

INTRODUCTION

*This introduction is of **no legal consequence** in terms of the trial and is **not admissible** for impeachment purposes or for any other purpose.*

Jody Rivers and Alex Johnson are professional musicians in Fondren County, Mississippi. In 2017, the two met at a musical festival at Eudora's Burgers and decided to form a band, Ambition. The two made an agreement to share rights to the songs they wrote.

Ambition enjoyed the growing success. The music journalist, Jett Jones, covered the band extensively and helped to grow their fan base. Tension grew between Jody and Alex after an electric keyboard player was added to their act. In late 2018, Jody and Alex met a record label representative who suggested they add more excitement to Ambition's show. Jody was all for the added effects, but Alex was not. The tension led to a falling out which resulted in Alex leaving the band right before a big performance at the Magnolia Theater.

The night of the big performance, Alex and Jody saw one another during soundcheck. Their accounts differ as to what occurred when they spoke, but both agree that Alex left the theater after their encounter. As the show was to begin, Jett Jones spotted a Facebook post from a user called "Cynical Songwriter" which implied something bad was going to happen during Ambition's show. Jett reposted the post and warned people inside the Magnolia to get out. Concertgoers started to see the post and headed for the exits. As they started to leave, a loud bang came from the area of the stage, causing a panic in the crowd.

People tried to exit the theater through both exits and found the side exit would not open. The crowd crushing resulted in multiple injuries and one death. Casey Myers was the fan killed. Alex Johnson has been accused of tampering with the door and the band's pyrotechnics, causing the explosion and resulting stampede. The Prosecution alleges that Alex's actions resulted in the death of Casey Myers.

Alex has been indicted for Murder along with transmitting threats of an explosive devise or hoax device and a false information charge.

STIPULATIONS

1. All exhibits included in the problem are authentic and accurate in all respects, and no objections to the authenticity of the exhibits shall be entertained.
2. Stipulations cannot be contradicted or challenged.
3. There are **NO** costume options permitted as an exception to Rule 18(b) this season.
4. The Indictment is valid. The Defendant may not challenge the Indictment as deficient.
5. The signatures on the witness statements are authentic and signed under oath by each witness.
6. All searches of property and persons were done with lawful authority and within the bounds of the Fourth Amendment. The constitutional validity of any search of any property or person may not be

challenged or called into question during the trial of this case. The chain of custody of evidence collected during the investigation is not in dispute.

7. The jury charges are accurate in all respects. No objections to jury charges may be raised.
8. The Defendant, Alex Johnson, was properly advised of *Miranda* rights upon arrest. *Miranda* warnings were not legally required prior to any other interview of Alex Johnson or any other witness. The voluntariness of any interview based on *Miranda* may not be challenged or called into question during the trial of the case.
9. The **Introduction** provided is **of no legal consequence** in terms of the trial and **is not admissible** for impeachment purposes or for any other purpose.
10. Jessica Gallagher, who is the record producer, has nothing to offer and is unavailable as a witness.
11. Matthew Shelley, the booking agent for “Can You Dig It?”, has nothing to offer and is unavailable as a witness.
12. The only witnesses that can be tendered as experts after proper foundation has been laid are Jamie Sanders, Drew Bellamy, and Lane Rhodes.
13. Jett Jones is permitted to be treated as a hostile witness.
14. Finly Fusco and Stevie Raven are not available as witnesses. References about them in other affidavits are not in question and are factually correct.
15. Alex Johnson’s prior bad act is admissible under Rule 404 of the Mississippi High School Mock Trial Competition Rules of Evidence. Alex Johnson is permitted to speak about the prior bad act, and the Prosecution is allowed to ask about it.
16. The testimony of Fire Marshal Daryl Lattimore and the Coroner Chandler Davis concur with and are cumulative of testimony from Deputy Sanders. They will not be called as witnesses.
17. Exhibit #4 (Coroner’s Report on Casey Myers) is admissible under the business record exception to the hearsay rule.
18. Exhibit #6 (Corely Theater Floorplan), is a fair and accurate representation of the park, although not drawn to scale. All witnesses are personally familiar with the floorplan.
19. Exhibit #1 (911 Report, October 26, 2019) is an accurate transcription of the recorded 911 activity related in this case.
20. The venue contract is not needed as an exhibit since Venue Manager Finley Fusco is not being charged.
21. Exhibit #2 (Incident Report) and Exhibit #3 (Supplemental Incident Report) are admissible.

PRE-TRIAL RULINGS

Because the parties have stipulated to the cause of death of the victim, the judge has sustained the Defendant's objection to showing photos of the victim's body and injuries on the grounds that those photographs would be unnecessarily cumulative of the testimony of Deputy Jamie Sanders and that, as a result, those photos would be substantially more prejudicial than probative.

WITNESSES

The following witnesses are available to be called by the parties. Prosecution witnesses may not testify or be called on behalf of the Defendant. Defense witnesses may not testify or be called on behalf of the Prosecution. See Rules 3, 5 and 12(f) for more details on witnesses.

For the Prosecution

Jody Rivers
Deputy Jamie Sanders
Drew Bellamy

For the Defense

Alex Johnson, Defendant
Jett Jones
Lane Rhodes

EXHIBITS

Teams in competition may use the following exhibits. Teams should only print and use exhibits in a black and white (grayscale) format; some exhibits are presented in the case materials in color to give teams a better view of the exhibit. They are pre-marked and are to be referred to by the assigned number, as follows:

Exhibit Numbers and Title/Descriptions

Exhibit 1:	911 Report, October 26, 2019
Exhibit 2:	Incident Report
Exhibit 3:	Supplemental Incident Report
Exhibit 4:	Coroner's Report on Casey Myers
Exhibit 5:	Agreement between Alex Johnson and Jody Rivers
Exhibit 6:	Magnolia Theater Floorplan
Exhibit 7:	Social Media Post
Exhibit 8:	ForensicMagician Report
Exhibit 9:	Facebook Subscriber Information
Exhibit 10:	Picture – Double Doors with Push Bar
Exhibit 11:	Picture – Guitar String Found in Lock
Exhibit 12:	Fire Marshal Ticket
Exhibit 13:	Building Inspection Report

INDICTMENT

STATE OF MISSISSIPPI
COUNTY OF FONDREN

CRIMINAL ACTION NO. 2026-MT

The GRAND JURORS OF THE STATE OF MISSISSIPPI, taken from the body of the good and lawful citizens of Fondren County, duly elected, empaneled, sworn and charged to inquire in and for said State and County, in the name and by the authority of the State of Mississippi, upon their oaths charge and accuse ALEX JOHNSON with following offense:

COUNT ONE: MURDER (Miss. Code Ann. § 97-3-19)

On or about October 26, 2019, in Fondren County, State of Mississippi, ALEX JOHNSON did, commit the crime of First-Degree Murder in that the Defendant, ALEX JOHNSON, did with malice aforethought cause the death of Casey Myers at Magnolia Theater, in violation of Miss. Code Ann. § 97-3-19.

COUNT TWO: HOAX DEVICE OR REPLICA OF DESTRUCTIVE DEVICE OR DETONATOR; MANUFACTURE; POSSESSION OR TRANSPORT; THREAT OF USE (Miss. Code Ann. § 97-37-25)

On or about October 26, 2019, in Fondren County, State of Mississippi, ALEX JOHNSON did commit the crime of Hoax Device or Replica of Destructive Device or Detonator; Manufacture, Possession or Transport; Threat to Use in that the Defendant, ALEX JOHNSON, did transmit a threat via social media at Magnolia Theater, in violation of Miss. Code Ann. § 97-37-25.

COUNT THREE: CONVEYING FALSE INFORMATION REGARDING ATTEMPTING USE OF A DESTRUCTIVE DEVICE; AIDING OR CONSPIRING (Miss. Code Ann. § 97-10-26)

On or about October 26, 2019, in Fondren County, State of Mississippi, ALEX JOHNSON did commit the crime of Conveying False Information Regarding Attempting Use of a Destructive Device in that the Defendant, ALEX JOHNSON, conveyed false information regarding a destructive device in Magnolia Theater, in violation of Miss. Code Ann. § 97-10-26.

TRUE Bill

Filed in office this 16th day of June, 2025.

/s/ William Sherwood

Foreperson

/s/ Tammy Ryan

(Deputy) Clerk, Circuit Court of
Fondren County, Mississippi

Defendant, on October 6, 2025, being in open court, pleads **NOT GUILTY** and demands a trial by jury

/s/ Alex Johnson

Defendant

MISSISSIPPI CRIMINAL STATUTES

NOTE: Please note that the statutes used in this mock trial case are fictitious. Please refer to these statutes only in preparation for the mock trial competition.

Miss. Code Ann. § 97-3-19. "Murder" defined.

"Murder" is the killing of any person with malice aforethought, either express or implied.

SECTION 97-37-25. Hoax device or replica of destructive device or detonator; manufacture, possession or transport; threat to use; penalties.

A person who knowingly manufactures, possesses, transports, distributes, uses or aids, or counsels, solicits another, or conspires with another in the use of a hoax device or replica of a destructive device or detonator which causes any person reasonably to believe that the hoax device or replica is a destructive device or detonator is guilty of a misdemeanor and, upon conviction, must be imprisoned for not more than one year or fined not more than ten thousand dollars, or both. A person who communicates or transmits to another person that a hoax device or replica is a destructive device or detonator with the intent to intimidate or threaten injury, to obtain property of another, or to interfere with the ability of another person to conduct or carry on his life, business, trade, education, religious worship, or to interfere with the operations and functions of any government entity is guilty of a felony and, upon conviction, must be imprisoned for not less than two years nor more than fifteen years.

SECTION 97-10-26. Conveying false information regarding attempted use of a destructive device; aiding or conspiring; penalty.

A person who conveys or causes to be conveyed false information, knowing the information to be false, concerning an attempt or alleged attempt being made or to be made to kill, injure, or intimidate any person or to damage or destroy any building or other real or personal property by means of an explosive, incendiary, or destructive device or who aids, employs, or conspires with any person to do or cause to be done any of the acts in this section, is guilty of a felony and, upon conviction, for a first offense must be imprisoned for not less than one year nor more than ten years. For a second or subsequent offense, the person must be imprisoned for not less than five years nor more than fifteen years. A sentence imposed for a violation of this section must not be suspended and probation must not be granted.

STATEMENT OF JODY RIVERS

1 1. My name is Jody Rivers. I am 37 years old. I am headed to fame. I am the lead vocalist
2 and lead guitarist for Ambition, a revolutionary rock-n-roll band based right here in Fondren County,
3 Mississippi. We have one of the most innovative sounds out there. To understand and appreciate our
4 sound, come to one of our shows and see for yourself.

5 2. I have been obsessed with music for as long as I can remember. My parents are old-
6 school country fanatics. I grew up listening to artists like Willie Dixon, Jimmy Buffett, and Elvis Presley
7 sing about hard times and heartbreaks. Pretty soon, I started going through other musical phases that
8 made me into the artist I am today. I also went through a brief period in which I learned as much as I
9 could about classical music but gave it up when I kept falling asleep.

10 3. I graduated from Mississippi College in 2003, with a degree in economics and a minor
11 in music. I was ready to spread my wings and could not imagine starting into the business world yet.
12 My passion was music, so I immediately set about forming a band. It turned out that the music industry
13 is a tough one. My first project looked promising at first, but it quickly disbanded when my friend Peter
14 left the band and moved to New York. I spent a few years gigging solo. It was fun, but it sure was hard
15 to pay the bills without a record contract. One thing is for sure - I never want to go back to the life of
16 a starving artist.

17 4. Fortunately, in the summer of 2017, I met Alex Johnson, and everything seemed to click.
18 We were scheduled one afternoon to play back-to-back solo acoustic sets at Eudora's Burgers, a
19 fantastic burger joint right here in Fondren County. The owner, Eudora Raines, was calling every
20 musician in Fondren County with a request to perform at what she was calling "Eudora Fest." I knew
21 it would not exactly be a New York City jam fest since Eudora was paying each artist with a
22 complimentary burger instead of money. But hey, I could not refuse a chance for free publicity. I
23 swallowed my pride, swore to myself it would be the last time I played for free, and told Eudora I
24 would be there.

25 5. In retrospect, I am glad I gigged at Eudora's. I went on first, played a pretty low-voltage
26 set – some Baez, some Dylan, that sort of thing, and then headed offstage to muted applause. I stuck
27 around to watch the next set. That is when I first saw Alex. As a musician, Alex was like nobody I had
28 ever seen before. Alex began with some phenomenal original songs, and then, to close out the set,
29 played the single best version of Johnny Cash's "Ring of Fire" I had ever heard – like, better than the
30 Man in Black – Johnny Cash himself. I was blown away.

31 6. I walked right up as Alex was exiting the stage, and, well, the rest was history although
32 we were a little opposite in personalities. People described me as bold, loud, and full of excitement.
33 Whereas Alex seemed quiet, and Alex's music gave me the feeling of a tormented musical genius. We
34 decided over burgers at one of Eudora's picnic tables that we would start a band keeping true to our
35 mutual roots in folk music but also with a little extra panache. I will never forget the Summer of 2017,
36 when we agreed Alex would play lead guitar, sing lead vocals and take primary responsibility for
37 writing our songs. I would play rhythm guitar, backing vocals, and serve as our band manager. It would
38 be my responsibility to book our gigs, manage our equipment, distribute everybody's pay – that sort
39 of thing. Having been in this business a while, I knew I needed to do one more thing: I made Alex sign
40 an agreement, which we wrote out on a napkin at Eudora's and it is shown accurately in what is
41 marked as Exhibit #5. I personally kept the napkin at home for safekeeping. I did not know it would
42 ever see its day in court, since it is on a napkin. But a signed agreement is still an agreement. The
43 agreement made it clear we would have equal legal rights in all of the songs we wrote and that either
44 of us would be free to perform the songs individually or as a group. "Sure, whatever, we can share the
45 songs," Alex muttered after I wrote out the agreement and showed it to Alex. I think Alex signed the
46 agreement without reading it, but I figured it was Alex's problem, not mine. "No gimmicks," Alex told
47 me as we wrapped up. "I never want to be one of those artists who hides behind synthesizers and
48 special effects." I said that was fine.

49 7. After that, all that was left was to come up with a band name. Having seen Alex's
50 rendition of Ring of Fire, one thing came to mind and that is that we both had ambition, so we named
51 ourselves Ambition. We then found a bassist and a drummer, and things took off pretty quickly. For
52 our first few months, we gigged regularly at Eudora's – for "some" money. In January 2018, I managed
53 to get us an "in" at a slightly bigger venue called the Duling Club over in Fondren's trendy
54 neighborhood. Over the next year or so, we fine-tuned our songs and live performances. Eventually,
55 toward the end of the summer of 2018, we were regularly playing to almost standing-room-only
56 crowds.

57 8. Unfortunately, things were getting a bit complicated between Alex and me in the
58 months to come. Our stripped-down sound worked really well at Eudora's, but the crowd at Duling
59 Club had higher expectations. After some sparsely-attended shows in late Spring 2018, I realized that
60 we needed to up our game. I made an executive decision in Fall 2018, to add an electric keyboard
61 player to our ensemble. We clearly needed a bigger, lush sound. Everybody really liked it – well
62 everybody but Alex. When Alex first saw the keyboard player, Erin, setting up on stage at Duling Club,

63 Alex grumbled, “What’s next, fireworks? This is ridiculous.” I did not think much of it at the time,
64 because Alex typically overreacts to everything that does not go exactly Alex’s way.

65 9. In October 2019, Holden B. Sampson, who obviously is one of the biggest names in
66 music right now, was scheduled to play a show at Magnolia Theater on October 12, 2019. Alex and I
67 had been there many times as attendees, but never as performers. The Magnolia is an amazing venue.
68 It was built all the way back in 1922 at the height of the big band era, and the interior décor really
69 takes you back in time. Unfortunately, some of the design aspects also remind you that the place was
70 built before the advent of modern building codes. For one thing, the theater itself is on the second
71 floor of the building. For another, the theater has only two entrances, one at the back of the room and
72 another toward the front of the room on stage left, which they added fairly recently. The layout of the
73 theater is marked as Exhibit #6, though it is not drawn to scale. To get in and out of the theater, people
74 must go through one of those entrances and up or down a flight of stairs. As far as I am concerned,
75 the stairs were a huge safety hazard. I mentioned that to Alex one time when we were walking out of
76 a show there. “Yeah,” Alex said, “if there were ever an earthquake or a fire or something, it would be
77 a total disaster. People might get hurt.”

78 10. Anyway, on Monday, October 7, 2019, before Holden B. Sampson’s concert was to take
79 place on Saturday, October 12, 2019, I got a call that totally changed *Ambition’s* course. It turned out
80 that Holden B. Sampson’s opening act, the singer Beyond-Kay Coles, was nominated for a Grammy
81 and bowed out in order to rehearse for her live performance at the awards show. Holden B. Sampson
82 needed a replacement and, somehow, the opportunity landed on us. I was beside myself. This was our
83 chance to prove ourselves to the world and I was not going to let anybody or anything get in the way.

84 11. That night, we played a condensed version of our regular set to raucous applause at the
85 Magnolia Theater as the opening act. Right after we left the stage, somebody named Jessica Gallagher
86 found Alex and me and asked to talk to us after the show. Once Holden B. Sampson finished, we
87 headed back into the artists’ lounge and found her. She told us how she was an associate record
88 producer at Bean Records, which was one of the biggest indie record companies on the East Coast.
89 Ms. Gallagher wanted to bring her boss to see us and consider whether or not to sign us. She said she
90 would be able to get us back on stage at the Magnolia very soon. She had one request, though: “Your
91 songwriting is amazing,” she told us, “but your sound needs a little more excitement. Let’s get some
92 lights, some pyrotechnics, and a few more digital effects for the next show. Do not worry, I can arrange
93 everything!”

94 12. It took me a moment to pick my jaw up from the floor, but when I did, I said, “You’ve
95 got it! I have been saying we need more excitement in our sound for months. Are you good with this,
96 Alex?” I looked at Alex’s face and saw a stone-cold expression. “My songs do not need any more
97 excitement, Ms. Gallagher,” Alex muttered angrily, “because they are perfect the way they are
98 written.” After an awkward moment of silence, I piped up: “Well, a few effects will not do any harm,
99 right? Anyway, Alex, remember the contract we signed?” Ms. Gallagher and I exchanged phone
100 numbers, and I told her to send me the details.

101 13. Once Ms. Gallagher left that night, Alex and I went at it. Fortunately, we were in the
102 artists’ lounge and by ourselves. Alex was not having any of Ms. Gallagher. “Look,” Alex said through
103 tears, “I will not do this. I will not degrade my songs with a bunch of fireworks and bright lights.” I
104 again reminded Alex about our contract. “I had hoped it would not come to this,” I said, “but the
105 contract entitles me to play these songs with or without you.” Alex’s face was bright red and Alex
106 began stuttering, “That’s... but... you said... you said we would each have rights in the songs!” “That is
107 right,” I said, “and I am exercising my right to perform them.” Alex stormed off. “Contract or not,” Alex
108 yelled walking out the door, “I am not going to let you make a mockery of lyrics that I poured my heart
109 and soul into!”

110 14. I called Ms. Gallagher the following Monday afternoon, October 14th, to let her know
111 that Alex left the band and I would be the one singing the songs and the rest of the band was with me.
112 She sounded relieved, actually, and said it was fine. She was still trying to get Ambition a gig. On
113 Monday, October 21st, Ms. Gallagher let me know she had gotten Ambition a slot at the Magnolia on
114 October 26, 2019 for the “Can You Dig It?” concert, a charity show that attracts huge names. We were
115 slated to play right after the Septemberists. I could not believe what was happening.

116 15. When the day finally came – October 26, 2019 – I was expecting it to be one of my best
117 performances ever making it the best day ever. Instead, it ended up being one of my worst days. I was
118 so nervous before going on that I arrived at 4:00 p.m. I met Drew Bellamy for the first time as I arrived.
119 Drew was in charge of the pyro and we chatted briefly. Drew was hired by Ms. Gallagher and Drew
120 indicated it was a standard show of pyro. The venue manager – Finley Fusco – then showed me to the
121 dressing room. The second floor looked like the layout marked as Exhibit #6, except for the dressing
122 rooms are not on the diagram. I camped out in my dressing room until our set started at 6:00 p.m. But
123 of course, I had to pop out on stage for a soundcheck that afternoon at 5:00 p.m., scheduled one hour
124 before the show started. Unfortunately, I got side-tracked with a phone call, so I got on stage for the
125 soundcheck ten minutes late. As I entered the theater, I think I must have surprised someone by the

126 equipment as that person immediately turned away and was walking hurriedly off the stage. When
127 the person got down to the floor and turned around, I recognized the person walking off stage was
128 Alex. I called out to ask why Alex was on stage since he was no longer in the band. Alex kept ranting
129 about owning the songs, but apparently forgot about our signed contract. Alex said something about
130 being there to give me a chance to change my mind and to go back to the way the music was before
131 the changes. I said I had the right to play anything I wanted. Alex stomped away and I finished the
132 soundcheck.

133 16. I knew I needed to focus on the show, so I put Alex out of my mind. At one point during
134 the soundcheck, though, I saw Alex lingering around the side exit doors stage left. A picture of the side
135 double doors with a push bar is marked as Exhibit #10. It looked like Alex was fiddling around with
136 something in Alex's pockets, but I was busy with the soundcheck, so I could not be sure. I kept on
137 ignoring Alex and focusing on the show.

138 17. I wish I had said something about Alex being near the pyro equipment, because if I had,
139 all of this never would have happened. I was walking out on stage to perform promptly at 6:00 p.m.
140 and the band was ready to hit it. But as I entered the stage something was obviously wrong. There was
141 no reaction from the audience when I came out on stage. Instead, they were distracted by their phones
142 and moving to the exits. It looked like the side exit doors were locked. Then it was as if the people in
143 the crowd were starting to push frantically toward the exit doors as we played the first song. We were
144 at about the point in our first song when Ms. Gallagher told me the pyrotechnics would come on at
145 the two-minute mark. I never had pyro on stage before, so I was bracing myself to act cool under
146 pressure with pyro going off on both sides of the stage behind me. According to her, it was supposed
147 to be some light smoke and a few sparkler-like effects springing out from both sides of the stage to
148 the left and right of the drum set. Instead, I heard a huge bang from behind me. I felt a wave of heat
149 and was showered in sparks, smoke, and some sort of burning material that seemed like construction
150 paper. I thought a bomb had gone off. In that moment, I thought for sure I was going to die.

151 18. It took me a moment to realize I was not dead. When I was able to compose myself,
152 what I saw next was almost worse. The crowd seemed to think a bomb had gone off, and they were
153 stampeding for the exits. Not everybody realized the side doors were locked and people were pushing
154 and shoving each other on the way to both stairs. It was chaos. I threw down my guitar, jumped off
155 stage, and started my way out with the rest of them. When I finally got outside, I saw Drew Bellamy,
156 who was in charge of the show's pyrotechnics. I was giving Drew a piece of my mind. Clearly, Drew did
157 not do something right. I know I have never had pyro and did not know what to expect, but I did not

158 think it was supposed to be that. Deputy Jamie Sanders must have seen us talking about the pyro. I
159 explained that I was the lead singer and Drew was the pyrotechnician. The next thing I knew, Deputy
160 Sanders pulled Drew off to the side to talk. I learned later that Casey Myers, who was one of our
161 biggest fans, was killed in the stampede. It was the most awful thing I could have imagined. She was
162 only 27. Casey was one of the first people ever to take an interest in Ambition. She followed us really
163 closely and came to every single one of our shows. Ambition is going to miss our biggest fan. It was
164 not until later that night that I saw Jett Jones's post, marked as Exhibit #7.

165 19. When I found out what really happened, I could not believe it. I knew Alex had a bit of
166 an attitude since most talented artists do. But I never believed Alex would be capable of doing
167 something as horrible as tampering with the pyrotechnics as sensitive as they can be and jamming the
168 side doors. I heard Alex was trying to accuse me of tampering with the pyro. Let's be serious here.
169 Anyone with common sense would not tamper with the pyro that is on the same stage as the
170 performer. I would not tamper with pyro to blow me and the band up. I know I wanted a huge show,
171 but to be blown up is not what I had in mind. I hope Alex finally gets what is coming, both for Casey's
172 sake and for the sake of Ambition's future. Obviously, we did not get a record contract as a result of
173 the show that night. Ms. Gallagher told me her boss told her we were "too uncertain a prospect." But
174 if Alex ends up going to jail, then maybe the folks over at Bean Records will see this was truly a fluke
175 and with Alex out of the picture, the band is a safe bet to become superstars. Otherwise, I am going
176 to have to start a whole new band and write whole new songs.

177 **WITNESS ADDENDUM**

178 I have reviewed this statement, given by me, and I have nothing of significance to add at this time. The
179 material facts are true and correct.

180 Signed,

181 *Jody Rivers*
182 _____

183 **Jody Rivers**

184
185 SIGNED AND SWORN to me at 4:45 PM, May 15, 2025.

186
187 *C.M. McCormack*

188 C.M. McCormack, Notary Public

STATEMENT OF JAMIE SANDERS

1 1. My name is Jamie Sanders. I am 45 years old. I am currently a deputy with Fondren
2 County Sheriff's Office. I work as a forensic analyst for digital devices. I graduated from Mississippi
3 State University in 1999 with a degree in Sociology and Criminal Justice. Right after college, I signed
4 up with the Fondren County Sheriff's Office, where I worked until 2010. I then joined the U.S. Drug
5 Enforcement Agency (the "DEA," for short) as a Task Force Member. It was during my time there that
6 I developed expertise in analyzing cell phones and other types of electronic devices to look for
7 evidence of criminal wrongdoing. I attended about a dozen DEA-organized trainings on how such
8 devices operate and how to extract evidence from them, including a ten-day course on digital
9 evidence acquisition at the FLETC (which is short for the "Federal Law Enforcement Training Center")
10 in Glynco, Georgia. In 2016, I returned to Fondren County Sherriff's office. Since then, I have
11 analyzed and testified about data I extracted from cell phones and other similar electronic devices in
12 hundreds of criminal cases. Often evidence I find is critical in determining a prosecution outcome.
13 Criminals use phones for almost everything and the cell phone and app companies collect all kinds of
14 information from users. Believe me, they know a lot more than just who is called. Based on data
15 collected, they often can know what room in the house someone is in when making the call and who
16 their friends are.

17 2. The way the police handle cell phones has changed greatly over the last few years. In
18 the past a deputy could grab a phone out of someone's hands during an arrest and browse through
19 it. However, in 2014, the Supreme Court decided a warrant was needed before police searched a cell
20 phone. I mean, I get the general privacy concern. So, up until a few years ago, whenever I was
21 involved in an arrest, I would grab the suspect's phone if I thought there was a good reason to do so.
22 Over the years, I moved entirely to the analyst position. Investigators in the field bring me phones to
23 analyze after they obtain authorization for a search.

24 3. On the evening of October 26, 2019, at 18:15 hours, basically every law enforcement
25 deputy in Fondren County was either already on site working with emergency management
26 personnel for the "Can You Dig It?" charity event or responded to the second dispatch for assistance
27 to the Magnolia Theater, where, according to dispatch, some sort of major mass exodus occurred
28 during one of the concerts. The 911 Report for the night referenced is marked as Exhibit #1.
29 Fortunately, emergency management was already stationed at the event. Since the forensic lab I
30 work in was next to the Magnolia Theater, I was able to run over and offer assistance. People were

31 scared and crying. Paramedics were already on the scene doing what they could for a couple of
32 injured concertgoers outside. Right as I arrived, I saw paramedics rushing a gravely injured woman
33 from the theater. I later learned from other deputies in the Sheriff's Office that her name was Casey
34 Myers, that she had been trampled during a stampede in the theater, and that she died at the
35 hospital shortly after I saw her being carried from Corley Theater. There is a detailed Coroner's
36 report marked as Exhibit #4.

37 4. Once I found my sergeant around 18:30 hours, I was tasked with conducting
38 interviews of the concertgoers outside the theater and any other persons of interest. I first
39 interviewed Jett Jones, a music journalist with the *Rock & Ross* magazine who was present at the
40 scene and had attended the concert. Jones seemed agitated, but not fearful or worried in any way.
41 Jones started stammering about how there had been a threat made during the concert and that it
42 was what had caused the stampede. While I was interviewing Jones, it was obvious that Jones was
43 distracted with checking and looking at a smart phone. I asked why Jones was spending so much
44 time looking at the phone. I was informed because it was important to see how many likes and
45 reposts "the story" got. I asked what "the story" was and Jones showed me the Facebook post
46 depicted in Exhibit #7. Jones basically got a post and then reposted it. Jones did not know the
47 original post's author, "Cynical Songwriter." Jones identified Alex Johnson outside the theater as a
48 member of the Ambition band. I asked a few more questions about what happened, how the crowd
49 reacted, and whether Jones had seen anything suspicious in the theater. But getting Jones to focus
50 was next to impossible. Jones's eyes would light up every time a sound notification alerted. I know
51 some people who study social media talk and how it creates a "dopamine-driven feedback loop" in a
52 typical user's brain, but this was ridiculous. Jones's addiction to monitoring the story was obsessive
53 as it definitely was a social validation that the article was being tracked. I did not notice anything else
54 that I found particularly suspicious during my interview with Jones. Jones pointed out Alex Johnson
55 standing on scene.

56 5. I next spoke with Alex Johnson, who was also present at the scene. Johnson was
57 covered in sweat and seemed very preoccupied. I asked if Johnson had run out of the theater.
58 Johnson told me no, and that he was standing outside by the theater's main doors waiting for some
59 friends to come out to make sure they were okay. Johnson's response seemed odd to me. I thought
60 Jones said Johnson was a member of the band. Johnson indicated that he no longer belonged to the
61 band. While Johnson was talking, I noticed that Johnson's fingers looked a little cut up, so I asked,
62 what happened. Johnson indicated the recent cuts were from restringing a guitar. I did not know if

63 that was true or not but wanted to make sure Johnson had not sustained injuries at this event.

64 6. A minute or two into the interview, Johnson abruptly grabbed a cell phone from a
65 pants pocket and started frantically trying to access it. I have been a cop long enough to know what
66 that usually means: in all likelihood, Johnson was trying to delete evidence from the phone. At that
67 point, I believed exigent circumstances existed to seize the phone for safekeeping immediately until
68 such a time as a warrant could properly be secured. Based on the totality of my interaction with Jett
69 Jones and the nature of the conversation with Johnson, I believed there was probable cause that a
70 crime had been committed within the Magnolia Theater. To make sure nothing happened to the
71 phone, I grabbed the phone out of Johnson's hand. We struggled over the phone for a moment or
72 two, and when I finally got it safely into my hands, I saw that it was on the "Settings" screen. Given
73 that phone's particular operating system, and based on my knowledge and experience in working
74 with Andromeda smartphones of the same make and model, I know the "Settings" screen is where
75 data can be erased from the phone. Still, I cannot say with 100% certainty which screen Johnson was
76 accessing when I first grabbed the phone, because either or both of us might have accidentally
77 interacted with the screen during the struggle.

78 7. After securing the phone, I had another deputy detain Johnson and I ran back to the
79 lab to grab a Faraday bag to put Johnson's phone in for safe keeping. A Faraday bag is a special case
80 used by computer forensic professionals, that blocks all outside radio signals. I needed the Faraday
81 bag in order to preserve the information on the phone until we could get a search warrant. It was
82 possible that Johnson would attempt to "wipe" the phone remotely. Later, a judge signed a warrant
83 to search the phone. Given the Facebook post that Jones had shown me, I knew this case would
84 come down to the computer forensic evidence on Johnson's phone. With Johnson's phone in
85 possession and secured in the Faraday bag, I conducted a number of other interviews.

86 8. Since Jones mentioned showing the post to Stevie Raven, I was fortunate enough to
87 find Raven and ask Raven's perspective. Raven accounted for Alex Johnson's whereabouts at 17:30
88 hours. More details on that interview are in the supplemental report, marked as Exhibit #3.

89 9. I then interviewed the venue manger, Finley Fusco. Fusco could not understand how
90 the panic started before the pyro had gone off incorrectly. Fusco was confident that the blast from
91 the pyro made the crowd panic more than before and it did not help that the side exit doors were
92 locked. I made a note to let the fire marshal know about the locked doors before ending the
93 interview. I let Fusco know that there most likely would be a ticket for the violation, which was
94 issued by the fire marshal and is marked as Exhibit #12. Fusco asked if I knew anything about why

95 the panic began in the first place. I told Fusco we were investigating the cause. While wrapping up
96 my interview with Fusco, I overheard Jody Rivers and Drew Bellamy having an abrupt conversation
97 about the pyro at the concert. I introduced myself, determined that Rivers was the lead singer and
98 Bellamy oversaw the pyro. The conversation with Axel is noted in the supplemental report, marked
99 as Exhibit #3, which contains all of my interviews. I received the “all clear” for Bellamy to go back
100 inside to check on the pyro. From almost all of the interviews, there was a consensus that the side
101 doors were locked causing there to be only one exit. I also went in and checked the side doors. A
102 picture of the doors is marked as Exhibit #10. The side doors would not open. The layout of the
103 theater looks like the one marked as Exhibit #6.

104 10. After conducting the onsite interviews, I took Johnson’s cell phone back to my office.
105 Once I received the warrant to analyze the phone on Monday, October 28, 2019, I began my analysis
106 on the device. To conduct the analysis, I used advanced computer software called
107 “ForensicMagician,” which preserves and extracts data from computers, cell phones, and other types
108 of electronic devices. ForensicMagician is accepted as reliable and used by virtually every computer
109 forensic professional in the country to conduct forensic analyses like the one I was doing.
110 ForensicMagician can extract not only text, photos, and other “regular” computer files from
111 electronic devices, but it also can reveal more “advanced” information, such as a device’s internet
112 browsing history, apps used, and Geo Location identifying the exact location and time the user is
113 located. I applied the ForensicMagician software to the phone reliably and without fault.

114 11. The results of the ForensicMagician analysis conducted on October 28, 2019, are
115 accurately depicted in Exhibit #8, which shows data on the phone from which I could infer Johnson’s
116 location on October 26, 2019. The phone had not connected to any Wi-Fi network for the time
117 period searched. I was able to extract Johnson’ internet browsing history from the phone. It showed
118 Johnson (or whoever was using the phone) looked up the following sorts of search terms repeatedly
119 in the days leading up to the concert: “concerts gone wrong;” “criminal penalties for threats;” and
120 “Home Depot.” Johnson downloaded the Facebook app, but the data from the app had been
121 deleted. Unfortunately, I was unable to determine when that data was deleted, or which Facebook
122 accounts were accessed from it. The phone only had 16 gigabytes of storage, so it is possible that
123 Johnson might have deleted the app’s data in order to clear out some extra storage space, but the
124 whole thing still seemed suspicious to me.

125 12. Given the lack of Facebook data on Johnson’s phone, we went next to Facebook itself.
126 Using a subpoena, I asked Facebook to provide some basic information associated with the “Cynical

127 Songwriter” account. In response, Facebook provided me with the document shown in Exhibit #9,
128 which, as a Facebook representative told me, is the sort of record that Facebook keeps and regularly
129 updates in the course of providing its services. I also regularly rely on these sorts of reports during
130 investigations. The document indicates that the “Cynical Songwriter” account was created on
131 October 26, 2019 at 17:14 EST from the Internet Protocol (“IP”) address 2.58.172.2. This IP address is
132 part of a virtual private network (VPN) and the true device IP address is not discoverable. I am
133 simplifying things a bit here, but an IP address serves essentially the same purpose for an internet
134 connection that a physical address does for a house or office building; basically, it is a unique
135 number that identifies a particular connection. Only one IP address at a time can be assigned to a
136 particular place. IP addresses are managed on a global level by the Internet Assigned Numbers
137 Authority (the “IANA”). As a law enforcement deputy, my colleagues and I routinely rely on
138 databases managed by the IANA in order to determine physical addresses and other information
139 associated with particular IP addresses. In my experience, the IANA’s information has always been
140 accurate and reliable.

141 13. The email account used to set up the “Cynical Songwriter” account was
142 buddiesDuling@360ya.ar. The email address is associated with an email service that anyone in the
143 United States or anywhere else can use, but its servers are based in Argentina, so I could not get any
144 other information about it. I suppose we could have followed up with Facebook to see if they had
145 any more information about the “Cynical Songwriter” account. I suppose we could have looked into
146 Jones’s phone or other devices, but, again, it would not have been useful. Besides, Jones is an
147 accredited member of the media, and getting a warrant for Jones’s device would be extremely
148 difficult. And, we already had enough to prove that Johnson was the one responsible for causing the
149 stampede, so we did not need anything else.

150 14. I pulled up Johnson’s record and there was one prior criminal charge noted. Alex
151 Johnson was arrested for second-degree arson through utilization of fireworks/other explosives,
152 which resulted in the Jefferson High School Gym catching fire back in 2008. This was felony arson
153 and Johnson pled guilty in a plea bargain agreement. Shockingly enough, this plea bargain
154 agreement resulted in community service.

155 15. Based on the evidence mentioned, it was my conclusion that Johnson set up the
156 “Cynical Songwriter” Facebook account on Johnson’s cell phone on October 26, 2019, while Johnson
157 at the MagnoliaTheater. Johnson then used that account to post the bomb threat shown in Exhibit
158 #7. In turn, the post caused the stampede also known as crowd crushing that killed Casey Myers. I

159 obtained an arrest warrant and personally arrested Johnson at home on October 30, 2019. The
160 police report, marked as Exhibit #2, and the supplemental report, marked as Exhibit #3, have my
161 findings and interviews.

162 16. Several days following the arrest and indictment of Alex Johnson, Fusco emailed me
163 from Magnolia Theater on November 4, 2019. Fusco stated that an inspection was done by a
164 representative of the defense and that a guitar string was found jammed in the lock in the side exit
165 doors' locking mechanism. As this was materially important, a photo of the guitar string was
166 provided, which is marked as Exhibit #11. This guitar string was the sole reason the exit doors did not
167 function properly. Alex Johnson's hands were cut up, and the process of shoving a guitar string into a
168 door lock would certainly cause those types of injuries.

169

170 **WITNESS ADDENDUM**

171 I have reviewed this statement, given by me, and I have nothing of significance to add at this time. The
172 material facts are true and correct.

173

Signed,

174

Jamie Sanders

175

Jamie Sanders

176

177

178 SIGNED AND SWORN to me at 4:45 PM, May 15, 2025.

179

180

C.M. McCormack

181

C.M. McCormack, Notary Public

STATEMENT OF DREW BELLAMY

1 1. My name is Drew Bellamy. I am the Regional Supervisor for Pyrotechnics Plus. I am 48
2 years old. I am married and we have no children unless you count the four-legged kind. In that case, I
3 have three corgis. I was born and raised in the Pacific Northwest – Salem, Oregon to be specific. The
4 first time I came east was when I joined the US Army in 1992 at the age of 18 and was sent to Camp
5 Shelby. It was a culture shock to say the least being on the opposite coast. I got out in 2004, having
6 served in the Army for a total of 12 years. I had two overseas deployments, and three base
7 assignments inside the United States. My duty assignment was MOS 12M, which is the designation
8 for a firefighter. During my time in the Army, I went to several specialized schools, including one on
9 safely detonating IED's, which is the abbreviation for Improvised Explosive Device.

10 2. I decided to stay in Mississippi. I love the weather, although some complain about the
11 humidity. I love the range of things we can do outdoors with the pups from lake life to quick trips to
12 the coast. Mississippi has it all and we especially enjoy all of the state parks. I know I must sound like
13 an advertisement for the Mississippi tourism industry, but it really is perfect here for us. Ultimately,
14 we settled down in Fondren and made it our home. Given my past military experience, it was only
15 natural for me to work for a local fire department. Fondren County Fire Service hired me
16 immediately in 2004. They were and are a great department, which hires a lot of veterans. A lot of
17 skills in the military do not translate directly into civilian life, but firefighting is one that certainly
18 does. I was able to apply most of my Army firefighting certifications directly over to Fondren County
19 Fire Service, which allowed me to be well ahead of other recruits and firefighters who transferred
20 from other departments. Already having the certifications allowed me to move through the ranks
21 pretty quickly. I spent ten years with Fondren County Fire Service. Before leaving there in 2014, I
22 earned a few awards I am proud of and earned certifications in arson investigation and as a fire
23 marshal.

24 3. After a decade as a civilian firefighter, I got an itch to do something different. I have
25 worked for Pyrotechnics Plus since 2014. I was able to combine my firefighting experience and
26 knowledge of explosives together. It has been a great experience and a lot of fun. Pyrotechnics Plus
27 is a nationwide company specializing in commercial grade fireworks shows and distinct types of
28 incendiary products for concerts, sports events, and the like. If you see the fireworks on Fourth of
29 July in Atlanta, that is one of our contracts. If you see the towers of fire and sparks at a hard rock
30 concert, that is us too. The huge fireworks display at the Daytona 500 is also one of our contracts.

31 Pyrotechnics Plus is a company that prides itself on safe use of dangerous substances to enhance
32 events. I started out in event prep working from one of the regional offices. That entailed making
33 sure we knew the rules and procedures for any venue we were asked to work in and then ensuring
34 our devices were prepped in accordance with those rules. I became quite the expert on fire codes
35 acFondren the region, as well as the amounts of accelerants and types of accelerants which were
36 needed to produce a specific effect. The fireworks shows held outdoors were always the easiest to
37 do. We simply bought the commercial grade mortar shells, which were the really big fireworks, and
38 set them on programmed timers or circuit boards for firing.

39 4. Where the important work and finesse was needed was for concert pyrotechnic
40 devices, and especially indoor events. Through my career experience, I have a well-earned
41 reputation for precision with such devices. After earning my way up to Regional Supervisor, I got the
42 opportunity to travel a great deal and run the pyrotechnic side of events instead of just doing the
43 prep. It is far better to have a job outside of a normal office setting. There is a lot of demand for
44 pyrotechnic devices these days in rock concerts. I am happy to go and be a part of those experiences
45 for the bands and the fans.

46 5. I have worked the Magnolia Theater numerous times, but if I had to put a number on
47 it, I would say I have done at least 25 events in the last 18 months there. We have never had a
48 problem with a device prior to October 26, 2019. Magnolia Theater is a very cool old venue in
49 Fondren County. It is actually on the second story of the building and is on the National Historical
50 Registry. I do not know when it was built, just that it is really old, and was one of the original places
51 to feel the heartbeat of the Fondren community all those years ago. The diagram of Magnolia
52 Theater is marked as Exhibit #6. It is an accurate representation of the event space. What the
53 diagram does not show you are the beautiful high ceilings. I had never been in the space prior to the
54 second set of exit doors and stairway being added. I can see how it might have been hard to get
55 people in and out of the building prior to that. As it was, I never had a problem getting my gear in or
56 out with that second set of stairs. In fact, I preferred it for setup and breakdown.

57 6. Speaking of gear, there is actually quite a lot that needs to come in when working an
58 event indoors. All venues, whether historic or not, have to have the same basic fire alarm/fire
59 suppression/fire extinguisher set up based on their size. Speaking as a prior fire marshal, I can tell
60 you everything was always in order at Magnolia Theater. Back to the side doors and staircase. Those
61 side stairs lead directly down to the parking lot. When loading, I can bring things directly up instead
62 of using the main stairs that dumps into the lobby and another set of exterior doors. It is way more

63 convenient to use the side doors and stairs. I always bring in the pyrotechnic devices into the
64 building first, usually with an assistant to stand over them inside the building while I get each item
65 from the locked work van. Since there were only two devices being used, I did not need my assistant
66 for this event. Safety equipment I bring into the building, in addition to what is already there,
67 includes detonation boxes, smothering blankets, chemical fire canisters for device extinguishing, and
68 the fail-safe piping and chemicals for an emergenAlex shut down. Detonation boxes are a little bit
69 like what you see in movies with bomb disposal. A large heavy metal lined box into which a
70 potentially malfunctioning device could be placed to prevent external detonation. Smothering
71 blankets are heavy in order to smother out any fires that might accidentally start from a device.
72 Chemical fire canisters are specialized fire extinguishers. Finally, the fail-safe piping and chemicals
73 are like a remote kill switch for the pyrotechnic devices. Should something need to be shut down in a
74 hurry or emergenAlex, I could flip a switch and it pipes in an expanding foam into the inside of each
75 pyrotechnic device. I have had to use this once in my time working for Pyrotechnics Plus. A venue in
76 Georgia had a kitchen fire and we triggered the system to render everything inactive before exiting
77 the building. What I discovered about the expanding foam is that it can be pulled away afterwards to
78 evaluate the mechanisms to see any deficiencies in the wiring.

79 7. To run an event with pyrotechnic devices, we have to follow Fondren County fire
80 codes, as well as Magnolia Theater's requirements. County fire codes require incendiary
81 performance devices to emit no open flames or smoke. They may emit sparks provided they go no
82 higher than three feet from any ceiling or item hanging from a ceiling, such as fans or banners.
83 Beyond that, Magnolia Theater required an additional foot of clearance space to protect the old and
84 historic ceiling tiles from damage. I always dialed things back a bit beyond that to increase our safety
85 zone. The ceiling in Magnolia Theater is exactly 16 feet, 6 inches or 16.5 feet. You can double-check
86 that if you like with the Venue Manager, Finley Fusco. I never allow our devices to emit sparks higher
87 than 10 feet 6 inches or 10.5 feet. The concerts we support in Magnolia Theater most often utilize
88 multiple displays over the course of the concert. As such, each pyrotechnic device is wired to trigger
89 different effects at different times during the show. The contract for Ambition's show called for both
90 devices to be set up with an identical load of five sparks showers, and four timed concussive events.
91 A concussive event is a big bang, often made by detonation of something similar to a firecracker
92 inside the metal casing of the device. There were a total of two devices to be used, which were
93 placed at far left and far right of the stage, with a 48-inch spacing off of each wall.

94 8. I arrived at 4:00 p.m. and set up everything prior to Ambition's 6:00 p.m. performance
95 time as indicated by Matthew Shelley. I was not at the theater more than a few minutes when Finley
96 stopped to chat with me about the pyro for the evening's events. I assured Finley it was the usual
97 pyro with a total of five sparks showers taking place. There was also four timed concussive (or big
98 bang) events planned with two devices on each side of the stage with good spacing from the wall. I
99 made sure Finley knew the first spark shower would go off two minutes into the first song and that
100 pyro was only planned for Ambition's opening and closing songs. It took right at an hour to get
101 everything set up and secured, which is about average for me. It required routing all the wires, safety
102 piping and so forth as well as setting up the control panel, taping everything down so there were no
103 trip hazards or the like. I also set out my safety gear in a certain way, so everything was within close
104 reach if needed quickly. After everything was set, the stage was supposed to be secure for another
105 hour while sound checks were done before the general public arrived for the next set. Satisfied with
106 everything, I went out the side exit doors and down the stairs to the parking lot. A picture of the side
107 double doors with a push bar is marked as Exhibit #10. I moved my work van and then saw an
108 impressive line-up of food trucks. There was one favorite food truck I cannot resist that sells mac n'
109 cheese stuffed wings.

110 9. After having a great meal, I went in through the main entrance of Magnolia Theater,
111 since I was closer to the main entrance. I got back up on stage at 5:45 p.m., which was 15 minutes
112 until start time. I walked the stage one more time to be sure none of the tape had come up or wires
113 exposed from someone tripping over anything. It all looked to be in order, so I settled into my spot
114 to wait for the concert to begin. Now that I think about it, I do not recall rechecking the wires at the
115 pyrotechnic boxes themselves. Nothing really ever pulls loose from there when it is screwed into
116 place. Usually, just being sure the placement and orientation has not changed is enough. I did see
117 Alex Johnson at the main stairs while I was standing at the food truck waiting for my wings. I really
118 have to track my time to make sure I am not away from the stage for a very long time. It was about
119 5:15 when I saw Alex. I recognized Alex because Ambition had performed before other acts that used
120 pyro at their events. I was a little surprised Alex was there. Jody told me that Alex left the band and
121 that Alex was outraged with the addition of pyro.

122 10. Magnolia Theater looked pretty packed before the concert ever began. People were
123 really excited to see Ambition on stage. I am sure the theater personnel were in the courtyard
124 checking all the digital tickets and keeping a good head count. But then again, with food trucks,
125 outdoor entertainment, the lobby area, and the second-floor concert area – who is to say how many

126 people were there. Surely, it was a sold-out event. This charity event seems to sell out every year.
127 Everyone was milling around and waiting for the show to start. I saw Finley Fusco off to stage left
128 about five minutes before the show. Finley Fusco was surveying the crowd happily as the event was
129 screaming revenue. At about the same time, I could see the music journalist, Jett Jones, in the crowd
130 as well. I have seen Jett at many venues in the past covering events. Jett always proudly displayed a
131 media pass. In my opinion, Jett is obnoxious.

132 11. The house lights dimmed at 5:55 p.m. And finally, it was 6:00 p.m. Jody promptly
133 bolted out on stage with a ton of energy, which was my cue to start paying attention. The event
134 called for sparks showers with a duration of ten seconds to go off during Ambition's first song – at
135 exactly two minutes into the song. As Jody was starting the first song, I noticed a lot of people
136 looking at their phones instead of up at Jody. It was not unusual in itself right before a concert
137 begins, people getting pictures, or one last check of the phone before putting it in their pockets for
138 the show to start. What was odd about this was that a lot of people were showing screens to others
139 around them, and then people were hurriedly heading for the exits seconds after Ambition had
140 started. Now – that behavior was weird to me. The people who were moving to the side exit doors
141 appeared to have difficulty opening the side doors. I could see panic happening at that very moment
142 as people were rushing toward the back of the theater for the main exit. At the same time, it was
143 time to hit the switch to set off the sparks two minutes into the song, which I did. Instead of only
144 sparks, all four of the concussive devices on each side went off at the same time. It made an
145 earsplitting bang from each side of the stage. After the bang, I heard screaming. Everyone was
146 pushing to the rear of the theater. Some people were falling. It was pandemonium. Clearly, someone
147 messed with my devices. I did not set them up to go off as big or as loud as they did or even at the
148 same time. As the pyro went off, I instantly hit the fail-safe switch and both boxes were filled with
149 the retardant foam rendering them inactive. I knew there was no fire. What I did not know was why
150 everyone was leaving in such a rush before the pyro. I guess with the weird behavior going on in the
151 audience, maybe I should not have set off the pyro. But I was there to do a job.

152 12. Rather than heading for an exit door, I looked to Finley Fusco and then began
153 scanning the crowd for injured. If someone was down, I made my way to them and helped get them
154 to their feet. I did not see Casey Myers go down. She must have fallen on the stairs or outside. Once
155 out of the building myself at 6:40 p.m., I saw medics tending to the injured. The ambulance took
156 someone off while I was out in the courtyard. Jody found me standing outside for a minute and
157 started yelling at me about the pyro accusing me of not rigging it correctly and causing the chaos. I

158 know my job and I did it correctly. Deputy Sanders walked up when we were “talking.” Deputy
159 Sanders asked about our connection to the incident. The next thing I knew, Jody is telling Deputy
160 Sanders that I am in charge of pyro and how I needed to tell my version of what happened while
161 Jody walked off. I told Deputy Sanders that the only person I saw coming out of the main stairs when
162 the pyrotechnic devices were left unattended was Alex Johnson. After my chat with Deputy Sanders,
163 I went back in to check my equipment since emergency management gave the deputy the “all clear.”
164 I looked at the two boxes. It was obvious that someone moved the external wires around so that
165 triggering the first set of sparks would also trigger all of the concussive devices at once – not what I
166 wired for it to do. Someone tampered with it and clearly scared a lot of people. I went back outside
167 and found Deputy Sanders to report what I found about the device wiring.

168 13. It was not until later that I heard Alex sent a threatening message to Jett, which is
169 marked as Exhibit #7. Apparently, Alex’s message to Jett was the cause of everyone panicking and
170 trying to run out of the building. I knew Alex was mad at Jody about adding pyro, but sabotaging
171 equipment went too far. I would have never thought Alex would sabotage the band Alex used to be a
172 part of. Alex must have used my equipment to amplify the panic and as a result someone died by
173 being trampled to death. Sure, Jett could have managed the threat better by notifying Finley Fusco,
174 who would have then let me know. If I had been notified, I would have killed the pyrotechnic boxes
175 from the get-go. Then Finley Fusco could have announced a technical glitch and asked everyone to
176 go outside while we took care of it. In fact, Finley must have been thinking like me and wanting to
177 improve the protocol should that happen again. Finley set up a meeting for us to meet the following
178 Monday, October 28th. We talked about ways to re-work Magnolia’s contracts. We established that
179 Pyrotechnics Plus must have a minimum of two people on hand. And once the pyro was set up, it
180 could not be left unsupervised at any time by Pyrotechnics Plus until the event concluded.

181 14. Nothing changes the fact that Alex Johnson set all that chaos in motion by sending the
182 threatening message and altering my devices. As to the side exit doors – I have no idea why the side
183 doors were locked. They worked perfectly well for me all the way up until I left for dinner.

184

185

WITNESS ADDENDUM

186 I have reviewed this statement, given by me, and I have nothing of significance to add at this time. The
187 material facts are true and correct.

188

Signed,

189

Drew Bellamy

190

Drew Bellamy

191

192

193 SIGNED AND SWORN to me at 4:45 PM, May 15, 2025.

194

195

C.M. McCormack

196

C.M. McCormack, Notary Public

STATEMENT OF ALEX JOHNSON

1 1. My name is Cy Miles. I am 32 years old. I have lived here in Fondren my entire life.
2 Until October 2019, I was the lead singer and lead guitarist for a band called Ambition. At the same
3 time, I was on the verge of beginning a solo career when I was falsely accused of causing a stampede
4 at Magnolia Theater by means of a Facebook post. Let me be perfectly clear: I had nothing to do with
5 the Facebook post or the resulting tragedy. I do not know who is responsible for it. I am testifying
6 here in order to clear my name.

7 2. In a way, I have been fighting circumstance for most of my life. My family did not have
8 much when I was growing up. Despite my best efforts, I was never a particularly good student. Still,
9 there has always been one thing that gave me constant direction – music. My parents and band
10 teachers said I was a musical genius. I went to Hamilton High School here in Fondren. Every day, I
11 looked forward to my jazz band class, where I could use the sonics of my guitar to express myself in
12 ways that would seem impossible in most other settings. I say “most” because, at times, I also
13 seemed to thrive in English class. I was never much for writing essays or reading novels, but on the
14 rare occasion when it came time for us to study poetry, I felt like I was completely in my element.
15 Emily Dickinson, Robert Frost, and Maya Angelou were, and still are, my favorite poets.

16 3. Unfortunately, right before I graduated high school in 2008, I got sidetracked. In early
17 May, my friend Dannie DeLuca and I played a prank on Jefferson High School’s pep squad and things
18 went a bit sideways. At the time, we were on Hamilton’s pep squad, which, as you probably know, is
19 Jefferson’s arch-rival. The Jefferson pep squad pranked us right after spring break in April while we
20 were outside eating at Eudora’s Burgers when they snuck up on us and showered us with a
21 disgusting combination of silly string, cheese-whiz, and whipped cream. Of course, our Hamiltonian
22 honor meant we could not let Jefferson’s prank go unanswered. We devised a prank to get revenge,
23 but with firecrackers. Dannie and I waited behind some bushes outside of the gym where the
24 Jefferson pep squad practiced its rallies. As they left the building, we shouted, “Bombs away from
25 your friends at Hamilton!” and let them have it. In retrospect, the whole thing was a bad idea. We
26 made one especially stupid decision. Rather than using regular firecrackers, we bought a bunch of
27 different types of fireworks and mixed their contents together. We thought it would make the
28 fireworks louder and brighter. Nobody was injured, but as a result of our fireworks concoction’s
29 enhanced fire power, the pine needles in the landscaping caught fire. In turn, the gym caught on fire

30 and the building burned down. I had no idea pine straw was so flammable. It was truly a stupid kid
31 moment.

32 4. It did not take a detective to figure out that we were the responsible parties. Dannie
33 and I each ended up pleading guilty to second-degree arson. The prosecutor wanted to throw us
34 each in jail for a year and a half. Dannie and I were only 17 at the time of the incident, so the judge
35 let us off with probation and community service. I took responsibility for my actions, completed my
36 sentence without incident, and have tried to move on from the whole thing. I hope I am not judged
37 in this trial for a stupid decision I made back then.

38 5. In 2010, after putting all that behind me and growing up some, my musical intuition
39 was sharpening. In large part, it seemed like all I did was either play or listen to music. I was
40 appreciating how music and history intertwined. I came to the realization largely because I began
41 attending shows regularly at Fondren's historic Magnolia Theater. The 1920's building's art, the
42 general vibe, and architecture took me back to a time before me. When I first started going to shows
43 there, it took a long time to get in and out of the theater. The theater is situated on the second floor
44 and could only be accessed by the main staircase. While I was waiting in line to get in and out, I
45 began to notice the historic photographs of artists who had appeared at Magnolia Theater on the
46 walls.

47 6. Fortunately, Magnolia Theater underwent some renovations in 2015, including the
48 addition of a side stair exit with double doors. They also added Wi-Fi. I am familiar with Magnolia
49 Theater's floor plan, which is marked as Exhibit #6. Now it takes 30 minutes to exit the theater after
50 a show, which, if you ask me, is a huge safety improvement. I know this because I like to hang out
51 with the band afterwards and it no longer takes a long time to empty the theater. One time before
52 the renovation, I was standing in line on the main staircase when someone tripped in the crowd and
53 fell down the stairs. Thankfully, the only injury was a sprained ankle, but it was a little scary to
54 witness the accident. Since the addition of the second stairs, I have never seen much of a crowd on
55 the stairs going in or out of the theater.

56 7. I knew my best chances of establishing myself as a professional musician would be in
57 a band. Fortunately, I met Jody Rivers several years ago and things clicked for a while. Back in the
58 summer of 2017, I was playing a solo gig at Eudora's Burgers, a greasy little burger joint here in
59 Fondren. The owner, a sweet lady from Texas named Eudora Raines, called the event "EudoraFest"
60 and tried to recruit every musician in Fondren to play there. Eudora was not paying for the
61 performances as she was hoping to entice us all into playing for free burgers. I figured it would be

62 fun. Plus, I love a good bacon burger. Jody played right before me and had a stage presence unlike
63 anyone I had seen – confident and over the top. It turned out that Jody saw something in me, too,
64 because Jody approached after my set and suggested we form a band. I am not sure what Jody saw
65 in me. I know I can be quiet at times, but being quiet allows me to get to the deepest and most
66 meaningful parts of my music. I say I am quiet, others say I am moody. Either way, Jody understood
67 me, and it was okay that I was different. It seemed like Jody figured everything out: the name
68 “Ambition,” a few places where we could perform, the names of people who could play bass and
69 drums, and lots of other tiny details that I had not thought of before. Jody suggested right up front
70 for us to sign a contract spelling out our rights in the music we would create. Jody explained how we
71 would have equal legal rights in the songs we wrote, which sounded fair to me. I signed the contract,
72 which is marked as Exhibit #5, back in the summer of 2017.

73 8. We continued gigging at Eudora’s with pay for a while until Jody somehow managed
74 to get us a steady gig at Duling Club over in Fondren’s upscale neighborhood in January 2018. I think
75 the place is a little stuffy and I doubt that most people there were genuinely interested in us, but it
76 paid the bills and gave us opportunities to improve our sound. As it turned out, we were mostly
77 playing songs I wrote before meeting Jody. For that reason, I figured our agreement did not apply to
78 my earlier songs, but I was happy to share them at the time. Jody would say we were performing to
79 standing-room only crowds in the summer of 2018, but it was hardly likely they were coming to only
80 see us.

81 9. Sometime in Fall 2018, I showed up a couple of hours before one of our gigs to find an
82 electric keyboard player setting up on stage. I asked Jody what that was about. Jody happily
83 introduced me to Erin indicating she was going to “help spice up our sound.” Erin seemed nice
84 enough, but I absolutely hated the idea, and I was not happy about the addition to my music. Jody
85 and I clicked at the beginning because we each had folk roots, and a synthesizer does not exactly
86 belong in a folk band. I could not understand why Jody was so adamant about having a keyboard
87 playing over my guitar. Jody seemed committed to the idea. I was trying to say my thoughts, but
88 Jody kept telling me not to overreact. So instead, I gritted my teeth and put up with it. I certainly did
89 not say anything about “fireworks” in the encounter. It was not long after Erin’s arrival that I started
90 secretly thinking about going back to a solo career.

91 10. By Fall 2019, Erin was still playing the electric keyboard and I was ready to jump
92 Ambition’s ship. Ambition’s show had gone too over-the-top. Erin was playing as many spaceship-
93 sounding solos as I was playing on my guitar, and the clash of styles was not working for me. I still

94 had not told anybody my goal of leaving since I was waiting for the right moment. After one of our
95 performances, Jett Jones was there ready to pounce on me like a cat. Jett was stalking me asking me
96 about Erin playing the keyboard, which was the last thing I needed. It was clear that I was annoyed
97 about Erin being in the band.

98 11. October 7, 2019, fate threw me a curveball. Jody called me and let me know that
99 Holden B. Sampson’s opening act at his upcoming Magnolia Theater performance had been canceled
100 and that we were asked to fill in for the opening act. I had mixed feelings. On one hand, I was
101 ecstatic about Holden B. seeing potential in us, but on the other hand, I was a little embarrassed at
102 the idea of playing music that sounded vaguely like synth-pop to such a huge crowd.

103 12. In the end, I swallowed my pride and played the show on October 12th at Magnolia. It
104 went well – considering. After the show, we ended up meeting in the artists’ lounge with, Jessica
105 Gallagher, who told us she was a record producer with Bean Records – a really well-known Indie
106 record label. She wanted to schedule us to perform a show for her boss. And if that went well, Bean
107 Records might give us a full-blown record deal. Something seemed a little off with her pitch. Ms.
108 Gallagher was trying ridiculously hard to sell us on the idea. At any rate, I was not planning to stick
109 around with Ambition. Still, I was open to the idea of another show. She suggested our sound
110 needed more “pizazz.” She wanted our show to include pyro, lights, and digital effects. I was on the
111 verge of laughing at her when she stopped talking, but before I could say no, Jody piped up: “You’ve
112 got it. I have been saying we need more pizazz, anyway!” I was horrified. Especially since about half
113 of our set consisted of songs I had written before ever meeting Jody. I could not let this happen. I
114 poured my heart and soul into my songs, which are serious poetic works about love, loss, hard times,
115 and a number of other topics. Flashy lights and disco balls did not work for Ambition. I could not let
116 Jody or Ms. Gallagher cheapen my art with a bunch of special effects.

117 13. Jody is flat-out lying about what happened next. It is true that we got into a huge fight
118 once Ms. Gallagher left. Jody’s claim is claim about me giving Jody some sort of threatening
119 ultimatum is not true. Jody told me our contract entitled Jody to play all of Ambition’s songs, even
120 the ones I wrote before we met. Obviously, that is not what it says. It is limited to songs we “write
121 together” as a band and I told Jody as much. “Good luck proving you actually wrote those songs
122 before we met,” Jody replied with a smirk. At that point, I lost it and left. I might have said something
123 rude to Jody but, to be honest, I was so mad I do not remember exactly what I said. However, I do
124 remember I was not thinking about blowing anything up. Instead, I was thinking about retaining an
125 intellectual property lawyer to protect my legal rights to the songs I personally wrote.

126 14. I never did end up retaining an intellectual property lawyer. Instead, I heard on the
127 morning of the “Can You Dig It?” charity concert on October 26, 2019, that Jody and the rest of the
128 band were scheduled to play at 6:00 p.m. I knew Jody would be there, so I went to Magnolia Theater
129 during the soundcheck at 5:00 p.m. – an hour before performance time – to talk some sense into
130 Jody about not using my songs. When I arrived, I tried to enter the theater through the side stair
131 doors, but the doors were jammed or locked. I ended up entering through the main stairs. When I
132 got into the theater a few minutes before 5:00 p.m., I was planning to be on stage when Jody came
133 out for the sound check. Instead, I saw Jody already on stage when I got there with a screwdriver in
134 one hand and an adjustable wrench in another. I was surprised and not surprised. First, I was
135 surprised because Jody is not exactly “handy.” Most of the time, Jody can barely figure out how to
136 lock a guitar case. It looked like Jody was tinkering with the pyrotechnics. I was not surprised to see
137 Jody tampering with the pyro, since I knew Jody always wanted shows to be the biggest and most
138 memorable possible. Jody was constantly trying to make things grander. I stood there on-stage dead
139 in my tracks – watching. Jody seemed shocked to see me standing right there on stage and jumped a
140 little in surprise. Jody quickly asked why I was there and reminded me I was no longer in the band. I
141 knew that. I let Jody know I was embarking on a solo career and asked Jody not to play any of my
142 original songs. I also let Jody know I might have no choice but to make a legal issue out of it if Jody
143 played my music. I mentioned that it would not play out well if the band was on the verge of getting
144 a record contract. I suggested to Jody that it would be in everybody’s best interests if Ambition
145 simply played songs that were not mine. Jody laughed in my face: “Remember what I said about you
146 will need to prove you wrote those songs? Now get out of here. I have a soundcheck to finish.” I
147 tried to leave through the side door to the theater, but it was still jammed. As I was walking out
148 headed to the main doors, I saw Jett Jones. I warned Jett not to go out the side exit doors since they
149 were locked. The doors look like the ones pictured in Exhibit #10. I left using the main stairs. I was
150 disappointed that we had not been able to resolve our differences. I realized I had no choice but to
151 retain a lawyer. By the time I was outside of Magnolia, it was about 45 minutes, give or take, before
152 Ambition was to perform. At no point during the time I was at the theater did I ever touch the
153 pyrotechnics, nor did I do anything to the side exit doors.

154 15. By 5:30 p.m., I was in an Uber headed to Madison, a suburb about 30 minutes outside
155 of Fondren. While waiting for the Uber out front, I talked to a fan of Ambition’s. I did not catch the
156 fan’s name. I left as soon as the Uber arrived. I wanted time to clear my head and go for a walk in
157 Reservoir Park – a great little greenspace near downtown Madison that I have been going to since I

158 was a kid. I got there right around 6:00 p.m., when I got an alert on my phone about something bad
159 getting ready to happen at Magnolia Theater. The post I saw is marked as Exhibit #7. Almost
160 immediately I had the Uber driver turn around and head back to the theater. Yes, I was mad at Jody,
161 but Jody and well – most of the band – were my friends. I wanted to make sure they were okay.
162 When the Uber pulled back up at the Magnolia at 6:30 p.m., what I saw was crazy. I quickly made it
163 inside the courtyard surrounding the Magnolia after being dropped off. Medics were tending to
164 people and concertgoers were pouring into the courtyard. I was standing there still trying to figure
165 out what was going on when a deputy named Jamie Sanders ambushed me and started asking me all
166 kinds of strange questions. I was asked about being a member of the band, which I made clear that I
167 was no longer a band member. Then I was asked about my hands, which I had cut up stringing a
168 guitar a few days prior. I pulled out my cell phone to check the local news to see what was going on
169 and that is when Deputy Sanders grabbed my cell phone out of my hand and told me, “You’re going
170 to fry for this!”

171 16. Deputy Sanders is now taking the data on my phone way out of context. I was
172 searching for terms like “criminal penalties for threats” because I thought Jody’s threat to use my
173 songs without my permission might have been illegal. I was searching for terms like “concerts gone
174 wrong” because I was genuinely worried about what might happen with the pyrotechnics at the
175 show on October 26th. And, it turns out I was right. And “Home Depot?” That was just because my
176 sink broke and I needed a couple of new tools in order to fix it. Likewise, I deleted my Facebook
177 account when I was about ten minutes out from returning to Magnolia Theater on the 26th. Like I
178 said, I was trying to clear my head and social media is not exactly great for that. I needed a clean
179 break from social media and that was the only way. I hear that I am being accused of the original
180 post, marked as Exhibit #7 as Cynical Songwriter. My attorneys showed me a copy of the Facebook
181 Subscriber Information, marked as Exhibit #9, with my name on it. I did not set up this account.
182 Anyone could have created an account with my name on it.

183 17. I feel awful about what happened at the theater that night – especially about what
184 happened to Casey Myers. Casey was one of Ambition’s biggest fans. But the fact is, I had nothing
185 whatsoever to do with it. My guess is that Jody tinkered with the pyrotechnics, made a mistake, and
186 is now trying to blame me for Jody’s error, which, of course, had tragic consequences. Given my
187 arson conviction, I figure I make an easy scapegoat. However, I am confident that the truth will come
188 out during trial.

189

190

WITNESS ADDENDUM

191 I have reviewed this statement, given by me, and I have nothing of significance to add at this time. The
192 material facts are true and correct.

193

Signed,

194

Alex Johnson

195

196

Alex Johnson

197

198 SIGNED AND SWORN to me at 4:45 PM, May 15, 2025.

199

200

C. M. McCormack

201

C.M. McCormack, Notary Public

STATEMENT OF JETT JONES

1 1. My name is Jett Jones. I am 37 years old. I am a music journalist with *Rock & Fondren*
2 *Today*, Fondren's premier music magazine. I have been into music for as long as I can remember,
3 although I have never been incredibly good at writing or playing music myself. When I was a kid, I
4 tried almost every instrument out there – violin, piano, guitar, even the triangle. Unfortunately, my
5 only talent seemed to be in somehow making each of them sound like a cat getting a bath. Trust me,
6 I grew up with cats and a cat screaming in agony and terror because they are getting a bath is not a
7 pleasant sound. Now my kids, on the other hand, are both into playing the piano. They definitely did
8 not get their talent from me.

9 2. Although my musical abilities were lacking, I have always loved going to live shows.
10 And more importantly, when I got to college, I realized that I also loved reading and writing about
11 music, musicians, and the music industry in general. When I arrived at the University of Mississippi as
12 a freshman, I had plans to be a business major, but I took a couple of creative writing classes on a
13 whim and realized immediately that writing was my true calling.

14 3. Anyway, *Rock & Fondren Today* hired me right out of college in 2007, as a staff writer.
15 In my early years there, I discovered that I did not need to do too much “creative” writing at all. In
16 light of the personal and professional turmoil they tended to carry with them, the artists I was
17 covering had enough going on in their lives that there was plenty of information for an article. And,
18 sometimes there was so much information I had enough material for several follow-up articles as
19 well. I mean, have you seen *Ray*, *Walk the Line*, or *Amy*? They are all true stories. In fact, I have been
20 dreaming for years about writing a screenplay of my own. It would be a biographical depiction of the
21 life of a talented but troubled musician. The challenge in writing that screenplay has been in finding
22 the right subject. These days, it is getting harder and harder to find a band or an artist whose story is
23 dramatic enough for a truly juicy article that stands out, let alone the big screen. Gone are the days
24 of the Rolling Stones. Now, every band has a manager, a public relations person, and about a dozen
25 or so other band employees whose job is to keep the artists “in line.” If you ask me, it is all getting so
26 boring.

27 4. Or, at least, things were getting boring until *Ambition* entered Fondren's music scene.
28 I first encountered them in 2018, at the Duling Club, and they were a breath of fresh air – musically
29 and as potential subjects for a story. At the time, Jody Rivers and Alex Johnson were the core of the
30 band and they complemented each other perfectly. I would describe Jody as a loud, flashy, larger-

31 than-life, in-your-face kind of band leader. Jody is not always perfectly honest with the crowds, but I
32 think this is why people seem to like Jody's performances. One time, for example, Jody told a crowd
33 at the Duling Club about having an "original" song to play and then launched into a not-so-cleverly
34 plagiarized solo version of Fleetwood Mac's "Landslide." I have seen Jody do stuff like that several
35 times. Nobody ever really seems to mind, though, and to be honest, the performances, plagiarized
36 though they are, are usually really fun to watch. Alex, on the other hand, is a quiet, brooding,
37 perpetually tormented musical genius. Although Alex does not have the same energy as Jody on the
38 stage, Alex presence is felt musically and Alex's guitar work along with songwriting is inspirational. I
39 could always watch Alex perform and know that Alex truly felt the music internally.

40 5. Alex has always been willing to talk to me for my stories. The second or third time I
41 saw Ambition play, I approached Alex after a show in 2018 and asked for an interview for my first
42 full-length article about the band. Alex agreed, and the interview was extremely helpful. The
43 interview was well received by my bosses and was a great piece in the following month's issue. I
44 think our circulation picked up as a result of that article. Though Alex and I had talked many times
45 previously, the good publicity for Alex, and the additional name recognition I received kind of
46 cemented our friendship. After that point I thought of Alex much more as a friend than just an artist I
47 was covering for *Rock & Fondren Today*.

48 6. Alex and I stayed connected as Ambition became increasingly popular and it really
49 helped both of us. Alex gave me plenty to write about and, in return, I gave Alex and the band as
50 much free publicity as I could. During that time, Alex and I communicated primarily via Facebook,
51 both in private messages and on each other's public "walls." A couple of times each month, Alex
52 would write a public post on his wall and "tag" me in it. By being tagged in the post, it would give me
53 the option to republish Alex's post on my own wall, which I always did. As soon as I saw a message
54 from Alex, I would hit the "repost" button reflexively as soon as I read it. I figured I was doing Alex a
55 huge favor because, then as now, my Facebook page had a little over seven thousand followers
56 consisting mostly of Fondren residents. So, each of my posts was like screaming it out on a digital
57 megaphone to the entire Fondren County. Also, I know Alex was seeing my reposts because Alex
58 would always "like" each one within a minute or two after it appeared on my wall.

59 7. Like everybody else who was following Ambition, I started to sense some tension
60 between Jody and Alex around Fall 2018. The source of the tension was obvious. The band added an
61 electric keyboard player around that time and Alex did not seem pleased with the addition. At their
62 shows, whenever it was time for a keyboard solo, Alex's eyes would roll back, and Alex had a look of

63 disgust. After one of those shows, I caught Alex coming offstage and asked about the addition of the
64 keyboard player, Erin. "It's temporary," Alex said sharply. Like any good journalist, I asked a follow-
65 up question: "Do you think your songs sound better without it?" Alex seemed to snap at that. "You
66 had better believe they do," replied Alex. "I wrote the songs we play. Those songs belong to me."
67 Alex then left. Normally, I would have immediately published that sort of comment in a story, but
68 since I had not established that Alex was on-record, I decided to bury it. Jody and Alex were headed
69 for an interpersonal blow-up. I figured I was sure to have something else to write about soon
70 enough. Was I ever right!

71 8. On October 12, 2019, I was at Magnolia Theater where Ambition was the opening act
72 for Holden B. Sampson. The show was great, and, as usual, Alex was looking perturbed each time the
73 electric keyboard player performed a solo. After the show, though, I saw Alex and Jody walking
74 toward the artists' lounge with a woman who looked a lot to me like the record producer, Jessica
75 Gallagher. I followed my hunch and camped out by the lounge door. After a few minutes, Ms.
76 Gallagher left the room and Jody and Alex were, I assumed, in there alone. A few seconds later, I
77 heard Jody and Alex shouting at each other, but I could not make out what they were saying. After a
78 minute or two of shouting, Alex flung open the door. "The contract is irrelevant," Alex shouted back
79 at Jody and said something like, "I am not going to let you destroy the songs that I poured my heart
80 into!" I tried to get a comment from Alex as Alex was leaving, but Alex ignored me and walked away.

81 9. Afterwards, I learned that Ambition had been slotted to play at the "Can You Dig It?"
82 concert at the historic Magnolia Theater in Fondren on October 26, 2019. I figured it was the work of
83 the record producer, but I was still trying to get the scoop. Normally, I would have talked to Alex, but
84 Alex had gone completely silent and was refusing to return any of my Facebook messages. Being
85 ghosted by Alex was unusual. Normally, we would check in with each at least a couple times a
86 month. So, when I did not hear back from Alex, I knew something was up. I wanted to figure out
87 what was going on, so I decided to sneak into Ambition's soundcheck before the show and trying to
88 corner Jody for a quick interview. Afterall, I was very familiar with Magnolia Theater's floor plan,
89 which is marked as Exhibit #6. And, I say "sneaking" kiddingly. I have a media pass and can get in at
90 any of these places. I just meant that the Ambition band did not know I was coming for a quick
91 interview.

92 10. I went into the theater on October 26, 2019, around 5:00 p.m. which was one hour
93 before the show started at 6:00 p.m. I used the main stairs to the second floor. I saw Jody on the
94 stage next to the drums. I do not know what Jody was doing there, but based on all my experience

95 covering bands, I believe Jody was adjusting the pyro box. Believe me, I have been to enough
96 concerts to know what the pyro boxes look like. I started to say something to Jody, but then saw Alex
97 at the other side of the stage on the side closest to the side exit doors. Alex and Jody then argued
98 loudly back and forth about who was in the band and whether or not the songs belonged to Alex.
99 Jody stormed off stage, and Alex saw me while heading out. I asked Alex if there was any comment
100 for my reporting on what I witnessed. Alex muttered, "Sorry, gotta go." I stood there, dumbfounded
101 and frustrated at the same time, as Alex yelled one more thing back to me: "And use the main stairs
102 when you leave, the doors to the side stairs seem to be jammed." I knew exactly which doors Alex
103 was talking about – the side doors pictured in what is marked as Exhibit #10.

104 11. Before Ambition was about to hit the stage at 6:00 p.m., I was walking around for a
105 better view in the crowd, which sounds crazy when I am six feet tall – but still. During that time, I felt
106 my phone buzzing in my pocket about five minutes before the show was to start and the lights were
107 to be dimmed. I pulled my cell phone out and saw a notification from Facebook. When I clicked on
108 Facebook, I saw a Facebook account called "Cynical Songwriter" tagged me in a post. I was shocked
109 to see what looked to me like a threat to blow up the Magnolia Theater. Right away, I knew two
110 things: I had to warn everybody in the theater about the threat, and I had a potentially explosive
111 scoop on my hands. I even showed the post to Stevie Raven who was distracting me about
112 something. Stevie was shocked by the message I received. I immediately reposted the post to my
113 own page at 5:56 p.m. with a warning to concertgoers. An image of the post and repost is shown in
114 Exhibit #7. I then started making my way toward the closest exit doors, which were the side exit
115 doors.

116 12. I will never forget what happened next. I noticed a group of concertgoers looking
117 nervously at their phones and shouting to each other over the music that started promptly at 6:00
118 p.m. As I focused on what was being said, I could hear what they were saying: "Someone's going to
119 burn down the theater!" Next thing I knew – exactly two minutes into Ambition's first song – I heard
120 a huge bang and saw a flash of fire and light coming from the stage, and then, well... there was
121 pandemonium. The music stopped and I saw Jody rushing offstage. I thought a bomb was going to go
122 off per "Cynical Songwriter's" post, but there was no fire on the stage. The pyro seemed louder than
123 usual. About half of the concertgoers seemed like they were headed for the side stairs, and the other
124 half were headed for the main stairs. When I got to the side exit doors to the exterior stairs, I found,
125 just like Alex said earlier, that the side exit doors were jammed. Finley Fusco, the venue manager,

126 was right there and could not get the side exit doors to open either. Finley was frantically redirecting
127 everyone to the main stairs in the rear of the theater. I went with the flow towards the main stairs.

128 13. Everybody was on top of each other, and I saw at least a half-dozen people fall down
129 during the rush. I am lucky I got out of the theater without getting hurt. It was almost 6:45 p.m.
130 when I made it out of the theater. I was no sooner out and safe, when a deputy named Jamie
131 Sanders practically started asking me questions. I was so amped up from what had just happened
132 that I do not really remember what we talked about. My phone kept distracting me because it was
133 going off with so many people having read my post. I told Deputy Sanders about the post I received
134 and how I showed it to Stevie Raven before I reposted it. I did not know who Cynical Songwriter was.
135 Deputy Sanders went on to interview other people – and probably Stevie too.

136 14. I do not believe that “Cynical Songwriter” was Alex. Alex and I had been friends for
137 too long to believe any of this was possible. Still, there might be a silver lining for me: the more I
138 think about it, the more I am liking the idea of a screenplay about Alex’s dazzling musical rise and
139 crushing, premature fall. Everybody loves a crime story, right? Who knows – maybe it will win me an
140 Academy Award.

141

142

WITNESS ADDENDUM

143 I have reviewed this statement, given by me, and I have nothing of significance to add at this time. The
144 material facts are true and correct.

145

Signed,

146

Jett Jones

147

Jett Jones

148

149

150 SIGNED AND SWORN to me at 4:45 PM, May 15, 2025.

151

152

C.M. McCormack

153

C.M. McCormack, Notary Public

STATEMENT OF LANE RHODES

1 1. My name is Lane Rhodes. I am 42 years old. I am a professional building inspector and
2 building safety consultant. I own my own company, Rhodes Inspection Services, LLC. Before graduating
3 high school, my dad encouraged me to follow in his footsteps. So, I attended Mississippi State
4 University, where I earned a bachelor's degree in civil engineering in 2002. After getting my bachelor's
5 degree like my dad, I changed directions and decided to take a shot at becoming a firefighter. Secretly,
6 I always wanted to work in fire safety and thought it would be a more thrilling career than civil
7 engineering. Unfortunately, I could not manage passing the Fondren Fire Department's applicant test,
8 which consisted of several phases of testing. The getting through confined spaces got to me every time
9 when the claustrophobia set in. I tried several times, but after a couple of failed attempts I gave up
10 and figured becoming a building inspector would be the next best thing. So, I went back to Mississippi
11 State and in 2005 earned a master's degree in civil engineering. Of course, dad was gloating about civil
12 engineering being in the family blood. After earning my masters, I took Mississippi's version of the
13 National Home Inspector Exam in January 2008, which I passed on my second try. Ever since then, I
14 have been working as a licensed building inspector and consultant here in Fondren. I regularly publish
15 articles on building safety issues. My most recent piece in June 2019, titled "Does Midcentury Modern
16 Measure Up? Assessing the Safety of Homes Built in the 1950s and '60s" appeared in *Building Safety*
17 *Quarterly*, a national trade publication for building inspectors.

18 2. As an initial matter, it is important to understand what a building inspector does. A
19 building inspector's basic job is to assist developers and property owners in ensuring that their
20 buildings are safe and appropriately designed for their occupants. Among other things, a building
21 inspector makes sure that in the event of a disaster such as a fire, earthquake, flood, etc., that a
22 building's design and layout will permit its occupants to exit the building as quickly and safely as
23 possible. Like other new building inspectors, I started my career at Fondren Inspections Division
24 located in Fondren in February 2008, where I worked for about five years. Unfortunately, my job with
25 the county hit a bit of a snag in May of 2013 when I accidentally overlooked a couple of critical details
26 during an annual inspection of Fondren County's terrible old courthouse. My supervisor caught the
27 error, but the mistake cost me my job. It seemed silly to me at the time since they were building an
28 entirely new courthouse across the street and the old one would get torn down. Either way, I sure
29 learned my lesson about attention to detail.

30 3. After leaving Fondren Inspections Division, I was worried about my reputation in the
31 inspection community being severely damaged. And as result, I would have a challenging time finding
32 work. So, with that in mind, I decided to strike out on my own and started Rhodes Inspection Services,
33 LLC in August 2013, in downtown Fondren. For a while, I did nothing but home inspections for people
34 in the process of selling or buying a house, but after everything I learned to conduct commercial
35 inspections for the county, I figured I should at least try to make use of the knowledge. So, in 2015, I
36 started devoting a portion of my time to inspections of small commercial buildings. It still is a small
37 part of what I do, but it keeps things interesting. Also, around the same time, I figured out I could use
38 my expertise to educate jurors and judges in court. I have been Mississippi's go-to trial expert in the
39 area of building safety for a number of years now. Since 2015, I have testified in about two dozen civil
40 and criminal trials regarding building hazards, code violations, sloppy renovations, and lots of other
41 comparable topics. And the additional money coming in is not that bad either. I am compensated
42 \$8,000 every time I testify in court, which is the same as I am being paid to testify for this trial.

43 4. I heard about the October 26th incident at Magnolia Theater that night on the eleven
44 o'clock news and was parked by the phone for almost a week waiting to be retained for this trial by
45 one side or the other. Finally, I got a call from Alex Johnson's defense lawyers on Friday morning,
46 November 1, 2019, who hired me to evaluate Magnolia Theater for code violations and other safety
47 hazards. If the building was unsafe or if some dangerous condition existed somewhere in the theater,
48 it could be the real reason for the tragedy taking place. After the lawyers retained me, I knew there
49 would be past inspection records to obtain and review. The other component of my retainer would be
50 to conduct an onsite investigation.

51 5. Magnolia Theater is a great theater in town. And although it is an old relic, both
52 common sense and Fondren's Fire Code dictate that the building needs to meet certain minimum
53 safety requirements in order to remain open to the public. With that in mind, the first step in my
54 analysis was to review Magnolia Theater's past inspection records at the Fondren Inspections Division.
55 I wanted to see if past inspections identified any issues that were unresolved. I can confidently say
56 that I had not previously inspected Magnolia Theater, because it was not in my inspection zone when
57 I worked for Fondren Inspections Division. I called Fondren Inspections Division the same day of being
58 hired in order to request copies of all Magnolia Theater's prior inspection records, which are public
59 documents. I not only know this because I am a building inspector but also because I worked at
60 Fondren Inspection Division and I know the records are maintained during the regular course of
61 conducting inspections all around the county. After getting stuck on hold for what seemed like almost

62 an hour, I was finally able to contact a clerk. The clerk indicated the records could not be located and
63 they certainly no longer existed. I clarified that we were both talking about Magnolia Theater and
64 confirmed we were talking about the right place. The clerk said Magnolia Theater must have had an
65 exception since it was on the National Historic Registry. I could not believe what I was hearing. I was
66 shocked to discover Magnolia Theater had not been inspected at all since at least the mid-1990s, which
67 was as far back as records at Fondren Inspections Divisions went back. I knew Magnolia Theater added
68 the additional exit and side stairs in 2015, because it was the same time I added inspecting commercial
69 building to my business. I do not know who failed to inspect Magnolia's addition. I would call it criminal
70 to have no inspection records this long for a building with such a large occupancy limit and that is
71 consistently in use.

72 6. I paid the theater a surprise site visit on Monday morning, November 4th. The facts and
73 data I gathered were more than sufficient for my analysis and are of the type that a building inspector
74 or safety consultant would normally use in this sort of analysis. I would agree the layout I observed is
75 like the one marked as Exhibit #6, although we all know it is not drawn to scale. In the course of my
76 analysis, I used principles and methods widely seen as dependable among building safety
77 professionals. I applied those principles and methods reliably in this case.

78 7. I met with Finley Fusco, the venue manager at Magnolia Theater. When I arrived and
79 saw the inside layout, I was immediately certain that I would find something unsafe about the building.
80 The fact that a large, two-story event space had only two exits seemed shocking to me. As I normally
81 do when I evaluate a building's safety, I started by assessing the space's risks in light of its capacity and
82 the circumstances of the event in question. "Capacity" is just a fancy way of referring to the maximum
83 number of people fitting into a particular space before the space becomes crowded to the point of
84 being unsafe. A building's capacity is not always obvious to its occupants. To determine the capacity
85 of a building, a building inspector must first calculate its occupant load, which refers to the maximum
86 number of people fitting inside the space while leaving no less than seven square feet of floor space
87 per occupant. Based on this calculation, the Fire Code then dictates the number of exits the building
88 needs to have in order to be minimally safe or, as the Fire Code puts it, how many "means of egress"
89 are needed. Finally, depending on the number of exits or means of egress there are, the Fire Code also
90 indicates how large each exit needs to be.

91 8. Based on my review of Magnolia Theater's measurements I took during my visit to the
92 theater, I determined that the second floor of Magnolia Theater – that is, the area where concertgoers
93 stand, which excludes the stage, walkways, and other areas that would be inappropriate for occupancy

94 during a standing concert – is approximately 50 feet wide by 70 feet long, equaling a total surface area
95 of 3,500 square feet. Allowing for seven square feet of floor space per occupant means its maximum
96 capacity is 500 people. Fondren Fire Code Section 201.9 provides that buildings with a capacity of 301-
97 500 people are required to have at least two exits. Magnolia Theater has precisely two exits – one
98 main interior staircase allowing exiting the building and one on the exterior side of the building. Again,
99 based on both the building’s documentation and my own measurements, I determined the exits are
100 approximately 85 feet apart. Thus, according to Fondren’s Fire Code, they must each be at least ten
101 feet wide in order to accommodate all occupants in a safe and efficient egress. Similarly, because the
102 main venue area is on the second floor of the building, the stairwells past the exits must also be at
103 least ten feet wide to avoid a “bottleneck” as people try to leave. Based on both the building’s
104 documentation and my own measurements, I determined the exits are each exactly ten feet wide. The
105 stairwells for each exit are the same width.

106 9. It is fair to say Magnolia Theater is technically compliant with the egress requirements
107 of Fondren’s Fire Code. For that reason, it might appear at first glance that the theater did not pose
108 any significant safety risks that might have contributed to the tragedy on October 26th. However, that
109 is exactly wrong. A building’s technical compliance with the Fire Code does not mean the building is
110 necessarily safe. Technical compliance is never the ultimate goal when it comes to building safety.
111 Rather, the Fire Code reflects a bare minimum and the requirements represent the ones without which
112 a building becomes an obvious and unacceptable hazard. Depending on the context, however,
113 technically compliant buildings can still pose significant hazards. Say, for example, there is a lecture
114 hall with a maximum occupancy of 300 people requiring one exit. If its owner told me it would be used
115 solely for book signings and other literary events, I would think it would be fine. Although the numbers
116 are right on the margin of being unacceptable, but a book signing tends to be a low-key event. On the
117 other hand, if the owner told me that the same space would regularly host hard rock concerts and
118 wrestling matches, I would have a much more significant safety concern.

119 10. Magnolia Theater is, of course, in the latter category. For a venue that regularly hosts
120 concerts, technical compliance is simply not good enough, especially knowing the concert hall itself is
121 on the building’s second floor. In my opinion, in order to be truly safe, Magnolia Theater should have
122 at least three exits. As we now know all too well, it is quite possible in an environment like a rock
123 concert that one exit might become obstructed. If disaster strikes, then a third exit would mitigate the
124 risk. These days, most developers err on the side of caution with new buildings built with more and
125 larger exits than required by the Fire Code, as well as other “optional” safety measures designed to

126 limit the likelihood of a tragedy when disaster strikes. In other words, it is fair to say that sort of thing
127 is now standard practice in new construction. Sadly, it looks like no one at Magnolia Theater had in
128 mind to be extra cautious. Based on my analysis of Magnolia Theater, it is my opinion that the absence
129 of a third exit contributed to the tragedy on October 26th.

130 11. It is not at all clear to me if the venue manager abided by what would have been the
131 theater's normal occupancy requirement since it was an all-day event indoor and outdoor. During my
132 visit to the theater on November 4, 2019, I could not find any signage indicating the venue's maximum
133 occupancy, which itself is a small but significant violation of Fondren's Fire Code. And more so, I have
134 previously been to shows at Magnolia Theater and while I never conducted an exact count, it sure
135 seemed to me like there were more than 500 people crammed into the theater on each occasion I was
136 there. I was not in attendance at the concert on October 26th. I was not able to obtain any information
137 on the number of people who were in the theater at the actual time of the stampede. That is because
138 it was known for selling out and who knows how many people were actually on the second floor at
139 the time given that the main floor has refreshments and there was live entertainment and food trucks
140 out on the courtyard and side streets as well. However, if there truly were more than 500 people in
141 the theater at that time of the stampede on October 26th, it is my opinion that being at or over
142 capacity could have contributed to the injuries and the fatality of Casey Myers.

143 12. There was one more thing from my visit to Magnolia Theater that was peculiar. I
144 understood the theater's side exit somehow became locked during the stampede, which led to crowd
145 crushing toward the only other available exit, and which could have caused the trampling that led to
146 the fatality. Naturally, I wanted to know more about that particular exit, so I asked my "tour guide"-
147 Finley Fusco – if I could have a tour of the theater in order to inspect the side exit doors in question as
148 well as its locking mechanism. Finley told me the side exit doors and stairs were added to Magnolia
149 because its owners decided one single exit was not safe enough. The side exit doors were standard,
150 industrial-sized double-doors with a push-bar handle on one of the doors. The push bar is commonly
151 known as a "panic bar," because it provides the easiest means of opening a door in the event of an
152 emergency. The double doors are pictured in Exhibit #10. Overall, it is a typical double door seen in
153 most commercial buildings. There did not appear to be anything wrong with the doors themselves, so
154 I knew I needed to take a closer look at the locking mechanism. The Fondren Fire Code is clear that all
155 exit doors are supposed to be equipped with a locking device that does three things: (1) only locks
156 when a building pass key is used, (2) automatically unlocks as soon as a building alarm sounds, and (3)
157 automatically unlocks if the overhead water sprinkler system activates.

**IN THE CIRCUIT COURT OF FONDREN COUNTY
STATE OF MISSISSIPPI**

STATE OF MISSISSIPPI,)	
)	
)	
v.)	CRIMINAL ACTION NO: 2026-MT
)	
ALEX JOHNSON)	
)	
Defendant.)	

JURY INSTRUCTIONS

Note: Jury instructions are NOT to be read to the jury on the day of the Mock Trial Competition

The Court hereby approves the following preliminary jury instructions in the above captioned case. It notes the presentation of evidence at trial may warrant additional instruction, and it will consider those instructions at a later date.

A. The Jury: Finders of the Facts

Under our Constitution and Code of Laws, only you – the jury – can make the findings of fact in this case. I am not permitted to tell you how I feel about the evidence which has been presented. Throughout this trial, I have intended to be fair and impartial toward each of the parties involved.

To determine the facts in this case, you will have to evaluate the credibility – or believability of witnesses. You are the sole judges of the credibility of the witnesses. In determining their credibility, you may take into consideration many things, such as:

- (1) How would you describe the appearance and manner of the witness on the stand, sometimes referred to as the demeanor of the witness?
- (2) Was the witness forthright or hesitant?
- (3) Was the witness's testimony consistent or did it contain discrepancies?
- (4) What was the ability of the witness to know the facts about which he or she testified?
- (5) Did the witness have a cause or a reason to be biased and prejudiced in favor of the testimony he or she gave?
- (6) Was the testimony of the witness corroborated or made stronger by other

testimony and evidence or was it made weaker or impeached by such other testimony and evidence?

You can believe as much or as little of each witness's testimony as you think proper. You may believe the testimony of a single witness against that of many witnesses – or just the opposite.

Of course, you do not determine the truth merely by counting the number of witnesses presented by each side. Throughout this process you have but one objective – to decide whether the State presented evidence of the defendant's guilt beyond a reasonable doubt.

B. Circumstantial Evidence

There are two types of evidence generally presented during a trial – direct evidence and circumstantial evidence. Direct evidence is the testimony of a person who asserts or claims to have actual knowledge of a fact, such as an eyewitness. Circumstantial evidence is proof of a chain of facts and circumstances indicating the existence of a fact in issue. The law makes absolutely no distinction between the weight or value to be given to either direct or circumstantial evidence. Nor is a greater degree of certainty required of circumstantial evidence than of direct evidence.

You should weigh all the evidence in the case in arriving at a verdict.

C. The Judge: Instructor of the Law

The same Constitution and laws that designate and make you the finders of the facts also make me the instructor of the law. You must accept the law as I give it to you. If I am wrong, there is another place and time for that error to be corrected. But for now, you must accept the law as I give it to you – and I caution you that it does not mean what you think the law should be, but what I tell you it is.

D. Instruction:

You have been selected and sworn as the jury to try this case of the State of Mississippi against the Defendant, Alex Johnson. The Defendant is charged with Murder in violation of Miss. Code Ann. § 97-3-19, with Hoax Device or Replica of Destructive Device or Detonator; Manufacture, Possession or Transport; Threat to Use in violation of Miss. Code Ann. § 97-37-25; and Conveying False Information Regarding Attempted Use of a Destructive Device; Aiding or Conspiring in violation of Miss. Code Ann. § 97-10-26. The Indictments in this case are the formal method of accusing the Defendant of the crimes. The Indictments are not evidence, and you should not allow yourselves to be influenced against the Defendant by reason of the filing of the Indictments. For it to be murder it has to be committed with malice aforethought and that is where you look at all the facts and circumstances from which malice can be inferred. You do not have to infer it, but you can. The law says if one intentionally kills another during the commission of a felony, the implication of malice may arise. If facts are proved beyond a reasonable doubt, sufficient to raise an inference of malice to your satisfaction, this inference would be simply an evidentiary fact to be taken into consideration by you, the jury, along with other evidence in the case, and you may give it such weight as you determine it should receive. The

Defendant has pled not guilty to the charges. A plea of not guilty puts at issue each element of the crime with which the Defendant is charged. A plea of not guilty requires the State to prove each element of the crime beyond a reasonable doubt. The Defendant is presumed innocent of the crimes and this presumption continues unless and until, after consideration of all the evidence, you are convinced of the Defendant's guilt beyond a reasonable doubt. The Defendant must be found not guilty unless the State produces evidence that convinces you beyond a reasonable doubt of the existence of each element of the crime. It is your responsibility as jurors to determine the facts from the evidence, to follow the law as stated in the instructions from the presiding judge, and to reach a verdict of not guilty or guilty based upon the evidence.

We will now have opening statements of the counsel. Statements and arguments of counsel are not evidence. The purpose of opening statements and closing arguments is to assist you, the jury, in making a decision in this case; however, that decision must be based upon the evidence in this case, which consists of the testimony delivered under oath in this trial, any documents or other items introduced into evidence during this trial, and the stipulations of the parties.

E. Closing Instructions:

(1) Introduction:

Now that all the evidence has been presented, it is my duty under the law to give you the instructions that apply in this case. The instructions contain all rules of the law that are to be applied by you and all the rules by which you are to weigh the evidence and determine the facts at issue in deciding this case and reaching a verdict. You must consider the instructions as a whole. All the testimony and evidence that is proper for you to consider has been introduced in this case. You should not consider any matter of fact or of law except that which has been given to you during the trial of this case.

It is your responsibility as jurors to determine the facts from the evidence, to follow the rules of law as stated in these instructions, and to reach a fair and impartial verdict of guilty or not guilty based upon the evidence, as you have sworn you would do. You must not use any method of chance in arriving at a verdict but must base your verdict on the judgment of each juror.

(2) Elements of the Charge:

In this matter, the Defendant has been charged with:

- (a) Murder, under Miss. Code Ann. § 97-3-19;
- (b) Hoax Device or Replica of Destructive Device or Detonator; Manufacture, Possession or Transport; Threat to Use, under Miss. Code Ann. § 97-37-25; and
- (c) Conveying False Information Regarding Attempted Use of a Destructive Device; Aiding or Conspiring, under Miss. Code Ann. § 97-10-26.

To these charges, the Defendant has entered a plea of not guilty. I will now define the elements of the charges.

Murder – Miss. Code Ann. § 97-3-19:

The Defendant is charged with Murder. The State must prove beyond a reasonable doubt that the Defendant killed another person with malice aforethought.

Malice is hatred, ill-will, or hostility towards another person. It is the intentional doing of a wrongful act without just cause or excuse and with an intent to inflict an injury or under circumstances such that the law will infer an evil intent.

Malice aforethought does not require that the malice exists for any particular time before the act is committed, but malice must exist in the mind of the Defendant just before and at the time of the act is committed. Therefore, there must be a combination of the previous evil intent and the act.

Malice aforethought may be express or inferred. These terms, “express” and “inferred” do not mean different kinds of malice but merely the manner in which malice may be shown to exist. That is, either by direct evidence or by inference from the facts and circumstances that are proved. Express malice is shown when a person speaks words that express hatred or ill will for another or when the person prepared beforehand to do the act that was later accomplished; for example, lying in wait for a person or any other acts of preparation showing that the deed was in the Defendant’s mind express malice.

Malice may be inferred from conduct showing a total disregard for human life.

In this case, the State has alleged that the murder involved the intentional killing of Casey Myers. Therefore, in order to prove the Defendant guilty of Murder, the State must prove the following:

The Defendant took the life of Casey Myers with malice aforethought.

Hoax Device or Replica of Destructive Device or Detonator; Manufacture, Possession or Transport; Threat to Use – Miss. Code Ann. § 97-37-25:

The Defendant is charged with Hoax Device or Replica of Destructive Device or Detonator; Manufacture, Possession or Transport; Threat to Use. The State must prove beyond a reasonable doubt that the Defendant knowingly manufactured, possessed, transported, distributed, used or aided, or counseled, solicited another, or conspired with another in the use of a hoax device or replica of a destructive device or detonator which causes any person reasonably to believe that the hoax device or replica is a destructive device or detonator is guilty of a misdemeanor and, upon conviction, must be imprisoned for not more than one year or fined not more than ten thousand dollars, or both.

A person who communicates or transmits to another person that a hoax device or replica is a destructive device or detonator with the intent to intimidate or threaten injury, to obtain property of another, or to interfere with the ability of another person to conduct or carry on his life, business, trade, education, religious worship, or to interfere with the operations and functions of any government entity is guilty of a felony and, upon conviction, must be imprisoned for not less than two years nor more than fifteen years.

In this case, the State has alleged that the Defendant transmitted a threat. Therefore, in order to prove the Defendant guilty of the charge, the State must prove the following:

The Defendant, Alex Johnson, did transmit a threat via social media at Magnolia Theater in Fondren County, Mississippi, contrary to the laws of the State of Mississippi.

Conveying False Information Regarding Attempted Use of a Destructive Device; Aiding or Conspiring – Miss. Code Ann. § 97-10-26:

The Defendant is charged with Conveying False Information Regarding Attempted Use of a Destructive Device; Aiding or Conspiring. The State must prove beyond a reasonable doubt that the Defendant conveyed false information regarding a destructive device in Magnolia Theater.

A person who conveys or causes to be conveyed false information, knowing the information to be false, concerning an attempt or alleged attempt being made or to be made to kill, injure, or intimidate any person or to damage or destroy any building or other real or personal property by means of an explosive, incendiary, or destructive device or who aids, employs, or conspires with any person to do or cause to be done any of the acts in this section, is guilty of a felony and, upon conviction, for a first offense must be imprisoned for not less than one year nor more than ten years. For a second or subsequent offense, the person must be imprisoned for not less than five years nor more than fifteen years. A sentence imposed for a violation of this section must not be suspended and probation must not be granted.

In this case, the State has alleged that the Defendant conveyed false information regarding the attempted use of a destructive device. Therefore, in order to prove the Defendant guilty the charge, the State must prove the following:

The Defendant conveyed false information regarding a destructive device in Magnolia Theater in Fondren County, Mississippi, contrary to the laws of the State of Mississippi.

If, after considering all of the evidence, you conclude that the State has proven beyond a reasonable doubt that the Defendant committed the crime of murder, with Hoax Device or Replica of Destructive Device or Detonator; Manufacture, Possession or Transport; Threat to Use; and Conveying False Information Regarding Attempted Use of a Destructive Device; Aiding or Conspiring in violation, you must return a verdict of guilty as to these charges on the jury verdict form. If, on the other hand, you conclude that the State has failed to meet its burden of proving beyond a reasonable doubt that the Defendant committed the crimes, you must return a verdict of not guilty as to the charges on the jury verdict form.

(3) Presumption of Innocence and Reasonable Doubt:

The Defendant is presumed innocent. That presumption continues unless, after consideration of all the evidence, you are convinced of the Defendant's guilt beyond a reasonable doubt. The State has the burden of presenting the evidence that

establishes the Defendant's guilt beyond a reasonable doubt. The Defendant must be found not guilty unless the State produces evidence that convinces you, beyond a reasonable doubt, of each and every element of the crime alleged.

"Beyond a reasonable doubt" is defined as "proof of such a convincing character that you would be willing to rely and act upon it without hesitation in the most important of your own affairs."

(4) Evidence – Definition:

Evidence is the testimony received from the witnesses under oath, stipulations made by the parties, and the exhibits admitted into evidence during the trial.

(5) Evidence – Inferences:

You should consider only the evidence introduced while the court is in session. You are permitted to draw such reasonable inferences from the testimony and exhibits as you feel are justified when considered with the aid of the knowledge that you each possess in common with other persons. You may make deductions and reach conclusions that reason, and common-sense lead you to draw from the facts that you find to have been established by the evidence in this case.

(6) Indictments Not Evidence:

Again, the Indictment in this case is the formal method of accusing the Defendant of a crime. The Indictment is not evidence of guilt. You should not allow yourselves to be influenced against the Defendant by reason of the filing of the Indictment.

(7) Judicial Rulings:

The Court has made rulings in the conduct of the trial and the admission of evidence. These rulings should have no bearing on the weight or credit to be given any evidence or testimony admitted during the trial, nor should they be considered by you in any manner to indicate the conclusions to be reached by you in this case.

(8) Objections:

From time to time during this trial, the attorneys have made objections that I have ruled on. You should not speculate upon the reasons why objections were made. If I approved or sustained an objection, you should not speculate on what might have been said or what might have occurred had the objection not been sustained by me.

(9) Credibility of Witnesses:

It is your responsibility to determine the credibility of each witness and the weight to be given the testimony of each witness. In determining such weight or credibility, you may properly consider: the interest, if any, that the witness may have in the result of the trial; the relation of the witness to the parties; the bias or prejudice of the witness, if any has been apparent; the candor, fairness, intelligence, and demeanor of the witness; the ability of the witness to remember and relate past occurrences; and, the means of observation and the opportunity of knowing the matters about which the witness has testified. From all the facts and circumstances appearing in evidence and coming to your observation during the trial, aided by the knowledge that you each possess in common with other persons, you will reach your conclusions. You should not let sympathy, sentiment, or prejudice enter into your deliberations, but should discharge your duties as jurors impartially, conscientiously, and faithfully under your

oaths and return a verdict as the evidence warrants when measured by these instructions.

(10) Punishment:

You are only concerned with the guilt or innocence of the Defendant. You are not to concern yourselves with punishment.

F. Verdict Instructions:

After you have retired to consider your verdict, a member of the jury is selected as your foreperson and then you begin your deliberations. The foreperson is to maintain orderly deliberations but should have no greater influence on the deliberations than any other member of the jury. Your verdict must be unanimous. When you have agreed on a verdict, your foreperson will sign the verdict form and you will, as a body, return the verdict form in open court.

G. Verdict Form:

The verdict form approved by the Court is attached hereto.

IT IS SO ORDERED, this day of this round of the Mock Trial competition.

/s/ Presiding Judge

The Honorable Presiding Judge

**IN THE CIRCUIT COURT OF FONDREN COUNTY
STATE OF MISSISSIPPI**

STATE OF MISSISSIPPI,

v.

ALEX JOHNSON

Defendant.

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CRIMINAL ACTION NO: 2026-MT

Appendix A

JURY VERDICT FORM

We, the jury, empaneled and sworn in the above-entitled cause, do, upon our oaths, find as follows:

As to **COUNT 1 – MURDER** (Miss. Code Ann. § 97-3-19)

Defendant is: _____ Guilty _____ Not Guilty

As to **COUNT 2 – HOAX DEVICE OR REPLICA OF DESTRUCTIVE DEVICE OR DETONATOR;
MANUFACTURE, POSSESSION OR TRANSPORT; THREAT TO USE** (Miss. Code Ann. § 37-37-25)

Defendant is: _____ Guilty _____ Not Guilty

As to **COUNT 3 – CONVEYING FALSE INFORMATION REGARDING ATTEMPTED USE OF A
DESTRUCTIVE DEVICE; AIDING OR CONSPIRING** (Miss. Code Ann. § 97-10-26)

Defendant is: _____ Guilty _____ Not Guilty

Foreperson