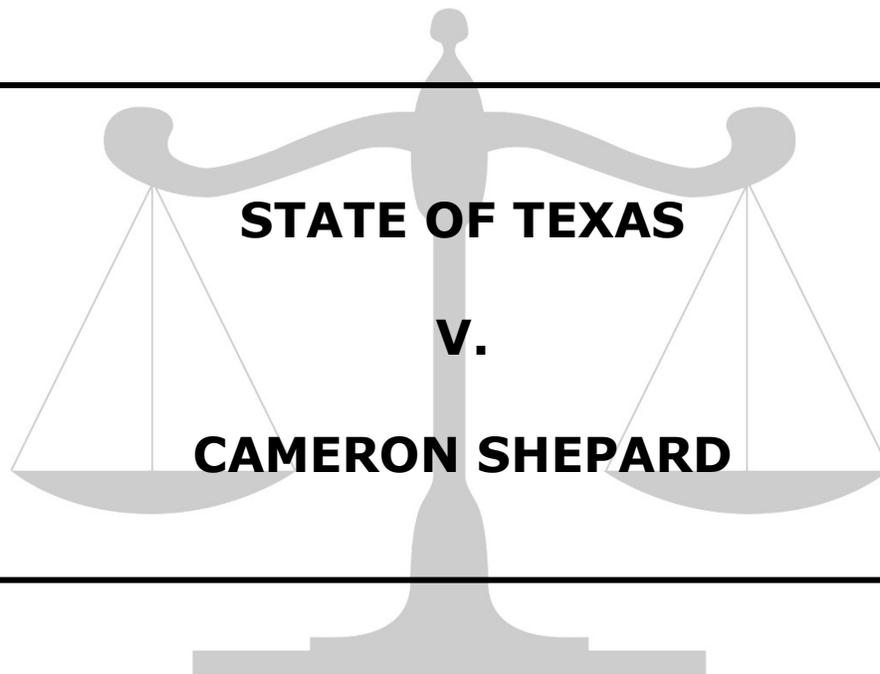




 **TEXAS YOUTH AND GOVERNMENT**

THE CASE OF
"THE BATTLE OVER BLOOD"



2018-2019
TRIAL COURT CASE

Dear Judiciary Members,

Welcome to this year's 2018-2019 Youth and Government Program! I am extremely excited to see you progress throughout the year and for you to participate in this year's case.

The case given to you will present many opportunities to exercise your minds and extend your skills. You'll essentially become a "mini detective" finding loopholes in the defendant's/witness' testimony, discovering spurious information that's been carefully woven into the case, searching character backgrounds etc. The Judicial Leadership has been striving to prepare valuable resources for you to develop and display your skills.

Make sure to study the law provided to you in the Rules of Evidence and to apply all of your training to this case. Since this will be my final year in the program, I wish you all the best of luck to perform at your highest level. You may feel stressed or alienated with confusion, and having been there, the best advice I have to exclaim towards you all is to get as much help as you can! Go to your advisors, seek outside help, do whatever it takes to achieve greater clarity of your craft and performances.

One thing that can be misconstrued in this section is the constant need to compete. There is a time and place for that, so don't allow the heat of competition be your sole focus.

Best of wishes to everyone!

Sincerely,

JaDarius Jones

2018-2019 Texas Youth Attorney General

Table of Contents

Letter from Attorney General	2
List of Witnesses and Documentary Evidence	3
Indictment	4
Applicable Texas Statutes	5
Case Specific Rules	6
Witnesses for the Prosecution	
Officer Jordan Cole	8
Emery Payne, RN	13
Imani Haines	15
Witnesses for the Defense	
Dr. Sidney Tate	17
Urban Rhodes	20
Taylor Belanger	22
Manuals	
SFST Manual	25
Retrograde Extrapolation Manual	29
Evidence	
SFST Field Notes	35
Blood Vial	36
Blood Draw Lab Report	37
Death Certificate	38
Bar Receipt	39

INDICTMENT

STATE OF TEXAS

vs.

CAMERON SHEPARD

DOB: 08/01/1996

1234 Broadway Avenue
Austin, Travis County, Texas
Attorney

Date Prepared: 08/15/2018
By: Travis County District

Intoxication Manslaughter

Bail: \$25,000 w/ Interlock

Case Number: 18-147-12345
Travis County District Court No 147

Arrest Date: 06/30/2018

In the name and by authority of the State of Texas:

The duly organized grand jury of Travis County, State of Texas, of the district court of said county, in said court at said term, do present that Cameron Shepard, hereinafter referred to as Defendant, on or about June 30, 2018 in the County of Travis, State of Texas, did then and there unlawfully, by accident or mistake when operating a motor vehicle in a public place while intoxicated, namely not having the normal use of his mental or physical faculties by reason of the introduction of alcohol into his body or by having an alcohol concentration of at least 0.08 in his blood, and by reason of that intoxication, cause the death of Chassidy Barnes, by driving his motor vehicle into and causing it to collide with a structure or object on the roadway; in violation of Section 49.08 of the Texas Penal Code.

Defendant is charged to having committed the offense of intoxication manslaughter second degree felony and upon conviction shall be punished under Section 12.33 of the Texas Penal Code by imprisonment in the Texas Department of Criminal Justice for life or for any term of not more than 20 years or less than 2 years.

Against the peace and dignity of the State.

Foreman of the Grand Jury

Updated October 24, 2018 4

APPLICABLE TEXAS STATUTES

Texas Penal Code Sec. 1.07. DEFINITIONS

(39) "Possession" means actual care, custody, control, or management.

(40) "Public Place" means any place to which the public or a substantial group of the public has access and includes but is not limited to streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops.

Texas Penal Code Sec. 49.01. DEFINITIONS

(2) "Intoxicated" means (1) not having the normal use of mental or physical faculties by reason of the introduction of alcohol, a controlled substance, a drug, a dangerous drug, a combination or two or more of those substances, or any other substance into the body; or (2) having an alcohol concentration of 0.08 or more.

Texas Penal Code Sec. 49.08. INTOXICATION MANSLAUGHTER

(a) A person commits an offense if the person:

(1) operates a motor vehicle in a public place; and

(2) is intoxicated and by reason of that intoxication causes the death of another by accident or mistake.

(b) An offense under this section is a felony of the second degree.

Texas Penal Code Sec. 12.33. SECOND DEGREE FELONY PUNISHMENT

(a) An individual adjudged guilty of a felony of the second degree shall be punished by imprisonment in the Texas Department of Criminal Justice for any term of not more than 20 years or less than 2 years.

(b) In addition to imprisonment, an individual adjudged guilty of a felony of the second degree may be punished by a fine not to exceed \$10,000.

CASE SPECIFIC RULES

1. There are countless books, videos, websites, and seminars that teach practicing attorneys how to present a DWI case to a jury. What has been provided in this case's affidavits, manuals, and evidence cannot capture all of this information. Students may review outside information for educational purposes. However, attorneys and witnesses must solely rely upon what has been provided in this case file when presenting their case. For example, students may not question the nurse on how she used a grey top lid when she drew the defendant's blood as this procedure is not covered in the case packet. Also, the case packet does not include exact steps for testing a defendant's blood as information that the nurse know, meaning this is not a proper subject for questioning or argument.
2. Additionally, students may not use or introduce, refer to, read, or attempt to enter into evidence any manuals, books, videos, websites, articles, etc. that are outside of this packet.
3. While this packet allows for demonstratives, please note that demonstratives entail graphs, charts, or drawings made in court. Students will not be allowed to have pre-made demonstratives. This includes any sort of previously made drawing, chart, graph, and/or use of skeleton, dummy, or other item that is not a part of this packet.
4. The appellate case discusses a video captured by the arresting officer of the accident scene and includes some witness statements. For purposes of the trial case, you should assume that this video is not admissible and thus should not refer to it in questioning or arguments.
5. The case packet includes a hidden message in the witnesses. You do not get extra points for finding the hidden message.

Affidavits

AFFIDAVIT OF OFFICER JORDAN COLE

STATE OF TEXAS
COUNTY OF TRAVIS

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My name is Officer Jordan Cole. I am over the age of 18 years, and I am otherwise fully competent to testify. I can read, write, and understand the English language. I am not under the influence of any drug or other substance which would prevent me from fully understanding the nature of this affidavit. All of the information in this affidavit is within my personal knowledge and is true and correct.

I am a Police Officer with the Austin Police Department. My badge number is #4011. I joined the department in February of 2016. I am currently assigned to the traffic division. My primary duties involve accident investigations and enforcement of the Texas Transportation Code. I work the midnight shift from 10:00PM to 7:00AM. I have a bachelor's degree in Criminal Justice from Baylor University. I graduated from the Austin Police Department's training academy. I have attended the National Highway Traffic Safety Administration (NHTSA) DWI Detection and Standardized Field Sobriety Testing (SFST) Instructor Training and the Drug Recognition Expert (DRE) Training. I am certified to administer roadside SFSTs.

On June 30, 2018, I was on duty responding to calls related to vehicular accidents, enforcing traffic laws by issuing citations, and observing driver behavior for signs of possible intoxication. As this weekend was considered the July 4th weekend, I knew that there was the possibility of an increase in unsafe, intoxicated drivers on the roadway. At 0155 hours, I was dispatched to the service road along Interstate 35 near downtown Austin in reference to a vehicle that was failing to maintain a single lane of travel.

At 0200 hours, I arrived at the service road of 2901 North Interstate 35, Austin, Texas, 78722 which is within Travis County. I observed a recent, major vehicular

accident. A small car had apparently left its lane of travel and collided with a bridge support column located on the left side of the roadway. A witness was in another vehicle on the opposite shoulder of the service road. I noticed a female had been ejected from the subject vehicle and was lying unresponsive on the roadway. It appeared as though two individuals were trapped within the car. I requested immediate medical assistance from the Austin Fire Department and the Austin-Travis County EMS. I approached the location of the female, later identified as Chassidy Barnes. Based on my observation of a major head wound, it was apparent that she was deceased.

I unsuccessfully attempted to remove the two persons trapped within the car. A male, later identified as Cameron Shepard, was found in the driver's seat. The windshield was damaged in front of the passenger seat, leading me to believe that the deceased female had been seated in the front seat on the passenger's side of the vehicle. The other individual, later identified as Taylor Belanger, was located in the back seat on the driver's side of the vehicle. The subject vehicle had extensive front end damage with the majority of the damage focused on the driver's side. There was no other obvious damage to the vehicle.

The Austin Fire Department soon arrived and was able to extract the two individuals from the vehicle. EMS also arrived to medically clear Cameron and Taylor and to take Chassidy's body to the morgue. While EMS was evaluating Cameron, I spoke to the witness, identified as Imani Haines. Imani stated that she was out late to pick up some donuts in town. She observed Cameron's vehicle swerving between lanes and believed he was possibly intoxicated. She followed Cameron while staying on the phone with 911. After the vehicle collided with the bridge support column, Imani went to check on Chassidy and then returned to her vehicle.

Cameron was medically cleared by EMS. Cameron had suffered a few scrapes from the windshield breaking and had redness across his chest from his seatbelt. Cameron refused to be transported to the hospital for further evaluation. I asked Cameron where he was coming from, and he stated that he drove from 6th Street. At 0230 hours, I explained to Cameron that I would need to administer Standardized Field Sobriety Tests to determine if his level of intoxication was such that he should not be driving a vehicle. At this point I had determined that Cameron had blood-shot, watery eyes; slow, soft speech; and the odor of alcohol on his breath and clothing.

The first test I attempted to administer was the Horizontal Gaze Nystagmus test. I explained to Cameron that he needed to keep his eyes open for the entire test. Cameron intentionally, excessively blinked during my attempts to evaluate him for clues. I considered Cameron's actions to be a constructive refusal to submit to the HGN test.

The second test I administered was the Walk and Turn test. There was a white line on the roadway that I used to administer this test. The roadway was flat and clear of any obstacles. Due to the accident, traffic along this roadway had been diverted. I gave Cameron the instructions contained in the SFST Manual. I observed three clues. Instead of waiting for my instructions, Cameron began walking after I said "count your steps out loud." I had him restart at the beginning until I finished the instructions. When he got halfway down the line he stopped walking as if he was trying to remember how many steps to walk. Finally, on his way back he took bigger steps such that he was not walking heel to toe. This caused Cameron to walk past the starting point.

The final SFST that I administered was the One Leg Stand. I gave Cameron the instructions contained in the SFST Manual. He indicated that he understood the instructions. I observed three clues from this test. Cameron raised his left leg and began

counting very slowly. At the fifteen second mark, when Cameron was saying the number eight, he put his foot back on the ground and picked it back up again. Also at this time, Cameron began swaying so he used his arms for balance. He kept his arms in the air for balance the remainder of the test.

I concluded the tests at 0245. Based on the above observations, I, Officer Cole, believed Cameron Shepard was intoxicated and by reason of that intoxication had cause the death of Chassidy Barnes. Therefore, I placed Cameron under arrest and transported him to our city jail. I read him the statutory warning and requested a specimen of his blood. Cameron agreed to provide a blood sample. We arrived at the hospital at 0315, and I completed the paperwork for obtaining a specimen of blood. At 0340, Cameron told me that he was withdrawing his consent for the blood sample. I then transported Cameron to jail to obtain a blood warrant.

Neither our local municipal court nor the county court has judges on duty overnight. The municipal court does maintain an on-call list where one out of the ten judges is on call every night. I located this list in the jail and called the on call judge at 0400. No one answered, and I left a voice message. Fifteen minutes later the judge called me back and said that she had a family emergency and had to drive to Fort Worth. I called the Chief Judge for the municipal court but was not able to reach that judge either. We do not have permission to drive to judges' houses and wake them up without speaking with them over the phone first. A few days after Cameron's arrest I was able to secure an on call list for the Travis County judges. There was a judge signing blood warrants the night of June 29 through June 30.

Because there was no judge available to secure a warrant, I transported Cameron to the hospital. On the way to the hospital Cameron began complaining of chest pain and

requested medical assistance. I was close enough to the hospital that I did not feel the need to call for an ambulance. When we got to the hospital, I requested that his blood be drawn quickly before any narcotics were administered for his potential injuries from the accident. I did not want the narcotics to affect the blood results. Nurse Emery Payne drew his blood at approximately 0500 hours. I returned Cameron to jail so that he could be arraigned and obtain a bond.

AFFIDAVIT OF EMERY PAYNE, RN

STATE OF TEXAS
COUNTY OF TRAVIS

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My name is Emery Payne, RN. I am over the age of 18 years, and I am otherwise fully competent to testify. I can read, write, and understand the English language. I am not under the influence of any drug or other substance which would prevent me from fully understanding the nature of this affidavit. All of the information in this affidavit is within my personal knowledge and is true and correct.

I am a licensed nurse through the State of Texas. I have a dual bachelor's degree from the University of Houston in chemistry and nursing. I am currently employed by the Austin General Hospital as a supervising nurse and chemist. My primary duties involve drawing blood from patients at the hospital and performing requested analysis on the sample.

On the night of June 29, 2018, I was assigned as the on call supervisor of the nursing staff at Austin General Hospital. For this assignment, I normally work on administrative tasks and chemistry analysis unless I am paged to assist with a patient. Around 4:45AM on June 30, I was paged to the emergency room. Officer Cole with the Austin Police Department had requested that I assist with a blood draw of someone that he had under arrest. Normally, when I am requested for a blood draw, it means that the patient is highly combative. Because I have experience dealing with intoxicated individuals from my years as an ER nurse, some officers are more comfortable having me draw the blood.

I arrived in the ER and found that Officer Cole was requesting that I draw the blood of Mr. Cameron Shepard. It surprised me though because he was very calm and compliant. Cameron had a few scrapes and bruises on his face from an apparent car

accident. I took Cameron's vitals. He is a 200 pound, white male. Cameron's blood pressure and pulse were slightly elevated, but his temperature was normal. His eyes were bloodshot and puffy as if he had been crying recently.

I walked him back to our blood draw room and he appeared to walk normal, without the need for assistance. I sat him in the chair and noticed that he smelled of alcohol and possibly vomit. When I explained the procedure and asked him if he understood he politely said, "Yes, ma'am, but would rather have an attorney here for this." I followed the normal, legally appropriate procedures for obtaining a blood sample. I asked if he needed further medical assistance due to the accident and he said, "No, ma'am."

Officer Cole took Cameron back through the ER entrance, and I finished processing the vial of blood that I had drawn. I placed a printed label on the vial that contained my name, Cameron's name, and the date and time of the blood draw. I placed a piece of tamper-resistant tape over the top of the vial in a sealed envelope and placed the envelope in our cold storage so I could analyze the blood at a later time.

On July 15, 2018, I was able to retrieve the vial of blood for analysis. I verified that no one had opened the sealed envelope or tampered with the tape on the top of the vial. I also verified that the label information contained Cameron's information. I ran the tests on the blood and completed the Blood Draw Lab Report.

AFFIDAVIT OF IMANI HAINES

STATE OF TEXAS
COUNTY OF TRAVIS

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My name is Imani Haines. I am over the age of 18 years, and I am otherwise fully competent to testify. I can read, write, and understand the English language. I am not under the influence of any drug or other substance which would prevent me from fully understanding the nature of this affidavit. All of the information in this affidavit is within my personal knowledge and is true and correct.

My name is Imani Haines. I am 68 years young. I drive my grandchildren to school every day. I cannot believe that someone would drink alcohol and then get behind the wheel. I still think about that young girl that died that night, all because Mr. Shepard decided he wanted to drive instead of call for a taxi.

On June 29, 2018, I went to bed at 7:00PM. I had plans to take my grandkids to the Greater Austin ComiCon in the morning so I wanted to get to bed early. But, I woke up at 1:30AM with a hankering for a bacon donut. I wanted that maple, sugary treat so bad that I left my glasses on my nightstand as I headed out the door. My doctor says I need glasses, but I think I can see just fine without them. I got my donut fix, was driving back home, and that's when I noticed the small car driven by Cameron Shepard.

I was behind his car. He was driving in the left hand lane primarily. The car would drift into the right hand lane and then would abruptly correct back. Then the car would drift onto the shoulder and then quickly jerk back into the left lane. I knew something was wrong so I called 911. I told them to hurry because I just knew something bad was going to happen. Watching the way he drove, he was either texting on his phone, or he was highly intoxicated and shouldn't have been driving.

Within a few minutes, my fears were realized. I wanted to get his attention to see if

he would stop the car. I changed lanes to the right hand lane of travel and sped up beside his car. I guess I should have tried something sooner because as I was trying to get him to stop, he turned the wheel sharply to the left and ran into the bridge column.

I pulled over to the right hand side of the road and got out of my car. I ran to the girl, and she didn't look good. She was still alive, but I knew she didn't have much time left. She wanted to tell me something so I bent down closer to her. She said something to the effect of "tell Cameron that I forgive him." When she passed, I couldn't handle it anymore. I went back to my car and waited for the police to get there.

Another car came by to ask if I had called 911. I told them I had. They saw the poor girl lying on the road and said, "Oh my, it looks like she is gone. My brother's wife and three kids were killed by a drunk driver a few years ago. He still hasn't recovered."

The police officer got there first. He checked on the girl first but then went to the wrecked car and unsuccessfully tried to get the two other people out. He then came over to make sure I was alright. I gave the officer my contact information, and then he sent me home.

Before I left, I did overhear Mr. Shepard telling the EMS paramedic that he only had three drinks at the bar. In my opinion, if you drink anything, you should not be out driving putting families' lives at risk. From my observations of Mr. Shepard with the paramedic I could tell he was lying about the number of drinks he consumed.

I currently have a pending traffic ticket with the City of Austin Municipal Court for fail to yield right of way at an intersection. I have an attorney on this accident case and have pled "not guilty."

AFFIDAVIT OF DR. SIDNEY TATE

STATE OF TEXAS
COUNTY OF TRAVIS

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My name is Dr. Sidney Tate. I am over the age of 18 years, and I am otherwise fully competent to testify. I can read, write, and understand the English language. I am not under the influence of any drug or other substance which would prevent me from fully understanding the nature of this affidavit. All of the information in this affidavit is within my personal knowledge and is true and correct.

I am a professor at Texas A&M University. I have a dual Bachelor of Science degree in chemistry and criminal justice. I have a Ph.D. in education with an emphasis in traffic safety. I teach criminal justice and traffic safety courses. I belong to the Texas Driver and Traffic Safety Education Association, the American Driver and Traffic Safety Association, and the International Council on Alcohol, Drugs, and Traffic Safety. I have written hundreds of peer reviewed articles on traffic safety. For the last 15 years, I have studied the topic of traffic safety and alcohol's effect on a person's ability to drive.

I have personally overseen simulation studies. A computer program similar to a vehicle computer game is set up on a computer and monitor to simulate an actual driving scenario. After driving the course once so researchers can obtain baseline driving abilities, the subjects ingest a predetermined amount of alcohol and complete the course again. We measure the variance between their response times to various stimuli in the video game. Immediately after, we measure the subjects' blood alcohol content. This simulation study allows us to chart behavior in a large population based on levels of intoxication.

I have also overseen retrograde extrapolation studies. The researcher provides the subjects with a measured amount of alcohol and tests their Blood Alcohol Content over an elapsed period of time. Some studies may focus on experienced versus inexperienced

alcohol consumers. Other studies may focus on the effects of eating various foods before consuming the alcohol. These studies have repeatedly verified the reliability of the formulas contained in the Retrograde Extrapolation Manual.

In preparing for my testimony, I have reviewed the witness affidavits and the pre-marked evidence. In making my official opinions regarding this case, I have relied on both the SFST Manual and the Retrograde Extrapolation Manual.

In discussing Cameron's potential Blood Alcohol Content (BAC), we should start by working backwards from the known BAC measured by the State's blood test. This test set his BAC at 0.035 at 5:00AM. We can use the Elapsed Time Formula contained in the Retrograde Extrapolation Manual. If Cameron were an inexperienced drinker, then I would set his elimination rate at 0.013g per 100 mL of blood per hour. Multiply this by three which is the number of elapsed hours, and we arrive at 0.039 grams of eliminated alcohol. Add this number to the State's blood test results, and we would arrive at a BAC of 0.074 at the time of the accident. Because these formulas are mere estimates of his BAC, we should also look at Cameron's known behaviors at the bar and immediately after the accident. If his behavior supports a conclusion that the formulas have overestimated Cameron's BAC then we can reduce the estimate appropriately.

We know from the bartender Urban Rhodes that Cameron was served under a strict policy at the bar that the staff is not to overserve patrons. If an employee notices signs of over intoxication, then the employee will ensure that the patron does not receive further alcoholic beverages. The bartender explained that Cameron showed no signs of being overly intoxicated while he was at the bar and that Cameron was stable as he walked out of the bar. Cameron's friend Taylor Belanger stated that he observed Cameron walk from the bar to the car and noticed no signs that Cameron was unsafe to operate a motor vehicle.

Officer Cole's observations while administering the SFST are also telling. During the Walk and Turn test, Officer Cole's notes indicate that Cameron maintained balance and stayed on the line while he walked. This suggests that Cameron had not lost control of his physical faculties. Also, the notes suggest that Cameron took the correct number of steps. This tells us that Cameron was able to retain instructions and thus had not lost the use of his mental faculties.

Also, if we use the number of drinks given to us by Cameron's friend, Taylor Belanger, we can arrive at an estimate of what his BAC would be at the time of the accident. We will use the Widmark calculation contained in the Retrograde Extrapolation Manual. Taylor stated that Cameron consumed one standard sized shot and two standard sized beers. Three alcoholic beverages each containing 14 grams of alcohol would place his alcohol dose at 42 grams. Cameron's weight converted to grams is 90,800 grams. We have to multiple his weight by 0.68 to account for the amount of alcohol that does not enter his bloodstream due to distribution throughout his body. After we divide 42 grams of alcohol by 61,744 grams and multiply that by 100, we arrive at a final BAC of 0.068. If we assume 30 minutes had elapsed from his last drink, we can subtract an alcohol elimination of 0.008 to arrive at a BAC of 0.06 at the time of the accident.

Cameron's observed behavior supports this 0.06 figure more so than the previously mentioned 0.074 which was arrived at through the retrograde extrapolation formulas. As such, based on my education and experience and review of the facts of this case, I can confidently provide my expert opinion that at the time of the accident, Cameron Shepard's Blood Alcohol Content was less than the legal limit of 0.08, and Cameron had not lost the use of his physical and mental faculties.

AFFIDAVIT OF URBAN RHODES

STATE OF TEXAS
COUNTY OF TRAVIS

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My name is Urban Rhodes. I am over the age of 18 years, and I am otherwise fully competent to testify. I can read, write, and understand the English language. I am not under the influence of any drug or other substance which would prevent me from fully understanding the nature of this affidavit. All of the information in this affidavit is within my personal knowledge and is true and correct.

I was born and raised in Austin, Texas. I joined the army after high school. Watching the towers fall on 9/11 compelled me to do my part to preserve our freedoms and protect America from those who wish to do her harm. After my service I came back home and got my current job at Platinnum Bar. Our establishment isn't as expensive as the name suggests. We are just a typical neighborhood bar here in Austin. We don't have a fancy dance floor or a place to bring in bands. People just sit down to drink, share a story, and then go about their night. We are located on 6th Street and get a mix of locals and tourists on most nights. On busy nights, such as holidays or festival weekends, we can hold about 50 people at any given time. On those nights we call in extra help, staffing two drink runners and three bartenders.

I have attended the basic instruction class from the TABC regarding service alcohol. I think we go through their training again every few years. We always have our license and certifications up to date. In addition, the bar has strict policies regarding overserving patrons. Employees can get fired or the bar could lose its license if the State finds out that someone was overserved. If we decide someone can't walk out the door on their own then we have to politely switch them to coke. Because there are several bars along 6th Street, we try to observe everyone that comes through the door carefully because they will often

come in already with some level of intoxication.

The July 4th holiday weekend has to be in the top 10 for the busiest weekends of the year. June 29 and 30 of 2018 were no exception. We had a few rowdy groups that night. The night of June 29, there were about 4 folks that we had to refuse alcohol service. One female needed to use the restroom. She stood up, off of her bar stool, and fell to the ground. We called her an Uber so that she would get home safely.

Mr. Shepard's group didn't require much of our attention. They were all seated at a round table in the corner of the room. When they arrived, Cameron left the group and walked to me at the bar. He said he wanted to buy shots for his friends but didn't know what to order. He wanted something that was "very Texan" and would make him look like he already knew what to order. I suggested that he just get three straight shots of whiskey. Later on, I served them each a couple beers. Cameron settled the tab with another server. They stayed for about hour, maybe a little more, and then headed out. I shouted goodbye at them from across the bar. I'm not sure if they heard me or not. As far as I could tell, all of them, including Cameron, were not overly intoxicated.

AFFIDAVIT OF TAYLOR BELANGER

STATE OF TEXAS
COUNTY OF TRAVIS

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My name is Taylor Belanger. I am over the age of 18 years, and I am otherwise fully competent to testify. I can read, write, and understand the English language. I am not under the influence of any drug or other substance which would prevent me from fully understanding the nature of this affidavit. All of the information in this affidavit is within my personal knowledge and is true and correct.

Cameron Shepard and I have been best friends since high school. Let me start out by saying he would never have done anything to hurt Chassidy. There is no way that he was too drunk to drive that night. Cameron loved Chassidy. It's just crazy to me that he has been charged with hurting her. He recently purchased a ring and was planning some elaborate flash mob style proposal. Knowing Chassidy, she would have thought it was super cheesy but she would have said "yes." I can't believe she is gone.

Cameron and I both attend the University of Texas at Austin. He is double majoring in business and pre-law. He was always the smart one. I am studying sports medicine. On June 29, 2018, I invited Cameron and Chassidy out for drinks. Cameron was taking a summer class on International Law and wanted to stay in and study. I convinced him to go by explaining that any good pre-law student would celebrate Independence Day. We decided to start the night on 6th Street and then maybe catch some fireworks later that night.

We got to the bar late – probably a little before midnight. Cameron went to the bartender while Chassidy and I found a table. He came back with a round of shots. They were really strong shots of whiskey. Chassidy went to the restroom. At first, I thought the whiskey didn't sit well with her and she might have felt a little sick. But, then she came back and we each had two beers. We stayed for a while longer, but I don't think any of us drank anything

else. Chassidy and I went to play darts while Cameron paid the tab. As we were leaving the bar, I didn't notice Cameron acting intoxicated. As he was getting into the car I even asked him if he wanted me to drive. He said that he felt fine. We decided to go watch a local band across town.

Right before the accident I noticed that we were being followed. Some old person was frantically screaming into their phone. They seemed really upset and distracted by the phone conversation. Some people can talk on the phone and drive without any problems. But, they definitely shouldn't have been on the phone. It made me a little nervous. They pulled up beside our car. Their car drifted into our lane, and then I heard a really loud noise and everything went black. If you ask me, that old person is the one that should be facing criminal charges for killing Chassidy.

The next thing I remember is the fire department pulling me out of the car. I felt like the world was spinning around me. I was disoriented and felt like I was going to throw up. I broke down when the police told me that Chassidy was dead. I didn't believe them until I saw her on the ground. The police started blaming Cameron right away. They had him do those road side intoxication tests even before Chassidy's body was put in the ambulance. She was dead, he was broken, and all the police cared about was blaming him for her death.

We are all over the age of 21. I've seen Cameron drink before and drive us home. It has never been an issue. He has always been a safe driver. I did receive a call a few months ago from someone who said they were convicted of a DWI in 2016 in which Cameron was a passenger in the vehicle. He said that Cameron received a ticket for Public Intoxication, but he was not sure what happened to that case.

I have played that night over and over in my mind. I still can't believe he is being blamed for Chassidy's death. I was with him the whole night. I know he didn't have too much to drink.

Manuals

STANDARDIZED FIELD SOBRIETY TEST MANUAL

THE PROBLEM

According to the Texas Department of Transportation statistics, in Texas in 2016, there were 987 fatalities in accidents that involved an intoxicated driver. 46 of those deaths were children. There were 8,195 injuries attributed to an intoxicated driver and another 6,481 injuries where police suspected intoxication played a role in the crash.

STANDARDIZED FIELD SOBRIETY TESTS (SFSTs)

When an officer suspects that a driver may be unsafely operating a vehicle due to the presence of alcohol in their system, an officer needs to gather reliable information to determine if the driver's actions rise to the level of a criminal offense. The National Highway Traffic Safety Administration through multiple scientific studies has developed the Standardized Field Sobriety Tests for this purpose. The tests are referred to as divided attention tests because they require the subject to perform both a physical and a mental task. Drivers are required to make many complex decisions when navigating a roadway. The SFSTs simulate this required divided attention and allow an officer to determine if the subject has full functionality of their physical and mental processes.

There are three basic SFSTs that can be administered to determine a subject's level of intoxication. The tests are the Horizontal Gaze Nystagmus (HGN) test, the Walk and Turn (WAT) test, and the One Leg Stand (OLS) test. For each test an officer will be looking for signs indicating possible intoxication called "clues." If a predetermined number of clues are present for the particular test, there is a high probability that the subject has suffered some loss of the normal use of their physical or mental faculties.

HORIZONTAL GAZE NYSTAGMUS TEST

The first test is the Horizontal Gaze Nystagmus (HGN) test. HGN refers to an involuntary jerking of the eyes as they gaze to the side of a person's field of vision. This involuntary jerking becomes noticeable if a person is impaired. As blood alcohol content rises, the eyes will begin to jerk as they move to the side. To ensure that no medical abnormality present in the subjects would alter the outcome of the test, an officer should first examine the subject's eyes. Normal eyes are able to move from side to side and have pupils that are the same size. To begin the test, the officer should hold a stimulus such as a pen or

pen light approximately 12 to 15 inches in front of the subject's face, slightly above eye level. The officer should give the defendant instructions to follow the stimulus with his or her eyes and not to move his or her head. The officer should move the stimulus from side to side, checking each eye for clues.

The first clue is "lack of smooth pursuit." Intoxication often causes the subject to forget to follow the stimulus. Once they remember the instructions, they refocus their attention on the stimulus, causing a quick jump in the location of the pupil. The second clue is nystagmus as maximum deviation; this is the point in the subject's field of vision that is closest to the subject's ear. The final clue is whether nystagmus exists before 45 degrees. This is the portion of the field of vision between the nose and half way to the ear or shoulder. An officer does not need to exactly measure this 45 degree line. The officer will look for clues in each eye, for a total of six possible clues for the HGN test. Four or more clues indicate a 77 percent likelihood that the subject's blood alcohol content is greater than .10.

WALK AND TURN TEST

The second test is the Walk and Turn (WAT) test. With this test, the subject must use their mind to process and remember the instructions given by the officer and must use their body to execute the instructions. The officer should ensure that the roadway or testing site is a relatively flat surface which is free of any debris. The officer should instruct the subject to place their left foot on the line (real or imaginary) and then place their right foot immediately in front of their left foot. The officer should instruct the subject to keep their arms at their side. The subject must maintain this position until the instructions are fully given and the officer instructs the subject to begin the test. The subject should take nine heel-to-toe steps, counting each step, turn, and then take nine heel-to-toe steps back to the starting point, also counting each step. Subjects should keep their arms at their sides and focus their attention on their feet. The officer should have the subject verify verbally that the subject understands the instructions. The following are the "clues" of intoxication for the Walk and Turn test: (1) cannot keep balance during instruction phase, (2) starts before instructions are finished, (3) stops while walking, (4) does not touch heel-to-toe, (5) steps off line, (6) uses arms to balance, (7) improper turn, and (8) incorrect number of steps. Four or more clues indicate a 68 percent likelihood that the subject's blood alcohol content is greater than .10.

ONE LEG STAND TEST

The final test is the One Leg Stand (OLS) test. Before the test begins, the officer should have the subject stand on a flat surface with both feet together and with his or her hands to the side. The officer should instruct the subject to remain still until the officer tells the subject to begin the test. This test requires the subject to stand on one leg. The other leg is to be extended in front of the subject in a straight line, with the foot held approximately six inches off the ground and with the toes pointed toward the ground. The subject can choose which leg to raise off the ground. Subjects must keep both arms at their sides. While holding this position the subject will count in the following manner: "one thousand one, one thousand two, one thousand three, etc." The officer should have the subject verify verbally that the subject understands the instructions. Regardless of the speed of the subject's counting, the officer should end the test after 30 seconds have elapsed. The following are the "clues" of intoxication for the One Leg Stand test: (1) sways while balancing, (2) uses arms to balance, (3) hops, and (4) puts foot down. Two or more clues indicate a 68 percent likelihood that the subject's blood alcohol content is greater than .10.

COMMON EXHIBITED BEHAVIOR FOR DESIGNATED BAC

The following is a list of commonly exhibited behaviors for subjects that have a given blood alcohol content. The list is not exclusive, and a subject may not exhibit every behavior for his or her level of intoxication.

0.02-0.06 BAC: Feeling of well-being and relaxation. Inhibitions lowered and a sense of euphoria. Minor impairment of reasoning and memory, lowering of caution. Emotions more intense. Possible light-headedness.

0.07-0.09 BAC: Reaction time slightly impaired. Reduced ability to retain data and store memories. Speech patterns exaggerated (abnormally soft or overly loud). Inability to maintain balance while walking.

0.10-0.15 BAC: Severe anxiety. Significant loss of mental and physical functions. Lack of ability of good judgments.

0.16-0.19 BAC: Nausea is common as the body attempts to eliminate alcohol through vomit. Lack of oxygen in brain causes blackouts. All mental and physical functions are severely impaired.

0.30-0.40 BAC: No understanding of the outside world. Coma or death are likely.

*This Manual has been published in a peer reviewed journal and may be referenced by experts in administering SFST.

**Created from the NHTSA SFST Training Manual

RETROGRADE EXTRAPOLATION MANUAL

ALCOHOL

Ingestible alcohol is known as ethyl alcohol or ethanol. Ethanol is the active ingredient in beer, wine, whiskey, liquors, etc. Ethanol production starts with fermentation. Fermentation is a kind of decomposition in which the sugars in fruit, grains, and other organic materials combine with yeast to produce the chemical we call ethanol. This can occur naturally as yeast spores in the air come into contact with decomposing fruit and grains. However, most of the ethanol in the world didn't ferment naturally but was produced under human supervision.

Over the millennia during which people have used and abused ethanol, some standard sizes for servings for different beverages have evolved. Beer, for example, is normally dispensed in 12-ounce servings. Since beer has an ethanol concentration of about four percent, the typical bottle or can of beer contains a little less than half an ounce of pure ethanol. A standard glass of wine has about four ounces of liquid. Wine is about 12 percent alcohol, so the glass of wine also has a bit less than one half an ounce of ethanol in it. Whiskey and other distilled spirits are dispensed by the "shot glass," usually containing about one and one-quarter ounces of fluid. At a typical concentration of 40 percent ethanol (80-proof), the standard shot of whiskey has approximately one half ounce of ethanol. Therefore, as far as their alcoholic contents are concerned, a can of beer, a glass of wine, and a shot of whiskey are all the same. Measured in this way, a standard serving of an alcoholic beverage contains 14 grams (1/2 ounce) of alcohol.

PHYSIOLOGIC PROCESSES

Ethanol is a Central Nervous System Depressant. It doesn't affect a person until it gets into their central nervous system, i.e., the brain, brain stem, and spinal cord. Ethanol gets to the brain by getting into the blood. In order to get into the blood, it has to get into the body. Once alcohol gets into the stomach, it has to move into the blood. The process by which this happens is known as absorption. One very important fact that pertains to alcohol absorption is that alcohol doesn't have to be digested in order to move from the stomach to the blood. Another very important fact is that alcohol can pass directly through the walls of the stomach. These two facts, taken together, mean that, under the right circumstances, absorption of alcohol can be accomplished fairly quickly. The ideal circumstance for rapid absorption is to drink on an empty stomach.

ABSORPTION

Food has to be at least partially digested in the stomach before it can pass to the small intestine. When the brain senses that food is in the stomach, it commands a muscle at the base of the stomach to constrict and cut off the passage to the small intestine. The muscle is called the pylorus or pyloric valve. As long as it remains constricted, little or nothing will move out of the stomach and into the small intestine. If alcohol is in the stomach along with the food, the alcohol will also remain trapped behind the pylorus. Some of the alcohol trapped in the stomach will begin to break down chemically before it ever gets into the blood. In time, as the digestive process continues, the pylorus will begin to relax, and some of the alcohol and food will pass through, but the overall effect of food in the stomach will be to slow the absorptions significantly. Because the alcohol only slowly gets into the blood, and because the body will continue to process and eliminate the alcohol that does manage to get in there, the drinker's Blood Alcohol Content (BAC) will not climb as high as it would have if he or she had drunk on an empty stomach.

DISTRIBUTION

Once the alcohol moves from the stomach into the blood, it will be distributed throughout the body by the blood. Alcohol has an affinity for water. The blood will carry the alcohol to the various tissues and organs of the body and will deposit the alcohol in them in proportion to their water contents. Brain tissue has fairly high water content, so the brain receives a substantial share of the distributed alcohol. Muscle tissue also has reasonably high water content, but fat tissue contains very little water. Thus, very little alcohol will be deposited in the drinker's body fat.

ELIMINATION

As soon as the alcohol enters the bloodstream, the body starts trying to get rid of it. Some of the alcohol will be directly expelled from the body chemically unchanged. For example, some alcohol will leave the body in the breath, in the urine, in sweat, in tears, etc. However, only a small portion of the ingested alcohol will be directly eliminated.

Studies have shown that for the average person, the rate of elimination (combining metabolism, excretion, and evaporation) is 0.015g per 100 mL of blood per hour.

Inexperienced drinkers tend to have lower than average rates of elimination as low as 0.013g per 100 mL of blood per hour. Alcohol will be eliminated more quickly the higher the subject's BAC (as high as 0.018g per 100 mL of blood per hour). Due to their younger physiology, the negative effects of alcohol for juveniles are intensified, and the alcohol elimination rate is greatly lowered.

CALCULATING BLOOD ALCOHOL CONTENT

The Widmark Formula can be used to calculate a rough estimate of a person's BAC. The formula is as follows:

$$BAC = \frac{\text{Alcohol dose in grams}}{\text{Body weight in grams} \times r} \times 100$$

r = the whole body alcohol distribution ratio

r = 0.55 for females

r = 0.68 for males

The alcohol dose in grams can be calculated using the following formula:

$$\text{Alcohol dose} = (\text{Number of standard serving drinks}) \times (\text{Alcohol content in drink})$$

To get body weight to grams, use the following conversion:

$$1 \text{ pound} = 454 \text{ grams}$$

Example 1: If a 200 pound male drank three standard serving size alcoholic drinks at 14 grams each, what would his estimated BAC be?

$$BAC = \frac{(3 \text{ drinks}) \times (14 \text{ grams each})}{(200 \text{ pounds}) \times (454 \text{ grams}) \times (0.68)} \times 100$$

$$BAC = \frac{42 \text{ grams}}{90800 \text{ grams} \times 0.68} \times 100 \quad \mathbf{BAC = 0.068}$$

Example 2: If a 200 pound male drank four standard serving size alcoholic drinks at 14 grams each, what would his estimated BAC be?

$$BAC = \frac{(4 \text{ drinks}) \times (14 \text{ grams each})}{(200 \text{ pounds}) \times (454 \text{ grams}) \times (0.68)} \times 100$$

$$BAC = \frac{56 \text{ grams}}{90800 \text{ grams} \times 0.68} \times 100 \quad \mathbf{BAC = 0.09}$$

ELAPSED TIME FORMULA

Because the average person eliminates 0.015 g of alcohol from their blood every hour, we can subtract this number from our calculations to arrive at an estimated BAC at a given point in time. Conversely, if we have a measurement of BAC from a blood or breath test, we can add back the eliminated alcohol to retroactively extrapolate a BAC at some point in the past. We would use the following formula:

$$BAC = \left[\frac{\text{Alcohol dose in grams}}{\text{Body weight in grams} \times r} \times 100 \right] - [\text{elapsed time in hours} \times 0.015]$$

Example 3: Take example 1 from above and calculate his estimated BAC three hours after consuming the beverages?

$$BAC = [0.068] - [3 \text{ hours} \times 0.015]$$

$$BAC = [0.068] - [0.045] \quad \mathbf{BAC = 0.023}$$

Example 4: Take example 2 from above and calculate his estimated BAC three hours after consuming the beverages?

$$BAC = [0.09] - [3 \text{ hours} \times 0.015]$$

$$BAC = [0.09] - [0.045] \quad \mathbf{BAC = 0.045}$$

Example 5: What if we know that a male subject had a blood test that calculated his BAC at 0.035 at 5:00AM. Use the normal rate of elimination. What would his estimated BAC be three hours earlier?

$$0.035 = BAC - (3 \text{ hours} \times 0.015)$$

$$0.035 = BAC - 0.045 \quad (\text{add } .045 \text{ to both sides of the equation})$$

$$\mathbf{BAC = 0.08}$$

Example 6: What if we know that a male subject had a blood test that calculated his BAC at 0.035 at 5:00AM. Use the slow rate of elimination. What would his estimated BAC be three hours earlier?

$$0.035 = \text{BAC} - (3 \text{ hours} \times 0.013)$$

$$0.035 = \text{BAC} - 0.039 \quad (\text{add } .039 \text{ to both sides of the equation})$$

$$\mathbf{BAC = 0.074}$$

*This Manual has been published in a peer reviewed journal and may be referenced by experts in retrograde extrapolation.

**Created from the SFST Training Manual and literature from the American Prosecutors Research Institute.

Evidence

SFST FIELD NOTES

Subject: C. Shepard. Date: 6.30.18 Time: 0230

Officer: J. Cole Badge: 4011

HORIZONTAL GAZE NYSTAGMUS. TOTAL CLUES X OUT OF SIX.

LEFT EYE

RIGHT EYE

Lack of smooth pursuit

Nystagmus at max. deviation

Onset nystagmus prior to 45 degrees

*Subject refused.
Kept blinking eyes.*

WALK AND TURN. TOTAL CLUES 3 OUT OF EIGHT.

Cannot keep balance during instructions

Starts too soon

Stops while walking

Does not touch heel to toe

Steps off line

Uses arms for balance (raises arms over six inches)

Improper turn (or loses balance on turn)

Wrong number of steps

ONE LEG STAND. TOTAL CLUES 3 OUT OF FOUR.

Sways while balancing

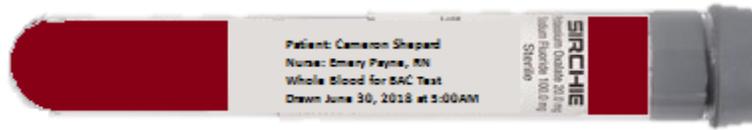
Uses arms to balance

Hops

Puts foot down

BLOOD VIAL

(this page is to be used as the actual vial of blood)



BLOOD DRAW LAB REPORT

**CHEMISTRY UNIT
LABORATORY REPORT**

DATE: July 15, 2018
LABORATORY NUMBER: AICL18-00380
SUBJECT: CAMERON SHEPARD
SUBJECT WEIGHT: 200 LBS
INVESTIGATING OFFICER: J. COLE, APD

EVIDENCE RECEIVED:

Blood draw at 5:00AM on June 30, 2018 by Emery Payne, RN.

Item # 3419-01: Sealed envelope containing one grey top tube containing apparent whole blood.

PURPOSE:

Drug Chemistry-Blood Alcohol Content

RESULTS/CONCLUSION(S):

Alcohol Concentration:

0.035 (+/- 0.009) grams of ethyl alcohol per 100 milliliters of whole blood, calculated at a coverage probability of 99.73%.

REMARKS/DISPOSITION OF EVIDENCE:

Items(s) returned to the Austin Police Department.

EMERY PAYNE, RN
FORENSIC SCIENTIST
AUSTIN GENERAL HOSPITAL

DEATH CERTIFICATE

**STATE OF TEXAS
CERTIFICATE OF VITAL RECORD
COUNTY OF TRAVIS**

CERTIFICATE OF DEATH

PLACE OF DEATH	DATE OF DEATH
TRAVIS COUNTY	JUNE 30, 2018
HOSPITAL	STREET ADDRESS
AUSTIN GENERAL HOSPITAL	

NAME OF DECEASED	DATE OF BIRTH
CHASSIDY BARNES	DECEMBER 25, 1996
SEX	AGE
FEMALE	21
MARTIAL STATUS	PLACE OF BIRTH
NEVER MARRIED	TRAVIS COUNTY

FATHER'S NAME	MOTHER'S NAME
GERALD BARNES	DORA BARNES

CAUSE OF DEATH	PLACE OF INJURY
BLUNT FORCE TRAUMA TO HEAD	2901 I 35, AUSTIN TEXAS 78722
BURIAL OR CREMATION	NAME OF CEMETERY
BURIAL	AUSTIN CEMETERY

DATE ISSUED: JULY 15, 2018
COUNTY CLERK, AUSTIN TEXAS



BAR RECEIPT

PLATINNUM BAR	
Server: Urban Rhodes	
4 X WHISKEY SHOT	\$42.00
6 X BEER	\$35.00
SUB	\$77.00
TAX	\$6.35
TOTAL	\$83.35
DRIVING HOME TONIGHT COULD BE VERY EXPENSIVE DON'T DRINK AND DRIVE	
	
CARDHOLDER	CAMERON SHEPARD
CARD NUMBER	**** * 7624
DATE OF PAYMENT	JUNE 30, 2018
TIME OF PAYMENT	1:30AM