Rather, teams shall use cross-examination as to inferences from material facts pursuant to National Rules 7.4(C), (D), (E) and (F), and 8.5. Any party wishing to file a complaint concerning a violation of this rule shall use the procedure found in Rule 8.3.
6. The State and the Defendant must call the two witnesses listed as that party's witnesses on the witness list.
7. All exhibits in the file are authentic. In addition, each exhibit contained in the file is the original of that exhibit unless otherwise noted on the exhibit or as established by the evidence.
8. The trial court has ruled pretrial that the audio recordings are admissible as exhibits at trial. This pretrial ruling is not to be challenged.

9. It is stipulated that no one shall attempt to contact the problem drafter about this problem before the conclusion of the 2015 National Trial Competition Final Round. Contact with the competition officials concerning this problem must be pursuant to the rules of the competition.

10. 2015 is the year in which this case comes to trial.

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

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

Substantive Matters

1. Lone Star Revised Statute § 13-90-101 provides:

All persons, without exception, may be witnesses. Neither parties nor other persons who have an interest in the event of an action or proceeding shall be excluded; nor those who have been convicted of crime; nor persons on account of their opinions on matters of religious belief. In every case the credibility of the witness may be drawn in question, as now provided by law, but the conviction of any person for any felony may be shown for the purpose of affecting the credibility of such witness. The fact of such conviction may be proved like any other fact, not of record, either by the witness himself, who shall be compelled to testify thereto, or by any other person cognizant of such conviction as impeaching testimony or

by any other competent testimony. Evidence of a previous conviction of a felony where the witness testifying was convicted five years prior to the time when the witness testifies shall not be admissible in evidence in any civil action.

2. Lone Star Revised Statute § 18-1-501 provides:

The following definitions are applicable to the determination of culpability requirements for offenses defined in this code:

(1) “Intentionally” or “with intent”. All offenses defined in this code in which the mental culpability requirement is expressed as “intentionally” or “with intent” are declared to be specific intent offenses. A person acts “intentionally” or “with intent” when his conscious objective is to cause the specific result proscribed by the statute defining the offense. It is immaterial to the issue of specific intent whether or not the result actually occurred.

(2) “Knowingly” or “willfully”. All offenses defined in this code in which the mental culpability requirement is expressed as “knowingly” or “willfully” are declared to be general intent crimes. A person acts “knowingly” or “willfully” with respect to conduct or to a circumstance described by a statute defining an offense when he is aware that his conduct is of such nature or that such circumstance exists. A person acts “knowingly” or “willfully”, with respect to a result of his conduct, when he is aware that his conduct is practically certain to cause the result.

(3) “Recklessly”. A person acts recklessly when he consciously disregards a substantial and unjustifiable risk that a result will occur or that a circumstance exists.

(4) “Criminal Negligence”. A person acts with criminal negligence when, through a gross deviation from the standard of care that a reasonable person would exercise, he fails to perceive a substantial and unjustifiable risk that a result will occur or that a circumstance exists.

3. Lone Star Revised Statute § 18-3-202(1)(a) provides:

18-3-202. Assault in the first degree (a felony with a mandatory prison sentence)

(1) A person commits the crime of assault in the first degree if:

(a) With intent to cause serious bodily injury to another person, he causes serious bodily injury to any person by means of a deadly weapon.

4. Lone Star Revised Statute § 18-3-204(1)(a) provides:

18-3-202. Assault in the third degree (a misdemeanor)

(1) A person commits the crime of assault in the third degree if:

(a) The person knowingly or recklessly causes bodily injury to another person or with criminal negligence the person causes bodily injury to another person by means of a deadly weapon.

4. Lone Star Revised Statute § 18-6-800.3 provides:

18-6-800.3. Definitions

As used in this part 8, unless the context otherwise requires:

(1) "Domestic violence" means an act or threatened act of violence upon a person with whom the actor is or has been involved in an intimate relationship. "Domestic violence" also includes any other crime against a person, or against property, including an animal, or any municipal ordinance violation against a person, or against property, including an animal, when used as a method of coercion, control, punishment, intimidation, or revenge directed against a person with whom the actor is or has been involved in an intimate relationship.

(2) "Intimate relationship" means a relationship between spouses, former spouses, past or present unmarried couples, or persons who are both the parents of the same child regardless of whether the persons have been married or have lived together at any time.

911 CALL
June 14, 2014 at 20:10

Operator	911, what is the address of your emergency?
Caller	French Quarter Trailer Park in Lone Star
O	Is it a business or a house?
C	It is a trailer park, I'm on Caney Bayou.
O	What is the number you are calling from?
C	806-372-2202
O	What is your name?
C	Jordan Kravitz
O	What is the nature of your emergency?
C	I live here in the trailer park and this really nice couple across the lane are running through the trailer park yelling and screaming for help.
O	Do you know their names?
C	Yes, Adriana and Pete.
O	What are they saying?
C	Well, Adriana keeps hollerin' help me, help me, call the police.
O	Can you see them?
C	Yes, they keep running up and down the lane in and out of the trailers. I think Pete has a hammer.
O	What does the woman look like?
C	She is a pretty little thing, maybe 5'2", blonde hair, blue eyes. Just beautiful.
O	What is she wearing?
C	She has on a tube top and "daisy dukes" shorts.
O	What does the man look like?
C	He looks kinda rough, lots of tattoos, shaved head, but he's the nicest guy in the world.
O	What is he wearing?
C	He has on blue jeans and a wife beater – you know one of those tank top things.
O	Is anyone hurt?
C	Well, Adriana's got a bunch of blood running down her back. And she keeps

EXHIBIT 8

	hollering, “stop hitting me, stop hitting me.”
O	Other than the hammer, does he have any other weapons?
C	Not that I can see, but they’re running really fast all over the trailer park. Should I go out and look?
O	No. I have officers on the way. Please stay inside. What trailer number are you in?
C	23
O	What trailer do the victim and Pete live in?
C	24
O	Please stay inside. Officers will be there shortly.
C	Oh, I see the police cars now. Here they come. Thank you.

Subject Information:	Subject Name: <u>Pete Seeger</u>	DOB: <u>8-12-85</u>
Subject Was: <input type="checkbox"/> Angry <input type="checkbox"/> Apologetic <input type="checkbox"/> Crying <input type="checkbox"/> Afraid	<input type="checkbox"/> Hysterical <input checked="" type="checkbox"/> Calm <input type="checkbox"/> Agitated <input type="checkbox"/> Distraught	<input type="checkbox"/> Irrational <input type="checkbox"/> Nervous <input type="checkbox"/> Threatening <input type="checkbox"/> Other (explain)
Subject Had Physical Injuries? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Pain <input type="checkbox"/> Bruises <input type="checkbox"/> Abrasions <input type="checkbox"/> Minor Cuts <input type="checkbox"/> Lacerations	<input type="checkbox"/> Fractures <input type="checkbox"/> Concussion <input type="checkbox"/> Other: _____
		Alcohol or Drugs Involved? <u>No</u> <input type="checkbox"/> Alcohol <input type="checkbox"/> Drugs Details: _____

ADVISEMENT OF RIGHTS

Date: June 14, 2014 Time: 21:02
 Location: Lone Star PD Interview Rm # 1

- You have the right to remain silent.
- Anything you say can and will be used against you in a court of law.
- You have the right to talk to a lawyer and have him present with you while you are being questioned.
- If you cannot afford to hire a lawyer, one will be appointed to represent you before any questioning, if you wish.
- You can decide at any time to exercise these rights and not answer any questions or make any statement.

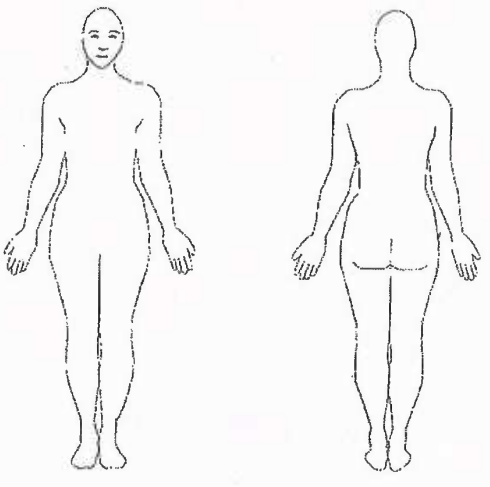
- I understand each of these rights.
- Having these rights in mind, I am willing to make a statement and answer questions.

Pete Seeger
Signature

Gabriel Cash, Lt.
Signature of Officer giving advisement

SUBJECT INFORMATION

HAVE SUBJECT MARK AREA(S) ON THE DIAGRAMS THAT IDENTIFY WHERE THE SUBJECT WAS STRUCK/INJURED.



FRONT BACK

SUBJECT SIGNATURE: _____

AUTHORIZATION FOR RELEASE OF MEDICAL AND DENTAL RECORDS AND INFORMATION

Please use Department's Standardized Medical Release Form Complying with the HIPPA Standards.

CONSENT TO SEARCH:

I, Pete Seeger, hereby authorize
Tango and Cash
 (NAME OF OFFICER) (NAME OF OFFICER)

peace officers for the Lone Star Police Department to conduct a complete search of my residence or vehicle located at:

The French Quarter Trailer Park Unit 24

These agents are authorized by me to remove from my residence any items or property that they may deem necessary for use in any future criminal prosecution.

I am giving this written permission to the above named officers voluntarily and without threats or promises of any kind.

Signed Pete Seeger

Evidence and Crime Scene Information

Photos Taken	Taken By	Date / Time
Crime Scene <input checked="" type="checkbox"/> Digital <input type="checkbox"/> Film	<u>Tango</u>	<u>6/15/14 01:30</u>
Suspect <input checked="" type="checkbox"/> Digital <input type="checkbox"/> Film	<u>C. Starling</u>	<u>6/15/14 02:00</u>
Victim <input type="checkbox"/> Digital <input type="checkbox"/> Film		
Follow Up of Victim <input checked="" type="checkbox"/> Digital <input type="checkbox"/> Film		

Voluntary Statements taken from:
 Suspect Victim Witness Children

List any weapons used in crime: hammer

911 Call tape ordered? Yes No
 Warrant required before search? Yes No

Property Damage and Disarray

Was property damage present? Yes No
 Was property disarray present? Yes No

Please note locations where property was found damaged or in disarray.
 Bedroom Bathroom Hallway Kitchen
 Family Room Living Room Dining Room Other

Describe property damage/disarray:
Velvet Painting of Elvis on floor by couch
Picture hanging hardware strewn on floor by couch

Lone Star Police Department Domestic Violence Supplement

Officer Name Gabriel Cash	Badge Number 9483	Case Number 2014-LS-0179
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Victim Information:	Victim Name: Adriana Testa	DOB: 6/28/90
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Was Victim pregnant at the time of the incident? Yes No
 If Yes, did the suspect know or have reason to know? Yes No If yes, how?

Victim Was: <input type="checkbox"/> Angry <input type="checkbox"/> Apologetic <input checked="" type="checkbox"/> Crying <input checked="" type="checkbox"/> Scared <input checked="" type="checkbox"/> Hysterical <input type="checkbox"/> Calm <input checked="" type="checkbox"/> Agitated <input checked="" type="checkbox"/> Distraught <input type="checkbox"/> Irrational <input type="checkbox"/> Nervous <input type="checkbox"/> Threatening <input type="checkbox"/> Other (explain)	Victim Had: Physical Injuries? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Pain <input checked="" type="checkbox"/> Bruises <input checked="" type="checkbox"/> Abrasions <input checked="" type="checkbox"/> Minor Cuts <input checked="" type="checkbox"/> Lacerations <input checked="" type="checkbox"/> Fractures <input checked="" type="checkbox"/> Concussion <input type="checkbox"/> Other:	Alcohol or Drugs Involved? <input checked="" type="checkbox"/> Alcohol <input type="checkbox"/> Drugs Details: Victim was intoxicated
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RELATIONSHIP DYNAMIC

Prior Domestic Violence History
 There have been other acts of abuse in the past
 These incidents were reported
 Where _____
 When _____
 (If not reported, use additional case summaries to document)

There is a history of law enforcement calls to this address.
 Number _____ Nature _____

Children
 Children present During this incident During prior incidents
 Children involved/injured/intervened? Yes No
 If yes, use separate documentation

Threats (use supplemental forms when needed)
 Has suspect threatened to kill or injure the victim? Yes No
 If yes, what was said, and when?
 Has suspect threatened to kill or injure others? Yes No
 If yes, what was said, and when?
 Has suspect threatened to kill or injure pets? Yes No
 If yes, what was said, and when?

Access to weapons:
 Does the suspect possess or have access to weapons? Yes No
 Has the suspect used, threatened to use, or displayed a weapon? Yes No
a hammer

Recent Separation
 Did you recently talk about, make plans to, or leave suspect? Yes No

Stalking
 Is the suspect jealous or obsessive about victim? Yes No
 The suspect exhibits the following behavior toward the victim:
 Follows Monitors
 Tracks Repeatedly contacts (email/phone/pager)

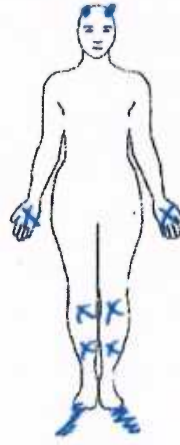
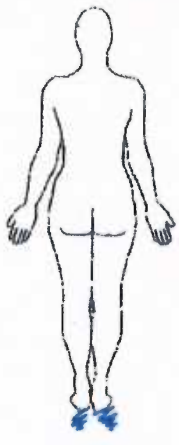
Substance Abuse
 Does suspect abuse alcohol? Yes No
 Does suspect use illegal drugs? Yes No
 Does suspect abuse legal drugs? Yes No

Mental Health of Suspect
 Does the suspect suffer from depression or other mental or emotional conditions?
 Yes No
 Does the suspect take medication? Yes No
 Has suspect expressed feelings of hopelessness to victim or others?
 Yes No
 If yes, who?

Restraining Orders
 Has suspect been restrained from contacting victim or children? Yes No
 If so, where and when?

Sexual Assaults
 Has victim previously asked for a restraining order? Yes No
 Has suspect done anything sexual to victim without consent? Yes No
 Has suspect forced victim to do anything sexual to suspect? Yes No

HAVE VICTIM MARK AREA(S) ON THE DIAGRAMS THAT IDENTIFY WHERE THE VICTIM WAS STRUCK/INJURED

FRONT BACK

VICTIM SIGNATURE: Adriana Testa

AUTHORIZATION FOR RELEASE OF MEDICAL AND DENTAL RECORDS AND INFORMATION
 Please use Department's Standardized Medical Release Form Complying with the HIPAA Standards.

ACCIDENT/INVESTIGATION REPORT

AGENCY: LSPD

CASE NO. 2014-LS-0179

DATE: 6/14/14, 23:45

On June 14, 2014, at approximately 2014, I (Lt. Ray Tango) was dispatched to Unit 23 at the French Quarter Trailer Park in the City and County of Lone Star to meet the reporting party for an assault that had occurred in the trailer park. Upon arrival, I contacted Jordan Kravitz (DOB 11.25.47), who advised me of the following:

Shortly after 20:00 hours, Kravitz was in the trailer located at Unit 23 when Kravitz heard raised voices from the trailer at Unit 24. Kravitz looked out the door to see the neighbors, Adriana Testa (DOB 6.28.90) and Peter Seeger (DOB 8.12.85). Kravitz observed Testa flee Unit 24 with Seeger in hot pursuit. Kravitz saw Seeger with a hammer in his hand and blood flowing from Ms. Testa's head down her back. Kravitz heard Ms. Testa scream over and over, "stop hitting me, stop hitting me." Kravitz immediately called the 911 operator.

After speaking with Kravitz, I joined Lt. Cash, who was seated with Adriana Testa on the steps leading into the trailer located at Unit 24. Ms. Testa was holding a white towel to the back of her head. The white towel had a red liquid-like substance on it which was also flowing down her back. Based on my experience and training, I identified the red liquid as blood.

Lt. Cash began questioning Ms. Testa. I was present for the entire interview. Ms. Testa explained that she had recently moved into Unit 24 with her boyfriend, Mr. Seeger. Ms. Testa said that after moving in with Mr. Seeger, their relationship became increasingly hostile and difficult. She said that Mr. Seeger regularly yelled at her, pushed her around, and was just generally "nasty." Testa said that because of this treatment at the hands of Mr. Seeger, she had begun drinking on a more regular basis. Her preferred drink was Red Bull with a little vodka.

Testa said earlier in the evening, Seeger was in the process of hanging his most prized piece of art, a picture of Elvis Presley on black velvet, above the couch. He demanded that Testa hold the picture for him. When she was unable to do so and the picture fell, Seeger became enraged. Seeger had a hammer in his hand and struck Testa on the head two times. Testa said that she was dazed and confused by the blows, but was able to get away from Seeger and leave the trailer. She ran out of the trailer, taking a sharp right on Caney Bayou Lane to Royal Drive, where she took another right, and then took another right, weaving in and out of the trailers parked between Caney Bayou and

Down Bayou lanes. She was eventually able to hide underneath a boat cover in a fiberglass boat behind Unit 34 until she heard the police sirens arrive. At that time, she got out of the boat and walked to Caney Bayou Lane and flagged down the police car in which Lt. Cash was riding. Lt. Cash stopped his vehicle, exited his vehicle, and assisted Testa to her home at Unit 24. There, he secured a white towel, pressed it to the back of Testa's head, and engaged in the Department's protocol for comforting a victim of domestic violence. Lt. Cash completed the Lone Star Department Domestic Violence Supplement, noting Testa's injuries. Lt. Cash's completion of the Lone Star Domestic Violence Supplement was accurate and consistent with my observations that Testa had injuries to the soles of her feet, both shins, both knees, the palms of both hands, as well as lacerations to the scalp. At the completion of the interview, the Lone Star Ambulance arrived and Testa was assisted into the rear of the ambulance and taken to Lone Star Memorial Hospital.

Lt. Cash and I then began to search the area in an attempt to locate Peter Paul Seeger. Immediately after the ambulance left, Mr. Seeger stepped out from behind Unit 24 with his hands raised and identified himself. Lt. Cash and I both drew our weapons and told him to halt and to assume the prone position with arms and legs outstretched. We approached cautiously in compliance with Department protocols for arresting an armed and dangerous person. Lt. Cash frisked Seeger, who held a hammer in his right hand. Seeger offered the hammer to Lt. Cash without incident. Mr. Seeger was assisted to his feet, informed that he was under arrest and handcuffed. Mr. Seeger appeared unharmed. I placed Mr. Seeger in the back of my patrol car and transported him to Lone Star Police headquarters.

Once at headquarters, Mr. Seeger waived his right to remain silent and gave a statement that was recorded in full. In summary, Seeger told me that he had been living in Unit 24 for approximately 1 year. Approximately three months ago, Testa moved in. He claimed that they had a loving, nurturing and supportive relationship. He indicated that there had been no arguments, nor any physical violence between them throughout their relationship. Seeger claimed that he was a recovering alcoholic and that he had been sober for the past three years. He said that Testa, an exotic dancer at Shotgun Willie's, liked to drink Red Bull and vodka before going on her shift. This being a Saturday night, she was due on her shift at 21:00. Accordingly, she had begun drinking Red Bull and vodka. Seeger had recently retrieved his velvet painting of Elvis from the storage unit. He claimed he was attempting to hang the picture on the wall behind the couch in the trailer located at Unit 24. Seeger said that Testa hated the picture and did not want it hung. Testa told him that if he insisted on hanging the picture, she was going to claim that he had beaten her and call the cops. Seeger claimed that he just assumed that was drunken nonsense and continued to hang the picture.

Just before he was to mark the picture for hanging, Testa began screaming at him, exited the trailer in a hasty manner and began running down the street barefoot screaming

“stop hitting me, stop hitting me.” Seeger said that she was so drunk that he feared that she might hurt herself and so he followed behind her but for her own safety. Seeger claimed that as Testa ran down Caney Bayou Lane, she fell multiple times and continued to fall as she rounded Royal Drive and began to run up between Caney and Down Bayou Lanes. Seeger concluded that he was making the situation worse by following her and so stopped at Unit 24. Seeger claimed that when the police arrived, he was scared and hid behind Unit 24 until he saw that Ms. Testa had been attended to and transported in the ambulance. He then showed himself to Lt. Cash and myself.

Seeger consented to a search of the trailer at Unit 24 of the trailer park. He positively identified a picture of Elvis, picture hangers and a hammer as coming from his home.

Seeger denied hitting Testa with the hammer.

Seeger then invoked his right to counsel and refused to answer any further questions.

A criminal history was run on Seeger and it was concluded that he had five felony convictions, all in the City and County of Lone Star. Seeger had spent time in the Lone Star Department of Corrections where he honed his skills as a tattoo artist and carpenter.

END OF REPORT

CASE CLOSED BY ARREST

TRANSCRIPT OF INTERVIEW OF PETER PAUL SEEGER

LONE STAR POLICE DEPARTMENT HQ

JUNE 14, 2014 at 21:50

RT	Ok Mr. Seeger, just have a seat
PS	Where?
RT	That chair is fine. Now as you know, my name is Ray Tango and this is my partner, Lt. Gabriel Cash.
PS	Yup, I know.
RT	Well, this is being recorded so we need to make sure everything is clear for the tape.
PS	Got it. Ask me anything. I got nothing to hide.
RT	Well, first Mr. Seeger, I need to advise you of your right to remain silent.
PS	I know all about that. Been advised every time I was ever arrested. Never talked then though 'cause I was always guilty. Thought it better not to say anything under that situation. But this here is different. I didn't do anything wrong, so I'll talk to you as long as you want.
RT	Well, just because I have to, let me say: 1) You have the right to remain silent. 2) Anything you say can and will be used against you. 3) You have the right to have a lawyer present. 4) If you can't afford a lawyer, one will be appointed for you. Do you understand these rights, Mr. Seeger?
PS	Yep.
RT	Are you willing to waive these rights and speak with me and my partner?
PS	Yep.
RT	In that case, will you sign right here?
PS	Sure.
RT	Ok, so why don't you tell us a little bit about yourself?
PS	Ok. I was born August 12, 1985, so I am 29 years old. Never knew my parents. I was raised by my grandpa. Loved him to death even if he was

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	<p>a drinker. He was pretty good to me.</p> <p>I grew up here in Lone Star, lived at the other trailer park in town, went to Lone Star High School but I dropped out when I turned 16.</p> <p>I started working construction jobs so I could help my grandpa pay the bills.</p> <p>Got my GED in prison.</p> <p>I tried to enlist in the Army but they wouldn't take me. I got bad knees. Plus, they didn't much like the fact that I had stole a bunch a cars.</p>
RT	Tell us about that.
PS	<p>Well, I always have been a gearhead. When I wasn't poundin' nails, I was working on cars. Never could afford a nice one myself.</p> <p>I'm ashamed of it now, but I started stealing cars when I was thirteen. Never meant to keep 'em, just wanted to see what it was like to drive a really cool car.</p>
RT	How many cars have you stolen?
PS	<p>Well, let's just say I got caught five times. Last one I finally went to prison. I was drunk out of my mind – see I'd become a drinker like my grandpa—I stole a Lambo and damn if I didn't wreck that glorious machine.</p> <p>Felt worse about wrecking that car than I did about the five years I caught from that judge.</p>
RT	When did you get out?
PS	<p>Got out in 2009. Prison was good for me. Like I said, got my GED, learned how to tattoo, I got sober, learned some furniture making skills. I'm pretty handy with a hammer, and the lessons I took to heart.</p> <p>Been on the straight and narrow ever since.</p>
RT	When did you move into the French Quarter?
PS	A year ago.
RT	You working?
PS	Yes, been working at Heritage Fine Furniture Construction Company since 2009.
RT	How did you meet Adriana Testa?
PS	Well, I was asked by some buddies of mine on my softball team—I'm the number one hitter on the team, stolen the most bases this year, too—if I could help 'em out building a new stage for the dancers at Shotgun

	<p>Willie's. I don't go to bars no more, but some of my friends do.</p> <p>I said sure and while I was building the stage I got to know Adriana. I tell you, it was love at first sight.</p> <p>We dated for a couple weeks and then she moved in.</p>
RT	When?
PS	Oh, about 3 to 4 months ago.
RT	How was your relationship?
PS	Great. Two love birds. I love her with all my heart.
RT	Did you ever fight?
PS	Nope, not once, well at least not until tonight.
RT	Tell us what happened tonight.
PS	<p>Well, we were just hangin' out at home. Since it's Saturday, Adriana had to dance at 9 p.m. She likes Red Bull and vodka before she goes on stage. Says it helps her relax and she gets better tips that way.</p> <p>With her having moved in and all, I decided I should make the trailer more like a permanent home so I had been down to the storage unit earlier that day. Got my grandmother's fine china and my favorite piece of art, a painting of Elvis in his white suit, looking fine, on black velvet. It's a beautiful picture.</p> <p>I thought it would be a nice touch to hang it in the living room.</p> <p>So I got out my tool belt and got some picture hanging hardware from the back bedroom. I was holding it up to see the best place for it when Adriana just went nuts.</p> <p>She said that it was the ugliest damn picture she had ever seen; no way did she want it hung in her living room.</p>
RT	What happened then?
PS	Well, I told her it was actually my living room since I had bought the trailer and that I wanted the picture hung up.
RT	Did you hang it on the wall?
PS	No, never got the chance. Adriana threw a hissy fit and said if I hung the picture she was gonna call 911 and tell the cops that I had beaten her.
RT	So what did you do?
PS	Well, I thought she was just drunk and being stupid. Didn't think she really meant it. So I started to mark where the hanger should go.

RT	Yes, what next?
PS	Well, Adriana went crazy. Started screaming at me, spitting on me, grabbing for my Elvis painting. When I held the painting over my head so she couldn't get to it, she ran out the door and down the lane screaming "stop hitting me, stop hitting me."
RT	What did you do?
PS	Well, I followed her, of course. She was pretty drunk and I was afraid she might get hurt. So I took off after her. She's really fast. I can barely run because of my bad knees, but I tried to keep up with her.
RT	Where did she go?
PS	Well, she hung a right down Caney then another right on Royal and then cut up between the trailers and started running through the back yards. I decided I was making matters worse, so I stopped at our trailer and hid until the cops came and Adriana was put in the ambulance.
RT	Was she hurt?
PS	Well, you saw her. She was a bloody mess. I guess she got scraped up when she kept fallin'.
RT	When did she fall, Mr. Seeger?
PS	When she was running away from me. She fell down a bunch, kept hitting her head when she fell.
RT	Is there anything else about what happened tonight or about your relationship with Adriana that we need to know about?
PS	No, I have told you everything.
RT	Mr. Seeger, before we ask you any more questions, we'd like to go back and take a look around your trailer.
PS	Fine by me.
RT	Are you willing to give Lt. Cash and me permission to search your trailer?
PS	You bet. Like I keep saying, I got nothing to hide.
RT	Ok then, would you please sign right here? [Seeger signs Consent to Search] Mr. Seeger, please sit tight. We'll be back in less than an hour. Would you mind if Officer Starling takes a few pictures of you while we're

	gone?
PS	Nope, fine by me.
QUESTIONING RESUMES AT 03:00	
RT	Thanks for waiting Mr. Seeger.
PS	Not like I had much of a choice.
RT	Mr. Seeger, we found a few things we would like you to identify. Is this the picture of Elvis you were trying to hang?
PS	Yep.
RT	Are these the picture hangers you were going to use?
PS	Yes.
RT	And is this the hammer you were using?
PS	Yep.
RT	Is it the same one you gave to Lt. Cash?
PS	Yes.
RT	Did you have it when you were chasing after Ms. Testa?
PS	Well, I wasn't really chasing her. I was just following her to make sure she didn't get hurt.
RT	Did you hit her with the hammer?
PS	No way, man. No way.
RT	Well, Mr. Seeger, how is it that Ms. Testa ended up with two blows to the head, all about the size of a hammer?
PS	You know that lawyer you mentioned earlier? I think I should talk to him now.
END OF TRANSCRIPT	

ACCIDENT/INVESTIGATION REPORT
SUPPLEMENTAL REPORT #2

AGENCY: LSPD

CASE NO. 2014-LS-0179

DATE: 9/15/14

On September 15, 2014, at approximately midnight, I (Lt. Gabriel Cash) arrived at Unit 24 in the French Quarter Trailer Park in the City and County of Lone Star to serve a trial subpoena and meet with Adriana Testa. Upon arrival, I knocked on the door, which was answered by Adriana Testa.

Ms. Testa recognized me from previous meetings and let me into the trailer where she was living. Ms. Testa was allowed to remain in the trailer at Unit 24. The defendant, Peter Seeger, had been prohibited from living at the trailer and was not there when I arrived. I handed the trial subpoena to Ms. Testa, who refused to take it. Ms. Testa told me that she did not want to testify against Mr. Seeger and she was not going to accept the subpoena.

She went on to tell me that she was in love with Mr. Seeger. She said that she loved Mr. Seeger very much, that they had gotten back together, and that she didn't want to see him prosecuted or convicted. She said she had recently quit her job at Shotgun Willie's because she was three months pregnant with Mr. Seeger's child.

Ms. Testa said, "look at me, I'm perfectly healed. There's nothing wrong with me."

I showed Ms. Testa a photograph of the boat she had shown me on June 14, 2014, as the place she had hidden from Mr. Seeger. She confirmed that the picture was of the boat where she had hidden.

We continued to talk until 02:30, at which point I left the trailer.

END OF REPORT

Victim Impact Statement

Lone Star Police Department

Please describe the events of June 14, 2014 in your own words:

I just moved in with my boyfriend, Pete. After I moved in things got kinda bad. Sometimes Pete would yell at me, punch me, just get nasty and ugly with me. Because he was so mean to me, I had started drinking. My favorite drink was Red Bull with a little vodka. On Flag Day of last year, Pete went to the storage unit and got this really ugly picture of the King in black velvet. It was hideous but Pete loved it. He wanted to hang it in the living room of our trailer. I didn't like the picture, but I knew that Pete did so I didn't tell him how awful it was. He asked me to hold it so he could mark off the wall to get it centered above the couch. It was too heavy for me and I dropped it by accident. Pete got really mad. He had a hammer out to hang the picture with and I think he hit me with it two times. I was really, really scared and it hurt really bad. I ran out of the trailer to the end of the street. I hung a right on Carey Bayou Lane then another right on Royal Drive. Then I ran through the back yards trying to get away from Pete. He was running after me, but I was faster. I found a boat down the way and jumped inside it under the cover and hid from Pete until I heard the police arrive. Then I got out and asked for help.

Please describe any injuries you have sustained as a result of this crime:

I got some cuts and scrapes as I was running through the back yard trying to get away from Pete.

My head hurts really bad where Pete hit me with the hammer.

EXHIBIT 10

What conditions would you like to see the Court impose on the defendant?

I think Pete needs some anger management classes and he needs to go to jail for a while. I also want the judge to make him pay for my medical bills.

Also I want the judge to let me live in our trailer and to make Pete stay away.

By my signature below, I hereby state that this is a full and complete account of the crime to the best of my memory. I have not omitted any important facts or details.

Adriana Jesta

6/15/14

Signature

Date

INTERVIEW OF JORDAN KRAVITZ BY INVESTIGATOR SAM SPADE

This memorandum is the result of a transcription of my notes. My notes were recorded in Gregg shorthand contemporaneously with the oral statement of Jordan Kravitz. This memorandum is a substantially verbatim recital of the oral statement made by Jordan Kravitz to me.

On September 20, 2014, at approximately 11:00 in the morning, I contacted Jordan Kravitz at Unit No. 23 on Caney Bayou Lane in the French Quarter Trailer Park, located in south-central Lone Star.

I approached Kravitz's trailer, which is a beautifully well-tended double-wide trailer complete with window boxes and pink flamingos. I knocked on the door and Kravitz answered. I informed Kravitz that I am an investigator retained by defense counsel representing Pete Seeger. Kravitz agreed to be interviewed and provided the following information.

Kravitz is 67 years old and has lived in the French Quarter Trailer Park ("French Quarter") for 20 years. Kravitz was a telephone operator and collects a pension as well as social security benefits. Kravitz is in good health and has excellent hearing and eyesight.

Kravitz first met Pete Seeger when he moved into the trailer, a single-wide, immediately across Caney Bayou Lane from the home of Kravitz. Seeger rented and moved into Unit No. 24. Kravitz indicated that Kravitz is the unofficial welcome committee for the French Quarter and so, upon seeing Seeger moving in, Kravitz went over to meet Seeger. Because it was quite hot, Kravitz took over some iced tea, sweetened of course, and they visited a bit. Kravitz's impression of Seeger was quite favorable. Because the weather was so hot, he had his shirt off while moving in his worldly possessions. Kravitz immediately noticed Seeger's multiple tattoos and piercings and at first was slightly intimidated by him. But after speaking with him, he quickly put Kravitz at ease and Kravitz has come to believe he is one of the nicest guys ever.

Kravitz also described Seeger as very handy. Kravitz admitted to not being able to change a light bulb. Kravitz said that after Seeger moved in, anything that needed fixing around the house, Kravitz would simply call Seeger. He would quickly come over and fix whatever needed fixing at no charge. They have gotten to be very good friends over the course of a year. However, Kravitz noted that Kravitz is very good friends with everyone in the French Quarter and Seeger is no different.

Kravitz met Adriana Testa about 3 months ago when Ms. Testa moved in with Seeger. Kravitz had been looking out the window and saw that a young lady was moving in with Seeger. Kravitz went over to Seeger's trailer to welcome the young lady. Kravitz

described Ms. Testa as “the prettiest little thing.” Kravitz has come to know Ms. Testa quite well and knows that Ms. Testa is an exotic dancer at a local establishment named “Shotgun Willie’s.”

Kravitz has had numerous opportunities to see Seeger and Ms. Testa together. Kravitz describes them as “totally in love.” Kravitz has never seen a cross word exchanged between them and Seeger is a chivalrous gentleman towards Ms. Testa on all occasions.

I asked if Kravitz had ever seen Seeger or Ms. Testa using drugs or alcohol. Kravitz responded that Seeger was a recovering alcoholic and hadn’t had a sip of alcohol or any drugs in well over three years. Certainly, in the year that he has lived in the French Quarter, Kravitz has never seen him drink a drop or take any drugs of any kind.

Kravitz said that Adriana Testa was a different story. Kravitz said that Ms. Testa liked her Red Bull with a little vodka. Kravitz then added that if the truth was really told, Ms. Testa liked her Red Bull with a lot of vodka.

I asked Kravitz about the events of June 14, 2014. Kravitz knew that June 14 is Flag Day and so specifically remembered that the incident involving Seeger and Ms. Testa happened on Flag Day of 2014.

I asked Kravitz to describe the events. Kravitz told me that just after 8:00 in the evening, Kravitz was sitting down intending to order a movie on demand. All of the windows and doors were open because the weather was quite hot and Kravitz cannot afford air conditioning. Because of that, Kravitz heard some yelling from across the street.

As is Kravitz’s habit when hearing any unusual noise, Kravitz went to the front door to have a better look at what was occurring. Kravitz could not make out what was being said, but could hear loud, angry voices coming from the home of Seeger and Ms. Testa. Kravitz said that upon hearing this Kravitz decided to investigate what was going on. Kravitz mentioned that in addition to being the unofficial welcome committee of the neighborhood, Kravitz is the unofficial keeper of the peace. Kravitz made sure to tell me that because Kravitz always knows what is going on, people often come to Kravitz to have disputes settled.

As Kravitz began walking down the steps of the double-wide trailer, Adriana Testa “came bustin’ out of their trailer, hell bent for leather.” Kravitz said that Seeger was “right behind her.”

Kravitz went on to describe that Ms. Testa “took off” running and screaming. Ms. Testa ran down Caney Bayou to Royal Drive, then looped around to her right and started weaving back toward her trailer between the trailers parked in the trailer court. Kravitz

told me that Seeger was “right behind her.” Kravitz observed that Seeger had a hammer in his hand. Kravitz could hear loud raised voices, but the only specific thing Kravitz could make out was Ms. Testa “hollering,” “stop hitting me, stop hitting me.” Kravitz said Seeger never said a thing; he just kept chasing her. Kravitz commented that Ms. Testa was faster than Seeger.

Kravitz said that Ms. Testa ran up the rows of trailers between Caney and Down Bayou Lane and Kravitz lost sight of her. That’s when Kravitz called 911. Kravitz never saw Seeger hit Ms. Testa with the hammer..

Since the incident, Kravitz has lived across the street from Ms. Testa, who has continued to live in Unit 24 without Seeger. Ms. Testa has told Kravitz that Testa’s statement to the police about what happened on June 14, 2014 was a lie. Ms. Testa told Kravitz that what really happened was that on June 14, 2014, Testa was about to pull a shift at Shotgun Willie’s that started at 10:00 at night. Ms. Testa told Kravitz that she was drinking her usual warmup drink for that shift, Red Bull and vodka. Ms. Testa told Kravitz that Seeger had recently gotten his velvet painting of Elvis from his storage unit. Ms. Testa told Kravitz that Seeger was attempting to hang the picture on the wall behind the couch in the trailer. Ms. Testa said she hated the picture and did not want it hung. Ms. Testa told Kravitz that she told Pete that if he insisted on hanging the picture, she was going to claim that he had beaten her and call the cops. When Seeger continued to hang the picture, Ms. Testa began screaming at him. Ms. Testa told Kravitz that she ran out of the trailer screaming “stop hitting me, stop hitting me,” even though Seeger was not touching her, let alone hitting her. Ms. Testa told Kravitz that she was so drunk that as she ran down Caney Bayou Lane, she fell a bunch of times. Testa told Kravitz that she loves Pete very much and does not want to see him go to jail. Kravitz thinks Ms. Testa might be pregnant, but isn’t sure.

Kravitz was able to identify two maps of the French Quarter Trailer Park, a Google Earth view as well as a Google Map view. Kravitz also identified a picture of Seeger’s back tattoos taken on June 14 at police headquarters as a fair and accurate representation of Seeger’s tattoos, which Kravitz likes very much.

END OF REPORT

Adoption of Statement

I, Jordan Kravitz, having had full and fair opportunity to completely review the forgoing INTERVIEW OF JORDAN KRAVITZ BY INVESTIGATOR SAM SPADE do hereby adopt and approve such statement. Such statement is an accurate and complete record of my interview with Investigator Sam Spade.

I further state and affirm that the foregoing Statement is a full and complete account of all matters relevant to the events of June 14, 2014 to the best of my memory and recollection. I have not omitted any important facts or details about the incident or about any of the participants.

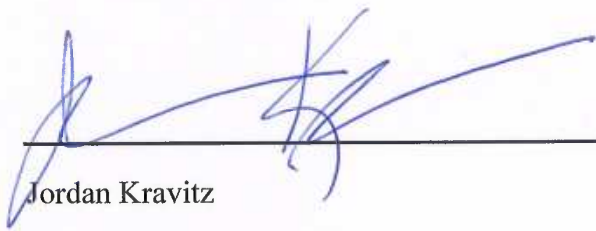
Jordan Kravitz

September 21, 2014

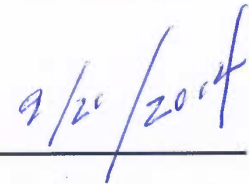
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Jordan Kravitz



September 21, 2014

ACCIDENT/INVESTIGATION REPORT

Supplemental Report #2

AGENCY: LSPD

CASE NO. 2014-LS-0179

DATE: 9/15/14

On September 15, 2014, at approximately midnight, I (Lt. Gabriel Cash) arrived at Unit 24 in the French Quarter Trailer Park in the City and County of Lone Star to serve a trial subpoena and meet with Adriana Testa. Upon arrival, I knocked on the door, which was answered by Adriana Testa.

Ms. Testa recognized me from previous meetings and let me into the trailer where she was living. Ms. Testa was allowed to remain in the trailer at Unit 24. The defendant, Peter Seeger, had been prohibited from living at the trailer and was not there when I arrived. I handed the trial subpoena to Ms. Testa, who refused to take it. Ms. Testa told me that she did not want to testify against Mr. Seeger and she was not going to accept the subpoena.

She went on to tell me that she was in love with Mr. Seeger. She said that she loved Mr. Seeger very much, that they had gotten back together, and that she didn't want to see him prosecuted or convicted. She said she had recently quit her job at Shotgun Willie's because she was three months pregnant with Mr. Seeger's child.

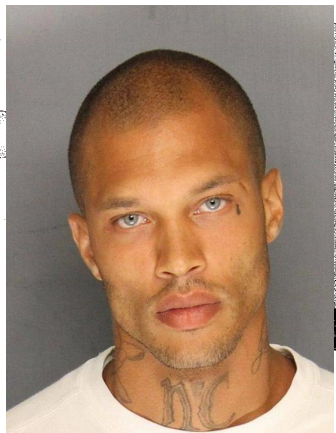
Ms. Testa said, "look at me, I'm perfectly healed. There's nothing wrong with me."

I showed Ms. Testa a photograph of the boat she had shown me on June 14, 2014, as the place she had hidden from Mr. Seeger. She confirmed that the picture was of the boat where she had hidden.

We continued to talk until 02:30, at which point I left the trailer.

END OF REPORT

DL/ID #: P0001234
URN: 10197121234
Name: PETER SEEGER
DOB: 08/12/1985
Captured: 06/14/2014, 20:55



DMV AND CRIMINAL JUSTICE AGENCY USE ONLY.

BY LAW, all information appearing on a DMV Dossier, including any PHOTOGRAPH, SIGNATURE or FINGERPRINT, is for the exclusive use of criminal justice agencies and IS NOT TO BE RELEASED TO ANY OTHER PARTY FOR ANY PURPOSE.

TIPS - Print Detail

[Home](#)

[TIPS](#)



SEEGER, PETER PAUL

JID# **P0001234**

Booking# **1001234**

Sex **M**

Height **6'2"**

Weight **225**

Date of Birth **08/12/1985**

Race **W**

Hair Color **BLK**

Eye Color **BLUE**

Facial Hair **NONE**

Hair Length **SH**

Glasses **N**

Charge **GRAND THEFT AUTO**



Image Type **MugShot**

Image Date **1/1/2005 10:00:55**

20110214-0002

*****CRIMINAL HISTORY*****

-----ARREST 01-----

DATE ARRESTED 12/28/2000
AGENCY CO00070200 PD LONE STAR
NAME USED SEEGER, PETER PAUL
CHARGE 01
CHARGE LITERAL GRAND THEFT AUTO
TYPE/LEVEL FELONY
OFFENSE DATE 12/28/2000
COURT DISPOSITION GUILTY
DISPOSITION DATE 6/14/2001
SENTENCE CREDIT FOR TIME SERVED
SUMMARY SEEGER PLED GUILTY TO THEFT OF 1998 JEEP
CHEROKEE; PROPERTY RETURNED UNDAMAGED; NO
INJURIES REPORTED

-----ARREST 02-----

DATE ARRESTED 12/06/2001
AGENCY CO00070200 PD LONE STAR
NAME USED SEEGER, PETER PAUL
CHARGE 01
CHARGE LITERAL GRAND THEFT AUTO
TYPE/LEVEL FELONY
OFFENSE DATE 12/06/2001
CHARGE 02
CHARGE LITERAL SPEEDING
TYPE/LEVEL TRAFFIC
OFFENSE DATE 12/06/2001
COURT DISPOSITION GUILTY TO CHARGE 02
DISPOSITION DATE 6/06/2002
SENTENCE CREDIT FOR TIME SERVED
SUMMARY SEEGER CHARGED WITH THEFT OF 2001 HUMMER; PLED
GUILTY TO SPEEDING; PROPERTY RETURNED
UNDAMAGED; NO INJURIES REPORTED

-----ARREST 03-----

DATE ARRESTED 12/15/2002
AGENCY CO00070200 PD LONE STAR
NAME USED SEEGER, PETER PAUL
CHARGE 01
 CHARGE LITERAL GRAND THEFT AUTO
 TYPE/LEVEL FELONY
 OFFENSE DATE 12/15/2002
CHARGE 02
 CHARGE LITERAL DUI
 TYPE/LEVEL TRAFFIC MISDEMEANOR
 OFFENSE DATE 12/15/2002
COURT DISPOSITION GUILTY TO CHARGE 02
DISPOSITION DATE 6/12/2003
SENTENCE CREDIT FOR TIME SERVED
SUMMARY SEEGER CHARGED WITH THEFT OF AUDI RX8; PLED
GUILTY TO DUI; PROPERTY RETURNED UNDAMAGED; NO
INJURIES REPORTED

-----ARREST 04-----

DATE ARRESTED 12/24/2003
AGENCY CO00070200 PD LONE STAR
NAME USED SEEGER, PETER PAUL
CHARGE 01
 CHARGE LITERAL GRAND THEFT AUTO
 TYPE/LEVEL FELONY
 OFFENSE DATE 12/24/2003
CHARGE 02
 CHARGE LITERAL DUI
 TYPE/LEVEL TRAFFIC MISDEMEANOR
 OFFENSE DATE 12/24/2003
CHARGE 03
 CHARGE LITERAL SPEEDING; 100 MPH/25 MPH ZONE
 TYPE/LEVEL TRAFFIC
 OFFENSE DATE 12/24/2003
COURT DISPOSITION GUILTY TO CHARGE 01
DISPOSITION DATE 06/28/2004
SENTENCE 1 YEAR 1 DAY DOC
SUMMARY SEEGER PLED GUILTY TO THEFT OF A 2003 MASERATI;
PROPERTY RETURNED UNDAMAGED; NO INJURIES
REPORTED.

-----ARREST 05-----

DATE ARRESTED	1/1/2005
AGENCY	CO00070200 PD LONE STAR
NAME USED	SEEGER, PETER PAUL
CHARGE	01
CHARGE LITERAL	GRAND THEFT AUTO
TYPE/LEVEL	FELONY
OFFENSE DATE	1/1/2005
CHARGE	02
CHARGE LITERAL	DUI
TYPE/LEVEL	TRAFFIC MISDEMEANOR
OFFENSE DATE	1/1/2005
CHARGE	03
CHARGE LITERAL	SPEEDING; 100 MPH/35 MPH ZONE
TYPE/LEVEL	TRAFFIC
OFFENSE DATE	1/1/2005
COURT DISPOSITION	GUILTY TO CHARGES 01, 02, 03
DISPOSITION DATE	06/1/2005
SENTENCE	5 YEARS DOC, 2 YEARS SUPERVISED RELEASE
SUMMARY	SEEGER PLED GUILTY TO THEFT OF A 2005 LAMBORGHINI; TOTALED THE VEHICLE; NO INJURIES REPORTED; RESTITUTION \$139,651.

EMERGENCY TRIP SHEET

TRIP #	12
MEDIC #	207
BEGIN MILES	13,024
END MILES	13,030
CODE / PAGE	1 / 1
UNITS ON SCENE	1

BILLING USE ONLY				
DAY				
DATE				
RECEIVED				
DISPATCHED				
EN-ROUTE				
ON SCENE				
TO HOSPITAL				
AT HOSPITAL				
IN-SERVICE				

NAME Adriana Testz SEX M F DOB 6/28/90
ADDRESS French Quarter Trailer Park # 24 RACE W
CITY Lone Star STATE Lone Star ZIP 80123
PHONE () - - PCP DR.

RESPONDED FROM Methodist Hospital CITY Lone Star
TAKEN FROM French Quarter Trailer Park ZIP 80123

DESTINATION Methodist Hospital REASON Head Injury
SSN - - MEDICARE # - - MEDICAID # - -
INSURANCE CO - - INSURANCE # - - GROUP # - -

RESponsible PARTY self ADDRESS - -
CITY - - STATE - - ZIP - - PHONE () - -

TIME	ON SCENE (1)	ON SCENE (2)	ON SCENE (3)	EN-ROUTE (1)	EN-ROUTE (2)	AT DESTINATION
BP	<u>110/80</u>					
PULSE	<u>90</u>					
RESP						
EKG						

MEDICAL HISTORY - -

MEDICATIONS birth control pills; Xanax

ALLERGIES - none
C/C

EVENTS LEADING TO C/C - chased by boyfriend; hit on head with hammer

ASSESSMENT Pt bleeding from multiple head wounds; alert; crying; multiple scrapes on shins; knees and hands

TREATMENT Direct pressure applied; neck immobilized; transport on back board

CREW	CERT	STATE #
<u>Mackey</u>	<u>ERT B</u>	<u>1,076</u>
<u>Green</u>	<u>ERT</u>	<u>2,078</u>

IV THERAPY
SUCCESSFUL Y N # OF ATTEMPTS
AMMO SIZE - - ga.
SITE - -
TOTAL FLUID INFUSED - - cc
BLOOD DRAW Y N INITIALS

INTUBATION INFORMATION
SUCCESSFUL Y N # OF ATTEMPTS
TUBE SIZE - - mm
TIME - - INITIALS

CONDITION CODES

TIME	TREATMENT	DOSE	ROUTE	INIT

GCS E V M TOTAL =

GCS E V M TOTAL =

HOSPITAL CONTACTED

EMS SIGNATURE [Signature]

CPR BEGUN BY B P TIME BEGUN

AED USED (N) BY:

RESUSCITATION TERMINATED - TIME

"he just kept hitting me on the head"

OSHA REGULATIONS FOLLOWED

EXHIBIT 12

LONE STAR METHODIST HOSPITAL

Patient Name: TESTA, ADRIANA
Account Number: NA0000537231
Attending/ER Physician: DERRICK SHEPPARD
Adm Date/Source: 6/14/2014
Primary Carrier: UNITED HEALTHCARE

Rpt#: NM03073371
Unit Number: K000048870
Patient Type: ADM IN
Discharge Date:

HISTORY AND PHYSICAL

CHIEF COMPLAINT: Head injury, multiple contusions & lacerations

HISTORY OF PRESENT ILLNESS: This is a 24 year-old patient who was brought in by ambulance. She presents with two head wounds, possible depressed fractures, bleeding, multiple wounds to hands, feet, shins and knees. Alert, crying oriented x3.

ALLERGIES: No known drug allergies

MEDICATIONS: Oral contraceptive and Xanax.

PAST MEDICAL HISTORY: No asthma. She reports she may have bipolar disorder. She has had bulimia and cutting problems. No other medical problems.

SOCIAL HISTORY: She lives with Boyfriend. Moved in 3 months ago. Difficult relationship; hostile and nasty; pushed around; fight earlier tonight precipitated by disagreement over velvet Elvis. Patient reports that boyfriend chased her through trailer park repeatedly hitting her on the head with a hammer. Pt fell repeatedly while being beaten.

PAST SURGICAL HISTORY: None

FAMILY HISTORY: Nothing significant.

PHYSICAL EXAMINATION

VITAL SIGNS: Temperature 38.7, pulse 78, respirations 20, blood pressure 125/68, 96³/0 on room air and 100% on 2 L oxygen.

GENERAL: She is a well-developed young female in significant distress.

HEENT: Her pupils are widely dilated 7 to 8-mm and equal, and reactive to light. As noted there are three wounds, 2 lateral/anterior and 1 posterior. Semi-circular in shape, may be depressed fractures.

LUNGS: Clear to auscultation trilaterally.

HEART: Regular rate, no murmur. Neck Supple, nontender, no thyromegaly, no lymphadenopathy.

General History and Physical Page 1 of 2

TESTA, ADRIANA 06/14/2014
DOB: 06/28/1990 23 8118-1
ACCT NO: NA0000537231 MR: KO00048870
ATT DR. DERRICK SHEPPARD

LONE STAR METHODIST HOSPITAL

Patient Name: TESTA, ADRIANA
Account Number: NA0000537231
Attending/ER Physician: DERRICK SHEPPARD
Adm Date/Source: 6/14/2014
Primary Carrier: UNITED HEALTHCARE

Rpt#: NM03073371
Unit Number: K000048870
Patient Type: ADM IN
Discharge Date:

ABDOMEN: No guarding, rebound or rigidity. No hepatosplenomegaly, no palpable masses.

EXTREMITIES: Lower extremities are bruised: shins, knees and feet bruised with short lacerations. She has a tattoo on her right leg. Dorsalis pedal pulses 2/4 bilaterally. Capillary refill less than 2 seconds.

DIAGNOSTIC DATA: Her white blood cell count, hemoglobin and platelet counts are all normal. Urine tox screen is negative for benzodiazepine, PCP, amphetamines, cocaine, marijuana, acetaminophen and salicylates as well as opiates, positive for alcohol and alprazolam. Blood culture x2 is pending. Chest x-ray has no infiltrate. Head CT positive.

IMPRESSION: Pt has sustained 2 head wounds from hammer. Size and shape of wounds consistent with household hammer; PT reports same. Other bruises and lacerations consistent with minor falls trying to escape boyfriend with hammer.

PLAN: Keep overnight for monitoring.

Jot# 022405S/144e23

NOTE At the time of transcription of this report, there may have been blank(s) to be edited by the dictating clinician. By signing this report, I attest that I have reviewed any blanks in the document, and have either corrected them and/or have no further information to add.

General History and Physical Page 2 of 2

TESTA, ADRIANA 06/14/2014
DOB: 06/28/1990 23 8118-1
ACCT NO: NA0000537231 MR: KO00048870
ATT DR. DERRICK SHEPPARD

LONE STAR METHODIST HOSPITAL

Patient Name: TESTA, ADRIANA
Account Number: NA0000537231
Attending/ER Physician: DERRICK SHEPPARD
Adm Date/Source: 6/14/2014
Primary Carrier: UNITED HEALTHCARE

Rpt#: NM03073371
Unit Number: K000048870
Patient Type: ADM IN
Discharge Date:

EMERGENCY NONCONTRAST CT SCAN OF THE BRAIN

INDICATIONS: Patient complains of being hit in head with hammer.

TECHNIQUE: Helically acquired scans were obtained at 5 mm slice thickness and reconstructed at 1.25 mm slice thickness using a millidetector helical scanner.

FINDINGS: No previous examination is available for comparison.


There is no evidence of stroke or tumor. No subarachnoid hemorrhage, epidural hematoma and cerebral hematomas all located and diagrammed. No evidence of fracture present. The paranasal sinuses are normal. The ventricles are normal.

IMPRESSION: Normal

Results were called to Dr. Sheppard

Dictated By STEPHEN M MILLER

*NO SENSE! HAS TO BE WRONG.
SAW FRACTURES!*



This report was compiled using a voice recognition dictation system and may contain typographical errors

Electronically signed by MILLER, STEPHEN M.
CC: SHEPPARD, DERRICK



LONE STAR METHODIST HOSPITAL

Patient Name: TESTA, ADRIANA
Account Number: NA0000537231
Attending/ER Physician: DERRICK SHEPPARD
Adm Date/Source: 6/14/2014
Primary Carrier: UNITED HEALTHCARE

Patient Visit Information

You were seen today for:

HEAD INJURY

Staff

Your caregivers today were:

Physician	Sheppard, Derrick MD
Nurse	ELG

Patient Instructions Reviewed

Concussion (ED)

received 6/14/2014

Activity Restrictions or Additional Instructions

1. Please call your doctor for follow up appointment.
2. Please call your doctor or return to the emergency department for any worsening symptoms or conditions.
3. is follow up with your primary care physician return to the emergency department for any worsening symptoms or conditions.

Concussion

DISCHARGE INSTRUCTIONS FROM YOUR PHYSICIAN

THANK YOU FOR YOUR VISIT TO OUR EMERGENCY DEPARTMENT (ED). YOU WERE SEEN TODAY BECAUSE OF A HEAD INJURY. YOU MAY CONTINUE TO HAVE SYMPTOMS INCLUDING DIZZINESS, HEADACHE, NAUSEA, CONFUSION OR DIFFICULTY WITH MEMORY. PLEASE RETURN TO THE ED IMMEDIATELY IF YOUR SYMPTOMS GET WORSE OR DO NOT GO AWAY. WE RECOMMEND THAT YOU DO NOT RESUME CONTACT SPORTS OR ACTIVITIES THAT TAKE COORDINATION OR BALANCE SUCH AS SKIING OR RIDING A BICYCLE UNTIL CLEARED TO DO SO BY YOUR DOCTOR OR BY A NEUROLOGIST.

Follow-up



LONE STAR METHODIST HOSPITAL

Patient Name: TESTA, ADRIANA
Account Number: NA0000537231
Attending/ER Physician: DERRICK SHEPPARD
Adm Date/Source: 6/14/2014
Primary Carrier: UNITED HEALTHCARE

Please contact the following to make an appointment for follow-up care:

Sheppard, Derrick
5117 Pocahontas St., Lone Star
713-660-1234

Note: Your health care plan may require a referral from your primary care provider prior to making an appointment.



LONE STAR METHODIST HOSPITAL

Patient Name: TESTA, ADRIANA
 Account Number: NA0000537231
 Attending/ER Physician: DERRICK SHEPPARD
 Adm Date/Source: 6/14/2014
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THANK YOU

- | | |
|---|---|
| <input type="checkbox"/> Avista Adventist (303) 673-1003 | <input type="checkbox"/> Penrose Comm UC (719) 776-3216 |
| <input type="checkbox"/> Castle Rock Med Cntr(720)455-1000 | <input type="checkbox"/> Penrose Cripple CK (719) 776-4300 |
| <input type="checkbox"/> Urgent Care @ DMR (970) 259-4553 | <input type="checkbox"/> Penrose Mountain UC (719)686-0551 |
| <input type="checkbox"/> Urg Care @ Golden (303) 804-8254 | <input type="checkbox"/> St Francis Med Cntr (719) 571-1476 |
| <input type="checkbox"/> Littleton Adventist (303) 730-5800 | <input type="checkbox"/> St Anthony Hospital (720) 321-4100 |
| <input type="checkbox"/> Littleton Ped Emerg (303) 730-5805 | <input type="checkbox"/> St Anthony North (303) 426-2121 |
| <input type="checkbox"/> Mercy Regional (970) 764-2100 | <input type="checkbox"/> St Anthony North MP (720) 627-0020 |
| <input type="checkbox"/> Parker Adventist (303) 269-4800 | <input type="checkbox"/> St Anthony Summit (970) 668-3300 |
| <input type="checkbox"/> Porter Adventist (303) 778-5666 | <input type="checkbox"/> St Mary Corwin (719) 557-5656 |
| <input type="checkbox"/> Penrose Main (719) 776-5333 | <input type="checkbox"/> St Thomas More (719) 285-2270 |
| <input type="checkbox"/> | <input type="checkbox"/> Urg Care @ Canon City (719) 285-2888 |

We want to thank you for choosing us to serve your emergent health care needs.

Treatment given in the Emergency Department is offered as emergency care only. Follow-up treatment by your physician or the referral physician/clinic is important for your safety, and continuity of care. Because it is impossible to diagnose and treat all conditions in a single emergency visit it's crucial that you follow up with your Dr.

Take your copy of aftercare instructions and any lab results you have with you to see the Dr. It is important that you report any new or worsening symptoms to him or her right away.

If you prefer call ASK-A-NURSE at 1-800-327-NURSE(6877) and they will help you find a doctor.

If you are unable to see a private Dr, and your symptoms persist, or worsen seek medical care at a local clinic, or hospital Emergency Department. The Emergency Department is open 24 hours a day.

If you had x-rays taken, they were interpreted to determine the need for emergency treatment. The x-rays are again read by the radiologist and if further treatment is necessary, the Emergency Department will attempt to notify you.

"ICE" stands for In Case of Emergency and it is a simple way for you to list your emergency contact in your mobile phone under the heading ICE. Approximately 80% of Americans carry mobile phones, and it is often the first place that emergency workers or hospital personnel look for a patient's emergency contact. Please take time to put an ICE listing in your mobile phone.

You have been given a list of your reported medications, and any new prescriptions written for you on today's visit. Be sure to follow up with your Doctor if you have any questions regarding your medications.

When taking narcotics, or muscle relaxants do NOT drink alcohol, drive a car, or operate anything that requires concentration or coordination. You may become very drowsy. Wait at least 8 hours after last dose before doing these activities.

Always take antibiotics until all tablets/capsules are gone. If you are taking any medications and develop a rash/hives, difficulty breathing or swallowing stop medication and see your physician or return to Emergency Department immediately!



LONE STAR METHODIST HOSPITAL

Patient Name: TESTA, ADRIANA
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Adm Date/Source: 6/14/2014
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Suicide hot line 1-800-273-TALK (8255) or 1-800-SUICIDE (784-2433)

Obstructive Sleep Apnea (OSA)

Screening for OSA may have occurred during your patient visit. If it was determined that you are at risk for OSA, please follow up with your primary care provider. Additional testing is necessary to diagnose OSA.

A goal of the National Safety Council is to increase the awareness of the public about OSA. A person with OSA may present with the following symptoms:

- Snores loudly at night
- Tired, fatigued, or sleepy during day
- Observed not breathing while sleeping, or having a hard time breathing
- High Blood pressure that is not responding to medication

If you have two or more of the above symptoms, you could be at risk for OSA and should receive further testing to confirm a diagnosis. If you do have OSA and it is left untreated you are at risk for developing severe health issues.

Disclaimer:

"You may have been referred to the on call physician. It is possible this physician is not in network with your health plan. We recommend you check with your health plan and go to either our referral or one that is in network with your plan. If you choose a non network physician you may incur charges that are your responsibility."

**** Notification Drug Monitoring Program ****

"If you are being given a prescription for a "controlled" (Schedule II through V) drug. Your identifying prescription information will be entered into Lone Star's Prescription Drug Monitoring Program (PDMP) database when this drug is dispensed to you. Your prescription information in the database is a protected health record and cannot be accessed by non-caregivers except as part of an authorized investigation. You have a right to access your information in the PDMP through the Lone Star's Board of Pharmacy. You may seek corrections to the information as you would with your other medical records."

*** Home Medications ***

Continue taking all home meds as prescribed by your primary care provider UNLESS the ED practitioner or provider has directed you otherwise.



LONE STAR METHODIST HOSPITAL

Patient Name: TESTA, ADRIANA
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 Attending/ER Physician: DERRICK SHEPPARD
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Concussion

WHAT YOU SHOULD KNOW:

A concussion is injury to the tissue or blood vessels of the brain. It is also called a closed head injury or mild traumatic brain injury (MTBI). A concussion is usually caused by a bump or blow to the head from a fall, a motor vehicle crash, or a sports injury. Sometimes being forcefully shaken may cause a concussion. A concussion changes how the brain works and should be taken seriously.

INSTRUCTIONS:

Medicines:

- **Ibuprofen or acetaminophen:** These medicines decrease pain. They are available without a doctor's order. Ask your primary healthcare provider which medicine is right for you. Ask how much to take and how often to take it. Follow your primary healthcare provider's directions. These medicines can cause stomach bleeding if not taken correctly. Ibuprofen can cause kidney damage. Do not take ibuprofen if you have kidney disease, an ulcer, or allergies to aspirin. Acetaminophen can cause liver damage. Do not drink alcohol if you take acetaminophen.
- **Take your medicine as directed.** Call your primary healthcare provider if you think your medicine is not helping or if you have side effects. Tell him if you are allergic to any medicine. Keep a list of the medicines, vitamins, and herbs you take. Include the amounts, and when and why you take them. Bring the list or the pill bottles to follow-up visits. Carry your medicine list with you in case of an emergency.

Follow up with your primary healthcare provider as directed: Write down your questions so you remember to ask them during your visits.

Self-care:

- **Have someone wake you regularly during the night:** Ask if someone should wake you at night after your concussion. Ask how often to do this. It is not dangerous to sleep, but you may need to be woken to see if you are thinking clearly. This person should ask you questions such as your name or address.
- **Ice:** Ice helps decrease swelling and pain. Ice may also help prevent tissue



LONE STAR METHODIST HOSPITAL

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damage. Use an ice pack or put crushed ice in a plastic bag. Cover the ice pack with a towel and place it on your head for 15 to 20 minutes every hour for up to 2 days after your injury.

- **Rest:** Rest in bed or do quiet activities for 24 hours after your concussion. You may return to normal activities after your symptoms go away.
- **Activities:** Ask your primary healthcare provider when you can return to work or sports. You should not return to sports until you no longer have symptoms from your concussion.

Contact your primary healthcare provider if:

- You have nausea or vomiting.
- You feel more sleepy than usual.
- Your symptoms get worse.
- You have arm or leg weakness, numbness, or new problems with coordination.
- You have questions or concerns about your condition or care.

Return to the emergency department if:

- You have a severe headache.
- You vomit multiple times
- Someone tries to wake you and cannot do so.
- You have a seizure, increasing confusion, or a change in personality.
- Your speech becomes slurred, or you have new vision problems.
- You have arm or leg weakness, numbness, or new problems with coordination.



LONE STAR METHODIST HOSPITAL

Patient Name: TESTA, ADRIANA
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-
- You have blood or clear fluid coming out of the ears or nose.

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The above information is an educational aid only. It is not intended as medical advice for individual conditions or treatments. Talk to your doctor, nurse or pharmacist before following any medical regimen to see if it is safe and effective for you.

CURRICULUM VITAE

Derrick Sheppard, M.D., F.A.C.E.P., F.A.A.E.M.

Date: February 4, 2013

Present Address:

5117 Pocahontas St.
Lone Star
713-660-1234 (home)
713-660-5678 (fax)
713-385-1234 (cell and pager)
email: mcdreamy@greysanatomy.com

Personal:

Birthdate: 7/19/67
St. Louis, Missouri
Marital Status: Very single
Health: Excellent

Present Position:

Medical Director of Emergency Medicine The Methodist Hospital Lone Star	July 2001 – Present
Clinical Assistant Professor of Emergency Medicine Lone Star Medical College	August 2007 – Present
NFL – Lone Star Cowboys On-field Team Emergency Physician	August 2007 – 2009
Chairman Lone Star Medical Center Disaster Response Lone Star Medical Center	October 2003 – Present

Previous Position:

Assistant Medical Director of Emergency Services Denver General Emergency Department (a/k/a the Knife & Gun Club)	March 2000 – July 2001
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Clinical Instructor of Emergency Medicine
Lone Star University School of Medicine
Division of Emergency Medicine

July 1997 – March 2000

Board Certification:

American Board of Emergency Medicine

June 1998

Post Graduate Training:

Emergency Medicine Residency
University of Lone Star Health Sciences Center
Department of Emergency Medicine

June 1994 – June 1997

Medical School:

Lone Star University School of Medicine
Lone Star

August 1990 – May 1994

Undergraduate School:

Tulane University of Louisiana
New Orleans, LA

August 1985 – May 1989

Professional Appointments:

Chairman
Lone Star Medical Center Disaster Committee
Lone Star

October 2003 – Present

Medical/Disaster Response Chief
The Methodist Hospital

October 2001 – Present

Physician to Pope John Paul II
Papal Visit, Denver, CO

January 26 & 27, 1999

Medical Director
Denver Fire Department
Papal Visit, Denver, CO

January 26 & 27, 1999

Physician, “Guns and Hoses”
Firefighters vs. Police, Amateur Boxing
Annual Charity Fundraiser

November 1998-1999

Medical Consultant, American Red Cross
Lone Star

September 1999 – March 2000

Chief Resident
Department of Emergency Medicine
University of Lone Star
May 1996 – June 1997

Professional Affiliations:

Fellow American College of Emergency Physicians 1991 – Present
Fellow American Academy of Emergency Medicine 2008 – Present
National Association of EMS Physicians 1998 – Present
Disaster Medical Assistance Team (DMAT) 1998 – March 2000
American Medical Association 1990 – Present

Activities and Interests:

Sky diving, scuba diving, motocross, tattoo artist, carpentry

City and County of Lone Star

Department of Police

IR#: 2014-LS-0176

DATE: 6/14/2014

PHYSICIAN'S REPORT

"Serious Bodily Injury" means bodily injury which, either at the time of the actual injury or at a later time, involves a substantial risk of death, a substantial risk of serious permanent disfigurement, a substantial risk of protracted loss or impairment of the function of any part or organ of the body, or breaks, fractures, or burns of the second or third degree (Lone Star Revised Statutes 18-1-901(3)(e)).

I, Doctor SHEPPARD, have read and understand the legal definition of "serious bodily injury" and, in my opinion, the injuries sustained by HURRIANA IOSTA meet that definition.

My opinion is based upon the following list of major injuries he/she sustained:

- 2. SIMPLE DEPRESSED FRACTURE OF THE SKULL
- 2. LATERAL / ANTERIOR

Signed: [Signature]

Date: JUNE 15, 2014

Doctor's Office Address: 5117 POCONOMAS STREET LONE STAR

Doctor's Office Phone Number: 713-385-1234

I, DR. SHEPPARD HAVE REVIEWED ALL OF THE MEDICAL RECORDS (AND PATIENT STATEMENTS CONTAINED THEREIN), FORMS AND PATIENT INFORMATION. THOSE DOCUMENTS CONTAIN ALL OF THE INFORMATION UPON WHICH I RELIED IN FORMING MY OPINION. THIS REPORT CONTAINS MY FULL AND COMPLETE MEDICAL OPINION [Signature]

EXHIBIT 11

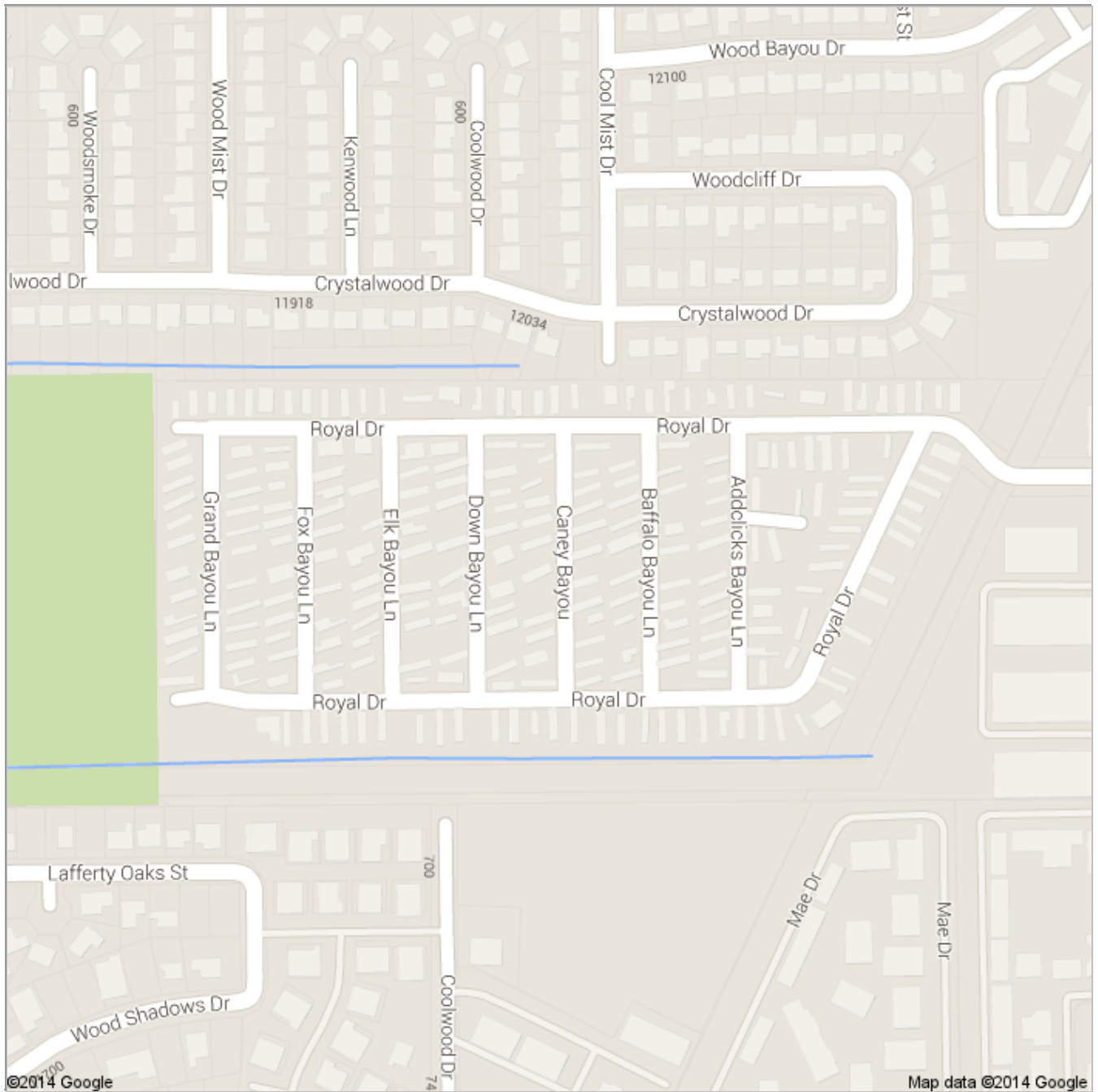


EXHIBIT 1



EXHIBIT 2

© 2014 Google

Imagery Date: 4/8/2014 29°46'48.73" N 95°13'24.68" W elev 27 ft

1944

361 ft

Goog



EXHIBIT 3



EXHIBIT 4



EXHIBIT 5



EXHIBIT 6



EXHIBIT 7

INSTRUCTION NO. 01

Before we begin the trial, I would like to tell you about what will be happening here. I want to describe how the trial will be conducted and explain what we will be doing.

The first step in the trial will be the opening statements. Either attorney may make an opening statement if he chooses to do so. Opening statements are not evidence. Their purpose is only to help you understand what the evidence will be.

Next the prosecution will offer evidence. Evidence consists of the sworn testimony of the witnesses, the exhibits received in evidence, and stipulated, admitted, or judicially noticed facts.

After the prosecution's evidence, the defendant may present evidence in his own behalf, but he is not required to do so. I want to remind you that the defendant is presumed to be innocent. The prosecution must prove the guilt of the defendant beyond a reasonable doubt. The defendant does not have to prove his innocence or call any witnesses or introduce any evidence.

At the conclusion of the evidence I will tell you the rules of law which you are to use in reaching your verdict. I will read those rules of law to you and you will be allowed to take them with you to the jury room during your deliberations.

After you have heard all the evidence and the instructions, the prosecution and the defense may make their closing arguments. Like opening statements, closing arguments are not evidence. The prosecuting attorney will have the opportunity to reply to the closing argument made by the defense.

You will then go to the jury room to deliberate on a verdict. Your purpose as jurors is to decide what the facts are, and your decision must be based solely upon the evidence.

It is my job to decide what rules of law apply to the case. You must follow all of the rules as I explain them to you. You may not follow some and ignore others. Even if you disagree or do not understand the reasons for some of the rules, you must follow them. You will then apply these rules to the facts which you have determined from the evidence. In this way you will determine whether the prosecution has proven the guilt of the defendant beyond a reasonable doubt.

INSTRUCTION NO. 02

Every person charged with a crime is presumed innocent. This presumption of innocence remains with the defendant throughout the trial and should be given effect by you unless, after considering all of the evidence, you are then convinced that the defendant is guilty beyond a reasonable doubt.

The burden of proof is upon the prosecution to prove to the satisfaction of the jury beyond a reasonable doubt the existence of all of the elements necessary to constitute the crime charged.

Reasonable doubt means a doubt based upon reason and common sense which arises from a fair and rational consideration of all of the evidence, or the lack of evidence, in the case. It is a doubt which is not a vague, speculative or imaginary doubt, but such a doubt as would cause reasonable people to hesitate to act in matters of importance to themselves.

If you find from the evidence that each and every element has been proven beyond a reasonable doubt, you will find the defendant guilty. If you find from the evidence that the prosecution has failed to prove any one or more of the elements beyond a reasonable doubt you will find the defendant not guilty.

INSTRUCTION NO. 03

There are two types of evidence from which you may properly find the truth as to the facts of a case. One is direct evidence. The other is circumstantial evidence, that is, the proof of facts from which other facts may reasonably be inferred. The law makes no distinction between direct and circumstantial evidence.

INSTRUCTION NO. 04

You have heard witnesses who have testified as experts. You are not bound by the testimony of experts; their testimony is to be weighed as that of any other witness. It is entirely your decision to determine what weight shall be given their testimony.

INSTRUCTION NO. 05

The credibility of a witness may be discredited by showing that the witness has been convicted of a felony. A previous conviction is one factor which you may consider in determining the credibility of the witness. You must determine the weight to be given to any prior conviction when considering the witness's credibility.

INSTRUCTION NO. 06

The defendant is entitled to be tried for the crime charged in this case, and no other. You may consider testimony of a previous conviction only in determining the credibility of the defendant as a witness, and for no other purpose. When the defendant takes the witness stand his credibility is to be determined in the same manner as any other witness.

INSTRUCTION NO. 07

The elements of the crime of assault in the first degree with a deadly weapon are:

- 1 – That the defendant,
- 2 – in the State of Lone Star, at or about the date and place charged,
- 3 – with intent to cause serious bodily injury to another person,
- 4 – caused serious bodily injury to any person,
- 5 – by means of a deadly weapon.

After considering all the evidence, if you decide the prosecution has proven each of the elements beyond a reasonable doubt, you should find the defendant guilty of assault in the first degree with a deadly weapon.

After considering all the evidence, if you decide the prosecution has failed to prove each of the elements beyond a reasonable doubt, you should find the defendant not guilty of assault in the first degree with a deadly weapon.

INSTRUCTION NO. 08

A crime is committed when the defendant has committed a voluntary act prohibited by law, together with a culpable state of mind.

“Voluntary act” means an act performed consciously as a result of effort or determination.

Proof of the voluntary act alone is insufficient to prove that the defendant had the required state of mind.

The culpable state of mind is as much an element of the crime as the act itself and must be proven beyond a reasonable doubt, either by direct or circumstantial evidence.

In this case, the applicable states of mind are explained below:

A person acts “intentionally” or “with intent” when his conscious objective is to cause the specific result proscribed by the statute defining the offense. It is immaterial whether or not the result actually occurred.

A person acts “knowingly” or “willfully” with respect to conduct or to a circumstance described by a statute defining an offense when he is aware that his conduct is of such nature or that such a circumstance exists. A person acts “knowingly” or “willfully”, with respect to a result of his conduct, when he is aware that his conduct is practically certain to cause the result.

A person acts “recklessly” when he consciously disregards a substantial and unjustifiable risk that a result will occur or that a circumstance exists.

A person acts “with criminal negligence” when, through a gross deviation from the standard of care that a reasonable person would exercise, he fails to perceive a substantial and unjustifiable risk that a result will occur or that a circumstance exists.

INSTRUCTION NO. 09

“Culpable Mental State” means “intentionally” or “knowingly” or “recklessly” or with “criminal negligence.”

INSTRUCTION NO. 10

“Deadly Weapon” means any of the following, which in the manner it is used or intended to be used is capable of producing death or serious bodily injury:

- (a) a firearm, whether loaded or unloaded,
- (b) a knife,
- (c) a bludgeon, or
- (d) any other weapon, device, instrument, material or substance, whether animate or inanimate.

INSTRUCTION NO. 11

“Bodily Injury” means physical pain, illness, or any impairment of physical or mental condition.

“Serious Bodily Injury” means any bodily injury that, either at the time of the actual injury or at a later time involves:

- (a) a substantial risk of death,
- (b) a substantial risk of serious permanent disfigurement,
- (c) a substantial risk of protracted loss or impairment of the function of any part or organ of the body, or
- (d) breaks, fractures, or burns of the second or third degree.

INSTRUCTION NO. 12

If you are not satisfied beyond a reasonable doubt that the defendant is guilty of the offense charged, he may, however, be found guilty of any lesser offense, the commission of which is necessarily included in the offense charged if the evidence is sufficient to establish his guilt of the lesser offense beyond a reasonable doubt.

The offense of First Degree Assault, as charged in the information in this case necessarily includes the lesser offense of Third Degree Assault.

The elements of the crime of assault in the third degree (knowingly or recklessly) are:

1. That the defendant,
2. in the State of Lone Star, at or about the date and place charged,
3. knowingly or recklessly,
4. caused bodily injury to another person.

You should bear in mind that the burden is always upon the prosecution to prove beyond a reasonable doubt each and every element of any lesser-included offense which is necessarily included in any offense charged in the information; the law never imposes upon a defendant in a criminal case the burden of calling any witnesses or producing any evidence.

After considering all the evidence, if you decide that the prosecution has proven each of the elements of the crime charged or of a lesser-included offense, you should find the defendant guilty of the offense proven, and you should so state in your verdict.

After considering all the evidence, if you decide that the prosecution has failed to prove one or more elements of the crime charged and one or more elements of the lesser-included offenses, you should find the defendant not guilty of these offenses, and you should so state in your verdict.

While you may find the defendant not guilty of the crimes charged and the lesser-included offense, you may not find the defendant guilty of more than one of the following offenses:

First Degree Assault
Third Degree Assault

INSTRUCTION NO. 13

The bailiff will now escort you to the jury room. Upon reaching the jury room, you are to select one of your members to be the foreman of the jury. Your foreman will preside over your deliberations and shall sign whatever verdict you reach.

The verdict must represent the considered judgment of each juror. In order to return a verdict, it is necessary that each juror agree to it. Your verdict must be unanimous.

Only one verdict shall be returned signed for each count and it and the unsigned verdicts and these instructions shall remain in the possession of your foreman until such time as they are called for in open court. Upon reaching a verdict you will inform the bailiff of this Court, who in turn will notify the Court, and you will remain in your jury room until called into the Courtroom.

You will be provided with two forms of verdict. When you have unanimously agreed upon your verdicts you will select the forms which reflect your verdicts and the foreman will sign it as the Court has stated. The unsigned forms shall also be returned with no markings on them.

The forms of verdict you will receive read as follows: (read all verdict forms). You are further instructed that no inferences are to be drawn from the order in which the Court reads the verdicts.

<p>THE PEOPLE OF THE STATE OF LONE STAR,</p> <p>Plaintiff,</p> <p>v.</p> <p>PETER PAUL SEEGER,</p> <p>Defendant.</p>	<p>§ § § § § § § § § § §</p>	<p>IN THE DISTRICT COURT</p> <p>IN AND FOR</p> <p>THE CITY AND COUNTY OF LONE STAR</p>
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JURY VERDICT
COUNT 1: ASSAULT IN THE FIRST DEGREE

I.* We, the jury, find the defendant, Peter Paul Seeger,
NOT GUILTY of Count 1, First Degree Assault, and the lesser-included
offense of Third Degree Assault.

FOREPERSON

II.**We, the jury, find the defendant, Peter Paul Seeger
GUILTY of:

First Degree Assault

OR

Third Degree Assault

FOREPERSON

* If you find the defendant NOT GUILTY of the charged offense and the lesser-
included offense, the foreperson should sign section I above.

* The foreperson should only sign section I *or* section II above.

** If you find the defendant guilty of the crime charged or the lesser-included offense, the foreperson should complete only this GUILTY verdict by placing, in ink, an "X" in the appropriate square. ONLY ONE SQUARE may be filled in, with the remainder to remain unmarked. The foreperson should then sign only section II above.

<p>THE PEOPLE OF THE STATE OF LONE STAR,</p> <p>Plaintiff,</p> <p>v.</p> <p>PETER PAUL SEEGER,</p> <p>Defendant.</p>	<p>§ § § § § § § § § § §</p>	<p>IN THE DISTRICT COURT</p> <p>IN AND FOR</p> <p>THE CITY AND COUNTY OF LONE STAR</p>
--	--	--

SPECIAL INTERROGATORY

If you find the defendant not guilty of First Degree Assault and Third Degree Assault, you should disregard this instruction and sign the verdict form to indicate your not guilty verdict.

If, however, you find the defendant guilty of First Degree Assault or Third Degree Assault, you should sign the verdict form to indicate your finding of guilt, and answer the following verdict question on the verdict form:

Did the defendant commit an act of domestic violence?

YES _____ NO _____

The defendant committed an act of domestic violence only if the underlying factual basis of First Degree Assault or Third Degree Assault included an act of domestic violence.

An act of domestic violence means an act or threatened act of violence upon a person with whom the actor is or has been involved in an intimate relationship. "Domestic violence" also includes any other crime against a person, or against property, including an animal, or any municipal ordinance violation against a person, or against property, including an animal, when used as a method of coercion, control, punishment, intimidation, or revenge directed against a person with whom the actor is or has been involved in an intimate relationship.

The prosecution has the burden to prove the act of domestic violence beyond a reasonable doubt.

After considering all the evidence, if you decide the prosecution has met this burden, you should mark “Yes” in the appropriate place, and have the foreperson sign the designated line of the verdict form.

After considering all the evidence, if you decide the prosecution has failed to meet this burden, you should mark “No” in the appropriate place, and have the foreperson sign the designated line of the verdict form.