
Utah

Mock Trial Competition

The 2024 Mock Trial

Criminal Case

**UNITED STATES DISTRICT COURT
DISTRICT OF UTAH,
SOUTHERN DIVISION**

PEOPLE

v.

BOBBIE GUNN

Case No. 24cr06118

*The 2024 mock trial case materials were written by Christopher Parrucci and the Oregon Classroom Law Project Mock Trial Committee.
Updated and adapted for Utah by Stacie Simpson, Kyle Kaiser, Tina Hatch, and the Hon. Augustus Chin*

2024 High School and Junior High School Mock Trial Case

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Georgia Ann Robinson,
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**IN THE FIRST JUDICIAL DISTRICT COURT
CACHE COUNTY, STATE OF UTAH**

THE STATE OF UTAH,

Prosecution,

v.

BOBBIE GUNN,

Defendant.

No. 24cr06118

INDICTMENT

The undersigned Mary Sullivan, Deputy County Attorney, under oath states on information and belief that the defendant, in Cache County, State of Utah, committed the following crimes: The above-named defendant is accused by the Grand Jury of Cache County by this indictment of the crime(s) of

COUNT 1

AGGRAVATED ROBBERY, a First-Degree Felony, in violation of

Utah Code Ann. § 76-6-302(2), as follows:

The defendant, on or about August 9, 2023, in Cache County, Utah, while armed with a dangerous weapon, did unlawfully use or threaten to use the dangerous weapon, unlawfully and intentionally took property in the immediate presence of a person, against the individual's will, by means of force or fear, and with a purpose or intent to deprive the individual permanently of the personal property.

COUNT 2

AGGRAVATED ROBBERY, a First-Degree Felony, in violation of

Utah Code Ann. § 76-6-302(2), as follows:

The defendant, on or about August 11, 2023, in Cache County, Utah,

while armed with a dangerous weapon, did unlawfully use or threaten to use the dangerous weapon, unlawfully and intentionally took property in the immediate presence of a person, against the individual's will, by means of force or fear, and with a purpose or intent to deprive the individual permanently of the personal property,

This information is based on evidence obtained from the following witness:
Riley Reeher, Cache County Sheriff's Office.

Dated: August 26, 2023

GEORGIA ANN ROBINSON, District Attorney

s/Mary Sullivan Mary Sullivan, USB No. 011916
Deputy District Attorney

CASE SUMMARY

On Monday August 9, 2023, the quiet town of Kuigley Crossing experienced a first. On that day, as the bank employees of the Kuigley Crossing branch of the Cache Community Bank opened for business, a person dressed in a black mask, hoodie, black gloves, jeans, and white sneakers entered the facility, pointed a silver handgun at the bank manager and gave instructions via a note: "Put Everything Behind the Counter in the Bag." When all was said and done, the masked person fled the scene with roughly \$3,000. For the first time that anyone could remember, a Kuigley Crossing bank had been robbed. Local authorities were stumped and had little to go on other than eyewitness descriptions. The bank's security cameras were not operational that morning due to a scheduled service upgrade. It seemed that this robbery may remain an open case.

Two days later, on Wednesday, August 11, 2023, a similar event took place not too far from Kuigley Crossing. This time, the Stash Junction branch of the Cache Community Bank was the target. As with the robbery two days earlier, a person in a black mask, hoodie, black gloves, jeans, and white sneakers entered the facility early in the day, pointed a silver handgun at those inside and handed a teller a note instructing them to put everything behind the counter into a paper bag. This time the robber escaped with just over \$5,000. Once again, the cameras, due to service upgrades, were inoperable and no footage of the event was captured. When local police officers and detectives arrived, it seemed that they were, once again, without much to go on for their investigation, yet this time something was different. A teller at the Stash Junction branch had placed a GPS tracking device into the robber's bag amongst the stolen cash. The authorities tracked that GPS signal all the way to an off ramp just off old highway 91 and near Fat Cat's Casino.

On Thursday, August 12, 2023, Bobbie Gunn walked into the Kuigley Crossing branch of the Cache Community Bank and handed over a check for \$5,212.14 to make Bobbie current on Bobbie's mortgage payment. Since being fired from Bobbie's

former employer, Dewing Security, back in January 2023, Bobbie had been having a difficult time paying the monthly mortgage, missing payments from March to July. Bobbie’s payment came at just the right time, as the bank was set to foreclose on Bobbie’s house that week. The check, made out to the bank for the exact amount due, was issued by Fat Cat’s Casino the day prior, August 11, 2023.

Following Bobbie’s visit to the bank, the branch manager, Harper Meadows, called Detective Reeher to report on the interaction with Bobbie and some uneasy feelings about the entire situation. Bobbie had mentioned that a lucky night in the casino was the origin of the sudden cash windfall, and Harper began to draw connections between Bobbie and Monday’s robbery, including Bobbie’s involvement in scheduling the bank’s security camera upgrades when still working for Dewing Security. After a brief investigation by Detective Reeher, Bobbie Gunn was arrested and indicted on two charges of aggravated robbery in the first degree for both the August 9th and August 11th robberies at the respective Cache Community Bank branches.

Witness Listing

PROSECUTION	
Riley Reeher	Detective, Cache County Sheriff’s Office (CCSO)
Harper Meadows	Manager, Cache Community Bank
Tempest Nightshade	Computer Forensic Specialist

DEFENSE	
Bobbie Gunn	Defendant
Dakota Prescott	Assistant Floor Manager, Fat Cat’s Casino
Darcy Storm	Defense, Private Investigator

STIPULATIONS

The parties respectfully stipulate and agree to the following:

1. Each witness testifying may not invoke the Fifth Amendment or any other privilege to the United States Constitution, Article I, Section 1, Clause 12 of the Utah Constitution, or otherwise.

2. On both August 9, 2023, and August 11, 2023, each branch of Cache Community Bank was in the process of upgrading its security system, which means that none of the events occurring at those branches on those dates were captured on any video or audio recording system.

3. The silver handgun present at both incidents constitutes a “dangerous weapon” under Utah law.

4. Exhibit 5 accurately depicts data obtained from Bobbie Gunn’s Google account concerning the date, time, and physical location of an Android mobile device associated with the account. The account contains no data indicating that the device was in Stash Junction at any time on August 11, 2023.

5. The parties have waived their rights to a jury trial, and the case will be tried to the bench. The relevant jury instructions will be utilized by the Court in formulating its verdict.

6. Before trial, the court concluded that the Confrontation Clauses of the Sixth Amendment to the United States Constitution, and Article I, Section 12, of the Utah Constitution do not bar the admission of any testimonial hearsay statements that may be offered by the State, and the defense may not raise the Confrontation Clause as an objection to any such testimony. However, the parties retain the right to object to any testimony as hearsay inadmissible under the Rules of Evidence.

7. Armed robbery is a first-degree felony under Utah state law.

8. The diagram shown in Exhibit 1 is a fair and accurate representation of the Bank GPS Location Map though not to scale.

9. Exhibits 2, 3 and 4 are fair and accurate representations of the Fat Cat’s Casino Check, the Car Title and the Kuigley Crossing Branch Mortgage Foreclosure Letter.

JURY INSTRUCTIONS

Definition of Aggravated Robbery

Utah law provides that a person commits the crime of aggravated robbery if:

- (1) The person unlawfully and intentionally took property in the immediate presence of another against the other person's will;
- (2) The person took the property by means of force or fear;
- (3) The person took the property with an intent to deprive the individual permanently of the property; and
- (4) The person unlawfully used, or threatened to use, a dangerous weapon in the course of the conduct described in (1) through (3).

Definitions

- (1) A person acts "intentionally" when the person's conscious objective is to cause a certain result. (Utah Code § 76-2-103(1)).
- (2) A person acts "unlawfully" when the person's actions are not otherwise privileged or authorized by law. (*State v. Beganovic*, 2023 UT 368, ¶ 54)
- (3) A person uses a dangerous weapon "in the course of" conduct when the person's conduct occurs in an attempt to commit, during the commission of, or in the immediate flight after the attempt or commission of, the other acts. (Utah Code § 76-6-302(1)).

Burden of Proof

The prosecution has the burden of proving the defendant guilty beyond a reasonable doubt. The defendant does not have to prove anything. In a civil case, it is only necessary to prove that a fact is more likely true than not true. In criminal cases, however, the prosecution's proof must be more powerful than that. It must be beyond a reasonable doubt. Proof beyond a reasonable doubt is proof that leaves you firmly convinced of the defendant's guilt. There are very few things in this world that we know with absolute certainty, and in criminal cases the law does not require proof that overcomes every possible doubt. If, based on

your consideration of the evidence, you are firmly convinced that the defendant is

guilty of the crime charged, you must find him or her guilty. If, on the other hand, you think there is a real possibility that he or she is not guilty, you must give him or her the benefit of the doubt and find him or her not guilty. The prosecution has the burden to prove each and every element of the charged crimes beyond a reasonable doubt. (*State v. Reyes*, 2005 UT 33, ¶¶.37, 116 P.3d 305.)

Presumption of Innocence

The fact that the defendant is charged with a crime is not evidence of guilt. The law presumes that the defendant is not guilty of the crime(s) charged. This presumption persists unless the prosecution's evidence convinces you beyond a reasonable doubt that the defendant is guilty. (Utah Code 76-1-501(1); *Estelle v. Williams*, 425 U.S. 501, 503 (1976).)

Witness Credibility

In deciding this case, you will need to decide how believable each witness was. You may use your judgment and common sense. Here are a few things to think about as you weigh each witness's testimony:

- (1) How good was the witness's opportunity to see, hear, or otherwise observe what the witness testified about?
- (2) Does the witness have something to gain or lose from this case?
- (3) Does the witness have any connection to the people involved in this case?
- (4) Does the witness have any reason to lie or slant the testimony?
- (5) Was the witness's testimony consistent over time? If not, is there a good reason for the inconsistency? If the witness was inconsistent, was it about something important or unimportant?
- (6) How believable was the witness's testimony in light of other evidence presented at trial?
- (7) How believable was the witness's testimony in light of human experience?
- (8) Was there anything about the way the witness testified that made the testimony more or less believable?
- (9) In deciding whether or not to believe a witness, you may also consider

anything else you think is important.

You do not have to believe everything that a witness said. You may believe part and disbelieve the rest. On the other hand, if you are convinced that a witness lied, you may disbelieve anything the witness said. In other words, you may believe all, part, or none of a witness's testimony. You may believe many witnesses against one or one witness against many.

In deciding whether a witness testified truthfully, remember that no one's memory is perfect. Anyone can make an honest mistake. Honest people may remember the same event differently.

In this case, the defendant testified at trial. Consider the same things previously discussed in weighing the defendant's testimony. Don't reject the defendant's testimony merely because he or she is accused of a crime. (Utah Code § 78B-1-28; *United States v. McKissick*, 204 F.3d 1282, 1289 (10th Cir. 2000); *Toma v. Utah Power & Light Co.*, 365 P.2d 788, 792-793 (Utah 1961).)

RELEVANT CASE LAW¹

When an eyewitness identification is challenged, the jury may consider the following factors when determining what weight, if any, to give to the identification:

(1) The opportunity of the witness to view the actor during the event; (2) the witness's degree of attention to the actor at the time of the event; (3) the witness's capacity to observe the event, including his or her physical and mental acuity; (4) whether the witness's identification was made spontaneously and remained consistent thereafter, or whether it was the product of suggestion; and (5) the nature of the event being observed and the likelihood that the witness would perceive, remember and relate it correctly.

State v. Ramirez, 817 P.2d 774, 781 (Utah 1991)

In a case in which the identity of a robber was the main contested issue, the following evidence was sufficient to support the jury's verdict of guilty: (1) Testimony from Clerk, who described the robber as a masked man with a horseshoe-shaped receding hairline, who was wielding a knife and wearing a dark-

¹ The legal authority provided here has been modified for the purposes of mock

trial. The parties may not research or cite to any legal authority not provided.

colored hoodie, dark shorts, and white shoes with black laces tied in a crisscross pattern; (2) a photograph of the defendant when he was arrested, which showed that he had a horseshoe-shaped receding hairline, and that he was wearing black shorts and white shoes with small red stripes on the sides and black shoelaces laced in a distinctive crisscross pattern; (3) a photograph of the dark-colored hoodie recovered from the defendant's apartment; (4) a photograph of the kitchen knife recovered from his apartment and testimony from the Detective about where it was found in the apartment; (5) Clerk's statement that he was "100 percent positive" that the man he followed to the apartment building was "the same person" who tried to rob the store.

State v. Samora, 2021 UT App 29, ¶ 48, 484 P.3d 1206, 1223, *cert. granted*, 497 P.3d 828 (Utah 2021), and *aff'd*, 2023 UT 5, ¶ 48, 529 P.3d 330

In a case involving a charge of aggravated robbery where the identity of the robber was the main contested issue, the following evidence of identity was insufficient to support a conviction under the *State v. Ramirez* factors: (1) Testimony of an eyewitness who (a) had a previous relationship with the defendant; (b) had a financial motive to identify the defendant as the robber; (c) had only "a few seconds" to see the robber; and (d) who testified at trial that he was "positive" the defendant was the robber, even though he did not name the defendant when questioned at the scene of the crime; (2) testimony of another eyewitness who saw the robber for 30 seconds and provided a description of the robber that differed in three material ways.

State v. Dyatt, 2018 UT App 409, ¶ 23, 414 P.3d 2999, 3010

WITNESSES AND AFFIDAVITS

1 **AFFIDAVIT OF RILEY REECHER for the Prosecution**

2
3 My name is Riley Reecher, and I'm 45 years old. I am a Senior Detective
4 with the Cache County Sheriff's Office (the "CCSO"), where I've worked for the
5 last 24 years. I grew up in Cache County and graduated from Cache Valley High
6 School in 1994.

7 I've wanted to be a detective since high school, partially, I admit, due to
8 detective novels which I still enjoy. I thought about becoming a private
9 investigator after high school, a sort of modern-day Sherlock Holmes. But I
10 determined that public service would be more fulfilling and have better job
11 security. Growing up here taught me the importance of job security; you wouldn't
12 get by on luck and an unknown rich relative's passing. So, when I received a
13 scholarship to Weber State University, I decided to major in sociology with an
14 emphasis in criminology and penology. I earned my bachelor's degree in that
15 field in 1998.

16 After attending and graduating (second in my class) from the Utah Peace
17 Officer Standard and Training (POST) Basic Training Academy, I became a
18 certified peace officer. In 1999, I became a patrol officer with CCSO. In that role,
19 I handled my fair share of "the usual sorts of calls...shoplifting, vandalism, that
20 sort of thing"...but here in Cache County, sometimes calls are unusual. One time,
21 I remember, an older resident named Rayyan Adeeb called us with what he
22 thought was the crime of the century. He had discovered a pile of fish guts in his
23 hydrangeas, and he was certain that his neighbor Finley MacPherson had
24 dumped them there. It turned out, though, that Rayyan had gone fishing the day
25 before and left his catch in a cooler by the side of his house. As the paw print in
26 the garden proved, a black bear had smelled dinner, helped herself, and didn't
27 bother to clean up. Needless to say, Rayyan was pretty embarrassed.

28 By 2009, I was making a name for myself by closing cases, and the
29 higher-ups took notice. That summer, Sheriff Esparza promoted me to a position
30 in CCSO's Detective's Bureau. I've worked in that role ever since.

31 Cache County's crime rates are fairly low, though I have investigated
32 some homicides and an auto theft ring. In 2017, an anonymous tipster informed

1 us that Gartowski Auto Plaza, an unkept used car lot just north of Coho City, was
2 running an auto theft ring. The lead was pretty thin, but I had long suspected
3 there was something off about that lot, partially due to its owner's slimy
4 personality on his annoying ubiquitous TV commercials and radio ads. I decided
5 to follow my instincts, and it turned out Gartowski Auto was at the center of the
6 largest network of chop shops in the state. Now, thanks to my work, its owner
7 and a bunch of other criminals working for him are in jail at least till 2026, where
8 they belong. That case reaffirmed what I've always known about being a
9 detective: Sometimes, you've just got to let your instincts lead the way.

10 As far as I'm aware, this case is Cache County's first bank robbery. On the
11 morning of Monday, August 9, 2023, I was catching up on some paperwork in the
12 office when I heard a call on our police radio from Diana Eltone, the Cache
13 County weekday 911 dispatch operator. Ms. Eltone (Everyone calls her Di, like
14 Princess Diana.) said that a 911 operator caller reported a robbery at the Kuigley
15 Crossing branch of Cache Community Bank. Patrol officers announced they were
16 responding, and because I was on call for all incidents that would require further
17 investigation, I responded. As I was running to my car, I was puzzled...Kuigley
18 Crossing is one of the smaller towns in the county, which means that the bank is
19 not going to be sitting on huge piles of cash. Though since it was a smaller bank,
20 perhaps the criminal figured he or she could get away easier. Plus, in terms of
21 what's in the vault, Cache Community Bank isn't exactly Fort Knox. The Cache
22 Community Bank only had two branches, one in Kuigley Crossing and the other
23 about 30 minutes east in Stash Junction. I arrived in Kuigley Crossing at about
24 9:30 a.m. A CCSO patrol officer had secured the scene and was talking with two
25 witnesses who, I learned, were the bank's manager and assistant manager. I
26 interviewed each separately. I began with Harper Meadows, the manager.
27 Though understandably somewhat shaken, Harper was composed during the
28 interview and answered each of my questions clearly. Everything Harper told me
29 is reflected in Harper's affidavit, which I have reviewed.

30 When I finished with Harper, I spoke with Johnnie Canolly, the bank's
31 assistant manager. Unlike Harper, Johnnie was a nervous wreck. While we
32 talked, his eyes kept darting back and forth, he stuttered, and he couldn't seem to

1 focus: "Sorry, I'm in shock; that was just too much! Too far!" he said. Johnnie's
2 recollection of the robbery was the same as Harper's—with one exception. When
3 I asked for a physical description of the robber, Johnnie estimated that the robber
4 was five or six inches taller and 30 or 40 pounds heavier than the person I now
5 know to be Bobbie Gunn. The difference in Harper's and Johnnie's accounts of
6 the robbery didn't bother me, because a scared and flustered victim's perspective
7 may create a memory of a larger or more intimidating perp. It seemed clear that
8 Harper's description was the more reliable one since Harper was more
9 composed. I've spoken with plenty of eyewitnesses in my years as a detective,
10 and I know the psychological effect that shock can have on a person's memory.
11 You see, the stress of a traumatic event like a robbery can make someone's
12 memory a bit fuzzy; even just a few minutes after the event occurs, some
13 people's memories get all hazy, and they can't remember details all that well.

14 When investigating a crime, if we are unable to catch the perpetrator "red
15 handed" in the criminal act, we follow a standard investigative procedure. We
16 meet with witnesses and get a description of the perp. If it's a robbery, like this
17 one, we request a description and the amount of what was taken; review the
18 nearby area for clues, including fingerprints, shoe tracks, wheel tracks; check any
19 security cameras nearby or within the robbery location; create a profile; and often
20 have a witness come and work with a sketch artist if the crime is really serious.

21 The bank hadn't captured the robbery on camera, and though we
22 searched up and down, we couldn't locate any usable fingerprints. Our sketch
23 artist was even out on maternity leave and couldn't come in to work to meet with
24 Harper and Johnnie. At that point, the older, light-blue sedan was our only lead,
25 which could have described a quarter of the cars in Cache County. Based on that
26 evidence alone, there wasn't much we could do but hope for a breakthrough.

27 On Wednesday morning, we got what we hoped for, unfortunately. That
28 morning, I was reviewing the case when Di called me again, relaying a report of
29 another bank robbery at the other Cache Community Bank branch location in
30 Stash Junction. I arrived 35 minutes later, at 9:40 a.m. When I arrived, a CCSO
31 Patrol Officer had secured the scene and was talking to five witnesses. The
32 Patrol Officer indicated to me that two were tellers and three were customers.

1 I spoke first with one of the tellers, who told me her name was Chris
2 Parcheezi. She was visibly shaken by the robbery and was breathing into a
3 paper bag when I approached her. As I approached, both of her eyes widened,
4 and Chris dropped the paper bag. While still gasping for air, Chris blurted out, "I
5 can't believe that just happened! I thought I was going to die!" I find that
6 interviews run smoother when the interviewee is calm. I picked up the bag,
7 handed it to her and had her sit down on a curb nearby. I sat beside Chris and
8 waited a few minutes, but Chris just wasn't calming down. I had to meet with the
9 other witnesses, so I began my questioning. Chris tried to master herself and
10 shakily told me what happened. She and her co-teller opened the bank at 9:00
11 a.m. Three customers walked in followed by a loud bang. She was startled and
12 looked up to see a masked robber burst loudly through the front doors,
13 brandishing a silver handgun. To Chris's horror, the robber beelined straight for
14 her and shoved a note in front of Chris demanding that she put "everything
15 behind the counter" into a paper bag. Chris did so, packing a little over \$5,000
16 from the tills and a small safe into the bag. She handed it to the robber who,
17 Chris remembered, then sped away in an older, light-blue sedan (the make and
18 model of which she didn't recognize and whose license plate she didn't see).
19 According to Chris, the robber didn't say anything. Her voice still quivering, Chris
20 gave the same physical description of the robber as Harper (white sneakers, blue
21 jeans, a black hoodie, a black mask, and black gloves) and indicated that the
22 robber was approximately the same height and weight as Bobbie Gunn. Chris
23 also explained that, after the situation at the Kuigley Crossing branch, the bank
24 decided to upgrade its security system, but a malfunction of the upgrade caused
25 only the audio to be captured, which meant the robbery wasn't captured on video.

26 When I finished with Chris, I turned to one of the customers. A minute or
27 two into that conversation, though, Chris tapped me on the shoulder. She
28 seemed much calmer than before: "Sorry about that, detective," she said coolly,
29 "I just needed a minute. I'm better now." Chris said I wanted to tell you two more
30 things. First, Chris said, she was a little unsure of the physical description she
31 gave me just a moment earlier; the robber, she indicated, actually might have
32 been taller and heavier than her original statement suggested. Second, she had

1 forgotten to tell me that, as she was putting the money in the bag, she had
2 slipped a small GPS device in with the bills. We could access it using a cloud-
3 based computer program, the login information for which she gave me on a scrap
4 of paper. I dropped everything—we had a chance to catch the robber! I
5 immediately called Tempest Nightshade, the CCSO Detective Bureau's computer
6 forensic specialist, and relayed the login information. A moment later, Tempest
7 told me: "Looks like your robber's heading southeast on old highway 91 toward
8 Riverville. Go! " I jumped in my car with a patrol officer, flipped on the siren, and
9 sped away.

10 Riverville is about 45 minutes south of Stash Junction. We had almost
11 caught up to the tracker when, to my dismay, Tempest called me back: "Looks
12 like your robber dumped the tracker," Tempest said with a groan. "It's on the exit
13 ramp to Bow Canyon." We sped to the ramp, and about halfway down the ramp,
14 we located the device on the side of the road. I was beside myself. We had lost
15 what might have been our only chance to catch this robber! I paused for a
16 moment and looked over the ramp's barrier at Fat Cat's Casino, which is located
17 next to the highway and just off the exit ramp. (Exhibit 1 shows the ramp, the
18 place where I found the GPS device, and the casino. The distances indicated on
19 the exhibit are accurate.)

20 I thought we had hit another dead end. I drove back to Stash Junction and
21 interviewed the remaining witnesses, none of whom were able to tell me anything
22 useful about the robber. And, like the Kuigley Crossing robbery, we weren't able
23 to locate any usable fingerprints in the bank itself.

24 The next day, though, we caught the break that ended up solving the
25 case. Out of the blue, Harper called me and told me that one of the bank's
26 customers, Bobbie Gunn, had just come into the Kuigley Crossing branch and
27 paid off Bobbie's mortgage in full. "So what?" I asked. "Well," Harper said,
28 "Bobbie's been delinquent in paying for months now. If Bobbie hadn't gotten
29 current by Friday, we were going to foreclose on the property." Bobbie told me
30 that Bobbie had won the money at Fat Cat's Casino, "but I don't believe it." In
31 that moment, it all clicked; Bobbie had robbed the bank to avoid losing Bobbie's
32 property. I drove down to Kuigley Crossing and collected the check that Bobbie

1 had used to pay off the mortgage, which had been issued from Fat Cat's Casino.
2 (A copy of that check is shown in Exhibit 2.) That was all the evidence I needed
3 from Fat Cat's, but I knew then that I had to talk directly with Bobbie. I looked up
4 Bobbie's address and drove over there.

5 When I arrived, I saw a small house on what looked like an average-sized
6 lot. I walked up, wearing plainclothes, knocked on the door, and Bobbie
7 answered, still dressed in pajamas, though it was midafternoon. Bobbie looked
8 annoyed with my presence, and there was a no-nonsense air about Bobbie.
9 "What's this about?" Bobbie asked abruptly. I hadn't yet identified myself as a
10 cop, but Bobbie's defensiveness told me I was on the right track. I didn't want to
11 tip my hand before taking Bobbie's temperature, so after identifying myself as
12 Detective Reecher of CCSO, I told Bobbie that we had received a report that a
13 car had been stolen in the area—an old, light-blue sedan, to be exact. Had
14 Bobbie seen a car matching that description? "Well, um... " Bobbie paused,
15 hesitating, "I used to own an old, blue Lincoln, but I sold it earlier this week. I
16 needed some cash." I asked to whom Bobbie had sold it. "Well, uh " Bobbie
17 hesitated again. After a beat, Bobbie said, "I can't remember. It was just some
18 guy I connected with on Craigslist, though the idiot forgot the title and hasn't
19 responded to my requests to get it to him." It was then that I knew I had to make
20 my move: "Where were you on Monday morning?" Bobbie's eyes widened at that
21 question. "MMM-Monday?" Bobbie stammered. "I, uh I was at home." "Anyone
22 with you? Anyone who can verify that?" I continued. "I mean no; I guess not. I
23 was at home watching TV the whole morning," Bobbie said weakly. I asked
24 Bobbie the same question about Wednesday morning and got the same answer.
25 "Look," Bobbie said, "I really need to get going. Can you come back later?"
26 Bobbie then abruptly shut the door in my face; Bobbie never asked why I wanted
27 to know Bobbie's whereabouts on Monday and Wednesday.

28 I did come back later—with warrants for Bobbie's arrest and to search the
29 house. In the house, in a desk drawer, we found the title to a blue 1996 Lincoln
30 Town Car, a copy of which is shown in Exhibit 3. We also found a black hoodie,
31 jeans, and black leather gloves. We didn't find white sneakers, a mask, or a gun,
32 but I figured Bobbie or anyone who watched a cop show knew to ditch those. The

1 1996 Lincoln was not in the garage at the time we arrested Bobbie, and it has not
2 been located. We also didn't find any cash, but Bobbie clearly had gone to the
3 casino and earned quite a bit of money.

4 I'm sure Bobbie is our robber. We never looked at anybody else for the
5 crime, but why would we? Just to confirm Bobbie's eyewitness account, I wanted
6 to talk more with Johnnie Canolly about the physical description of the robber,
7 but I wasn't able to locate him. I visited both his apartment and the Kuigley
8 Crossing bank, but he had stopped coming to work a few days after the
9 robberies. As far as I could tell, he disappeared.

10 After Bobbie was arrested, I learned about this cockamamie story about
11 Bobbie selling Bobbie's car on Craigslist. I looked on Craigslist for an ad selling a
12 1996 Lincoln in Utah and didn't find any matching ads. I didn't try to subpoena
13 Craigslist to see if they had any archived ads because, from what I've heard from
14 other detectives, Craigslist doesn't save deleted listings for more than one day
15 after their deletion. Doesn't matter, though—all the evidence points to the fact
16 that Bobbie is guilty.

17 I hereby attest to having read the above statement and swear or affirm it
18 to be my own. I also swear or affirm to the truthfulness of its content. Before
19 giving this statement, I was told it should contain all relevant testimony, and I
20 followed those instructions. I also understand that I can and must update this
21 affidavit if anything new occurs to me until the moment before I testify in this
22 case.

23

24

s/Riley
Reecher

Riley Reeher

Dated: October 4, 2023

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Subscribed and sworn before me on October 4, 2023.

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s/Roberta Frost

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Roberta Frost

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Notary Public in and for the State of Utah

1 **AFFIDAVIT OF HARPER MEADOWS for the Prosecution**

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Hi there! I'm Harper Meadows, and I'm 35 years old. I live in Kuigley Crossing, where I'm the newest manager of Cache Community Bank. I work out of the main branch, which also is located in Kuigley Crossing. Cache Community Bank is a small operation, but we are an important part of the community. We just celebrated our 90-year anniversary and received an award from Cache County for being one of the oldest community banks in the State of Utah. We've helped countless people in Cache County buy a home, start a business, or get through a rough patch financially. Our first loan, actually, was made in 1932 to the founders of Feldman Seed Farms. Believe me, that was a tough time to be making loans, but our founder thought that ol' J.P. Morgan had it right; the first thing when it comes to credit is character, before money or anything else. Our founders had been friends with the Feldman's for years, and they knew that their farm would turn out to be a success. They repaid the loan in full and on time, and Feldman Seed Farms has been one of our valued clients ever since.

I've known Bobbie Gunn for a couple of years. The bank has long used a company called Dewing Security LLC to manage our security system, and every couple of months, they send a technician, driving a company van, to each of our two branches to make sure everything's working as it should. I can't remember exactly when, but beginning at some point in 2015 or 2016 (or maybe it was 2014?), Bobbie became our technician. I liked Bobbie well enough. Bobbie was typically pretty quiet and businesslike. When Bobbie conducted inspections, a teller would let Bobbie back behind the counter, where Bobbie would inspect our security system and alert buttons. Bobbie had access to everything behind the counter, so Bobbie surely would've seen the amount of cash we typically have on hand.

In 2018, Bobbie was wrapping up an inspection when Bobbie popped into my office to let me know the inspection was complete. "Hey Harper," Bobbie said, "I'm thinking about buying this beautiful little house on the edge of town. Do you think I would qualify for a mortgage?" I was glad to help Bobbie, and we ended up loaning Bobbie the money needed for the purchase. Bobbie had gone

1 on and on in my office about how the house was Bobbie's "dream home," and—
2 at the time, anyway—I was happy to have been a part of it. For a time, everything
3 went smoothly. Bobbie made the monthly payments in full and on time and
4 continued visiting us every couple of months to inspect our security system.
5 Toward the end of 2022, sometime in November or December—I can't remember
6 when, exactly—Bobbie was wrapping up an inspection and flagged me down in
7 the hallway. "Hey," Bobbie said, "your video cameras are looking pretty old. If
8 you want, we can get you some upgraded cameras with much better resolution."
9 Bobbie quoted me a price, which I thought was reasonable. I said "ok," in
10 response to which Bobbie said: "Okay, great. I'll get the installation scheduled.
11 There's a lot of demand for these, so it may be delayed until July or August." We
12 ended up scheduling the installation for August of this year. The installation
13 meant that the cameras would be down on the day of the install, which is why the
14 banks did not have cameras working on the days of the robberies.

15 In January, we had an inspection scheduled, but it wasn't Bobbie who
16 showed up. The new inspector—her name was Beth, I think—said that Bobbie
17 had been let go from Dewing Security. Beth told me that she heard a rumor that
18 Bobbie had been stealing from the company, which as a former customer, a
19 bank, and as the mortgage owner, was pretty concerning. Bobbie had access to
20 basically all the secure areas of our branches when performing inspections.
21 None of our records showed a major discrepancy after the inspection days, but it
22 is possible that Bobbie managed to snag a few dollars here and there each visit.

23 Bobbie made the February mortgage payment, but in March, we received
24 no payment, and Bobbie did not reach out to the bank. The silence and lack of
25 payment continued through May. I tried calling Bobbie toward the end of April
26 using the number on Bobbie's account, but I got a prerecorded message
27 indicating that the line had been disconnected. I am not sure if the number was
28 for a landline or cell number. In mid-May, I decided to drive out to Bobbie's house
29 in person to see what was going on. When I got to the house, it was looking
30 pretty dilapidated; the grass hadn't been cut for what seemed like several weeks,
31 Bobbie's mailbox was stuffed to the brim, and there was a huge pile of trash
32 accumulating in front of the garage, which was closed. (I didn't see a vehicle on

1 the property, but I assumed it was in the garage.) I knocked on the front door,
2 and Bobbie answered, saw it was me.

3 Bobbie looked just as dilapidated as the house; there were huge bags
4 under Bobbie's eyes. "Hey, Bobbie," I said, "I've tried calling, but I haven't been
5 able to get through. Is everything okay?" Bobbie told me Bobbie lost Bobbie's job
6 in January and was going through a rough patch. However, one thing Bobbie
7 said that stuck with me was "money-wise, I've just really been in a jam, a bad
8 one."

9 I wanted to be as compassionate as I could, while addressing the needs of
10 the bank. I asked if Bobbie would be able to start payments up again soon, but
11 Bobbie just hemmed and hawed about not having a job and trying to find
12 something. According to bank procedure, we would begin foreclosure
13 proceedings after 120 days of non-payment. I told Bobbie that, but I'm not sure if
14 the message sunk in. I told Bobbie: "Normally, we'd begin foreclosure
15 proceedings after 120 days on nonpayment, which would put us at about June
16 1st, but I think we can be flexible. Do you think you'll be able to get back on track
17 by July 1st?" "I'll do my best," replied Bobbie halfheartedly. I thanked Bobbie and
18 walked away hoping for both of us that Bobbie would soon get back on Bobbie's
19 feet.

20 Unfortunately, though, July 1st came and went, and we still hadn't
21 received a cent from Bobbie. Mid-July, I drove out to Bobbie's house again, but
22 when I knocked on the door, nobody answered, although I'm positive I heard
23 footsteps inside. (The mailbox, I noticed, had been emptied.) At that point, I, as
24 the bank manager, was out of options; we're a small bank, and we had "floated"
25 Bobbie for as long as we could. On July 26th, I sent Bobbie a letter indicating that
26 we would begin foreclosure proceedings on August 13th if Bobbie had not caught
27 up on Bobbie's payments by then. A copy of the letter I sent to Bobbie is shown
28 in Exhibit 4. Sending letters like that is undoubtedly the worst part of my job, but
29 unfortunately, it's an unavoidable reality in the banking business.

30 On the morning of August 9th, I arrived at our Kuigley Crossing branch a
31 little before 9:00 a.m. to open things up. We were scheduled for the installation of
32 our new cameras that day around 9:30 or 10 a.m. Johnnie Canolly, our assistant

1 manager, arrived before me to disconnect the cameras, so the installation would
2 go quickly. We were told by our new inspector, Beth, that the installation would
3 only take thirty minutes, and our cameras would be up and running fairly quickly
4 after that. I waived at Johnnie, who was straightening up the lobby and had just
5 unlocked the bank's front door, and turned to go to the counter. I was halfway to
6 the counter when I heard rapid footsteps entering the lobby. When I turned
7 around, I froze. There was a person dressed in white sneakers, blue jeans, a
8 black hoodie, a black mask, and black gloves. The person was approximately the
9 same height and weight as Bobbie, though. Given the disguise, I couldn't have
10 said with absolute certainty that the person was Bobbie, at least not at that time.
11 Truth be told, though, I was more concerned about the small, silver handgun
12 pointing directly at my chest. With the person's other hand, the person threw a
13 paper grocery bag and a crumpled note at my feet, which, when I unfurled it,
14 read in computer-printed font: "PUT EVERYTHING BEHIND THE COUNTER IN
15 THE BAG." The person didn't say anything but gestured toward the counter with
16 their free hand and gestured to Johnnie to move behind the counter, too. I was
17 concerned for Johnnie; he was just a kid. He's worked at the bank since
18 graduating from the local high school. I guess it's been two or three years now.
19 Johnnie's family was always struggling for cash, and he hoped a job at the bank
20 here would help him save up for college, so he could leave this area. Both of us
21 were shaking; Johnnie and I moved behind the counter and emptied the tills and
22 the contents of a small safe behind the counter into the bag, which I then placed
23 on the ground in front of the person. The alert button was under Johnnie's till, and
24 if he had remembered his training and pressed the button, perhaps the robbery
25 would have never been successful, or the second one would have never taken
26 place. Anyway, we put a little over \$3,000 in the bag and tossed it over the
27 counter. As soon as the bag hit the floor, the person grabbed it, ran outside,
28 jumped into what looked like a light- blue sedan, and sped away. I didn't catch
29 the make, or model, or license plate – it's possible that the car didn't even have
30 plates on it. I was in shock! What's more, it occurred to me at that moment that
31 we wouldn't have video of the robbery. Now that I think about it, I think it was
32 Bobbie who scheduled the installation.

1 As soon as I could compose myself, I asked Johnnie if he had alerted the
2 police. Johnnie's face was pale, and Johnnie shook his head. I decided that right
3 now it wasn't the time to remind him of his training, so I reached under the teller's
4 counter and hit our alarm. A patrol officer from the Cache County Sheriff's Office
5 arrived about 20 minutes later. (I guess they had to drive all the way down from
6 Coho City; Kuigley Crossing is small enough that it's only got two cops in its
7 police department, and neither seemed to be on duty that morning.) A detective
8 named Riley Reeher arrived a few minutes after that, and I told the detective
9 everything that had happened. I also mentioned—with a note of frustration in my
10 voice—that Dewing Security was in the process of replacing our security
11 cameras, so nothing was caught on video.

12 In the day or so that followed, I still couldn't believe it. Why would
13 someone rob a small community bank like ours? It just seemed so senseless.
14 You can only imagine my shock when I heard from Detective Reeher on
15 Wednesday that our other branch had been hit by the same robber on the day of
16 installation. This is crazy because we pushed for that installation to happen faster
17 than originally scheduled. Given what happened here. I couldn't imagine who
18 would do such a thing.

19 On Thursday morning, at about 10:00 a.m., Bobbie Gunn walked into the
20 Kuigley Crossing branch. I was surprised, given Bobbie's prior lack of
21 communication. "Bobbie!" I said with a smile, "What brings you in today?" "Hi
22 Harper," Bobbie said. Bobbie looked relieved but nervous. Bobbie looked a little
23 worse for wear and may have lost some weight. "Um, I have this for you." Bobbie
24 handed me a check for \$5,212.14—which was the exact amount that Bobbie was
25 in arrears on Bobbie's mortgage at that point, including late fees. By making that
26 payment, Bobbie would become current on Bobbie's mortgage. That check is
27 shown in Exhibit 2. (Presumably, Bobbie had been receiving the paper mortgage
28 statements we send in the mail each month; that's the only way we communicate
29 that sort of information to our customers.) At first, I was elated. "Wow, Bobbie!" I
30 said, "Mind if I ask how you came up with it?" "Just had a lucky night at the
31 casino," Bobbie replied with a smile. I laughed, didn't think much of it, and shook
32 Bobbie's hand as hard as I could, telling Bobbie that the bank would not continue

1 with foreclosure, and reminded Bobbie that Bobbie still had to make Bobbie's
2 monthly payments.

3 As Bobbie walked out the door, though, a darker thought came over me.
4 We were just robbed, and Bobbie had miraculously come up with money to pay
5 off the home we were going to foreclose on. Was Bobbie the robber and was
6 Bobbie paying us back with our own money? Immediately, I called Detective
7 Reecher and recounted what happened. Detective Reecher came by to collect
8 Bobbie's check, and, well, I guess that's how I ended up writing this thing.

9 After thinking about it, I am sure Bobbie robbed us. Bobbie looked a lot
10 like what I remembered of the robber. And, how else could Bobbie have come up
11 with that much money so fast? In September, Bobbie paid Bobbie's monthly
12 mortgage payment—a little over \$600—in cash, mostly in \$5, \$20, and \$50 bills.
13 Unfortunately, we don't have the technology to determine whether those bills are
14 the same ones that were behind our counters on the days of the robberies, but I
15 can tell you that most of the cash we keep behind the counter is usually in those
16 denominations. The next month, shortly before Bobbie's payment was due, we
17 received direct deposit authorization paperwork from a place called Hinkley's
18 Espresso House. Since then, we've received regular mortgage payments from
19 Bobbie via direct deposit. I assume Bobbie got a job at Hinkley's.

20 A few days after the second robbery, I arrived at the bank for work, and
21 Johnnie was nowhere to be found. That was really odd, I thought. I hired
22 Johnnie, even though Johnnie had a bit of a reputation of shoplifting as a high
23 school student, but who in high school doesn't make mistakes. Johnnie was
24 punctual and had been a thoroughly reliable employee. Johnnie hasn't returned,
25 and I haven't heard from him since then. For a moment, I was tempted to wonder
26 whether Johnnie was in on the robbery, particularly because Johnnie and Bobbie
27 seemed to be pretty friendly whenever Bobbie stopped by for an inspection. In
28 fact, a few times, I heard the two of them talking together about how much they
29 liked the movie Butch Cassidy and the Sundance Kid. But the thought that
30 Johnnie would've actually committed a robbery in real life? That's ridiculous.
31 Sure, Johnnie can have a temper—I've had to talk with Johnnie a few times

1 about speaking a bit too aggressively with disgruntled customers—but I just can't
2 see Johnnie having a hand in this. Johnnie was one of the victims, after all!

3 I hereby attest to having read the above statement and swear or affirm it
4 to be my own. I also swear or affirm to the truthfulness of its content. Before
5 giving this statement, I was told it should contain all relevant testimony, and I
6 followed those instructions. I also understand that I can and must update this
7 affidavit if anything new occurs to me until the moment before I testify in this
8 case.

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s/Harper
Meadows

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Harper Meadows

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Dated: October 1, 2023

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14 Subscribed and sworn before me on October 1, 2023.

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s/Roberta Frost

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Roberta Frost

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Notary Public in and for the State of Utah

1 **AFFIDAVIT OF TEMPEST NIGHTSHADE for the Prosecution**

2
3 I'm Tempest Nightshade, and I'm 21 years old. I work in the Detective's
4 Bureau of the Cache County Sheriff's Office (the "CCSO") as a computer
5 forensic specialist. I grew up in Coho City, and I now live and work, right here.

6 I'll say it loudly and proudly: I'm an all-purpose computer nerd. When I was
7 a little kid, my parents bought me a copy of Myst, the old computer game, and I
8 was completely entranced. It was like I had been dropped into a totally new
9 world! It didn't take long for me to wonder how games like that were built, and
10 before long, I was learning to code in Java and C++. When I was 11 years old, I
11 managed to program my own text-based version of Myst—I called it Fogg—and
12 by the time I was 17, I had a regular side-hustle as a freelance coder.

13 I still code for fun, but by the time I got to college, I had become curious
14 about the electrical technology underlying the coding platforms on which I was
15 doing most of my work. So, after a period of vacillating, I decided to double major
16 in physics and computer science. I earned my bachelor's degree in those fields
17 from Stanford University in 2019. Right after college, I worked for a bit as a coder
18 at Ring-a-Ding, a social media platform based down in Palo Paquito, California,
19 but I grew bored of that pretty quickly. (You can only watch so many cat videos
20 before going completely bonkers, you know?) After about a year and a half, I
21 handed in my notice and returned home to Coho City. It took me a minute to
22 figure out what I wanted to do next, but I have a friend named Frankie Zapata
23 who works up in the Weber County Sheriff's Office. Frankie ended up putting in a
24 good word for me here at CCSO, which, it turns out, was in need of a computer
25 forensic specialist. In 2021, I accepted their offer, and I've worked here ever
26 since. In 2022, I completed a continuing professional education course at the
27 University of Utah in cybersecurity and computer forensics. As a result, I earned
28 a CompTIA Security+ certification. ("CompTIA" is short for the Computing
29 Technology Industry Association, which is one of the information technology
30 industry's leading trade associations.)

31 My day-to-day is pretty diverse. If it's computer-related, and if it's involved
32 in some sort of criminal enterprise, chances are I've worked on it. You'd be

1 shocked—or maybe you wouldn't—how often criminals rely on things like text
2 messaging and social media when committing crimes. It's way easier than most
3 people realize for me to dig up computer forensic evidence on a person's laptop
4 or smartphone. In fact, a few years ago, I helped Frankie out on a case in which
5 the defendant had done searches for "criminal penalties for threats" on her
6 smartphone before posting a bomb threat on Facebook. Frankie and I extracted
7 that data from her phone, and she ended up getting prosecuted.

8 Anyway, this case involves global positioning system or "GPS"
9 technology, with which I've got plenty of experience. In college, I attended
10 several lectures given by Professor Bradford Parkinson, who developed much of
11 the technology underlying the GPS system in the 1970s. That technology, as well
12 as its various law enforcement applications, was also a key topic covered during
13 my classes at the University of Utah. And, maybe most saliently, I've worked
14 several times with GPS technology in my career at the CCSO. For the most part,
15 I've used the technology to locate automobiles that officers believe are or will
16 imminently be involved in criminal activity. All of the work I've done with GPS
17 systems, including my work in this case—has been based on what I consider to
18 be sufficient facts and data. It's similarly based on what are widely accepted as
19 reliable principles and methods, all of which I have applied reliably in the cases
20 I've worked on.

21 On the morning of August 11, 2023, I was sitting at my desk tinkering with
22 an infrared camera when I received a call from Detective Riley Reeher.
23 "Tempest," barked Detective Reeher, "grab a pen. We've got another robbery
24 down at Cache Community Bank, and it looks like one of the tellers managed to
25 slip a GPS device into the bag of cash." I practically fell out of my chair. I had
26 heard about the first robbery, but with the camera's down and no evidence left at
27 the site needing my expertise, I had not followed the investigation closely,
28 though, and I knew from Detective Reeher that we basically had zero leads.
29 Detective Reeher told me that the GPS device was one manufactured by a
30 company called 4XT Security Systems, a company based in Pennsylvania. I'm
31 familiar with those systems—in fact, the CCSO has used them in other contexts

1 before—and I was glad to know that I'd be working with technology with which I
2 was familiar, and which I consider to be especially reliable.

3 Let me pause for a moment, though, to explain how GPS technology
4 works. It involves two basic components: a "receiver," which is the tracker whose
5 position we're monitoring on the ground, and "satellites," which orbit the earth
6 and are used to determine the receiver's position with precision. The basic
7 concept is fairly simple: The satellites broadcast electromagnetic waves to the
8 receiver, which are modulated to convey information concerning the time at
9 which the signals are transmitted. Unsurprisingly, these are called "time of
10 transmission" or "TOT" values. Then, when it receives the signal, the receiver
11 calculates the signal's time of arrival (a "TOA" value) based on its own internal
12 clock. The difference between those values is called the "time of flight" or "TOF"
13 value. Since the speed of those waves is, as a matter of physics, always going to
14 be constant, the TOF value will be proportional to the distance between the
15 satellite and the receiver at that moment. Using a similar process, the system can
16 independently determine each satellite's position at each TOT, so based on that
17 data and the receiver's TOF value, the receiver can calculate exactly how far
18 away from the satellite it is at that moment. Sounds simple enough, right?

19 Well, it's actually a little more complicated. In order to accurately
20 determine the real position of the receiver, you need to calculate four separate
21 values. After all, if I simply told you that I was a hundred feet away from you, you
22 wouldn't know exactly where I was based on that information alone, would you?
23 Are you a hundred feet in front of me? Behind me? Above me? The first three
24 values correspond to what are commonly known as Cartesian coordinates, i.e.,
25 latitude, longitude, and height relative to the geoid (which essentially means
26 height above sea level). The fourth has to do with the difference between the
27 satellites' clocks and the receiver's clocks. While the satellites all have extremely
28 reliable atomic clocks, it's usually going to be impractical to put an atomic clock
29 into a receiver, particularly one as small and inexpensive as the one we're
30 discussing here. That means there will almost always be small differences
31 between the receiver's clock and the satellites' clocks, which, in order to
32 accurately calculate the receiver's position, need to be accounted for.

1 So, four values means that a receiver needs four satellites in order to
2 calculate its location accurately. Based on those four values, the receiver then
3 can calculate its position, which a user can see in an overlaid map; think of what
4 you typically see on your phone when you open your "Maps" app.

5 GPS technology, including the 4XT system that I was using on the 11th, is
6 extremely reliable. There currently are 32 GPS satellites orbiting the earth in
7 different positions, which means it's virtually impossible for a receiver anywhere
8 in the world to have access to fewer than the required four at any given time. In
9 fact, a given receiver often has access to between six and ten satellites at any
10 given moment; that extra data makes the positioning process even more reliable.

11 Like any computer system, though, the GPS system isn't 100% perfect.
12 There are two primary aspects of it that can lead to small imperfections, although
13 I have to emphasize that such errors are usually only a matter of a few feet, if
14 that. First, in some cases, GPS satellites will sometimes "drift" in their orbits,
15 leading to miniscule errors in the way we calculate their position here on earth.
16 Such errors are corrected on a daily basis, but if you've got a TOT value that's off
17 by a microsecond, it's possible that you'll end up with a GPS location that's
18 slightly off. Again, though, we're usually talking about no more than a few feet, if
19 not inches. And the fact that there are usually more than four satellites connected
20 to a receiver at any given time makes this a really remote possibility, although it
21 is theoretically possible.

22 Second, we've got to keep in mind that, in this case, the receiver I was
23 tracking wasn't in a static position; it was moving. That adds another layer of
24 complication, because the continuous movement you see when you open your
25 "Maps" app on your smartphone when you're riding in a car is actually a little
26 misleading. In that case, the GPS system isn't tracking your location on a
27 continuous basis; rather, it's collecting a series of data points over time that
28 happen to be close together. What's key here is that the software underlying the
29 program isn't just doing it retrospectively. Instead, it's using that data—as well as
30 artificial intelligence—to *predict* where it thinks the receiver will go next. Take a
31 simple example: If you detect a receiver at one point on a road at 11:45:30, and
32 then the receiver moves 100 feet east on the same road at 11:45:31, the system

1 is going to predict that the receiver will be 100 feet farther east on the same road
2 at 11:45:32. Sometimes, this can lead to small errors. Take the same example.
3 Let's say you're in the car, and you've made a right turn at 11:45:31. For a brief
4 moment, your "Maps" app might show incorrectly that you're continuing straight,
5 rather than turning right, because that's what the prior two data points suggest.

6 Anyway, back to this case. After logging into the 4XT online system and
7 entering the login information that Detective Reecher gave me, I saw a blue dot
8 traveling southeast on the old highway 91, from Stash Junction toward Riverville.
9 "It's going to Riverville on old 91—get after 'em!" I yelled into the phone to
10 Detective Reecher. I said I'd call back with any updates and hung up the phone.
11 About 35 minutes later, I was watching the blue dot approaching the Bow
12 Canyon exit, just outside of Riverville. The dot appeared to pass just beyond the
13 exit, but then, it reappeared at a location on the exit ramp, off the highway. I
14 thought it might just be a temporary error with the system, but alas, the dot
15 stopped moving there. Exhibit 1 is a screenshot of the map that I saw on the
16 screen at that moment. I've indicated in a red marker the last place on the
17 highway that I saw the blue dot before it came to rest on the exit ramp.

18 I would have liked to try to confirm that the blue dot I saw on the screen
19 actually was Bobbie Gunn, but given the information I had, I wasn't able to do
20 that. The only real way I could have done that with certainty would have been to
21 run a geofence search, but we weren't able to acquire any sort of electronic
22 identifier unique to Bobbie that would have allowed us to do that. Our best bet
23 would've been Bobbie's personal email address, but we weren't able to locate
24 that.

25 Regardless, in my expert opinion, the data I viewed while watching the
26 blue dot on the 4XT online system compels the conclusion that the car exited the
27 highway at Bow Canyon, rather than continuing along the highway. True, the
28 blue dot did appear briefly at a point beyond the exit, but that's likely due to the
29 predictive technology I discussed above; after all, the car had been moving
30 continuously southward on old highway 91 for about 30 or so minutes
31 beforehand, and, in my experience as a coder, I'd say it'd be natural for that or
32 any other software program that incorporates predictive technology to predict that

1 the car would simply continue along on the same road. To be fair, I can't say
2 exactly how it got to the place where Detective Reecher ultimately found it. Given
3 the data I saw on the screen, it's possible. I suppose that a driver threw it out of
4 the window while continuing along the highway. But, in that case, it's likely that I
5 would've seen the blue dot move once or twice along the exit ramp. The data is
6 much more consistent with a scenario in which the driver exited the highway,
7 slowed down, and simply dropped the device out of the window. Plus, I'm not
8 sure about you, but think about how far a throw that would've been—I certainly
9 couldn't have done that!

10 I did submit a geofence search warrant to Google for any accounts that
11 were present at both robberies, but it was of no investigative use. First, Google
12 didn't respond to the search warrant until about a week ago. They are always so
13 late, claiming they don't have the resources to respond in a timely manner, which
14 seems pretty sketchy. Second, Google said there weren't any devices that were
15 present at both robberies. This is not that unusual. You always hope for a home
16 run with a geofence warrant, but people are a lot better these days about
17 controlling their location settings on their mobile devices. I was hoping that we
18 would find Bobbie's cellphone when Bobbie was arrested, but we were never
19 able to find one. (Often, the phone will have more location information than we
20 can glean from Google.) I couldn't do anything else because I didn't know
21 Bobbie's phone number, email account, or anything else that would allow me to
22 seek more location information. So that was all pretty much a dead end.

23 I hereby attest to having read the above statement and swear or affirm it
24 to be my own. I also swear or affirm to the truthfulness of its content. Before
25 giving this statement, I was told it should contain all relevant testimony, and I
26 followed those instructions. I also understand that I can and must update this
27 affidavit if anything new occurs to me until the moment before I testify in this
28 case.

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s/Tempest
Nightshade

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Tempest Nightshade
Dated: October 4, 2023

1 Subscribed and sworn before
me on October 4, 2023

s/Roberta Frost

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Roberta Frost

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Notary Public in and for the State of Utah

1 **AFFIDAVIT OF BOBBIE GUNN for the Defense**

2
3 My name’s Bobbie Gunn, and I’m 27 years old. I live in Kuigley Crossing
4 near the somewhat rundown, but busy, baseball field.

5 I was born in Riverville and graduated from Hamilton High School back in
6 2012. Back then, I was interested in two things, playing baseball and music. I
7 was a pretty good pitcher; some scouts checked me out, but music was my real
8 passion. So, when I graduated, I figured I’d try to join a band. I’m a bass player,
9 so I figured it’d be easy. (We’re supposed to be in high demand, you know?) As it
10 turned out, though, the first few years were kinda rough. I waited tables, worked
11 odd jobs, and did my best to save money while I was looking for a permanent
12 gig. I have to say that I hated being constantly short of cash. I ended up having to
13 borrow money a few times from my friends, and on more than one occasion, I did
14 my best to pay the money back. The thought of not paying all the money back
15 still makes me sick to my stomach, but, at the time, I didn’t really have any other
16 options, and I did my best. My friends did stop loaning me cash eventually, but I
17 hit the jackpot in 2014.

18 I finally landed a permanent place in a rock band called “Marlo Hubbard
19 and the New-Age Knuckleheads.” It was led by a guy named Marlo Hubbard,
20 who, in retrospect, was a real piece of work. Marlo imagined himself—and yes,
21 these were his exact words—as “Don Felder reincarnated.” I reminded him often
22 that Don Felder wasn’t actually dead, but Marlo didn’t seem to let that minutia
23 bother him.

24 Marlo basically exercised dictatorial control over every aspect of the band;
25 he chose the songs, picked the gigs, decided who got to solo, and—most
26 irritatingly to me—controlled the money with no visibility. I had no idea how much
27 money we were making, but I am sure he was shortchanging me. As if that
28 wasn’t enough, he was always needling me with jokes about bassists, which
29 definitely aren’t funny. (“What do a bassist and a lawsuit have in common?
30 Everyone feels a lot better when the case is closed!”) My last straw came when,
31 following a gig, Marlo tried to dock my pay because he thought I had been out of
32 tune for the second half of the show. I was barely making enough for food and

1 rent, so I more or less snapped. I yelled at him and, well, things got a little out of
2 hand. I punched him pretty good and, while he was distracted, grabbed a bit of
3 cash from his wallet to cover what he owed me.

4 That was, unfortunately, the end of my time in music. I started waiting
5 tables and basically going back to what I did right after graduation. By 2016, I
6 had earned just enough to make a life change. So, I packed up what little I had
7 and drove down to Coho City. After a week or two in a motel, I found an
8 apartment, and, in few weeks, I found a job as a landscaper at the Coho
9 Community Association. It was hot, hard work, but I enjoyed being outside and
10 liked working with my hands. At night, I attended computer security classes at
11 Coho Community College, and I ended up earning my associate's degree in that
12 field in 2018. With my new degree, I knew that I could find a better paying job
13 and stop living paycheck to paycheck. A few weeks after that, I got a job at
14 Dewing Security, a small company based in Coho City, that installs and manages
15 security systems across the state.

16 As a Dewing technician, I had a regular rotation of companies at which I'd
17 perform periodic inspections. One of those companies was Cache Community
18 Bank, a small place with branches in both Kuigley Crossing and Stash Junction.
19 During my first few years as their security specialist, I got to know Harper
20 Meadows, the bank's manager, reasonably well. I liked Harper well enough, I
21 suppose, but, in my opinion, Harper is definitely a penny-pincher—and is willing
22 to shade the truth if it can help Harper make an extra buck. More than once, I've
23 performed services or installed bank upgrades that Harper has verbally approved
24 in advance. Then, when my office would get the bill, Harper would tell us that
25 Harper didn't approve those expenses and wouldn't be paying for them, even
26 though Harper knew perfectly well that the bank owed us the money. I stopped
27 suggesting upgrades for that reason. I didn't want to ruin my relationship with
28 Harper. I don't remember ever suggesting to Harper that the bank install a new
29 security system, much less scheduling any such installation, but frankly I'm
30 surprised Harper would have agreed to it. Regardless, if Harper had agreed to a
31 rescheduling, scheduling the installation sounds like something I might have

1 done, I guess—I had regularly done it with other customers—but I just don't
2 recall ever doing it with Cache Community Bank.

3 Back in 2019, I had just finished up an inspection at the bank and popped
4 my head into Harper's office. See, I had finally saved up enough money for a
5 down payment on a house; it had been my dream to own a home since I arrived
6 in Cache County, and I had recently found this wonderful little property near the
7 city park in Kuigley Crossing. It was small, but it was (and is) my dream house! It
8 has two bedrooms, a wonderful kitchen, and a great deck that backs up the
9 baseball field. Even better, it's a short walk, like maybe ten minutes, to my
10 favorite coffee shop, Keira's Yogurt and Coffee. I go there just about every
11 morning to get my day going.

12 I needed a mortgage to finance what the down payment wouldn't cover, so
13 I asked Harper if the bank would be able to help. Harper was very willing to help
14 and sat down with me right away to run some numbers. Harper did seem a bit
15 concerned when Harper ran my credit report, which was understandable. My
16 credit wasn't stellar. I remember thinking that the house was going to slip through
17 my fingers. I still remember exactly what happened next. It was honestly one of
18 the biggest miracles in my life.

19 "Look," Harper said, "your credit isn't exactly stellar, and so this isn't
20 something we'd normally do, but for you, we'll make an exception." Harper
21 concluded with a wink and a grin: "Just don't make me look bad." I signed the
22 paperwork the next month, and before I knew it, I was living in my dream home. I
23 had never been happier! Finally, I felt like I had made something of myself, and I
24 was living my American dream, you know?

25 Things went fine for a few months. The money I was earning from Dewing
26 was good, and I made my monthly payments each month on time and in full. In
27 late 2022, I even started a DIY construction project to expand my back deck. In
28 January, though, I got blindsided. Just after the new year, my boss, Amy
29 Jamieson, called me into her office and delivered what turned out to be horrible,
30 shocking news: Dewing Security was firing me, effective immediately. I couldn't
31 believe it! Amy claimed that I was embezzling money from them, but that she
32 was just going to fire me. I couldn't believe what I was hearing. I asked what

1 proof she had, and she just said, “I have enough. Go collect your things and turn
2 in your keys.” Still in shock, I stumbled out of Amy’s office. What she was telling
3 me was absolutely, positively untrue. I had never stolen anything from anybody,
4 and, to this day, I have no idea why I was let go. As I trudged into the parking lot
5 with my things, I felt tears welling up in my eyes. What was I going to do?

6 I had spent most of my savings on the materials I needed for my new
7 deck, and if I still wanted to eat and pay the utility bills, I had enough money left
8 for one month’s mortgage payment. I paid the February payment, but come
9 March, I just couldn’t scrape enough together. My unemployment was minimal,
10 and not enough to cover my mortgage. I was trying as hard as I could to get a
11 new job, but since I obviously wasn’t going to get a reference from Dewing, my
12 options were limited. March, April, and May passed, and I didn’t make my
13 payments. In retrospect, I wish I had reached out to the bank to talk things
14 through—Harper had been so kind to me, I now feel like maybe I owed Harper
15 that—but I was just too embarrassed to pick up the phone. Plus, in May, the
16 phone company disconnected my landline for non-payment of my monthly fees,
17 which is the only number I had given to the bank. I still had a Google Pixel
18 cellphone which runs on the Android system and is logged into my personal
19 Google account, so I didn’t think it was a big deal to lose the landline. You can’t
20 get by these days without a cellphone, and I take it everywhere with me. Some of
21 my friends seemed shocked that I always had my location service on and just
22 didn’t care much about security on my phone. The government can track me
23 regardless of what I do, so I don’t worry too much about it.

24 Sometime toward the end of May, I heard a knock on my door, and when I
25 answered, it was Harper. Harper asked if everything was okay, in response to
26 which I explained that I had lost my job and was going through a bit of a hard
27 time. Harper asked if I’d be able to resume payments soon, and I said that I’d do
28 my best. Harper smiled and said, “Look, Bobbie, this can’t go on forever, but
29 we’re going to find a way to figure this out. Just don’t worry.” Harper definitely
30 didn’t say anything about a July 1st deadline. Following Harper’s visit, I
31 remember feeling reassured in a way I hadn’t in months. I was having a tough
32 time, but Harper and the bank were looking out for me.

1 That was the last I heard from Harper until I was arrested. I definitely didn't
2 see the letter shown in Exhibit 4 until the state produced it in discovery in this
3 case, and I wasn't aware that the bank was going to begin foreclosure
4 proceedings on August 13th if I didn't pay. After all, Harper had made it sound
5 like the bank was going to take care of me. Maybe the letter was in my mailbox,
6 but I don't check my mail that often—I try to do everything electronically—and I'm
7 positive I didn't see it until sometime in November or December.

8 Still, by August, I was starting to feel worse and worse about my mortgage
9 situation. Harper had shown me good faith, and I wanted somehow to return the
10 favor. I tried to go and talk to Harper on the 8th, but it wasn't until I got to the
11 bank that I realized it was closed. I didn't like it, but, eventually, I knew what I had
12 to do: I would sell my car and get current on my mortgage payments, even if I still
13 didn't know how I was going to make the rest of them. I had held off on selling
14 the car because I really needed a way to get around—I live in what's known as a
15 "food desert," and it's a three-and-a-half-mile hike from my front door to the
16 nearest grocery store (Thanks a lot, Amazon!)--and I needed a car if I was going
17 to get a new job—but I figured I was out of options. I put an ad on Craigslist on
18 the morning of August 9th, and, within an hour, I had a buyer for my 1996 Lincoln
19 Town Car. Though my car was old, it was pretty special in its prime. I always took
20 really good care of it. I was able to get \$3,500 for it, which is bit more than double
21 the bluebook value. I don't remember the name or anything else about the
22 person who came and bought it, other than that he paid cash, small bills which
23 was definitely annoying, and said he was a collector, was in a hurry to buy and
24 didn't try to negotiate. I took the license plates off the car, but I guess I forgot to
25 give him the title, but he didn't ask, and I had no way of contacting him. I don't
26 have a copy of the Craigslist ad, because I deleted it after I sold the car, and I
27 don't think Craigslist keeps archives of ads.

28 I was feeling pretty good at that point, so, later that day, I decided to head
29 up to Fat Cat's Casino near Riverville to see whether I could turn my \$3500 into a
30 little more. I've been playing poker since my music days, and, at risk of sounding
31 like I'm bragging, I'm really good. I didn't have my car anymore, but Fat Cat's
32 runs a free shuttle which stops in a few towns in Cache County, including Kuigley

1 Crossing. So, I took the shuttle there and arrived around 4:30. I remember
2 chatting with Dakota Prescott in the cage before I hit the floor, and I told Dakota
3 that I had just sold my car. I wasn't going to risk all my money, so I decided to
4 only play with \$1,500. That's way more than I usually would play with—I usually
5 limit myself to a few hundred bucks at the most—but, like I said, I was feeling
6 good. I had a great night and walked away with something like three or four
7 grand over my initial buy in. I gave Dakota my chips and asked for my money
8 back in cash. Because of the amount I started with, the casino didn't have to give
9 me any tax forms for my winnings. I then took the shuttle home. Other than
10 Dakota, the poker dealer, other players at the table (none of whom I was familiar
11 with) and the guy who bought my car, I didn't see or talk with anyone else that
12 day.

13 I had been planning on making my mortgage payment the next day, but,
14 given how well I had done at the casino, I was wondering whether I could make
15 even more money at the poker table before doing so. The next day, I sat around
16 the house and worked a bit on the deck—I didn't see or talk to anyone all day—
17 and the next day, August 11th, I decided to take the shuttle back up to Fat Cat's
18 Casino. I got there right when they opened at noon. That was a little unusual for
19 me, but I was unemployed, so it's not like I had anything else to do. I followed the
20 same routine as before. My buy in was \$1,500 in chips, did relatively well, and a
21 few hours later decided to cash it in at about \$3,000. I don't remember what I
22 talked about with Dakota when I was trading in my chips, other than mentioning
23 something about needing to pay back the bank and asking that Dakota issue me
24 a check for \$5,212.14 that I could give to the bank. (That was the amount due on
25 my mortgage, which I had seen on my most recent mortgage statement.) I gave
26 Dakota the extra cash that would go into the check, got it printed, and left the
27 casino at about 3:30 p.m. and headed home.

28 The next day, I walked down to the bank's Kuigley Crossing branch and
29 gave Harper the check, which is shown in Exhibit 2. Harper seemed really happy;
30 Harper asked how I came up with the money, and I told Harper about selling my
31 car and getting lucky at the casino. I didn't think anything of it, other than feeling
32 good about getting current on my payments.

1 That afternoon, though, I received yet another shock; a Cache County
2 Sheriff's Detective, whom I now know to be Riley Reeher, showed up at my
3 door and started asking me a bunch of really aggressive questions. I don't
4 remember all the details, but I do remember the detective asking about a stolen
5 car that sounded like the one I had just sold. I told the detective that I had just
6 sold a *dark* blue car, not a light blue one, but the detective didn't seem to care. I
7 told the detective that I sold it to some guy on Craigslist, that I didn't know exactly
8 who he was, and that I had been at home alone on both Monday and
9 Wednesday mornings. The detective was making me really uncomfortable, so at
10 that point, I asked the detective to tell me what was going on. I still remember the
11 detective's suspicious look and the way the detective said, "Not yet, but you'll find
12 out." That irritated me; it seemed like something someone would say in a true
13 crime film. I shut the door in the detective's face and went back to working on my
14 deck.

15 Next thing I know, I'm in handcuffs. I had nothing to do with the two
16 robberies. I didn't see the headlines regarding the robberies until after the
17 detective's visit. I got curious about what it might be all about. I just hope I can
18 clear my name.

19 I hereby attest to having read the above statement and swear or affirm it
20 to be my own. I also swear or affirm to the truthfulness of its content. Before
21 giving this statement, I was told it should contain all relevant testimony, and I
22 followed those instructions. I also understand that I can and must update this
23 affidavit if anything new occurs to me until the moment before I testify in this
24 case.

25

s/Bobbie Gunn

26

Bobbie Gunn

27

Dated: December 9, 2023

28

29 Subscribed and sworn before me on December 9, 2023

30

s/Roberta Frost

31

Roberta Frost

32

Notary Public in and for the State of Utah

1 **AFFIDAVIT OF DAKOTA PRESCOTT for the Defense**

2
3 Hi there, people. Where should I begin? Oh yeah, I guess my name would
4 be a good start: I'm Dakota Prescott. I'm 67 years old, and I live in Riverville,
5 Utah.

6 I've bounced around quite a bit over the years. I grew up in the San
7 Francisco Bay Area where my parents ran a bunch of national newspapers. I
8 didn't want to live the corporate business life, so I was a bit of a rebel. I ended up
9 running in a few different circles—mostly social clubs, a few bands, one or two
10 secret societies, things like that. Ever heard of the Paranoids, the music group? I
11 was their bassist for a while and for a few different bands, but eventually I got
12 caught up in a bank fraud scheme for a secret society.

13 In 1981, I was convicted following a trial of multiple counts of bank fraud. I
14 served 5 years in prison and was released in 1986. That whole thing was a
15 sobering experience, and I chose to clean up my life. I can't say I feel that
16 concerned about the banks losing that money, but I did not want to return to the
17 prison life.

18 Anyway, after I got out, things were pretty tough. Especially back then, it
19 was really hard for a recently convicted felon to find work, so I worked lots of odd
20 jobs. I was a gardener, a delivery driver, a waiter, a painter, and a bunch of other
21 odd jobs; can't remember them all. In 1995, I decided California was just getting
22 too expensive, so I moved out to Riverville from the Bay Area and told myself I
23 needed to make a new start. That year, it turned out, was when Fat Cat's Casino
24 opened about 45 minutes outside of town. I started as a janitor that year. Since
25 then, I worked my way up to the casino's assistant floor manager. They asked on
26 the application whether I'd ever been convicted of any crimes, and, this time, I
27 decided I'd simply write "no." I'd been honest about my conviction before, and the
28 only thing it had gotten me was rejection letters. I figured I'd take a chance and
29 see if the casino would follow up on it. As far as I know, they never did, and I got
30 the job.

31 As the floor manager, I divide my time between the "cage" and the floor
32 itself. The cage is the area where customers come to exchange their money for

1 chips, which they can then use to play poker, blackjack, and many of our other
2 games. It's a pretty routine job—the customer gives me the money; I count it and
3 then give them the chips—but someone's got to do it. It was primarily in the cage
4 that I met Bobbie, who's been a regular at the casino since, I don't know, maybe
5 2016? Since then, Bobbie has visited us about once a month. Bobbie has told
6 me before that Bobbie's game is poker—Texas Hold 'Em, to be precise—and
7 from what I can tell, Bobbie is a really good player. A number of times over the
8 years, Bobbie has come to the cage with only \$50 or \$100, and then come back
9 at the end of the night with \$2,000 or \$3,000 in chips. Of course, that doesn't
10 happen every time; sometimes Bobbie more or less breaks even, and sometimes
11 Bobbie loses money, but, overall, I'd say that Bobbie seems to win more money
12 than Bobbie loses.

13 You want to know about August 9th? It was a busy night, and I was
14 alternating between the cage and the floor. At about 4:30 p.m.—which is earlier
15 than Bobbie usually comes in—Bobbie showed up at the cage with a wad of cash
16 in a paper bag. It was a lot more than Bobbie usually brings. I made a comment
17 about Bobbie winning the lottery, but Bobbie told me that it was cash from
18 Bobbie's old car. I definitely counted the money, but to be honest, I can't
19 remember exactly how much Bobbie gave me. It was somewhere between
20 \$1,500 and \$2,000. I do remember, though, that it was mostly twenties and fifties
21 along with a few fives. Bobbie seemed relaxed for the whole interaction; if you
22 had told me that Bobbie had just robbed a bank, I'd be surprised. Bobbie was
23 wearing blue jeans and a t-shirt. (I didn't see Bobbie's shoes.) There were plenty
24 of people there on the floor that night wearing dark hoodies; after all, it's a pretty
25 good way to protect your poker face.

26 Bobbie grabbed Bobbie's chips and headed straight to the poker table. I
27 didn't see Bobbie again until later in the evening, when Bobbie came back to
28 cash in Bobbie's chips. Bobbie's win added up to over \$3,000. "Good going, my
29 friend! Looks like you won some," I said absentmindedly. Bobbie still seemed
30 relaxed; the whole evening had been perfectly ordinary, as far as I was
31 concerned. I asked how Bobbie wanted the winnings and gave Bobbie the cash
32 as requested. It was mostly in fifties. I saw Bobbie again on August 11th. I

1 remember that day a little more clearly because Bobbie came in at about 12:15
2 p.m., right after we opened. Bobbie was the first person up at the cage, again
3 with a paper bag full of cash. I was a bit taken aback, only because Bobbie had
4 just been in the previous Monday and, as far as I can remember, has never come
5 in this early or regularly. Apparently, it was Bobbie's day off, and Bobbie felt like
6 Bobbie's luck was still in. I counted the cash, but, again, I don't remember exactly
7 how much Bobbie gave me—only that it was somewhere between about \$4,000
8 and \$5,000 and that it was mostly in twenties and fifties, with a few fives thrown
9 in for good measure. It was odd that Bobbie had more cash. I remember asking if
10 Bobbie sold another car?" Bobbie chuckled and said, "This is just the rest of what
11 I got for the first one." As on the 9th, there were a few people who came in later
12 in the afternoon wearing dark hoodies. From what I remember, Bobbie was
13 dressed similarly to the previous visit, jeans, t-shirt, but this time Bobbie was also
14 wearing a hoodie, a dark hoodie I believe.

15 Bobbie came back an hour or two later with Bobbie's chips, which I
16 counted, and which amounted to something just under \$5,000—I don't remember
17 precisely. This time Bobbie took a bit to respond. Bobbie told me that Bobbie was
18 let go awhile back and that the bank was getting after Bobbie for not paying the
19 mortgage on Bobbie's home. Bobbie looked really stressed and said, "The car
20 was the last thing I had, so I really need to pay the bank. If I give you the rest in
21 cash, can you make out a check to Cache Community Bank for \$5,212.14?" I did
22 as Bobbie asked. The rest of the cash was mostly in fifties like what I gave
23 Bobbie on Monday. As on Monday, Bobbie seemed relaxed for our entire
24 interaction.

25 I later read about the bank robberies in the *Coho Chronicle*, but if you ask
26 me, I don't think Bobbie is the one who did them. Bobbie seemed totally calm on
27 both nights; I mean, how would you be if you had just robbed a bank? If
28 anybody's robbing anybody, it's the bankers themselves. I've had a mortgage
29 with that same bank since 2002, and I can't believe how high my monthly
30 payments are. The way I see it, it's them who've been robbing me for 20 years.

31 I hereby attest to having read the above statement and swear or affirm it
32 to be my own. I also swear or affirm to the truthfulness of its content. Before

1 giving this statement, I was told it should contain all relevant testimony, and I
2 followed those instructions. I also understand that I can and must update this
3 affidavit if anything new occurs to me until the moment before I testify in this
4 case.

5

6

s/Dakota Prescott

7

Dakota Prescott

8

Dated: October 26, 2023

9

10 Subscribed and sworn before me on October 26, 2023.

11

s/Roberta Frost

12

Roberta Frost

13

Notary Public in and for the State of Utah

1 **AFFIDAVIT OF DARCY STORM for the Defense**

2
3 My name is Darcy Storm. I live in Coho City. I'm 40 years old, and I
4 work as a private investigator. I was hired by Bobbie Gunn's defense team to
5 conduct an investigation into the bank robberies that took place on August 9th
6 and August 11th. I charge \$110 per hour for investigative time, \$250 per hour for
7 testimony, plus my costs. After reviewing the work done by the Cache County
8 Sheriff's Office (the "CCSO"), I concluded that the investigation was inadequate,
9 and that Bobbie Gunn is not the robber.

10 I grew up in Coho City and attended the University of Utah, where I
11 majored in criminal justice. When I graduated in 2003, tech companies were
12 hiring everyone they could who knew anything about computer science. My mom
13 always said that taking a coding class would be job security; turned out she was
14 right. I started my career as a designer at GPS Maps in 2004. I primarily was
15 responsible for the look and "feel" of the site. After a couple of years, I was laid
16 off, but, honestly, it turned out to be a blessing in disguise. I was able to return to
17 my criminal justice roots. I opened my own investigative agency in 2006 with
18 special expertise on GPS and location technology. Though I accept almost every
19 client, I'm frequently hired by criminal defense lawyers. Governments like to use
20 their own experts, but I have found that they do not fully understand GPS and
21 location technology. Prosecutors are quick to draw conclusions on insufficient
22 GPS or location data in almost every criminal trial I have testified in. The juries
23 tend to listen to them, though, and I blame the true crime fad.

24 Over the years, I've taken a number of continuing education courses at
25 Coho Community College on GPS and location technology, which comes up in
26 my work more often than you might realize. I also have a certification in GPS and
27 location technology from the Defense Institute of Continuing Education, which I
28 obtained in 2019. I've worked on dozens of cases and have previously testified
29 as an expert witness in both state and federal courts on GPS and location
30 technology (among many other subjects). I've always testified for the defense.

31 I have come to three conclusions based on the affidavits of the other
32 witnesses and all of the available exhibits. First, the GPS device could have been

1 thrown out of the car from the freeway or dropped out of the window off the exit
2 ramp. Second, the tracking data from Bobbie's phone could have been obtained,
3 provided that the search warrant was properly drafted, and basic information
4 obtained. Third, Bobbie's phone data indicated Bobbie was not in Stash Junction
5 on August 11 or at the site of the first robbery on August 9.

6 Bobbie Gunn's attorneys showed me the affidavit of Tempest Nightshade,
7 who I understand to be a computer forensic specialist with the CCSO, and asked
8 me to comment on Tempest's conclusions. I cannot question Tempest
9 Nightshade's general mode of analysis, but I don't agree with the ultimate
10 conclusion that the robber's car must have exited the freeway at Bow Canyon. I
11 haven't actually been to the location where the tracking device was found. Based
12 on Tempest's description, it is equally possible that the device could have been
13 thrown from the freeway (due to the blip of the device being tracked after the exit)
14 or dropped out of the window from the exit ramp. There are too many variables to
15 rule out either option without extensive testing, and even then, determining the
16 strength of the wind, the strength of the thrower, the speed of the car and so forth
17 would be nearly impossible. Tempest's conclusion is nothing more than
18 conjecture.

19 The way I see it, because the tracking data on which the government
20 relied doesn't tell us very much—including, most importantly, where Bobbie was
21 at the time of the robberies—I decided that I needed more information. So, I
22 asked Bobbie if Bobbie had a cellphone. Bobbie told me that Bobbie had an
23 Android device, which is great. Anyone with an Android device is automatically
24 connected to a Google account. Depending upon the privacy settings you have
25 setup on your phone, Google can and will collect location information on your
26 device anytime you access a Google service. Sometimes it will collect location
27 information even if you're not explicitly using a Google App, like it will collect that
28 information in the background of your device. The location data can really help
29 move an investigation forward if you know where to look. I remember one case
30 years ago where my investigation for the defense not only cleared the name of
31 the accused, but also helped the police find and arrest the true culprit.

1 When it comes to location data, though, it's important to know that the
2 technology is generally very reliable, but not foolproof. The location data we get
3 from Google tells us only that the user's device sent information to Google at a
4 particular time and from a particular location—but not that the device's user
5 actually was present at that location at that time. "Virtual private networks," for
6 example, can mask a user's real location by hiding the user's real IP address
7 (from which a user's location is sometimes determined). That said, I inspected
8 Bobbie's phone and did not find any software that would hide Bobbie's location.

9 Now, I understand that Tempest Nightshade sent a search warrant to
10 Google directing it to provide information on any Google accounts associated
11 with devices that, according to any saved location data, were present at the times
12 and locations of both robberies, which avoided the collection of information of a
13 huge number of innocent people, but they got no results. That, I think, is an
14 indication that Bobbie is not the robber, because Bobbie told me that Bobbie
15 always carries Bobbie's phone. But I didn't want to stop there; I wanted to see if I
16 could prove Bobbie was somewhere else at the time of the robberies.

17 The follow-up for most detectives, me included, is to then check the
18 location of the suspect or, in my case, accused individual. I wanted to see if
19 Google could tell us where Bobbie Gunn actually was at the time of the
20 robberies. Bobbie told me that Bobbie's email address was
21 "bgunn3@gmail.com," and that Bobbie's password was "gunni1934." Bobbie
22 actually had to check a password manager to find the password because Bobbie
23 changes it all the time for security reasons.

24 Anyway, using that information, I accessed Bobbie's Google account.
25 Because of a couple of new data protection laws, Google now is required to allow
26 users to access and download all their personal information. I downloaded the
27 data and reviewed Bobbie's location information from the mornings of August 8,
28 9, 11, and 12, 2023. (I included a day before the first robbery and a day after the
29 second robbery just for context.) I then filtered the data such that it included only
30 information related to the immediate surroundings (a few blocks) of the two
31 robbery locations. There was a lot of other location data showing Bobbie
32 elsewhere, like at the Fat Cat's Casino, but since it was not relevant to the case, I

1 didn't bother analyzing any of that information. I was just focused on any location
2 data near the robberies around the time of the robberies. That information
3 provided sufficient facts and data for me to form an opinion concerning Bobbie's
4 whereabouts around the time of each robbery. My evaluation in that regard was
5 based on reliable principles and methods applicable to virtually all types of
6 location data analysis, all of which I have applied reliably in this case.

7 I began by considering the Stash Junction robbery. That part of my
8 analysis was straightforward: None of the location data I reviewed showed
9 Bobbie near Cache Community Bank's Stash Junction branch around the time of
10 the robbery on August 11th. In fact, none of the data suggested that Bobbie had
11 been anywhere in Stash Junction on any of the four days I examined.

12 The Kuigley Crossing robbery was a slightly different story, although in the
13 end it showed the same thing. I examined the data, and none of it showed
14 Bobbie at the site of the robbery in Kuigley Crossing on August 9th, either. There
15 was, however, location data showing Bobbie in other parts of the Kuigley
16 Crossing area on each of the four days I considered. I plotted those points on a
17 map, which is shown in Exhibit 5. It's theoretically possible that Bobbie could
18 have turned off Bobbie's phone or the phone's "location services" function; it's
19 also possible that Bobbie simply did not connect to any Google services at the
20 time of the robberies. In any of those cases, Bobbie's location data wouldn't track
21 Bobbie's actual movements.

22 But, in my opinion, the location data we have makes it unlikely that Bobbie
23 is the robber. First, Google tracked Bobbie's location when Bobbie was at the
24 Kuigley Crossing branch on August 8th and 12th and also tracked certain of
25 Bobbie's other movements, so I can say with certainty that Bobbie does allow
26 location tracking, at least sometimes, on Bobbie's device. Further, I know that
27 Google makes it very, very difficult to manage your privacy settings, especially
28 when it comes to third-party apps. I have read many peer-reviewed studies
29 showing that, over the years, Google can continue to track your location even if
30 you think you have turned off certain location settings. Bobbie seems to always
31 be glued to Bobbie's phone, like most people these days, and Bobbie did not
32 seem concerned about the security settings.

1 I hereby attest to having read the above statement and swear or affirm it
2 to be my own. I also swear or affirm to the truthfulness of its content. Before
3 giving this statement, I was told it should contain all relevant testimony, and I
4 followed those instructions. I also understand that I can and must update this
5 affidavit if anything new occurs to me until the moment before I testify in this
6 case.

7 s/Darcy Storm

8 Darcy Storm Dated: October
9 29, 2023

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11 Subscribed and sworn before me on
12 October 29, 2023.

s/Roberta Frost

Roberta Frost

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14

Notary Public in and for the State of Utah

EXHIBITS

EXHIBIT 1: Bank GPS Location Map

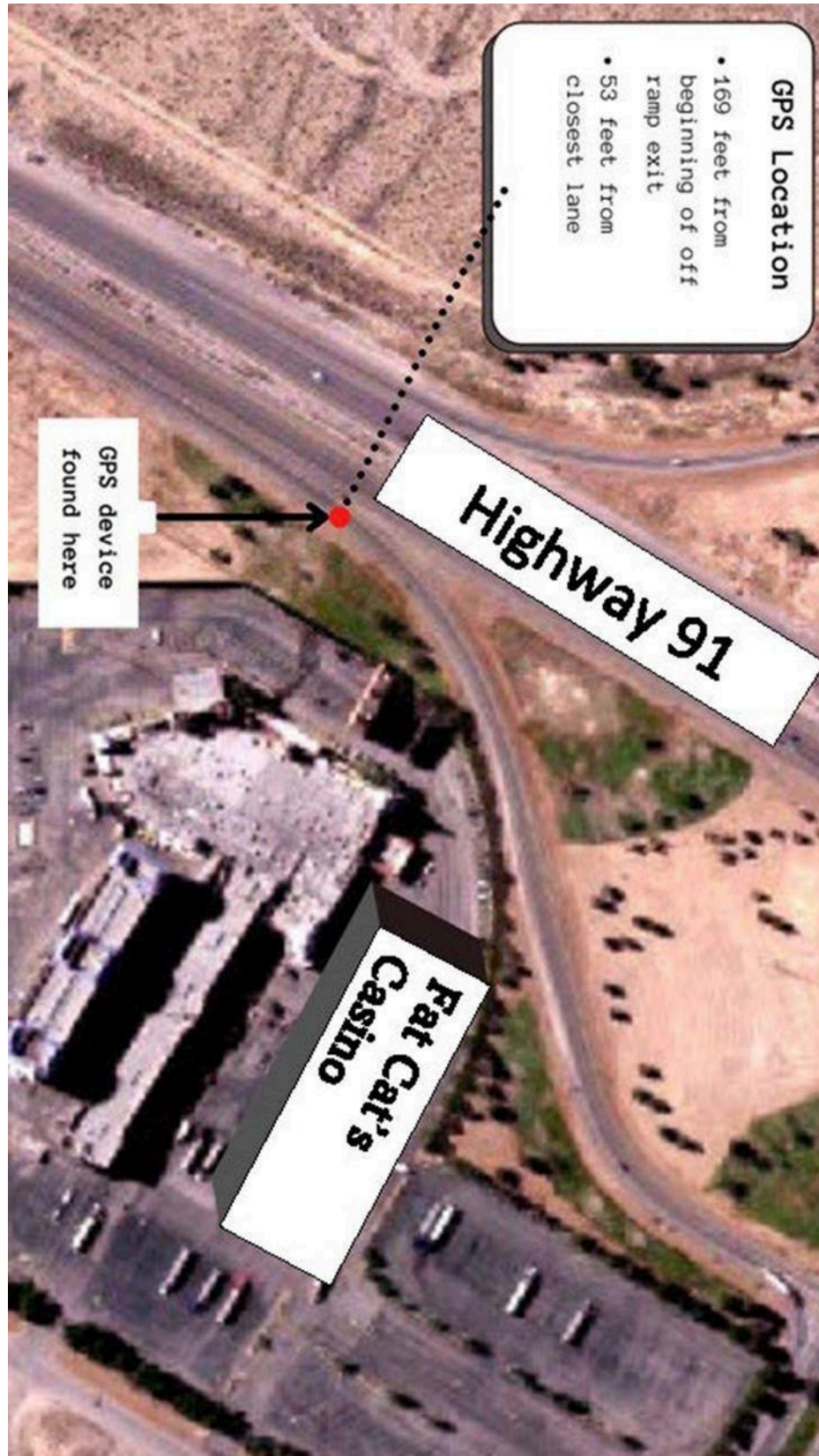


EXHIBIT 2: Bobbie Gunn's August Mortgage Check

	Fat Cat's Casino LLC 444 Winner's Circle Riverville, Utah 84440	1479
		DATE August 11, 2023
PAY TO THE ORDER OF	Cache Community Bank	\$ 5,212.14
Five thousand two hundred twelve and 14/100		DOLLARS
Cache Community Bank		
MEMO	Mortgage	<i>Dakota Prescott</i>
		

EXHIBIT 3: Bobbie Gunn's Car Title

UTAH VEHICLE CERTIFICATE OF TITLE					
UTAH DRIVER AND MOTOR VEHICLE SERVICES CERTIFIES THAT THE PARTY IS LISTED AS THE OWNER OF THE DESCRIBED VEHICLE. DOCUMENTS FILED WITH DMV SHOW THE VEHICLE IS SUBJECT TO THE OWNERSHIP INTERESTS SPECIFIED.					CONTROL NUMBER 4080021
PLATE NUMBER 351 VGN	TITLE NUMBER 21067	PROCESS DATE 030902	SURVIVOR N/A	REFERENCE NUMBER	
YEAR 1996	MAKE Lincoln	STYLE SED	MODEL TWNCR	COLOR BLUE	
OWNER/LESSEE BOBBIE GUNN 272 PARK STREET KUIGLEY CROSSING, UT 84449			ODOMETER READING	ODOMETER DATE	
			ODOMETER MESSAGE		
			<p style="color: red; margin: 0;">TITLE BRANDS</p> <p style="font-size: x-small; margin: 0;">The title "Brand" printed below indicates the history, condition, or circumstances of the vehicle for which this title has been issued. Please see back of title for more information.</p> <p style="text-align: center; margin: 10px 0;">- NONE -</p>		
USE THIS SECTION WHEN THE ONLY CHANGE IS TO REMOVE A SECURITY INTEREST. FOR ANY OTHER CHANGES, SEE REVERSE.					
If there is no change in owners as shown above AND all security interest holders have released interest, one registered owner must sign and date here, if not completing a separate application for title. In addition, if your address has changed, cross out the old address and write the new address and county of residence on the front of the title. Mail the title and the fee to: DMV, 1905 Main St, Rverville, UT 84440.			SIGNATURE X _____	DATE	
			To release interest in the vehicle, complete the reassignment on back of the title.		
SIGNATURE AND COUNTERSIGNATURE OF SECURITY INTEREST HOLDER OR LESSOR RELEASING ALL INTEREST				DATE	
X _____					
SIGNATURE AND COUNTERSIGNATURE OF SECURITY INTEREST HOLDER OR LESSOR RELEASING ALL INTEREST				DATE	
X _____					
SEE REVERSE SECTION FOR APPLICATION INSTRUCTIONS.					
VOID WITHOUT CHAIN LINK WATERMARK					

EXHIBIT 4: Kuigley Crossing Branch Mortgage Foreclosure Letter to Bobbie Gunn

Cache Community Bank

Serving your needs since 1933

Main Branch

1700 River Ave.
Kuigley Crossing, UT
84449
(435) 555-5555

Stash Junction Branch

880 State Street
Stash Junction, UT 84448
(435) 777-7777

July 26, 2023

Bobbie Gunn
272 Park Street
Kuigley Crossing, UT 84449

Dear Bobbie,

I write regarding your mortgage with Cache Community Bank. As we have discussed, we have not received a payment from you since February of this year. Your current outstanding balance, including all applicable late fees, is \$5,212.14.

Regrettably, if we do not receive payment in full by August 13, 2023, we will have no choice but to initiate foreclosure proceedings the following day.

If there is any way in which we might assist you in paying down your balance, please let us know as soon as possible. On behalf of all of us at Cache Community Bank, I wish you all the best.

Sincerely,

Harper Meadows

Harper Meadows
Manager, Cache Community Bank

EXHIBIT 5: Area Map – Bobbie Gunn’s Google Location Data

