

NO. 08-004687-CV

KRISTA CHACONA HARBOUR

*Plaintiff,*

v.

SOUTHERN COMFORT LIFE  
INSURANCE COMPANY

*Defendant.*

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IN THE 479<sup>th</sup> DISTRICT COURT

IN AND FOR

DALLAS COUNTY

STATE OF LONE STAR

**Prepared by:**

**Marvin W. Jones  
Sprouse Shrader Smith P.C.  
701 S. Taylor, Suite 500  
Amarillo, TX 79101**

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This case file was commissioned by the Texas Young Lawyers Association and was prepared by Marvin W. Jones for the 2010 National Trial Competition.

## STATEMENT OF THE CASE

This is a suit over a life insurance policy on the life of Clint Harbour, with a face amount of \$1,000,000, issued by Southern Comfort Life Insurance Company.

Chris Jensen is an Armadillo police officer who investigated the death of Clint Harbour. Jensen received a call of a reported gunshot in Apartment 1A of the Harbor's End Apartments in Armadillo, Lone Star, at approximately 12:04 a.m. on June 15, 2008. Arriving at the apartment, Jensen observed several neighbors standing around in the hallway looking at the door of the apartment. Jensen quizzed one of the neighbors, who stated that she had only recently met Mr. Harbour, who had moved in within the last two weeks. Mr. Harbour told the neighbor that he had separated from his wife, who was a vicious, conniving, mean-spirited person. Jensen then knocked on the door and received no response. Jensen then tried the door knob, and found it to be unlocked. Upon entering the apartment, Jensen observed the body of Clint Harbour on the floor near a chair at the kitchen table. Beside the body was a pump-action shotgun with one expended shell case on the floor beside the shotgun. Jensen observed a serious wound to the abdomen of Clint Harbour, and immediately ascertained that Clint Harbour was in fact dead. Based on all of the evidence, Officer Jensen came to a professional conclusion that the death was the result of an accident caused when Clint Harbour was attempting to remove a shell from the chamber of the gun in order to clean it.

Mrs. Harbour testified by deposition that she and Clint Harbour had been married 26 years and were doing fine as a couple. Mrs. Harbour testified that Mr. Harbour had an apartment of his own because he worked late at night near downtown Armadillo, and liked to have a place to "go crash." Mr. Harbour applied for and received the life insurance policy in question for the purpose of covering some investments he recently made. Mr. Harbour had borrowed money to purchase stock in a hedge fund run by Dunn & Madoff. He had also purchased real estate in Las Vegas in early 2008. Mrs. Harbour testified that Mr. Harbour was a lifelong hunter that the pump shotgun in question was one he had owned for many years. She once heard him say that the mechanism occasionally jammed and it was sometimes difficult to remove a shell from the chamber. Mrs. Harbour will identify a recall notice from the manufacturer of the shotgun, which she received a month after Mr. Harbour's death.

Stevie Walker is the full-time hired investigator for Southern Comfort Life Insurance Company, and was assigned to investigate the circumstances shortly after Clint Harbour's death. In conducting the investigation, Walker first went to the apartment in question and interviewed several neighbors. One neighbor, Mitch "The Bear" Murphy, told Mr. Walker that Clint Harbour had moved in approximately two weeks before his death. Clint Harbour told Murphy that he was separated from his wife of 26 years because he discovered she was having an affair with a close friend of theirs. Walker went into Apartment 1A and observed the chalk outline of a body on the floor, then went to the Armadillo Police Department and observed the shotgun in question. Walker requested and received permission to handle the shotgun and to clean it up because it was covered in blood. Walker observed an apparent fingerprint on the trigger guard of the shotgun, and brought that to Officer Jensen's attention. Jensen then had the shotgun returned to the lab for fingerprint analysis, and discovered that the print on the trigger was a thumb print from Mr.

Harbour. Based on the investigation, Walker will opine that the death of Clint Harbour was the result of suicide.

Dr. Alex B. Trevino is an expert witness whose specialty is suicidology, or the study of suicide and its causes. Trevino will opine, based on extensive research in the area, that the death of Harbour was suicide. The bases for this opinion include the statistical facts that Harbour was between 55 and 59 years of age, was intoxicated at the time of death, was recently separated from his wife of 26 years after discovering her infidelity, and had access to a highly lethal weapon with which to carry out his intent. According to Trevino, these are statistically strong indicators of suicide. Trevino will admit to ignoring the fact that Harbour apparently had a long term extra-marital relationship with that woman, Christine Stroud, although Trevino's publication *Superhighway to Suicide* states that such a relationship is a contraindication for suicide.



6. Thereafter, on June 20, 2008, Plaintiff tendered to Defendant the required proofs of death, to wit, a certified copy of a death certificate proving the death of the insured, Clint Harbour. Plaintiff has complied with all conditions precedent to payment under the policy of life insurance in question.

**II.**

**COUNT 1 – BREACH OF CONTRACT**

7. Plaintiff incorporates by reference the allegations of paragraphs 1 through 6 as if fully restated herein.
8. Defendant, despite having duly and validly issued the policy at issue and despite having received the required proof of death, has failed and refused to pay the policy proceeds to Plaintiff.
9. Accordingly, Defendant has breached the contract represented by the policy of term life insurance in question. Plaintiff has been damaged by such breach of contract in the amount of \$1,000,000, for which she sues Defendant.

**III.**

**JURY DEMAND**

10. Plaintiff hereby requests trial by jury.

**IV.**

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff requests that the Defendant be cited to answer and appear, and that upon final hearing the Plaintiff have judgment for damages, pre-judgment and post-judgment interest as allowed by law, costs of suit and such other and further relief, at law or in equity, to which Plaintiff may be justly entitled.

Respectfully Submitted,

Law Offices of Tracy Leduc  
2204 Flinty Steel Parkway  
P.O. Box 1950  
Armadillo, Lone Star 76377-1950  
(214) WILL SUE (Telephone)  
(214) 945-5788 (Facsimile)

By: /s/ Tracy Leduc (electronically filed)  
Tracy Leduc  
Lone Star State Bar No. 1075896324

KRISTA CHACONA HARBOUR

*Plaintiff,*

v.

SOUTHERN COMFORT LIFE  
INSURANCE COMPANY

*Defendant.*

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IN THE 479<sup>th</sup> DISTRICT COURT

IN AND FOR

DALLAS COUNTY

STATE OF LONE STAR

**DEFENDANT'S ORIGINAL ANSWER**

TO THE HONORABLE COURT:

COMES NOW Southern Comfort Life Insurance Company, by and through its undersigned counsel, and files Defendant's Original Answer.

**I.**

**ANSWER**

1. Defendant admits the allegations in paragraph 1 for jurisdictional purposes only.
2. Defendant admits the allegations of paragraph 2 of the Complaint.
3. Defendant admits the allegations in paragraph 3 of the Complaint.
4. Defendant admits the allegations in paragraph 4 of the Complaint.
5. Defendant denies the allegations of paragraph 5 of the Complaint.
6. Defendant denies the allegations in paragraph 6 of the Complaint.
7. Defendant denies the allegations in paragraph 8 of the Complaint.
8. Defendant denies the allegations in paragraph 9 of the Complaint.
9. Defendant denies the allegations in paragraph 10 of the Complaint.

**II.**  
**AFFIRMATIVE DEFENSES**


10. Without waiver of the foregoing but in addition thereto, Defendant affirmatively pleads that the decedent, Clint Harbour, died as a result of suicide as that term is defined in the policy of term life insurance in question. Accordingly, Defendant is not obligated to pay Plaintiff any proceeds of the policy in question.

**III.**  
**PRAYER**

WHEREFORE, Defendant requests that upon final trial that Defendant have judgment that Plaintiff take nothing by her suit, that Defendant be discharged from any and all liability, that Defendant recover court costs and for such other and further relief, at law or in equity, general or special, to which Defendant may show itself justly entitled.

Respectfully Submitted,

NEEDHAM & CHEEDUM, L.L.C.  
701 S. Rocky Road, Suite 6700  
Armadillo Petroleum Building  
P.O. Box 1411  
Armadillo, Lone Star 76388-1411  
(214) 424-4411  
(214) 424-4422 FAX

By:   
Ken Riney  
State Bar No. 15948726



**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of Defendant's Original Answer has been served the old fashioned way by U.S. Mail to Tracy Leduc, P.O. Box 1950, Armadillo, Lone Star, 76377-1950 on this 16<sup>th</sup> day of September, 2008.

By: Ken Riney  
Ken Riney

## WITNESS AND EXHIBIT LIST

### WITNESSES:

#### PLAINTIFF:

1. Chris Jensen\*
2. Krista Chacona Harbour\*\*

#### DEFENDANT:

1. Stevie Walker\*
2. Dr. Alex B. Trevino\*

\* May be either male or female

\*\* Must be female

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### EXHIBITS:

1. Autopsy Report
2. Death Certificate
3. Letter from Armadillo State Bank
4. Statement of Account Dunn & Madoff
5. Affidavit of Mitch Murphy
6. Excerpts from "Superhighway to Suicide"
7. Expert Report of Alex B. Trevino, PhD
8. Recall Notice from Browning Arms
9. Photograph of Krista Harbour and Andy Little
10. Photograph of Chalk Outline of Body
11. SEM Analysis of Belt Buckle
12. Dishonorable Discharge

## **STIPULATIONS AS TO EVIDENTIARY MATTERS**

### **Procedural Matters**

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

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

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

11. It is stipulated that no one shall attempt to contact the problem drafter about this problem before the conclusion of the 2010 National Trial Competition Final Round. Contact with the competition officials concerning this problem must be pursuant to the rules of the competition.

12. 2010 is the year in which this case comes to trial.

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

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

15. Motions to dismiss and motions for summary judgment have been filed and denied; no further motions to dismiss or motions for summary judgment will be entertained.

16. The Statement of the Case is a quick summary written for the convenience of the judges and coaches, and shall not be used as evidence or for examination or cross-examination of any witness.

**Substantive Matters**

1. Because Defendant has the burden of proof on the issue of suicide, the Court granted Defendant's motion to open and close the argument and evidence. Accordingly, Defendant will present its opening statement and case-in-chief first, and will have the right to open and rebut closing argument. No further motions regarding order of argument or proof will be made by the parties or entertained by the Court.

Therefore, the order of trial will be as follows:

- a. Defendant's Opening Statement;
  - b. Plaintiff's Opening Statement;
  - c. Defendant's Case-in-Chief;
  - d. Plaintiff's Case-in-Chief;
  - e. Defendant's Closing Argument;
  - f. Plaintiff's Closing Argument;
  - g. Defendant's Rebuttal.
2. The autopsy report marked as Exhibit 1 is an official public record.
  3. The death certificate marked as Exhibit 2 is a certified copy.
  4. The Southern Comfort Life Insurance Policy at issue, Policy No.

ELP6540161, contains the following terms and conditions:

- a. "The face amount of this policy is \$1,000,000."

- b. “The beneficiary of this policy is Krista Chacona Harbour, if living at the time of the death of the insured, or the estate of Clint Harbour if the said beneficiary is not living at the time of the death of the insured.”
- c. “The TERM of this policy is two years, beginning at 12:01 AM June 15, 2007 and ending at 11:59 PM June 14, 2009.”
- d. “No proceeds shall be payable under this Policy if the Insured dies as a result of suicide as defined herein.”
- e. “As used in the Policy, “suicide” shall mean the voluntary and intentional taking of one’s own life.”

5. If Defendant prevails on its defense of suicide, there is no breach of the life insurance contract.

6. The certificate of death marked as Exhibit 2 is a vital record under Fed. R. Evid. 803(9) and is admissible.

7. The shotgun found in Clint Harbour’s apartment was a Browning Model 870.

## **PRELIMINARY JURY INSTRUCTIONS**

You have now been sworn as the jury to try this case. This is a civil case involving a disputed claim or claims between the parties. Those claims and other matters will be explained to you later. By your verdict, you will decide the disputed issues of fact. I will decide the questions of law that arise during the trial, and before you retire to deliberate at the close of the trial, I will instruct you on the law that you are to follow and apply in reaching your verdict. It is your responsibility to determine the facts and to apply the law to those facts. Thus, the function of the jury and the function of the judge are well defined, and they do not overlap. This is one of the fundamental principles of our system of justice.

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

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

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

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

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

At this time, the attorneys for the parties will have an opportunity to make their opening statements, in which they may explain to you the issues in this case and give you a summary of the facts they expect the evidence will show.



**DEPOSITION OF CHRIS JENSEN  
JANUARY 26, 2009**

1 Q: Tell us what your name is.

2 A: My name is Chris Jensen.

3 Q: What do you do for a living?

4 A: I am a police detective with the Armadillo Police Department here in Armadillo, Lone  
5 Star. I have been with the Armadillo Police Department as a detective since I was  
6 discharged from the Army five years ago.

7 Q: Was that an honorable discharge?

8 A: Not really.

9 Q: Tell us something about your background.

10 A: I went to high school in Muleshoe, here in Lone Star. After high school, I joined the  
11 Army and was ultimately assigned to the Military Police Unit stationed at Bergstrom  
12 down in Travis County, where I served for over 7 years.

13 Q: What kind of training did you get as a military policeman?

14 A: They trained us in just about all kinds of investigation techniques we would need to serve  
15 as military policemen. Military police investigate all kinds of accidents and crimes.  
16 Generally speaking, if you can have a type of accident or a type of crime in the civilian  
17 world, you can have it in the Army.

18 Q: Were you trained in crime scene analysis and forensics?

19 A: We were trained in all kinds of crime scene investigation and forensics. We learned how  
20 to harvest and interpret fingerprints. We learned how to do our own blood analysis. We  
21 learned how to do DNA analysis. We learned how to use scanning electron microscopes  
22 with EDS, which is electron dispersive spectroscopy, stuff like that.

23 Q: Did you investigate Mr. Harbour's death?

24 A: Yes, we received a call of a reported gunshot in Apartment 1A of the Harbor's End  
25 Apartments in Armadillo at approximately 12:04 a.m. on June 15, 2008. I was at a

**DEPOSITION OF CHRIS JENSEN  
JANUARY 26, 2009**

1 nearby establishment having a refreshment, and so I went to the scene, arriving there at  
2 approximately 12:37 a.m.

3 Q: What did you observe when you arrived at the scene?

4 A: Well, there were a bunch of folks standing around the hallway of the apartment complex  
5 looking at the door of Apartment 1A. I quizzed one of the neighbors, who told me she  
6 had heard a gunshot that was pretty loud and she thought it came from Apartment 1A.

7 Q: What else did the neighbor tell you?

8 A: She told me that she had only recently met Mr. Harbour, who had moved in within the  
9 last two weeks. Mr. Harbour told her that he had separated from his wife, who he  
10 referred to as a vicious, conniving, mean-spirited demon in a human body.

11 Q: What did you do then?

12 A: I knocked on the door. When I got no answer, I tried the door knob and found that it was  
13 unlocked. Upon gaining entry to the apartment, I announced my presence, then went on  
14 into the apartment.

15 Q: What did you see when you got into the apartment?

16 A: I saw the body of a male person with what appeared to be a gunshot wound to the  
17 stomach; I saw a pump-action shotgun lying close by, a spent shell on the floor, and gun  
18 cleaning kit on the table next to the body.

19 Q: Did you identify the deceased person?

20 A: Yes, I identified the deceased person as one Clint Harbour, age 57.

21 Q: What did you do then?

22 A: I pulled on a pair of latex gloves and started tagging and bagging evidence, right after I  
23 drew a nice chalk outline of the body.

24 Q: Can you identify Exhibit 10?

25 A: Yes, that's a photograph of the chalk outline of the body.

**DEPOSITION OF CHRIS JENSEN  
JANUARY 26, 2009**

1 Q: Does it truly and accurately portray the scene as it existed on that date?

2 A: Yep.

3 Q: What kind of evidence did you take into your possession?

4 A: I tagged and bagged a shotgun shell that was lying on the floor. I took possession of the  
5 shotgun itself. I pretty much left everything else like it was until the medical examiner  
6 could get there and retrieve the body.

7 Q: Were you able to ascertain that Mr. Harbour was in fact dead?

8 A: Yes, I searched for a pulse or any other sign of life. He appeared to be as dead as the  
9 Republican Party.

10 Q: Did you do any kind of analysis on the evidence that you took into your possession?

11 A: Yes, I personally went to the lab at the Police Department and performed fingerprint  
12 analysis on the shotgun shell.

13 Q: What was the result of your work in that regard?

14 A: The fingerprints on the shotgun itself were badly smeared. We were able to lift one  
15 good print from the shotgun shell, which was found on the side, not the base, and turned  
16 out to be Mr. Harbour's right index fingerprint.

17 Q: What other forensic work did you perform in connection with your investigation?

18 A: Well, at the time of the autopsy, the pathologist retrieved a large belt buckle from a  
19 rodeo contest from inside Mr. Harbour's stomach. The belt buckle appeared to be  
20 damaged by a shotgun blast. I had lab analysis done on it to determine if any foreign  
21 substances were contained on the surface of the buckle.

22 Q: Can you identify Exhibit 11?

23 A: Yes, Exhibit 11 is a report from the scanning electron microscope with EDS.

24 Q: Were you looking for some foreign substance in particular?  
25

**DEPOSITION OF CHRIS JENSEN  
JANUARY 26, 2009**

1 A: Yes, we were specifically looking for titanium. You see, the primer in a shotgun shell  
2 has a small amount of titanium. If the barrel of a shotgun is pressed up against an object,  
3 for example, a belt buckle, at the time the shotgun is discharged, that titanium from the  
4 primer will travel just behind the plastic cup that holds the shot itself, and will get  
5 deposited on any object at the end of the barrel. The titanium will dissipate quickly, and  
6 you won't find it more than 2 inches away from the end of the barrel ever.

7 Q: So you had the belt buckle tested for traces of titanium?

8 A: Yes, and as you can see from the report, we found none.

9 Q: Can you identify Exhibit 1?

10 A: Yes, that's a certified copy of the autopsy report from the autopsy done on Mr. Harbour.

11 Q: Based upon your training while serving our country as a military policeman, based upon  
12 your investigation and the results of the forensic testing that you did or supervised, did  
13 you reach an opinion as to the cause of death of Mr. Harbour?

14 A: Yes, I concluded from my investigation that this was an accident.

15 Q: Upon what do you base that opinion?

16 A: Several things. First, as you can see from the autopsy report, Mr. Harbour was fairly  
17 drunk at the time of his death, showing a blood alcohol level of 0.18%. I don't think a  
18 person at that level of intoxication can form an intentional suicidal thought.

19 Q: Anything else?

20 A: Yes, the fact that there was a gun cleaning kit on the table indicates that Mr. Harbour was  
21 actually attempting to clean up his shotgun and simply had an accident. I believe that a  
22 shell had been inadvertently left in the chamber, and as he was starting to clean the  
23 shotgun, that shell accidentally discharged.

24 Q: Isn't it possible that Mr. Harbour could have placed the shotgun barrel in his stomach  
25 area deliberately, leaned over and pulled the trigger?

**DEPOSITION OF CHRIS JENSEN  
JANUARY 26, 2009**

1 A: Anything's possible. Here, however, if Harbour had put the shotgun barrel in his stomach  
2 and then bent over to grab the trigger, the barrel would have been in full contact with his  
3 body, particularly his belt buckle, and there would have been titanium traces from the  
4 shotgun primer.

5  
6 **Cross-Examination**

7 Q: Can you identify Exhibit 12?

8 A: Yes, that's the discharge papers I received when I left the Military Police.

9 Q: And those papers indicate a less than honorable discharge?

10 A: Yes, the Army mistakenly and wrongfully threw me out.

11 Q: Why were you less than honorably discharged?

12 A: There was a claim that I lost some critical evidence in a case. I could prove that the chain  
13 of evidence was perfect while I had it, but the Army being the Army, I was out.

14 Q: While you were at the apartment, did you see any documents like bank statements, letters  
15 from a bank or anything like that?

16 A: I found a letter from Armadillo State Bank laying open next to the gun cleaning kit.

17 Q: Did you take it into evidence?

18 A: Sure, it was there, so I tagged it and bagged it.

19 Q: What did the letter say?

20 A: Well, I'm not the kind of person who reads other people's personal mail, so I did not read  
21 it.

22 Q: Did you take any photographs of the area of the table where the gun cleaning kit was  
23 found?

24 A: Photographs are overrated; you can Photoshop anything in or out of a photograph. No, I  
25 took no such photographs.

**DEPOSITION OF KRISTA HARBOUR  
JANUARY 12, 2009**

1 Q: Tell us your name, please.

2 A: My name is Krista Chacona Harbour.

3 Q: How are you related to Clint Harbour?

4 A: Loved him the first time I laid eyes on him. Just wanted to snuggle up to the big ape and  
5 spend the rest of my life there. We were married six weeks after we met, 26 total years at  
6 the time he was accidently killed.

7 Q: During the course of your 26-year marriage, did you have any difficulties or marital  
8 strife?

9 A: Well, how could you ever say never? But we were good. We were close. We were  
10 doing just fine.

11 Q: Can you tell us why Mr. Harbour had an apartment over at Harbor's End?

12 A: Clint had his own apartment over there because it was close to his work. He worked all  
13 the time, lots of long hours. He needed a place near his office where he could just go  
14 crash so he wouldn't have to wake me up in the middle of the night when he was coming  
15 home from work.

16 Q: Did Mr. Harbour have a policy of life insurance at the time of his death?

17 A: Yes, Clint applied for and received a life insurance policy with the Southern Comfort  
18 Life Insurance Company in the amount of \$1,000,000.

19 Q: Why did Mr. Harbour obtain this life insurance?

20 A: He told me that he wanted the life insurance to protect me because he had incurred some  
21 debt in connection with some investments he had made, and he didn't want that debt to  
22 be a burden to me in case something happened to him.

23 Q: What kind of investments had he made?

24 A: Oh, he had invested in some residential real property in Las Vegas in early 2008, and he  
25 had put some money in a hedge fund operated by Dunn & Madoff.

**DEPOSITION OF KRISTA HARBOUR  
JANUARY 12, 2009**

1 Q: What is the status of those investments today?

2 A: I don't know, I've been too upset by his untimely accidental death to look into mundane  
3 things like that.

4 Q: Can you identify Exhibit 2?

5 A: Yes, that's a certified copy of a death certificate. I had to get this to give to the insurance  
6 company to try to collect on the insurance policy.

7 Q: Mr. Harbour's death was apparently caused by a wound from a shotgun; did Mr. Harbour  
8 own a shotgun?

9 A: Yes, he had this shotgun he was really proud of. He went hunting a lot, and used that  
10 shotgun a lot.

11 Q: Did he ever complain to you that the shotgun was malfunctioning in any way?

12 A: Yes, I heard him say that the shotgun sometimes jammed, and he said it was sometimes  
13 difficult to remove a shell from the gun after he shot it.

14 Q: Can you identify Exhibit 8?

15 A: Yes, this is something we got in the mail about a month after his death. It is a recall  
16 notice from Browning Arms Company.

17 Q: Was Mr. Harbour's shotgun covered by this recall?

18 A: Yes, it was a pump action Browning 12-gauge shotgun, just like the recall says.

19 Q: Have you taken the shotgun to a gunsmith to have it examined to see if there is a defect in  
20 it?

21 A: No, the police have not released the shotgun to me.

22 Q: During the last weeks of his life, did Mr. Harbour exhibit any signs of depression?

23 A: No, he seemed really on top of the world.

24 Q: Did he exhibit any signs that he was worried about financial matters?

25 A: Did not say a word to me about anything like that.

**DEPOSITION OF KRISTA HARBOUR  
JANUARY 12, 2009**

1 Q: What was the last conversation you had with Mr. Harbour?

2 A: The night he was accidently killed, he called and told me he was working late again but  
3 that I should stay up and wait for him and he'd make it worth my time.  
4

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5 **Cross-Examination**

6 Q: Mrs. Harbour, during the 26 years of your perfect marriage to Mr. Harbour, did you ever  
7 demonstrate any conduct that might be called infidelity?

8 A: Never. Just couldn't do something like that to Clint.

9 Q: Do you know a man named Andy Little?

10 A: Depends on what you mean by "know." I have a friend who goes by the name Andy  
11 Little, but we are just friends. Sometimes we get together for coffee down at Starbucks,  
12 just to talk. Mr. Little is the kind of guy who would never make any kind of improper  
13 advances toward a woman, if you know what I mean.

14 Q: Can you identify Exhibit 9?

15 A: Well, that appears to be a photograph of me and Mr. Little.

16 Q: Doesn't it appear that you and Mr. Little are thoroughly intimate in that photograph?

17 A: No, Andy was just trying to see if there was something in my eye, as I recall.

18 Q: Do you know who Christine Stroud is?

19 A: Well, yes. Christine is a great friend of mine. I have known her for years and years,  
20 since she was a little redheaded receptionist working down at Clint's office.

21 Q: Isn't it true that Mr. Harbour was having an affair with Christine Stroud?

22 A: Oh no, you've got that all wrong too. They were just good friends and business  
23 associates. Even after she quit her job at Clint's office, she would take the time to go by  
24 and visit and make sure everything was going well. He told me he thought of her more as  
25 a little sister or a cousin than an employee.



**DEPOSITION OF KRISTA HARBOUR  
JANUARY 12, 2009**

1 Q: Did Mr. Harbour consume much alcohol?

2 A: Not that much in the greater context.

3 Q: What greater context are you referring to?

4 A: Well, Clint liked to have the occasional beer when we were grilling for our friends, but he  
5 always limited his intake to 2 beers. So he didn't drink like that investigator from  
6 Southern Comfort Life Insurance Company, who I never saw without a bottle somewhere  
7 close by.

8 Q: When did you submit the claim on Clint's Southern Comfort Life Insurance Company  
9 life insurance policy?

10 A: As soon as I found it. I was looking in our safe deposit box down at Armadillo State  
11 Bank and found that policy. I figured it wasn't doing any good just sitting in the box, so I  
12 took it out and sent it in.

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**DEPOSITION OF STEVIE WALKER  
FEBRUARY 11, 2009**

1 Q: Tell us your name, please.

2 A: My name is Stevie Walker.

3 Q: What is your occupation or profession?

4 A: I am a private investigator on the staff of Southern Comfort Life Insurance Company.

5 Q: What is your training as an investigator?

6 A: After I graduated from high school here in Armadillo, I drifted around on the West Coast  
7 for a couple of years surfing and looking for myself. When I found myself, I found  
8 myself in a holding cell charged with surfing while intoxicated, which I didn't even know  
9 was a crime. Anyway, I figured I better get my life straight and I came back to Lone  
10 Star. I attended a crime investigation school in Ropesville, Lone Star, where I received  
11 an Associate's Degree in Crime Scene Investigation and Forensic Analysis. I then went  
12 on to the University of Lone Star down in Travis County, where I earned a Bachelor of  
13 Science in Criminology and Crime Scene Analysis. After working for the Dallas County  
14 District Attorney's office as a crime scene investigator for 10 years, I moved back here to  
15 Armadillo so that I could be a bigger fish in a smaller pond, and went to work for  
16 Southern Comfort Life Insurance Company as a full-time investigator.

17 Q: Were you assigned by Southern Comfort Life Insurance Company to investigate the  
18 untimely demise of one Clint Harbour?

19 A: Yes, Southern Comfort Life Insurance Company asked me to look into his suspicious  
20 death after Mrs. Harbour tendered a \$1,000,000 life insurance policy to the company for  
21 payment.

22 Q: On what day did she tender that policy for payment?

23 A: She tendered that policy for payment on June 21, 2008, just 6 days after Harbour's death.

24 Q: Did that circumstance cause you or the company any concern?  
25

**DEPOSITION OF STEVIE WALKER  
FEBRUARY 11, 2009**

1 A: My boss at the company said it was some kind of speed record for getting a policy  
2 tendered to the company for payment, and I should look into it because it seemed awfully  
3 convenient and suspicious.

4 Q: What did you do to investigate this death?

5 A: First, I obtained a copy of the death certificate, which is Exhibit 2. As you can see, the  
6 death certificate says that the death was a result of suicide.

7 Q: What did you do next?

8 A: I obtained a copy of the autopsy report, which is Exhibit 1. I just wanted to verify that  
9 the death was due to a shotgun wound to the abdomen, which it was.

10 Q: And after that?

11 A: I went to the scene of the suicide, which was Apartment 1A at Harbor's End Apartments.  
12 There, I obtained access to Apartment 1A, where he killed himself.

13 Q: What did you see there?

14 A: Well, it was about two months after his suicide when I was there, so there wasn't much to  
15 see. There were still traces of a chalk outline of his body on the floor. The apartment  
16 was otherwise pretty empty of any personal effects. I did a search of all of the drawers of  
17 the desks in the bedroom area, and located a couple of letters of interest.

18 Q: Can you identify Exhibit 3?

19 A: Yes, that's a letter I found on the kitchen table in Apartment 1A. It is a letter from  
20 Armadillo State Bank, accelerating the maturity of a certain loan on real estate in Las  
21 Vegas, Nevada, that was purchased in early 2008 by Mr. Harbor.

22 Q: Did you find anything else while you were looking around?

23 A: Yes, I found Exhibit 4, which is a Statement of Account from a hedge fund management  
24 company called Dunn & Madoff.

25 Q: And what does that statement indicate?

**DEPOSITION OF STEVIE WALKER  
FEBRUARY 11, 2009**

1 A: Surprisingly, the hedge fund was showing a 28% gain through May 31, 2008. It has  
2 since gone completely down the toilet.

3 Q: What did you do next in your investigation?

4 A: I talked to a witness named Mitch Murphy, a neighbor of Harbour's at the apartment  
5 complex. He apparently saw me looking around Apartment 1A, and came over to see  
6 what I was doing.

7 Q: What did you learn from Mr. Murphy?

8 A: Mr. Murphy told me that Mr. Harbour had moved in a couple of weeks before. He talked  
9 with Mr. Harbour, who said he was moving in because he was separated from his wife of  
10 26 years because he found out she was having an affair with a friend of theirs.

11 Q: Can you identify Exhibit 5?

12 A: Yes, Exhibit 5 is an affidavit from Mitch Murphy detailing what I just told you.

13 Q: Is this the type of information that people in your profession generally rely on in reaching  
14 conclusions?

15 A: Sure. We rely on affidavits and sworn statements all the time.

16 Q: Did you have an opportunity to look at the shotgun in question?

17 A: Yes, I went by the Armadillo Police Department and checked it out of evidence.

18 Q: What, if anything, did you observe about the shotgun?

19 A: Well, I didn't have any shells with me, so I couldn't load it up and see if it would extract  
20 the shells, and they wouldn't let me take it outside and shoot it anyway. So I didn't really  
21 get a chance to check out the mechanism, but it sure looked okay just looking at it.  
22 Besides, what can go wrong with a pump shotgun?

23 Q: Did you observe anything else on the shotgun?  
24  
25

**DEPOSITION OF STEVIE WALKER  
FEBRUARY 11, 2009**

1 A: Yes, I saw what seemed like a fingerprint on the trigger guard. I pointed this out to  
2 Officer Jensen, who was hovering over my shoulder all that time. I asked Jensen if the  
3 fingerprint had been checked. Jensen just said "what fingerprint?"

4 Q: Did you have the fingerprint analyzed?

5 A: Yes, after I insisted, Officer Jensen and I took it down to the evidence lab and we  
6 personally ran the print. Turned out to be the left thumb print of Clint Harbor. I asked  
7 Officer Jensen about that development, and Jensen just shrugged and said, "so what,  
8 everybody misses one now and again."

9 Q: Based on your investigation and your experience as an investigator, did you form an  
10 opinion as to the cause and manner of death in this case?

11 A: Yes, I believe the cause of death was a shotgun wound to the abdomen. I believe the  
12 manner of death was suicide.

13 Q: And why do you believe that?

14 A: Well, just look at the facts. The man has a freshly minted \$1,000,000 life insurance  
15 policy, he's just lost a bunch of money in Las Vegas real estate, he's discovered that his  
16 wife is having an affair, he moves into a tiny apartment and is all alone drinking and just  
17 gets morose and kills himself.

18 **Cross Examination**

19 Q: How much does Southern Comfort Life Insurance Company pay you as its investigator  
20 for cases like this?

21 A: They pay me based on results. If I bring them information that keeps them from paying  
22 out on a \$1,000,000 life insurance policy, they pay me 10%. They pay me 10% of  
23 everything I save 'em.

24 Q: Have you ever operated a pump shotgun?

25 A: No, but I've fired plenty of pistols, both standard and automatic models.

**DEPOSITION OF STEVIE WALKER  
FEBRUARY 11, 2009**

1 Q: Did you review the recall notice from Browning Arms as part of your investigation?

2 A: No, no one told me that there was any recall notice to review, or I obviously would have  
3 reviewed it. I always stay open minded about my work.

4 Q: In looking at the affidavit of Mitch Murphy, did you put any importance on his  
5 observation about that red-headed woman, Christine Stroud, staying at the apartment with  
6 Mr. Harbour?

7 A: I put no credence on that statement. I know Christine Stroud and she's not the type to get  
8 involved with a drunk like Clint Harbour. She has a great reputation for integrity and  
9 morality, and she's just a lot of fun. But not that kind of fun.

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**DEPOSITION OF ALEX B. TREVINO, PH.D.**  
**NOVEMBER 27, 2009**

1 Q: Tell us your name, please.

2 A: My name is Alex B. Trevino, and I go by Dr. Trevino because I have a Ph.D.

3 Q: What is your occupation or profession?

4 A: I am a professor at China Grove University here in Lone Star, teaching psychology and  
5 music history.

6 Q: What is your educational background?

7 A: After I graduated from high school in Butte, Montana, I attended college at the University  
8 of South Dakota. I then got a Masters Degree from the Rufus Pennington School of  
9 Abnormal Psychology down in Florida and a Ph. D. from Lone Star University here in  
10 Dallas County.

11 Q: Did you have a special area of emphasis during your education?

12 A: Yes, I have spent most of my educational career studying the psychological aspects of  
13 suicide.

14 Q: How did you get interested in that particular area?

15 A: Well, while I was at University of South Dakota, I discovered that South Dakota as a  
16 state had the highest suicide rate of anywhere in the United States, with the possible  
17 exception of Fargo. I thought it would be useful to try to figure out why.

18 Q: Have you written and been published in the subject of suicide?

19 A: Yes, I have published a book called "Superhighway to Suicide." It describes some of the  
20 results of my own research.

21 Q: Were you asked to serve as an expert witness in connection with this lawsuit?

22 A: Yes, Southern Comfort Life Insurance Company hired me to take a look at the facts and  
23 circumstances surrounding the death of Clint Harbour, and to render opinions as to  
24 whether that death was the result of suicide.

25 Q: Generally, what conclusion did you come to?

**DEPOSITION OF ALEX B. TREVINO, PH.D.**  
**NOVEMBER 27, 2009**

1 A: Generally, I came to the conclusion that this was a suicide.

2 Q: Can you give us a summary of the basis for your opinion?

3 A: Yes, my opinion was based on the review of the investigation done by Officer Jensen, my  
4 review of the death certificate, the autopsy report, and, of course, on my own extensive  
5 knowledge, background and research on the subject matter.

6 Q: Can you identify Exhibit 7?

7 A: Yes, that is a copy of my expert report in this case, which contains all of my opinions.  
8 All of them.

9 Q: Tell the jury what leads you to believe that Clint Harbour committed suicide.

10 A: Well, first, there's just the raw statistics, as I have outlined in my report. Statistically,  
11 suicide is higher in white males between the ages of 55 and 59. Second, suicide is  
12 statistically higher in situations where long-term relationships have abruptly ended in  
13 separation or divorce. Third, suicide is statistically higher in situations where the  
14 decedent is intoxicated. Fourth, suicide is statistically higher in situations where the  
15 decedent has ready access to weapons of lethality, such as knives or guns.

16 Q: Have you examined Exhibit 1, the autopsy report?

17 A: Yes, I have.

18 Q: What does the autopsy report indicate about Mr. Harbour's age and gender?

19 A: The autopsy report shows that Mr. Harbour was a male age 57, which falls within the first  
20 indicator I mentioned.

21 Q: Did you examine the deposition testimony of Stevie Walker?

22 A: Yes, I read Stevie Walker's entire deposition, cover to cover, front to back.

23 Q: Based on Stevie Walker's deposition testimony, what did you learn about the second  
24 indicator for suicide?

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**DEPOSITION OF ALEX B. TREVINO, PH.D.**  
**NOVEMBER 27, 2009**

1 A: Walker reported a conversation with a neighbor of Harbour's who said that Harbour had  
2 moved into the apartment two weeks earlier after separating from his wife of 26 years  
3 because of her marital infidelity, which falls neatly within the second indicator I  
4 mentioned in my report.

5 Q: Did you have an opportunity to read the deposition of Officer Chris Jensen?

6 A: I read all of that deposition as well. I learned from that deposition that Clint Harbour  
7 owned a Browning pump shotgun, the weapon that killed him, which means he had  
8 access to a weapon of lethality, which falls within the third indicator in my report.

9 Q: Turning your attention back to Exhibit 1, the autopsy report: did you learn anything else  
10 from that report concerning Harbour's level of intoxication at the time of death?

11 A: Yes, I examined this as part of my investigation and determined from the toxicology  
12 portion of the autopsy report that Harbour had a blood alcohol content at the time of  
13 autopsy of 0.18%, which qualifies him as heavily intoxicated, which falls within the  
14 fourth indicator in my report. Given the fact that he met these four indicators, I  
15 concluded this was suicide.

16 Q: Based on your investigation, what in your opinion happened here?

17 A: Well, Harbour moved into that shoddy, depressing apartment, he was all alone, his wife  
18 of 26 years had been cheating on him, he was sad and despondent, he became intoxicated,  
19 probably the intoxication caused him to be more depressed and morose, he was further  
20 saddened by a recent loss of bunches of money in Las Vegas real estate, and so he  
21 grabbed up his trusty shotgun, leaned over it and pulled the trigger.

22 Q: In your opinion, is there anything here consistent with a pure accident?

23 A: Nothing at all points to accident in this case.

24 **Cross Examination**

25 Q: Is it possible that this was an accident?

**DEPOSITION OF ALEX B. TREVINO, PH.D.  
NOVEMBER 27, 2009**

1 A: Absolutely not.

2 Q: Were you aware that a gun cleaning kit was found on the table next to the body?

3 A: Yeah, I was. I just figured he loved that shotgun so much, he wanted to make sure it was  
4 clean before he killed himself with it.

5 Q: Were you aware of a recall on that particular model of shotgun?

6 A: Yes, I saw Exhibit 8, the recall notice on the shotgun. But obviously the shotgun was  
7 working.

8 Q: Isn't it true that a blood alcohol content of 0.18% would cause most people to be virtually  
9 comatose?

10 A: Well, yes, most people would be pretty soaked at 0.18%. I just figured that Clint Harbour  
11 was a raging alcoholic. A lot of times you'll find that alcoholics can tolerate a blood  
12 alcohol content that high and still operate pretty normally.

13 Q: Do you recognize Exhibit 6?

14 A: Yes, those are some pages from my book.

15 Q: These pages reflect your opinions based on your research, don't they?

16 A: Yes, I did extensive research to come up with the opinions expressed in these pages.

17 Q: Did you interview that woman, Christine Stroud?

18 A: No, with the good fit on the four indicators I mentioned in my report, there was simply no  
19 need to bother her. Besides, I heard through the grapevine that she was grieving more  
20 than the grieving widow.

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I performed an autopsy on the body of Clint Harbour at the DEPARTMENT OF PATHOLOGY, ARMADILLO HOSPITAL, ARMADILLO, LONE STAR on June 15, 2008.

From the anatomic findings and pertinent history, I ascribe the death to: MASSIVE DISRUPTION OF INTERNAL ORGANS SECONDARY TO GUNSHOT WOUND

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EXTERNAL EXAMINATION:

The body is that of a well developed, very well nourished Caucasian male stated to be 57 years old. The body weighs 224 pounds, measuring 69 inches from crown to sole. The hair on the scalp is sandy blond and straight. The irides appear brown with the pupils fixed and dilated. There is a tattoo resembling a penguin on the lateral aspect of the left buttocks.

The head is normocephalic, and there is no evidence of external traumatic injury.

HEAD--CENTRAL NERVOUS SYSTEM:

The brain weighs 1350 grams. The dura is stripped revealing no fractures of the bones of the calvarium or base of the skull.

CARDIOVASCULAR SYSTEM:

The heart weighs 290 grams, and has a normal size and configuration.

TOXICOLOGY:

A sample of right pleural blood as well as bile are submitted for toxicologic analysis. Findings included levels of ethyl alcohol consistent with a BAC of 0.18%.

OPINION:

The decedent sustained a gunshot wound to the abdomen leading to massive disruption of all adjacent organs and massive hemorrhage that then caused generalized central nervous system failure.

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

/s/ Wendy Humphrey, M.D.  
CHIEF MEDICAL EXAMINER  
June 16, 2008

EXHIBIT 1

**U.S. STANDARD CERTIFICATE OF DEATH**

LOCAL FILE NO.

STATE FILE NO.

1. DECEDENT'S LEGAL NAME (Include AKA's if any) (First, Middle, Last) <b>CLINTON BILLY HARBOUR</b>				2. SEX <b>M</b>		3. SOCIAL SECURITY NUMBER <b>823-238-8323</b>	
4a. AGE-Last Birthday (Years) <b>57</b>		4b. UNDER 1 YEAR Months: _____ Days: _____		4c. UNDER 1 DAY Hours: _____ Minutes: _____		5. DATE OF BIRTH (Mo/Day/Yr) <b>3/22/1951</b>	
6. BIRTHPLACE (City and State or Foreign Country) <b>PARIS, TEXAS</b>				7a. RESIDENCE-STATE <b>LONE STAR</b>		7b. COUNTY <b>DALLAS</b>	
7c. CITY OR TOWN <b>ARMADILLO</b>				7d. RES AND NUMBER <b>2121 DREARY VIEW LANE</b>		7e. APT. NO. <b>1A</b>	
7f. ZIP CODE <b>76344</b>		7g. INSIDE CITY LIMITS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No					
8. EVER IN US ARMED FORCES? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		9. MARITAL STATUS AT TIME OF DEATH Married <input checked="" type="checkbox"/> Married, but separated <input type="checkbox"/> Widowed <input type="checkbox"/> Divorced <input type="checkbox"/> Never Married <input type="checkbox"/> Unknown <input type="checkbox"/>		10. SURVIVING SPOUSE'S NAME (If wife, give name prior to first marriage) <b>KRISTA CHACONA HARBOUR</b>			
11. FATHER'S NAME (First, Middle, Last)				12. MOTHER'S NAME PRIOR TO FIRST MARRIAGE (First, Middle, Last) <b>WALKER</b>			
13a. INFORMANT'S NAME <b>CHRISTINE STROUD</b>		13b. RELATIONSHIP TO DECEDENT <b>NOT STATED</b>		13c. MAILING ADDRESS (Street and Number, City, State, Zip Code) <b>2121 DREARY VIEW LANE ARMADILLO, LS</b>			
14. PLACE OF DEATH (Check only one: see instructions)							
IF DEATH OCCURRED IN A HOSPITAL: Inpatient _____ Emergency Room/Outpatient _____ Dead on Arrival _____				IF DEATH OCCURRED SOMEWHERE OTHER THAN A HOSPITAL: Hospice facility _____ Nursing home/Long term care facility _____ <input checked="" type="checkbox"/> Decedent's home _____ Other (Specify): _____			
15. FACILITY NAME (If not institution, give street & number) <b>HARBOR'S END APT</b>			16. CITY OR TOWN, STATE, AND ZIP CODE <b>ARMADILLO, LONE STAR 76344</b>			17. COUNTY OF DEATH	
18. METHOD OF DISPOSITION: <input checked="" type="checkbox"/> Burial <input type="checkbox"/> Cremation Donation _____ Entombment _____ Removal from State _____ Other (Specify): _____			19. PLACE OF DISPOSITION (Name of cemetery, crematory, other place) <b>LAILOW CEMETERY</b>				
20. LOCATION-CITY, TOWN, AND STATE <b>ARMADILLO, LS</b>			21. NAME AND COMPLETE ADDRESS OF FUNERAL FACILITY <b>EARTHMAN FUNERAL HOME, 543 PACKUM DOWN DRIVE, ARMADILLO, LS</b>				
22. SIGNATURE OF FUNERAL SERVICE LICENSEE OR OTHER AGENT						23. LICENSE NUMBER (Of licensee) <b>2829735</b>	

To Be Completed/ Verified By:  
FUNERAL DIRECTOR:

<b>ITEMS 24-28 MUST BE COMPLETED BY PERSON WHO PRONOUNCES OR CERTIFIES DEATH</b>		24. DATE PRONOUNCED DEAD (Mo/Day/Yr) <b>JUNE 15, 2008</b>		25. TIME PRONOUNCED DEAD <b>12:32 AM</b>	
26. SIGNATURE OF PERSON PRONOUNCING DEATH (Only when applicable)			27. LICENSE NUMBER <b>EPL6540164</b>		28. DATE SIGNED (Mo/Day/Yr) <b>JUNE 16, 2008</b>
29. ACTUAL OR PRESUMED DATE OF DEATH (Mo/Day/Yr) (Spell Month) <b>06/15/08</b>		30. ACTUAL OR PRESUMED TIME OF DEATH <b>UNK</b>		31. WAS MEDICAL EXAMINER OR CORONER CONTACTED? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

<b>CAUSE OF DEATH (See instructions and examples)</b>			Approximate interval: Onset to death
32. PART I. Enter the chain of events--diseases, injuries, or complications--that directly caused the death. DO NOT enter terminal events such as cardiac arrest, respiratory arrest, or ventricular fibrillation without showing the etiology. DO NOT ABBREVIATE. Enter only one cause on a line. Add additional lines if necessary.			
IMMEDIATE CAUSE (Final disease or condition -----> resulting in death) a. <b>MASSIVE DISRUPTION OF INTERNAL ORGANS, MASSIVE HEMORRHAGE</b> Due to (or as a consequence of):			
Sequentially list conditions, if any, leading to the cause listed on line a. Enter the UNDERLYING CAUSE (disease or injury that initiated the events resulting in death) LAST b. <b>GUNSHOT WOUND TO ABDOMEN</b> Due to (or as a consequence of): c. _____ Due to (or as a consequence of): d. _____			

PART II. Enter other significant conditions contributing to death but not resulting in the underlying cause given in PART I <b>AUTOPSY TOX REPORT SHOWS BAC 0.18%</b>		33. WAS AN AUTOPSY PERFORMED? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
		34. WERE AUTOPSY FINDINGS AVAILABLE TO COMPLETE THE CAUSE OF DEATH? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

35. DID TOBACCO USE CONTRIBUTE TO DEATH?  Yes <input type="checkbox"/> Probably <input type="checkbox"/> <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown		36. IF FEMALE: Not pregnant within past year  Pregnant at time of death  Not pregnant, but pregnant within 42 days of death  Not pregnant, but pregnant 43 days to 1 year before death  Unknown if pregnant within the past year		37. MANNER OF DEATH  Natural <input type="checkbox"/> Homicide <input type="checkbox"/>  Accident <input type="checkbox"/> Pending Investigation <input type="checkbox"/>  <input checked="" type="checkbox"/> Suicide <input type="checkbox"/> Could not be determined	
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38. DATE OF INJURY (Mo/Day/Yr) (Spell Month) <b>UNK</b>		39. TIME OF INJURY <b>UNK</b>		40. PLACE OF INJURY (e.g., Decedent's home, construction site, restaurant, wooded area) <b>DECEDENT'S APARTMENT</b>		41. INJURY AT WORK? <input type="checkbox"/> Yes <input type="checkbox"/> No	
--	--	----------------------------------	--	--	--	---	--

42. LOCATION OF INJURY: State: _____ City or Town: _____ Street & Number: _____ Apartment No.: _____ Zip Code: _____			
43. DESCRIBE HOW INJURY OCCURRED: <b>GUNSHOT WOUND; POLICE REPORT THEY BELIEVED WOUND TO BE SELF-INFLICTED</b>			44. IF TRANSPORTATION INJURY, SPECIFY: Driver/Operator _____ Passenger _____ Pedestrian _____ Other (Specify) _____

45. CERTIFIER (Check only one):  
 Certifying physician-To the best of my knowledge, death occurred due to the cause(s) and manner stated.  
 Pronouncing & Certifying physician-To the best of my knowledge, death occurred at the time, date, and place, and due to the cause(s) and manner stated.  
 Medical Examiner/Coroner-On the basis of examination, and/or investigation, in my opinion, death occurred at the time, date, and place, and due to the cause(s) and manner stated.

Signature of certifier: *[Signature]*

46. NAME, ADDRESS, AND ZIP CODE OF PERSON COMPLETING CAUSE OF DEATH (Item 32)  
**DENNIS SUPLEE, #4132 PLUMBERS DRIVE, ARMADILLO, LS 76345**

47. TITLE OF CERTIFIER <b>CORONER</b>		48. LICENSE NUMBER <b>N/A</b>		49. DATE CERTIFIED (Mo/Day/Yr) <b>N/A</b>		50. FOR REGISTER	
--	--	----------------------------------	--	--	--	------------------	--

EXHIBIT 2

# ARMADILLO STATE BANK

#4 DEBTORS DRIVE  
ARMADILLO, LONE STAR 76001

June 11, 2008

Clint Harbour  
2121 Dreary View Lane #1A  
Armadillo, LS 76344

RE: OUTSTANDING LOAN BALANCE, LAS VEGAS REAL ESTATE

Dear Mr. Harbour:

This letter is to advise you that your loan number LV0021 dated June 1, 2007 is seriously in default. As you know, the promissory note signed by you calls for monthly payments in the amount of \$3,021.34. You have failed to make the payments due on March 1, 2008, April 1, 2008, and May 1, 2008. On May 15, 2008, we wrote to demand payment of the sums then due and indicated that if you failed to pay the amounts due by May 31, 2008, we would accelerate the maturity of the note and declare it due and payable.

Please be notified that we are accelerating the promissory note and hereby declare the entire outstanding principal balance of \$285,000.00 due and payable immediately. If we have not received payment in full within 10 days of the date of receipt of this letter, we will institute proceedings to collect the amounts due and payable, including all principal amounts due, all past and overdue installment payments, all unpaid interest and the not insignificant fees of our attorneys, Dewey Dunnam and Good.

Please contact us immediately to arrange payment, and have a great day.

Sincerely,



Christy Jones, V.P.

EXHIBIT 3

# DUNN & MADOFF INVESTMENTS

“The Strength of the Pyramids”

MARCH 31, 2008

CLINT HARBOUR  
% 2121 DREARY VIEW LANE  
ARMADILLO, LONE STAR 76344

ACCOUNT: Clint Harbour Retirement Security Account

INITIAL INVESTMENT: \$250,000.00

INVESTMENT RESULTS 1/1/08 TO 5/31/08: \$70,000.00 (+ 28%)

INVESTMENT BALANCE AS OF STATEMENT DATE: \$320,000.00

We at Dunn & Madoff appreciate your continued CONFIDENCE in our investment expertise. Remember, tell your well qualified friends about our investment management services and receive even greater returns on your own portfolio.

*This is a qualified retirement security account. Substantial penalties for early withdrawal.*

EXHIBIT 4

**AFFIDAVIT OF MITCH MURPHY**

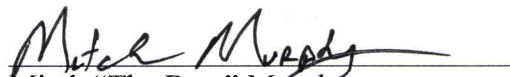
STATE OF LONE STAR

COUNTY OF DALLAS

Before me, the undersigned authority, personally appeared MITCH MURPHY, who, being duly sworn by me to tell the truth, stated as follows:

1. My name is Mitch "The Bear" Murphy. I am over the age of 18 years, I have never been convicted of a crime involving moral turpitude, I have personal knowledge of the facts stated herein and they are true and correct. I am otherwise qualified to testify herein.
2. I live at Harbor's End Apartments in Armadillo, Lone Star. Around June 1, 2008, Mr. Clint Harbour moved into apartment 1A at the complex, which is directly across the hall from my apartment. Harbour told me that he was moving in because he was separating from his mean-spirited wife, who he caught cheating on him with their close friend, Andy Little. He appeared to be very upset and distraught about it that first time I met him.
3. A red-headed woman assisted Mr. Harbour in moving his property into the apartment. I later learned her name was Christine Stroud. The process of moving apparently took about two weeks. On one occasion, I saw Harbour and that woman, Christine Stroud, coming out of the apartment looking red-faced and out of breath. They said they had been engaged in moving the furniture.

Further affiant sayeth not.

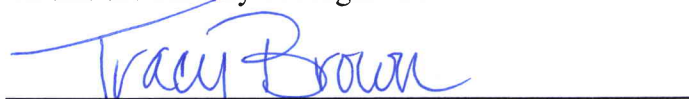
  
\_\_\_\_\_  
Mitch "The Bear" Murphy

STATE OF LONE STAR

COUNTY OF DALLAS

Before me, a notary public, on this day personally appeared Mitch Murphy, known to me to be the person whose name is subscribed to the foregoing document, and being by me first duly sworn, declared that the statements therein contained are true and correct.

Sworn to and subscribed before me on this the 2nd day of August 2008.

  
\_\_\_\_\_  
Notary Public

# SUPERHIGHWAY TO SUICIDE

Alex B. Trevino, Suicidologist

## EXCERPTS

### CHAPTER 1: IDEATION AND INTENT [excerpts]

Central to the concept of suicide is the capacity to form the requisite intent to take one's own life. Many factors may impede the requisite intent, such as age related dementia, insanity or drug/alcohol intoxication. Simply put, if one cannot think clearly enough to form suicidal intent, one cannot be said to have committed suicide.

### CHAPTER 4: THE ROLE OF AGE AND GENDER [excerpts]

Statistically significant relationships have been demonstrated between age, gender and probability of suicide. Specifically, men between the ages of 55 and 59 are 22% more likely to commit suicide than their younger or older counterparts.

### CHAPTER 7: THE ROLE OF ISOLATION IN RELATIONSHIPS [excerpts]

It has been shown in various studies that the likelihood of suicide increases in a statistically significant manner with the disruption of long-standing relationships of social importance. For example, in societies where marriage is a valued social institution, suicide rates trend higher where long term marriages are disrupted by divorce. As a countervailing factor, however, the suicidologist must examine whether the party was engaged in other significant relationships outside the marriage that served as de facto substitutes for the marriage itself.

### CHAPTER 11: THE ROLE OF ALCOHOL AND DRUGS [excerpts]

Alcohol has been shown to have a statistically significant relationship with suicide rates. For example, 8-10 percent of suicide completers were probably alcoholics, which is roughly twice the rate of alcoholism in the general population. It has been estimated that 15-21 percent of alcoholics eventually die by suicide.

### CHAPTER 15: THE ROLE OF ACCESS TO MEANS OF SUICIDE [excerpts]

It has been demonstrated in several studies that groups of people who have more access to and skill in using lethal instrumentalities are more likely to complete a suicide attempt. Male suicide attempters who have access to firearms are much more likely to successfully complete a first attempt.

EXHIBIT 6



# ALEX B. TREVINO

Suicide Specialist

November 16, 2009

Mr. Ken Riney  
Needham & Cheedum  
701 S. Rocky Road, Suite 6700  
Armadillo, Lone Star 76388-1411

Re: Death of Clint Harbour

Dear Mr. Riney:

Pursuant to your request, I have examined the facts and circumstances surrounding the death of Clint Harbour to determine the manner of death. In so doing, I examined the autopsy report, the death certificate, the depositions of Chris Jensen, Stevie Walker and Krista Chacona Harbour, and certain laboratory reports. Based on the materials I have reviewed, I conclude that the manner of Mr. Harbour's death was the result of suicide, that is, was intentionally caused by his own hand.

The bases for my opinion are:

1. Mr. Harbour was a male at the critical age between 55 and 60 when suicide is more prevalent.
2. Mr. Harbour had recently moved from his home to an apartment for the purpose of separating from his wife of 26 years due to her infidelity.
3. Mr. Harbour had access to a weapon of lethality, a shotgun.
4. Mr. Harbour had a blood alcohol level of 0.18% at autopsy, and was therefore intoxicated at the time of death.

Based on my research and experience, these factors point unfailingly to suicide.

*Alex B Trevino*

Alex B. Trevino, PhD

EXHIBIT 7



## PRODUCT RECALL NOTICE

**Morgan, Utah July 13, 2008**—Browning Arms has announced a Product Safety Warning and Recall Notice for all Model 870 Shotguns. The company has received a small number of reports from the field of accidental discharges of these shotguns. While there have been no reports of personal injury to date, any accidental discharge has the potential to result in serious injury or death. Consequently, Browning Arms is instituting this free recall program to inspect and, if necessary, repair the ejector assemblies of these shotguns.

**WARNING!** Owners of Model 870 shotguns should immediately stop using these guns and contact Browning Arms to have their shotguns inspected and repaired under the recall program. To participate in this recall program, owners can do either of the following: (1) call the toll-free recall hotline at 800-656-9924; or (2) follow the instructions of the 870 Recall link on the Browning Arms website. This recall program, including shipment of the ejector assemblies of the shotguns to and from Browning Arms, will be done at no cost to the owner.

This recall program does not apply to any other model of Browning Arms shotguns.

EXHIBIT 8



EXHIBIT 9

EXHIBIT 10



# RHOME FORENSIC LABORATORY

RHOME, LONE STAR

## SCANNING ELECTRON MICROSCOPY LABORATORY REPORT

DATE: JUNE 30, 2008 10:43 AM

REQUESTING AGENCY: PRIVATE PARTY/KRISTA CHACONA HARBOUR

SYNOPSIS OF REQUEST: Widow of decedent requested SEM analysis of object removed from decedent's abdomen, specifically a belt buckle to determine presence of titanium.

ANALYSIS: Object was placed in SEM using standard vise mount. Chamber evacuated according to normal protocol and object subjected to normal EDS analysis to determine metal makeup of sample.

RESULT: Analysis indicated presence of copper, silver, iron and other metals expected on a belt buckle. Specific spectrum for titanium was absent from sample, as noted below.

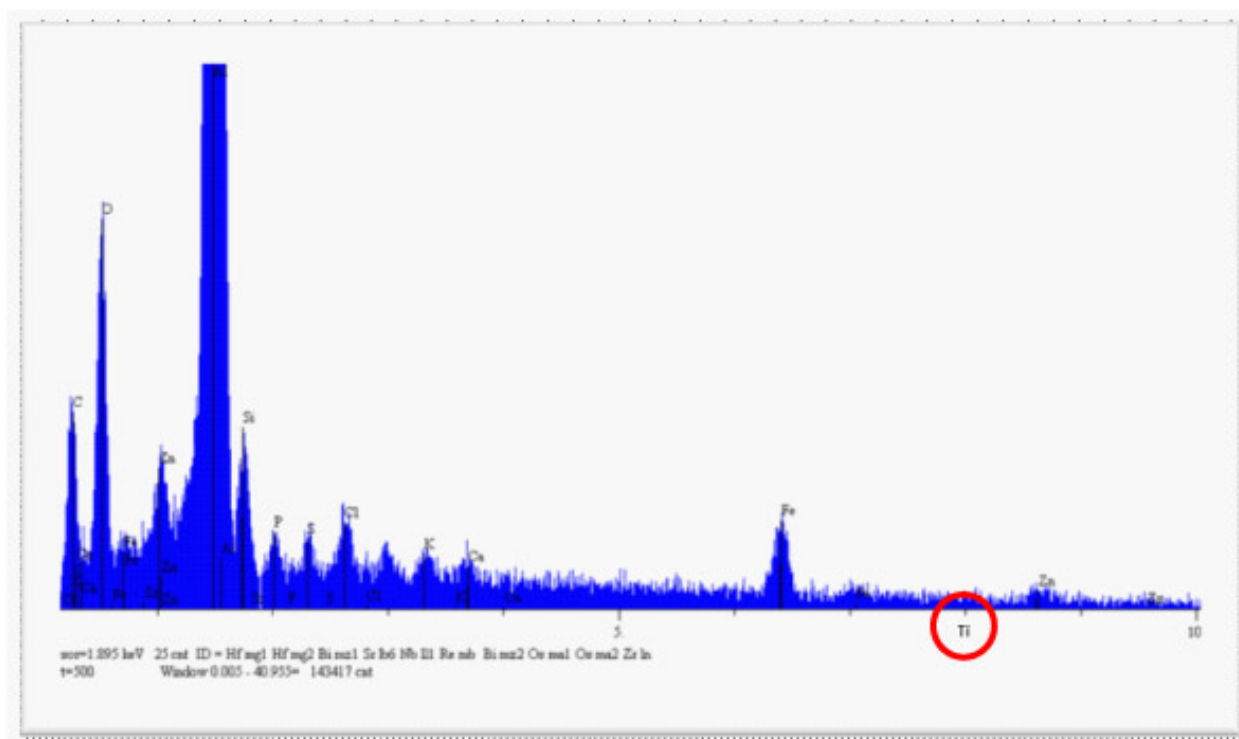




EXHIBIT 11

CAUTION: NOT TO BE USED FOR IDENTIFICATION PURPOSES

THIS IS AN IMPORTANT RECORD SAFEGUARD IT

ANY ALTERATIONS IN SHADED AREAS RENDER FORM VOID

### CERTIFICATE OF RELEASE OR DISCHARGE FROM ACTIVE DUTY

1. NAME (LAST, FIRST, MIDDLE) JENSEN, CHRIS		2. DEPARTMENT, COMPONENT AND BRANCH USMP-C1		3. SOCIAL SECURITY NO. 888-77-6543	
4. GRADE, RATE OR RANK PRIVATE	5. PAY GRADE E-4	6. DATE OF BIRTH 751031	7. RESERVE OBLIG TERM DATE N/A		
8. PLACE OF ENTRY INTO ACTIVE DUTY QUANTICO, VA 22134		9. HOME OF RECORD AT TIME OF ENTRY MULESHOE, LONE STAR			
10. LAST DUTY ASSIGNMENT AND MAJOR COMMAND MWHS-3 3DMAW FMFPAP BERGSTROM, LS		11. STATION WHERE SEPARATED HQHQRON MCASET BERGSTROM, LS			
12. COMMAND TO WHICH TRANSFERRED FORT DAVIS, LONE STAR		13. PRIMARY SPECIALTY V5 Military Police Investigation			
14. DECORATIONS, MEDALS, BADGES, CITATIONS AND CAMPAIGN RIBBONS AWARDED OR AUTHORIZED RIFLE EXPERT BADGE (4TH AWARD); PISTOL EXPERT BADGE (6TH AWARD); LETTER OF APPRECIATION (3RD AWARD)					
15. MILITARY EDUCATION V5 Military Police Investigation School, Quantico, VA					
16. REMARKS MANDATORY SEPARATION					
17. MAILING ADDRESS AFTER SEPARATION 79 N. PRAIRIE ARMADILLO, LS 76706			18. NEAREST RELATIVE JOHN WARD 573483 LOSTWAY WAY CHINA GROVE, LS 73993		
19. SIGNATURE OF MEMBER BEING SEPARATED 			20. OFFICIAL AUTHORIZED TO SIGN  Maj. Taylor Kelley		
21. TYPE OF SEPARATION SEPARATED FROM ACTIVE DUTY			22. CHARACTER OF SERVICE LESS THAN HONORABLE		
23. SEPARATION AUTHORITY MAJ ORSA IDGE THI MOUT OFHE RE		24. SEPARATION CODE BHK GLJ	25. REENTRY CODE RE-4		
26. NARRATIVE REASON FOR SEPARATION UNABLE TO PERFORM DUTIES REQUIRED OF POSITION					

DD FORM 214 NOV 00

EXHIBIT 12

## **FINAL JURY INSTRUCTIONS**

Members of the jury, I shall now instruct you on the law that you must follow in reaching your verdict. It is your duty as jurors to decide the issues, and only those issues, that I submit for determination by your verdict. In reaching your verdict, you should consider and weigh the evidence, decide the disputed issues of fact, and apply the law on which I shall instruct you to the facts as you find them, from the evidence.

The evidence in this case consists of the sworn testimony of the witnesses, all exhibits received into evidence, and all facts that may be admitted or agreed to by the parties. In determining the facts, you may draw reasonable inferences from the evidence. You may make deductions and reach conclusions which reason and common sense lead you to draw from the facts shown by the evidence in this case, but you should not speculate on any matters outside the evidence.

In determining the believability of any witness and the weight to be given the testimony of any witness, you may properly consider the demeanor of the witness while testifying; the frankness or lack of frankness of the witness; the intelligence of the witness; any interest the witness may have in the outcome of the case; the means and opportunity the witness had to know the facts about which the witness testified; the ability of the witness to remember the matters about which the witness testified; and the reasonableness of the testimony of the witness, considered in the light of all the evidence in the case and in light of your own experience and common sense.

The issue for your determination on the claim of Krista Chacona Harbour is whether the death of her husband, Clint Harbour, was the result of suicide. In that regard, you are instructed that Southern Comfort Life Insurance Company has the

burden of proof on the issue of suicide, meaning that it must convince you by a preponderance of the evidence that Harbour's death was the result of suicide. Because Southern Comfort Life Insurance Company has the burden of proof on this issue, it has the right to present its arguments to you first and to offer rebuttal argument after counsel for Krista Chacona Harbour has offered final arguments on her behalf..

You are instructed that the term "suicide" as used in the question to be submitted to this jury means the voluntary and intentional taking of one's own life.

Answer "Yes" or "No" to the question hereafter submitted to you. A "Yes" answer must be based on a preponderance of the evidence unless you are otherwise instructed. If you do not find that a preponderance of the evidence supports a "Yes" answer, then answer "No." The term "preponderance of the evidence" means the greater weight and degree of credible evidence admitted in this case.

Your verdict must be based on the evidence that has been received and the law on which I have instructed you. In reaching your verdict, you are not to be swayed from the performance of your duty by prejudice, sympathy, or any other sentiment for or against any party. When you retire to the jury room, you should select one of your members to act as foreperson, to preside over your deliberations, and to sign your verdict. You will be given a verdict form, which I shall now read and explain to you.

**(READ VERDICT FORM)**

When you have agreed on your verdict, the foreperson, acting for the jury, should date and sign the verdict form and return it to the courtroom. You may now retire to consider your verdict.



NO. 09-004687-CV

KRISTA CHACONA HARBOUR

*Plaintiff,*

v.

SOUTHERN COMFORT LIFE  
INSURANCE COMPANY

*Defendant.*

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§

IN THE 479<sup>th</sup> DISTRICT COURT

IN AND FOR

DALLAS COUNTY

STATE OF LONE STAR

**JURY QUESTION NO. 1**

Was the death of Clint Harbour the result of suicide?

Answer “yes” or “no.”

\_\_\_\_\_

\_\_\_\_\_

Jury Foreperson