

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
IN AND FOR HARRIS COUNTY, STATE OF LONE STAR
CRIMINAL DIVISION

STATE OF LONE STAR)	
)	
v.)	Case No. 2002-7777
)	
RICHARD GROUPER,)	
)	
Defendant.)	
_____)	

Prepared by:

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Second District Court of Appeal
801 E. Twiggs Street
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This case file was commissioned by the Texas Young Lawyers Association and prepared by Tracy E. Leduc for the 2003 National Trial Competition.

State of Lone Star

v.

RICHARD GROUPER

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STATEMENT OF THE CASE

The State has charged Richard Grouper with the kidnaping and felony murder of Sarah Salmon, a 14-year-old girl. Sarah was found dead of undetermined causes after being taken from the bedroom of her home. Grouper testified at a prior trial that Sarah came to his house the night of her disappearance with injuries caused by a beating by her father. Grouper's friend, David Mackerel, who was visiting Grouper that week, helped Sarah clean and bandage her wounds. Then Grouper allowed Sarah to spend the night in his motor home, which was parked in his driveway. When Grouper got up the next morning, Sarah, Mackerel, and the motor home were gone. Casey Fish will testify that Sarah sent an e-mail to Fish's son on the night of her disappearance saying she was going to Grouper's house. Sarah's father, Paul Salmon, will testify that Sarah was in her bed asleep at 10 p.m. and that she was gone at 6:30 a.m. the next morning. He will testify that he had a good relationship with his daughter and that he never hit or physically disciplined her. Detective Dana Tarpon will testify that blood matching Sarah's DNA was found inside Grouper's house and his motor home and that tire tracks matching those of Grouper's motor home were found next to Sarah's body. Tarpon will also testify that a nationwide search has not turned up David Mackerel.

STIPULATIONS REGARDING EVIDENTIARY MATTERS

Procedural Matters

1. Federal Rules of Criminal Procedure and Federal Rules of Evidence apply.
2. All witnesses called to testify who have in depositions identified the defendant, other individuals, or tangible evidence can, if asked, identify the same at trial.
3. Each witness who gave a deposition did agree under oath at the outset of his/her deposition to give a full and complete description of what occurred and to correct the deposition for inaccuracies and completeness before signing the deposition.
4. All depositions were signed under oath.
5. For this competition, no team is permitted to attempt to impeach a witness by arguing to the jury that a signature appearing on the deposition does not comport with signatures or initials located on an exhibit.
6. Other than what is supplied in the problem itself, there is nothing exceptional or unusual about the background information of any of the witnesses or the defendant that would bolster or detract from their credibility.
7. This competition does not permit a listed witness or the defendant, while testifying, to "invent" an individual not mentioned in this problem and have testimony or evidence offered to the court or jury from that invented individual.

8. "Beyond the record" shall not be entertained as an objection. Rather, teams shall utilize cross-examination as to inferences from material facts. Pursuant to National Rules VII(4), (C), and (D) and VIII(5), any party wishing to file a complaint concerning a violation of this rule shall use the procedure found in Rule VIII(3).

9. The State and the defendant must call the two witnesses listed on their respective witness list.

10. All exhibits in the file are authentic. In addition, each exhibit contained in the file is the original of that document unless otherwise noted on the exhibit or as established by the evidence.

11. It is stipulated that no one shall attempt to contact the problem drafter, Tracy Leduc, about this problem. Contact with the competition officials concerning this problem must be pursuant to the rules of the competition.

12. 2003 should be the current year in which this case comes to trial.

13. Presentation and argument on pretrial motions shall be limited to a total time of sixteen minutes divided equally between the parties as follows: (1) the prosecution shall have four minutes to present any pretrial motions; (2) the defense shall have four minutes to respond to the State's motion(s); (3) the defense shall have four minutes to present any pretrial motions; and (4) the State shall have four minutes to respond to the defense's motion(s).

14. The testimony of Richard Grouper shall conform to the testimony given by Grouper at his earlier trial.

15. This competition does permit teams to argue additional case law and other relevant authority to support the team's argument on motions and evidentiary issues. However, no additions are permitted to the provided jury instructions.

16. No team member is permitted to question any witness or to argue to the jury the absence of photographs or diagrams of the Salmon residence or the Grouper residence or motor home.

17. No team member is permitted to question any witness or to argue to the jury the absence of photographs or diagrams or the presence or absence of security cameras from the interior of the 7-Eleven.

18. No team member is permitted to question any witness or to argue to the jury the absence of a photograph attached to the Sex Offender Registration Form completed by Mr. Grouper.

Substantive Matters

1. Richard Grouper has entered a plea of not guilty and has requested a trial by jury.

2. The trial court has denied a motion to dismiss the indictment.

3. In a pretrial conference before this trial, the State and the defense stipulated to an “all or nothing” verdict form and that neither side would argue for or request instructions on any lesser included offenses.

4. The State and the defense agree and stipulate that the Harris County crime lab conducted all DNA testing in conformance with all recognized DNA testing procedures and that the DNA in the blood found in Grouper's house and motor home positively matches that of Sarah Salmon. In addition, the State and the defense agree and stipulate that the tire tracks found next to Sarah's body positively match the tires of Grouper's motor home. The State and the defense also agree and stipulate that the body found was positively identified as that of Sarah Salmon and that the body was found with the hands bound behind the back and with evidence that a gag had been used shortly before death.

5. The State and the defense stipulate that, based on his prior convictions, Richard Grouper was designated as a sex offender under Lone Star Statutes and, as a result of this designation, was required to register with the Harris County Sheriff's Office.

6. The State and the defense stipulate that the trial testimony of Richard Grouper, starting on page 30, is an accurate transcription of Grouper's testimony taken from the trial record of a jury trial on November 25, 2002, where, at the conclusion of the trial, the jury was unable to reach a verdict.

7. Lone Star Statutes (2001) provide the following:

25.315 Kidnaping.--

(1)(a) The term “kidnaping” means forcibly, secretly, or by threat confining, abducting, or imprisoning another person against her or his will and without lawful authority, with intent to:

....

2. Commit or facilitate commission of any felony.
3. Inflict bodily harm upon or terrorize the victim or another person.

....

(2) A person who kidnaps a person is guilty of a felony of the first degree, punishable by imprisonment for a term of years not exceeding life in the Department of Corrections.

25.822 Murder.

(1)(a) The unlawful killing of a human being:

....

2. When committed by a person engaged in the perpetration of, or in the attempt to perpetrate, any:

....

f. kidnaping

....

is defined as felony and is murder in the first degree and constitutes a capital felony, punishable by death or a term of natural life.

WITNESS LIST

Witnesses for the State:

1. Paul Salmon*
2. Dana Tarpon **

Witnesses for the Defense:

1. Casey Fish**
2. Richard Grouper*

Each team must call witnesses 1 and 2 listed for their respective party.

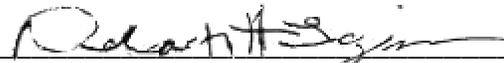
* This witness must be a male.

** This witness may be either a male or female.

INDICTMENT FOR KIDNAPING

INDICTMENT FOR FELONY MURDER

A TRUE BILL:


Foreman of the Grand Jury.

I, Prosecutor for the Sixth Judicial Circuit, in and for Harris County, State of Lone Star, do hereby aver, as authorized and required by law, that I have acted in an advisory capacity to the Grand Jurors of Harris County previous to their returning the above indictment in the above-styled cause.


PROSECUTOR
SIXTH JUDICIAL CIRCUIT
HARRIS COUNTY

Presented before 
Circuit Judge.

DEPOSITION OF PAUL SALMON

Q. Please state your name.

A. Paul Salmon.

Q. What is your address?

A. 14510 Snapper Lane, Tahoe, State of Lone Star.

Q. Are you related to Sarah Salmon?

A. Yes, she is my daughter.

Q. How old is Sarah?

A. She was fourteen years old on April 25, 2002.

Q. Where were you on the night of August 13, 2002?

A. I got home from work at around 6:15 p.m.

Q. Where do you work?

A. I am the branch manager for Tahoe Federal Savings Bank.

Q. Were you home all evening?

A. No. I went for a jog at around 7:30 p.m. for about half an hour, but I was home all night other than that. I watched some TV with my wife, Cindy, and went to bed around 11 p.m.

Q. Was Sarah home that night?

A. Yes, she was. She was sitting at the dining room table doing her homework when I got home from work.

Q. Is Sarah a good student?

- A. She is a good student, but she doesn't always do her best. She is capable of getting As, and her mother and I expect As, but Sarah did not always apply herself. I was glad to see that she was doing her homework without being forced.
- Q. What did you do that evening?
- A. The three of us ate dinner at 6:30 p.m. and, after dinner, Sarah went to her room to listen to the new Back Street Boys CD. She came back out at 8:30 p.m. to watch TV, but went back to her room around 9:30 p.m. to read in bed. When I checked on her at 10 p.m., she was asleep.
- Q. Was the house secure when you went to bed?
- A. Well, I thought it was. All the doors were locked. We often sleep with the windows open when the weather is nice, and Sarah had her bedroom window partly open when I checked on her at 10.
- Q. Do you have an alarm system at the house?
- A. Yes, but it was not working. It was broken, and we just hadn't gotten around to having it fixed.
- Q. What happened the next morning?
- A. At 6:30 a.m., I went to get Sarah up so that she could get ready for school. When I looked in her room, her window was open farther than it had been, the window screen was missing, and her bed was empty. I thought she might have already gone into the kitchen for breakfast, but she was not there when I checked.
- Q. What did you do then?
- A. At that point, I called her name several times and began to search through the house. When she did not answer, I began to panic. Cindy, my wife, had gotten up when she heard me call Sarah's name, and she looked through the house as well. When we could not find Sarah anywhere in the house, I called the police.
- Q. What happened when the police arrived?

- A. I told them what I told you about the night before.
- Q. What did the police do then?
- A. They looked in Sarah's room and then asked my wife and I questions about Sarah.
- Q. What types of questions did they ask?
- A. Who were her friends? Had she been having trouble at school? They suggested that she had just run away and that she would be back, but Sarah was not the type to do that.
- Q. Had Sarah ever run away before?
- A. No. She had never left before--never run away. I couldn't believe that the police would suggest that she ran away, but they don't know Sarah.
- Q. Did the police do anything else?
- A. They took a lot of pictures and dusted for fingerprints around the window. I had not touched anything in Sarah's room since I discovered she was gone, but they took my fingerprints anyway. My wife gave the police a picture of Sarah that we took on our last vacation.
- Q. Do you know whether the police talked to anyone other than you and your wife?
- A. I know the police talked to some of Sarah's friends and teachers, but I don't know exactly what was said.
- Q. Did Sarah have a computer?
- A. We have a computer at the house. The one that we have is in the spare bedroom next to Sarah's room. I use it for work, and my wife used to use it to e-mail friends.
- Q. Does Sarah use the computer?

A. We do not allow Sarah to use it unless one of us is in the room with her. We have allowed her to use it for school work sometimes, but we do not let her play games or e-mail. She has enough homework that she does not need to be fooling around on the computer.

Q. Did you ever send an e-mail to "Fish Face?"

A. No.

Q. Do you know whether your wife ever sent an e-mail to "Fish Face?"

A. Not to my knowledge.

Q. Do you know who "Fish Face" is?

A. No.

Q. I am showing you what is marked for identification as Exhibit A. Do you recognize it?

A. It appears to be an e-mail that was sent from my computer on August 13, 2002. I do not recognize the recipient, "Fish Face."

Q. Have you ever spanked or hit your daughter?

A. Never. My wife and I do not believe in physical discipline.

Q. Do you know Richard Grouper?

A. Yes. He lived two doors down from us. He moved in about a year ago.

Q. Did you have any opinions about Mr. Grouper as a neighbor?

A. Some of the neighbors did not like him, but I thought that he seemed okay. He had come to a neighborhood picnic and seemed to fit right in. That is why I was so shocked when the police told me that he was a sex offender.

Q. What did the police tell you?

A. The police said that he had been convicted of molesting teenage girls and that he had gotten out of prison two years ago. After the police told me that, I found an Internet web site that listed sex offenders and discovered his picture and address and everything. It said that when he had been on trial for molesting the other girls, the media called him "Grouper the Groper."

Q. How did you feel when you learned that?

A. I was furious. Why was he allowed to live on my street, two doors down from my daughter, when he was a sex offender? Why didn't anyone tell us that when he moved in? If I had known, I would have made sure that he knew he was not welcome in our neighborhood.

Q. Had Sarah been at his house?

A. I didn't think so. I didn't think that she knew him at all. But my wife said that Sarah had mentioned talking to him one day when she was walking home with a friend. But as far as I know, she had never been inside his house.

Q. How did you feel when the police found Sarah?

A. Devastated. Apparently some hikers found her body. The police say that they do not know how Sarah died, but I am sure that Grouper killed her. That way, Sarah could never tell anyone what he did to her.

Q. Did you have any life insurance on Sarah?

A. Yes, we had a \$250,000 policy on her.

Q. Have you received payment?

A. Yes.

Q. Do you plan to stay in Tahoe?

A. No, I don't think so.

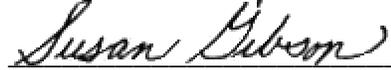
Q. Why not?

- A. About three weeks after Sarah was kidnaped and murdered, my wife killed herself. She was so upset by Sarah's disappearance and the fact that we had not protected Sarah from this sex offender, that she just could not stand it anymore.
- Q. Why would that make you leave Tahoe?
- A. Since my wife's death, my secretary has been helping me deal with the media and deal with the deaths of my wife and daughter. We have become close, and she suggested that a change would be good. She and I intend to move to Hawaii by the end of the year. Maybe being in a new place will help me get over the loss of my family.
- Q. Did you have any life insurance on your wife?
- A. Yes, I had a \$1,000,000 policy on her.
- Q. Have you received payment on that policy?
- A. Not yet.
- Q. Do you know why there has been a delay in payment?
- A. All I know is that the adjuster says that my wife's death was suspicious. If I don't get paid soon, I'll just sue the company.

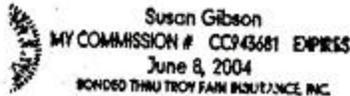


Paul Salmon

Sworn to and subscribed before me
this 25 day of September, 2002



Notary Public



DEPOSITION OF DANA TARPON

Q. Please state your name.

A. Dana Tarpon.

Q. How are you employed?

A. I am a detective with the Harris County Sheriff's Office.

Q. How long have you been with the Harris County Sheriff's Office?

A. Sixteen years. I started as a patrol officer and worked my way up to detective. I am currently assigned to the Crimes Against Children Division.

Q. What do you do in that division?

A. I investigate all crimes against children, including child abuse, child sexual abuse, kidnaping involving children, murders, and domestic disputes.

Q. Are you involved in the Sarah Salmon case?

A. Yes, I am the detective assigned to that case.

Q. How did you become involved in that case?

A. I was called to the Salmon house in the Fishhawk Ranch Subdivision at about 8 a.m. on August 14, 2002, by one of our patrol officers. That officer had responded to a call about a missing child. When it became apparent that the child was, in fact, missing, the officer called me.

Q. What time did you arrive?

A. I arrived at the scene at about 8:30 a.m.

Q. What did you do first?

- A. At that point, the house had been secured. I noticed that nothing appeared to have been disturbed in the home or in the child's bedroom. The child's bedroom window was open and the screen was missing.
- Q. How did you begin your investigation?
- A. I first interviewed the child's parents. Both of them were very upset and emotional, but they seemed rational enough to talk.
- Q. What did Mr. Salmon tell you?
- A. Mr. Salmon told me that he, his wife, and his daughter, Sarah, had been home the night before. Nothing unusual happened--no fights, no discipline. Sarah went to bed at around 9:30 p.m., and when he checked on her at about 10 p.m., she was asleep. When he went to wake Sarah up for school the next morning, she was not in her bed. He searched the entire house and could not find her. Then he called the police.
- Q. Did you ask him about the open window?
- A. Yes. Mr. Salmon said that they often slept with the windows open.
- Q. What did Mrs. Salmon say?
- A. She did not have much to add. She confirmed that the night before had been a regular night. Sarah came home from school at the usual time. She was not upset at all. She seemed like herself all evening. Mrs. Salmon did say that Sarah did not complain or argue about having to do her homework, which was a little unusual.
- Q. Did she say why that was unusual?
- A. Mrs. Salmon said that Sarah often complained about the amount of homework that she had now that she was in high school and in honors classes. Mrs. Salmon said that Sarah would often be lazy about her homework, doing the least that she could to still get by. She said that Sarah should have been able to get all As but, because of her laziness, she often got Bs and the occasional C. This would upset Mr. Salmon because he wanted Sarah to go to his alma mater, and she was going to need very good grades to get in.

- Q. Had Mrs. Salmon checked on Sarah at all the night she disappeared?
- A. Mrs. Salmon did not check on Sarah when she went to bed, and she had been asleep the next morning. She was awakened by her husband yelling for Sarah. She then came out to look for her.
- Q. Did you form any opinions of Mr. and Mrs. Salmon?
- A. Yes, they both seemed like very caring, concerned parents. It was clear that they were very upset by their daughter's disappearance.
- Q. What did you do next?
- A. After I had completed my investigation at the house, I talked to several of the neighbors. All of them had very good things to say about the Salmons. The neighbors all said that the Salmons seemed like a wonderful family. Most of the neighbors knew them from various picnics that the neighborhood had. Those who knew Sarah said that she was smart and polite--never a problem.
- Q. Did the neighbors express any opinions about Mr. Salmon?
- A. The neighbors were very impressed with Mr. Salmon, noting that he seemed to be very interested in what Sarah was doing and that he was a very caring father. One of the neighbors, a Mrs. Snook, mentioned that Sarah had played on the junior high softball team and that Mr. Salmon would often leave work early to go to her games.
- Q. Did the neighbors express any opinions about Mrs. Salmon?
- A. Just that Mrs. Salmon worked only part-time so that she could be home in the afternoon when Sarah got home from school.
- Q. Did you talk to Casey Fish during your investigation?
- A. No. I tried, but my request for an interview was refused.
- Q. What else did you do during your investigation?

A. I had our crime scene technicians dust the entire house for fingerprints, including the garage and vehicles. We took Mr. and Mrs. Salmon's fingerprints, and we were able to get Sarah's fingerprints from an old child registry form. We also obtained some hairs from Sarah's hairbrush so that we would have a DNA sample.

Q. Did you do anything else?

A. Well, at first I believed that Sarah had simply run away. She is at the age when children tend to run away. But there did not seem to be any motive for that. In talking to some of the neighbors, I learned that a neighbor, Richard Grouper, had had his motor home parked in front of his house the night Sarah disappeared and that it was gone in the morning.

Q. Did that information lead you to do any further investigation?

A. Well, I already knew about Mr. Grouper. He had a prior conviction as a sex offender and had been required to register with the sheriff's office when he moved to town. Based on Grouper's history and the missing motor home, I decided to try to talk to Mr. Grouper.

Q. I am showing you what has been marked for identification as State's Exhibit B. Do you recognize this document?

A. Yes, I do.

Q. What is this document?

A. It is the sex offender registration form that Mr. Grouper completed when he moved to Tahoe.

Q. How is this document created?

A. The form itself is a standard form produced by the Lone Star Department of Corrections. We keep these forms at the sheriff's office. Mr. Grouper would have been notified by the Department of Corrections that he had to register when he moved.

Q. How was this document completed?

A. Mr. Grouper came to the sheriff's office within two days of moving to Tahoe as required by Lone Star Statutes. He identified himself as a sex offender, and our desk officer gave him the form to complete. Mr. Grouper completed the form in the presence of the desk officer. The desk officer would confirm Mr. Grouper's identity through a photo ID and confirm that the signature was that of Mr. Grouper's. Then the desk officer would input the information from the form into our computer registry. The desk officer would also take a photo of Mr. Grouper to be attached to the form for identification purposes. The form is then filed in a special cabinet.

Q. Is this form created and kept in the usual course of the Harris County Sheriff's Office business?

A. Yes, it is.

Q. During your investigation of Sarah's disappearance, did you ever speak with Mr. Grouper?

A. No, I tried to, but Mr. Grouper refused to talk to me. He did allow me to conduct a search of his house.

Q. Did you find anything during that search?

A. Yes I did. I found several spots that appeared to be drops of blood in the basement of Mr. Grouper's house. I had a crime scene technician obtain samples of this substance.

Q. Did the crime lab analyze these samples?

A. Yes. When the crime lab tested the sample, it was determined that the substance was blood and that it was Sarah's blood type. The crime lab then tested the blood against the DNA obtained from Sarah's hair, and it came back as a positive match.

Q. Did you do anything else?

A. Yes. About three days after Sarah disappeared, we got a call from a clerk at a 7-Eleven outside of town. The clerk reported that there was a motor home parked and apparently abandoned in the parking lot and they wanted it towed away. When we got to the scene, we discovered that it was Mr. Grouper's motor home.

Q. Did you conduct any searches of the motor home?

A. Yes. After obtaining Mr. Grouper's consent, we conducted a search of the motor home and found some blood inside. When we tested the blood, it came back as a positive match for Sarah's. We also found Sarah's fingerprints inside the motor home, as well as those of Mr. Grouper.

Q. Were there any other fingerprints in the motor home?

A. There were a few partial prints that we were unable to identify, either because they were smudged or because there was just too little to lift. The crime lab technicians were unable to find sufficient points of reference to allow them to positively identify any of these partial prints.

Q. Did you do any further investigation at that point?

A. Yes, I interviewed the clerk who was on duty at the 7-Eleven the night of Sarah's disappearance. She did not remember when the motor home arrived. However, when shown a photopak containing Mr. Grouper's photo, she picked him out as someone who had been in the store the night of Sarah's disappearance.

Q. Did the clerk say why she remembered that?

A. She remembered that a man came in at around 3 a.m. and asked if there were any buses that ran into town. The reason she remembered him was because she thought it was a strange question at that time of night.

Q. Why didn't the clerk report this earlier?

A. She did not connect the man with the motor home because the motor home was parked on the side of the store and she had not seen it pull in. She did not discover the motor home until the next morning when her shift was over.

- Q. What happened next?
- A. About a week later, some hikers found a decomposing body in the desert about a mile outside of town. The medical examiner positively identified the body as that of Sarah Salmon.
- Q. Where was the body in relation to a road?
- A. Sarah's body was found about a half-mile off Highway 202 about fifty yards from a dirt track that many four-wheeler's use to get into the desert.
- Q. Was any other evidence found at the scene?
- A. Yes. Sarah's hands were bound behind her back and there was some evidence that she had been gagged. We also found tire tracks near the body.
- Q. Did the crime lab test the tire tracks?
- A. The crime lab was able to take casts of those tracks and compare them with the tires on Mr. Grouper's motor home. The tire tracks were an exact match.
- Q. Could the medical examiner determine how Sarah died?
- A. No.
- Q. What did you do at that point?
- A. We arrested Mr. Grouper and charged him with the kidnaping and felony murder of Sarah Salmon.
- Q. Detective, I am showing you what has been marked for identification as State's Exhibit C. Do you recognize this?
- A. Yes, I do.
- Q. What does this depict?
- A. This is a map of the Tahoe area that I created.

- Q. Is this a fair and accurate representation of the Tahoe area?
- A. Well, it is not to scale, but it gives the general layout of the town.
- Q. What are these markings on the map?
- A. I have shown the general location of the Fishhawk Ranch Subdivision where both the Salmons and Mr. Grouper live.
- Q. What is depicted by point "A" on the map?
- A. The house marked as "A" on the map is the Salmon house.
- Q. What is depicted by point "B" on the map?
- A. The house marked as "B" on the map is Mr. Grouper's house.
- Q. What is depicted by point "C" on the map?
- A. The building marked "C" on the map is the 7-Eleven where Mr. Grouper's motor home was found.
- Q. What is depicted by point "D" on the map?
- A. The spot marked "D" on the map is where Sarah's body was found.
- Q. How far is it from the Salmon house to where Sarah's body was found?
- A. About fifteen miles.
- Q. How far is it from where Sarah's body was found to the 7-Eleven?
- A. About one mile.
- Q. Did you do any other investigation in this case?
- A. Once we learned that Mr. Grouper was trying to blame Mr. Mackerel for this crime, we conducted a nationwide manhunt for Mr. Mackerel. We put as much information as we could out to the National Crime Information Center, or NCIC. We asked the FBI to assist, and they assisted us with some of their resources.

- Q. What types of checks were run?
- A. We searched driver's license records and Lone Star Department of Health records.
- Q. Did those searches turn up any information?
- A. The driver's license records showed a David Mackerel who lived outside Reno, State of Lone Star. However, when we checked, no one by this name lived at the address on the license anymore. We were unable to locate any forwarding information or any new address for Mr. Mackerel.
- Q. Did you find out anything from the Department of Health?
- A. Yes. The Department had a record of a registered nurse named David Mackerel at the same address on the driver's license. The Department had no record of Mr. Mackerel ever being employed as a nurse anywhere in Lone Star.
- Q. Did anything else happen that was related to this case?
- A. Yes. About a week after Sarah's body was found, the police dispatcher got a call about gunshots at the Salmon house. When the patrol officers arrived, they discovered Mrs. Salmon dead in her bed of a gunshot to the head.
- Q. Did you conduct an investigation?
- A. Yes, I did. I determined that there were actually two shots that had been fired. One shot was at point blank range in the middle of Mrs. Salmon's forehead. The other was fired from about three feet away and hit her in the left shoulder. The only fingerprints on the gun were those identified as belonging to Mr. and Mrs. Salmon.
- Q. Were you able to determine what happened?
- A. Not yet. There was no note, and the type of shots make it unlikely that Mrs. Salmon killed herself.
- Q. Did you interview Mr. Salmon about this?

A. Yes. Mr. Salmon originally told us that his wife had been distraught ever since Sarah's death, that she had been drinking and taking pills, and that she must have finally lost it.

Q. Did you do any other investigation in Mrs. Salmon's death?

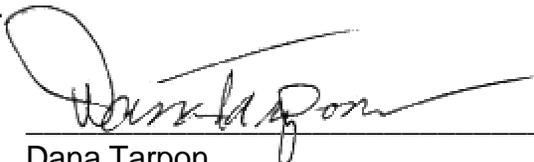
A. Yes, I asked Mr. Salmon to take a polygraph test concerning his knowledge about his wife's death. He became irate. He said that his wife was dead because the police had failed to protect his daughter from a sex offender, that there were now two people dead because of this, and that he was "through talking."

Q. Did you learn anything else?

A. I learned later that Mr. Salmon had already collected \$250,000 for Sarah's death and anticipated collecting \$1,000,000 for his wife's death. I also learned that he had quit his job and planned to move to Hawaii with his secretary.

Q. Have you concluded anything about Mrs. Salmon's death from your investigation?

A. Because of what has happened, I believe that Mr. Salmon murdered his wife; however, I can't prove that.



Dana Tarpon

Sworn to and subscribed before me
this 21 day of September, 2002



Notary Public

 Susan Gibson
MY COMMISSION # CC943681 EXPIRES
June 8, 2004
BONDED THRU TROY FARM INSURANCE, INC.

DEPOSITION OF CASEY FISH

Q. Please state your name.

A. Casey Fish.

Q. What is your address?

A. I live at 14508 Snapper Lane, Tahoe, State of Lone Star.

Q. Do you know the defendant, Richard Grouper?

A. Yes, I do. He lives next door to me on the east side.

Q. Have you formed any opinions of Mr. Grouper?

A. I like Mr. Grouper. He was very friendly and neighborly. He was willing to help out neighbors who had problems. He often let me borrow his tools, and he helped me move a large piece of furniture that I bought at a garage sale into my house. He came to the neighborhood picnics, and he seemed to get along with everyone. I enjoyed his company.

Q. Do you know Sarah Salmon?

A. Yes, I do. She used to live with her parents next door to me on the west side.

Q. Do you know whether she knew Mr. Grouper?

A. I believe that she did. I would often see her playing with Mr. Grouper's dog in Mr. Grouper's yard, but he would send her away if he saw her.

Q. Do you know why he would do that?

A. I understand that Mr. Grouper had previously been convicted of a sex offense involving a child and that because of that, he was not supposed to be alone with children.

Q. Had you ever talked to Sarah?

A. On occasion. She was in the same class at school with my son, Kevin, and they would sometimes walk home together. When they did, she would come in for a snack.

Q. What types of things did she talk about?

A. Well, usually it was just school and social things, but she also often complained that her father beat her. She said that if she did not do her homework immediately when she got home from school, her father would whip her with a belt. She also said that she would be whipped with that belt if she did not get all As in her classes.

Q. Did you believe her stories about beatings?

A. Knowing Mr. Salmon, I did not doubt her story.

Q. You say, "knowing Mr. Salmon." What do you mean by that?

A. Well, the Salmons have lived in the neighborhood for a long time, and I live right next door. I have found Mr. Salmon to be rude and arrogant. He went to a prestigious college and acts as if anyone who did not go there is a moron.

Q. Did you ever see how Mr. Salmon treated his wife?

A. Yes, I felt that he treated his wife badly. He seemed to look down on her for working part-time even though I understood that they had agreed on that so that Mrs. Salmon would be home when Sarah got home from school.

Q. How did he act with the neighbors?

A. Well, at the neighborhood picnics, he has to be in charge of everything. To hear him talk, he is the only one who knows how to light a grill, and the only one who knows how to set up a volleyball net. He horns in on everything, insisting that things be done his way. I never understood how a man like him could have a child as nice as Sarah.

- Q. Do you know anything about Sarah's disappearance?
- A. Mostly just what has been in the media. But Kevin got an e-mail from Sarah the evening before she disappeared.
- Q. I am showing what has been marked for identification as Exhibit A. Do you recognize this?
- A. Yes. It is a print-out of the e-mail that Kevin received on our home computer from Sarah on August 13, 2002.
- Q. Does it accurately reflect the e-mail as it was received on your computer that evening?
- A. Yes, it does.
- Q. Who is "Fish Face?"
- A. That is the name my son uses online when he is e-mailing to his friends.
- Q. Did you see anyone at Mr. Grouper's house around the time of Sarah's disappearance?
- A. Yes. The day Sarah disappeared, I saw a man arrive at Mr. Grouper's house.
- Q. How did he get there?
- A. An airport shuttle service van pulled into Mr. Grouper's driveway, and this man got out with a suitcase.
- Q. Did you see anything else?
- A. Yes. Mr. Grouper came outside and met this man in the driveway. They went inside Mr. Grouper's house together.
- Q. Do you know who the man was?

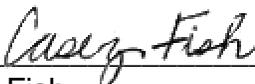
A. No. I assumed he was a friend of Mr. Grouper's, but I never met him.

Q. Did you ever see him again after that day when he arrived?

A. No.

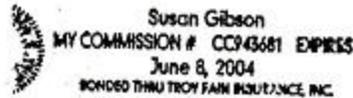
Q. Is there anything else you can tell us about Mr. Grouper, Mr. Salmon, or Sarah?

A. I believe that the police are railroading Mr. Grouper. I believe that they zeroed in on him simply because of his past troubles. My younger brother was convicted of a sex offense several years ago, so I understand the system and the way the authorities never stop. My brother eventually committed suicide because of the harassment by both the police and the neighbors after he was released from prison. I don't think the police really have any evidence against Mr. Grouper--they just found a convenient scapegoat.



Casey Fish

Sworn to and subscribed before me
this 25 day of September, 2002





Notary Public

PRIOR TRIAL TESTIMONY OF RICHARD GROUPER

Direct Examination

Q. State your name.

A. Richard Grouper.

Q. Where do you reside?

A. Before my arrest, I was living at 14506 Snapper Lane in Tahoe, State of Lone Star.

Q. Did you know Sarah Salmon?

A. Yes. She lived two houses down the street from me with her parents.

Q. Had Sarah ever been to your house?

A. Yes. She liked my dog and would often stop in my yard to play with him on her way home from school.

Q. Was Sarah ever inside your house?

A. Only once. The night she disappeared.

Q. Why was she in your house that night?

A. Sarah knocked on the back door at around midnight. She was crying hysterically and saying that she could not take it anymore. I let her in to see what she was talking about.

Q. Were you home alone?

A. No, my friend, David Mackerel, was visiting me for the week. He was there also.

Q. What happened when you let Sarah in?

A. As I said, she was crying hysterically. When she came in, we could see that she was bleeding and that her cheek was puffy. It looked like someone had hit her across the face and had hit her arms with a belt.

Q. What did you do at that point?

A. David is a nurse. He said that he would help Sarah get cleaned up and bandage her wounds. He asked me to get an ice pack put together for her cheek.

Q. Did you do that?

A. Yes. David took Sarah down to the guest bedroom in the basement. I put some ice in a plastic baggie. When I took the ice pack downstairs, David was putting bandages on the cuts on Sarah's arms and back.

Q. What did you do at that point?

A. I wanted Sarah to call the police, but she refused. She said that her father had beaten her and that if she called the police he would be in trouble and she would be in even more trouble. She asked if she could stay at my house until the next morning when she would go home and tell her mother what happened after her father left for work.

Q. Did you agree to that?

A. No. I could not have Sarah stay at my house because of my sex offender status. But I did tell her that she could stay in my motor home overnight. It was parked outside my house in the driveway. She said that would be fine.

Q. What did you do then?

A. I went to bed.

Q. What happened next?

A. When I got up the next morning, the motor home was gone and so was David. I later learned that Sarah was missing as well.

- Q. Did the police ever talk to you about Sarah's disappearance?
- A. They tried to. I refused to talk to them without a lawyer present.
- Q. Why was that?
- A. Given my past problems, I do not feel comfortable talking to the police without a lawyer.
- Q. Did you allow them to search your home?
- A. Yes, I did. I had nothing to hide.
- Q. Do you know how Sarah's blood got into your home?
- A. Yes. She was bleeding when she came to my house that night. Some of her blood must have dripped onto the floor as David was tending to her wounds.
- Q. Did you ever find your motor home?
- A. I did not. The police found it several days later at a 7-Eleven outside of town.
- Q. Had you ever been to that 7-Eleven?
- A. No.
- Q. Do you know how Sarah's blood got in your motor home?
- A. Not for sure. I can only speculate that it must have gotten there when she was in the motor home after David bandaged her cuts.
- Q. Do you know how Sarah's fingerprints got in your motor home?
- A. I assume they got there when she was in the motor home that night.
- Q. Have you talked to David since the night Sarah disappeared?
- A. No. I tried to call him, but his phone has been disconnected.

Q. Did you give David's phone number to the police?

A. No.

Q. Why not?

A. Like I said, I do not trust the police. If they want to find him, they have a lot of ways to do that.

Q. Did you kidnap Sarah Salmon?

A. No.

Q. Did you kill Sarah Salmon?

A. No.

Cross-Examination

Q. Mr. Grouper, have you ever been convicted of a felony?

A. Yes.

Q. How many times?

A. Twice.

Q. Have you ever been convicted of a crime involving dishonesty or false statement?

A. No.

Q. Isn't it true that you are not supposed to be alone with anyone under age eighteen?

A. Yes.

Q. But you let Sarah into your house anyway, didn't you?

A. Yes, but I was not alone. David was there.

Q. Why didn't you tell the police about David and your missing motor home when they came to ask you about Sarah?

DEFENSE ATTORNEY: Objection.

THE COURT: Overruled.

A. As I said, I have had trouble with the police in the past. I wanted my lawyer there before I said anything.

Q. Why didn't the police find any of David's things in your house when they searched it?

A. I guess he took all his things with him when he left.

Q. Why didn't they find his fingerprints in the motor home?

A. I don't know.

Q. You testified that you had never been in the 7-Eleven where your motor home was found, is that right?

A. Yes.

Q. Then why did the clerk identify you as having been in her store on the night of Sarah's disappearance?

A. I don't know. She must have me confused with someone else.

Q. Wouldn't it help you to have your friend David corroborate your story?

A. Maybe.

Q. Then why didn't you help the police find him?

A. I don't think it is my job to do their work for them.

[NO FURTHER QUESTIONS FROM THE PROSECUTOR OR THE DEFENSE.]

From: Paul Salmon
To: Fish Face
Date: 8/13/02 11:47PM
Subject: Help

He's hitting me again. I'm going to Richard's.

S.

Exhibit A

SEX OFFENDER REGISTRATION

[Please print or type]

Name: RICHARD GROUPE

Address of Legal Residency: 14506 SNAPPER LANE, TAHOE, LONE STAR 5555

Date of Birth: 9/22/63 Age: 39 Sex: M

Social Security Number: 111-63-1111

Place of Employment: CRABBY JOE'S FISH SHACK HIGHWAY 202 TAHOE

Date of Employment: 8/1/01

Below, please list the date/place of each conviction and a brief description of the crime(s) committed:

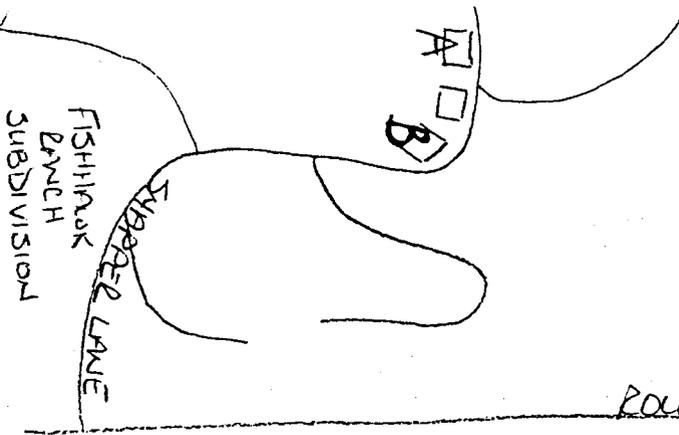
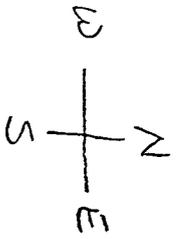
Check if additional sheet required

Date of Conviction	Place of Conviction	Description of Crime Committed
10/28/88	RENO STATE OF LONE STAR	SEXUAL CONDUCT WITH A MINOR

Richard Grouper
Signature of Offender

Note to Office Maintaining this Registration: Attach current photo of registrant to this form.

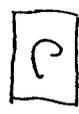
Exhibit B



ROUTE 441

DOWN TOWN
THREE

|| HIGHWAY 202 ||



to Reno →

D

Exhibit C

PRELIMINARY INSTRUCTIONS

Pretrial Instructions

Ladies and gentlemen of the jury:

You have been selected and sworn as the jury to try the case of the State of Lone Star v. Richard Grouper.

This is a criminal case. Richard Grouper is charged with kidnaping and first degree felony murder. The definition of the elements of these crimes will be explained to you later.

It is your solemn responsibility to determine if the State has proved its accusations beyond a reasonable doubt against Richard Grouper. Your verdict must be based solely on the evidence, or lack of evidence, and the law.

The indictment is not evidence and is not to be considered by you as any proof of guilt.

It is the judge's responsibility to decide which laws apply to this case and to explain those laws to you. It is your responsibility to decide what the facts of this case may be and to apply the law to those facts. Thus, the province of the jury and the province of the court are well defined, and they do not overlap. This is one of the fundamental principles of our system of justice.

Before proceeding further, it will be helpful if you understand how a trial is conducted.

At the beginning of the trial the attorneys will have an opportunity, if they wish, to make an opening statement. The opening statement gives the attorneys a chance to tell you what evidence they believe will be presented during the trial. What the lawyers say is not evidence, and you are not to consider it as such.

Following the opening statements, witnesses will be called to testify under oath. They will be examined and cross-examined by the attorneys. Documents and other exhibits also may be produced as evidence.

After the evidence has been presented, the attorneys will have the opportunity to make their final argument.

Following the arguments by the attorneys, the court will instruct you on the law applicable to the case.

You should not form any definite or fixed opinion on the merits of the case until you have heard all the evidence, the argument of the lawyers, and the instructions on the law by the judge. Until that time you should not discuss the case among yourselves.

During the course of the trial the court may take recesses, during which you will be permitted to separate and go about your personal affairs. During these recesses you will not discuss the case with anyone or permit anyone to say anything to you or in your presence about the case. If anyone attempts to say anything to you or in your presence about this case, tell him that you are on the jury trying the case and ask him to stop. If he persists, leave him at once and immediately report the matter to the bailiff, who will advise me.

The case must be tried by you only on the evidence presented during the trial in your presence and in the presence of the defendant, the attorneys, and the judge. Jurors must not conduct any investigation of their own. Accordingly, you must not visit any of the places described in the evidence, and you must not read nor listen to any reports about the case. Further, you must not discuss this case with any person and you must not speak with the attorneys, the witnesses, or the defendant about any subject until your deliberations are finished.

The attorneys are trained in the rules of evidence and trial procedure, and it is their duty to make all objections they feel are proper. When an objection is made, you should not speculate on the reason why it is made; likewise, when an objection is sustained, or upheld, by me, you must not speculate on what might have occurred had the objection not been sustained, nor what a witness might have said had he been permitted to answer.

FINAL JURY INSTRUCTIONS

Members of the Jury, I thank you for your attention during this trial. Please pay attention to the instructions I am about to give you.

In this case, Richard Grouper is accused of Kidnaping and First-Degree Felony Murder.

Before you can find Richard Grouper guilty of Kidnaping, the State must prove the following three elements beyond a reasonable doubt:

1. Richard Grouper forcibly, secretly, or by threat confined, abducted, or imprisoned Sarah Salmon against her will.
2. Richard Grouper had no lawful authority.
3. Richard Grouper acted with intent to commit or facilitate commission of the felony of murder or to inflict bodily harm upon or to terrorize Sarah Salmon or another person.

In order to be kidnaping, the confinement, abduction, or imprisonment must not be slight, inconsequential, or merely incidental to the murder; must not be of the kind inherent in the nature of the felony; and must have some significance independent of the felony in that it makes the felony substantially easier of commission or substantially lessens the risk of detection.

Before you can find Richard Grouper guilty of First-Degree Felony Murder, the State must prove the following three elements beyond a reasonable doubt:

1. Sarah Salmon is dead.
2. The death occurred as a consequence of and while Richard Grouper was engaged in the commission of kidnaping.
3. Richard Grouper was the person who actually killed Sarah Salmon.

In order to convict of First Degree Felony Murder, it is not necessary for the State to prove that the defendant had a premeditated design or intent to kill.

The defendant has entered a plea of not guilty. This means you must presume or believe the defendant is innocent. The presumption stays with the defendant as to each material allegation in the indictment through each stage of the trial until it has been overcome by the evidence to the exclusion of and beyond a reasonable doubt.

To overcome the defendant's presumption of innocence, the State has the burden of proving the following two elements:

1. The crime with which the defendant is charged was committed.
2. The defendant is the person who committed the crime.

The defendant is not required to prove anything.

Whenever the words "reasonable doubt" are used, you must consider the following:

A reasonable doubt is not a possible doubt, a speculative, imaginary, or forced doubt. Such a doubt must not influence you to return a verdict of not guilty if you have an abiding conviction of guilt. On the other hand, if after carefully considering, comparing and weighing all the evidence, there is not an abiding conviction of guilt, or, if, having a conviction, it is one which is not stable but one which wavers and vacillates, then the charge is not proved beyond every reasonable doubt and you must find the defendant not guilty because the doubt is reasonable.

It is to the evidence introduced upon this trial, and to it alone, that you are to look for that proof.

A reasonable doubt as to the guilt of the defendant may arise from the evidence, conflict in the evidence, or the lack of evidence.

If you have a reasonable doubt, you should find the defendant not guilty. If you have no reasonable doubt, you should find the defendant guilty.

It is up to you to decide what evidence is reliable. You should use your common sense in deciding which is the best evidence, and which evidence should not be relied upon in considering your verdict. You may find some of the evidence not reliable, or less reliable than other evidence.

You should consider how the witness acted, as well as what he or she said. Some things you should consider are:

1. Did the witness seem to have an opportunity to see and know the things about which the witness testified?
2. Did the witness seem to have an accurate memory?
3. Was the witness honest and straightforward in answering the attorneys' questions?
4. Did the witness have some interest in how the case should be decided?
5. Does the witness's testimony agree with the other testimony and other evidence in the case?
6. Has the witness been offered or received any money, preferred treatment, or other benefit in order to get the witness to testify?
7. Had any pressure or threat been used against the witness that affected the truth of the witness's testimony?
8. Did the witness at some other time make a statement that is inconsistent with the testimony he gave in court?
9. Was it proved that the witness had been convicted of a crime?

You may rely upon your own conclusion about the witnesses. A juror may believe or disbelieve all or any part of the evidence or the testimony of any witness.

The defendant in this case has become a witness. You should apply the same rules to consideration of his testimony that you apply to the testimony of the other witnesses.

There are some general rules that apply to your discussion. You must follow these rules in order to return a lawful verdict:

1. You must follow the law as it is set out in these instructions. If you fail to follow the law, your verdict will be a miscarriage of justice. There is no reason for failing to follow the law in this case. All of us are depending upon you to make a wise and legal decision in this matter.

2. This case must be decided only upon the evidence that you have heard from the answers of the witnesses and have seen in the form of the exhibits in evidence and these instructions.

3. This case must not be decided for or against anyone because you feel sorry for anyone or are angry at anyone.

4. Remember, the lawyers are not on trial. Your feelings about them should not influence your decision in this case.

5. Your duty is to determine if the defendant is guilty or not guilty, in accord with the law. It is the judge's job to determine what a proper sentence would be if the defendant is guilty.

6. Whatever verdict you render must be unanimous; that is, each juror must agree to the same verdict.

7. It is entirely proper for a lawyer to talk to a witness about what testimony the witness would give if called to the courtroom. The witness should not be discredited for talking to a lawyer about his testimony.

8. Feelings of prejudice, bias, or sympathy are not legally reasonable doubts, and they should not be discussed by any of you in any way. Your verdict must be based on your views of the evidence and on the law contained in these instructions.

Deciding a proper verdict is exclusively your job. I cannot participate in that decision in any way. Please disregard anything I may have said or done that made you think I preferred one verdict over another.

Only one verdict may be returned as to the crime charged. This verdict must be unanimous; that is, all of you must agree to the same verdict. The verdict must be in writing and, for your convenience, the necessary forms of verdict have been prepared for you. They are as follows (read verdict forms).

In just a few moments you will be taken to the jury room by the bailiff. The first thing you should do is elect a foreperson. The foreperson presides over your deliberations, like a chairman of a meeting. It is the foreperson's job to sign and date the verdict forms when all of you have agreed on a verdict in this case. The foreperson will bring the verdict back to the courtroom when you return. Either a man or a woman may be a foreperson of the jury.

Your verdict finding the defendant either guilty or not guilty must be unanimous. The verdict must be the verdict of each juror, as well as of the jury as a whole.

In closing, let me remind you that it is important that you follow the law spelled out in these instructions in deciding your verdicts. There are no other laws that apply to this case. Even if you do not like the laws that must be applied, you must use them. For two centuries we have agreed to a constitution and to live by the law. No one of us has the right to violate rules we all share.

