

2018-2019
Wisconsin High School
Mock Trial Tournament
Case Materials

State v. Kelsey Grammar

Prosecution Witnesses:

Billie Jones

Peyton Allanson

Dana McCarthy

Defense Witnesses:

Kelsey Grammar

Remington Mossberg

Sam Smith

Note to Educators About the 2018-2019 Mock Trial Case

The Case Writing Committee is aware that this case addresses a sensitive topic for all of those involved in education. In the past, the feedback provided to the Committee each year is that students and teachers alike appreciate when students have the opportunity to discuss time-sensitive issues and explore more deeply the issues they hear about in the news. Prior to deciding on this topic, the Committee approached numerous educators and students in non-mock-trial related schools, in order to determine whether a problem of this nature would be too sensitive. The feedback received by the Committee during that process was unanimous: the students with whom we spoke indicated that they did not desire or need to be shielded from the reality of the existence of school shootings, and they wanted to be included in the discussion of how to best prevent them.

Please note that the State Bar of Wisconsin does not endorse any position on the topic of how to prevent school shootings, including the proposition of arming school personnel. Rather, the intention of the Case Writing Committee was to permit students to explore various sides of an important topic and form their own opinions on the issues involved. The Case Writing Committee would like to encourage educators to have students do additional research on all sides of this issue.

As a starting point, one position of those in favor of arming school personnel can be found here: <https://assets.documentcloud.org/documents/673448/nss-final-full.pdf>.

A position of those in favor of other methods to reduce gun violence in schools can be found here: <http://www.nasponline.org/resources-and-publications/resources/school-safety-and-crisis/a-framework-for-safe-and-successful-schools> (Please click on the hyperlink for “A Framework for Safe and Successful Schools” to pull up the PDF).

Both papers contain links to other research, evidence and articles, and there is a wealth of information on how best to tackle the issue of gun violence. The common goal of every side of this debate is to come up with solutions on how to tackle gun violence in schools; the different sides of this debate are simply vastly different approaches on how best to accomplish that goal. The Committee would encourage students to research the issue and form their own individual opinions on how to work toward the common goal.

Stipulations for Trial

1. All of the exhibits are authentic and the authenticity of an exhibit is never at issue. Authentic exhibits are not necessarily admissible at trial.
2. All witness affidavits have been properly signed and notarized. The electronic signatures on each affidavit's signature line and notary block are to be treated as authentic signatures. This stipulation does not apply to exhibits. Names of the notary publics are not relevant to the presentation of the case.
3. Each witness affidavit/report is intended to be gender-neutral and should be interpreted as such.
4. Each witness has reviewed his or her affidavit the morning of trial, attested that it was true and accurate, and attested that there was nothing that he or she had forgotten or wanted to add.
5. All witness affidavits use "they" as a singular pronoun, in order to be gender neutral. The Writers Committee made this switch in recognition of the acceptance in modern grammar of "they" as a singular pronoun, and additionally to make it easier on witnesses and attorneys in referring to the changing genders of witnesses on the opposite side of the case. Both the Chicago Manual of Style and the Associated Press Stylebook now recognize "they" as an acceptable singular gender-neutral pronoun. Attorneys may (but are not required to) bring this stipulation to the attention of judges in pretrial matters if their teams wish to use "they" as a singular pronoun, and judges are instructed not to downgrade scores due to the use of "they" as a singular, gender-neutral pronoun.
6. While defendants in criminal trials have a right not to be compelled to testify at trial under the Fifth Amendment to the United States Constitution and Article I, Section 8 of the Wisconsin Constitution, Kelsey Grammar has chosen to testify in this matter. Outside the presence of the jury, Grammar's attorneys have properly informed them of the pros and cons of testifying and the judge has properly questioned Grammar and determined that Grammar's decision is knowing, voluntary, and Grammar's alone.
7. The date of the incident in this case is April 19, 2018. Kelsey Grammar's firearm was discharged at 2:30 pm.
8. Tim Riggins was pronounced dead on scene by the Clearwater Medical Examiner, Dr. Robin Arizona. The cause of death was exsanguination caused by three gunshot wounds to the chest.
9. The warrant referenced in Peyton Allanson's affidavit was challenged through a pretrial

motion; the Court denied the Defendant's Motion to Suppress and found that the warrant was properly applied for and approved. No team may object to the exhibits obtained by the warrant on the basis that they were improperly obtained. However, any rulings regarding the admissibility on any other grounds were reserved for the trial.

10. The State charged Kelsey Grammar with one count of First Degree Reckless Homicide. Prior to trial, the Defendant filed a motion to include the lesser-included charge of Second Degree Reckless Homicide. The State opposed the motion. The Court granted the motion. As such, the Prosecution must pursue First Degree Reckless Homicide. The Defendant has the option of arguing for an acquittal or for a conviction only on the lesser-included offense of Second Degree Reckless Homicide (or pursuing both in an alternative argument).
11. Prior to trial, the defense filed a motion *in limine* asking the Court to preclude any argument, reference or negative inference from Kelsey Grammar's decision to obtain an attorney upon being questioned at the police station. The Court granted that motion.
12. All opinions contained in the affidavits of Peyton Allanson and Remington Mossberg were made to a reasonable degree of professional certainty.
13. The Court held a pretrial evidentiary hearing and determined that the defense met the applicable burden of production that entitled them to the "Self-Defense or Defense of Others" jury instruction found on pages 4-5 of the materials.
14. Peyton Allanson's non-inclusion of windows on Exhibit O was not intended to be a statement that no windows exist; Peyton simply chose not to include that detail in Exhibit O.
15. Both parties agree that the firearm involved in this case was equipped with an external safety.

Disclaimer

The 2018-2019 mock trial case is a hypothetical case. All names used in the mock trial case are fictitious and were created to be gender-neutral. Any similarity to an actual event or to the name of an actual person is strictly coincidental.

Exhibits

Please note that exhibits, including affidavits, are pre-marked. The pre-marking of exhibits is solely a convenience. It is not intended to suggest the order in which exhibits should be used nor is it intended to suggest anything about their admissibility. In addition, the pre-marking of exhibits is not intended to suggest that all exhibits must or should be used.

STATE OF WISCONSIN : CIRCUIT COURT : CLEARWATER COUNTY

STATE OF WISCONSIN,

Plaintiff,

v.

Case No. 2018-CF-5125

KELSEY GRAMMAR,

Defendant.

JURY INSTRUCTIONS

FIRST DEGREE RECKLESS HOMICIDE; SECOND DEGREE RECKLESS HOMICIDE

The defendant in this case is charged with first degree reckless homicide, and you must first consider whether the defendant is guilty of that offense. If you are not satisfied that the defendant is guilty of first degree reckless homicide, you must consider whether or not the defendant is guilty of second degree reckless homicide which is a less serious degree of criminal homicide.

Reckless Homicide

The crimes referred to as first and second degree reckless homicide are varying degrees of homicide. Homicide is the taking of the life of another human being. The degree of homicide defined by the law depends on the facts and circumstances of each particular case.

While the law separates reckless homicide into two degrees, there are certain elements which are common to each crime. Both first and second degree reckless homicide require that the defendant caused the death of the victim by criminally reckless conduct. First degree reckless homicide requires the State to prove the additional fact that the circumstances of the defendant's conduct showed utter disregard for the life of Tim Riggins. It is for you to decide of what degree of homicide the defendant is guilty, if guilty at all, according to the instructions which define the two degrees of reckless homicide.

Statutory Definition of First Degree Reckless Homicide

First degree reckless homicide, as defined in §940.02(1) of the Criminal Code of Wisconsin, is committed by one who recklessly causes the death of another human being under

circumstances that show utter disregard for human life.

State's Burden of Proof

Before you may find the defendant guilty of first degree reckless homicide, the State must prove by evidence which satisfies you beyond a reasonable doubt that the following three elements were present:

Elements of First Degree Reckless Homicide That the State Must Prove

(1) The defendant caused the death of Tim Riggins.

“Cause” means that the defendant’s act was a substantial factor in producing the death.

(2) The defendant caused the death by criminally reckless conduct.

“Criminally reckless conduct” means:

- the conduct created a risk of death or great bodily harm to another person; and
- the risk of death or great bodily harm was unreasonable and substantial; and
- the defendant was aware that their conduct created the unreasonable and substantial risk of death or great bodily harm.

You should consider the evidence relating to self-defense and defense of others in deciding whether the defendant’s conduct created an unreasonable risk to another. If the defendant was acting lawfully in self-defense or in defense of others, their conduct did not create an unreasonable risk to another.

(3) The circumstances of the defendant’s conduct showed utter disregard for the life of Tim Riggins.

In determining whether the circumstances of the conduct showed utter disregard for the life of Tim Riggins, consider these factors: what the defendant was doing; why the defendant was engaged in that conduct; how dangerous the conduct was; how obvious the danger was; whether the conduct showed any regard for life; and, all other facts and circumstances relating to the conduct.

Consider also the defendant’s conduct after the death to the extent that it helps you decide whether or not the circumstances showed utter disregard for the life of Tim Riggins at the time the death occurred.

Self-Defense or Defense of Others

Self-defense or defense of others is an issue of this case. The law of self-defense allows the

defendant to threaten or intentionally use force against another only if:

- the defendant believed that there was an actual or imminent unlawful interference with the defendant or another; and
- the defendant believed that the amount of force the defendant used or threatened to use was necessary to prevent or terminate the interference; and
- the defendant's beliefs were reasonable.

The defendant may intentionally use force which is intended or likely to cause death or great bodily harm only if the defendant reasonably believed that the force used was necessary to prevent imminent death or great bodily harm to themselves or other(s).

Determining Whether Beliefs Were Reasonable

A belief may be reasonable, even though mistaken. In determining whether the defendant's beliefs were reasonable the standard is what a person of ordinary intelligence and prudence would have believed in the defendant's position under the circumstances that existed at the time of the alleged offense. The reasonableness of the defendant's beliefs must be determined from the standpoint of the defendant at the time of his acts and not from the viewpoint of the jury now.

Jury's Decision

If you are satisfied beyond a reasonable doubt that the defendant caused the death of Tim Riggins by criminally reckless conduct and that the circumstances of the conduct showed utter disregard for the life of Tim Riggins, and that the defendant did not act lawfully in defense of themselves or others, you should find the defendant guilty of first degree reckless homicide. If you are not so satisfied, you must find the defendant not guilty of first degree reckless homicide, and you should consider whether the defendant is guilty of second degree reckless homicide in violation of §940.06 of the Criminal Code of Wisconsin, which is a lesser included offense of first degree reckless homicide.

Statutory Definition of Second Degree Reckless Homicide

Second degree reckless homicide, as defined in §940.06 of the Criminal Code of Wisconsin, is committed by one who recklessly causes the death of another human being.

Difference Between First and Second Degree Reckless Homicide

The difference between first and second degree reckless homicide is that the first degree

offense requires proof of one additional element: that the circumstances of the defendant's conduct showed utter disregard for the life of Tim Riggins.

Jury's Decision

If you are satisfied beyond a reasonable doubt that all the elements of first degree reckless homicide were present, except the element requiring that the circumstances of the conduct showed utter disregard for the life of Tim Riggins, and that the defendant did not act lawfully in defense of themselves or others, you should find the defendant guilty of second degree reckless homicide.

In other words, if you are satisfied beyond a reasonable doubt that the defendant caused the death of Tim Riggins by criminally reckless conduct and that the defendant did not act lawfully in defense of themselves or others, you should find the defendant guilty of second degree reckless homicide. If you are not so satisfied, you must find the defendant not guilty.

You are not, in any event, to find the defendant guilty of more than one offense.

140 BURDEN OF PROOF AND PRESUMPTION OF INNOCENCE

In reaching your verdict, examine the evidence with care and caution. Act with judgment, reason, and prudence.

Presumption of Innocence

Defendants are not required to prove their innocence. The law presumes every person charged with the commission of an offence to be innocent. This presumption requires a finding of not guilty unless in your deliberations, you find it is overcome by evidence which satisfies you beyond a reasonable doubt that the defendant is guilty.

State's Burden of Proof

The burden of establishing every fact necessary to constitute guilt is upon the State. If the defendant contends that they acted in self-defense or defense of others, the State bears the burden of proving beyond a reasonable doubt that the defendant did not act lawfully in self-defense or defense of others. Before you can return a verdict of guilty, the evidence must satisfy you beyond a reasonable doubt that the defendant is guilty.

Reasonable Hypothesis

If you can reconcile the evidence upon any reasonable hypothesis consistent with the defendant's innocence, you should do so and return a verdict of not guilty.

Meaning of Reasonable Doubt

The term “reasonable doubt” means a doubt based upon reason and common sense. It is a doubt for which a reason can be given, arising from a fair and rational consideration of the evidence or lack of evidence. It means such a doubt as would cause a person of ordinary prudence to pause or hesitate when called upon to act in the most important affairs of life.

A reasonable doubt is not a doubt which is based on mere guesswork or speculation. A doubt which arises merely from sympathy or from fear to return a verdict of guilt is not a reasonable doubt. A reasonable doubt is not a doubt such as may be used to escape the responsibility of a decision.

While it is your duty to give the defendant the benefit of every reasonable doubt, you are not to search for doubt. You are to search for the truth.

215 CREDIBILITY OF WITNESSES; WEIGHT OF EVIDENCE

You are the sole judges of the credibility of the witnesses and the weight to be given to their testimony.

In determining the credibility of witnesses and the weight you give to the testimony of witnesses, including expert witnesses, you should consider their interest or lack of interest in the result, their conduct and demeanor on the witness stand, the clarity, or lack of clarity, of their recollections, their ability to observe or to know the matters testified to, their bias or prejudice (if any has been shown), and any possible motives for lying.

There is no magic way for you to evaluate the testimony; instead, you should use your common sense and experience. In everyday life, you determine for yourselves the reliability of things people say to you. You should do the same thing here.

The weight of the evidence does not depend on the number of witnesses on each side. You may find that the testimony of one witness is entitled to greater weight than that of another witness or even of several other witnesses.

STATE OF WISCONSIN,

Plaintiff,

v.

KELSEY GRAMMAR,
358 American Blvd.
Clearwater, Wisconsin

Defendant.

DA Case No. 2018CW4509
Assigned DA/ADA: Lottie Dottie
Agency Case No: CWPD18-041194
Court Case No. 2018-CF-5125

CRIMINAL COMPLAINT

The undersigned, being first duly sworn, states that:

COUNT 1: FIRST DEGREE RECKLESS HOMICIDE

The above-named defendant, on or about April 19, 2018, in the City of Clearwater, Clearwater County, Wisconsin, did recklessly cause the death of Tim Riggins under circumstances which show utter disregard for human life, contrary to sec. 940.02(1), 939.63(1)(b) Wis. Stats., a Class B Felony, and upon conviction may be imprisoned not more than sixty (60) years.

And furthermore, invoking the provisions of Wisconsin Statute 973.046(1r), if the court imposes a sentence or places a person on probation, the court shall impose a deoxyribonucleic acid analysis surcharge, calculated as follows: (a) For each conviction for a felony, \$250 (b) For each conviction for a misdemeanor, \$200.

PROBABLE CAUSE:

AND PRAYS SAID DEFENDANT WILL BE DEALT WITH ACCORDING TO LAW; AND THAT THE BASIS FOR THE COMPLAINANT'S CHARGE OF SUCH OFFENSE IS AS FOLLOWS:

Complainant is a sworn law enforcement officer who bases this Complaint upon the reports and investigations of Officer Peyton Allanson, Officer Olivia Johnson, Officer Rex Rubsam and Officer Shirley Knutson of the Clearwater Police Department, who are presumed to be truthful and reliable as sworn law enforcement officers, as well as the statements of Billie Jones and Dana McCarthy, who are presumed to be truthful and reliable as citizen witnesses, as well as the statements of Kelsey Grammar, which statements are presumed to be truthful and reliable as they were made against their penal interests.

Complainant reports that Officer Allanson reports that on April 19, 2018, at approximately 2:32 PM, Officer Allanson and Officer Rex Rubsam while working uniform patrol with the Clearwater Police Department, were dispatched to Clearwater Alternative High School (CAHS)

in the City of Clearwater, Clearwater County, Wisconsin, for a shots fired call. Dispatch advised in the notes of the call that a student had been shot and was unresponsive. Further details came from Dispatch while Officer Allanson and Officer Rubsam were en route that shots had been fired by the operations manager of the school, Kelsey Grammar.

Officer Allanson reports that upon arrival at the school, Officer Allanson encountered Kelsey Grammar (hereinafter Grammar), with whom Officer Allanson was familiar, due to Officer Allanson's involvement in the training of school staff members who would have access to firearms in CAHS. Grammar's firearm was in their hand, but was pointed at the ground. Officer Allanson issued a command for Grammar to put the firearm on the ground and put their hands in the air. Grammar complied. Grammar then stated "The threat has been neutralized. The premises are secure." Officer Allanson asked Grammar what happened, and Grammar repeated "The threat has been neutralized. The premises are secure." Officer Rubsam then took Grammar's weapon from the ground, at which point Officer Allanson explained that they needed to secure Grammar in a squad car. Officer Rubsam escorted Grammar to a squad car and stayed with them while Officer Allanson continued into the school. At that point, Officer Olivia Johnson and Officer Shirley Knutson had also arrived on scene, and they accompanied Officer Allanson into the school.

Officer Allanson reports that Officer Allanson spoke with Principal Kevin Lonergan, who indicated that Grammar had shot one of their students. Officer Allanson asked whether the student had a gun, and Principal Lonergan indicated he was not sure. He indicated he had heard some sort of loud sound shortly before it happened, but he was not able to identify what the sound was. Principal Lonergan led Officer Allanson to the scene, which was in the entryway of a classroom on the first floor of the south side of the building. Officer Allanson observed that Tim Riggins had been shot multiple times, and blood pooled around him. Officer Allanson observed gauze on the wounds. Officer Allanson radioed for an ambulance and observed resuscitation efforts by EMTs, but unfortunately Tim Riggins was pronounced deceased on the scene. The medical examiner later confirmed via autopsy that the cause of death was three gunshot wounds to the chest.

Officer Allanson reports that they searched the backpack laying to the right of Tim Riggins, and found a small amount of raw marijuana, school books, and a wide variety of candy, but no firearm or weapons of any sort. No firearm or weapons of any sort were located on the body of the deceased student either.

Officer Allanson reports that they spoke with Grammar, who said they heard a "bang" and went to the safe. Officer Allanson asked Grammar if they at any point prior to firing the shot had eyes on the student with a weapon, and Grammar answered, "yes." Grammar then added, "I knew who it was. The lights were off." Officer Allanson asked why Grammar took the safety off the gun, and Grammar responded "I did what I had to do for the school."

Officer Allanson reports that they observed Grammar's publicly accessible social media accounts, and observed a number of public posts. For example, roughly two weeks before the shooting, Grammar posted on Facebook: "Who needs police when we have the Second Amendment?" In response to the school shooting in the news the day before the shooting here,

STATE OF WISCONSIN : CIRCUIT COURT : CLEARWATER COUNTY

STATE OF WISCONSIN,

Plaintiff,

v.

Case No. 2018-CF-5125

KELSEY GRAMMAR,

Defendant.

VERDICT

We, the jury, find the defendant, Kelsey Grammar, guilty of First Degree Reckless Homicide, contrary to Wisconsin Statutes sec. 940.02(1).

Jury Foreperson

STATE OF WISCONSIN : CIRCUIT COURT : CLEARWATER COUNTY

STATE OF WISCONSIN,

Plaintiff,

v.

Case No. 2018-CF-5125

KELSEY GRAMMAR,

Defendant.

VERDICT

We, the jury, find the defendant, Kelsey Grammar, not guilty of First Degree Reckless Homicide, contrary to Wisconsin Statutes sec. 940.02(1).

Jury Foreperson

STATE OF WISCONSIN : CIRCUIT COURT : CLEARWATER COUNTY

STATE OF WISCONSIN,

Plaintiff,

v.

Case No. 2018-CF-5125

KELSEY GRAMMAR,

Defendant.

VERDICT

We, the jury, find the defendant, Kelsey Grammar, guilty of Second Degree Reckless Homicide, contrary to Wisconsin Statutes sec. 940.06.

Jury Foreperson

STATE OF WISCONSIN : CIRCUIT COURT : CLEARWATER COUNTY

STATE OF WISCONSIN,

Plaintiff,

v.

Case No. 2018-CF-5125

KELSEY GRAMMAR,

Defendant.

VERDICT

We, the jury, find the defendant, Kelsey Grammar, not guilty of Second Degree Reckless Homicide, contrary to Wisconsin Statutes sec. 940.06.

Jury Foreperson

AFFIDAVIT OF BILLIE JONES

Billie Jones, being first duly sworn upon oath, states as follows:

- 1 1. My name is Billie Jones. I am 26 years old. I teach Spanish at Clearwater Alternative High
2 School. Last year was my second year teaching at Clearwater Alternative High School.
- 3 2. I am not from Clearwater originally; my mother was active duty in the military so we moved
4 around a lot. I actually came to enjoy that! I took a great interest in making new friends,
5 figuring out new neighborhood cultures, finding new interesting social circles, etc. I consider
6 myself a very worldly, open-minded person.
- 7 3. It was a goal of mine to become a world traveler and soak in as much cultural diversity as I
8 could along the way! But my mother insisted on a college degree first, so off I went. I did
9 well in my Spanish classes in high school, so I thought I would make it my major. I took
10 advantage of as many study abroad programs and travel opportunities as I could during
11 undergrad. I spent a semester in Spain and one in Argentina. The only type of person I
12 refuse to associate with is a closed-minded one!
- 13 4. My love of travel and meeting new people drew me to volunteer with the Peace Corps after
14 college. I worked in Guatemala for two years in a rural school. That inspired me to get my
15 teaching certification. I thought that would be the best fit for me to work with kids and make
16 use of my Spanish fluency. Because of my commitment to serving those in need, I really
17 wanted to work in a rural or under-funded school or with kids who really needed extra
18 attention. But jobs were hard to find. When the position at Clearwater Alternative High
19 School opened up, I thought it would be a great first position.
- 20 5. Unfortunately, Clearwater is a smaller community and some of my co-workers were not as
21 “worldly” as me. As I said, I don’t want to fraternize with people who are so close-minded
22 as to put down entire groups of people merely because they have different beliefs or cultural
23 attitudes. Kelsey Grammar was the worst of the narrow-minded faculty at Clearwater
24 Alternative High School. They frequently started politically-charged talks in the teacher’s
25 lounge and flooded their social media with Pro-Second Amendment posts and memes. I
26 firmly believe everyone is entitled to free speech, and I enjoy the occasional academic
27 debate, but Kelsey Grammar just took it too far. Several posts and comments included
28 wanting to get rid of anyone who held different views about politics, the right to bear arms,
29 getting our students to fall in line and parent failings, etc. Every chance they got, whether it
30 be an inane topic or recent world event, turned into a lecture about their beliefs. Anyone who

31 disagreed clearly didn't have enough life experience or sense enough to see things as they
32 did, and that was why our world has so many problems.

33 6. When I first started, Kelsey Grammar started some talk in the teacher's lounge about these
34 "troubled kids" in our school and how we really should have the right to take matters into our
35 own hands if they ever got out of line. They had just had to break up a physical incident with
36 two students and get shoved and yelled at by one of them. Kelsey Grammar made some
37 "joke" about how much easier it is to handle things off school grounds if they need to protect
38 themselves since they have a conceal carry permit. They went on to say that the school
39 shootings that were happening wouldn't happen here at Clearwater Alternative High School
40 under their supervision. I didn't think this was funny and I spoke up. I don't remember
41 exactly what words we exchanged, but it got a little heated. I know I said something to the
42 effect of no one being safe if Kelsey Grammar was allowed to wield a firearm at our school.

43 7. I admit, I am not a big fan of firearms and I am no proponent of allowing guns in schools for
44 anyone other than the school resource officer. So I was naturally disappointed when the
45 Clearwater Alternative High School Board adopted a resolution to allow firearms to be
46 carried by teachers and staff. I mean, I shouldn't have been so surprised in the current
47 climate, but I was worried nonetheless. I was trained on the school's lockdown procedures
48 and was pleased when the school introduced a gauze kit in every classroom for treatment of
49 gunshot wounds, but I did not sign up to have a firearm at school, and did not go through the
50 firearm training. While I opted not to sign up to have a firearm at school, I heard from other
51 staff that Kelsey Grammar was bragging about being the first to sign up. There are required
52 interviews and training to carry a firearm on school grounds, and I hoped Kelsey Grammar
53 wouldn't pass the screening given their dangerous attitude about firearms and our students.
54 At least once I told Kelsey Grammar that, too.

55 8. I was assured by school district personnel that the firearms would be stored in safes
56 throughout the school building and could only be unlocked by the fingerprint of an
57 appropriately trained teacher or staff member. I felt more comfortable that these additional
58 measures were in place.

59 9. At least most of my students were eager to learn about different perspectives and alternative
60 world views in my classes. Although some truly struggled with behavioral problems, very
61 few were truly beyond reach by caring and attentive teachers and staff. In fact, I had a few
62 favorites that I was trying to motivate to plan beyond high school. Tim Riggins was one of
63 those students. I felt like we had really built a rapport despite other teachers' comments that
64 I shouldn't bother. I had Tim Riggins in my Spanish 3 class. My favorite students have

65 come through that class. By Spanish 3 my students tend to be soaking up the lessons. It is a
66 pleasure to teach the class with those eager minds!

67 10. Tim Riggins really was a good kid at heart, just a bit unmotivated with a lack of respect for
68 much authority. They would skip school on occasion. Marijuana was found in their locker,
69 too. But we talked about that a bit and I felt like Tim Riggins really understood the impact
70 of those poor choices. Tim Riggins really had no respect for Kelsey Grammar given his
71 authoritarian attitude with the students. Kelsey Grammar voted to suspend students
72 whenever that option was available for an infraction.

73 11. Tim Riggins thought Kelsey Grammar was rigid and controlling just because they could, and
74 not for good reason. I guess Tim Riggins told Kelsey Grammar that in so many words at a
75 meeting they had after the marijuana was found. Not that I disagree with Tim Riggins's
76 assessment of Kelsey Grammar, but I insisted he be more respectful going forward or things
77 would only be worse. The way I heard Kelsey Grammar talk about Tim Riggins after that, I
78 think they were looking for any reason to get Tim Riggins in trouble. Kelsey Grammar also
79 called Tim Riggins a "loser." That's no way to talk to our students.

80 12. I did confront Kelsey Grammar on one occasion and ask why they had it out for Tim
81 Riggins. I tried to explain that they didn't know what Tim Riggins was going through. I
82 tried to implore that they be more understanding of the student as a whole when something
83 like drug use is discovered, and not just punitive. It seemed as though Kelsey Grammar was
84 looking for any infraction to hold against them. Kelsey Grammar told me to mind my own
85 business and do my own job of "filling the kids' heads with pointless knowledge about a
86 language and cultures worlds away." That comment really got under my skin and I began to
87 lecture Kelsey Grammar about the importance of what I was teaching, the benefit of learning
88 another language that is spoken by millions worldwide and value in widening your
89 worldview beyond Clearwater. You know what Kelsey Grammar did? They laughed out
90 loud, told me all that "stuff" was useless and I was just a kid with no real world experience.
91 Kelsey Grammar then just walked away. This happened in front of other faculty right after
92 school and it was embarrassing and belittling. I was only embarrassed that I allowed Kelsey
93 Grammar to get to me and behave in an unprofessional manner right along with them.

94 13. On April 19, 2018, I arrived to school exhausted and listless. Just the day before there was a
95 school shooting in a nearby state that caused the death of 14 students. I was up half the night
96 watching the news footage and political statements in response. Teachers and staff were on a
97 group email sharing our shock and sadness. Of course, Kelsey Grammar chimed in angrily
98 that this would never happen on their watch because they would take down any offending
99 student before such carnage could unfold. It was such a crass comment to make.

- 100 14. The day went off as could be expected, with a lot of conversation in class and between
101 classes about the other school shooting. Everyone seemed a bit on edge. By my last class of
102 the day, I had students working quietly on conjugations when we heard a loud “bang”
103 nearby. We all jumped a little. It sounded a little like a gunshot, but that flashed into my
104 mind for only a paranoid second. My classroom is right next to the chemistry lab, and this
105 semester there had been several minor explosions when the students got a little too creative.
106 I figured that was all it was and we all kept working.
- 107 15. The next thing we know, Kelsey Grammar is rushing into the classroom shouting loudly and
108 quickly for everyone to “shut up and hide!” Kelsey Grammar said that we were in an active
109 shooter situation, and proceeded to close the door and shut the lights off. It was dark in the
110 classroom. I only have a few windows in the back that don’t provide much natural light.
- 111 16. My students were in a panic, but I remained calm. I ushered kids behind my desk and into
112 the closet in the back of my room. I closed the blinds pursuant to protocol. I tried to count
113 students and realized I was missing one. I mentioned to Kelsey Grammar that I was missing
114 Tim Riggins who I had let out to the bathroom shortly before. Kelsey Grammar just stared
115 back at me with a grimace.
- 116 17. Just then, my classroom door began to open and Tim Riggins began to step in. “Señor
117 Riggins?” I asked as he stepped slowly into view. Tim Riggins didn’t come rushing into
118 the room and was holding nothing in his hand but his backpack. I immediately recognized
119 Tim Riggins’s distinct tie-dyed backpack. I could clearly see the confused look on Tim
120 Riggins’s face as he looked around the dark, empty room. There was nothing else in his
121 hand. Tim Riggins began to say “What the—” and reached into his backpack. Right at that
122 same moment, Kelsey Grammar shot three times! I rushed over but Tim Riggins was
123 already gone.
- 124 18. The first thing Kelsey Grammar said was something to the effect of “boom time!” It was a
125 very odd and insensitive thing to say after shooting a child. I heard Kelsey Grammar
126 mumble “I took care of that problem.” Then Kelsey Grammar left the room quickly when I
127 insisted they needed to call for an ambulance. I reached for the gauze kit and tried to apply
128 gauze to the wounds, but it was too late. I still can’t believe that trigger-happy, reckless
129 human being was allowed to have access to firearms at our school!
- 130 19. Kelsey Grammar is such a repulsive human being, I am not sure I can stand to be in the same
131 courtroom as them at trial. I had to leave Clearwater Alternative High School after that
132 school year. I couldn’t bear to be around Kelsey Grammar any more, especially in light of
133 the self-serving statements they made after this incident. Like, if anyone would have been a
134 school shooter, it would have been Tim Riggins? How we all knew his history and in that
135 dark room, with what sounded like gunshots, how could they take any other action when Tim

136 Riggins reached into that backpack? I heard talk that Kelsey Grammar thought they should
137 be commended as a hero for their quick action in response to the potential threat, even
138 though Tim Riggins was no threat at all.

Subscribed and sworn to before me

/s Billie Jones

On this 4th day of May, 2018.

Billie Jones

/s Ashley Richter

State of Wisconsin, County of Clearwater

My commission is permanent.

AFFIDAVIT OF PEYTON ALLANSON

Being first duly sworn upon oath, Peyton Allanson states as follows:

- 1 1. I work as a police officer with the Clearwater Police Department. As a proud lifelong
2 resident of Clearwater, Wisconsin, it is my honor to go to work every day to make my
3 community safer. Before this tragic incident, everyone thought of Clearwater as the
4 quaint, nice town it really is. It makes me sick to my stomach that it is now associated
5 with a school shooting, especially after all the work our department did to help prevent
6 something like this from happening.

- 7 2. I first joined the Clearwater PD in February of 1999, only a few months before the
8 Columbine High School shooting. Between now and then, many police departments—
9 including the Clearwater PD—have developed resources and training programs for
10 school officials interested in learning how to make their schools safer. I take pride in the
11 fact that I have never had to discharge my weapon in the line of duty. On rare occasions,
12 it will be necessary for law enforcement to discharge a weapon. The fact I have never
13 encountered that rare occasion speaks to my understanding of how to respond to
14 emergencies safely and how to deescalate and isolate life-threatening situations.

- 15 3. I was one of the founding members of the Clearwater PD’s School Safety Task Force. In
16 that capacity, I have received approximately 100 hours of training on developing
17 protocols, active shooter responses, and the psychology of the school shooter. I have
18 given presentations and led drills at approximately 20 middle and high schools in the
19 State.

- 20 4. I was thrilled when the Clearwater School Board decided it was time to train certain
21 staff members on how to safely and effectively use firearms in the case of an active
22 shooter. That was about a year ago. Since then, the Clearwater PD has worked with staff
23 at Clearwater Alternative High School to train them on the appropriate safety measures
24 and procedure to respond to an active shooter. I was pleased to be involved with that
25 training.

- 26 5. There were many safety measures that we recommended. The school board adopted all
27 of our recommendations and implemented them as school policy. I helped train on these
28 policies. Every time a school board adopts policies, we prepare a final version of the
29 policies agreed upon and adopted. Members of the school board and our department
30 sign this final list of policies, and we retain a copy on file in the police department for
31 continued training at the school in the future.

- 32 6. As to the specific policies adopted by Clearwater Alternative High School: First, our
33 Department recommended that the School keep all firearms locked in safes which only
34 certain, trained, staff members could access in case of emergency. Kelsey Grammar was
35 one of the people the school decided should have access to the safes. Grammar had a
36 reputation for keeping a cool head in stressful times (almost a necessity to be the
37 operations manager of a high school, I would have thought).

- 38 7. Second, we recommended that all of the firearms be stored in the safes with each
39 weapon's external safety engaged. For those unfamiliar with firearms, an external safety
40 is a mechanism on the weapon that when in the "engaged" position prevents the gun
41 from firing, even if a round is chambered and the user pulls the trigger. We trained the
42 staff not to disengage the external safety until they had confirmation of an active shooter
43 on campus. We trained staff that they needed to have *visual* confirmation—eyes on a
44 student holding a gun before they should turn that safety off. We repeatedly stressed that
45 an external safety should never be disengaged until the staff member was absolutely
46 confident that there was indeed a shooter. This is a different approach than, let's say,
47 something I'd recommend for someone defending themselves in their home. This is our
48 school and these are our children.
- 49 8. We also trained staff on how to recognize gunfire. Many people mistakenly think that a
50 gunshot will sound like a loud "bang," like an explosion or crash. It generally doesn't. It
51 sounds more like a loud "pop," though of course the precise sound depends on the type
52 of gun and acoustics of the environment.
- 53 9. We verified that all of the Clearwater Alternative High staff members, Kelsey Grammar
54 included, understood and felt comfortable holding and operating the firearms under
55 these procedures. We also did our best to train the staff on how to remain as calm as
56 possible in these emergency situations.
- 57 10. We also trained staff that once they had visual confirmation of a student brandishing a
58 firearm, that they should verify that there were no other people in the line of fire. If
59 there were no others in the line of fire, we trained them to fire until the target fell and
60 was no longer a threat.
- 61 11. On April 19, 2018, I was on patrol when my partner and I were dispatched to Clearwater
62 High on a shooting call at 2:31pm. Dispatch informed that, following that initial call at
63 2:31 pm, a number of additional calls came in regarding the same incident. Additional
64 details from the subsequent calls indicated that staff member Kelsey Grammar had been
65 involved in the incident. As you can imagine, my heart sank when I got the dispatch.
66 Especially after what was on the news the day before. I hoped the staff would never
67 have to use the school firearms. I arrived within five minutes.
- 68 12. We immediately encountered Kelsey Grammar outside. As soon as we got out of our
69 squad car, we saw them standing outside the main entrance of the building. They had
70 the gun in their hand, but it was pointed to the ground. I immediately issued a command
71 for them to slowly put the weapon on the ground and put their hands up. They complied.
72 They stated: "The threat has been neutralized. The premises are secure." I asked them
73 what happened, and they repeated: "The threat been neutralized. The premises are
74 secure." My partner took their weapon from the ground. We explained that we needed to
75 secure them in our squad car, and they seemed to understand. My partner took them to
76 our squad car, and I continued into the building.

- 77 13. I encountered the principal, Kevin Lonergan, as soon as I went inside. He was frantic.
78 He said that Kelsey Grammar had shot one of their students. I asked if the student had a
79 gun, and the principal said he did not know. He said he heard some sort of loud sound
80 shortly before it happened but could not say what it was. I told him Grammar was
81 outside with my partner.
- 82 14. The principal led me to the scene, which was right in the entryway of a classroom on the
83 first floor on the north side of the building. I drew a map of the wing of the school in
84 which the shooting took place and attached it to my report. The map is not to scale. I
85 saw Timothy Riggins' body lying on the ground. I have placed an X where the student's
86 body lay, which was in the doorway of the classroom.
- 87 15. It was clear Riggins had been shot multiple times. Blood pooled around him. Students
88 stood around and I directed them to step back from the scene. I radioed for an
89 ambulance but the student was already deceased. The EMTs were unable to do anything
90 when they arrived. The medical examiner later confirmed that the student died from
91 three gunshot wounds to the chest.
- 92 16. As the EMTs unsuccessfully attempted lifesaving measures, I turned my attention to the
93 rest of the scene. The student's backpack lay to their right side. I looked through it. I
94 found a small amount of raw marijuana, school books, and a wide variety of candy, but
95 did not find a firearm. I did find what appeared to be either a poem or song lyrics, which
96 included "I know my spelling but I still hate Grammar. You understand me Gram? No
97 jam, just slam." I took a photograph of the contents of the backpack and attached it to
98 my report. I took an additional photograph of the song lyrics.
- 99 17. I detailed all of the items recovered in my report. No firearm was recovered from the
100 student's person. No weapon of any kind. I later asked Principal Lonergan to open the
101 student's locker and did not find any firearm or weapon in the locker either. I knew at
102 that point that Grammar had obviously not followed our training protocols.
- 103 18. I went outside and spoke with Grammar in our squad car. Grammar said they heard a
104 "bang" and went to the safe. I asked Grammar if they at any point prior to firing the shot
105 had eyes on the student with a weapon, and Grammar answered, "yes." Grammar then
106 added. "I knew who it was. The lights were off." That alone told me Grammar was not
107 following protocol. I asked why Grammar took the safety off the gun, and Grammar
108 responded "I did what I had to do for the school."
- 109 19. Based on the lack of adherence to protocol, I asked Grammar if they would come to the
110 station for further debriefing. I explained that they were not at this point under arrest.
111 Grammar agreed. Grammar said nothing on the drive and just looked stunned. When we
112 arrived, I placed Grammar in one of our interrogation rooms. From what I heard, one of
113 our detectives started to question them and Grammar asked for a lawyer.
- 114 20. Through looking at Grammar's publicly accessible social media accounts, I became
115 concerned about Grammar having a vigilante mindset. For example, roughly two weeks

116 before the shooting, Grammar posted on Facebook: “Who needs police when we have
117 the Second Amendment?” In response to the school shooting in the news the day before
118 the shooting here, Grammar posted: “You can either be a hero or a victim.”

119 21. Our department obtained a warrant to search Grammar’s home, computers, cell phones,
120 and online profile accounts. We found multiple firearms in their home. On their social
121 media accounts, we found private conversations Grammar had with family members,
122 noting Grammar’s love for the school and desire to protect the students. We found one
123 conversation Grammar had with their mother, in which Grammar discussed a few
124 students who made their job difficult, including Tim Riggins, who Grammar called “a
125 pain.”

126 22. I am glad the district attorney made the decision to charge Grammar. Grammar did not
127 follow our protocols and became a vigilante. I don’t care if Grammar was trying to be a
128 hero, Grammar killed an innocent student. There’s no forgiveness for that.

129 23. It has since been brought to my attention that I was one of multiple officers who years
130 ago responded to the scene of the homicide of Grammar’s brother. I did not recall this
131 connection until it was brought to my attention by a colleague. I remember responding
132 to a homicide scene years ago, but do not remember any other details.

Subscribed and sworn to before me

/s Peyton Allanson

On this 14th day of July, 2018.

Peyton Allanson

/s Hannah Jurss

State of Wisconsin, County of Clearwater

My commission is permanent.

AFFIDAVIT OF DANA MCCARTHY

Being first duly sworn upon oath, Dana McCarthy states as follows:

- 1 1. My name is Dana McCarthy, I live at 3481 Maplewood Road in Clearwater, Wisconsin.
2 I live with my father, step-mother and my 2-year-old step-brother. I am 17 years old, and
3 a junior at Clearwater Alternative High School.

- 4 2. In school, I do fine now. Clearwater Alternative teaches in a way that has worked better
5 for me than any other school. My grades are in the C range: they have improved from
6 before I switched schools and had to repeat a grade. Plus, here they don't waste their
7 time suspending people for bogus and petty accusations of cheating like they did to me at
8 my old school, so it has been easier to stick around. (Since when is checking your notes
9 in your locker during a test called cheating? Doesn't everyone do it?) I am just hoping to
10 be the first in my family to graduate from high school. I don't have a lot of time for
11 sports or clubs outside the regular school day because I am needed back at home on the
12 family farm, but I do what I can. I am on student council, I am in 4-H, and recently I
13 have been a part of my school's #neveragain project. I may not have time to be smart at
14 everything, but I try to make sure I am smart at the things I care about.

- 15 3. When I graduate, I want to do some classes at the tech that will help me take over some
16 of the work that my dad does to run the farm, like planting, harvesting, tracking soil
17 nutrition, weed and pest control, and farm machine mechanics. I would love to take over
18 the farm completely someday and turn it from a dairy, corn and soy operation to a
19 diversified organic farm. That's the way a lot of family farms are going these days and I
20 think it is the best way to keep them alive.

- 21 4. I first got to know Tim Riggins (we call him Riggins) at Kamp Kenwood, which is a
22 camp put on each summer through the Wisconsin Farmers Union. Riggins wasn't super
23 into farming, but their parents sent them to camp each summer for something
24 "structured" to do. At camp we both learned shared values like making local food
25 available to everyone, conserving and preserving our land and natural resources, and
26 supporting rural communities by supporting their schools, technology access and more.
27 Plus, at camp we bonded over our shared struggles with traditional education and talked
28 about things in a way we couldn't in a school environment. Riggins didn't know what
29 they wanted to do in the future, but really had strong beliefs on the issues and knew they
30 wanted to make a positive change in the world. Riggins and I were in different friend
31 groups during the school year so only really talked in the summertime. They came out to
32 the farm a couple of times to see how things worked, but that's about it.

- 33 5. One thing that Riggins and I both really cared about was trying to raise awareness of
34 issues affecting young people. We were vocal in our school on the issue of gun violence.
35 We both hated that, instead of listening to us, a bunch of older people who know nothing
36 about us were listening to a bunch of *other* older people who know nothing about us—

37 and it was these people together who were making our country's policies on guns, at our
38 expense. Schools are becoming places where you expect shootings, not where you are
39 surprised by them. We were pushing for voter registration at school and lessons on how
40 to be involved even when we can't vote. We made a group that went to school board
41 meetings and spoke out against the policy to have guns in the schools. We got some nasty
42 glares from Grammar from across the room—they were all about the policy (and I heard
43 helped write it?) and were clearly making mental notes on who was against them.
44 Unfortunately, that was not our best demonstration of civic participation because the
45 policy passed anyway. At least we tried.

46 6. On April 18, 2018, there was another horrible school shooting. We were all shocked, but
47 again the general idea at this point is that, unfortunately, it isn't surprising. My dad says
48 he didn't have active shooter drills at school when he was growing up. I'm just used to
49 them. It is so frustrating to feel like the adults have our lives in their hands and don't care.
50 So after this shooting, we all coordinated to wear our #neveragain t-shirts and call our
51 elected officials during our flex period to ask them to do more to protect us.

52 7. April 19, 2018 was like a normal post-school shooting day: we were all kind of mad,
53 shocked, scared and on-edge, but we had to go from class to class like it was any other
54 day. We made our phone calls and wore our t-shirts but it never feels like enough.

55 8. The last class of the day was Spanish 3. That day, we were working on conjugations,
56 which honestly, I don't think I'll ever really be able to understand. I do remember that I
57 had to go to the bathroom and I was waiting for Riggins to come back with the hall pass,
58 so I wasn't concentrating perfectly on class.

59 9. At one point we heard a loud noise from outside the classroom. A few people commented
60 (in English) that it must be the day for the barking dog experiment that Ms. Frizzle
61 always does in her Chem 1 classroom next door, because it kind of sounded like a
62 barking dog. I totally agreed—don't ask me what that experiment was, but I remembered
63 being startled by that sound in Chem 1 before. We all kept working.

64 10. A minute or so later, suddenly, Grammar stormed into the room yelling "Why aren't you
65 doing anything? Don't you know there is an active shooter?" They closed the door,
66 turned off the lights, and told everyone to "shut up and hide like we've been practicing."
67 We had drilled this so many times. My heart was racing. None of us had heard anything
68 about an active shooter before Grammar came into the room, but we weren't supposed to
69 question it. Some people went to the supply closet, some people tipped a table sideways
70 and hid behind it, and I hid behind the teacher's desk with a few other people. We all
71 tried to stay as quiet as we could. I reached into my pocket to try to silence my phone
72 without giving off any light.

73 11. Our Spanish teacher (we call them "Jonesy") locked the windows and drew the blinds. It
74 took a little bit for my eyes to get used to the dark so I could see anything. I could hear

75 Jonesy counting how many of us were in the room. Grammar stood by the door for some
76 reason—which from what I remember is totally against what we were taught in the drills.
77 I also don't know why they didn't lock the door like we are taught to in the drills. I was
78 really freaked out when my eyes adjusted and I realized they had a gun.

79 12. Jonesy finished counting and told Grammar that they were one short, and then pointed
80 out that Riggins still had the hall pass to use the bathroom so the missing person must be
81 him. We just sat and waited. We didn't hear any gunshots or anything. What seemed
82 like forever later, the door opened. At first I couldn't see who it was—I just saw the
83 outline of a person because the room was dark and the hall behind them was bright. I saw
84 the person holding a backpack and nothing else. I saw the shape of their head turn from
85 side to side as they said “que pasa...” and then realized it was Riggins' voice. They
86 pulled their backpack up while stepping into the classroom. I figured they were going to
87 find a hiding spot, but they never had a chance: I swear I heard someone yell “boom
88 time!” and at the same time heard the loudest “POP! POP! POP!” I could ever imagine
89 and then I saw the shape of Riggins crumple to the ground. Then Grammar said
90 something like, “took care of that problem. We're good now.”

91 13. I called the police from my cell phone about a minute or two after the shots were fired but
92 they had already been called: they said they were on their way. The whole school went
93 on a lockdown then because of the gunshots. Until we went outside later, none of us in
94 Spanish class realized it hadn't actually been on lockdown before the gunshots.

95 14. I can't believe my school is now “on the map” of school shootings, but at the same time, I
96 can. Up until this point we pretty much wondered not “if” a shooting would happen in
97 our school, but “when.” I never in my wildest dreams would have thought that it would
98 be caused by a teacher. I was nervous about having guns in school and this is exactly
99 why. And I don't know why everyone is saying I am a witness just to push the
100 #neveragain “agenda.” I am here to tell it like it is, and I don't care what side of this case
101 or any issue it puts me on.

102 15. I was in homeroom with Grammar and Riggins, and they totally didn't get along. They
103 fought all the time: Riggins was always late for homeroom because their sibling drove
104 them and was always late, so Grammar kept sending them to detention, and I think that
105 started the two out on the wrong foot. Then with them being on different sides of the gun
106 issue, I think that made things worse. Not many people got along with Grammar: the fact
107 that they were so vocal against student safety on the gun issue made a lot of us mad. I
108 didn't really like Grammar and I am late all the time too, but we were fine because the
109 school worked something out with my dad since I have to be late some days when I come
110 from doing morning chores. Anyway, I had heard Grammar and Riggins yelling at each
111 other before so I know they didn't get along. The only person I can think of who likes
112 Grammar is Sam Smith—what a brown-noser. Sam was arguing with Riggins in Spanish
113 class like a month and a half before the shooting. Riggins was annoyed at getting another
114 detention from Grammar, and Sam told Riggins he probably had it coming. Sam said

115 “Grammar is so awesome! They helped me and I would do anything to help them!” I
116 remember because we all laughed and made fun of Sam for it later.

117 16. I don’t want anyone to think I am anti-guns. I am not. We have to have guns on the farm
118 because of predators, and a lot of my friends hunt. But I think there is a difference
119 between being the kind of country where people can be responsible gun owners, versus
120 the kind of country where any people with any issues can get mad and go pick up a gun
121 and shoot up a bunch of innocent kids. Or the kind of place where a person with a grudge
122 can be given an excuse to pull the trigger.

Subscribed and sworn to before me

/s Dana McCarthy

On this 2nd day of June, 2018.

Dana McCarthy

/s Kristen Lonergan

State of Wisconsin, County of Clearwater

My commission is permanent.

AFFIDAVIT OF KELSEY GRAMMAR

Kelsey Grammar, being first duly sworn, states as follows:

- 1 1. My name is Kelsey Grammar. I am 24 years old now. I was 23 when Tim Riggins died.
2 I graduated from University of Wisconsin — Clearwater with a bachelor’s degree two
3 years ago. Initially I wanted to major in Wildlife Ecology or Fisheries & Water
4 Resources, but I changed my mind and decided to major in Education Studies.
5 Eventually I want to go back to school and get a masters in Education. I came out of
6 college with skills that got me a good job right away at Clearwater Alternative High
7 School (CAHS). That is where I was working for a year before the incident — when Tim
8 Riggins was shot.

- 9 2. I loved working as the operations manager at CAHS. I got to oversee all kinds of aspects
10 of the school’s operations — ranging from organizing training for personnel to
11 maintaining parts of the school’s IT systems. I can do it all. Often the principal trusted
12 me to work on many kinds of special projects that would help the school. I had real
13 responsibilities and felt like I could take initiative to solve problems at CAHS.

- 14 3. The sense that I was an important part of the larger entity — a key part of the larger
15 machine — that is what inspired me to volunteer when the school district was looking for
16 volunteers to be trained and have access to guns in the school to protect the students and
17 faculty. I got tired of seeing nothing getting better with all of this school violence and
18 everything going on in the world. I thought people needed to take a stand for once. I was
19 a big supporter of proposals to arm school personnel and signed up immediately when the
20 program was created in the school district. Now I could make a difference by protecting
21 the people in the school I loved. It all made sense.

- 22 4. Well, that wasn’t the only reason. I also really love guns. I find them technically
23 fascinating. The history of development of guns is interesting. Plus, guns are so
24 important in our country. The founders jammed freedom of religion, speech, press and
25 assembly all into the 1st Amendment, but the right to bear arms was so important it got
26 its own amendment to itself. You can’t argue with the logic of that, can you? That is
27 why I sometimes post pictures of guns on my Instagram account. I don’t post pictures of
28 all guns, though. That would be weird. I just post pictures of the guns I really like.

- 29 5. I do not just post about guns. I also post about important political issues. I am not a
30 conservative or a liberal. I pick and choose my positions on political issues and think
31 them through carefully. For example, I am pro-guns but I am also an active
32 environmentalist. I worked a lot recently with the anti-mining movement in Clearwater.
33 So I guess if I have some positions that are on the right and some that are on the left that
34 puts me somewhere in the middle at the end of the day. It averages out. I am a well-
35 reasoned moderate when it comes to politics — a person of the center.

- 36 6. I like to play video games in my free time to unwind. I am an avid player of “Boom
37 Night.” Boom Night is an on-line game where the avatars of 100 players are dropped

38 into a large planned suburban community and shoot it out with guns they find until there
39 is only one person left standing. The game is relaxing and I am actually really good at it.
40 I win maybe one third of the time. Every time I make a “kill” in the video game I usually
41 yell out “Boom Time!” It is kind of a trademark of mine. I have won some tournaments
42 hosted locally. In fact, I won \$1,000 at a tournament hosted at the Clearwater Tavern last
43 month. The game is not just about fighting. You can also buy “dances” for your avatar
44 like the funky chicken, the mashed potato or the robot. Whenever my avatar does the
45 mashed potato it just makes me giggle. Some Boom Night players are so good they make
46 over \$1,000,000 a year posting their games on-line and getting sponsorships. I am not
47 that good, yet. I did get disqualified from a tournament one time for accusing a
48 competitor of cheating and pushing them during a game. It turns out after the judges
49 investigated the matter the other player had not been cheating at all. My mistake.

50 7. Not long after I started working at CAHS they asked me to help mentor some of the
51 students. I think they asked me to be a mentor because I am younger and more in tune
52 with the average teenager than many of the faculty. I have a forceful presence and could
53 be a good role model for some of the students. Tim Riggins was one of the students
54 assigned to me to mentor. I could tell Tim Riggins was trouble right away. He had a
55 real attitude. That was not a big deal at first. Some of the other students assigned to me
56 had attitudes but I was able to talk to them and break through that barrier. Not with Tim
57 Riggins. He collected suspensions left and right. He was often late for class and got
58 suspended for missing school all the time. It is so rude to be late all the time. It is as if
59 you think your time is more valuable than the other person’s time. As I think back on it,
60 Tim Riggins’ suspensions for his wanton disregard for the time of other people was what
61 first showed me what he was all about.

62 8. But it was not just suspensions for missing school. Tim Riggins got suspended for bad
63 behavior too. Two weeks before the incident I was supervising lunch period and I saw
64 Tim Riggins lose it with another student. This other student was known for having
65 peanut allergies. For some reason Tim Riggins felt the other student had done something
66 to him so Tim Riggins grabbed a peanut butter snack bar and rubbed it in the other kid’s
67 face. I mean, who does that? When I asked Tim Riggins why he would do such a thing
68 he just looked back at me with that vacant stare of his — like nobody was home. He did
69 not care at all. I took Tim Riggins to the principal’s office and reported what had taken
70 place. I recommended suspension for three days. The principal convened a brief hearing
71 to discuss the matter and the panel agreed, although Billie Jones who sits on the panel
72 this year voted against it. Tim Riggins was escorted out of the school. Later at the end
73 of the day when it was time for me to go home I walked to my car in the parking lot and
74 saw that the back cover of the right rear view mirror of my car had been ripped off.
75 Someone had vandalized my car. I knew it was Tim Riggins, but of course I could not
76 prove it. I took a photo of the damage and got it fixed the next day.

77 9. One week and a day before the incident we got a tip that Tim Riggins was hiding
78 marijuana in his locker. I got an anonymous handwritten note left under the door of my
79 office. Nobody knew who put the note under my door. I decided to check it out and had
80 the locker opened. Sure enough, Tim Riggins had marijuana in his locker. I confronted

81 him with it and he said it wasn't his. He was keeping it for a friend, but he would not
82 name who the friend was. I knew Tim Riggins did not have any friends so it was a lie. I
83 escorted him down to the principal's office, again, and we convened another disciplinary
84 hearing. This time Tim Riggins was suspended for an entire week, although Billie Jones
85 voted against suspension, again. At the end of that school day when I went out to my car
86 the same right front rear view mirror was damaged a second time. This time someone
87 smashed it so hard the mirror was dangling from my car by an electrical wire. I was
88 furious. Tim Riggins was not going to get away with this. I took a photo of this damage
89 as well. It was going to be expensive to get the mirror fixed ... again.

90 10. The day before the incident Tim Riggins returned to the school. I requested a one-on-
91 one meeting with him. Actually, I ordered him to come down to my office. When Tim
92 Riggins arrived (late, of course) I closed the door and really let him have it, verbally. I
93 told him I knew it was him that damaged my car's rear view mirror twice. I said if he
94 kept this up he was going to get expelled. I asked him if that is what he wanted? Tim
95 Riggins just gave me that blank stare and said, "Maybe I did it and maybe I didn't, but
96 there isn't anything you can do about it." I was angry. I said Tim Riggins was a loser
97 and if he did not turn his life around fast he was going to grow up to be a loser — a
98 lonely loser. It was unprofessional of me to talk like that but it finally got a reaction from
99 him. Tim Riggins got angry. He screamed I didn't know anything about him. Tim
100 Riggins also said that I was mentoring him and if he was a loser what did that make me?
101 Where was my life going? I believe I screamed back that Tim Riggins was hopeless. He
102 could not just do whatever he wanted and if that was how he was going to drift through
103 high school — smoking pot and breaking car mirrors — I was going to get him. What I
104 meant was I was going to get him out of school so he could not hurt other kids' chances
105 to learn in a positive and supportive environment. I also told him I was going to talk to
106 the principal about Tim Riggins raising his voice to me in this incident. He opened the
107 door of my office and stormed out. I poked my head out of my office door and watched
108 Tim Riggins storm off. I turned around and saw Billie Jones standing there with a
109 horrified look on their face just staring at me.

110 11. Billie Jones is a piece of work too. I would talk with other faculty in the faculty lounge
111 about mentoring issues. We shared best practices and tried to help each other with
112 difficult cases. I could relate to most faculty at CAHS, but Billie Jones and I never saw
113 eye-to-eye on issues of discipline. Billie Jones is a real "softie." There is almost no
114 situation where they want to discipline a student. Tim Riggins was no exception. I
115 remember talking with Billie Jones about the case of Tim Riggins after Tim Riggins was
116 suspended for having marijuana in school. Billie Jones said to me, "You just don't
117 understand Tim Riggins and what he is dealing with. You need to relate to a student like
118 Tim Riggins. Everyone has some good in them." Billie Jones said they would
119 sometimes talk with Tim Riggins after school. Tim Riggins was a little hard to reach but
120 there was a real person there. Could Billie Jones be more blind? I politely told Billie
121 Jones they did not know what they were talking about and I said that "real person" broke
122 my real car twice recently, but they just got angry and said, "You are a bad role model. I
123 don't like your methods." Then Billie Jones threatened to talk to the principal of the
124 school about my continuing to be a mentor.

- 125 12. I can tell you more of my students were doing better with behavior than the students
126 Billie Jones was mentoring. Billie Jones' students had twice the number of suspensions
127 compared to my students — even when you add in all of the trouble from Tim Riggins.
128 Every time one of the students Billie Jones mentored had the possibility of getting
129 suspended Billie Jones tried to argue against it, but usually was overruled by the
130 principal. They almost always voted against suspension of other kids as well, like Tim
131 Riggins. Meanwhile, I was great with my kids. I guess it is kind of ironic that Billie
132 Jones, the one who never wants to punish any student for anything, is testifying against
133 me in my trial.
- 134 13. The night before the incident, the same day I had that shouting match with Tim Riggins,
135 I was watching the news. There was a horrible school shooting in another state that day.
136 A student in a school had brought guns into the school and killed 14 other students before
137 they were killed themselves by a police officer. That officer saved a lot of lives. Many
138 more would have been killed if they had not shot that student. I was disturbed by the
139 school shooting so I decided to relax by playing some Boom Night. I got so engrossed in
140 the game that I stayed up until 2:00 playing before going to bed.
- 141 14. I was obviously tired when I woke up that morning and had to hurry to get to work on
142 time. I did not have time for breakfast. Over the course of the day I drank a pot of coffee
143 to keep me going because I had been up late the night before. I also did not have time for
144 lunch because I was so busy with work. I did have a piece of fruit at lunchtime, though.
145 A banana. Fruit is an important part of a healthy diet. I always tell my students that
146 “fruit is nature’s candy.” You know who didn’t eat fruit? Tim Riggins. That’s who. I
147 never saw him eating anything healthy. He was always eating a snack cake, peanut
148 M&Ms or some other processed food.
- 149 15. Around 2:25 on that day I was in my office with the door open. I like to have an “open
150 door” policy, except when I am having a private meeting with my students and need that
151 thick door closed so people can’t hear our discussion. All of a sudden I hear a loud
152 “bang!” A cold chill rippled through my body. This was not a sound we had ever heard
153 in the school. My mind was racing through what might have caused it and I remembered
154 the school shooting in that other state the day before. I knew if it were a school shooting
155 I needed to react quickly. Years ago security personnel would create a perimeter to
156 surround the shooter, but now it is standard operating procedure to move in as fast as
157 possible to confront the shooter and disrupt their actions. Getting to the shooter quickly
158 would save lives. I read that on the internet. I quickly opened my gun safe that is behind
159 my desk. The safe can only be opened with my fingerprint. I have a Glock 17 9mm
160 pistol. That is a fourth generation Glock design, or “Gen4.” I pulled out my Glock and
161 moved toward what I believed was the source of the sound. It seemed like the sound
162 came from close by. The first active classroom I came across was Billie Jones’ class.
163 There is a hierarchy of action during an active shooter situation: run, hide, fight. Run if
164 you can. If you cannot, you should hide. If the shooter finds you then you should fight
165 with whatever you can. Seeing the open classroom so near to the sound I thought it was
166 too dangerous to run so I would secure this classroom and “hide” them before moving on

167 to the next classroom and possibly saving more people like the police officer did the day
168 before during that other school shooting. I told everyone in the classroom to hide and
169 that there was an active shooter in the building nearby. They should shut the door, turn
170 out the lights and barricade the door. I could tell something was up because everyone
171 had a scared look on their faces, including Billie Jones.

172 16. Everyone did what they were told. Some hid in the closet and others hid behind Billie
173 Jones' desk. I was going to move out and secure another classroom when Tim Riggins
174 opened the door and entered the classroom. It was kind of dark in the room but I
175 recognized him right away. Tim Riggins was carrying a backpack in his hand. He
176 paused to look around the room and then went to reach into his backpack, which was
177 unzipped at the time. I knew this was it. I fired my weapon three times and hit Tim
178 Riggins all three times in the chest. Tim Riggins fell to the floor. It happened so fast.
179 They said he died immediately. I don't remember much of what happened right after I
180 fired my weapon. The school went on lockdown right away because of the shooting
181 situation. The police arrived and secured the premises.

182 17. My brother died from a shooting incident three years ago. He was walking down a street
183 in downtown Clearwater when someone apparently tried to rob him. The only witness
184 was down the block and saw someone with average height and build wearing a hooded
185 sweatshirt approach my brother. There was a brief discussion and the killer pulled out a
186 gun and shot my brother right there on the street. The witness could not make out any
187 other identifying features of the killer. My brother died immediately. By coincidence,
188 Officer Peyton Allanson was one of the first officers on the scene of my brother's
189 shooting. The police could not find any other evidence and the killer was never found. I
190 miss my brother and can't help thinking that if I could save just one student that
191 somehow I might make a difference and maybe my brother's death would not have been
192 in vain.

Subscribed and sworn to before me

/s Kelsey Grammar

On this 7th day of May, 2018.

Kelsey Grammar

/s Ken Dortzbach

State of Wisconsin, County of Clearwater

My commission is permanent.

AFFIDAVIT OF REMINGTON O.F. MOSSBERG

Remington O.F. Mossberg, being first duly sworn upon oath, sates as follows:

- 1 1. My name is Remington O.F. Mossberg, but everyone calls me Remi. I am an adult resident
2 of the City of Clearwater in the State of Wisconsin.

- 3 2. I enlisted in the United States Marine Corps at the age of 18 and left for basic training
4 shortly after high school graduation. During my time in the Marine Corps, I consistently
5 qualified as an expert marksman and have won marksmanship competitions, earning honors
6 as a distinguished marksman.

- 7 3. I was honorably discharged from the Marine Corps after 12 years of service, at which time
8 I attended the local police academy training program and began my career with the
9 Clearwater Police Department.

- 10 4. Due to a duty-related disability, I retired from the Clearwater Police Department last year
11 after 15 years of service. For the last 10 years of my career as a police officer, I also served
12 on the Special Weapons and Tactics (SWAT) team. For the last 5 of those years, I was the
13 SWAT team captain.

- 14 5. I served with Officer Allanson and have no criticisms of them as a professional. I do feel
15 that they hold it against me personally that they were not accepted for a position on the
16 SWAT team when I was captain. This was not a decision I made on my own, however.
17 When they applied and were being vetted, they scored very poorly on certain aspects of the
18 qualifying exams, including the live-fire drills. This effectively foreclosed any chances they
19 had of joining the SWAT team, and is not something I had any control over.

- 20 6. During my career with the Clearwater PD, I have been required to discharge my firearm in
21 the line of duty both prior to and during my time on the SWAT team. I have never shot at
22 an unarmed individual. Just prior to my leaving the Clearwater PD, I was involved in an
23 officer-involved shooting that resulted in the death of the 17-year-old suspect, who was the
24 leader of a well-known, large drug ring that frequently dealt to students of Clearwater High
25 School. I was also involved in an incident while on the SWAT team during which an
26 elderly neighbor of the suspect was shot and killed by a stray bullet from inside the
27 suspect's home during the course of the raid. Following each of these incidents, I and my
28 entire team was investigated by internal affairs and a third-party agency that gets involved
29 whenever there is an officer-involved shooting. We were cleared of any wrongdoing
30 related to these incidents, and I have never been the subject of any other form of
31 disciplinary proceedings.

- 32 7. In total, I have had to discharge my weapon 5 times in the line of duty, twice prior to
33 joining the SWAT team and three times while serving on the SWAT team. There really
34 isn't as much shooting involved in police work as people think – or as the movies and TV
35 make it seem.

- 36 8. Since retiring from the police force, I have been working as a consultant, providing expert
37 testimony on firearms training and safety in both civil and criminal legal matters.

- 38 9. Ever since I turned 18, I have been a card-carrying member of the National Firearms
39 Association. Some people think that this makes me a “gun nut,” but I believe that my
40 membership in the NFA has actually given me the opportunity to become the most
41 responsible gun owner that I could ever be and to ensure that others who own and use guns
42 adhere to the highest ideals of responsibility and safety. In addition to my Marine Corps
43 and Clearwater Police Department training, I am a certified firearms safety instructor
44 through the NFA.
- 45 10. I have been teaching conceal carry and different firearms safety courses for the past 10
46 years, and regularly attend continuous education courses on new issues in firearm safety,
47 including active shooter protocols and civilian responses in active shooter situations.
- 48 11. There are four basic rules of gun safety that I drill into my students from the start of every
49 conceal carry or beginner firearm safety course. I also make sure to review and reinforce
50 these rules with my more advanced students, regardless of what type of firearms course I
51 am teaching. These are the same rules that I was taught when I first took hunter’s safety
52 when I was 12 years old, and I firmly believe that those who use firearms cannot be
53 reminded of them enough:
- 54 a. First and foremost, always treat every firearm as though it is loaded. I am adamant with
55 the students in my training courses and my colleagues that the phrase, “it’s not
56 loaded” should never pass through their lips and should never be trusted from someone
57 else’s. Unless you are preparing to shoot, your first action with any firearm in all
58 situations should be to point the muzzle in a safe direction, check the chamber, and
59 clear the firearm.
- 60 b. Second, always keep the muzzle pointed in a safe direction. I advise my students to
61 think of the muzzle as a laser pointer — and everything it points toward is in danger. A
62 trained firearm user knows to never let the muzzle cover anything he or she is not
63 willing to destroy, especially someone’s life. Further, when deciding what a “safe
64 direction” is, I remind my students not to forget the possibility of a ricochet.
- 65 c. Third, always keep your finger outside the trigger guard until ready to shoot. The best
66 way to prevent accidental discharge is to keep your trigger finger indexed along the
67 frame of the firearm until your sights are on the target. A trained firearm user knows
68 not to place his or her finger inside the trigger guard until he or she is ready to pull the
69 trigger.
- 70 d. Fourth, always be sure of your target and what is in front of it and behind it. If you are
71 hunting, it is imperative that you know the identifying features of the game you hunt. A
72 trained firearm user has the responsibility and burden of knowing that once you pull the
73 trigger, you cannot take back the bullet. Everything and everyone in front of, near, and
74 beyond your target is your responsibility. Proper firearm usage requires ensuring you
75 have an adequate backstop. You should never shoot at a flat, hard surface or water.
- 76 12. With respect to my work in this case, I have reviewed the criminal complaint, the sworn
77 statement from Kelsey Grammar, and the other affidavits, as well as the attached exhibits. I
78 also reviewed the materials from the required training program for those individuals in the
79 Clearwater School District active shooter response program who have access to the semi-

80 automatic 9 mm handguns that have were distributed to the schools participating in this
81 program.

82 13. Despite my firm belief that there is a time and a place for responsible firearm ownership
83 and use, I must admit that I was skeptical of this program at the time that it was proposed
84 and even lobbied against it when the State legislature was debating approval of the
85 program. I generally do not believe that lay people or “weekend warriors” can receive
86 sufficient training to react in the heat of the moment in a chaotic, active shooter situation
87 the way that military personnel or law enforcement professionals are trained to. Those
88 situations require a level of skill that can only be fully developed through extensive training
89 and regular participation in real-time simulations. Further, there is a key distinction
90 between civilian conceal carry permit holders and law enforcement officers. Law
91 enforcement officers have a duty to respond to active shooters. Civilian CCW license
92 holders have chosen to take on a responsibility to protect themselves and their families with
93 a firearm, but should still use escape as the first line of defense when it is safe to do so.
94 The Clearwater School District program blurs the lines between those two roles for
95 someone who is not a deputized peace officer. Further, by encouraging someone to run to
96 the sound of gunshots, a well-meaning civilian firearm user could be confused by
97 responding law enforcement for the active shooter.

98 14. I have, however, reviewed the training materials, the written certification exam, a video of
99 the type of move-and-shoot and cover drills that Kelsey Grammar participated in, and the
100 video of Grammar completing the live-fire, active-shooter simulation at the end of the
101 training course. In total, this course consisted of two-and-a-half days of instruction and
102 training drills, with the last half day being reserved for the written certification exam and
103 the active-shooter simulation. Grammar scored 100% on the written exam and made no
104 errors during the active-shooter, simulation, as required in order to graduate from the
105 program. The active-shooter simulation does require participants to recognize targets
106 presenting different types of threats and differentiate those from the no-shoot targets
107 representing innocent bystanders. Participants also have to determine which threats require
108 immediate neutralization and do so without jeopardizing the “bystanders.”

109 15. Based upon my review of Kelsey Grammar’s statement and the criminal complaint, it is my
110 expert opinion that Grammar’s course of conduct as described complied with the basic
111 rules of firearm safety and the training that Grammar received as part of the School
112 District’s active shooter response training program.

113 16. In forming my opinions regarding the reasonableness of Grammar’s conduct under the
114 circumstances, I did consider and accept that police training and procedures are distinctly
115 different from those employed by civilians under the school safety active shooter protocol.
116 The level of training involved in the school safety active shooter response program can
117 never fully prepare an individual for the high-stress situation presented by a real-life live-
118 fire situation. Based on Grammar’s perception of the noise that precipitated their actions,
119 initiating the active shooter protocol was reasonable. While there may have been low
120 lighting in the area at the time of the shooting, this is the type of situation that individuals
121 who are part of the school safety program are trained on. There is nothing in the materials I
122 have reviewed to date to indicate that Grammar proceeded recklessly, knowing that there
123 was no tangible threat that needed neutralizing. This is evidenced by their admonition to
124 the people in the room to be quiet and hide. A student attempting to gain access to a

125 classroom during a lockdown is something that warranted Grammar's heightened
126 sensitivity. The act of that student then reaching for or into his backpack correctly
127 prompted Grammar to utilize lethal force.

128 17. Further, it is important to remember that regardless of whether police personnel or
129 specially-trained civilians are involved in responding to an active shooter incident, things
130 can never be expected to go as orchestrated in a simulated training program. It is highly
131 regrettable that this incident ended with a student losing his life. The outcome, however,
132 does not equate with criminal culpability when taking into consideration the entirety of the
133 circumstances and Grammar's actions.

134 18. All of the opinions and conclusions stated herein are based on my professional experience
135 and training, which I relied upon in my review of the materials, affidavits, criminal
136 complaint, and associated exhibits provided for my review.

By: /s/ Remington O.F. Mossberg
REMINGTON O.F. MOSSBERG

Subscribed and sworn to before me
this 9th day of August, 2018.

 /s/ Kristin Renee Pierre

Notary Public, Clearwater County, WI.
My commission is permanent.

AFFIDAVIT OF SAM SMITH

Being first duly sworn, Sam Smith, states the following under oath:

- 1 1. My name is Sam(antha) Smith, and I am in tenth grade at Clearwater Alternative High
2 School. I live in Clearwater with my mom, dad, little sister, and dog, Skip, at 1006 Treble
3 Lane. My family is pretty active, and we like to do a lot of things together—biking,
4 rollerblading, boating, you name it!

- 5 2. I am not a big fan of school. I've always struggled with focusing and getting my homework
6 done on time. My parents are always telling me I need to pick it up and work harder, but
7 sometimes it's so hard. My favorite class, though, is Spanish. Even though I have trouble
8 with my English class, I do perfectly fine in Spanish. Sometimes my parents joke that it
9 sounds like Spanish is my first language.

- 10 3. Everyone at school seemed tense on April 19th, 2018. While I was watching the news the
11 night before with my family, I learned that there had been a school shooting in another state
12 and fourteen kids died. Not only that, there had been a number of other school shootings
13 already this year all over the country. I remember thinking how crazy it was that someone
14 could bring a gun to school and shoot their friends, teachers, and classmates. I didn't think
15 anything like that could happen at Clearwater Alternative School.

- 16 4. I was in my Spanish 3 class on April 19th around 2:30. Spanish is my last class of the day,
17 luckily. Being in my favorite class is a good way to end a long school day. Tim Riggins
18 was also a student was also in my class. Tim and I do NOT get along with one another.
19 About a month before this incident, we got in a fight and we had not talked since. Tim had
20 copied my homework because he didn't have time to do it before class that day, and
21 somehow got a better grade than me. I was livid! I had put hours of work into that
22 assignment—and it was going to count for 20% of our final grade!

- 23 5. It would get a little awkward when we would have classes together, especially Spanish
24 class where we share a table/have desks right next to each other. We picked the seats when
25 we were still really close. We asked our teacher, Jonesy, to switch seats but we were
26 already so far into the semester that they wouldn't do it.

- 27 6. It seemed to me that Tim and another student in class, Dana McCarthy, were best friends.
28 Since Tim and I had a falling out, Tim seemed to be talking with Dana a lot more. In fact, I
29 felt like Dana and Tim were constantly ganging up on me and making fun of me. It was
30 hard to be in class every day with both of them, but there really wasn't much I could do
31 about it. I didn't think Dana McCarthy was a great influence on Tim, and when Tim started
32 hanging out with them more it certainly didn't make me want to mend fences with Tim. In
33 fact, I think Dana was a cheater, just like Tim. I heard they got in trouble at their last
34 school for it. That's not the type of person I want to be. I may not always get my
35 homework done on time, but I value honesty above all else; I would never cheat just
36 because my homework wasn't done. I would rather go down for the incomplete assignment
37 than risk my reputation for honesty by cheating.

- 38 7. There were a few times after my falling out with Tim that we got into fights during class.
39 One was probably about a month or two before the shooting happened. Kelsey Grammar,
40 the operations manager at Clearwater, had given Tim another detention. I don't know
41 exactly what Tim did to earn the detention but I'm sure that Tim deserved it. I was pretty
42 clear with Tim during that fight that I looked up to Kelsey Grammar and I probably even
43 said something about doing anything to help them. Tim and Dana McCarthy had a field
44 day with that one. They never let me live it down. I don't regret saying it though. Kelsey
45 has really been there for me when no one else would. Kelsey even told me that I could call
46 them by their first name—something I *know* they didn't let other students do! I think it's
47 because I was really proving myself to Kelsey.
- 48 8. Kelsey is one of my favorite people at the school. When I was really struggling earlier in
49 the school year, Kelsey was the one person on the staff that really helped me get back to a
50 good place. I would say that Kelsey is a mentor for me. For a few months at the beginning
51 of the school year, I was having some problems at home. My parents were arguing all the
52 time, and they would take their frustration out on me and my sister. We went from the
53 family that did everything together to the family that did everything we could to not have to
54 spend time together. There were days that I really didn't want to go home after school, and
55 Kelsey would take me to get a burger or ice cream so I didn't have to go home right away.
56 They even gave me their cell phone number so if I ever had problems come up after I got
57 home, I could reach out and get some extra help. They also made sure that I got all of my
58 work done, especially in the classes that I was behind in.
- 59 9. Kelsey wouldn't let me use any excuses and held me accountable for the homework and
60 other assignments. They would always say, "Sam, I know you're going through a lot, but
61 your education is the most important thing in the world right now." If I had to describe
62 them in a few words, I would use "tough but fair."
- 63 10. A little over a week before the shooting, I was so irritated with Tim Riggins—again. I
64 decided to write a note to Kelsey Grammar telling them that Tim had marijuana in his
65 locker. Tim usually had marijuana with him, so while I didn't know for sure, I thought it
66 was a pretty good bet that there would be something in his locker if Kelsey looked. And
67 really, it's impossible for Kelsey Grammar to see everything that goes on at school so I
68 needed to help them be the eyes and the ears when they were not around. I know Kelsey
69 appreciated it; at one point they had asked me to be their "boots on the ground" at CAHS. I
70 was happy to help. Sure enough, Tim had marijuana in his locker and he got suspended for
71 a week. I won't lie, it was nice not having Tim sitting next to me in class for a whole week.
- 72 11. Tim was back at school the day of the shooting. It was getting towards the end of the day
73 when Tim Riggins asked Jonesy to go to the bathroom. He got up and left. I remember this
74 specifically because I was glad I got to have at least five minutes without him being next to
75 me; things are just so awkward still.
- 76 12. Jonesy continued to teach us verb conjugations when all of a sudden, there was a loud
77 popping noise—it made my jump in my seat. Jonesy didn't seem concerned by the noise
78 and kept teaching.

79 13. A few moments later, Kelsey Grammar ran into the room and told us that there was an
80 active shooter and we all needed to hide. I went into full panic mode. I could not believe
81 that all of the stuff I had just seen on the news was happening in real life.

82 14. After Kelsey ran into the room, Jonesy shut the door quickly, turned off the lights, and
83 closed the blinds. The only light in the classroom was coming from the small window on
84 the door to the class. After what seemed like an eternity of hiding under the teacher's desk,
85 the door opened. It took a second, by my eyes were able to adjust and it was Tim Riggins
86 standing in the doorway looking confused. He reached towards his backpack and started to
87 open it when Kelsey Grammar shot the gun they were holding three times. Tim Riggins fell
88 to the ground instantly and didn't move again. I heard Kelsey Grammar say something
89 along the lines of "problem solved." I assumed they were talking about the active shooter
90 situation. I did not hear Kelsey Grammar say anything else about the situation.

91 15. April 19th was the scariest day of my life. I can still see those last few moments in the
92 classroom playing over and over in my head. It's been hard to sleep and to eat, especially
93 the days after what happened. I later learned that there was never an active shooter in the
94 school. I fully believe that Kelsey Grammar thought that there was, and did what they had
95 to do to protect the rest of the students. I still consider them my mentor. How could I not
96 after everything they have done for me?

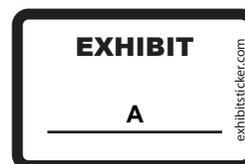
By: /s/ Sam Smith
Sam Smith

Subscribed and sworn to before me
this 29th day of April, 2018.

 /s/ Larissa Dallman

Notary Public, Clearwater County, WI.
My commission is permanent.

**INCIDENT REPORT
CLEARWATER POLICE DEPARTMENT
PO ALLANSON
SUPPLEMENT 2**



THIS REPORT IS A CONTINUATION OF THE INVESTIGATION INVOLVING INCIDENT 506908. THIS REPORT ADDRESSES EVIDENCE RECOVERED FROM RIGGENS' BACKPACK AND THE SEARCH WARRANT EXECUTED FOR GRAMMAR'S HOME AND SOCIAL MEDIA ACCOUNTS.

WE RECOVERED TIMOTHY RIGGENS' BACKPACK. IT LAY ON HIS RIGHT SIDE. PLEASE SEE ATTACHED MAP FOR LOCATION IN SCHOOL.

INVENTORY LIST OF ITEMS IN BACKPACK:

1. 0.045 GRAMS OF TETRAHYDROCANNABINOLS (THC) (FRONT POUCH)
2. "ESPANOLA" TEXTBOOK
3. "U.S. HISTORY" TEXTBOOK
4. "ADVANCED CHEMISTRY" TEXTBOOK
5. 7 FULL BOXES OF PEANUT BUTTER M&M CANDIES
6. 4 PACKAGES OF "STARBURST" CANDIES
7. 2 PACKAGES OF TRIDENT CINNAMON GUM
8. 4 YELLOW HIGHLIGHTERS
9. 2 BLUE BALLPOINT PENS
10. ONE CRUMPLED PIECE OF PAPER WITH APPARENT SONG LYRICS

THE SONG LYRICS ON THE PAPER INCLUDED: "I KNOW MY SPELLING BUT I STILL HATE GRAMMAR. YOU UNDERSTAND ME GRAM? NO JAM, JUST SLAM. YOU KNOW, I AM. I WILL. NO CHILL."

A PRELIMINARY REVIEW OF GRAMMAR'S PUBLICLY ACCESSIBLE SOCIAL MEDIA ACCOUNT REVEALED NUMEROUS STATEMENTS:

FACEBOOK:

Posted 4/4/18: "Who needs police when we have the Second Amendment?"

Posted 4/18/18: "You can either be a hero or a victim."

INSTAGRAM:

Posted 4/8/18: photograph of the text of the Second Amendment with caption in bold letters: "My right. You're wrong."

Posted 4/16/18: photograph of AR-15 semi-automatic weapon with caption "The Ultimate Defender"

INVENTORY LIST OF ITEMS RECOVERED IN EXECUTION OF SEARCH WARRANT ON GRAMMAR'S HOME:

1. REMINGTON 870, 12-GAUGE, PUMP ACTION SHOTGUN, ONE SHELL CHAMBERED (RECOVERED FROM UNDERNEATH GRAMMAR'S BED)
2. HECKLER AND KOCH VP9, 9MM PISTOL, UNLOADED (FOUND IN LOCKED CASE IN BASEMENT)
3. RUGER SR9, 9MM PISTOL, UNLOADED (FOUND IN LOCKED CASE IN BASEMENT)
4. SIG SAUER P320, .40 CALIBER PISTOL, NO ROUNDS IN CHAMBER, FOUR ROUNDS IN MAGAZINE (FOUND IN KITCHEN DRAWER)
5. 50 ROUNDS OF 9MM AMMUNITION (FOUND IN LOCKED CASE IN BASEMENT)
6. 25 ROUNDS OF .40 CALIBER AMMUNITION (FOUND IN LOCKED CASE IN BASEMENT)

FACEBOOK CHAT CONVERSATIONS RECOVERED IN EXECUTION OF SEARCH WARRANT OF GRAMMAR'S SOCIAL MEDIA ACCOUNTS:

March 3, 2018:

Mom: I'm so glad you are loving your job. That's so important and you are doing such important work.

Grammar: I take it very seriously. It's so crazy how dangerous schools have become. I have a real duty to these kids and I'll never forget that.

Mom: I'm so proud of you.

April 10, 2018:

Mom: How was your day?

Grammar: Not great.

Mom: Aww, I'm sorry to hear that. Why?

Grammar: Most of the kids are great. They really are. But, I mean, it's not surprising, there are a few who are just a huge pain in my...you know...

Mom: Well, you just have to be patient.

Grammar: I try. I really try. There's this one kid, Tim. "Big Rig." He's always getting into trouble, which of course becomes my problem. At first I thought he was just a little snot, but now, I'm not so sure it's that simple. I have to keep my eye on him.

Mom: There's no one better for the job. I'm so proud of you.



I know my spelling
but I still hate Grammar.
You understand me Gram?
No Jam, just Slam.
You know, I am.
I will.
No Chill.

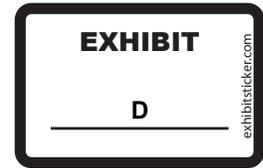
EXHIBIT

C

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Clearwater Alternative High School



School Safety Procedures

Fire Drills, Evacuations, Shelter in, Lockdowns and Code Blue

Following the plan keeps students and staff safe.

Lockdowns

"Attention: We are in a Soft/Hard Lockdown. Take proper action."

- Used if threat (i.e. active shooter) is inside the building
- **Quickly retrieve students/staff in hallway near your door and bring them into your room**
- Lock the classroom door.
- Move students/staff out of line of sight of the door (*inside closet, under desks, against wall, etc*)
- Raise the window shades so that nearby helicopters may see inside.
- Do not cover classroom door window.
- Everyone remains silent until the all clear (see "Soft VS Hard Lockdown" below)

Soft VS Hard Lockdown

Soft Lockdown-

- Used for lockdown drills
- Principal and Emergency Response Team (ERT)* can move around the building while everyone else is in lockdown.
- Lifted by PA announcement: "Attention: The lockdown has been lifted".

Hard Lockdown-

- **Not a drill** - everyone is locked in, *except for Civilian Concealed Carry License Holders (CCCLH)** and School Security*.
 - CCCLH & Security are to move directly towards the threat to attempt to neutralize the threat until Law Enforcement arrives, per CCW Training Protocol
- ERT Staff may go around classroom by classroom to announce lockdowns if a PA announcement cannot be immediately made.
- Lifted by **Law Enforcement**: Police officers will move through the building to lift the lockdown *classroom by classroom*, once the building is deemed secured.

**Emergency Response Team (ERT) – Principal-appointed school leadership, administrative, and security team members who are specifically trained on proper emergency response protocol.*

***Civilian Concealed Carry License Holders (CCCLH) – Specific members of the ERT who are state-certified to carry a firearm to respond to threats that endanger the safety, livelihood, and well-being of students and staff.*



Clearwater Alternative High School

Operations Manager - CAHS



POSITION DETAILS

Job Title: Operations Manager
Department: Administration / Support Staff
Job Category: Operations

The Opportunity

Clearwater Alternative High School is a community of educators working to build an educational environment in which students of all learning abilities are able to succeed. Join an incredible community of educators who are passionate about ensuring the success of all children while embracing a sense of urgency, a strong work ethic, and accountability for student learning. We select individuals who share our vision and are willing to put in the hard work to achieve it.

Responsibilities

- Work closely with the Principal in all operations areas including: technology, finance, data analysis, compliance, human resources, staff development, and special projects
- Plan and coordinate large scale events for the school
- Provide seasonal support to school improvement projects
- Support facilities and security management
- Manage food service operations including meal benefit applications, federal and state reimbursements, lunch bills, and compliance.
- Manage inventory and deployment systems for technology, mobile devices and supplies
- Manage purchasing and vendor relationships for schools
- Provide administrative support to school administration team including, but not limited to ordering supplies, filing expense reports, organizing files and data, planning team activities, etc.
- Complete other managerial and administrative tasks and special projects as assigned
- In addition, certain CAHS staff may be asked to assist with the mentoring and personal development of a small cohort of CAHS students

Qualifications

The ideal candidate will be a highly intelligent, driven individual with a passion for educational operations and ensuring customer satisfaction.

- Bachelor's degree required
- Major in Educational Studies, or a minimum of 2 years of relevant work experience
- Self-motivated, resourceful, detail- and deadline-oriented
- Highly organized with the ability to manage multiple projects simultaneously
- Fine-tuned analytical skills with strengths in attention to detail, problem solving, and logical reasoning
- Excellent oral and written communication skills, with an ability to communicate to various constituencies and work effectively with a variety of staff at all levels within and outside the organization



kelsey_grammar



4 likes

kelsey_grammar The Ultimate Defender
#secondamendment #protectourschools #ar15

View 3 comments

April 16, 2018

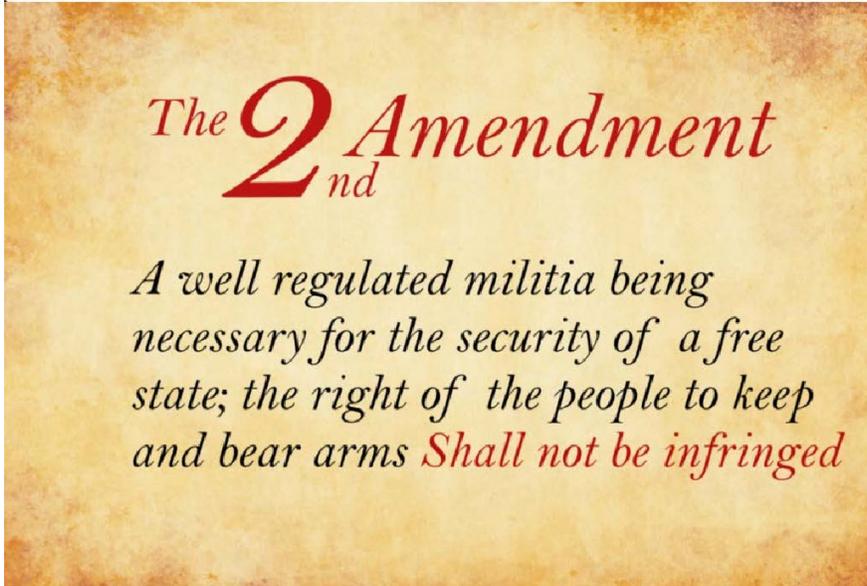




Instagram



kelsey_grammar



11 likes

kelsey_grammar My RIGHT. You're WRONG. #secondamendment #makeamericaSAFEagain

View 1 comment

April 8, 2018





Kelsey Grammar

April 18, 2018 · 🌐



You can either be a hero or a victim.



Share



Kelsey Grammar

April 4, 2018 · 🌐



Who needs the police when we have the Second Amendment?



Share





Liz Grammar

You're friends on Facebook

Studied Humanities at University of Wisconsin-Clearwater

Lives in Clearwater, Wisconsin

MAR 3RD, 2018, 5:04PM



I'm so glad you are loving your job. That's so important and you are doing such important work.

I take it very seriously. It's so crazy how dangerous schools have become. I have a real duty to these kids and I'll never forget that.



I'm so proud of you.

APR 10TH, 2018, 4:55PM



How was your day?

Not great.



Aww, I'm sorry to hear that. Why?

Most of the kids are great. They really are. But, I mean, it's not surprising, there are a few who are just a huge pain in my...you know...



Well, you just have to be patient.

I try. I really try. There's this one kid, Tim. "Big Rig." He's always getting into trouble, which of course becomes my problem. At first I thought he was just a little snot, but now, I'm not so sure it's that simple. I have to keep my eye on him.

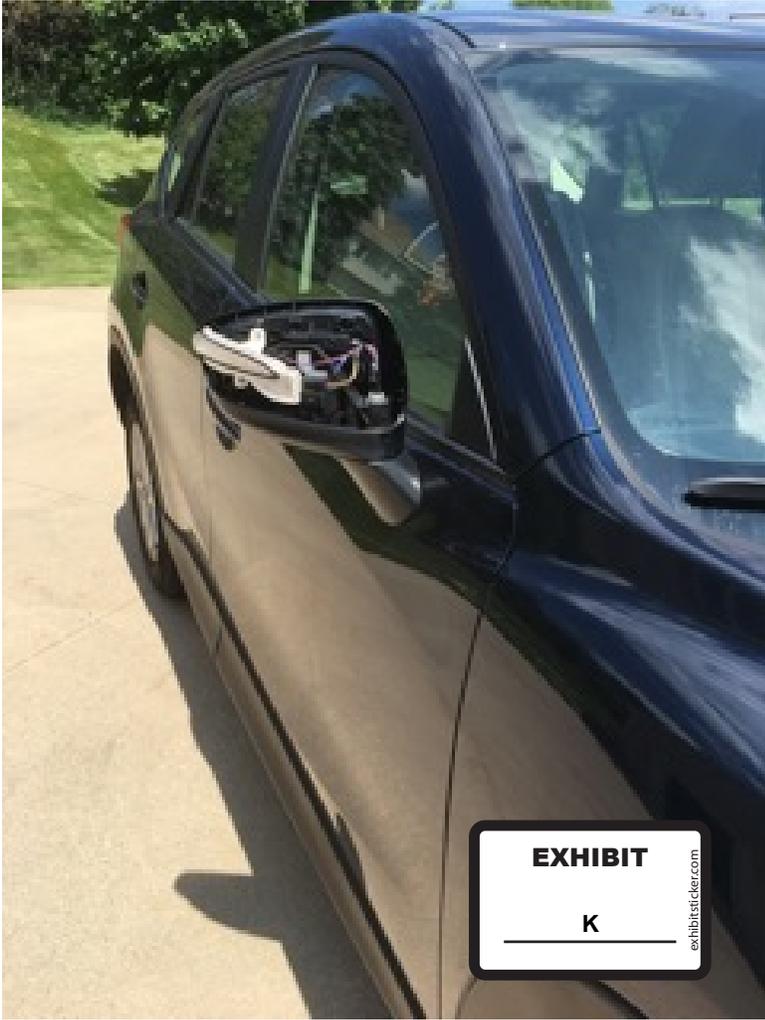


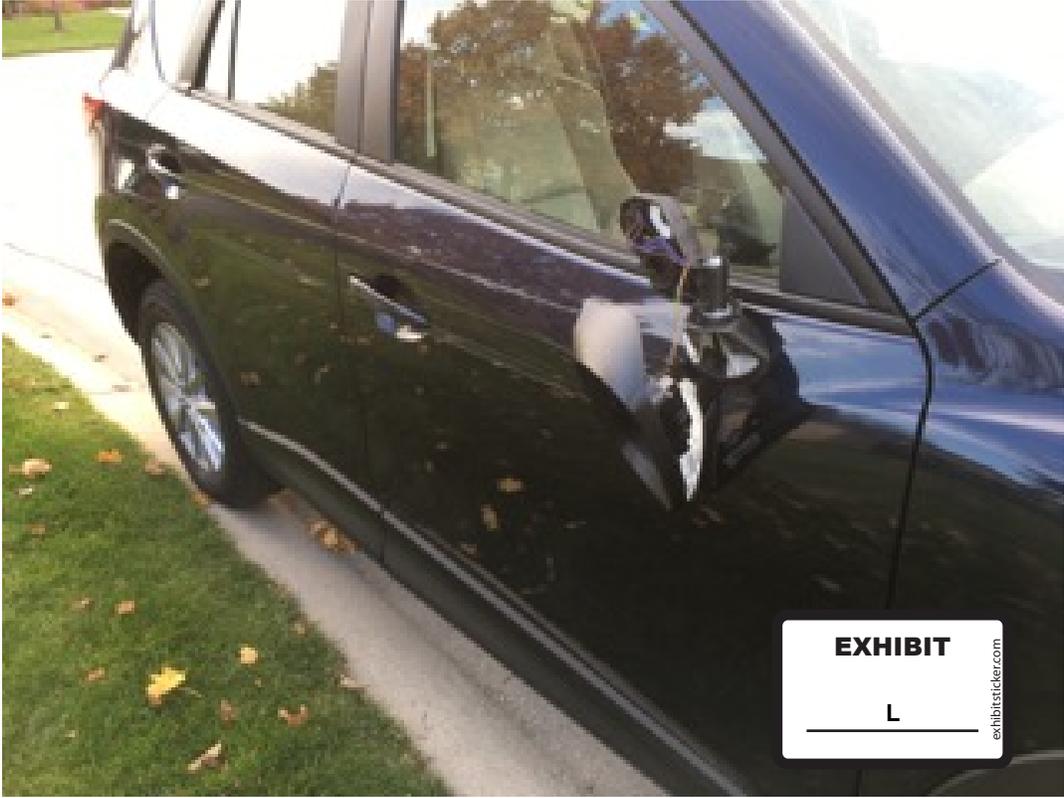
There's no one better for the job. I'm so proud of you.

EXHIBIT

J

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School Board Policy 709 – Weapons Prevention Program

Authority

In order to preserve a safe school environment for students and staff, Civilian Concealed Carry License Holders (CCLH) defined as administrators, teachers, or other employees of the Clearwater Alternative High School who are approved by the Board of Directors and have successfully completed all training and acquired all qualifications necessary to carry firearms on school district property, including all required annual qualifications. Therefore, the following rules and regulations shall be in effect for those individuals who are authorized and approved to carry weapons and govern activities of Civilian Concealed Carry License Holders when they are acting in that capacity on school district property.

The Clearwater Alternative High School Board authorizes CCLH's or those who are properly certified in accordance with the laws of the State of Wisconsin and are approved by the Board to possess particular weaponry on their person while exercising their duties.

Guidelines

Training and Qualifications for Civilian Concealed Carry License Holders

An initial training session will be conducted for use of firearms and other district issued equipment. The purpose of this session will be to completely familiarize and qualify the Civilian Concealed Carry License Holder with the weapons/instruments and the policy and procedure surrounding its use.

The initial training and familiarization session will be conducted by a certified firearms instructor or instructors from local law enforcement agencies. Annual qualification must occur to meet guidelines to carry a firearm on school district property.

A Civilian Concealed Carry License Holder shall receive training for the use of ANY weapon and any other district issued equipment they are required or authorized to carry in the line of duty. During the school day, the Civilian Concealed Carry License Holder or designated personnel shall only carry weapons that the Clearwater Alternative High School District has trained and authorized them to use.

Firearms Qualification

A Civilian Concealed Carry License Holder must qualify with their assigned firearms on an annual basis utilizing an approved course. Firearms training should include comprehensive instruction of:

1. School Board Policy 709.
2. Legal requirements.
3. Firearm safety.
4. Firearm proficiency to include malfunction clearance procedures.

All aspects of firearms training will include the Civilian Concealed Carry License Holder's on-duty weapon. Should a Civilian Concealed Carry License Holder fail to meet qualification standards, the authority to carry the weapon shall immediately be revoked by the Clearwater Alternative High School Board until such time as standards are met.

Civilian Concealed Carry License Holders may fire to qualify twice within the same day if needed. Civilian Concealed Carry License Holders who qualify on the first attempt shall not fire the course a second time. Civilian Concealed Carry License Holders who do not qualify on the first attempt shall be given every opportunity by the Firearm Instructor to immediately complete a second attempt. Civilian Concealed Carry License Holders personnel who fail to qualify on the second attempt will be required to complete a four-hour training with the Firearm Instructor within two (2) weeks of not qualifying. The Civilian Concealed Carry License Holder may then attempt to re-qualify within two (2) weeks of completing the four-hour training.

Storage –

District issued firearms will be stored on school premises in safes located throughout the school. Any such firearm shall be stored in a locked gun safe, which shall be provided by the school district. Said safe shall be capable of safely storing the weapons in a manner so as not to jeopardize the safety and welfare of unauthorized persons. Access to the school safe shall be limited to the Civilian Concealed Carry License Holder's, the Superintendent, the Curriculum Coordinator, the building principal, and assistant principal. Administrators without proper certification are prohibited from handling weapons on school property.

Maintenance of Firearms –

Civilian Concealed Carry License Holders are responsible to clean and lubricate firearms issued to them after each use or whenever the firearm has been subjected to moisture or dirt. Firearms with mechanical problems that cannot be corrected by routine cleaning must be taken out of service and sent to a qualified armorer for repair. Civilian Concealed Carry License Holders shall not make any modifications or changes to their official duty weapon.

Deadly Force –

The decision to use deadly force is one of the most serious decisions a Civilian Concealed Carry License Holder shall ever make. Civilian Concealed Carry License Holders may use deadly force only when authorized in accordance with the laws of the State of Wisconsin governing the use of such force. Civilian Concealed Carry License Holders or designated personnel need not wait until injury occurs to themselves or others before taking appropriate action to prevent it.

Discharging of Firearm –

Firearms may be discharged only during times when the life of the officer or life of another is threatened or in jeopardy of serious bodily injury or death.

Use of Force Consideration –

When determining whether or not to apply a use of force and evaluating whether a Civilian Concealed Carry License Holder has used reasonable force, a number of factors should be taken into consideration, including, but not limited to:

1. The immediate threat to safety.
2. Potential for injury to a Civilian Concealed Carry License Holder or others.
3. A Civilian Concealed Carry License Holder's ability to disengage.
4. The circumstances existing at the moment force is used.
5. Any other exigent circumstances.

Procedures for Loss, Theft, and Disposal of Firearms

Civilian Concealed Carry License Holders must report, by telephone or in person, the loss or theft of an issued firearm to the building administrator. The Superintendent will be notified immediately upon discovery of the weapon missing. Civilian Concealed Carry License Holder or designated personnel must also notify the appropriate law enforcement agency immediately.

A written report must be made to the Superintendent within twenty-four (24) hours of the loss or theft. The written report will describe the circumstances surrounding the loss or theft of the firearm.

The Civilian Concealed Carry License Holder should take immediate reasonable action to recover the firearm and to obtain all information available to aid in the investigation and recovery of the firearm.

CURRICULUM VITAE

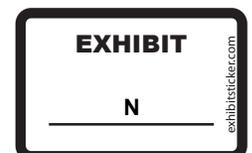
Remington O.F. Mossberg
2930 Black Cat Lane
Clearwater, Wisconsin 93029
(912) 839-2903

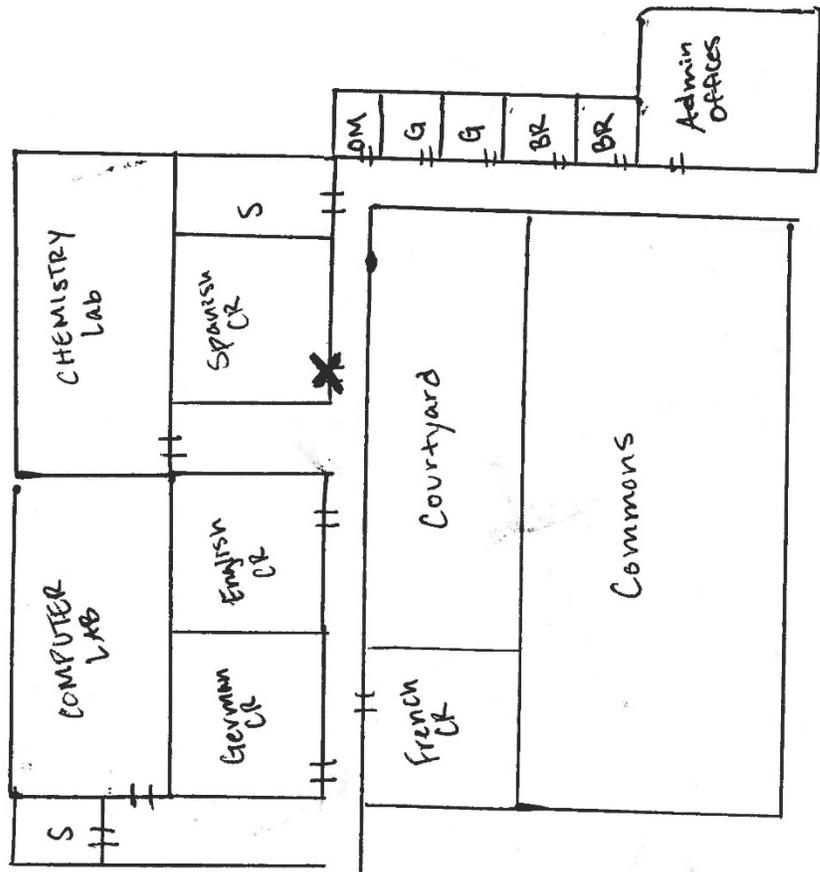
Work History:

- June 2017-Present:
 - Self-Employed as a Consultant. Providing expert testimony on firearms training and safety in both civil and criminal legal matters. Hired by both plaintiff and defense firms in civil matters. *Daubert* motions to exclude my testimony denied by multiple judges.
- February 2002-June 2017:
 - Clearwater Police Department
 - June 2012-June 2017 – SWAT Team, Captain
 - April 2007-June 2012 – SWAT Team, Member
 - February 2002 – April 2007 – Patrol Officer
- January 1990 – 2002:
 - United States Marine Corps
 - Qualified as an expert marksman consistently
 - Won marksmanship competitions
 - Earned honors as a distinguished marksman

Professional Development

- November 2008-Present: Instructor
 - Concealed Carry Courses
 - Firearms Safety Courses
 - Hunter Safety Courses
- 2002 – Present: Attendee
 - Attend continuous education courses on firearm safety, including active shooter protocols and civilian responses in active shooter situations
- 1990 – Present: National Firearms Association: Member and Instructor
 - Certified Firearms Safety Instructor





Key:
 S = Storage
 CR = Classroom
 G = Guidance
 OM = Operations Manager
 BR = Bathroom
 || = Dormway

