



**ILLINOIS STATE  
BAR ASSOCIATION**

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# Illinois State Bar Association High School 2011 Mock Trial Case

*People v. Grey*

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**INFORMATION**

In the Circuit Court of  
Lincoln County, Illinois

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People of the State of Illinois,	)	
Prosecution	)	
	)	
v.	)	No. 424-1809-2011
	)	
Whitney Grey	)	
Defendant	)	
	)	

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***Arson***

State’s Attorney Jan Edwards, representing the People of the State of Illinois, complainant, now appear before The Circuit Court of Lincoln County and state that Whitney Grey, defendant, did on or about the evening of July 4 and/or the early morning of July 5, 2010, in the town of Thunderbird, commit the offense of arson when he/she knowingly caused a fire at the Bellows & O’Brien Pub, 424 South Second Street, Thunderbird, Illinois, causing damages in excess of \$150 to real property, and/or causing damages in excess of \$150 to personal property, and/or with the intent to defraud an insurer.

*Signature:* \_\_\_\_\_  
Jan Logan-Edwards, State's Attorney, Lincoln County

I have examined the above complaint and the person presenting same and have heard evidence thereon, and am satisfied that there is probable cause for filing same. Leave is given to file said complaint.

\_\_\_\_\_  
Summons issued by James Gold, Presiding Judge, Lincoln County, Illinois.

## **Statement of the Case**

In the early morning hours of July 5, 2010, the popular pub known as Bellows & O'Brien's in downtown Thunderbird, Illinois, went up in flames. The property was a total loss. Thousands of dollars worth of inventory including food and beverages, as well as O'Brien's family heirlooms that were going to be used to decorate the pub were destroyed by fire, smoke and water.

The pub was co-owned by Ashton Bellows and Lane O'Brien, friends since high school and partners in the Pub since it opened. In the past year or so, Bellows had lost interest and wanted out, expressing his/her wishes to sell his/her share of the business to O'Brien, as a first option, and if not to O'Brien, then to someone else. O'Brien had assured Bellows that he/she wished to buy Bellows' share of the pub but would need time to gather adequate funding.

Whitney Grey, jack of all trades for both Bellows and O'Brien, worked as a bartender, runner, server, and cleaning crew or whatever needed in the pub. Grey has a juvenile record, having started 2 fires in the city of Thunderbird when he/she was 14 years old. Both were set in grasslands outside of town.

### **Ashton Bellows is also facing charges but will have a separate trial for insurance fraud and arson.**

#### **For the Defense:**

- Whitney Grey, alleged arsonist handy-person for Bellows & O'Brien, a popular pub in downtown Thunderbird, Illinois (Lincoln County)
- Ashton Bellows, property owner of burned property, friend of Whitney Grey
- Jensen Decker, psychologist

#### **For the Plaintiff:**

- Lane O'Brien, Ashton Bellows partner and part owner of burned property.
- Eaton Bahr, Fire Marshal.
- Falcon Berk, firefighter.

All persons and place names used in this case are fictitious.  
Any similarity to real people or places is coincidence.

## Illinois Pattern Jury Instructions - Criminal

### 3.04 Circumstantial Evidence

A fact may be proved by circumstantial evidence. Circumstantial evidence consists of the proof of facts or circumstances which leads to a reasonable inference of the existence of other facts sought to be established.

### 15.01 Definition of Arson

A person commits the offense of arson when he, by means of fire, knowingly: 1) damages any real property having a value of \$150 or more of another without his consent; or 2) damages any personal property having a value of \$150 or more of another without his consent; or 3) damages any real or personal property having a value of \$150 or more with intent to defraud an insurer.

### 15.02 Issues in Arson - Real Property

To sustain the charge of arson, the State must prove the following propositions:

First proposition: That the defendant, by means of fire, knowingly damages the real property of Ashton Bellows and Lane O'Brien; and

Second proposition: That the defendant did so without the consent of Bellows and O'Brien.

If you find from your consideration of all the evidence that both of these propositions have been proved beyond a reasonable doubt, you should find the defendant guilty.

If you find from your consideration of all the evidence that either of these propositions has not been proved beyond a reasonable doubt, you should find the defendant not guilty.

### 15.02A Issues in Arson - Personal Property having a value of \$150 or more

To sustain the charge of arson, the State must prove the following propositions:

First proposition: that the defendant, by means of fire, knowingly damaged the personal property of Ashton Bellows and Lane O'Brien; and

Second Proposition: That the personal property had a value of \$150 or more; and

Third Proposition: That the defendant did so without the consent of Bellows and O'Brien.

If you find from your consideration of all of the evidence that each one of these propositions has been proved beyond a reasonable doubt, you should find the defendant guilty.

If you find from your consideration of all of the evidence that any one of these propositions has not been proved beyond a reasonable doubt, you should find the defendant not guilty.

### 15.02 B Issues in Arson - Insurance Fraud

To sustain the charge of arson, the State must prove the following propositions:

First proposition: That the defendant, by means of fire, knowingly damaged real and personal property having a value of \$150 or more; and

Second proposition: That the defendant did so with the intent to defraud the insurer.

If you find from your consideration of all of the evidence that both of these propositions have been proved beyond a reasonable doubt, you should find the defendant guilty.

If you find from your consideration of all of the evidence that either of these propositions has not been proved beyond a reasonable doubt, you should find the defendant not guilty.

# Witness Affidavits and Stipulations

*People v. Whitney Grey*©

## 2011 Illinois State Bar Association High School Mock Trial Invitational

- All affidavits are considered signed and sworn and may not be disputed at trial
- All witnesses are gender neutral
- While there are three witness affidavits provided per side, teams must determine which two will offer the best evidence. You may only call two witnesses per side.
- All persons and names used in this case are fictitious.

### Stipulations

1. Fire Marshal Eaton Bahr and Psychologist Jensen Decker are certified as expert witnesses.
2. All arson evidence was legally obtained and collected using proper procedures. There are no admissibility issues.
3. Exhibit A, the report of the Fire Marshal, is admissible.
4. Juvenile case records are usually sealed and not admissible; however, in this case Whitney Grey, now an adult, has given permission to release all records.



- **Whitney Grey - Defendant, alleged arsonist**

1. My name is Whitney Grey and I'm 24 years old. I live in Thunderbird, Illinois and have all of my life. Some people would call me a loser because I dropped out of high school and have had a string of part time jobs that some people might find insignificant. I got my GED and am currently a student at a local community college. I'm concentrating my studies on criminal justice because I had wanted to become a firefighter, but couldn't pass the physical because I have pretty severe asthma. The smoke would not have been good for my lungs. But, I'd love to work for a fire department in some capacity, maybe as an investigator. But that's way in the future.

2. When I was about 14 years old I did get in with a pretty rough group of kids and we started a couple of fires in a field one summer. I was one of the kids that got caught and had to do community service as a result. While I know this juvenile record shouldn't be brought out at trial because it's confidential, I'm being up-front about it. I did wrong, I paid for what I did and I learned from it and have had no other issues with the law since that time. I've been incident-free for over 10 years now and I plan to keep it that way. When I got the job at the pub, they insisted that every employee have a background check. I wasn't sure if my juvenile record would show up so I admitted everything to both owners during the interview for the job.

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3. I'll readily admit that I did ask Ashton Bellows, one of the pub's owners, for a loan or advance on my pay, but Ashton said that money was too tight at the moment. Ashton also told me that he/she wants to sell his/her half of the pub and move out of the area to get out of some old relationships that have gone bad...and find a new life away from the food and alcohol business. It's pretty much a 24 hour job, seven days a week, so I can't really blame Ashton for wanting out. But Ashton said that he/she has been asking the other partner, Lane O'Brien, to buy his/her share of the business so Ashton can get out of town.

4. I asked Ashton for a reference, in case he/she left town, at least I'd have something on file in case I needed another job. This particular conversation was held at the Pub after hours when I was helping with general clean up. The only other person at the pub at that time was Lane O'Brien and I didn't keep my voice down so Lane must have overheard what I was telling Ashton.

5. What I was saying was what I said in my statement before. I had wanted to become a firefighter but couldn't because of my asthma, but still wanted to work as a fire investigator and was going to school. I also mentioned that I had experienced what some people call arson at an early age when that group of kids I ran with started a fire or two that got out of control and I told Ashton that I'd done community service. I'd worked for Ashton and Lane for over 6 years at that time and I don't think Ashton remembered me saying anything about this during my original interview. I'm sure I told them. I'd had a background check and I didn't want any surprises.

6. Ashton seemed surprised, but then remembered the conversation we'd had when I was first employed at the pub. Ashton asked a lot of questions about the community service I had undertaken as a result of the arson charge, which I thought was nice. I told Ashton that I'd

cleaned public parks, picked up trash along highways, and done quite a bit of other general community clean-up projects, which led to doing some general maintenance at the places I'd helped keep clean. With the support of my parents and the police, I worked hard and pretty much cleaned up my reputation.

7. Ashton asked only a few questions about the fires that we had started way back then, and I was able to go into pretty much detail about the incidents and mentioned that I wanted to become a fire investigator. Lane must have overheard what we were saying and that's why arson is suspected. We didn't keep our voices down. It's not like any of this stuff is secret. And now this. All because of an innocent conversation and me trying to be as honest as possible with people I thought would be my friends and support my efforts to improve myself.

8. The police asked if I have keys to the pub. I do. They asked if I know the alarm codes. I do. They asked if I worked the evening of July 4 and into the early morning hours of July 5. I was there doing my routine cleaning up after the Independence Day celebrations. They asked if I'd come back to the property after I left a little after closing at midnight. I told them I hadn't. I'd been at home in my apartment, alone. I don't have anyone who can confirm this, but I've never been accused of being a liar. They also asked if I smoked. I don't and never have.

9. I remember that my cell phone rang after the pub had closed that evening and I did get a little distracted for a few minutes and I'll admit that I could have left a window or two open. Even with the no smoking ban now in effect, taverns can get a little stuffy with so many people in them. During business hours, we have exhaust fans blowing out, and we open the windows in nice weather. That July 4 had been a beautiful day and the windows were all open during business hours.

10. There's also a sort of balcony or gallery that runs across the back of the pub. There's a small staircase up to that area across from the bar. The sound system is kept up there. There are also windows up there. I didn't check up there that evening so I don't know if they were open or closed. The fire investigators say they were open, which helped them determine that the fire was probably set on purpose. There are signs. Open windows to get oxygen into the building to feed the fire. Those windows were usually closed, but they were open that night. I don't know why or how they were opened.

11. There was also an accelerant found on the property in the basement...but that's where the furniture was being refinished so I'm guessing that's what they are talking about. That stuff is very flammable and there are warnings all over the cans to keep away from heat and open flame and dispose of rags properly. They found a gas can at my house, in my car trunk, with my fingerprints on it...and it also had Ashton's finger prints on it. It's the can we use to gas up the lawn mower when we mow at the pub. Last I heard it's not illegal to mow your lawn.

12. I admit that I've been studying to become a fire investigator myself. I know that there are some common motives that lead the police and fire officials to suspect arson. I don't fit any of the criteria that routinely leads to suspicion, except for that juvenile offense, for which I paid years ago.

13. There's the intent to conceal another kind of crime like murder....well there was no murder in this case. There's revenge, like trying to get back at someone for something they did...but I really like and respect both Ashton and Lane. I'd never do anything to hurt them; though some might believe I'd do anything I could to help them, especially Ashton. We've been closer than Lane and I. But I'd never do anything illegal. There's something called arson-for-profit where fires are set to get insurance money. I sure as heck didn't have my name on any insurance policy over there. How would I benefit? Do they think that Lane or Ashton would give me some of the money if they knew I'd wrecked their place of business? That's crazy. There's just plain old fashioned vandalism where a fire is set to ruin someone's property. I'm out of a job because the place burned down. I'm not stupid. I'd have thought that through. And, everyone knows about this accusation and my past run in with the law and fires... Who will hire me now? And last, but not least, there's people out there who just have an irresistible impulse to set fires. That's not me. I've been clean since that one time as a kid. I've paid for that mistake.

14. I've proved I'm not that kind of person. I had one run-in with arson years ago and I've worked really hard to keep my name clean and build a reputation as a reliable and good employee. I would never do anything to hurt my own reputation or jeopardize my future...even if someone asked me to do something for them as a favor. It's just not worth the risk.

15. They are saying that I had opportunity, because I had the alarm codes and the keys to the pub, that I wanted to help Ashton get the insurance money so I could borrow funds from him/her to get myself out of debt, and that I was seen near the scene of the crime. Well, I work there. I would be near there, wouldn't I? They also think that my career choice to be a fire investigator is a cover-up for arson. They think the more I know the better able I'll be to hide what I do. That's just offensive and wrong. I think getting Falcon Berk to testify against me is wrong too. Berk has never liked me.

16. I know people are going to talk about me talking to Ashton during the fire, and me smiling. I was pretty miserable that night watching that fire. I said to Ashton, "I needed this job. You're probably the only one who would hire me in this town." Ashton said, "I'll help you find something. Don't worry." That's when I realized what kind of friend Ashton really is. It made me smile, even while watching that awful fire.

17. The lacquer thinner and mineral spirits they found during the investigation were Lane's, I'm sure of it. He/She was using that stuff for the stripping and refinishing of the antiques. Lane wouldn't let anyone else near his/her family heirlooms. And the charcoal starter was used to light the grill behind the building. We'd been cooking out for some of our patrons when the weather was nice. That was a nice boost for business and quite a little money maker, while it lasted.

Whitney Grey

*Signed and sworn testimony of Whitney Grey.*



- **Ashton Bellows - Witness for the Defense**

1. My name is Ashton Bellows, and I'm one of the owners of the property that burned down, Bellows & O'Brien, and a close friend of Whitney Grey. I've known Whitney almost all of my life. I'm 30 years old and went into business with Lane O'Brien about seven years ago. We jointly own the pub Bellows & O'Brien.

2. I don't have the energy or interest I used to have in running the pub so I asked Lane O'Brien if he/she would buy out my half of the business. I want to start over somewhere warm...tropical. Dreams change. I used to want to own a pub, now I don't.

3. I asked Lane about six months ago to buy me out, or let me offer my share of the pub to someone else. Lane pretty much begged me for time, which I was happy to give, but it looks like Lane is in denial about me wanting to leave the business. I have seen absolutely no movement on Lane's part to raise funds to buy me out...and he/she doesn't want to even talk about me selling my share to someone else. I think I've been more than patient, but I'm getting tired of waiting. I gave Lane the year he/she asked for and that's half gone now.

4. I worked on the 4<sup>th</sup> of July. I admit to having a discussion with Whitney Grey about giving Whitney a letter of reference. Whitney knew that I wanted to leave town and he/she asked for a "to whom it may concern" sort of letter that he/she could give to potential employers in the future in case I left town and we lost touch. Whitney was very honest with me. We've worked together for years now and I forgot that when we first employed Whitney he/she admitted to having set a couple of fires when very young. I was impressed with Whitney's honesty then as well. We got to talking about Whitney's interest in becoming a fire investigator and Whitney said that he/she loved watching the firefighters at work and whenever he/she heard sirens, would try to locate the fire and watch these heroes in action.

5. I knew that Lane was working in the basement stripping antiques and was using some pretty noxious compounds to get the gunk off some of the older stuff. I didn't complain because the smell from the stripping compounds never got into the pub proper. Lane took great care to open windows in the basement to make sure the patrons upstairs didn't smell anything. Lane and I both have offices down in the basement, but with all the stripping and storage of the antiques down there, I hadn't been using my desk down there for weeks before the fire. Upstairs may have smelled ok, but down there, even with the windows open, it could get pretty smelly.

6. On the night of the fire, I had been working as bartender and the evening was as eventful as any 4<sup>th</sup> of July would be. It was busy in the early evening, and then around 9:00 p.m. the place pretty much cleared out as people went out to be with their families at the annual fireworks display across town at the park by the lake. I had been looking forward to a nice, calm evening. I remember there were only two or three of our regular patrons at the pub when it closed at midnight. No one else had returned after the fireworks display.

7. After they left, Whitney, Lane and I went through all the usual closing up procedures. I took care of the cash register that night and got the deposit ready for the bank. I did that right on the bar. I never went into the basement, and I never went upstairs to the loft area. Lane and

Whitney were closing up. Lane went downstairs to check on that area and I distinctly remember hearing Lane say that everything was closed up proper. After hearing that, I nodded to Whitney and told him/her to take off and get home early. Lane and I would lock up and set the alarm. Lane suggested I leave and he/she would take care of setting the alarm. I left probably a few minutes before Lane.

8. Whitney left before I did...and I didn't see him/her again until the fire. I got a phone call very early on the morning of July 5<sup>th</sup> from Lane telling me that the pub was on fire and to get down there as soon as possible. I pulled on some clothes and ran. I think I got there about 15 minutes after the phone call came through and when I got to the pub it was awful. The entire place was engulfed in flames and the fire department was hosing water into the building from every possible direction. It was a terrible mess.

9. Whitney Grey walked over to me and said something like, "I needed this job. You're the only one who would hire me in this town." I remember telling Whitney that I'd help him/her find something and not to worry." Whitney smiled. Then I walked back to Lane, who was talking with Eaton Bahr, the local fire Marshal.

10. Bahr was watching the progress of his team in fighting the fire...I remember Bahr asked Lane and me a few questions. By that time Lane was exhibiting anger. Bahr had asked if we had any idea how the fire might have started. I was completely in the dark as to how the fire might have started and I said so. I told Eaton Bahr that when we left the building had been fine...and that to my knowledge there was no reason for anyone to intentionally set the fire. Lane and I don't have any enemies in this town. Our pub was a very friendly gathering place and we didn't allow anyone to make trouble.

11. Then Lane pointed a finger right into my face and said, "I heard you and Whitney talking about arson and now this." I was really taken aback. Bahr looked at me and then looked around and saw Whitney standing at the edge of the crowd that had gathered. I remembered what Whitney had said about liking to watch firefighters in action and I started to try to explain that Whitney's interest was professional, not criminal.

12. Then Lane whispered something to me that I know Bahr overheard, Lane said, "This is how you're going to get your money? Insurance? You couldn't wait?" Bahr looked at us kind of funny and then looked again at Whitney. I know my mouth was just hanging open. I couldn't believe what I was hearing. I just stood there and shook my head. Then I remembered that I'd suggested to Lane some months ago that we increase the insurance on the pub because of all the family antiques we were going to be using to decorate the place. We'd signed the insurance papers just the month before. Now Lane was using that to try to make me look guilty?

13. Later on I heard that the police went to Whitney's property with a search warrant. They found an empty gasoline can that had Whitney's fingerprints on it in the trunk of his/her car. It had mine on it too. We've both used that can to gas up the lawn mower at the pub, but they wouldn't listen. They seemed to think it confirmed what Lane was saying...that Whitney and I had conspired to set the fire to collect on the insurance money. This is just unbelievable. Lane had as much opportunity or more to set the fire and they aren't even looking in that direction.

Lane knew I wanted out and couldn't buy me out. Maybe Lane started the fire for the money...to buy me out and start somewhere new.

14. The police asked me if I went back to the pub the night the fire was set. I told them "no" and that's the truth. When I left I went right home. I left a few minutes before Lane and I'm sure that Lane saw me get into my car and leave. When I left, Lane wasn't in his/her car yet. Lane could have gone back into the pub and arranged everything.

15. The alarm company said that the alarm hadn't been turned off so if anyone did go back into the building they would have had to climb in through one of the basement windows. I guess that's possible, though the thought had never occurred to me. I think the fire started because Lane forgot to turn off one of the stripping tools and it set some of the rags on fire that had that stripping junk on them. With the windows open on the balcony, the air flow was probably perfect for a fire to spread...especially when it hit all the alcohol at the bar. Plus the building was old...wood floors, wood paneling, wood stairs...and the sprinkler system that we'd had installed some years ago just couldn't take care of the fire that had started. Those sprinklers hardly made a dent in putting out the blaze, or even containing it to one area. About six months ago the Fire Marshal had recommended that we add sprinklers to the basement level but we hadn't gotten around to getting that done. We had a year to comply. I wish we hadn't put it off. Lane had indicated that he/she was going to speak to the sprinkler company to get them out and I think there was an appointment on the books for them to get the work done in a few weeks.

16. I had asked Lane for half the value of the pub so I could get out and start over. I admit that I'm sick of running a bar, but I would have waited for the money. I am pretty sure that Lane was working to get the funding scraped together to buy me out and had been thinking about finding a new partner. Lane asked for a year and I had agreed to that. I'm not an unreasonable person and I know that getting funds together can take time.

17. While the insurance money will be welcome, it won't replace Lane's friendship. I don't think our business relationship will recover. I had hoped to part on a friendlier note...but I don't know if that's possible with all the accusations that have been flying. I know the building is a total loss, there's no way to rebuild that kind of facility. If Lane wants to continue he/she will either need to find another vintage building or start from scratch. I'm not up to that. This isn't the way I wanted to get out of the pub business at all.

18. O'Brien, Grey, and I were all taken to the police station and questioned that morning. When the police questioned me, I told them that I wanted to get out of running the bar. For some reason, they asked about the recent increase in our insurance coverage. They also asked me questions about my conversation with Grey during the fire. They let me go when the interview was over, just like they let O'Brien go. If Whitney is convicted, I believe they are going to charge me with hiring him to set the fire even though O'Brien had just as much to gain!

19. I don't know why, but the police wanted to know if I smoked, or if we allowed smoking in the pub. I don't smoke and never have. And, since Illinois enacted the no smoking policy in public places a few years ago, we've not allowed smoking in the pub. But, Lane sometimes

sneaks a cigarette in the basement while he/she is down there doing inventory, organizing, or maybe when stripping, but I can't imagine that last one. Lane's pretty careful.

20. I've seen the report submitted by the Fire Marshal. I can't explain why there would have been gasoline in the basement, because I thought Whitney had the gas can at his/her place. Whitney mowed the lawn at the pub and always brought his/her own mower there to do the job and his/her own gas. That stuff was all at Whitney's place the night of the fire. I think I can explain why there was charcoal starter by the side door of the pub. We'd been cooking out and offering patrons brats and hot dogs some evenings and the grill is on the patio on that side of the pub. I think the lacquer thinner and mineral spirits would be the stuff Lane was using to strip the antiques. Lane was the only one who ever touched that stuff.

*Ashton Bellows*

*Signed and sworn testimony of Ashton Bellows*

- **Jensen Decker - Psychologist. Witness for the Defense**

1. My name is Jensen Decker and I'm a board certified psychologist. I've been in practice for over 15 years. I was the psychologist called in to interview Whitney Grey after the police and fire investigators began to suspect his/her involvement in the fire at the pub called Bellows & O'Brien's in Thunderbird, Illinois.

2. I did my undergraduate studies at the University of Springfield, and got my masters and Ph.D. at Thunderbird University. I've been in practice in Thunderbird since I got my Ph.D. and received my license 15 years ago. I have a large and diverse clientele and have been called by the police and fire departments to assist in creating profiles of crime suspects. I have extensive experience as an expert witness and have testified in over 50 trials in the central Illinois area.

3. They say that classroom education is great in qualifying someone as an expert, but it's really the on-the-job experience that's the most practical. I have found that interviewing clients and witnesses has helped broaden my knowledge base. Serving as an expert witness in 50 trials means hours of research, and interviewing as some of those cases called for me to interview family members, relatives, friends and/or neighbors, as well as other physicians for their opinions and input. When I say that I feel confident in my opinion, that confidence is based on my education, experience and careful deliberation.

4. After five sessions with Whitney Grey I would absolutely be willing to state under oath that Grey manifests none of the usual emotional or psychological issues that most arsonists have. I found Whitney to be emotionally secure, with a broad range of friends and family serving as support groups, with little or no destructive tendencies.

5. I've done a considerable amount of study and research on arson and arsonists and there are some very common factors that are found in virtually all people who are convicted of arson: First, there is a manifest preoccupation with fire; any fire. They like to watch fires, and they like to start them. I found that Whitney doesn't seek out fires to watch the destruction or the fire itself, Whitney likes watching the firefighters and how they utilize their equipment.

6. As to Whitney's juvenile charge and conviction for the field fires, I could classify those as being done by what is known as a "curious fire starter." These people are younger children or teens who set very simple fires in remote or hidden locations, like a field or abandoned shed. Many curious fire starters exhibit sadness as a result of starting the fire which is exactly what Whitney felt. Whitney then took action to remedy the situation through court-ordered community service and apologizing.

7. Many adult fire starters, unlike youthful "curious fire starters" are social outcasts and tend to have unsuccessful relationships or friendships. This, again, is not the case with Whitney. Whitney has a wide circle of friends, including both of the owners of the pub in question. Whitney also has an extended family, including brothers and sisters.

8. Many fire starters have anger issues that are specifically directed at authority figures. Again, Whitney does not fit this profile. Whitney has immense respect for authority and exhibits it with his/her teachers at the technical school where he/she is learning to become a fire investigator. Whitney also has great respect for both his/her bosses at the pub, Ashton Bellows and Lane O'Brien. During our sessions, Whitney spoke with unreserved openness and respect about both these individuals.

9. Because Whitney Grey has a juvenile offense that is categorized as arson, I must call attention to the fact that many arsonists manifest tendencies in early youth. Many juvenile fire starters are bored and may feel unchallenged in school. Some, like Whitney, get in with the wrong crowd and are led to behaviors they would not usually undertake because of peer pressure.

10. Many arsonists have poor coping skills and have difficulty problem solving. Again, Whitney doesn't fit this profile. Whitney is, as his/her employment suggests, a tremendous problem solver and has built a career as a caretaker, proficient in any number of skills from routine maintenance to general repair and small construction jobs, all of which call for an ability to cope with challenges and the ability to solve problems efficiently.

11. Many arsonists show no remorse for setting the fires that cause so much damage. Looking back at Whitney's juvenile indiscretion, he/she exhibited a tremendous amount of remorse and undertook the community service sentence with vigor. To this day, Whitney is still apologizing for that fire. Whitney's honesty in this particular area is quite telling as many arsonists are secretly proud of the fires they have set, but Whitney's body language and verbal communication regarding the juvenile arson charge all lead me to believe firmly that Whitney is ashamed of his/her actions and is still working to make restitution to the community as a way to apologize.

12. Because Whitney Grey is accused of profit motivated arson, I have been asked to outline some of the common factors found in those who have been convicted of this particular crime. Profit motivated arsons are routinely very well planned and organized. Typically an arsonist for hire, for lack of a better term, is frequently between the ages of 25 and 40 and is usually unemployed. They usually have at least completed the 10<sup>th</sup> grade. Offenders in this general category usually live outside the general neighborhood where the fire is started. Whitney lives only a few blocks away in this small town. Furthermore, and this is telling, usually those who undertake arson for hire or profit leave the scene of the arson and do not return. Whitney was there.

13. Based on my interviews with Whitney, I would say there is very little reason to believe that he/she would become involved in this crime. Whitney had a good working relationship with both bosses at the pub and valued his/her job. While Whitney values his/her friendship with both Ashton Bellows and Lane O'Brien, I do believe there is a closer tie with Ashton Bellows.

14. My usual fee for interviewing an individual prior to trial and serving as an expert witness is \$2500, plus \$300 per hour if the case goes to trial, as this one has. As Whitney is out of work and had little savings, my fees were paid by Ashton Bellows.

Jensen Decker

*Signed and sworn testimony of Jensen Decker, Ph.D.*

- **Eaton Bahr, Fire Marshal - Prosecution witness**

1. My name is Eaton Bahr and I've been Fire Marshal for the Thunderbird Township for over 5 years. Before that I served as a firefighter on the force for an additional 8 years. I've lived in Thunderbird for my entire life and have known Ashton Bellows, Lane O'Brien and Whitney Grey since they were kids.

2. I remember when Whitney Grey started those fires outside of town some years back. Whitney flat out admitted what he'd done right off the bat. Wanted to take full responsibility for the damages and worked hard at the community service to fulfill the sentence imposed by the juvenile court judge. I thought that would be the end of it, but maybe I was wrong. As far as I know, Whitney's been clean since that incident....until now. I have some serious questions about Whitney's activities that July night and early morning.

3. It's my job as the Fire Marshal to investigate the cause, origin and circumstances of this fire, just like I do for every fire in the area. I needed to determine if the fire was caused by carelessness or design. I also inspect public buildings to ensure they are safe. I had inspected the pub about six months ago and recommended updating their sprinkler system to include the basement where there were only two sprinkler heads. I recommended adding four additional sprinkler heads down at that level. They had a year to comply with that recommendation. I had received no notification from either Bellows or O'Brien that the work had been completed.

4. It's incredibly difficult to catch someone in the act of trying to set, or setting a fire intentionally which is why the courts sometimes consider circumstantial evidence enough to prove the crime of arson. In this case, there's a significant amount of circumstantial evidence that points directly at Whitney Grey. I don't think we need an eye witness here.

5. To start any kind of fire you need three things and Whitney would know this. You need a fuel source, which would be the old pub building, old wood everywhere. Plenty of fuel there. You need oxygen, which this fire had in abundance since windows were left open. This is one of the factors that led us to the arson charge. Windows were open in the basement, where the fire started, and in the loft area, causing the perfect draft to increase the heat. And, heat is the third necessity for a fire. Arson can be proved if any one of these three has been tampered with.

6. In this case, we had old wood everywhere...and we had an accelerant in the form of the liquids used for stripping the old furniture in the basement. It was everywhere. And, we had all the alcoholic beverages being stored near where the fire started in the basement. We had oxygen too, with windows open on two of the floors of the building creating a draft or vent for the flames. And there was heat. The coffee maker in the basement was in good enough shape for us to tell it had been on, and it was near the source of the fire, as was a stripping gun which had been left plugged in. There were just too many factors to ignore.

7. We first started to suspect arson during the fire. My firefighters said the fire was not responding the way they thought it should and then they noticed the upper floor windows open. Fire follows a fixed set of scientific rules. It will find the best source of oxygen, and there were



two excellent sources in this fire. The basement windows, where the fire started, and the windows in the balcony/gallery area increased the probability of the fire travelling upstairs quickly. My firefighters also noticed that the smoke was different from other fires, but that could be from the amount of alcohol that was involved in the fire. The smoke and smell would be different when that entered the mix. This fire had thick black smoke, which usually means that gasoline or another accelerant might have been used and we found that gasoline had been found in the basement.

8. And then there was Whitney Grey, a familiar face at most of the local fires. Whitney was there again, watching. I know that Whitney wanted to be a firefighter, and had health issues that prevented that particular career move. And I also am aware that Whitney wants to become a fire investigator. That means Whitney knows all about how to start a fire and keep it going – which windows to open for maximum air flow, and what accelerants to use. And that coffee maker in the basement was on the floor, not where it should have reasonably been. As the probable point of origin of the fire, and the ignition source this is important. To prove arson, the ignition source has to be where it would not normally be...like a candle in a hallway, or a coffee maker on the floor near some rags soaked in stripping liquid, next to a heat gun. There was also evidence of rubber gloves in the area. They were melted into piles so were no help to us in getting finger prints.

9. Sometimes the person who started the fire is the one who calls it in. This isn't the case here. The building's alarm system auto-called the fire department when the sprinkler system activated.

10. We have interviewed every person who was there watching the fire that early morning and no one saw anyone fleeing the building or even acting suspicious. We have also watched video footage from the news stations that were present filming and they showed Whitney watching the fire, standing beside Ashton Bellows. They were both smiling, which I thought was pretty unusual.

11. We ran background checks on the two owners as well. Ashton Bellows is financially secure. No past due bills, everything paid on time, great credit rating. But when we interviewed Bellows, he/she stated that the pub had become a sort of albatross and he/she wanted out of the business of running a bar. I can understand that. The hours have to be brutal, and dealing with patrons can sometimes be a challenge. Bellows had stated that his/her partner was trying to accumulate adequate funding to buy Bellows out of the business, but that no deadline had been discussed and there was no stress in that area.

12. We interviewed Lane O'Brien as well and performed the same background check. Again, financially pretty secure, though there was no savings to speak of. No past due bills either. Lane seemed to be pointing the finger at Bellows and Grey. Lane said they had been discussing arson at the pub prior to the fire. I found that quite interesting.

13. Both O'Brien and Bellows had their names on the insurance that had recently been taken out. Both are beneficiaries.

14. Arson is a very serious crime. It's a felony for good reason. I know that some fire officials estimate that as many as 50% of all fires in this country may be intentional. We're very lucky that no one lost their lives in this blaze.

15. I have some serious concerns about Whitney Grey's interest in fires and fire fighting. Whitney might have thought he/she was doing Bellows a favor by starting that fire and helping Bellows get his/her half of the insurance money instead of half of the value of the business.

16. I can say with certainty that there were improperly stored materials in that basement, and there were appliances left on; the coffee maker and the heat gun they were using to strip the antiques in the basement. It's a good thing that Lane O'Brien has an alibi, or I'd say that he/she might have had a hand in this fire. And that alibi witness is a good one. It's one of my firefighters. Lane stopped by the fire department on the way home from the pub, and because it was the beginning of the shift, stayed and played cards with the people on duty. O'Brien wasn't due back at work on the 5<sup>th</sup> so didn't feel bad staying up all night. O'Brien arrived at the fire station at about 12:30 ~~a.m. after closing down the pub for the night. It is believed that the fire~~ started at about 4:30 a.m. Using heat guns and coffee makers as an ignition source, the fire could have been set way earlier than it started.

Deleted: p.m.

17. I wondered if maybe smoking could have had something to do with this fire, but everyone has denied smoking in the building for months.

18. When we first got the alarm, I called the emergency utility number and had all power and gas shut off at that site. I hate dealing with explosions. It's usually one of the first things I do. We followed all appropriate procedures for this investigation. While we're fighting a fire, that is a primary concern. We were sure there was no one in the building as soon as we'd accounted for the two owners and Whitney Grey. As soon as the fire was under control, but before it was completely out, we secured the scene and made sure that the investigation wouldn't be compromised by citizens or the media messing around on the property. We knew then we might have arson on our hands and had to take all appropriate steps.

19. The investigation proceeded as soon as the fire was out. I asked one of our firefighters to go home and get his dogs, Reggie and Sophie, to help with the investigation. They are both certified canine fire dogs and can sniff out any incendiary devices or accelerants that may have been used. Reggie had hits all over the basement and upstairs. So did Sophie. We bagged and tagged samples and had them sent to the lab. There were numerous accelerant confirmations. This fire went from questionable to suspicious fast. My report has been submitted. I believe it's been made available to all the parties in this case.

***Faton Bahr***

*Signed and sworn testimony of Eaton Bahr, Fire Marshal, Thunderbird, Illinois*

- **Lane O'Brien - Prosecution Witness**

1. My name is Lane O'Brien and I am, or was, the proud co-owner of the pub known as Bellows and O'Brien's in Thunderbird, Illinois. The pub was my life. I threw everything into that place; all my time and all my money. Ashton Bellows was my partner and I thought I could trust Ashton with anything. I'm not so sure now.

2. After work on the evening of July 4<sup>th</sup> I left after closing the pub and went directly to the fire station to play cards and cook for the firefighters. I do that about once a month. I love to cook and I really enjoy spending time with the firefighters. Pretty much every one of them is a good friend of mine.

3. I was at the fire station when the call came in and I remember someone yelling, "Your pub's on fire." I ran to my car and arrived at the pub a few seconds before the fire trucks. I could tell right away that the place was going to be a total loss. The whole building seemed to be in flames, with smoke and fire pouring out all the upper floor windows. I remember thinking, and maybe I said something out loud, about the windows being open. They should have been closed and I would almost swear that I'd been up there on the balcony and closed everything up there nice and tight before I left that night.

4. Everything was organized confusion. The firefighters always seem to do their job with great dedication. I think most people would agree that they face trying circumstances when responding to an alarm. I have tremendous respect for all of them and am so thankful that no one was hurt while fighting the blaze.

5. I think I may have been in shock. Fire Marshal Bahr was there watching the team fight the fire...I remember Bahr asked me a few questions. By that time I was starting to feel pretty angry about the whole situation. Pretty much my entire life was going up in flames, including some pretty valuable antique family heirlooms. Bahr had asked me if I had any idea how the fire might have started. I was completely in the dark as to how the fire might have started and I said so. I told Fire Marshal Bahr that when we left the building had been absolutely fine...and I added that to my knowledge there was no reason for anyone to intentionally set the fire. We don't have enemies. Our pub was a very friendly gathering place.

6. Then I think I sort of jolted out of shock for a few seconds and I remember a flash going off in my head...and I pointed a finger at Ashton and said that I'd heard Ashton and Whitney Grey talking about arson just hours before the fire. I was so angry at pretty much everyone, but especially Ashton and Whitney. I remember that Fire Marshal Bahr looked at me and then we noticed Whitney standing at the edge of the crowd that had gathered. I remembered what Whitney had said about liking to watch firefighters in action and I told this to Bahr.

7. That's about when I said something to Ashton Bellows that I sort of regret now. I know Bahr overheard my comment, I said, "This is how you're going to get your money? Insurance? You couldn't wait?" I couldn't get it out of my head how Ashton had suggested some months ago that we increase the level of property insurance on the pub. It was right about when I brought all the antiques to the pub's basement to start working on cleaning them up to use as display

pieces in the bar area. We got the insurance, and we were co-beneficiaries. It had been prior to this that Ashton told me that he/she wanted out of the pub business and asked if I'd buy his/her half of the pub. I just didn't have the money at the time and asked for a year to save and arrange financing for the buy-out. I thought Ashton was ok with this plan. Now I'm not so sure.

8. I didn't really intend to point a finger directly at Ashton, or at Whitney for that matter, but when the Fire Marshal started asking more and more questions about arson and how the fire might have started, things fell into place in my head.

9. I think Whitney Grey started the fire somehow, but it was really Ashton Bellows who directed the entire operation so he/she could get his/her half of the value of the pub. I hate to think that people who I considered friends and trusted co-workers would turn on me and do this kind of thing, but what else can I think? I certainly wasn't involved in setting the fire. I was at the fire house with most of the firefighters when the fire broke out. I would have had to rig things pretty efficiently on some timers or something to get the coffee pot and the heat stripper to spontaneously combust hours after I left the property. I guess that kind of thing is possible, but I sure wouldn't have the first idea about how to go about doing that.

10. Now I'm out of a livelihood, waiting for the insurance money to help get me started again. But losing those antiques in the basement breaks my heart. I'm glad my parents are no longer here to know what happened. I'm an only child. Everything they had was left to me. Those antiques were handed down from my great grandparents, my grandparents and parents. I was working really hard to get them ready for display in the pub and now all that went up in smoke. I can't remember who asked if I smoked. I do, but only when I'm not at work...like if I go out for a drink with friends I may have one. I haven't smoked at the pub for over a year. And certainly not while all that stripping medium was there in the basement.

11. Whitney Grey is guilty. I'm sure of it. That kid has a record of setting fires and is known to have a real interest in watching almost every fire that occurs in the area. I like Whitney, but I want to see whoever started this fire punished. If Whitney Grey had a hand in this, and we can prove it, Ashton won't get any of the insurance money. It will all come to me. Not that that's what I would want, but if Grey is guilty, and Ashton had Grey set the fire, there's no way he/she should benefit from this tremendous loss.

12. We're just so lucky that the building was empty and no one in the fire department was hurt. Whoever planned this fire did that part right. I couldn't live with myself if that fire had done physical harm to anyone I know. I'm kicking myself pretty much every hour for not responding to the Fire Marshal's order to increase sprinklers in the basement area. I had contacted the sprinkler company and they were scheduled to come to the pub in a few weeks to install additional heads in the basement per the Marshal's order.

13. I'm also really glad that I went to the fire house that night and was with Falcon Berk and others when the fire broke out. I would hate to be under the kind of scrutiny that Whitney Grey and Ashton Bellows are facing, especially since Ashton has also been charged and is facing a separate trial. I think maybe he/she will be in the future. I can't see Whitney doing this on his/her own. There would be no reason. But Ashton wanted out of the pub business, and encouraged me

to purchase additional property insurance. I think that's a pretty strong motive. I also firmly believe that Whitney Grey would do anything that Ashton asked him/her to do. Whitney's looked up to Ashton, way more than he/she does me.

14. The pub is a total loss. Last time we had the property valued, the building alone was appraised at \$300,000. If you add in the inventory, antiques and other items, I'm sure that valuation would exceed \$400,000. We were insured for \$500,000. While that would probably cover the cost of rebuilding, there's no way we could replace the atmosphere that this old building had...and the antiques are gone forever.

15. The investigation is pointing fingers at the stuff I was using to re-do my family heirlooms. Stuff like lacquer thinner and mineral spirits. I'll admit I used that stuff, but I try to be careful. I hate to think about the loss. It's really got me depressed. The insurance policy covered the building but the antiques just can't be replaced...not with all the family history there. I'm glad that dog sniffed out all the places that the flammable liquids had been found. That means the fire was probably started on purpose and that makes me absolutely sure that Whitney did this. And, Ashton helped. I'm sure of it. Those two were thick as thieves and I sometimes felt a little left out of their discussions and fun. They had been cooking brats and hotdogs for patrons without asking me. Made me feel sort of bad, but it was a good idea so I wasn't about to tell them to stop just because it hurt my feelings that they hadn't asked me about it. I have some concerns about the insurance claim being slowed down because of the arson allegations. What a mess.

16. If Whitney Grey is convicted of this arson, I'm glad they are charging Ashton as well. I see his/her hand in this. I don't think Whitney would have thought of this on his/her own. Now Whitney is griping that he/she doesn't have a job. Well, too bad. If you start fires, you don't deserve to be employed.

Lane O'Brien

*Signed and sworn testimony of Lane O'Brien*

- **Falcon Berk - Prosecution Witness**

1. My name is Falcon Berk and I'm a firefighter for the township of Thunderbird, Illinois. I've been a firefighter for two years. I got my training right out of high school. I've known Whitney Grey all my life. We grew up as next door neighbors.

2. My parents wouldn't let me have any contact with Whitney after the arson incident when he/she was a kid. And, I have to say, that incident is what made me interested in becoming a firefighter. I was the person who was able to identify Whitney as one of the kids who started the fire, and I helped put it out. The fire was set in a field behind our houses near an abandoned chicken coop that had fallen to ruin. That place was our hide-out when we were young. All the kids in the neighborhood played there. Whitney and those other kids could have killed someone playing in that old chicken coop that day. I was never so afraid and angry in my whole life.

3. I know Whitney admitted to the arson back then, and I know all about the community service projects that Whitney undertook to regain some respect and forgiveness from the community. I have come to respect that, but at the time, I was still pretty upset that Whitney didn't have to go spend time at a detention center and get some help. Normal people don't set fires that can kill people.

4. I was on duty when the call came in about the fire at Bellows & O'Brien's Pub. I go there sometimes after work with the other firefighters. It's a nice place. Well run and friendly. I know Whitney worked there until the fire destroyed the place, but I rarely had any contact with him/her. That really wasn't intentional; I was just with other friends. Maybe I'm still a little uncomfortable around Whitney because it was me who identified him/her as one of the people who set those field fires years ago.

5. I am really here to talk about the fire at Bellows & O'Brien's in the early morning hours of July 5, 2010. That fire didn't respond right. The smoke was the wrong color. All the firefighters on duty were talking about it after we got back to the station later in the afternoon of the 5<sup>th</sup>. Pretty much all of us agreed that arson must have been the cause of that fire.

6. We've fought dozens of fires in buildings similar to the pub. The pub was a 1920's brick two story building with a basement. The second story had been stripped out and opened up, leaving only a small balcony where they stored equipment. There were second story windows off the balcony. They were left open. Basement windows were open. That created a perfect fire feeding oxygen storm. That fire was hot. The old wood and alcohol in there added to the intensity of the blaze. Sometimes these fires are simple chain reactions. The fire catches something and then leaps to the next flammable item nearby. This happens even in brick buildings. There's always something flammable in there.

7. I don't think it was just the alcohol that made the smoke seem different. If you've seen a gasoline fire, you know what I'm talking about. The smoke burns black and smells way different than wood smoke...and that was the smell at this fire. Gasoline. And, if I had to guess, there was quite a bit of gasoline in there.

8. It took us hours to get that fire under control. Longer than usual for a building that size. That's another indicator that the fire had some help in there...and didn't have appropriate sprinklers downstairs where the fire started. I know that the Fire Marshal ordered O'Brien and Bellows to increase the sprinkler system in the downstairs but that hadn't happened yet.

9. Aside from testifying that I think the fire was arson, I can also say that Lane O'Brien did not set that fire. The pub closed at midnight on the evening of the 4<sup>th</sup> of July. Lane took about 20-25 minutes to close the building then headed over to the fire station. Lane's been doing that for years. Spending time with the fire crew playing cards or watching movies. And, Lane's a great cook. Sometimes Lane will cook up a massive meal for the firefighters.

10. At about 12:30 a.m. on July 5<sup>th</sup> Lane arrived at the fire house and stayed there until the alarm came in about the Pub. Our shift started at midnight and Lane cooked up some breakfast stuff, which we all ate, and then we were watching a movie and playing cards. Lane had the next day off so felt comfortable staying up later than usual to spend some time with us.

11. Lane never left the fire house until that call came in very early in the morning, but then he/she ran to his/her car and beat us to the pub. When the fire trucks got there, Lane was standing across the street from the pub, which by that time was engulfed in flames, smoke billowing out of the basement and upper windows. I remember Lane saying, "Why are those windows open?" Lane was pretty upset.

12. A few minutes after the fire department arrived and started working on the fire, I noticed Ashton Bellows had arrived and was standing by Lane. They were talking and both looked very upset, but not angry. Then I noticed Whitney Grey standing a little off to the side behind them watching the fire. Whitney walked up to Ashton Bellows and patted him/her on the back and Ashton stepped to the side to speak with Whitney. I didn't hear what they said, but it seemed odd that Whitney was smiling.

13. When I went back to help investigate the fire, I had my dogs Reggie and Sophie with me. They are fully trained and certified as accelerant detection canine. While human olfactory testing is one of the oldest and most widely used means of recognizing a fire with questionable origins, dogs with this special training have a 97% accuracy rate. They both had numerous hits where suspected accelerants were used. Lab tests confirmed all their hits.

*Falcon Burke*

*Signed and sworn testimony of Falcon Berk*

**EXHIBIT A. All witnesses have knowledge of the information presented in this exhibit.**

Report of the Fire Marshal - Arson Investigation Results

Possible causes: Mark all that apply

- Accidental  
 Incendiary (strong possible)  
 Suspicious  
 Undetermined

- Date of fire: July 5, 2010
- Location of fire: Bellows & O'Brien Pub, NW Corner of Second & Maple Streets, Thunderbird, Illinois
- Building type: two story brick circa 1910-30, brick and concrete foundation, wood floors and windows.
- Property owner(s): Ashton Bellows, Lane O'Brien
- Witnesses: none
- Condition of building prior to fire: Fair to good. Fire Marshal had advised owners to install additional sprinklers in basement area. Owners given 12 months to conform to standards. Installation not done prior to date of fire.
- Other properties affected: None. No immediate neighbors, empty lots to side and rear.
- Weather: Clear - not a factor
- Estimated time of fire start: 4:30 a.m.
- Fire out: 8:30 a.m.
- Fire suppression techniques used: water and foam
- Number of firefighters at scene: 5
- Injuries: none
- Fatalities: none
- Estimated damages/loss: Building inspected after fire. Damage extensive. Recommend complete pull down/rebuild. North wall partially collapsed, roof gone, windows gone. \$400,000 - \$500,000 estimated value of property, including internal assets.
- Insurance: Yes. Recently increased.
- Background checks: Ashton Bellows and Lane O'Brien, owners, investigated thoroughly. Both in good financial standing. No past due bills. Some savings.
  - Bellows - \$90,000 in savings in IRA
  - O'Brien - \$1,000 in savings in IRA
- Entries - all doors and windows examined. No sign of break in. Upper level windows open. Basement windows open
- Alarm system: Had been activated. No sign of tampering. Batteries too damaged to tell if live or spent
- Photo archive: Yes. Photos of scene taken by fire department staff during and after event. Media sources donated tapes and still photos as well.
- Tests/methods used to make determinations:

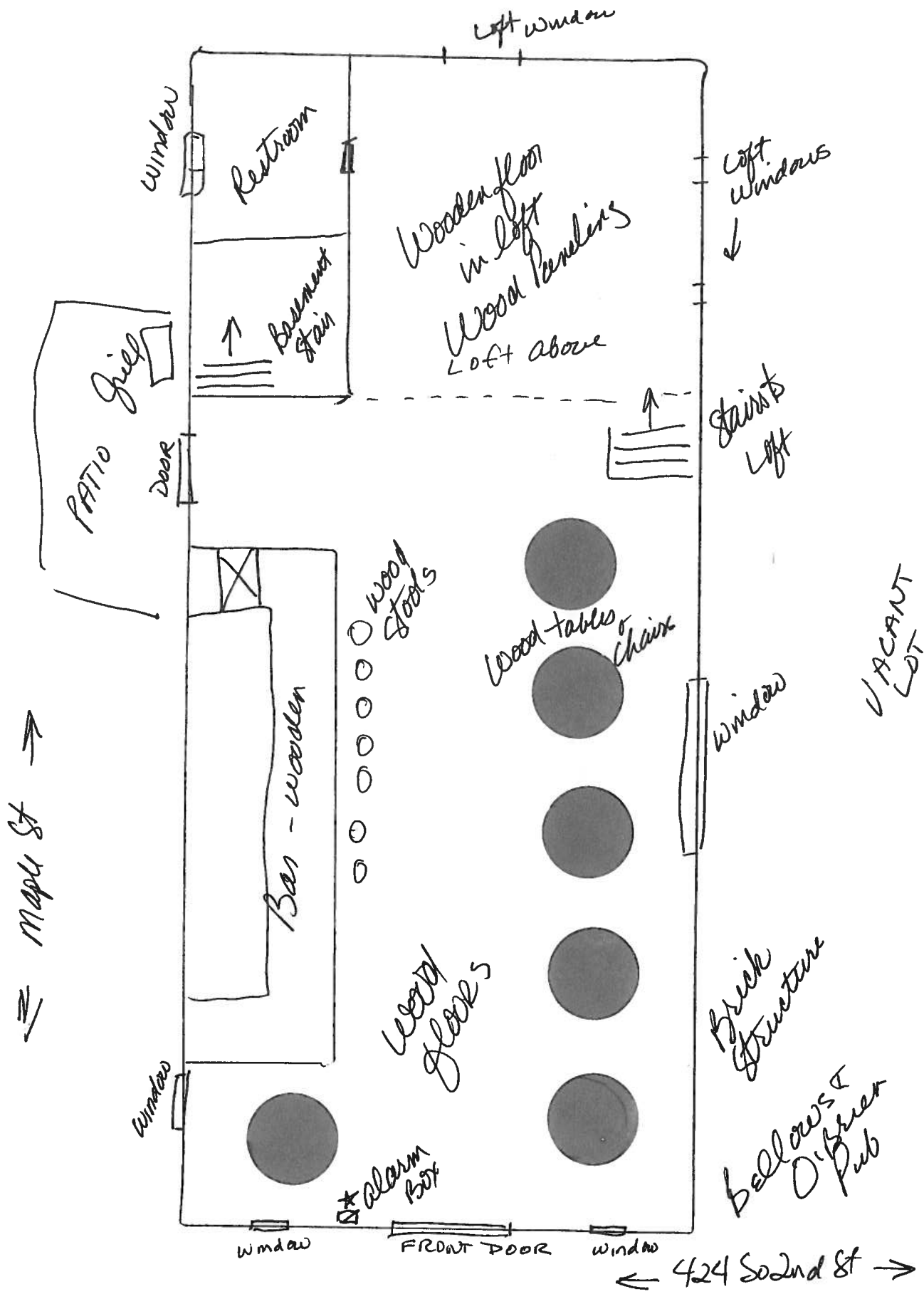


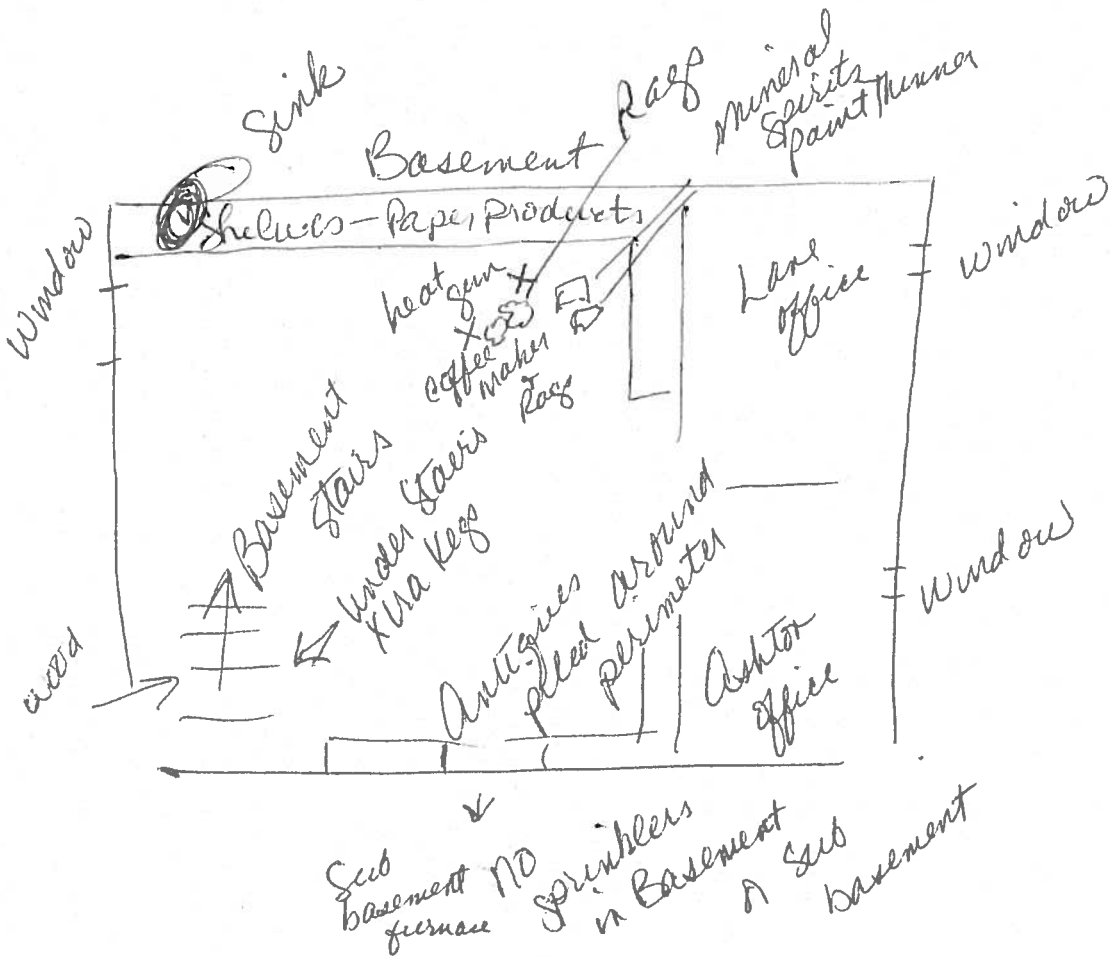
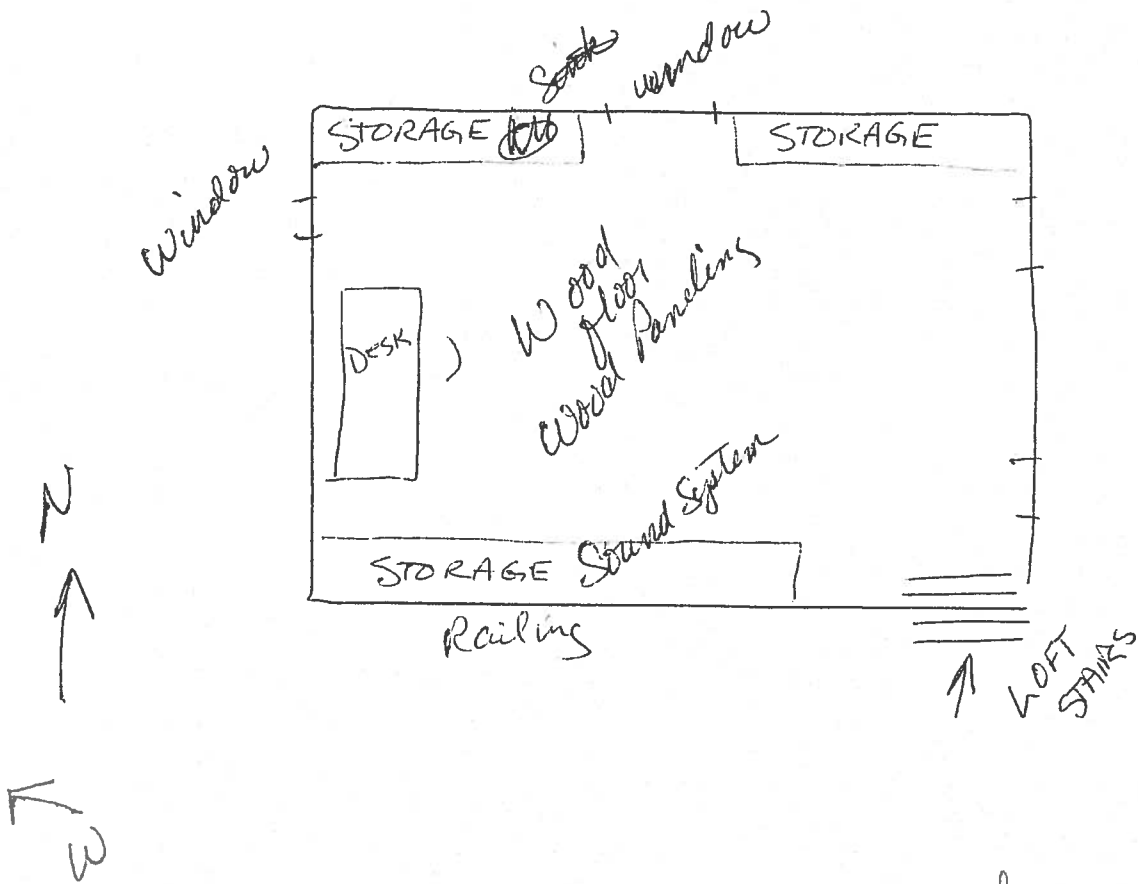
- Human olfactory tests (fire didn't smell right)
- Human sight tests (fire didn't look or act right)
- Canine
  - Fire investigation canines utilized. Questionable hits found on lower level and in balcony areas. Canine hits confirmed by lab tests. See below debris samples
- Accelerant detections confirmed by lab tests
  - Debris sample A - taken from lower level of building - lacquer thinners
  - Debris sample B - taken from lower level of building - mineral spirits
  - Debris sample C - taken from lower level of building - gasoline
  - Debris sample D - taken from back door area, main level - charcoal starter
  - Debris sample E - taken from balcony area - lacquer thinner
  - Debris sample F - taken from balcony area - mineral spirits
  - Debris sample G - main level - alcoholic beverages from exploding bottles, taps and cans.
- Observations of firefighters at scene:
  - Smoke thicker and darker than normal for building
  - Open windows - air flow issues
  - Fire advanced upon arrival, even with alarm system activated
  - Coffee pot found on floor, lower level. Obviously plugged in and in on position. Connected by extension cord.
  - Heat gun/refinishing tool found on basement floor near mineral spirits and paint thinner cans and rags.

All evidence was appropriately collected using standard equipment including evidence containers and marking tags. All materials were collected by professionals wearing appropriate protective apparel to prevent contaminants. All materials transported to lab in timely manner. All lab work completed by state approved testing lab with high degree of reliability. Scene released after 72 hours.

The undersigned participated in the investigation and have read this report and agree with the findings:

Eaton Bahr, Fire Marshal, Lincoln County, Illinois  
 Assisted by Falcon Berk, firefighter  
 Timothy Collins, firefighter  
 Cass Green, Lincoln County Fire/Arson Unit





## **EDUCATIONAL MATERIALS**

*THESE MATERIALS MAY NOT BE REFERRED TO DURING THE MOCK TRIAL EVENT(S) AND ARE NOT TO BE CONSIDERED AS EVIDENCE OR EXHIBITS.*

### **Glossary of terms**

- Accelerant:** Any flammable or combustible liquids or materials used to increase or enhance the fire.
- Arson:** Intentionally setting a fire
- Chain reaction:** a self-sustaining chemical reaction
- Combustible:** capable of burning
- Fire point:** the temperature where a fire becomes self-sustaining and no longer needs an ignition source
- Ignition:** How and where the burn starts, either naturally or with assistance
- Incendiary fire:** Fire set by human hands
- Spontaneous combustion:** A slow reaction of materials where heat generates, is trapped, accumulates and naturally ignites.

### **2011 Illinois State Bar Association High School Mock Trial Invitational Discussion Guide, *People v. Whitney Grey***

- Community service can serve as an appropriate sentence for some offenses. What are some other sentencing options that you think are appropriate for a juvenile who commits arson?
- Juvenile offender records are not available to everyone. Under what circumstances, if any, do you think releasing this information would be permissible?
- People who are charged with arson sometimes can be found guilty based solely on circumstantial evidence. In your opinion, what are compelling reasons why such evidence is sufficient? In what ways is such evidence problematic?
- If you were a juror, what criteria would help you determine if a witness's testimony is reliable?
- In your view, what distinguishes an expert witness from other witnesses? Identify with your classmates criteria that you feel an expert witness should possess.
- Sometimes expert witnesses are paid for their services. In your view, should payment for testimony or who pays for the testimony be taken into account when assessing expert testimony? Why or why not?
- The legal standard for guilt in a criminal trial is "Beyond a Reasonable Doubt". What does "beyond a reasonable doubt" mean to you?
- Based on your opinion, please rate the trustworthiness of the following evidence: (5=extremely trustworthy; 1=not trustworthy at all)

<u>DNA</u>	<u>5</u>	<u>4</u>	<u>3</u>	<u>2</u>	<u>1</u>
<u>Canine with special training</u>	<u>5</u>	<u>4</u>	<u>3</u>	<u>2</u>	<u>1</u>
<u>Expert witness</u>	<u>5</u>	<u>4</u>	<u>3</u>	<u>2</u>	<u>1</u>
<u>Eye witness</u>	<u>5</u>	<u>4</u>	<u>3</u>	<u>2</u>	<u>1</u>
<u>Written confession</u>	<u>5</u>	<u>4</u>	<u>3</u>	<u>2</u>	<u>1</u>

Working with your attorney volunteer, identify the strengths and weaknesses of these different types of evidence.

### Who Really Did It?

Discuss the “weight of the evidence” for each of the following scenarios. List the statements that you feel “prove” each of the options below. Which witness is the most credible? Which has the most to gain? Which has the most to lose? Can any of the witnesses be proved guilty of arson “beyond a reasonable doubt?”

Option 1 - Whitney Grey did it on his/her own, thinking it would help Ashton Bellows. Whitney had asked for a loan and Bellows had confided that he/she wanted out of the pub business. This was a way to help himself/herself, and help Bellows as well.

Option 2 - Whitney Grey did it with the knowledge and assistance of Ashton Bellows. Both wanted/needed money.

Option 3 - Lane O’Brien did it and pointed the finger at Whitney Grey and Ashton Bellows. O’Brien needed money and this was a way to get it. Developing friendships within the local fire house was an intentional way to deflect suspicion. O’Brien also knew about Whitney Grey’s past arson issues.

Option 4 - Lane O’Brien and Ashton Bellows did it together and conspired to place the blame on Whitney Grey. They knew about the juvenile arson and used that to point the finger in Grey’s direction.

Option 5 - It was an accidental fire caused by plain carelessness and bad luck.

Option 6 - An unknown party started the fire. Mischief or vandalism, but not profit.



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