

36th Annual Colorado Bar Association
**THE OFFICIAL COLORADO
CASE PROBLEM**



THE PEOPLE OF THE STATE OF COLORADO vs. AVERY BECKER



WRITTEN BY

Colorado Bar Association
High School Mock Trial Committee



coloradohighschoolmocktrial.com

Case Summary

On March 6, 2020, the head coach of the Colorado High School mock trial team, McKenzie Brackman, was found dead in the doorway of his home. He had been stabbed in the back by an unknown intruder. Ring videos captured the intruder going into the home, but the intruder was wearing a mask and gloves.

The police concluded that a mock trial team member, Avery Becker, killed coach Brackman after breaking into McKenzie Brackman's home to vandalize it and being surprised by Brackman. Cell tower records place Avery Becker's phone in the vicinity of McKenzie Brackman's house, and text messages sent by Avery Becker spell out the plan to break into coach Brackman's house. Accordingly, Avery Becker has been charged with felony murder and burglary.

The defense claims that, at the time of the murder, Avery Becker was with another mock trial student, Taylor Perkins, looking for Avery's cell phone that had been lost—or that had actually been stolen by a student who set-up Avery to take the fall for the murder.

AVAILABLE WITNESSES

Prosecution

Detective Jordan Markowitz (expert witness)

Kyle Kuzak (expert witness)

Alex Sifuentes

Defense

Avery Becker

Taylor Perkins

Blake Van Owen (expert witness)

EXHIBITS

- Exhibit 1 - Photograph of victim
- Exhibit 2 - Photograph of victim
- Exhibit 3 - Photograph of victim
- Exhibit 4 - Photograph of victim
- Exhibit 5 - Photograph of knife
- Exhibit 6 - Photograph of knife
- Exhibit 7 - Photograph of knives in drawer
- Exhibit 8 - Photograph of knife block
- Exhibit 9 - Photograph of broken plate
- Exhibit 10 - Ring video
- Exhibit 11 - Ring video
- Exhibit 12 - Ring video
- Exhibit 13 - Ring video
- Exhibit 14 - Screenshot of text messages
- Exhibit 15 - Cell tower diagram
- Exhibit 16 - Cell tower diagram with possible route
- Exhibit 17 - Witness tracking spreadsheet
- Exhibit 18 - Photograph of scuff marks
- Exhibit 19 - Autopsy report
- Exhibit 20 - Van Owen expert report
- Exhibit 21 - Photograph of knife
- Exhibit 22 - Audio recording from Rollins court proceedings

STIPULATED FACTS

1. The signatures on the witness statements and all other documents are authentic.
2. Chain of custody for evidence is not in dispute.
3. Stipulations cannot be contradicted or challenged.
4. Exhibit 22 is an accurate copy of a recording from a portion of the court proceedings in the case against Jonathon Rollins.

| | |
|---|--|
| District Court, Denver County, Colorado Lindsey-Flanigan Courthouse 520 W Colfax Ave, Room 135 Denver, CO 80204 | |
| THE PEOPLE OF THE STATE OF COLORADO vs. AVERY BECKER, Defendant | ▲ COURT USE ONLY ▲ |
| Ida Prosecutor 2nd Judicial District District Attorney, # 12345 201 W Colfax Ave, 8 th Floor Denver, CO 80202 Phone Number: 720-913-9000 Fax: 720-913-9035 | Case No: 20CR3103 Div: 4H Courtroom: |
| COMPLAINT AND INFORMATION | |

Ida Prosecutor, District Attorney for the Second Judicial District, of the State of Colorado, in the name and by the authority of the People of the State of Colorado, informs the court of the following offenses committed, or triable, in the County of Denver:

COUNT 1: MURDER IN THE FIRST DEGREE (F1)

On or about March 6, 2020, Avery Becker unlawfully and feloniously committed or attempted to commit Second Degree Burglary, and during the course and furtherance of that crime, the death of McKenzie Brackman was caused by anyone; in violation of section 18-3-102(1)(b), C.R.S.

COUNT 2: SECOND DEGREE BURGLARY OF A DWELLING (F3)

On or about March 6, 2020, Avery Becker unlawfully, feloniously, and knowingly broke an entrance into, entered, or remained unlawfully after a lawful or unlawful entry in the dwelling of McKenzie Brackman, located at 444 S Flower Street, with the intent to commit therein the crime of Criminal Mischief; in violation of sections 18-4-203(1),(2)(a), C.R.S.

All offenses against the peace and dignity of the people of the State of Colorado.

Ida Prosecutor
 District Attorney, #: 12345

By: /s/ Ida Prosecutor Date: 03/23/2020
 Ida Prosecutor #12345
 District Attorney

JURY INSTRUCTIONS

Instruction No. 1

The Defendant, Avery Becker, is charged with committing the crimes of Murder in the First Degree (felony murder) and Second Degree Burglary on or about March 6, 2020, in Denver, Colorado. The Defendant has pleaded not guilty.

The charge against the Defendant is not evidence. The charge against the Defendant is just an accusation. The fact that the Defendant has been accused is not evidence that the Defendant committed any crime.

Instruction No. 2

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

Instruction No. 3

A fact may be proven by either direct or circumstantial evidence. Under the law, both are acceptable ways to prove something. Neither is necessarily more reliable than the other.

Direct evidence is based on first-hand observation of the fact in question.

Circumstantial evidence is indirect. It is based on observations of related facts that may lead you to reach a conclusion about the fact in question.

Instruction No. 4

You are the sole judges of the credibility of each witness and the weight to be given to the witness's testimony. You should carefully consider all of the testimony given and the circumstances under which each witness has testified.

For each witness, consider that person's knowledge, motive, state of mind, demeanor, and manner while testifying. Consider the witness's ability to observe, the strength of that person's memory, and how that person obtained his or her knowledge. Consider any relationship the witness may have to either side of the case, and how each witness might be affected by the verdict. Consider how the testimony of the witness is supported or contradicted by other evidence in the case. You should consider all facts and circumstances shown by the evidence when you evaluate each witness's testimony.

You may believe all of the testimony of a witness, part of it, or none of it.

Instruction No. 5

The number of witnesses testifying for or against a certain fact does not, by itself, prove or disprove that fact.

Instruction No. 6

You are not bound by the testimony of witnesses who have testified as experts; the credibility of an expert's testimony is to be considered as that of any other witness. You may believe all of an expert witness's testimony, part of it, or none of it. The weight you give the testimony is entirely your decision.

Instruction No. 7

The elements of the crime of Murder in the First Degree (felony murder) are:

1. That the Defendant,
2. in the State of Colorado, at or about the date and place charged,
3. acting alone or with one or more persons,
4. committed or attempted to commit Second Degree Burglary, and
5. in the course of or in furtherance of the crime of Second Degree Burglary that the Defendant was committing or attempting to commit, or in the immediate flight therefrom,
6. the death of a person, other than one of the participants, was caused by anyone.

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 Murder in the First Degree (felony murder).

After considering all the evidence, if you decide the prosecution has failed to prove any one or more of the elements beyond a reasonable doubt, you should find the Defendant not guilty of murder in the First Degree (felony murder).

Instruction No. 8

The elements of the crime of Second Degree Burglary (dwelling) are:

1. That the defendant,
2. in the State of Colorado, at or about the date and place charged,
3. knowingly,
4. broke an entrance into, entered unlawfully in, or remained unlawfully after a lawful or unlawful entry in,
5. a dwelling,
6. with intent to commit therein the crime of criminal mischief against another person or property.

After considering the evidence, if you decide the prosecution has proven each of the elements beyond a reasonable doubt, you should find the defendant guilty of criminal attempt to commit Second Degree Burglary (dwelling).

After considering the evidence, if you decide the prosecution has failed to prove any one or more of the elements beyond a reasonable doubt, you should find the defendant not guilty of criminal attempt to commit Second Degree Burglary (dwelling).

Instruction No. 9

The elements of criminal mischief are:

1. That the defendant,
2. in the State of Colorado, at or about the date and place charged,
3. knowingly,
4. damaged the real or personal property of another person,
5. in the course of a single criminal episode.

Instruction No. 10

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 state of mind is as follows:

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

Instruction No. 11

In this case, certain words and phrases have particular meanings.

Accordingly, you are to use the following definitions where these words and phrases appear in instructions that define crimes, defenses, special rules, and verdict questions.

“Dwelling” means a building which is used, intended to be used, or usually used by a person for habitation.

A person “enters unlawfully” or “remains unlawfully” in or upon premises when the person is not licensed, invited, or otherwise privileged to do so.

1 **DET. JORDAN MARKOWITZ – EXPERT WITNESS STATEMENT – PROSECUTION**

2 My name is Jordan Markowitz. I am a homicide detective with the Denver Police
3 Department. I started my career with DPD roughly thirteen years ago and have been a detective
4 for seven years. I also have specialized training and experience with cell phones. I have a Cell
5 Phone Technology and Forensic Data Recovery certification from the American Academy of
6 Law Enforcement. To get it, I had to complete a three-day training course and pass a certification
7 test. Through the training I learned about the types of cell phone data and records that can be
8 obtained, how to use forensic software such as the Cellebrite system to download information
9 from a cell phone, how to acquire and interpret cellular records, and how to obtain and interpret
10 cell tower data. I use that training constantly as a detective, and I have downloaded the contents
11 of literally hundreds of cell phones. I also use cell tower data on a regular basis, and I have
12 obtained and interpreted cell tower data in over fifty cases.

13 In March 2020, I was assigned to investigate the death of McKenzie Brackman, a
14 criminal defense lawyer.

15 On Friday, March 6, 2020, a passing motorist reported seeing a person possibly passed
16 out on the porch of a residence at 444 S. Flower Street. Paramedics initially responded but called
17 for officers upon finding the victim, Brackman, deceased just inside the front door of the
18 residence. Uniformed officers secured the scene and I responded at approximately 1420 hours.
19 Upon arrival, I observed the front door was open. The victim was face down on the floor just
20 inside the residence, in a pool of blood. A large knife was visible on the floor just past the
21 victim's body. The victim's shirt was blood soaked around the upper left back and shoulder area,
22 and it was obvious that the victim had been stabbed. From the angle of the body, it appeared that
23 the victim had most likely fallen to the ground while trying to leave the residence. Exhibit 1

24 shows the victim's body as viewed from the porch. Exhibit 2 shows the victim's body from
25 inside the residence. Exhibit 3 is a close-up of the victim's back, and the stab wound is visible.
26 Exhibit 4 is another close-up photo of the victim's back with the stab wound visible. Exhibit 5 is
27 a photograph of the knife as it appeared at the scene. Exhibit 6 is a photograph of the knife taken
28 at the crime lab.

29 I immediately noticed that there was a "Ring" doorbell for the residence. In fact, the Ring
30 doorbell is visible in Exhibit 1. I walked around the outside of the residence, where I observed a
31 Ring camera on the south side of the home, aimed at the gate to the backyard, and another
32 camera aimed toward the backdoor. The side gate to the backyard was unlatched. I also found
33 that the backdoor was open. I entered the residence through the backdoor, which took me to the
34 kitchen. Inside, the residence was slightly in disarray, but I could not tell if that was the result of
35 a struggle or just the normal state of the house. I did observe a partially open kitchen drawer that
36 contained several knives and a knife block on the counter that had a large empty slot. Exhibit 7 is
37 a photograph of the knife drawer and Exhibit 8 is a photograph of the knife block as they
38 appeared at that time. Next to the kitchen was a dining area with a table and chairs. One of the
39 chairs was knocked over and I observed a broken plate on the floor. Exhibit 9 is a photograph of
40 the broken plate. I also observed several small drops of what clearly appeared to be blood on the
41 floor. Photographs were taken of the blood drops, but some of the digital files in the camera
42 somehow became corrupted, and we were not able to recover those photographs. From the table,
43 I could see the open front door, including the knife on the floor. I did not proceed to the location
44 of the knife, but instead had the forensic team come in to process the scene. Nevertheless, I could
45 see that there was blood on the floor around the knife and what appeared to be cast-off blood
46 spatter on the wall and ceiling near the door. We photographed the blood spatter, but it was one

47 of the corrupted pictures that we could not recover. Nevertheless, I looked at the blood spatter
48 and I can recall how it looked. I am not an expert in blood spatter, but I have been to the scenes
49 of more than enough homicides to recognize cast-off marks.

50 While the forensic team was processing the area around the front door, I looked
51 throughout the rest of the house. There were no other victims, and expensive items such as a
52 laptop computer and several flat screen televisions had been left undisturbed. Based on the
53 number of homicides I have investigated, it seemed fairly obvious that the victim had caught
54 someone breaking into the home and had likely confronted the intruder with a large knife from
55 the kitchen, but the intruder must have gotten control of the knife and stabbed the victim. It
56 seemed most likely that the victim went to the front door after being stabbed, either running from
57 or after the intruder.

58 The victim was face down on the floor, so I did not immediately recognize him, but once
59 I saw the victim's ID, I instantly knew who it was. The victim was a criminal defense attorney
60 named McKenzie Brackman. I have investigated several homicides that Brackman later
61 defended, and I have had the displeasure of being cross-examined by him in more than one trial.
62 Brackman liked to take a lot of cheap shots and attack the work the police did to distract
63 attention from the evidence that implicated his clients. In my experience, most juries see through
64 that but not all of them.

65 Anyway, getting back to this case, when I downloaded the information from Brackman's
66 phone, I obtained account data and passwords for his Ring account. That allowed me to log into
67 his account. Brackman was paying an extra monthly fee to keep access to recorded events, so I
68 was able to simply access everything the various cameras captured on March 6, 2020. Exhibits

69 10, 11, 12, and 13 are accurate copies of four videos related to this homicide. I did not find any
70 other videos that had anything to do with Brackman's death.

71 The first video, Exhibit 10, shows a person approach the front door. The person is
72 wearing a hoodie, some type of a mask, likely an old Halloween mask, and gloves. The person
73 did not press the doorbell, but the motion sensor obviously activated and recorded what
74 happened. It appears that the person tried the front door, but it was locked. The next video starts
75 a few seconds later and shows the same person open the gate on the side of the house and go into
76 the backyard. The third video is a few seconds after that, and it shows the same person walk up
77 to the backdoor, which was obviously unlocked, and the person then proceeds into the residence.
78 The action resumes a short time after that, back again at the front door. The final video shows
79 what is obviously the same person running out the front door.

80 The evidence at the scene and the videos made it look to me like Brackman had
81 interrupted a random burglary, but the fact that Brackman did criminal defense work raised the
82 specter that this could be the work of a disgruntled ex-client. That seemed very unlikely, but it
83 was something to consider. As an experienced homicide detective, I never try to take the case
84 where I think it should go—I follow the evidence and go where it takes me.

85 So, that's what I did next, I turned to the evidence. I started by downloading the contents
86 of Brackman's phone and I found a tremendous number of text and email messages related to
87 something called "mock trial." The t-shirt Brackman had been wearing when he was stabbed said
88 something about "keep calm and mock on," and the front of the t-shirt had a high school mock
89 trial logo. With a little digging, I found out that Brackman was a high school mock trial coach for
90 Colorado High School. Based on the volume of texts and emails, it seemed that Brackman spent
91 more time working on high school mock trial than his actual job as a lawyer.

92 It seemed highly unlikely that Brackman’s mock trial activity had anything to do with his
93 death, but good police work requires you to follow up on all possible leads. I reached out to the
94 school and got contact information for all of the students on the team. Shockingly, the first
95 student I called gave me the biggest break in the case. I spoke with a student named Alex
96 Sifuentes, who told me that another student on the team had texted something about a plan to
97 trash Brackman’s house. Based on that, I had Alex Sifuentes and Sifuentes’ parents come to
98 headquarters to conduct a full interview. It turned out that the other student was a senior on the
99 mock trial team named Avery Becker. Brackman had recently kicked Becker off the mock trial
100 team after Becker vandalized Brackman’s car. Becker sent a text to Sifuentes, who was also on
101 the mock trial team, pleading with Sifuentes for help getting back on the team. When Sifuentes
102 texted back that Brackman wouldn’t budge, Becker responded that he was going to “trash”
103 Brackman’s house while Brackman was at work. I asked to look at Sifuentes’ phone, but
104 Sifuentes had not brought it to the interview. That might be the only time I have encountered a
105 teenager who did not have their cell phone with them, but people get stressed out about meeting
106 with the police, and stress can make people act differently than they normally would. So, I asked
107 Sifuentes to send me screenshots of the text conversations with Becker. Sifuentes sent the
108 screenshots the next day. Exhibit 14 contains accurate copies of the screenshots Sifuentes sent
109 me.

110 I immediately contacted Avery Becker and arranged to have Becker come in for an
111 interview. However, right before the scheduled time for the interview I got a call from a lawyer
112 hired by Becker’s parents who said her client would not be appearing and that all future
113 communications would have to go through her.

114 I obtained a warrant to search Becker's cell phone, but when I called Becker's attorney to
115 make arrangements for the search, she said that Becker had lost the phone on March 5, 2020, and
116 was no longer in possession of it. The attorney did provide me with the phone number for
117 Becker's phone, so I got a court order to obtain account records from Becker's service provider
118 and also cell tower records for March 6, 2020. The account records confirmed that the phone
119 number I was given was, in fact, associated with a cell phone account in Avery Becker's name.

120 I also received cell tower records. Technically, what I received are Call Detail Records,
121 or CDRs. To understand how CDRs help an investigation, it is good to have a little background.
122 A service provider does not keep all the information a cell tower has access to. For instance, a
123 cell phone constantly reaches out to find cell towers it can communicate with, even when the
124 phone is not in use. So, if you could access all of the cell towers in an area, you could very
125 accurately determine where somebody is even if their phone was in their pocket. But, like I said,
126 the service provider does not keep that information. Instead, when you place or receive a call,
127 and when you send or receive a text message, a record of that interaction is created. Generally,
128 the record shows things like the date and time of the communication, whether it was incoming or
129 outgoing, the number of the other phone involved in the communication, whether it was a call or
130 text message, and, if it was a call, how long it lasted. Additionally, and this is the critical part, the
131 record also identifies the cell tower with which the cell phone was communicating, including the
132 specific antenna on the tower.

133 There are different kinds of cell towers—base stations and smaller cell towers—but that
134 is not critical for how we can track a person's location through call detail records. In general, a
135 cell tower has three directional antennas, each covering a 120° arc. There is a complicated
136 algorithm that pairs a cell phone with the best available tower, but normally a cell phone

137 connects to the nearest tower. That is not always true, for instance, if a lot of people are using
138 their cell phones in a particular area, a cell phone might connect with a tower that is further away
139 but less busy, but most of the time it connects with the closest tower.

140 The CDRs in this case showed that another cell phone was sending several texts and
141 placing several calls to Avery Becker's phone leading up to the time that McKenzie Brackman
142 was killed. All of the incoming calls and texts were from the same phone, and I later confirmed
143 through provider records that it was a phone belonging to another Colorado High School student
144 named Taylor Perkins. The phone calls were of such a short duration that an actual connection
145 was not likely made. In other words, Perkins was calling Becker, but Becker was not answering.
146 As for the text messages, they were sent but not responded to. In fact, Becker never texted or
147 called back, even after Brackman was killed. Considering what Becker was doing at the time, I
148 am not surprised that Becker did not stop and answer the calls or text Perkins back.

149 Unfortunately, the CDRs only record the fact of the call or text message, but not the content.

150 The records showed that all activity by Becker's phone ceased after 1320 hours on March
151 6, 2020. If a phone is turned all the way off or placed in "airplane mode," it stops communicating
152 entirely with the cell towers near it, so there will be no further activity in the CDRs. In this case,
153 I suspect the phone was turned off after the murder and was likely destroyed and disposed of
154 later.

155 I have put together a diagram that summarizes what the call detail records for Becker's
156 phone show. The diagram is Exhibit 15. It shows the location of the cell towers that Becker's
157 phone communicated with on March 6 in the time leading up to the homicide. The direction and
158 location of the particular antenna is also shown. What you can see from this diagram is that
159 Becker received a text from Perkins at 12:47 p.m., and the communication went through cell

160 tower antenna, 1227-3. That antenna covers Becker's house. The next communication from
161 Perkins was another text at 12:55, and it went through cell tower antenna 1191-1. That would be
162 consistent with Becker driving on Rock Creek Parkway. I do not absolutely know that, but Rock
163 Creek Parkway would be the most logical route to drive from Becker's house to Brackman's
164 house. After it crosses Coalton Road, Rock Creek Parkway becomes Rock Creek Circle. Becker
165 could have driven straight across Coalton Road and continued on Rock Creek Circle or could
166 have turned right on Coalton Road and driven to the other end of Rock Creek Circle. The next
167 communication is an incoming phone call from Perkins at 13:05 which is 1:05 p.m. The call
168 duration was so short, it indicates that the call was likely not answered. It was followed up with
169 another phone call at 13:06, also likely unanswered, then a text message at 13:17. Each of those
170 communications, the two unanswered calls and the text message, came through cell tower
171 antenna 1197-1, which is the closest tower to Brackman's residence.

172 What the CDR data indicates is that Becker was at home somewhere between 12:45 and
173 12:50 p.m., then left and drove toward Brackman's home, travelling most likely along Rock
174 Creek Parkway at 12:55 p.m. Then from 1:05 p.m. to 1:17 p.m. Becker was at Brackman's
175 house. Exhibit 16 shows what I believe to be the most likely Route Becker drove.

176 Based on all of the evidence we collected, it is absolutely clear that Avery Becker went to
177 McKenzie Brackman's house on Friday, March 6, 2020, with the intent to break in and vandalize
178 the house in retaliation for Becker getting kicked off the mock trial team. It was the middle of the
179 day on a weekday, and I am sure Becker assumed that Brackman would be at work, but
180 Brackman was home and alerted to Becker's efforts to get inside by the video security system.
181 Brackman armed himself with a knife before confronting an unknown intruder, and Becker

182 somehow got the knife and ended up fatally stabbing Brackman. It is doubtful Becker set out to
183 kill Brackman, but if somebody is killed during a burglary, that is still first-degree murder.

184 All of the conclusions I have expressed in this statement that are based on my training,
185 education and experience were based on sufficient facts and data available to me. Those
186 conclusions were the product of reliable principles and methods. Lastly, I reliably applied those
187 principles and methods to the facts and data available to me in reaching those conclusions.

188 I have carefully reviewed this statement. It is true and accurate, and it includes everything
189 I know of that could be relevant to the events I discussed. I understand that I can and must update
190 this statement if anything new occurs to me before the trial.

191 By: Jordan Markowitz
192 Jordan Markowitz

1 **KYLE KUZAK – EXPERT WITNESS STATEMENT - PROSECUTION**

2 My name is Kyle Kuzak. I am a Colorado Bureau of Investigation certified crime scene
3 reconstruction investigator, also known as a “CSR”, with 19 years of experience investigating
4 complex crime scenes, including: home invasions, burglaries and other property crimes,
5 homicides, domestic violence, fatal accidents, and armed robberies. I have spent the most recent
6 three years of my tenure with the City of Denver. I am not a police officer. I am civilian
7 employee of the Denver Police Department.

8 I visited the scene of the homicide at 444 South Flower Street after it was processed by
9 other members of the crime lab. I also reviewed all of the police reports in this case, the
10 photographs from the scene, and four Ring security camera videos.

11 The events and evidence at issue in this case did not indicate a terribly complicated fact
12 pattern for me. Nevertheless, as with all investigations, two key principles guided my work.
13 First, I assume every case is going to trial, so I conducted a thorough, comprehensive,
14 investigation accordingly. Second, starting from day one, I memorialized, documented, and
15 organized all evidence with a mindset of future reconstruction. These principles ensure an
16 accurate and efficient flow of my CSR work, which I approach in five parts: Recognition and
17 Documentation, Collection of evidence, Evaluation of evidence, Hypothesis and Testing, and
18 Reconstruction.

19 In this case, for step 1, I used a witness tracking spreadsheet to summarize key points of
20 information from witnesses and suspects. Exhibit 17 is a copy of the spreadsheet I prepared in
21 this case. The potential fallibility of witness evidence does not diminish the need to organize and
22 account for it in my analysis. I often find reconstruction of objective evidence useful to
23 corroborate or refute statements. I also used a physical evidence tracking sheet to identify,

24 describe, and document observations about the evidence, linking evidence ID numbers from the
25 scene to department evidence numbers and referenced reports. This included my observations
26 made at the scene in the second step of my analysis.

27 Additionally, I drew a rudimentary flow chart and timeline initially to maintain a macro
28 perspective on information in this case and to show key physical and chronological relationships.
29 These visual aids are helpful in explaining the case to others, including other experts, attorneys
30 and juries. I find a case overview depicted in a flow chart provides visual perspective and
31 context.

32 My second and third case management steps involved preparing materials for formal
33 analysis. In these steps, I expanded the existing organizational framework for information,
34 evidence and images to document evidentiary relationships, lab submissions, and analysis. This
35 included expanding evidence tracking sheets to note relationships with other evidence and cross-
36 referencing items of evidence to information and images. When images are the focus of in-depth
37 analysis, like here, I find separate spreadsheets are helpful. For example, the photographs in this
38 case showed small drops of blood between the kitchen and the front door where a knife and
39 larger pools of blood are located. They also showed blood cast-off on the wall and ceiling near
40 the front door. Organizing all the photographs into a spreadsheet revealed a clear chronology
41 indicating the victim was stabbed near the kitchen, proceeded to the front door, pulled the knife
42 out and dropped it there.

43 It is my understanding that the digital files for the photographs of the crime scene became
44 partially corrupted, and the photographs of the blood droplets and castoff were lost at some point
45 after my review. The file corruption took place well after the time that I reviewed the
46 photographs, and I had no problems accessing them for my analysis.

47 Once evidence is organized and methods are implemented to record analytical findings,
48 the fourth step is to formally conduct the analysis and develop a hypothesis. Observations of
49 evidentiary relationships were documented during the organization process, but formal in-depth
50 analysis was conducted later. The essence of CSR work involves identification of event segments
51 and their sequencing when possible based on scientific principles and the scientific method. I
52 follow Tom Bevel and Ross Gardner’s 7-step methodology for event analysis, including
53 flowcharts for charting sequences and worksheets for applying the scientific method to difficult
54 sequences.

55 In Bevel’s event analysis methodology, event segments are identified, interrelated to
56 other segments, and sequenced establishing a flow for that event. This information is used to
57 identify relationships between the segments. Once related segments are identified, the event
58 segment spreadsheet may be sorted so as to group and then sequence related segments.

59 Through this “linear sequential unmasking” process, I review and incorporate contextual
60 information in a step by-step fashion into the reconstruction analysis to offset the influence of
61 context. In CSR, the analysis of evidence creates more investigative questions and hence more
62 analysis in a quest for the best explanation of what did or did not happen. As evidence taken in
63 context is refined, so is the best explanation of events.

64 The final steps of the 5-step CSR case management process involve CSR initial report
65 preparation, peer review, and final reconstruction report. Proper case organization, especially in
66 complex cases, makes images, evidence, and analyst notes regarding evidentiary relationships
67 easy to retrieve for insertion into the CSR report.

68 That is my process, and the general framework for how I approached this case. The
69 conclusions the evidence led me to were essentially that during the afternoon of March 6, 2020, a

70 perpetrator matching the general height and build of the defendant approached the victim's
71 residence, initially stepping on the front porch and checking the front door, as captured by a Ring
72 door camera, and then proceeding to the south side of the residence and out of the camera's
73 range. An additional security camera on that side of the house picked up the perpetrator opening
74 a fence gate and proceeding into the backyard. No fingerprints or DNA were recovered from the
75 gate or the backdoor, but this is completely expected. Contrary to popular belief, fingerprints and
76 DNA are not left on every surface, and, more importantly in this case, it is clear from the security
77 videos that the perpetrator was wearing gloves.

78 The perpetrator left the range of the second camera but was captured approximately 10
79 seconds later by a second security camera at the rear door of the victim's residence. The video
80 from that camera shows the perpetrator open the sliding glass door and enter the residence.

81 Scuff marks on the kitchen floor near the backdoor, which are partially shown in Exhibit
82 18, indicate a struggle in the kitchen immediately inside and to the right of the backdoor. A
83 drawer was open in which several small knives and some other kitchen utensils were found.
84 Exhibit 7 is a photograph of the open knife drawer. More importantly, a knife block was on the
85 counter a few feet from the knife drawer, and one knife appeared to be missing from the knife
86 block. Exhibit 8 is a photograph of the knife block. The empty slot in the block was a for a large
87 chef's knife, and the knife ultimately recovered from body of the victim was just such a knife.
88 The floor scuffing indicated that at least two individuals were engaged in close contact in the
89 kitchen near the backdoor. There was a broken plate on the floor near the kitchen table, shown in
90 Exhibit 9, which is five feet from the backdoor. The plate most likely would have been knocked
91 to the ground as the two individuals struggled, suggesting that the struggle moved from the
92 backdoor to the kitchen table.

93 There was also a series of small droplets of blood that begin near the kitchen table and
94 lead to the front door. As I discussed, the photographs of the blood droplets has been
95 irretrievably lost. There is a large amount of blood near the front door, and the knife was
96 recovered from that location. Exhibits 2, 3, and 4 show the victim's body and blood on the floor.
97 Exhibit 5 shows the knife on the floor. I later took a separate photograph of the knife at the crime
98 lab, which is captured in Exhibit 6. The autopsy report, which is Exhibit 19, established that the
99 victim was stabbed only one time, likely because the knife blade initially lodged partially in the
100 victim's scapula, commonly known as the shoulder blade, which would have made it very hard
101 to pull out. The coroner's report also establishes that the knife blade had been inserted facing
102 partially forward and toward the victim's scapula. The tip of the blade, however, nicked the
103 lower arch of the victim's aorta after glancing off his pulmonary artery. He would have been
104 bleeding internally substantially more so than externally. Although the knife blade would act
105 somewhat as a plug, some blood still would have escaped from the wound due to the force
106 created by the blood pressure in the aorta. Once the knife was removed, clearly by the victim
107 himself, he would have bled out rapidly.

108 The physical evidence at the scene leads me to only one conclusion. The victim must
109 have been alerted by the Ring security system as the intruder approached the front door then
110 went around to the gate on the side of the residence and then went to the backdoor. The victim
111 likely looked for a defensive weapon in the knife drawer but then took the larger chef's knife
112 from the knife block. The victim then confronted the intruder when the intruder entered through
113 the backdoor. The two individuals struggled over the knife. The struggle moved to the kitchen
114 table where the plate was knocked to the ground. At some point, the intruder disarmed the victim
115 and obtained the chef's knife. The location and position the knife was in the victim's body would

116 be consistent with the intruder being in very close proximity to the victim, possibly being held or
117 constrained by the victim, such as being in a “bear hug,” then reaching over and stabbing the
118 victim in the upper back/shoulder area.

119 I am aware that the defense expert, Blake Van Owen, believes that the intruder stabbed
120 the victim from behind while the victim was seated at the kitchen table. I dismissed the
121 likelihood of that scenario as it would require the victim to have been surprised by the intruder.
122 First, the Ring app associated with the video doorbell and the two security cameras would have
123 alerted him to the presence of the intruder via cell phone notice well before the individual
124 entered the victim’s home. Second, the victim would surely have heard the backdoor slide open
125 and likely would have heard the intruder walk across the kitchen. Third, the intruder would have
126 been holding the knife backward from the way just about everyone would hold it and would have
127 had to be standing almost directly over the victim. That would be highly unusual. Further,
128 “Professor” Van Owen’s theory does not explain the scuff marks near the door, the broken dish,
129 the open knife drawer, or the empty slot in the knife block.

130 I was not able to recreate all event segments or place all the evidence, even though it
131 seemed like a straightforward home-invasion crime. Admittedly, I would prefer if I had more
132 physical evidence at the scene, but that is always true. The victim and intruder were not engaged
133 for long before it appears the fatal injury occurred, which limits the physical evidence that would
134 be present. Nevertheless, the absence of evidence where it otherwise might be still tells us
135 something. Also, there was no blood spray or cast-off blood spatter droplets until the victim
136 pulled the knife out, which would have been helpful in locating the exact location of the
137 stabbing, but those would not be expected in a stabbing of this kind. The blood trail was more
138 than sufficient to show what happened in any event. All of the fingerprints and DNA we

139 recovered belonged to the victim, but that is consistent with the fact the intruder was wearing
140 gloves as shown on the Ring videos.

141 The knife was found just inside the front door, and there was cast-off blood spatter on a
142 nearby wall and ceiling, which is consistent with the victim forcefully pulling the knife out of his
143 back. According to the coroner's report, the tip of the knife would have acted as a partial plug to
144 the incision in the aorta. As soon as the knife was removed, the victim would have started
145 bleeding internally at an accelerated rate and would have died very quickly. In the coroner's
146 words, the victim was probably dead before he hit the ground.

147 The knife was found just inside the front door, as would be the case if the victim dropped
148 it after pulling it out of his own back. The recovered knife exactly matches the incision and the
149 path in the victim's wound. It was a Chicago Cutlery chef's knife with a metal handle. The knife
150 was cast from a single piece of metal. Its total length is 12 inches, with the blade section
151 measuring roughly 7 and a half inches in length and approximately 2 and a half inches across at
152 its widest point. The knives in the knife block and the block itself were from a more expensive
153 J.A. Henckels knife set, but it would not be unusual for a person to replace a chef's knife if, for
154 instance, the original knife was lost or damaged.

155 As indicated, I have reviewed Blake Van Owen's report. Some of Van Owen's
156 conclusions fall outside of my area of expertise, but I am more qualified than Van Owen to
157 conduct a crime scene reconstruction. I know Van Owen from CSR conferences. Van Owen was
158 a police officer for a short time but was never a CSR. Van Owen simply reviews the work of
159 actual CSR's, mostly by reading our reports and trying to find ways to reinterpret the evidence
160 we discuss. Reading a report will never provide a person with the same degree of understanding
161 as being on the scene or directly examining the evidence. I find Van Owen's idea that the

162 intruder sneaked up behind the victim and stabbed him in the back to be laughable. It is the kind
163 of conclusion one can only reach by first deciding upon the desired outcome, then by looking
164 only for evidence that can arguably support that predetermined conclusion.

165 In the end, this was clearly a planned burglary gone bad. The intruder had knowledge of
166 the victim's property and residence and likely chose a time of day when the victim's pattern
167 would have placed him outside the home. However, the victim was present and alerted to the
168 intruder's presence at the back of the house before the intruder entered. Unfortunately, in the
169 ensuing struggle, the victim was killed with the same knife he introduced into the encounter.

170 The conclusions I have expressed in this statement were based on sufficient facts and data
171 available to me; the conclusions were the product of reliable principles and methods; and in
172 reaching my conclusions, I reliably applied those principles and methods to the facts and data I
173 discussed in my statement.

174 I have carefully reviewed this statement. It is true and accurate, and it includes everything
175 I know of that could be relevant to the events I discussed. I understand that I can and must update
176 this statement if anything new occurs to me before the trial.

177 By: Kyle Kuzak
178 Kyle Kuzak
179

1 **ALEX SIFUENTES – WITNESS STATEMENT - PROSECUTION**

2 My name is Alex Sifuentes, I am a Senior at Colorado High School. Everyone calls it
3 CHS. I was a member of the CHS Mock Trial Team with Avery Becker and Taylor Perkins. At
4 the time of Mr. Brackman’s death, I was a junior. Mr. Brackman was our amazing coach. I
5 believe Avery Becker murdered Mr. Brackman.

6 Avery and I have always been really good friends. Avery was the one who told me about
7 mock trial when I was a freshman and convinced me to try it out. We were almost equally skilled
8 as team members. A lot of people on the team could not stand Avery. Avery was constantly late
9 and never came prepared for practice or for the tournaments for that matter. Although Avery was
10 fairly good at making things up on the fly and was good at improvising, Avery’s antics left the
11 team in a constant state of anxiety because of Avery’s repeated failure to prepare. I asked Mr.
12 Brackman on several occasions why he put up with Avery’s behavior and lackadaisical attitude. I
13 could tell Mr. Brackman was pretty frustrated with Avery, and Avery was frustrated with Mr.
14 Brackman as well. Even though I liked Avery very much and we were basically best friends, I
15 did not appreciate the way Avery treated our teammates or the way Avery treated Mr. Brackman.

16 Mr. Brackman was a talented litigator. He was always finding ways to improve our team
17 and the team’s performance. Mr. Brackman always stressed the importance of proper preparation
18 and wanted his students to work as hard as he did. I know Mr. Brackman was a great lawyer
19 because he drove a beautiful, vintage 1986 Porsche 911. A lawyer does not drive a sweet
20 machine like that unless he is good at his job and makes a lot of money.

21 Mr. Brackman was always telling Avery to do a better job of preparing for practice and
22 preparing for tournaments, but Avery simply refused. Avery hated Mr. Brackman for this. Avery
23 always played the victim and refused to work hard.

24 As for me, I took my role on the Mock Trial Team very seriously. I would begin drafts of
25 my examinations, openings, and closings on the same day Mr. Brackman assigned them. I would
26 go home and create outlines, multiple drafts, and I would continue to revise and refine my
27 examinations until they were perfect. I also spent considerable time memorizing applicable rules
28 of evidence and procedure and practicing my openings and closings in front of a mirror or with
29 family and friends. I spent so much time honing my craft that it sort of irked me when Avery
30 would just come in and make things up as an examination went along. Avery was just coasting
31 on good looks alone and likely won awards on that basis—not because of any real talent.

32 The relationship between Mr. Brackman and Avery reached its boiling point after Avery
33 came late to practice for the umpteenth time. After that practice, Mr. Brackman rightfully
34 demoted Avery to the B-team. After that, Avery somehow convinced Taylor Perkins, who was
35 Avery’s second best friend, to quit the team, which forced Mr. Brackman to bring Avery back on
36 to the A-team. The whole team was really upset about Avery being let back on the A-team and
37 people were even more upset after Avery won the Best Attorney Award and Best Closing
38 Argument Award at the Regional Tournament. I love mock trial, but it is not always fair. Ten
39 scoring panelists might rank a performance with a 6 or a 7, but you might randomly get that one
40 panel who love a particular style or performance for some reason and give it a 9 or 10. That is
41 just part of mock trial—but it is still a slap in the face when somebody who did not work hard
42 and who only did an average job lucks out and gets a best attorney award for all the wrong
43 reasons.

44 During the next practice, Mr. Brackman tried to explain to Avery that, even though
45 Avery won those awards, Avery should not confuse good showmanship with good lawyering.
46 Mr. Brackman told Avery that good lawyers prepare for court and work hard, good lawyers don’t

47 just waltz in unprepared and hope it works out for their clients. Mr. Brackman told Avery that
48 what he did would be considered malpractice in the real world. Mr. Brackman's comments
49 infuriated Avery and Avery left practice in anger. As Avery was leaving campus, he decided to
50 do the unthinkable; he vandalized Mr. Brackman's cherry ride by writing: "WORST
51 ATTORNEY AWARD" across the hood in permanent marker. Avery knew exactly what he was
52 doing. I saw Avery grab a Sharpie from the easel of paper we used to write down our trial ideas
53 on the way out. It was not a dry erase marker, and there is no way Avery thought that it was. The
54 Sharpies don't even look like dry erase markers.

55 After that, Avery was off the team for good. Mr. Brackman should have pressed criminal
56 charges against Avery, but Mr. Brackman would never do that because he was a caring coach
57 who loved helping students. I know Mr. Brackman had represented a CHS student's father
58 during a trial before. He was always doing stuff like that to help students. Mr. Brackman was
59 pretty upset by Avery's betrayal and vandalism. And it put the team in a terrible spot. Under the
60 mock trial rules, you cannot just substitute a different person on the team for State at the last
61 minute. There was a good chance that what Avery did was going to make us have to forfeit going
62 to State. This was incredibly unfair and the whole team was devastated. My understanding is that
63 Mr. Brackman was trying to get approval from the mock trial committee for us to make a
64 substitution. In the end though, State got cancelled last year, but we did not know that was going
65 to happen, so a lot of team members were really upset with Avery.

66 Avery texted me shortly after the vandalism incident and asked that I speak with Mr.
67 Brackman on Avery's behalf. Avery wanted me to try to convince Mr. Brackman to let Avery
68 back on the team. I said I would help but I also thought the team was better off without Avery
69 and I was excited for the larger role I would have with Avery gone. Nevertheless, I still went to

70 Mr. Brackman and made an impassioned plea to let Avery come back on the team, not so much
71 for Avery's sake, but for everyone else's.

72 Unfortunately, Mr. Brackman was not interested in letting Avery back on the team. I
73 think it was more than just the Porsche incident. It was everything else that had been going on
74 for four years. When I texted Avery and said that Mr. Brackman was not going to back down,
75 Avery became enraged. Avery said, "If Brackman thinks he was upset about what happened to
76 his car, wait till he sees what I do to his house!" I texted Avery back and asked what Avery
77 meant by that. Avery planned to go to Mr. Brackman's house while Mr. Brackman was at work
78 and was going to trash the place. I guess when Avery went to Mr. Brackman's house, Mr.
79 Brackman was there, and Avery killed him.

80 After the cold-blooded murder of our beloved coach, I got a call from a police detective. I
81 did not want to rat Avery out, but I was not going to lie! I told the detective about the text
82 messages from Avery. I had to go down to the police station to do a full interview. My phone
83 was getting old and it did not hold a charge all that long, so I had put it on the charger so that it
84 wouldn't die before I could show the detective the text messages. Then when my dad yelled it
85 was time to go for the interview, I completely forgot that my phone was charging, and I left it at
86 home. We offered to come back with the phone after the interview, but the detective told us that
87 it was okay and asked me to send screenshots of the texts instead. Exhibit 14 is a print out of the
88 screenshots I emailed to the detective. I did not print them out, but those are exactly what the text
89 messages were on my phone. I don't have that phone anymore, by the way. Like I said, the
90 battery was starting to go bad, so I got a new phone about three months ago. We traded in the old
91 phone, so I have no idea where it is now.

92 A couple of weeks ago some investigator came by my house and attempted to interview
93 me. I mean, I'm on the mock trial team and I'm not stupid. I knew that she was a private
94 investigator for the defense which means she was just fishing to get a statement that could be
95 used to impeach me during my testimony. If she was interested in the truth, I would have talked
96 to her, but that's not the job of the defense. The job of the defense is to get your client acquitted
97 whether they committed the crime or not. So, I told the investigator that I did not want to talk to
98 her. She persisted in asking a few questions and that's how I learned I was basically being
99 accused of faking the text messages from Avery! I mean, why would I create a fake text
100 exchange? I would never do such a thing. Like I said, not interested in the truth, just trying to
101 find some way to get an acquittal even though the client is guilty.

102 Worse yet, I learned Avery has accused me of stealing Avery's phone and giving it to
103 some kid named Blair Rollins. While I admit I went to school with Rollins, so did Avery, Taylor,
104 and every other student on the trial team. I did not have any meaningful relationship with
105 Rollins. We barely knew each other well enough to say hello and goodbye when we crossed
106 paths in the hall. I'm not sure if I ever even had a class with Rollins. I certainly would not have
107 stolen Avery's phone for Blair Rollins. Further, I really liked Mr. Brackman, he was a great
108 coach. I would never have done anything that would have put him in danger and would never
109 have anything to do with hurting him in any way!

110 Last, I want to address the rumor that Avery and I were somehow rivals. I wholeheartedly
111 disagree with that statement. We were teammates and we pushed each other to be better. In fact,
112 I saw Avery at the Fry Shack after Avery got kicked off the team. The Fry Shack is a burger
113 place where the CHS mockers go sometimes. And we had a great talk about how Avery should
114 move forward and forget about the Trial team. I specifically remember Avery thanking me for

115 asking Mr. Brackman to let Avery back on the team. Avery even let me play a new game on
116 Avery's phone before leaving with Taylor. Avery even said I should win the Best Attorney
117 Award that year and I agreed. I do wish Avery could have been a bit more respectful to Mr.
118 Brackman and the rest of the team. Perhaps if Avery had been more respectful, none of this
119 would have happened. At any rate, I am not saying any of this just to get Avery in trouble. Avery
120 and I weren't rivals in mock trial, we were teammates, and we were friends, even though we only
121 really spent time together at Mock Trial practice and related events. Before all this happened,
122 Avery and I liked each other very much, which is why Avery texted me to help get back on the
123 team.

124 It's funny, this whole experience has completely changed mock trial for me. I loved
125 cross-examining witness, arguing objection, and making impassioned closings so much, that I
126 never thought about how those things happen in real trials that effect real people. But this is real.
127 Coach Brackman is dead, and there is going to be a real trial to decide who killed him.

128 That does make me think of something, though. Avery Becker did not just always get
129 attorney roles in mock. Avery played several witness roles over the years, too. Avery always
130 wanted to be a lawyer, I guess because that's where Avery thought the glory was, but Avery had
131 this amazing ability to make up things on the witness stand and make you believe it was
132 completely true. If this case ever does go to trial, the jury should be warned: everything Avery
133 will say on the witness stand will seem totally sincere and believable, but don't trust a word of it!

134 I have carefully reviewed this statement. It is true and accurate, and it includes everything
135 I know of that could be relevant to the events I discussed. I understand that I can and must update
136 this statement if anything new occurs to me before the trial.

137 By: Alex Sifuentes
138 Alex Sifuentes

1 **AVERY BECKER – WITNESS STATEMENT - DEFENSE**

2 My name is Avery Becker. I am being unfairly accused which is just like what Coach
3 Brackman always did to me. Now, I get blamed for killing him, which I didn't do! They claim
4 that was me running out of the house that day, but I didn't even know where Brackman lived. I
5 never went near Brackman's after the car incident. Why would I? If Brackman saw me anywhere
6 near his house, Brackman would turn me into the police for what I did to his Porsche, and he
7 would never let me back on the mock trial team. I was really ashamed for messing up
8 Brackman's car and tried to apologize many times. I swear I thought it was a dry erase marker. I
9 would never do anything else to Brackman.

10 I was a senior last year at Colorado High School or CHS as we called it. I had been on the
11 CHS Mock Trial team all four years and as a senior was looking forward to winning the Best
12 Attorney in the State Award. I was really good at cross and closings.

13 Brackman always said I was lazy and didn't put in the work. That's why we didn't get
14 along because he always thought I needed to work harder. But I was really good at doing it on
15 the fly. Mock trial came naturally to me. Some of the other team members could work hard all
16 the time and never cross someone like I could. And closings. Well, let's just say I could spin a
17 yarn that had those scoring judges like putty in my hands. I would just sort of smile at each one
18 and they knew I understood the case. Heck, I even won a best attorney award at Regionals.

19 But let me go back to how Brackman and I got on each other's case. Taylor Perkins and I
20 were best buds. We decided to do Mock as a fun way to get out of the house and it gave us time
21 during practice to hang out with each other or just text each other from across the room on our
22 phones. I wasn't allowed to use my phone after dinner at home until I got my homework done.
23 But my mom let me take my phone to Mock practice so I could let them know when I would be

24 home. Brackman usually kept us there for hours going over the same thing – again and again.
25 And then he would get mad at us when we were caught not paying attention.

26 Brackman never gave any us of credit for anything we did. He claimed to be a great trial
27 attorney and to have won almost every case he tried. Brackman was a local attorney and I heard
28 from several of my mom’s friends that all of Brackman’s clients thought he was full of himself,
29 but when he got to court he really wasn’t very good. I think that’s why he hated me. It’s hard to
30 like someone who just naturally is good at something when you have to put all of your effort into
31 being just okay at the same thing. Brackman could not understand how anyone could just get up
32 and do a cross by listening to the “story” the witness told. He would get on all of us and would
33 re-write everything we did. So why bother? But boy Brackman’s ego was really something. He
34 had this old Porsche that he loved, and he would brag about how fast it was. The license plate
35 even read LITIG8R. What a joke.

36 But I digress. The mock trial problem last year was really simple. It was about these old
37 people arguing over a will and who got their mother’s money. And then there was the Corgi dog
38 who the mother always dressed up. I was the attorney who directed the mother’s nurse and
39 crossed her doctor. Even though Brackman hated my work ethic, he always gave me the experts
40 because that would get the CHS team the big W at the tournaments. He also had me give the
41 closing. I especially like the rebuttal because I could listen to the other sides closing and then just
42 rip it to shreds.

43 Despite knowing I was the best attorney; Brackman always criticized my work. I would
44 come to practice and know exactly what I was going to ask the doctor on cross. His role was
45 simply to attack, and I really didn’t need to do that much work. Brackman thought I needed to
46 have every question written out and told me over and over again not to “deviate from the script.”

47 But I knew I was a better than anyone who would play the doctor. Brackman knew it too, but it
48 had to be his way or the highway. And then he re-wrote my closing! Can you believe it? When I
49 would deviate from that closing, Brackman would go nuts. If I didn't ad lib from Brackman's
50 script, I probably would not have all of those best closing awards. We would argue at almost
51 every practice. He would say I was lazy, and I would tell him that he wouldn't know a good
52 cross if it hit him over the head.

53 About a month before the Regional tournament, Brackman started in again about my lack
54 of preparation before coming to practice. I started to say something back, but he cut me off. He
55 said, "That's it. I am bumping you down to the B-team. You and your sidekick Taylor Perkins
56 will no longer be on the same team. Maybe you will be able to focus better without each other."
57 He said I had to cross the dog walker instead of the doctor and there would be no closing for me,
58 saying that maybe I could do that role with minimal work. Can you believe it? I was a senior and
59 knew I could get best attorney at the Regional and State Tournaments. I mean the B-team was
60 full of losers. They only won because they used the scripts the coaches wrote for them. So, I tried
61 everything to convince Brackman to put me back on the A-team, but he refused. Taylor felt bad
62 for me and for the team. Taylor said, "you know A-team will never win without you on the team.
63 And, I really don't like mock trial that much. If I quit, coach will have no choice but to put you
64 back on the A-team." And that's exactly what happened. About a week before the Regional
65 Tournament, Taylor texted Brackman and quit the team. At practice that night, Brackman said, "I
66 suppose you already know Taylor quit. I am not surprised you got your little crony to bail you
67 out. It's too late to have someone else learn those roles. You are back on A-team."

68 And I was right. My cross of the doctor had those poor students stumbling over their
69 words and then my closing was the icing on the cake. You should have heard how I described the

70 mother's treatment of the dog in closing. The scoring judges almost laughed out loud. Once they
71 started smiling, I knew I had them. And guess what. I not only won the best attorney award at
72 Regionals, I was also named the best closer. So much for Brackman's "scripts."

73 You would think Brackman would congratulate me for my awards and agree I was right
74 all along. But at practice on Tuesday night after Regionals, he started right in on how I should
75 have followed his script. Right in front of everyone, he said I didn't deserve the Best Attorney
76 award and my closing was just lucky, and that I wouldn't fare as well at State. He even said I just
77 rely on my good looks. At least he said something nice about me! He said the scoring panelists
78 at the State Tournament would see right through my lack of work and I would be lucky if I
79 scored a six on my cross or my closing, and he said that if I didn't put in a lot more time and
80 work before State, I would cause the whole team to look bad and lose. Brackman said the only
81 reason why we won the tournament was because the other members of the team followed the
82 coaching and stuck to the scripts. How are we supposed to learn and be successful on our own if
83 someone does all of our work for us?

84 I was really angry. I called him the worst coach in the State. I said if it wasn't for me and
85 a couple of others on A-team, we would have lost Regionals and we wouldn't even be going to
86 State. I know that isn't true. In fairness, despite his massive ego, he did get the team to a place
87 where we were competitive. He may have been a lousy attorney, but he figured out how to get us
88 to the top. But I was angry and did not want to keep being insulted, so I stormed out of practice,
89 and there was the obnoxious, white Porsche. Right before Brackman chewed me out, I had been
90 at the whiteboard we used to outline good and bad things we did during the Tournament. I had
91 the marker in my hand and was just about to write all the good things I had done when Brackman
92 started his "critique". So, when I left practice it was still in my hand.

93 I have done some pretty dumb things in my life, but I did one of the worst ones that night.
94 I took the dry erase black marker—I later learned it was a permanent marker—and wrote in giant
95 letters across the hood of the Porsche: “WORST ATTORNEY AWARD.” I was standing there
96 thinking how this would show Brackman what I really thought when he walked up behind me.
97 He started to apologize for getting down on me and wanted me to come back into practice when
98 he saw what I had done and exploded. “What the hell have you done to my car?! That’s it! I have
99 had enough of your crap! You don’t work. You screw around in practice and are disruptive. You
100 talk behind my back, and now this! I have had it. You’re off the team! You can join that loser
101 Taylor Perkins and play video games all the time.” That made me even madder. I went home and
102 told my mom that Brackman got on me again for no good reason and I had walked out of
103 practice. I didn’t tell her what I had done to his car. I said he followed me out of practice and got
104 even madder at me and kicked me off the team. I told her I would get back at him if it was the
105 last thing I did. I was crying the whole time. I couldn’t believe my mock trial career was over.
106 But mom, as she always did, told me to calm down. She told me to wait until morning and go to
107 his office and apologize. I thanked her and said I would do that. The more I thought about it the
108 more I knew what I had to do.

109 The next day, I went to Brackman’s office. I told his secretary that I needed to talk to
110 him. After going in and checking, his secretary came back out saying that Brackman was busy
111 and did not want to talk to me. I really wanted to apologize in person but realized I might not be
112 able to do that. So, I sent a text saying how sorry I was for writing on his car. And I really was. I
113 told him I thought it was a dry erase marker and would wipe right off just like when you clean a
114 white board. I offered to scrub the car to try to get all of the marker off. I also said I would get a
115 job this summer and pay to get the car repainted. I told him I would work really hard to help the

116 team win state. But Brackman never responded. He just ignored me. I was devastated. I never got
117 a chance to apologize in person because he was killed.

118 I know that the police think I did it, but that's not true. I was with Taylor the entire day.
119 The day before, Taylor and I had gone to the Fry Shack, the local burger place where everyone
120 from CHS goes after school. I remember seeing a bunch of CHS mockers there including that
121 brown noser, Alex Sifuentes. I don't know why Alex pretends we are friends—we have never
122 gotten along. Taylor and I were playing games on our phones, and then we went to the mall and
123 walked all around before going home. Then on March 6, I woke up and couldn't find my phone
124 anywhere. I kept trying to remember the last time I had it and couldn't remember using it after
125 Taylor and I were playing video games at the Fry Shack. I went to Taylor's house and we
126 decided to skip school to go look for my phone. We went to the mall and looked all over and
127 even went to the Fry Shack. It was nowhere to be found. We used Taylor's phone and kept trying
128 to call my phone. We figured my phone was dead or stolen as it would immediately go to voice
129 mail.

130 You know, I think Alex Sifuentes took my phone. My understanding from my lawyers is
131 that Alex claims to have received a text from me trying to get back on the team. Alex would be
132 the absolute last person I would ask for help from on anything. Alex would not have helped me
133 anyways. Alex didn't want me back on the team because Alex knew I would be the best attorney
134 again, and Alex really wanted that award. Now, apparently, Alex is claiming I texted that I was
135 going to Brackman's house to trash it. I wouldn't do that and never sent any texts to Alex. I
136 really wanted back on the team and kept hoping to change Brackman's mind. I still can't believe
137 he is gone. I think Alex and Blair Rollins might have set me up. Alex and Blair were friends in
138 high school and Blair is the one person that hated Brackman more than I did. I heard that

139 Brackman lost the case that got Blair's father sent to jail. Alex must have taken my phone at the
140 Fry Shack and then gave it to Blair. They planned to use it to make it look like I trashed
141 Brackman's house. Alex knew that if Brackman thought I trashed his house, I would never get
142 back on the team, and then Alex would be the big star. And I have no idea what those texts might
143 have said because I never sent them.

144 Blair Rollins is almost the same size I am. My lawyers showed me the Ring videos, and
145 you cannot see the person's face. I get that the person in the videos is my general size and build,
146 but so are a lot people. Anyone seeing Blair or me walking away could confuse the two of us.
147 And now Blair has disappeared. Something must have gone really wrong when Blair went to
148 Brackman's house to trash it.

149 I did nothing to Brackman other than write on his Porsche with a permanent marker. I
150 should never have done that. I really can't believe this is happening to me.

151 I have carefully reviewed this statement. It is true and accurate, and it includes everything
152 I know of that could be relevant to the events I discussed. I understand that I can and must update
153 this statement if anything new occurs to me before the trial.

154 By: Avery Becker
155 Avery Becker
156

1 **TAYLOR PERKINS – WITNESS STATEMENT - DEFENSE**

2 My name is Taylor Perkins. I am a Freshman at CU Boulder. Last year I graduated from
3 Colorado High School. At CHS, I was on the mock trial team with my best friend Avery Becker.
4 The truth is, I would not have done mock trial if Avery had not done it. I would have much rather
5 just used the extra time to hang out with my friends after school. Our mock trial coach was
6 McKenzie Brackman. Avery and I thought Brackman was a mediocre coach and an even more
7 mediocre lawyer. Coach Brackman made bad choices for the team and I would guess he didn't
8 do any better for his clients. You know what they say, those who can, do, those who can't, coach.

9 Avery and I made the team great. Honestly, Avery was the best lawyer on the entire
10 team, though I was not too shabby myself. Brackman would probably have disagreed with that
11 statement, even though he knew it was true. Mostly because he didn't like Avery and the fact
12 that Avery put in little effort and still came out on top. I think that's a good skill to have, but
13 Brackman was always giving Avery a hard time about something. Avery did not try hard enough
14 or did not come prepared or showed up a little late to practice. But even unprepared, Avery was
15 still better than everyone else on the team. And that drove Brackman crazy. Sometimes Coach
16 Brackman would get so mad that I swear you could see steam coming out of his ears. I found
17 their little feud kind of funny, but I didn't care enough to get involved. It did bother Avery
18 though, enough to play some pranks on Coach. Avery could be rash and had an inflated ego at
19 times, but Avery definitely was not irrational enough to commit murder.

20 About a month before the regional tournament last year, Avery came to practice the most
21 unprepared that I have ever seen. Avery was very obviously making things up on the fly and
22 getting a bit off track from the prepared closing statements. But Avery is a natural when it comes
23 to mock trial and still performed flawlessly. And I'm sure you could have guessed this:

24 Brackman got heated—again. So heated that Avery was demoted down to the B-team. I know
25 Avery didn't try that hard, but Avery was definitely A-team material. When I heard about the
26 demotion, I even said that I bet the Team-A would never win without Avery on the team. Plus, it
27 was Avery's senior year. I mean, come on, Avery put in the work for four years and had the
28 awards to prove it.

29 So, a week before regionals, even though I was a senior too, I decided to step down from
30 the team in support of my friend. Mock trial meant more to Avery than it did to me anyway, so it
31 was not a hard decision. I really don't like mock trial that much, and I didn't want to do it if I
32 didn't have friends on the team. Besides, I don't even want to be a lawyer! Avery deserved to be
33 on the A-team, even if Coach didn't like it. Once I left the team, Coach Brackman had no choice
34 but to put Avery back on the A-team. And I was right to do what I did. Avery won Best Attorney
35 and Best Closing Argument at the regional tournament.

36 I didn't see what happened at the practice where everything blew up, but I heard about it
37 from Avery. Apparently, Coach Brackman got all over Avery, giving Avery a hard time about
38 everything. It was actually pretty mean—saying Avery didn't deserve the awards. So, Avery got
39 upset, who wouldn't? The problem was that on the way out, Avery saw Coach's beloved Porsche
40 911 Carrera in the parking lot and wrote "WORST ATTORNEY AWARD" on the hood. Avery
41 thought it was a dry erase marker and even told me that same night it was a dry erase marker.
42 Avery just wanted to let off some steam and freak Coach Brackman out. I later found out it was a
43 permanent marker and it ruined the paint on the Porsche. Avery apologized over and over but
44 Coach Brackman kicked Avery off the team. It was not fair.

45 Avery tried everything to get back on the team, but Brackman was not having any of it. I
46 guess he would rather have not gone to the state tournament than let Avery back on the team. Of

47 course, in the end, the state tournament got cancelled because of COVID-19, so everything that
48 happened was just stupid and pointless anyway.

49 Right after Avery got kicked off the team, we talked about ways Avery could get back
50 on. Avery texted everyone on the team—I think even Alex Sifuentes. That was really a last resort
51 though, because Avery and Alex did not get along; I mean maybe on the surface they were ok
52 with each other, but way down not so much. Alex always wanted the roles that Avery got. But
53 it's like they say: "the cream rises to the top," and although Avery drove Coach Brackman crazy,
54 Avery was way better than Alex. Other team members came up with suggestions or said they
55 would talk to Brackman, but Alex finally had a chance to be the star when Avery was kicked of
56 the team, and Alex had no interest in helping. Avery made one last effort. On Thursday after
57 school, Avery tried to show up at mock trial practice to talk it through with Coach but was told to
58 leave. So, Avery swung by my house and we hung out and played games on our phones for a
59 while. Later that evening we went to grab something to eat at the Fry Shack, which turned out
60 not to be the best choice. Most of the mock trial team came in after practice while we were still
61 eating. Everybody was telling Avery how unfair it was that Coach kicked Avery off the team—
62 even Alex Sifuentes, which seemed almost sincere. But Alex has a way of being totally insincere
63 in a passive aggressive way. Avery got upset and kind of stormed off to the bathroom. Avery's
64 phone was still on the table, I think, which showed how upset Avery was—that thing was like
65 Avery's third kidney, never out of reach. Alex stayed at the table and kept talking to me about
66 how unfair Coach Brackman was. I wanted to punch Alex in the face. Alex was always a total
67 kiss-up to Brackman, and there's no way Alex was anything but overjoyed that Avery was off
68 the team. Fortunately, before I actually punched Alex in the face, Avery came back, and we
69 headed out. I wasn't sure Avery grabbed the phone again, which I only remembered the next

70 day. Then we went and hung out at the mall for a while. That was right before malls shut down.
71 Life was so different before COVID-19.

72 The next morning, March 6, Avery picked me up at my house. Sometimes I drove to
73 school on my own, but I usually just rode in with Avery, especially when we both had first
74 period off like that day. Anyway, Avery had not answered my texts that morning about whether
75 we were riding together, and when I said something about it, we realized Avery's phone was
76 missing., So I said "let's go find it." We took our Lit quiz earlier in the week and did not need to
77 study for that anymore and the other classes were dry. So, we ended up ditching school and spent
78 the day retracing our steps. We went to the mall and checked each store we had gone to the day
79 before. When we did not find it, I remembered the phone on the table the night before, so we
80 went and checked at the Fry Shack. We also used my phone to try texting or calling Avery's
81 phone several times while we were out looking for it. Avery had an iPhone, and I guess we could
82 have used find-my-phone to locate it, but I have an Android and we didn't remember that you
83 can also just use the iCloud website to find an Apple. We burned the whole day searching and
84 then headed back to the Fry Shack to check with the afternoon shift staff.

85 While we were at the Fry Shack, a few people from the team showed up, which surprised
86 me and Avery since they should have been in practice. They told us that Brackman never showed
87 up to practice that afternoon and was not returning texts, so they finally gave up and left. "15
88 minute rule," ya know? At the time, I did not think much of it, but it is kind of creepy to think
89 about the fact that Brackman was bleeding on his porch or dead while we were talking about
90 him.

91 Like everyone, I later found out that Brackman had been killed. Of course, Avery and I
92 talked about it, but we had no idea what had happened. After Avery's lawyers called me about

93 being a witness, I talked to Avery again and found out that Blair Rollins might be involved. I
94 never, in a million years, would have guessed Blair Rollins did it, but it makes perfect sense.
95 Everyone knows that Blair hated Brackman for losing the case that sent Rollins' dad to prison.
96 And frankly, Rollins was a little weird. Kind of the kid you would vote most likely to become a
97 sociopath or a hitman. I can totally see Blair Rollins killing Brackman. If you asked fifty people
98 from CHS, they would also say Blair was the one person at the school who could kill somebody
99 and not think twice about it. And then Alex Sifuentes apparently made some fake text message
100 from Avery, which was really random. And, guess who was good friends with Blair Rollins?
101 Right. Alex Sifuentes! I don't know, I guess opposites attract. Since Avery's phone could have
102 been sitting on the table at the Fry Shack after we left, Alex must have picked it up and given it
103 to Blair. Yeah, I know that may sound like a stretch, but it's like they say, once you have
104 eliminated the impossible, whatever remains, however unlikely, must be the truth. I watch
105 *Midsummer Murders* on Netflix sometimes.

106 Then I heard Blair was not at school that Friday that Coach Brackman was killed. Yeah, I
107 know Avery and I were not at school either, but we were together, our stories match, and you can
108 track my phone to see everywhere we went. We were nowhere near Brackman's house that day.

109 I know for a fact that Avery Becker had nothing to do with Coach Brackman's death.
110 Avery was with me the entire time. Sure, Avery and I were friends, but I would never lie about
111 something like this. Not when somebody's life is at stake.

112 I have carefully reviewed this statement. It is true and accurate, and it includes everything
113 I know of that could be relevant to the events I discussed. I understand that I can and must update
114 this statement if anything new occurs to me before the trial.

115 By: *Taylor Perkins*
116 Taylor Perkins

1 **BLAKE VAN OWEN – EXPERT WITNESS STATEMENT - DEFENSE**

2 My name is Blake Van Owen and I am a private investigator, a professor, and an expert
3 witness in police practices. A copy of my report in this case is contained in Exhibit 20.

4 My experience with law enforcement began when I joined the Aurora Police Department.
5 I left that department after an incident in which I had injured a young woman of color during an
6 arrest. Officially, I was cleared of “wrongdoing” because the technique I had used during her
7 arrest had been fully approved. Unofficially, I have never fully “cleared” *myself* for my conduct
8 on that evening. Nothing crystallizes a sense that things need to change, more than the sense that
9 “I wish I would have known then what I know now.”

10 That incident had a silver lining for me. It made me realize at a visceral level that there
11 were a number of police department policies, not just those regarding the use of force, with
12 which I disagreed. In the interests of full disclosure, the young woman who was injured sued the
13 APD, and she also sued me individually. We were both represented by the City Attorney, who
14 reached a settlement. For the reason that some smattering of justice had resulted, I would sorely
15 like to tell you what that settlement was. I am precluded from doing so, however, by a
16 confidentiality agreement.

17 In any event, I was disillusioned with police work because of its tactics and techniques,
18 and I quit. Afterward, I worked as a school resource officer, a private security guard, and then
19 went into private investigation. During my time as a private investigator, I started teaching a
20 class on police procedures as an adjunct faculty member at Community College of the Rockies. I
21 then obtained a master’s degree in criminal justice through the Ashford University’s on-line
22 program. That opened doors, and for five years now, I have taught a course at CU Denver on

23 police practices and social justice. I worked hard for the status that comes with that, and I prefer
24 to be addressed as Professor Van Owen.

25 I have been accused of being a little haughty in this professor stuff. First of all, I earned
26 it, so why not? And, secondly, let me tell you, students sit up and pay a lot more attention when
27 “Professor So and So” sweeps into the classroom, than they do when “Mister or Miss So and So”
28 comes in. Are you with me?

29 Anyway, in addition to my teaching obligations, I avail myself regularly as an expert
30 courtroom witness in the areas of: police practices, use of force, false arrest, and forensic
31 evidence techniques. I also testify as an expert in crime scene reconstruction, cell tower analysis,
32 and general police investigation tactics. Many, if not all, of these subjects are pertinent to my
33 opinions in the present case. This is such a rare conjunction of the various matters in my
34 wheelhouse of expertise that I can’t help but conclude that it gives more force to each of the
35 underlying opinions. It’s like talking to a beekeeper about bee care, and bee-hive construction,
36 and honey extraction, and the price of honey, et cetera. See what I mean?

37 I would not call myself a “jack of all trades,” since I am basically a “jack of the singular
38 trade of policing.” In fact, I like to think of myself as a check on the power of the police.

39 I have been accepted as a defense expert in the U.S. District Court for the Districts of
40 Colorado, Kansas, and Arizona, and in State Courts in Colorado, Wyoming, Nebraska, and New
41 Mexico. I have been accepted by various courts as an expert in crime scene reconstruction eight
42 times, in cell tower analysis five times, and in general police investigation tactics twelve times,
43 and I have consulted on more than 100 cases. As you can tell, I make a decent living revealing
44 where the police have dropped the ball. I charge \$225 per hour for research, writing, and any
45 investigation work, and \$450 per hour for deposition and court testimony. My total fees in a

46 case are typically \$6,000 to \$10,000 depending on the case. In the present matter, I have charged
47 just under \$7,000 to date, but I expect my trial testimony and related preparation will increase
48 that by at least another \$1,000. For some context, in the average year I will handle between nine
49 and twelve cases that are roughly similar to this one in terms of my time commitments.

50 I know that I will be asked about this. Attorneys never tire of trying to push the notion
51 that I only drive on one side of the street. So, yes, I have only ever testified as a defense expert.
52 But there's a compelling reason for this, despite the "bumper-sticker" appeal of being a "skill for
53 defendants only." Go anywhere you want—anywhere in the country—and you'll still find the
54 same thing: the prosecutors typically use law-enforcement personnel for their expert witnesses,
55 in all of the areas in which I specialize. Why pay an independent expert when you have access to
56 detectives and crime lab technicians who do not cost the prosecutors anything, right?

57 Sadly, though, you only tend to get what you pay for in this business, and prosecutors
58 who pay nothing are usually on the receiving end of that ancient piece of folk wisdom. Too many
59 of them just cannot see beyond their own noses. *N'est-ce pas?*

60 I have reviewed the police reports, the crime scene reconstruction conducted by Kyle
61 Kuzak, as well as the cell tower reports and the exhibits prepared by Detective Markowitz. I have
62 also conducted my own partial investigation in certain areas that I believe were neglected by the
63 police in this case. Based on my training and experience, it is beyond argument here that the
64 police investigation was rushed. When you are rushed, you miss things. This group missed a lot
65 of important things.

66 The police came to an "easy" conclusion. The problem with "going for the easy" is that it
67 leaves significant doubt as to who committed this crime. I am talking a level of doubt that should

68 have caused the prosecutors to go back to the drawing board, instead of impaneling a jury, for
69 heaven's sake.

70 I professionally know Kyle Kuzak from various conferences we have both attended. I
71 generally like Kuzak. You have got to admit, though, that Kuzak is a little egotistical. Some folks
72 are just full of themselves. Moreover, it is clear from Kuzak's report that Detective Markowitz
73 influenced some of Kuzak's findings.

74 For instance, I agree that physical, on-scene evidence points to an intruder who broke into
75 the home of the victim, McKenzie Brackman. However, this is about all we agree on. Having
76 been involved with more than one case handled by Detective Markowitz, I have little doubt
77 about the mechanics at work: Markowitz planted the idea of Avery Becker as a suspect in
78 Kuzak's mind, which would have colored Kuzak's analysis. With this prompting, Kuzak would
79 have been more likely to notice evidence that was consistent with Becker breaking in to
80 vandalize the home and would have been more likely to ignore inconsistent evidence.

81 Consistently with this, Kuzak opines, without support, that the intruder was surprised by
82 Brackman and, during a struggle, stabbed Brackman with the same knife Brackman had retrieved
83 from a knife block in the kitchen. I repeat: without support. Zippo. Nada. Keep in mind that this
84 is far from a minor detail. This little piece of narrative is central to the prosecution's case! It is as
85 critical to the prosecution as the axle of your car is to you when you are going ninety miles per
86 hour. Trust me, when someone turns up dead and someone else is on trial for it, that is the
87 institutional equivalent of going ninety miles per hour. And like the car axle that is gone in a
88 poof, this handy piece of knifemanship just appears in a poof—from out of nowhere. Now, a
89 struggling novelist might want to keep the reader on edge, by throwing in this kind of "juicy

90 tidbit” in order to spice up a who-done-it. But a careful investigator? No way. They would treat
91 this kind of credibility morass like the bubonic plague itself.

92 The physical evidence clearly shows that Kuzak’s flight of fancy is not reasonable. First,
93 the only apparent evidence of a struggle is supposed scuffing on the floor. Yes, there are scuff
94 marks of *some* kind on the floor near the door, but we have no idea when they were made. You
95 cannot carbon date scuff marks to see how old they are. Those marks could have been made a
96 year before the incident. Five years before the incident. Who knows? We do know that there are
97 no before-and-after pictures which might clear up the scuff marks. Otherwise, they are just the
98 scuffmarks of doubt.

99 Next, Kuzak acknowledges that the murder weapon was an entirely different brand of
100 knife from the ones in the knife block. Uh, Houston, we have a problem. The crime scene photos
101 of the kitchen show that the murder weapon was not just a different brand. It was clearly
102 inconsistent with the style and the blade dimensions of the otherwise-orderly and same-same set
103 of knives that were there.

104 Investigations 101: do not assume. Kuzak saw a knife block in the midst of a crime scene
105 which involved a death as result of knife-inflicted wounds. That is it. And, from that, Kuzak
106 made the most simplistic assumption available from these observations, without even
107 considering that the murderer might have brought the murder weapon onto the scene.

108 Occam’s Razor says you explain common things commonly. If you are in Wyoming and
109 you hear hoof beats, it is fair to assume that you are hearing horses. Kuzak heard those same
110 hoof beats, and thought: Zebras.

111 Kuzak also opines that, based on the knife’s position, the intruder was in front of
112 Brackman and that the two of them were wrestling for control of the knife. Again, this opinion

113 fails to consider other options. I have reviewed autopsy and crime scene reports from hundreds
114 of stabbings. When people grab a knife to stab down, most of them hold it like in the shower
115 scene in the movie Psycho—with the blade pointing down toward the ground when the knife is
116 raised. However, not everyone does that.

117 Simply put, substance frequently follows form. Knife construction itself can affect how
118 the user will hold the instrument. Certain knife handles—including the knife at the center of this
119 case—are designed for the user’s fingers to go on a certain side of the handle. The handle feels
120 comfortable in the hand that way, and—of equal importance—feels awkward if held the other
121 way. Most people will grip the handle the same way even when they are intending to use the
122 knife in an overhead fashion. Holding a knife handle that way results in the blade facing the
123 opposite direction. I have a picture that shows this type of grip, Exhibit 21, and it is very natural
124 way to hold a knife.

125 Additionally, for an intruder to stab Brackman in a downward angle and still nick
126 Brackman’s aorta, especially if Brackman and his assailant were both standing, the intruder
127 would had to have been a much bigger person than Brackman. This of course fits the police
128 narrative, specifically Detective Markowitz’s theory of the stabbing. The Ring videos, however,
129 make it clear that the intruder was not that big. Under these circumstances, it makes far more
130 sense for Brackman to have been sitting, with the intruder standing behind him. Then, of course,
131 the knife wound in the back would be consistent with the size of the intruder and the construction
132 of the knife—which was gripped comfortably as it was thrust into Brackman’s body. Substance
133 follows form.

134 Detective Markowitz makes a big deal of the Ring app alerting the victim to the intruder.
135 However, as someone with a Ring doorbell set up myself, I know that users can turn off push

136 notifications. This means that although the application can be set up to alert whenever someone
137 is at the door, the user can turn those notifications off.

138 Again, the old assumptions-horse has reared its head. Will we ever know whether the
139 notifications were turned on or off? No, we will not. And the jury will not. And, why, pray tell
140 will we be deprived of this knowledge? It seems that Detective Markowitz assumed that there
141 was no need to bother to obtain the complete user-account records. Furthermore, even if
142 Markowitz had done an adequate job and collected information from Ring through a production
143 of records request, and if it had turned out Brackman had the notifications turned on, that doesn't
144 provide as much clarity as one would hope. There is no suggestion arising from the evidence that
145 Brackman would have seen a Ring notification of someone at the door. He may not have been
146 holding his phone, for example, or he might have disregarded any notification that came. Our
147 lives become so filled with random notifications and calls that sometimes it feels calming to just
148 check out.

149 Now let's move on to the cell tower opinions from Detective Markowitz. At the very
150 most, the records show that Avery Becker's phone was near the house at the time of the murder.
151 However, that is far from saying that Avery Becker was near the house. There is evidence that
152 Becker lost the phone the day before the murder, and another student, Taylor Perkins, confirms
153 Becker did not have the phone on the day of the murder. Perkins also verifies that Becker was
154 with Perkins during the time that the break-in and murder are most likely to have occurred. In
155 fact, Becker and Perkins were actively looking for the lost phone at the time of the murder.

156 As if the state's case is not already as shaky as a drunk with the DTs, there is another
157 complication that cannot be overstated: cell tower data is not remotely like GPS information.
158 Yes, it sounds very scientific and precise, but the reality is that it is just not very accurate. In this

159 case, since we do not have the actual phone and can't look at its GPS data, we don't actually
160 know that the phone was even near the victim's house. Cell phones are able to communicate over
161 surprisingly large areas. In some rural areas, a single cell tower might cover over 100 square
162 miles. In urban areas, towers are more tightly packed, but each one can still cover up to a 6 or 7-
163 mile radius. This means that cellphones have the ability to connect to multiple towers. A cell
164 phone is designed to select the tower that provides the best signal when connecting to the
165 network. This will not always involve the nearest network tower. Indeed, a cell phone can be
166 right next to a tower and yet, instead, link to one which is more than a mile away. In a
167 metropolitan setting, it is not unusual for a phone to generate five calls from the same location
168 and to link up to five different towers for those calls.

169 Finally, even if one assumes that the phone in this instance was always communicating
170 with the nearest cell tower, that particular cell tower, near the victim's residence, covers a wide
171 area. There were likely dozens of people in that area at that time, and the Call Detail Records
172 would not tell us precisely where any of them were. Even if the person with Avery Becker's
173 phone was actually in the area normally covered by that one tower, this person could easily have
174 even been far enough away as to not even be able to see Brackman's house from their location.

175 I also take issue with Detective Markowitz's conclusion that the Call Detail Records
176 indicate that Becker's phone traveled from near Becker's house to near Brackman's house just
177 before the murder. All we know is that at a particular time the phone had communicated with a
178 cell tower in that area. We don't know where the phone was before then because Detective
179 Markowitz only subpoenaed cell tower records for a limited window of time. Which means we
180 are back to the assumptions-horse. I can almost hear it whinnying at this point.

181 Avery Becker lives near a major traffic route and it is equally likely that the person who
182 had possession of the phone was simply travelling along that route. In fact, although it would not
183 necessarily be the route I might expect to be used, there is a route from Blair Rollins' house to
184 McKenzie Brackman's house that would go right by those same cell towers. I will get to Blair
185 Rollins more in a minute.

186 I also find fault in the fact that Detective Markowitz only looked at information in the cell
187 tower data related to Avery Becker's phone. Of course, the better practice—for people whose
188 minds were not already made up—would have been to examine the numbers of all phones in the
189 area at the time of the murder and, from that information, to have tracked down any phone users
190 who had a connection to the victim. Then, you have the unexplained failure of detective
191 Markowitz to look at cell tower data related to Taylor Perkins' phone. When one considers the
192 fact that Perkins and Becker were together, this is a pretty major fail. I am sorry, but even Hansel
193 and Gretel knew to pay attention to the clear presence of bread crumbs. It seems that Detective
194 Markowitz didn't get that message.

195 Lastly, on the topic of shortcomings in this case, the police managed to lose pictures of
196 the blood drops in the hallway and pictures of apparent cast-off on the wall near the front door. I
197 might normally be dubious of the claim that the digital file was mysteriously corrupted, but this
198 seems to be a case where one should not attribute to malice that which can be adequately
199 explained by incompetence. The description of the blood drops and the cast-off are entirely
200 consistent with the victim moving to the front door with the knife still lodged in his back, which
201 would leave small droplets along his path, and pulling out the knife as he reached the front door,
202 which would cause the cast-off. The knife blade would have been plugging the hole it created in
203 the victim's aorta, and when he pulled it out, the victim would have bled out rapidly. In other

204 words, the missing photos would have shed no light on who killed McKenzie Brackman. Still,
205 any half-way competent police department would keep more than one copy of digital photos
206 from the crime scene.

207 As part of my review, I looked more closely at the Call Detail Records Detective
208 Markowitz obtained. Cell tower 1191 shows calls and texts from Taylor Perkins' phone number
209 relayed from antennae 2 and 3. Detective Markowitz apparently did not think to look for Taylor
210 Perkin's phone number in the records. For each of the calls or texts involving Avery Becker's
211 phone shown in Exhibits 15 or 16, there was a corresponding call or text from Taylor Perkins'
212 phone at the same time relayed by tower 1191, antenna 2. Antenna 2 covers the mall, and the
213 calls and texts from Perkin's phone is entirely consistent with Becker and Perkins calling and
214 texting the phone to try to find it as they re-traced their steps through the mall as they both claim.
215 Later, at 2:10 p.m. the records show that antenna 3 connected with Taylor Perkins' phone for an
216 outgoing call to Avery Becker's phone. Since there is no corresponding record of Becker's
217 phone receiving a call at that time, it is likely Becker's phone was deactivated, however, it could
218 also have connected to a more distant cell tower that Detective Markowitz did not check. Sorry,
219 *Detective* Markowitz. Freudian slip there. In either event, antenna 3 covers the Fry Shack, which
220 is where Perkins and Becker both verify they ended up.

221 In hindsight, I could also have obtained the tower records for the day prior to the murder,
222 in order to confirm that Becker and Perkins had been at those same locations a day earlier. This
223 information would support the notion that they were retracing their steps in order to find
224 Becker's phone the next day. So, yes, arguably, I should have done that. By the same token, the
225 folks who carry the burden of proof beyond a reasonable doubt should absolutely have done so.
226 Whether through a search warrant or otherwise, Detective Markowitz had clear access to this

227 information. I can only presume that Markowitz did not want to learn something that was
228 inconsistent with the theory that Brackman was killed by Avery Becker.

229 Finally, with regard to Taylor Perkins' phone, we have Detective Markowitz's conclusion
230 that the unanswered texts and calls on March 6 show that Perkins was trying to get in touch with
231 Becker. Really? Isn't that a bit like explaining hoof beats in Wyoming with a suggestion of
232 Zebras? Perkins' explanation makes far more sense—that Perkins and Becker were calling and
233 texting the lost phone in an effort to try to locate it.

234 While we are on the subject of phones, I am stunned that the police simply accepted the
235 screenshots of messages, which had been sent to them by Alex Sifuentes. They did not bother to
236 look at the phone themselves, did they? They did not bother to conduct a more exhaustive
237 examination of that phone. We are not talking rocket science here, folks. The police had the
238 necessary tools literally at their fingertips, and, just as literally, they chose not to use them.

239 The police have special mobile forensic software—the Denver police use Cellebrite—that
240 allows them to easily download the contents of any cell phone, including the actual text
241 messages that might be on it. The problem with using a screenshot of a smartphone is that it can
242 be doctored. If the police were truly interested in finding the murderer, they could easily have
243 downloaded the contents of Sifuentes' phone. If you have this technology and you do not use it
244 in a murder investigation, just when do you use it?

245 In the end, this investigation was rushed. It has all the hallmarks of: I made up my mind
246 at the get go, and then I found the evidence which would support that conclusion. When you
247 pick the easy culprit, you don't have to go out in the hot sun and sift patiently through the
248 evidence.

249 The problem with the easy culprit here is that of motive. I uncovered someone with a
250 much stronger motive to kill Brackman. This person is the child of one of Brackman's former
251 clients—Blair Robbins. A few months before the murder, Brackman represented Jonathon
252 Rollins, Blair's father, who had been charged with murder. Try as Brackman might, the
253 evidentiary chips were stacked against his client. Jonathon Rollins was convicted and sentenced
254 to life in prison.

255 After the sentencing, as he was being escorted back to jail, Jonathon Rollins yelled out
256 that Brackman was going to die. Exhibit 22 is the electronic recording from the court
257 proceedings. It is chilling.

258 Jonathon Rollins' child, Blair Rollins, also went to Colorado High School and was a
259 senior last year. In an earlier portion of the court recording, Blair Rollins spoke on Jonathon
260 Rollins' behalf, so Blair was clearly present in the courtroom during the sentencing hearing. I did
261 not request a copy of that portion of the recording, but I listened to it.

262 I have looked at pictures in the CHS year book, and Blair Rollins has the same build and
263 body shape as Avery Becker. Becker and Perkins also confirmed that Rollins and Becker were
264 the same height and build. Even more suspiciously, Blair Rollins essentially disappeared after
265 graduation. I have conducted an extensive search using standard investigate methods and on-line
266 resources and have not been able to locate Rollins. I feel certain that Blair Rollins is no longer in
267 Colorado. Despite that, the police never investigated Rollins.

268 Surely watching your father be put away for murder is more of a motive to kill than being
269 cut from a mock trial team. Right? Again, this is not rocket science.

270 During my investigation, I also learned that Blair Rollins and Alex Sifuentes were
271 friends. Since Sifuentes took the time to create fake text messages that would implicate Avery

272 Becker, it is also quite possible that Sifuentes took Becker's cell phone and gave it to Blair
273 Rollins to provide the police with an easy suspect. As part of my investigation, I reviewed school
274 records from the day of the murder. Based on those records, I concluded that Blair Rollins could
275 have committed the murder because Blair was absent from school that day. Becker and Perkins
276 were also absent, but, as we know, they were at the mall at the time of the murder. Sifuentes,
277 however, was in class on the date of the murder.

278 If the idea that Sifuentes helped Rollins is too cloak-and-dagger for you, it is also
279 plausible that Blair found Becker's cell phone the day before the murder and took it to the scene
280 to implicate Becker. A number of witnesses verify that Becker was at the Fry Shack the evening
281 of March 5, 2020, and that seems to be the most likely location Becker would have lost the
282 phone based upon the statements made by Becker and Perkins. The Fry Shack is apparently a
283 popular burger location for students at Colorado High School, and Rollins could easily have been
284 there and found the phone.

285 I have carefully reviewed this statement. It is true and accurate, and it includes everything
286 I know of that could be relevant to the events I discussed. I understand that I can and must update
287 this statement if anything new occurs to me before the trial.

288 By: Blake Van Owen
289 Blake Van Owen

Exhibit 1



Exhibit 2





Exhibit 4





Exhibit 6



Exhibit 7







Exhibit 10

Video of intruder walking up to McKenzie Brackman's front door

https://web28.streamhoster.com/clcinco/CBA_VIDEOS/MockTrialVideos/Exhibits/NewVideo1.mp4

Exhibit 11

Video of intruder entering McKenzie Brackman's back gate

https://web28.streamhoster.com/clcinco/CBA_VIDEOS/MockTrialVideos/Exhibits/Video2Mock.mp4

Exhibit 12

Video of intruder entering McKenzie Brackman's back door

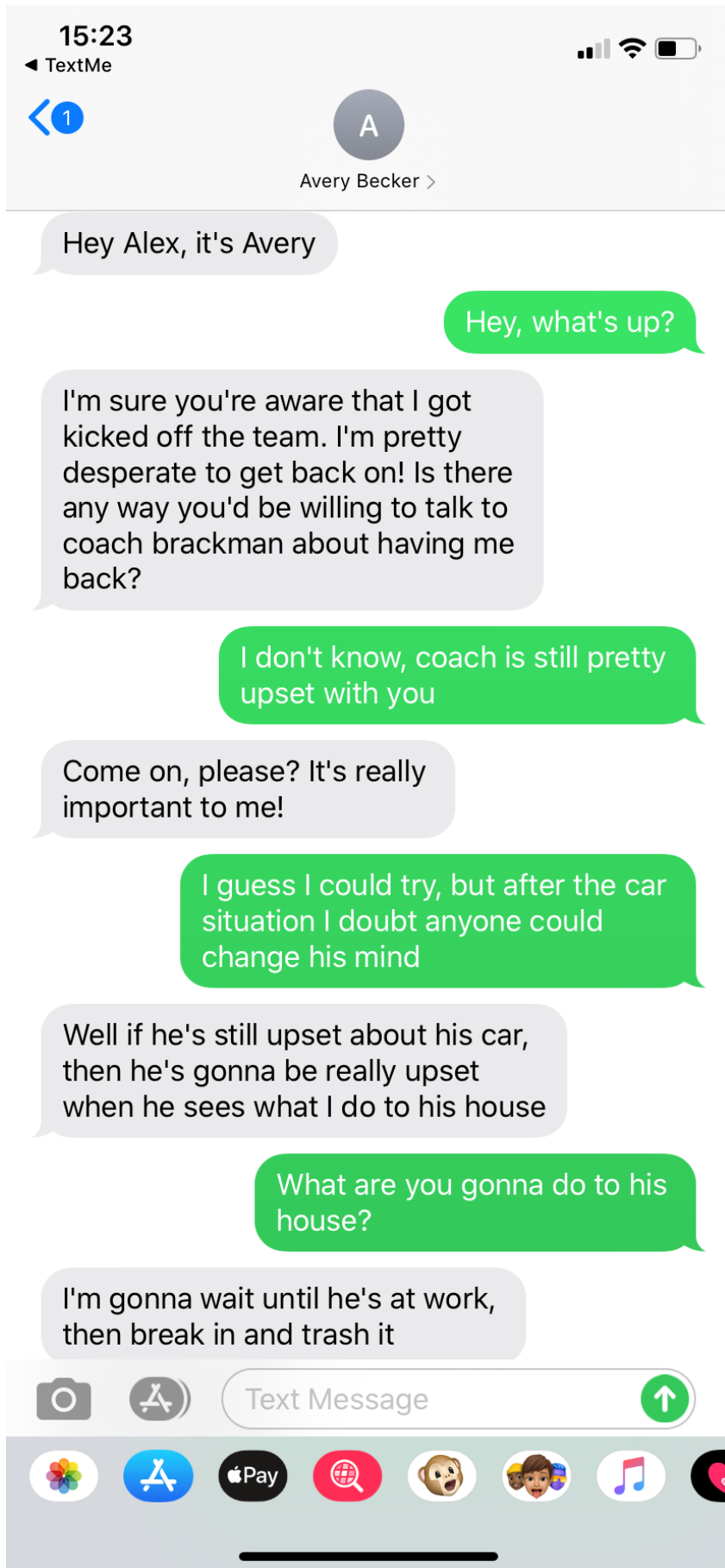
https://web28.streamhoster.com/clcinco/CBA_VIDEOS/MockTrialVideos/Exhibits/Video3Mock.mp4

Exhibit 13

Video of intruder running out of McKenzie Brackman's front door

https://web28.streamhoster.com/clcinco/CBA_VIDEOS/MockTrialVideos/Exhibits/NewVideo4.mp4

Exhibit 14



15:23

TextMe



Avery Becker >

I'm sure you're aware that I got kicked off the team. I'm pretty desperate to get back on! Is there any way you'd be willing to talk to coach brackman about having me back?

I don't know, coach is still pretty upset with you

Come on, please? It's really important to me!

I guess I could try, but after the car situation I doubt anyone could change his mind

Well if he's still upset about his car, then he's gonna be really upset when he sees what I do to his house

What are you gonna do to his house?

I'm gonna wait until he's at work, then break in and trash it

That'll show him

I don't think that's a very good idea



Text Message



Exhibit 15

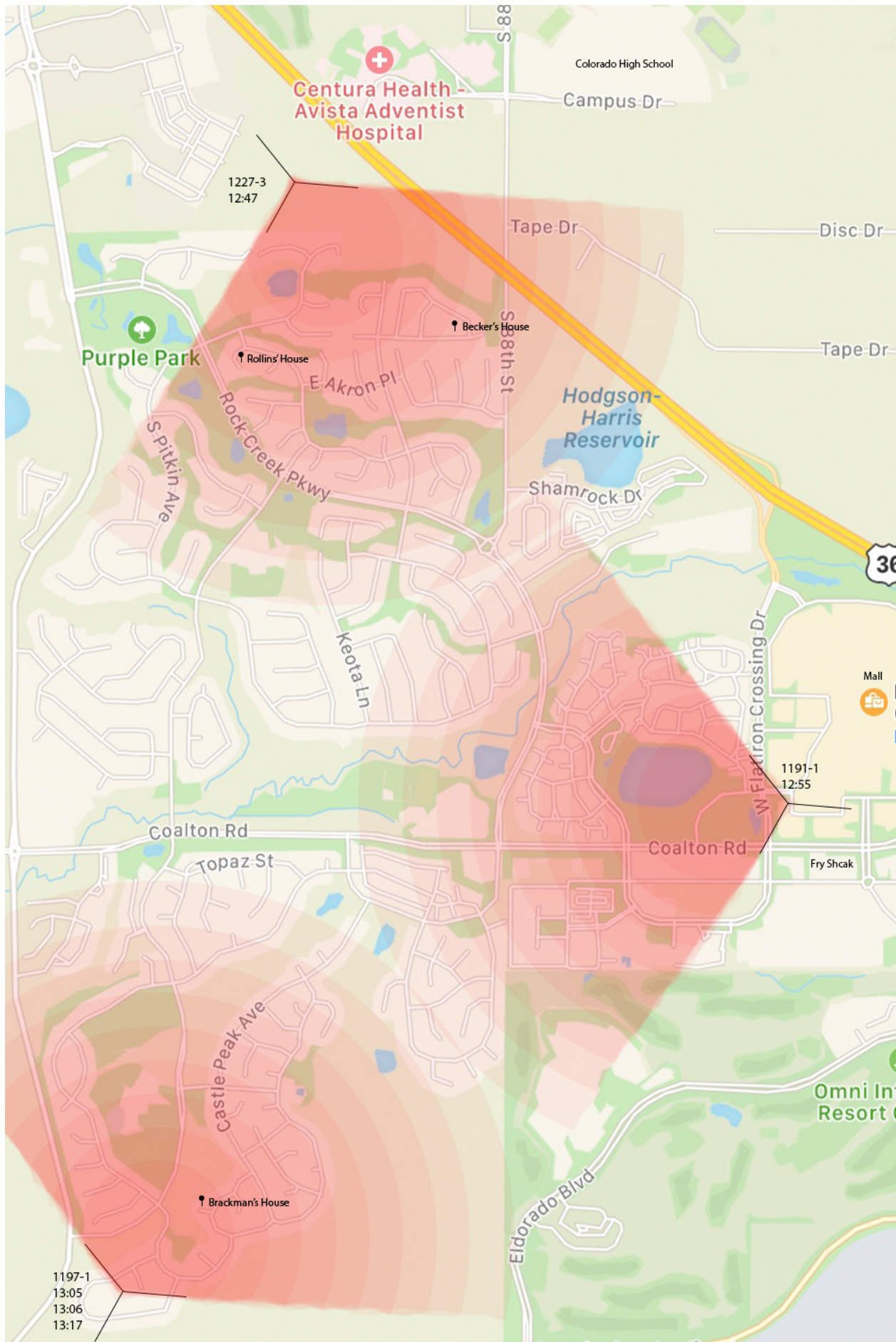


Exhibit 16

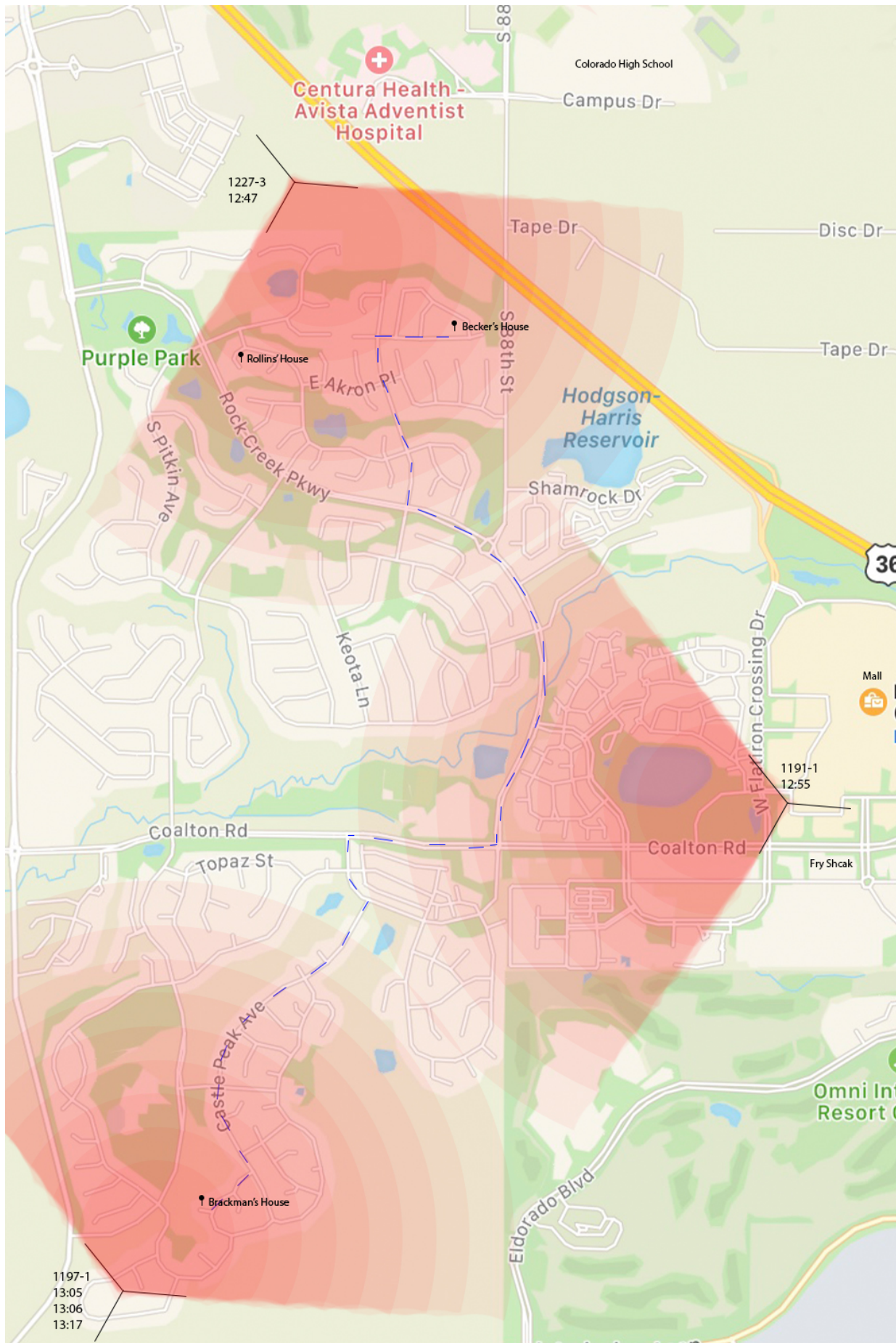


Exhibit 17

Kuzak.K., CSR (CBI Emp # 8675309)

File: 20200308/10-31(A,C)-BR

CSR WITNESS INFORMATION TRACKING SHEET

| Witness | Reference | Evidence | Summary of information/evidence |
|---|--------------------------------|-----------------------------------|---|
| Perkins, Taylor | Interview Rpt 6/5/2020 p.2 | #1421 Fry Shack napkin | CU student, Associate (teammate) of S1. Provided statement re: whereabouts with S1 on day preceding and day of homicide. Described text exchange with S1 on a.m./p.m. on 3/6/2020 , verified proximity of Suspect's residence to Victim's residence, corroborated S1 statement re: movements on 3/6/2020. Familiar with S1/D, S2, and S3 (unlocated party, Blair Rollins) |
| Becker, Avery Suspect 1 (D) | Interview Rpt 6/5/2020 p.1 | #1140 | Former CHS student of Victim (V). Provided statement re: whereabouts on day preceding and day of homicide. Described text/phone exchange with WIT-Perkins on a.m./p.m. on 3/6/2020. Familiar with S2 and S3. Expressed remorse about prior involvement with V on CHS team. |
| Sifuentes, Ales Suspect 2 | Interview Rpt 6/6/2020 p.3 | #1133 mobile phone screenshots | Former CHS student of V. Described history of S1 conflicts with V. Described encounters with S1 on p.m. 3/5/2020. Familiar with D, knew S3 (not close?) |
| Digbee, Brandon | Interview Rpt 6/4/2020 p. 4 | | CHS student, teammate familiar with S1, S2, S3 |
| Mitchell, Josiah | Interview Rpt 6/4/2020 p. 4 | | Neighbor to East of V's residence, called 911 to report V lying on/just inside porch |
| Off. Johnson, Carola, Denver PD | | #1425 Chef knife | Evidence technician on scene of homicide. Described V's house entry and Identified location of Chef knife believe to be murder weapon |
| Lt. Fisk, Rebula, West Denver Metro EMS | | | EMT reporting to V's residence, radioed in potential homicide |

EVIDENCE TRACKING SHEET

| Dept Evidence # | Date Received | Source of Evidence | Provider Reference Number |
|-----------------|---------------|---|------------------------------|
| 100 | 2020/06/03 | Pen Register of Suspect (S1) cell phone | Report # 6- 4-100 |
| 101 | 2020/06/04 | Victim (V) Residence Camera MP4 images (Ring brand); download by Det. Markowitz | Report # 6- 4-48; #1432(a-d) |
| 102 | 2020/06/04 | Digital images downloaded by Det. Markowitz from S2 SMS transmission | Report # 6- 4-52 (2); #1133 |
| 103 | 2020/06/03 | Denver PD Evid. Tech. Johnson | 2020-172 |
| 104 | 2020/06/07 | Denver PD Evid. Tech. Johnson | 2020-168; #1425 |
| 105 | 2020/06/14 | DPS SRO Officer Krazzelberg | 2020-183 |

Figure 1: flowchart (key entities, evidence and relationship); derived from interview with Det. Markowitz, J (DPD)

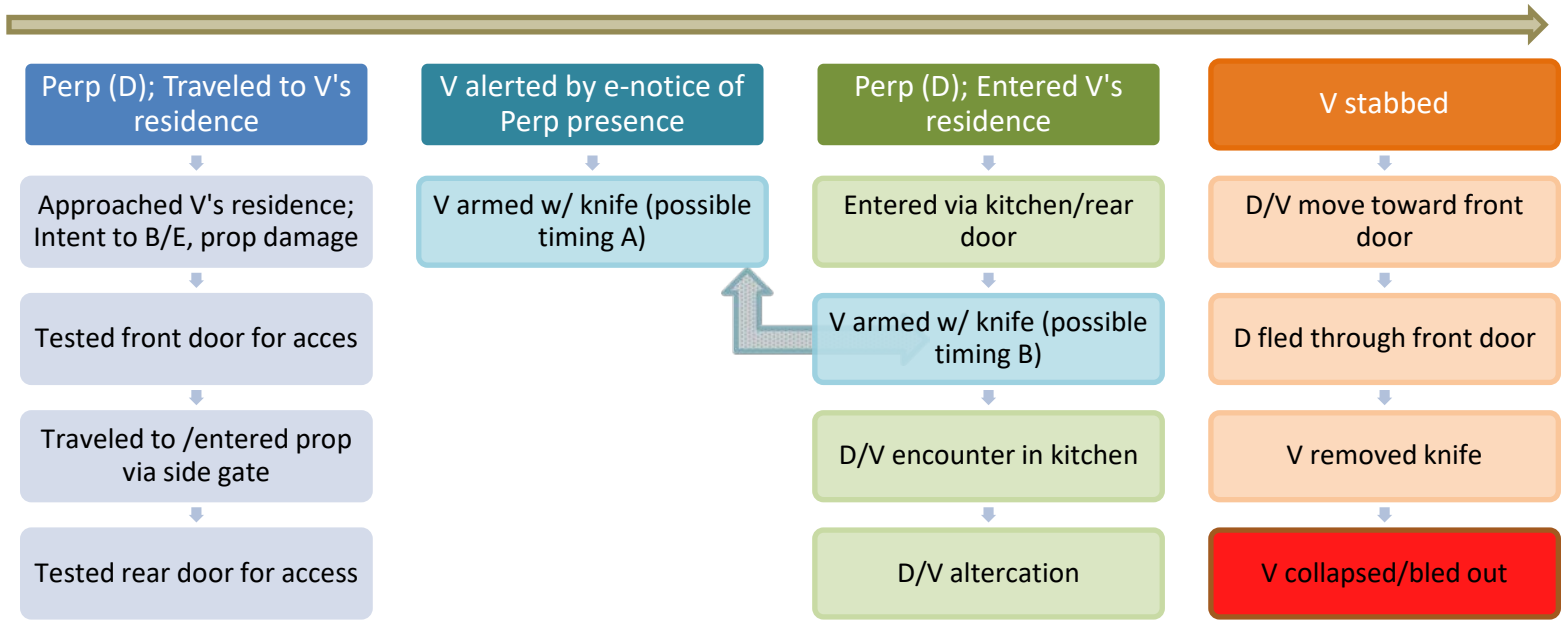




Exhibit 19

Case No. 2020-030006

City of Denver Office of the Medical Examiner
500 Quivas Street
Denver, Colorado 80204
(720) 337-7600

REPORT OF AUTOPSY: MCKENZIE BRACKMAN

March 7, 2020

EVIDENCE OF TREATMENT

There is no evidence of medical intervention.

EXTERNAL EXAMINATION

The autopsy is begun at 9:00 a.m. on March 7, 2020. The body is presented in a black body bag, and is identified as "Brackman, McKenzie." Identification was confirmed upon comparison with a driver's license photograph.

At the time of the examination, the body is wrapped in a clear, plastic tarp. Upon removal of the tarp, the body is clothed in a blue t-shirt, jeans and is barefoot. There is a large bloodstain on the upper left quartile of the dorsal surface of the shirt. There is a single slit-like tear near the center of that stain measuring approximately 4 cm in length. There are no other visible tears in the shirt. There are no tears in other clothing.

The body is cold and unembalmed with slowly declining rigor. The body is that of a well-nourished, well-developed male. Appearance is consistent with reported age of 52.

The scalp is covered by short, brown hair, averaging 4-5 cm in length. The body hair distribution is male and average.

The skull is symmetric. The eyes are open, and the irises are brown. The pupils are round, non-reactive, and symmetrically dilated. Sclerae are clear and conjunctiva are pale. There are no petechial hemorrhages on the conjunctivae, oral mucosa, or facial skin. The teeth are natural and well maintained. A crown is visible on the bottom left molar (second). The nose and ears are normally formed and without identifying marks.

The anterior chest is of normal contour and is intact. Male breasts with no abnormalities. The abdomen is flat, symmetrical and intact. The back is flat with a single visible wound (see description of injuries). The upper and lower extremities are symmetric, normally developed, and intact.

IDENTIFYING MARKS/SCARS

No identifying marks or scars are observed.

DESCRIPTION OF INJURIES (EXTERNAL)

Examination of the back reveals the following: a single stab wound is visible 1 cm below the left inferior scapular angle. The wound is slit-like and measures 6.4 cm in length. The wound is approximately 9 cm left of midline. Depth of the wound is at least 19 cm. Digital exploration indicates that the path of the wound travels forward toward the ventral surface/anterior chest and slightly downward. Minimal bruising is visible on the surrounding skin. Opinion of medical examiner: in combination with the internal damage described below (see internal examination), this was a fatal injury.

Microscopic examination of the wound reveals that the anterior portion of the wound is smoother and the anterior portion exhibits more tearing. This is consistent with the knife blade being oriented toward the anterior of the victim.

INTERNAL EXAMINATION

HEAD/CENTRAL NERVOUS SYSTEM: The brain weighs 1350 grams and is within normal limits. The calvarium and base of the skull are normal. No fractures are observed. The dura is intact. There is no epidural or subdural hemorrhage.

SKELETAL SYSTEM: Remarkable for a small (2 mm) indentation along the inferior edge of the left scapula. This indentation corresponds with the path of the stab wound and is consistent with perimortem damage. Skeletal exam is otherwise unremarkable. There are no fractures observed.

RESPIRATORY SYSTEM: Nostrils are normal. Oral cavity shows no lesions, and oral mucosa is intact. There are no injuries to the teeth, lips, or gums. Airway is clear and unobstructed, without swelling or edema. The mucosa of the epiglottis, sinuses, trachea, and major bronchi are intact and without abnormality. No injuries are seen, and there are no mucosal lesions. Cricoid cartilage, thyroid cartilage, and hyoid bone are intact. The lungs weigh 440 grams (left) and 450 grams (right), which is within normal limits. The lungs are normal.

CARDIOVASCULAR SYSTEM: The heart is normal in weight and appearance. The coronary arteries branch as expected and are without congenital or acquired anomaly. There is no evidence of atherosclerosis. The ascending aorta is intact proximally, at its point of departure from the pericardium. Penetrating injury to the aortic arch is visible at approximately the level of the innominate artery and has severed the wall in its entirety.

There is a 2 mm partial-thickness injury to the right pulmonary artery where it passes behind the aorta. Blood is visible throughout the chest cavity. There are no other visible injuries to the great thoracic vessels.

GASTROINTESTINAL SYSTEM: The mucosa and wall of the esophagus are gray-pink, intact and without lesions or injuries. The gastric mucosa is intact. Stomach contents are present and normal. The mucosa of the duodenum, jejunum, ileum, colon and rectum are intact with no injury. There is no injury to the wall of the large or small intestine.

GENITOURINARY SYSTEM: The kidneys 140 grams (right) and 150 grams (left) and are normal in size, weight, and appearance. The pelvic collecting system, ureters, and urinary bladder are unremarkable. The internal and external pelvic structures are within normal limits.

TOXICOLOGY: Samples of central and peripheral blood, vitreous humor, gastric contents, urine, liver, and bile are submitted for toxicologic analysis. All testing is within normal limits and negative for mood-altering substances at the time of death.

SEROLOGY: Routine blood tests are unremarkable.

IMAGING: No radiographs or other imaging are available for review.

OPINION

CAUSE OF DEATH: penetrating trauma to the thoracic aorta. More specifically, McKenzie Brackman's death was caused by exsanguination following a single stab wound penetrating from the mid (subscapular) back to the thoracic aorta at the junction of the ascending aorta and the aortic arch. Injury is most consistent with a single-edged blade measuring approximately 6.4 cm in width and more than 19 cm long. While in place, the knife itself would have partially occluded the wound and slowed internal bleeding. Once removed, Mr. Brackman would have lost significant blood, leading quickly to death by exsanguination.

PREPARED BY:

Mel Robbins, M.D.

Mel Robbins, MD
Medical Examiner
City of Denver

DATE: March 7, 2020

Expert Report of Professor Blake Van Owen, MA

Re: People v. Avery Becker
Denver District Court Case 2020CR3103

Background & Qualifications

My name is Professor Blake Van Owen, or Professor Van Owen for short. I am a professor and private investigator with expertise in police practices and forensic evidence techniques. I obtained my BA in English from the University of Colorado Boulder in 2005, and my MA in Criminal Justice from Ashford University in 2014. Since 2015 I have lectured on police practices and social justice at the University of Colorado Denver. Throughout my career I have maintained hands-on experience in investigation and security, as a private investigator, school resource officer, and private security guard. I also served as a member of the Aurora Police Department for a nine-month period between 2005 and 2006. I have served as an expert witness in over 100 cases on a range of topics, including crime scene reconstruction, cell tower analysis, and general police investigation tactics. All of my work as a testifying expert has been on the behalf of the defense.

I have been asked to offer the following opinions on behalf of the defense in this case:

- No one can say to a reasonable degree of certainty that McKenzie Brackman was stabbed in the midst of a struggle. In fact, it is more likely that Brackman was caught unawares and stabbed from behind.
- The evidence does not establish that Becker's phone was at the scene of the murder. Even if it did, that does not establish that Becker was there.
- The prosecution's case is not methodologically sound.

In reaching my opinions I reviewed the police reports, crime scene reconstruction prepared by the prosecution, and cell tower reports. All of my opinions are offered to a degree of reasonable scientific certainty, based on my training, experience, and expertise. The conclusions I have reached will assist the trier of fact in understanding the evidence and determining that Avery Becker did not kill the victim in this case, McKenzie Brackman. I had sufficient facts and data to reach my conclusions, my conclusions are the product of reliable principles and methods, and I reliably applied those principles and methods to the facts of the case as discussed below in this report.

Most Likely Scenario: Stabbed from Behind While Seated

The physical evidence at the scene is most consistent with McKenzie Brackman having been stabbed while seated with a knife the intruder brought to the scene. This indicates premeditation to commit murder. It also

points away from Avery Becker as the most likely suspect, and toward someone with more of a motive, like Blair Rollins.

I reached this conclusion after reviewing the police report and crime scene reconstruction, for several reasons. First, the knife used to commit the murder was of a different brand and style from every knife in the knife block. While I suppose it is possible that McKenzie Brackman bought a different chef's knife from the rest of the set, that is a strained interpretation—and even if he had, one would generally expect that “replacement” knife to match the others in style. This one did not. Second, the direction of force applied was down and toward the aorta. This suggests the assailant was positioned above the victim, as if standing behind the victim who was seated.

The autopsy report reveals that the knife was inserted into the victim's back with the sharp side of the knife pointing forward. Admittedly, it would be more common for the knife to be held in the reverse position, the classic example being the way the knife was held in the movie “Psycho,” but it is not unusual to hold a large knife in the following orientation:



If the assailant stabbed McKenzie Brackman from behind, holding the knife as shown above, the wound would precisely match what the medical examiner observed.

In order to stab someone in the back through the scapula and into the aorta while holding a knife in this position, one would have to (a) be standing over the victim and (b) exert significant forward pressure. That, to

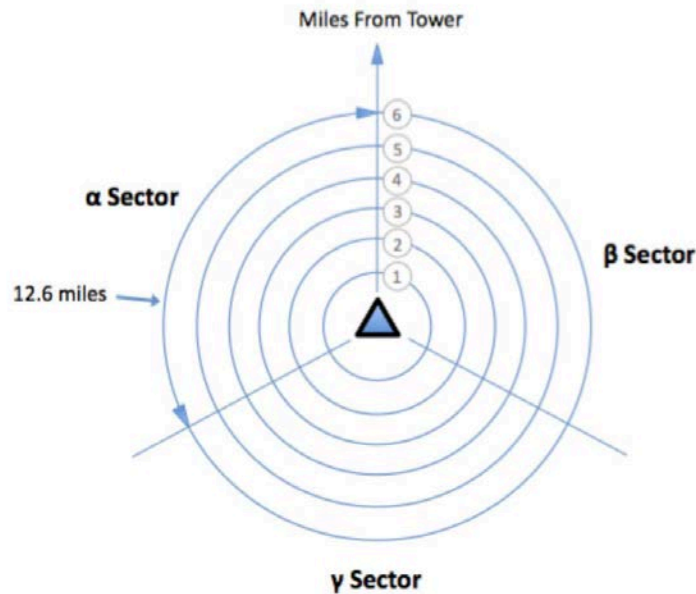
me, indicates that the assailant surprised McKenzie Brackman from behind. This is also consistent with the fact that the Ring video shows the intruder was of similar build to McKenzie Brackman—not significantly bigger, as you would have to be in order to have stabbed him from this angle if both parties were standing.

I am aware that the prosecution thinks that is unlikely, for two reasons: first there were scuff marks on the floor, which the prosecution believes indicates a struggle; and second, a Ring doorbell can alert someone to a potential intruder. Scuff marks on a kitchen floor are an extremely tenuous piece of evidence on which to base this conclusion. The scuff marks on a kitchen floor could have been there for years, for all we know. I, for one, do not make it a habit to have my kitchen floors polished regularly, and I'm sure that more than one of you could find scuff marks on the floor right now if you looked at your own home.

As for the Ring alert, we do not even know whether McKenzie Brackman had the Ring set up to receive real-time notifications at all. That would have been an easy enough thing for the prosecution to figure out by obtaining complete records, but they failed to do so. But even if we knew that McKenzie Brackman was *receiving* those alerts, that says nothing about whether Brackman was *paying attention* to them. It is reasonable to suppose that, in the middle of the afternoon, Brackman may have been engrossed in other things and not glued to that particular push notification.

The Cell Phone Tower Data Do Not Accurately Locate Becker's Phone, Much Less Becker, at the Crime Scene

In an urban area, a cell phone tower covers a roughly circular area with about a 6-mile radius. A single cell tower is divided into three “sectors,” each covering a third of the tower’s range. The diagram below shows a typical urban cell tower’s breakdown.



Each sector corresponds to a particular antenna mounted on the cell tower. As such, it is possible to identify in which of the three sectors a phone was located when it was communicating with a particular cell tower based on which antenna was being used.

Cell phones are in constant communication with cell towers, and they repeatedly reach out to essentially say “I am here in case you need to send a message to me.” However, records of those contacts are not routinely stored long term, and the Call Detail Records, or CDR’s, that are kept only show when a cell phone and tower were actively exchanging data such as during a call or when a text message was sent or received.

Additionally, cell phones do not always connect with the nearest tower for a variety of reasons. That means that using information from a single cell tower, all one can tell is that the cell phone in question was *somewhere* within about six miles of the tower in a 120° arc relative to the tower. Here, the only information that we have is that Avery Becker’s phone was in contact with a cell tower near McKenzie Brackman’s residence near the likely time of the murder. That is *not* the same thing as knowing that Avery Becker’s phone was actually at McKenzie Brackman’s residence. In fact, although it is more likely that Avery Becker’s phone connected to the nearest cell tower, technically the phone could have been anywhere within an approximately 38 square-mile location at the time. (Area = $\pi \times 6\text{-mile-radius}^2 / 3\text{-sectors} = 3.14159 \times 36 / 3 = 37.7$ square miles).

And of course, even if Becker's phone was inside Brackman's house—a conclusion we cannot make one way or the other—that tells us nothing about whether Becker was actually there. Based on my review of the witness statements, we can in fact confirm that Becker was with Taylor Perkins on the day of the murder and that Becker had lost the phone the day before.

The Prosecution's Case Is Methodologically Unsound

Lastly, I wish to comment on several aspects of the prosecution's case that appear to have been rushed, botched, and designed to only consider evidence that supported a foregone conclusion: that Becker killed Brackman in a post-break in struggle. Several of those shortcomings are noted above, but I want to turn attention to a few others here.

First, Detective Markowitz failed to obtain complete cell tower records that would allow for a full and complete picture of where Becker's phone was located. Instead, Markowitz only obtained records for a limited window on the day of the murder, and only for a limited geographic range. As a result, all we can tell is that Becker's phone connected with the tower nearest to Brackman's house on the afternoon of the murder. What we do not know is the cell phone's location the day before or where it went next. Defense counsel may wish to consider whether it is worth independently obtaining those records or whether it would be better to rely on the failure of the prosecution to meet its burden of proof.

Next, the police accepted screenshots of Alex Sifuentes' phone in lieu of the actual phone itself and the messages on it. Those screenshots could easily be doctored and accepting them without the actual phone is just sloppy.

Finally, in my opinion the Denver police have not done nearly enough to locate or investigate another possible suspect: Blair Rollins. Blair Rollins is of similar build to Avery Becker and could have easily been the intruder seen on the Ring footage; Blair has gone missing in the wake of the murder; and Blair had a much greater motive to commit murder: Rollins' father was sentenced to life in prison in the wake of Brackman's deficient representation of him. While there is certainly not evidence that proves beyond a reasonable doubt that Blair Rollins killed McKenzie Brackman, the fact that the police settled on Avery Becker as the most likely suspect without even pursuing other avenues, including Blair Rollins, speaks to the slipshod and rushed nature of this entire investigation.

Please do not hesitate to contact me if you would like me to conduct a further investigation or expand upon any of my conclusions.

Blake Van Owen _____

Prof. Blake Van Own, MA

Exhibit 21



Exhibit 22

Audio Recording from Jonathon Rollins court proceeding

https://web28.streamhoster.com/clcinco/CBA_VIDEOS/MockTrialVideos/Exhibits/JonathanRollins.m4a