

The 2022 Mock Trial Case



IN THE CIRCUIT COURT OF FONDREN COUNTY STATE OF MISSISSIPPI

State of Mississippi,

v.

AVERY MCQUEEN,

Defendant.

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CRIMINAL ACTION NO: 2022-MT

NOTE: All characters, names, events, places and circumstances in this mock trial case are fictitious or are used fictitiously. Any resemblance to any person (living or dead), place, thing or event is purely coincidental.

The 2022 Mississippi High School Mock Trial case, *State v. Avery McQueen*, has been adapted from the 2016 Georgia High School Mock Trial case, *State v. Talbot Berrien*. The Mississippi High School Mock Trial Committee would like to thank Georgia for making its case available.

INTRODUCTION

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

2014 seems a long time ago. It's been seven long years since *The Choctaw Green* has been in Mississippi. The last time the painting was in-state, Casey Stokes lost his life and Kennedy Amory lost his/her freedom. Convicted of Casey's death, Kennedy was sentenced to 10 years in prison, with at least 5 to serve. With Kennedy locked up, Avery McQueen, Kennedy's deputy at the Delta Museum, moved on and has become the curator at the Alice Moseley Museum of Art in Fondren. Avery loves being in charge of such a large museum and had been looking for the next big thing for the museum. With enough time to let wounds heal, was it time to bring *The Choctaw Green* back to Mississippi? Maybe so.

In February of 2019, Kennedy is released from prison on probation and finds Avery at the Moseley Museum. They get together and catch up over lunch and a tour of the museum. Avery is proud of the security system at the Moseley Museum and speculates that if s/he and Kennedy had this set-up in the Delta, the *Green* may never had been stolen, Casey would still be alive, and Kennedy would never have gone to prison. But, with that being in the past, it was time to write a new chapter in both of their lives.

In prison, Kennedy keeps up with the goings-on of the art world. After all, s/he was a curator of an art museum for a long time. Knowing that *The Choctaw Green* is coming back out for a public appearance, and a desire to get revenge on the painting that ruined his/her life, Kennedy plots a bit of revenge on the piece. Kennedy gets connected with Ari Clement, a rich socialite who likes the thrill of a good art heist. Kennedy sells Clement on the idea of stealing *The Choctaw Green*. Kennedy then introduces Clement to Avery. After a meeting and behind-the-scenes tour of the museum while posing as a potential new donor, Clement signs off on the heist.

On March 18, 2020 (the night of the heist), Avery lets Clement into the museum, disarms the security system, and leads Clement to *The Choctaw Green*. During their movements, the night custodian, Devon Finch, sees the group walking to the gallery and mentions it to Dylan Redding, the museum's head of security and overnight guard that evening. Redding is able to see the action inside the gallery through the museum's security cameras and rushes to the gallery to stop the heist. With the painting in hand, Clement escapes through a back door and almost gets away, only to be caught by Redding in the driver's seat of his/her Lincoln Wayfinder.

Through his/her investigation, Detective Cameron Slack uncovers disturbing information that points a finger at Avery as being in on the heist. Avery, backed by Kennedy, claims that s/he was duped by the group and had nothing to do with the burglary. Is Kennedy's support of Avery payback for Avery's support during his/her trial in 2014? Was Avery really just a patsy in the entire scheme? Or is Avery selling a forgery to keep him/herself out of jail?

STIPULATIONS

1. All exhibits included in the problem are authentic and accurate in all respects, and no objections to the authenticity of the exhibits shall be entertained.

2. Stipulations cannot be contradicted or challenged.
3. There are **NO** costume options permitted as an exception to Rule 18(b) this season.
4. The Charge of the Court is accurate in all respects; no objections to the charge shall be entertained.
5. Chain of custody for evidence is not in dispute.
6. No demurrer to the indictment shall be allowed.
7. The **Introduction** provided is **of no legal consequence** in terms of the trial and **is not admissible** for impeachment purposes or for any other purpose.
8. Exhibits, 1, 4, 6, 7, 9, and 10 were made at or near the time by — or from information transmitted by — someone with knowledge, were kept in the course of a regularly conducted activity of a business, organization, occupation, or calling, making the record was a regular practice of that activity, and neither the source of information nor the method or circumstances of preparation indicate a lack of trustworthiness.
9. Exhibits 2 and 3 fairly and accurately depict the item, scene, view, photo, information, and/or geography they purport to depict.
10. The handwriting on Exhibit 5 is that of Avery McQueen.
11. The handwriting on the top of Exhibit 9(B) is that of Cameron Slack.
12. Exhibits 7 and 8 are certified copies from the Clerk's Office of the Circuit Court of Fondren County.
13. Exhibit 10 is a true and accurate copy of the ticket confirmation issued to Avery McQueen.
14. No usable DNA or fingerprint evidence was recovered from the scene.
15. Ari Clement has entered a guilty plea to second degree burglary, conditioned upon truthful testimony at Avery McQueen's trial. Sentencing has been deferred until the conclusion of McQueen's trial. If the condition is fulfilled, Clement will be sentenced to 5 years' probation. Successful completion of probation will result in no criminal conviction on Clement's record.
16. Paragraph III of Exhibit 8 reads, in part, "...the copy of said sentence which is attached hereto, and marked 'Exhibit A', and specifically incorporated herein." The referenced conviction and sentence ("Exhibit A") is provided as Exhibit 7 in the case materials and may be treated as "Exhibit A" when using Exhibit 8. The signatures on the witness statements and all other documents are authentic.

WITNESSES

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

For the Prosecution

Detective Cameron Slack
Dylan Redding
Ari Clement

For the Defense

Avery McQueen, Defendant
Kennedy Amory
Devon Finch

EXHIBITS

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

Exhibit Numbers and Title/Descriptions

Exhibit 1:	Police Report
Exhibit 2:	Map of the Alice Moseley Museum
Exhibit 3:	Detail Map of the Anderson Gallery
Exhibit 4:	Security System Log
Exhibit 5:	Handwritten Instructions for Security System
Exhibit 6:	Agreement for Loan and Appraisal of <i>The Choctaw Green</i>
Exhibit 7:	Conviction/Sentence of Kennedy Amory
Exhibit 8:	Probation Revocation of Kennedy Amory
Exhibit 9:	Miranda Forms for Ari Clement
Exhibit 10:	Airline Reservation for Avery McQueen

INDICTMENT

STATE OF MISSISSIPPI
COUNTY OF FONDREN

CRIMINAL ACTION NO. 2022-MT

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

COUNT ONE: BURGLARY IN THE SECOND DEGREE (Miss. Code Ann. § 97-17-13)

On or about March 18, 2020, in Fondren County, State of Mississippi, AVERY MCQUEEN did, break and enter into, in the day or night, a building or private room or office therein, in which valuable things are kept for use, sale, deposit, or transportation, with intent to steal therein, or to commit any felony, in violation of Miss. Code Ann. § 97-17-13.

TRUE Bill

Filed in office this 16th day of June, 2020.

/s/ William Sherwood
Foreperson

/s/ Tammy Ryan
(Deputy) Clerk, Circuit Court of
Fondren County, Mississippi

Defendant, on October 25, 2020, being in open court, pleads **NOT GUILTY**

/s/ Avery McQueen
Defendant

/s/ Jack Allen
Attorney for Defendant

/s/ Kye Davidson
Prosecuting Attorney

STATEMENT OF CAMERON SLACK

1 My name is Cameron Slack. I grew up in Mississippi, and growing up, I was always fascinated
2 with true crime stories, so naturally, after getting my Criminal Justice degree, it was my dream to get
3 a job as an investigator with a specialization in crime scene investigation. I worked for the Mississippi
4 Bureau of Investigation (MBI) for five years. While I worked there, they sent me to the National
5 Forensic Academy (though everyone knows it as the "Body Farm"). I also received training in witness
6 interviewing techniques.

7 After I left the MBI, I got a job here at the Fondren Police Department, rapidly rising to the rank
8 of detective. I brought with me all of my experience in processing crime scenes and interviewing
9 witnesses, but I really enjoyed slowing down. Most of all, it was nice to have a little bit of the small-
10 town atmosphere with all the amenities of a big city, like the Moseley Museum of Art.

11 Fondren is an interesting town. It's small and can be lost on the map but it has a lot of activity
12 like a big city. Enough to keep the police force busy, for sure. One of the big city pieces is the Moseley
13 Museum of Art. You'd be surprised at what all it's got inside, things you'd expect to find in Chicago,
14 Los Angeles, even New York City. Because of its stature in the community and the value of its massive
15 collection, it ranks as one of the police department's first-response priorities. What this means is that
16 we have established a direct connection to The Moseley's security system and private security
17 personnel, and treat calls from their facility with highest priority. This is the same arrangement
18 departments have with banks, schools, hospitals, and other significant entities in our jurisdictions.

19 The Moseley Museum has a top-notch security arrangement, with modern equipment for door
20 and window alarms, motion detectors, glass break monitors, and an HD video system integrated with
21 all the other systems to a DVR recording system. All external and internal secure doors are controlled
22 by a card swipe access point. Many exhibits (paintings, cases, etc.) are locally monitored and linked to
23 the central Sentryway system through hardwire and Wi-Fi links. All of this is controlled from a central
24 security office as well as a remote-control option through a secure smart phone app. In addition, it
25 includes a direct alarm connection to the FPD dispatch. If an alarm is triggered on the museum
26 property, depending on the time of day and status of their operation, it will either sound in the control
27 room (where it has to be acknowledged within a certain timeframe before going "live") or go live in
28 the building. The internal delay is usually used while the museum is open to the public and after closing
29 when there is still activity. Once the building is completely shut down for the night, some parts go to
30 an active-live status; this would be for external doors, specific interior spaces, and specific pieces (like
31 the "priceless" ones). Of course, any "typical" status can be altered by the security staff through the
32 system to allow movement or other activity outside normal operations.

33 We don't get notice of the local alarms. However, when their system goes live, we are
34 immediately dispatched. At that point, we must respond before they can clear their system. The
35 system does have an option of a manual "go live" override command; it can be triggered either from
36 the control room or the app. This would be akin to the panic button on a home system, sounding the
37 sirens and calling the police at the same time.

38 We conduct regular testing of their system to make sure everything is in working order.
39 Unfortunately, we have dealt with false alarms from the museum. They recently upgraded their

40 system to the latest version and some of the false alarms can be attributed to the learning curve.
41 However, there have been other times, typically while on the most sensitive overnight setting, when
42 the system wasn't disarmed properly before disturbing a sensor: someone moved through a secured
43 area's motion detectors or opened a door that was locked and armed for the night.

44 Fortunately, we haven't had any real calls for an active criminal attempt. The museum's track
45 record for honest security threats has been perfect; no thefts, no break-ins, no stowaways sneaking
46 around at night. Except for the one last March.

47 On March 18, 2020, I was alerted to a 459A call (burglar alarm) at the Moseley, so I got there
48 as fast as I could. When I arrived, the uniform officers already had Ari Clement in handcuffs in the back
49 of a squad car. I also noticed the object of the heist – *The Choctaw Green* – was sitting in the back of
50 Clement's Lincoln Wayfinder. I noticed two people chatting at the bottom of the stairs leading from
51 an open rear door to the museum, one of whom was in a security guard uniform: Dylan Redding, the
52 night shift security guard at the museum and Avery McQueen, the museum's curator. This was all on
53 the west side of the museum.

54 The first thing to do was to secure the scene. If anyone could come and go as they pleased,
55 there might be problems with collecting the evidence.

56 Next, I tried to process the scene. As you can imagine, processing a crime scene in a museum
57 filled with rare and timeless paintings, sculptures, and artifacts can be tricky. Normally, we would
58 "dust" for fingerprints, but McQueen told us in no uncertain terms that we couldn't make that much
59 of a mess in the gallery. As it turns out, Clement was wearing gloves anyway. We tried to test for some
60 DNA, but with all of the visitors that had been in and out of the gallery, we couldn't find anything that
61 we could test.

62 As I mentioned before, they have video surveillance set up around the museum, so I asked
63 Redding to assist in collecting the recordings from when the painting was reportedly stolen. Redding
64 told me that when s/he checked the monitors after his/her walk-through, the cameras had been
65 turned off, which apparently had stopped the DVR, so there were no recordings.

66 While CSI tried in vain to come up with fingerprints or DNA, I started gathering evidence the
67 old-fashioned way. Unfortunately, the museum had closed by the time the heist went down, so there
68 weren't any patrons to help me out. The first witness I interviewed was Redding. Redding said s/he
69 was by him/herself working the night shift, and the only other person who was supposed to be in the
70 exhibit area of the museum was Devon Finch, the custodian supervisor. A second cleaning crew
71 member, Liz Handy, had called in sick just before the shift. I confirmed her whereabouts and
72 eliminated her possible involvement. Redding also said that McQueen had access to all areas of the
73 museum, but Redding was usually informed ahead of time when McQueen would be on premises after
74 hours.

75 Redding said that s/he had just come on for his/her shift, and was just finishing the preliminary
76 evening walk-through. During the evening walk-through, there aren't supposed to be any special
77 guests – there was a protocol for these sorts of things. That night, Redding was walking back to the
78 security office and passed Finch when Finch said something about an unscheduled after-hours tour
79 being conducted by McQueen. Redding said that McQueen has violated protocol like this in the past
80 by not properly scheduling after-hours visitors. Redding said s/he has attempted to have discussions
81 with McQueen about this but to no avail. Once Redding learned of the tour, s/he hurried back to the

82 security office and found the monitors to the cameras turned off. As curator, McQueen has access to
83 the security office; Redding assumed McQueen turned off the cameras in an attempt to cover up the
84 tour and not have to get into it with Redding again. I made a note to ask about the cameras being off
85 when I talked to McQueen next.

86 Once Redding saw the monitors off, s/he said s/he was able to get the gallery surveillance video
87 up and running quickly enough to see McQueen being knocked down and dragged across the floor of
88 one of the galleries on the second floor. S/He attempted to activate the general building alarm and
89 ran to the gallery. Finch, having seen Redding rush by to the 2nd floor, caught up with Redding outside
90 the main entrance to the gallery. Redding sent Finch to cover the second entrance to the gallery. At
91 the main gallery entrance, Redding realized the building-wide alarm was not sounding and tripped the
92 system live alarm from his/her phone app. Redding then heard an exit door's local alarm sound (a
93 different pitch than the building alarm), confirmed the breach on the app, and went immediately
94 towards that door. Redding saw McQueen at the bottom of the stairs, looking like s/he was trying to
95 give chase after Clement, who was about 50 yards ahead. However, it looked like s/he was still
96 recovering from a blow to the head and was unsteady. Clement was in a Wayfinder, trying frantically
97 to get the car started but it would not turn over. Redding saw a second figure running through some
98 nearby bushes, but s/he figured the best thing was to apprehend the individual in the car. S/he said
99 Clement chuckled as Redding neared the car, and surrendered after a "bit of pain compliance".
100 Redding's Phaser was recovered next to the Wayfinder's driver-side door.

101 McQueen had fully come to by the time I arrived, and s/he appeared to be pretty shaken up.
102 S/He said that after being dragged across the gallery, s/he saw Clement and a second unidentified
103 individual taking *The Choctaw Green* off the wall, and s/he tried to stop them. S/He said no alarms
104 sounded as the painting was unplugged from its security cord, nor did s/he hear any alarms as they
105 left the building. As s/he got through the door, s/he must have slipped and flew headlong down the
106 steps; that's the last thing s/he remembers before waking up to the sirens. I asked him/her why the
107 alarm hadn't gone off, and s/he responded that s/he had been complaining ever since s/he arrived at
108 the Moseley Museum, that with all the great works they had there, they really needed to upgrade
109 their security system. McQueen said they had just done an upgrade, including installing the new app.
110 S/He said s/he didn't know that the system would automatically switch to passive-mode when the
111 motion detectors or the monitors were turned off. S/He said, "The upgrade in technology is great, but
112 they have to let us know when key things change after an update." When I asked Redding about this,
113 Redding told me that s/he and McQueen went through the same training class about the system and
114 that disarming the entire system required a separate action from disarming individual parts.

115 I also spoke with Devon Finch, the only other witness in the museum. I got the impression that
116 things weren't going so smoothly inside of the museum. Finch said that the Redding was pretty rough
117 around the edges and had a hard time getting along with McQueen. However, Finch did say that
118 McQueen seemed strangely nervous the night of the theft. Finch said that the Anderson Gallery, where
119 *The Choctaw Green* exhibit was about to open, was having its final set-up before the grand opening
120 the next evening. However, s/he hadn't gotten to that section of the museum yet in his/her cleaning,
121 so s/he couldn't attest to the status of the system on the 2nd floor.

122 I remember thinking it looked like a one and done – Clement suckered his/her way through the
123 doors and almost walked back out with the painting. All I had to do was write the report. My resolution

stats weren't looking too good for the year, so I was ready to put this one in the "win" column. I wasn't expecting Clement to add much to the story since s/he was caught in the act. But there was something nagging me about the heist... it almost seemed too easy, too... scripted. My Spidey-sense was tingling, but I couldn't quite put my finger on what was bothering me. In retrospect, I'm glad I trusted my gut.

Once I finished at the museum, I went to headquarters to interview Clement. After reading him/her his/her Miranda Rights (you know, like you see on television), s/he grinned and asked for his/her attorney, so I left. I guess there wasn't anything for him/her to add to the story after all. However, a few hours later, I got word that Clement was asking for me. I went back and his/her attorney hadn't shown up yet but Clement wanted to talk. I had him/her sign another Miranda form and s/he asked about a deal. I told him/her I could pass a good word along to the DA's office about his/her cooperation but I had to hear what s/he had to say first. Clement opened up right way. And s/he threw McQueen under the bus to boot, claiming the whole heist was McQueen's brainchild. Clement explained how s/he planned to go to the museum to pose as a rich art collector and donor as part of a private, after-hours tour. Clement explained another individual, Kennedy Amory, introduced the idea of the heist and brought McQueen into the group. Amory was supposed to be the driver that night but never showed up. Clement said that McQueen and Amory were long-time friends and had a history with this painting. The plan was for Clement and this other guy (who s/he only identified as "Tiny" and claims to have no knowledge of his current whereabouts) were to be driven to the museum by Amory. McQueen was going to get them into and through the museum under the cover of this after-hours tour, to give them access to the painting. Clement said McQueen provided him/her with written instructions on how to deactivate the door alarms through McQueen's phone app. McQueen getting hit and dragged was part of the act that McQueen insisted on, to give him/her cover for the cameras.

Clement said that, except for Amory not showing up, everything went according to plan. As the museum was closing, McQueen led him/her and Tiny up to The Anderson Gallery and McQueen was "knocked out" and dragged. Clement said Tiny did that part and was careful not to really hit McQueen too hard. Clement put on a pair of cloth gloves to remove the painting and hand it over to Tiny. Tiny and Clement were to take the painting and leave through the side exit, which they did, and McQueen would "chase" them to cover up the heist. Clement said once s/he and Tiny were at the bottom of the stairs, the building's main alarm sounded and Tiny cut and ran through the bushes on the right and was "gone into the night". Clement said s/he saw McQueen slip at the top of the stairs and tumble to the bottom; s/he was sure that's where the real hit to the head happened. According to the plan, McQueen was supposed to keep quiet for a little while to give Clement time to get him/herself and the painting to Luxembourg. Like the attempted theft of the last Faberge egg, they were seconds away from pulling it off.

Now I had a new story to pursue and a new subject to find. As luck would have it, a few days after interviewing Clement, Amory just showed up at headquarters. I guess s/he felt the need to confess his/her sins. S/He confirmed that s/he was supposed to be the getaway driver but backed out. Amory, I presume because of a new-found conscience, said that s/he had to come forward and give his/her side of the story, including how s/he voluntarily withdrew from the conspiracy. Amory also stuck up for McQueen, saying that s/he used McQueen for access to the museum and McQueen had nothing to do with the heist. Amory explained how s/he introduced McQueen to Clement a few weeks

prior and they got McQueen to take them on a visit through all of the spaces a week before the heist. McQueen claims s/he thought s/he was courting a new big-money donor. Amory said s/he never intended for McQueen to know what was going on, and s/he certainly didn't intend for McQueen to get hurt. Afterwards, I had a little chuckle because s/he let it slip that s/he knew Clement had already confessed; the only reason Amory came forward was because s/he knew his/her goose was already cooked and s/he may as well try to save McQueen's goose as well. S/He certainly didn't seem to want to go back to prison. Too bad his/her probation got revoked.

After looking into McQueen more, I found out s/he booked a trip to Tahiti to leave a few days after the heist; just enough time for Clement to get away and to sell his/her story. I also found that the loan agreement for *The Choctaw Green* was signed right after Amory met with McQueen the first time. If Clement is right, this must have been when Amory and McQueen hatched the original plan. It's also the same time the trip to Tahiti was booked. Amory then brought in Clement, got Clement together with his/her old friend – who had access to *The Choctaw Green* – and the plot was afoot.

I went back to check on the surveillance video to see if there was any evidence of interactions between Clement and McQueen before the theft, but by the time I learned about this, the recordings were gone. That's not unusual; I know a lot of places only have a finite amount of space to keep things like recordings. Cell phone companies don't keep text messages very long, and stores don't keep surveillance recordings very long; they just don't have the space, particularly in the days of HD videos, etc. Plus, I was looking for video on dates other than when the heist occurred, so there was no reason for the museum to attempt to save anything that far back. The CSI techs found McQueen's phone in a corner of the Anderson Gallery along with a pair of cotton gloves. These are the same types of gloves found in the restoration lab at the museum and the type that McQueen and Clement used during the first after-hours-visit with Amory. Clement was arrested with a pair of gloves on his/her hands; s/he must not have had time to take them off before getting in the driver's seat.

McQueen and Amory tell a compelling story but they just don't make sense. How gullible could McQueen really be? Con jobs are great for the movies but real people like this don't fall for them. This couldn't have happened without someone on the inside helping them out. With only three people in the building at the time, and proof that McQueen was the one who disabled the system, McQueen is the key for making this all work.

WITNESS ADDENDUM

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

Signed,

Cameron Slack

Cameron Slack

SIGNED AND SWORN to me at 4:45 PM, March 23, 2020.

C.M. McCormack

C.M. McCormack, Notary Public

STATEMENT OF DYLAN REDDING

1 My name is Dylan Redding. I have worked as a security guard at the Moseley Museum of Art
2 on and off for the past 10 years.

3 At first, I only worked part-time while I was a student at the Moseley Institute of Art and
4 Interior Design, which is associated with the museum. In those days, I'd fill in for a day shift here, or
5 an overnight shift there—whatever was needed if one of the regular crew was on vacation or was
6 taking sick leave. As an art student, these shifts were in some respects an exercise in serenity, being
7 amongst great beauty and being able to spend hours analyzing each brush stroke.

8 Of course, it would never do to get too hypnotized by the great masters. Stay in one place too
9 long, even in my youth, I'd get stiff and wind up moving from one gallery to the next like a walking
10 tree. Better to strike a yoga pose periodically to stretch the muscles a little. And, by day, there's the
11 ever present need to stay wary of even the friendliest of visitors. That toddler in the stroller may look
12 cute to his mom, but to me, he is the potential for projectile vomit just waiting to devalue the Jackson
13 Pollack. We've seen what a 12-year-old kid can do to a million-dollar painting; when you trip, please
14 don't use the painting to break your fall! Paulo Porpora would appreciate it.

15 By night, there's more of a danger of being tricked when you're in there practically by yourself.
16 I learned a lot about that when I was away in Chicago at the School of the Museum of Fine Arts, earning
17 my Master of Fine Arts degree. It had been over 20 years since the guard let a couple of thieves posing
18 as police officers into the Isabella Gardner Museum in the middle of the night, but people were still
19 talking about it and still looking for the missing masterpieces, which include paintings by Rembrandt,
20 Vermeer, and Degas.

21 After completing my MFA, I came back to Fondren, hoping to teach at the Moseley Institute
22 and establish myself as the artist known as Blinksy. So far, however, all I've been able to get is a gig as
23 an adjunct professor. When you consider all the hours put into course prep, teaching, meeting with
24 students, and grading, the pay is probably less than minimum wage. And the sales of Blinksy paintings
25 have been kind of hit or miss, depending on the gallery shows in which they are placed.

26 So, to pay the rent, I'm back doing security again at the Moseley Museum—now as a full-time
27 gig, working the shift that spans the twilight period (when the museum is closed to the public, but
28 there are still various employees in the building finishing up their work activities and getting the place
29 ready for the next day) and overnight when the museum is completely closed to all but security
30 personnel.

31 When you think about it, security is the most important aspect to preserving a museum's
32 assets, which are far more valuable than what's contained in any bank in the city. And while the vision
33 of helicopters hovering over the building, with rappelling commandos descending through broken
34 skylights might make for great drama in a caper movie, it's not a particularly likely scenario for a
35 museum heist. More probable is a thief entering as an ordinary admission-paying visitor and finding a
36 place to hide before closing time. Then, after hours, perhaps in collusion with a dishonest employee,
37 the hideaway thief grabs a valuable item or two and makes a getaway through an emergency exit.

38 So, from a security standpoint, the museum has three operating modes—1) when it is open to
39 the public, with most alarms turned off except for some particularly valuable or controversial

individual objects (also usually roped off with stanchions) and various exhibit cases that remain armed; 2) a twilight period, when a few guards are present, most perimeter alarms active and most interior alarms are off, but activity is occurring—staff is working in the galleries after the public has left, the custodial crew is cleaning and turning over the spaces for the next day, designers are measuring for the next show, and, on very rare occasions, special VIPs—particularly potential high-end donors—get “behind the scenes” tours from museum officials; and 3) overnight, when it is closed to everyone, with all the perimeter and interior alarms activated and the building essentially vacant except for security.

That kind of tour is what I observed one afternoon about a year or so ago, on March 25, 2019, just as I was coming in to start my shift. Avery McQueen was giving Kennedy Amory a tour of the galleries, even going behind the scenes to the lab and the security control room. At that point I’d never met Amory in person, but I knew about the history of McQueen and Amory in 2013 from my days as an art student.

As a matter of fact, I believe they were talking about *The Choctaw Green* when I came upon them that afternoon. Amory was saying something to the effect of: “As much trouble as that painting ever caused me, it would be great to have it in my hands again.” At that point, it looked like McQueen was in the process of showing Amory all the bells and whistles on the Moseley’s security system, which is not typical for VIP behind the scenes tours. However, I figured it related to their roles in the events that led to the establishment of a museum security protocol called the “Delta Rule,” which requires that all artworks are properly secured, even while they are in out-of-sight, out-of-mind areas.

When I came into the room, McQueen and Amory immediately ceased their conversation. I thought maybe McQueen was put out with me for interrupting, so I apologized for disturbing them. McQueen very briskly introduced me to Amory, calling him/her an old colleague from their Delta Museum days. And I guess because I’m in security, McQueen prattled on to Amory about how much more advanced security is at the Moseley Museum, compared to Delta. Normally, it would have struck me as a breach of protocol to give away so many security system details, but despite Amory’s recent incarceration, I figured it was inside baseball talk amongst museum professionals. Plus, McQueen and Amory have a long personal and professional history, so I figured it would be okay.

I started having some doubts about that approximately a week later, when I found out third-hand that McQueen had actually made arrangements to bring *The Choctaw Green* back to Mississippi for an exhibit at the Moseley. Because museum security is integral to every stage of the planning for an exhibit of a piece like *The Choctaw Green*, it seemed very odd to me to find out about it only after the fact. I’m supposed to be kept in the loop on things like that. Needless to say, I was not happy.

I didn’t see Amory again until March 5, 2020, when s/he showed up again at the Moseley, not only with McQueen, but also with Ari Clement, that poser whose photos are always in the society pages of the Fondren Gazette—toasting with champagne at fundraising galas to raise money for Ebola research, that kind of thing. It’s not unusual for McQueen to lead entitled rich people who might be convinced to underwrite a new exhibit on a private tour. But I’d never before seen McQueen showing off aspects of the security system to a potential donor. What I saw reminded me of the visit a year earlier with Amory.

I spotted them about 4:30 p.m., just as I was beginning my shift. I was in the security control room, where the cameras all throughout the museum are monitored. Suddenly an alarm went off – one of the ones that sound when a painting is removed from its mount. That triggered the monitor to

82 shift to the camera trained on that painting. I saw McQueen demonstrating to Amory and Clement
83 how the alarm can be turned off with a phone app, which s/he did and then reset the alarm. The way
84 our system is set up, when a local alarm sounds, like when a painting is removed from its mount, a
85 door is opened, or a display case is breached, the alarm sounds in the security control room and on
86 the phone app. If we don't acknowledge the alarm within a certain timeframe, it then trips the general
87 alarm in the building and contacts the police department directly. When the tour with Amory and
88 McQueen continued into the security control room, I confronted McQueen about tripping the painting
89 alarm without letting me know first. I know it was impolite to have it out in front of guests, especially
90 potential donors. However, I needed him/her to understand the seriousness of the breach of protocol
91 and policy. I told him/her that it just about gave me a heart attack when I heard that alarm go off. Plus,
92 creating a false alarm like that subverts the entire system and takes away the focus from real threats.
93 McQueen hissed at me under his/her breath that if I had a problem, I should bring it up privately, and
94 not in front of potential donors. I found it very disturbing that McQueen was giving away so much
95 information about our security protocols. With Amory, it was one thing. With Clement, it was
96 completely different.

97 That was particularly apparent after what happened on Wednesday, March 18, 2020. What is
98 the saying about "fool me once, fool me twice"?

99 As I mentioned before, in the evening there is a security walk-through when tests are
100 conducted prior to the final closing of the building and setting of the alarms. In this walk-through, all
101 potential hiding places must be examined, and detectors must be checked because they can be
102 defeated by dishonest employees putting something in front of them or by misaiming the detectors.

103 I had just finished my walk-through when I came out of the Haley Jane Gallery where the
104 custodian, Devon Finch, was mopping. When I said, "Hi," to Finch, s/he responded, "Hi, Mr./Ms.
105 Redding. I see Mr./Ms. McQueen is on another nighttime tour with one of those people." I responded,
106 "What do you mean? What people?" Finch explained, "S/He just walked by with the really nicely
107 dressed one gentleman/lady from a couple of weeks ago, you know, when you got upset about the
108 painting alarm. They just headed that way a minute ago," pointing up the stairs to the second floor.
109 S/He continued, "Mr./Ms. McQueen was talking about the new *The Choctaw Green* exhibit and
110 something about getting out of town. I wish s/he would put these visits on the schedule so I know to
111 go back through to make sure it's all in order."

112 McQueen knows what time the walk-through is conducted, and that s/he is not to have any
113 special VIP visitors in the building during the walk-through, and certainly not after the time the
114 museum is completely closed to all but security and cleaning personnel. I know McQueen has security
115 override clearance, so s/he can go into any gallery or door after it has been armed for the night, but it
116 certainly defeats the purpose of the security sweeps to contaminate cleared spaces with a visitor like
117 Clement. At this point, the hairs on the back of my neck stood up and this didn't feel right.

118 I ran to the security control room, planning to find them on the monitors as they headed for
119 the Anderson Gallery, where *The Choctaw Green* exhibit was about to open. My thinking at that point
120 was to watch them from there and see when they left, so I could go back and re-secure the gallery.
121 And, I didn't trust Clement. I wanted to see what this fool was up to.

122 But when I got to the room and looked at those monitors, I realized the cameras for the
123 walkway and the gallery had been turned off. After I flipped the control to turn them back on, I could

124 see what appeared to be McQueen being knocked down and dragged to the corner of the gallery by a
125 third person I didn't recognize.

126 Rather than calling 911, I hit the manual building alarm button, knowing it would automatically
127 dispatch the Fondren Police, and ran out of the room heading to the gallery, not realizing that the
128 general alarm had been disabled. That dawned on me as I got to the top of the stairs near the gallery
129 and realized the alarm wasn't sounding in the building. McQueen must have disabled the general
130 alarm when s/he turned off the motion detectors in the gallery and the cameras along their way. S/He
131 knows all about the new Sentryway system and its functions. S/He knows how the app works, too. We
132 were in the same training together when the app-controlled system was installed. I don't believe for
133 one second that taking the system down was an accident.

134 As I neared the Anderson Gallery entrance at the top of the stairs, I stopped to check my phone
135 app to see why the alarm wasn't sounding. By this time Finch, who had seen me running, caught up
136 with me and asked what was going on. I quietly told Finch what I saw and told him/her to carefully
137 sneak around through the other galleries to watch for them and make sure they don't come out
138 through the Waltman entrance. I didn't know what Finch was going to do if s/he ran into them leaving
139 but I figured s/he could slow them down enough for the police to get here.

140 As soon as Finch took off, I reset the system. A minute later, I heard yelling from inside the
141 gallery and heard an emergency exit door alarm sound. I didn't acknowledge it (so it would trip the
142 general alarm) and headed that direction through the gallery. The alarm sounded as I got to the middle
143 of the gallery. No one was in the gallery and *The Choctaw Green* was gone. I ran into the Waltman
144 Gallery and the emergency exit door on the back wall, which leads to outdoor steps, was just closing
145 as I got to it; its alarm was squealing loudly. I ran through the door and saw Clement running across
146 the parking lot with *The Choctaw Green* in-hand, towards his/her Wayfinder, about 50 yards away.

147 McQueen was lying on his/her side at the bottom of the steps, looking bruised and woozy, but
148 still conscious enough to shout that s/he had been running after the thieves, who obviously had
149 escaped through that door, but s/he had tripped down the stairs. I also noticed that there was a
150 thrashing sound in the bushes at the building foundation, like something was crashing through them,
151 trying to get away.

152 I raced down the steps past McQueen. I didn't want to waste time stopping to check on him/her
153 because I was heading toward Clement, and drawing out my Phaser. I didn't have time to look through
154 the bushes for the someone else since I had Clement in my sights red handed with *The Choctaw Green*.
155 I got to the Wayfinder just as Clement got in the front seat and aimed my Phaser, which I deployed to
156 stun him/her. I held him/her for the police, who showed up about a minute later with lights and sirens
157 blazing. As the first officer squealed to a stop behind the Wayfinder, I looked back towards the stairs
158 and saw Finch sitting with McQueen on the steps. McQueen was still a bit woozy and almost looked
159 like s/he was about to cry. Finch asked me if I saw McQueen's phone anywhere, but I never did. I don't
160 think Clement had it on him, but s/he could have tossed it in the bushes on the way to the car.

161 Looking back, I now suspect that McQueen disarmed the security system on purpose. How else
162 could they have gotten that far into the building, unhooked the painting, and left out the back door
163 without anyone being the wiser? Had it not been for Finch seeing them heading towards the gallery,
164 we never would have known anything was wrong until *The Choctaw Green* was already gone and
165 McQueen was on a beach in Tahiti. It's the only thing that makes sense. You know what they say about

166 museum security? Ninety percent of all thefts are inside jobs. McQueen was the inside connection for
167 this one. I'm convinced McQueen is guilty.

168
169 **WITNESS ADDENDUM**

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

172
173 Signed,

174 *Dylan Redding*
175 _____

176 **Dylan Redding**
177

178 SIGNED AND SWORN to me at 10:15 AM, March 23, 2020.

179
180 *C.M. McCormack*
181 _____

181 C.M. McCormack, Notary Public

STATEMENT OF ARI CLEMENT

I live in the 25th floor penthouse condo at 21 Highbrow Street in Jackson, which I keep at 68 degrees Fahrenheit and 30% humidity year-round, per art gallery specifications. My name is Ari Clement. I'm 27 years old. I believe in taking care of myself with a balanced diet and rigorous exercise routine. Every morning I exercise for one hour, then take a shower for 12 minutes, including full body exfoliating and moisturizing. For breakfast, I have two poached quail eggs with truffle butter melted with champagne steam and one cup of Kopi Luwak coffee, the kind that has passed through the system of a cat-type creature to remove the coffee's customary bitterness. At least that was before – now I'm awaiting sentencing because I believed that Kennedy Amory and Avery McQueen knew what they were doing. What a farce!

I was born with a platinum spoon in my mouth. Prestigious schools, organic food, only the finest dentistry, monogrammed everything – no expense was spared on my education and upbringing. If I was better at feeling human emotions, it's possible I might feel guilt or regret about the way I turned out. My family told us we could be anything we wanted to be; my sister chose scientist and she's in Africa researching Ebola. I chose crook. "Get in where you fit in," as the saying goes, though I always considered myself more of an unofficial diplomat.

Power and privilege beget power and privilege; it's a self-created and self-sustaining cycle. That's why I was attracted to art in the first place. It's deeper than all that and has its own meaning. Value, like everything else, is largely a social construct. There's no intrinsic value in material things, but those things are assigned value in society. Knowledge is assigned value, also, and everyone knows knowledge is power. Take me, I'm a strategy consultant. What does that even mean? It means I bring home wheelbarrows full of money and I know the right people. But it doesn't "mean" anything. Not the way art does.

You need someone like me in your corner if you want to play the long game in art heists. I mean, look at the Scream stooges or those poor boys in the Boston fiasco whose mother might've burned irreplaceable artwork in her oven! Good thieves, but lousy businessmen. There isn't a market for stolen art if you don't know what you're doing. Fortunately, there's a seedy underbelly of society with a massive infrastructure of its own. I just happen to have been its CFO. That's why Amory came to me.

As you can imagine, being filthy rich gets tedious and boring, so when Amory rang as I was stepping out of my saltwater pool, I thought, why not entertain the idea of a minor art-napping? Amory's plan sounded simple enough – scope out the place while posing as a potential patron of the arts, and if the stars align, use our inside man to help with disabling the security and pulling off the heist. I wasn't familiar with *The Choctaw Green* at first but the more I looked into its pedigree and the history behind the subject, the more I fell in love with it. At first, I was bouncing back and forth between what to do with it once I had it: sell it on the market or keep it for my own collection? I could get a pretty silver dollar for it if I played it right, especially on the European market; they love American historical pieces over there. I could decide that at a later time; I had to focus on getting it first. Amory would be the art expert, making sure the painting was real (who didn't hear about that recent unpleasantness in 2013?), and helping with the fencing of the piece afterwards. McQueen was our

inside connection, although I do admit I was a bit uneasy when I was told we needed to assault McQueen before we left. I figured we would just lock McQueen in a broom closet, but I guess McQueen wanted plausible deniability.

Amory arranged a lunch meeting with McQueen and me for March 5, 2020. Over platters of lobster and steamed oysters, Amory described his/her plan and our respective roles in it just like s/he did when we first met. McQueen smiled and nodded... I couldn't quite tell who came up with this idea first, as it looked like McQueen was just along for the ride, but who cared? It was a good plan, and they were both heavily invested (with sweat equity, of course). I drove my brand-new Wayfinder, in keeping with my assumed role, and also made sure to mention my upcoming trip to Luxembourg to round out my jet-setting persona. McQueen offered that s/he also had a trip planned soon after the exhibit opening, presumably also to lay low after everything went down. I recommended the Hilton Bora Bora Nui Resort and Spa. Their overwater bungalows are superb, and the spa has the phenomenal Nehe Nehe treatment, which is perfect for whisking away all of life's stresses.

We took a nice, thorough tour of all the security precautions (and ways around them) in the museum before stopping at McQueen's office to go over some paperwork. McQueen slipped me notes on the finer points of breaching the museum's security so I could familiarize myself before the big day. This was also around the time I met Redding, the intrepid security guard, whose toes apparently felt stepped on by our little jaunt. Redding started berating McQueen about setting off an alarm on a picture during the tour. McQueen took care of it right away on his/her phone app (very nifty!) but Redding was put off that McQueen didn't give proper notice to the security staff. Despite the uncomfortable exchange, I felt better about McQueen's ability to handle the security dogs during the heist.

The next week, I met with Amory one final time before the lift. S/he was feeling the typical anxiety amateurs experience when they find themselves about to enter the big leagues. I could've stated the obvious, which is that there is one way in and one way out of this criminal enterprise, and the way out does not involve two weeks' notice and a cupcake going-away party. But, I went for the softer approach. I assuaged her/his concerns and misgivings, convincing her/him that a lot of the stress was simply coming from her/his history with McQueen. We went back to troubleshooting and discussing details of the heist, so it seemed we were still in business.

And what do you know? Amory was a no-show the day of the heist. Tiny, my associate, and I shrugged our shoulders and figured we could handle this caper all by ourselves. With our man/lady McQueen inside, we were good to go. All Amory was going to do during the heist was drive the car, so no loss. Until the end, of course.

We met McQueen at the front door of the museum at 7:00 the evening of the heist and went straight to his/her office. S/He complimented me on my new Wayfinder G6X. McQueen said s/he had already cleared the path to the *Green's* gallery. I liked the initiative. McQueen was a pretty cool customer as we started off, going past the research library and restoration labs towards the gallery. As we started, we went over the plan again and s/he detailed her/his plan to sneak me and Tiny past all the security features and right to *The Choctaw Green*. When we got to the part about him/her getting knocked on the head for the cameras, s/he told me not to hit him/her too hard. Then, McQueen yammered on and on about the *Green's* history while merrily double-checking monitors, security codes, and the alarms throughout the museum from his/her phone. I made sure that

82 everything was in order so I wouldn't wind up on tape anywhere and s/he said "don't worry. No one
83 knows you're here." S/He told me s/he took my recommendation on the Hilton and was flying out on
84 Sunday. I said I thought it was a good idea, to get out of the States for a while. S/He got curious about
85 how I was going to get the painting out of the country. I didn't want to get into that with him/her; I
86 like to compartmentalize things and that wasn't in McQueen's compartment. I changed the subject
87 until we got to the gallery.

88 Once we got to the *Green*, McQueen slipped on cotton gloves and carefully removed the
89 painting from the hooks. It is a breathtakingly beautiful work of art; I know how delicate original works
90 can be and was glad we had the gloves. I remember asking, "Are you sure we won't be seen? I don't
91 want this getting out." McQueen assured me that no one would know we had been there. S/He again
92 asked how I was going to get it out of the country. I didn't answer because, frankly, the less s/he knows
93 about the inner workings of my side of things, the better.

94 Once the painting was down, McQueen started acting dodgy. At first, I thought s/he got cold
95 feet about the next act of the play, that it was about the anticipation of having to use a little force to
96 make her/his story more believable. Well, McQueen got what s/he wanted; s/he's not part of our crew
97 so we couldn't fully trust him/her with the escape and it would look good on tape. McQueen said s/he
98 had a grand plan for after we left but never told me about it. I wasn't all that concerned as long as the
99 alarm wasn't raised for a few hours after we had left. That would give me time to get to the airport
100 and loaded before anyone knew to look for me. I was set to leave this little backwater place behind
101 and start a long stay in Luxembourg, outside of any American reach.

102 Once McQueen was braced for the hit, Tiny clocked her/him on the back of the head and
103 dragged him/her to the corner of the gallery to get her/him out of the way of my Gucci shoes. It may
104 have been a bit harder than I promised, but McQueen's usefulness was almost up. I gloved up and
105 used the handwritten notes McQueen had given me to disable the painting's security tag and confirm
106 the door alarms were off. We quickly unplugged the painting, hustled out the back entrance of the
107 gallery, through the exit door and out to my car. The building alarms sounded when we were halfway
108 down the outside steps. Tiny panicked and hurdled the hedge to our right and disappeared into the
109 night, leaving me on my own. Aside from McQueen, I had both this twit and Amory bailing on me. You
110 can't keep good help these days. As I got to my Wayfinder, I could hear Redding yelling for me to stop
111 from across the parking lot. I was able to toss *The Green* in the back seat and get in, as Redding got to
112 my door with his Phaser. Apparently, these Guccis weren't made for running. With Redding sitting on
113 my back for the real cops to show up, I realized how much I was missing Amory behind the wheel. Alas,
114 here I am. With Tiny running at the first sign of trouble, I assume the police have had no luck in his
115 apprehension. Pity.

116 I was nabbed, collared, busted – but there is no way I was going down by myself. True, I was
117 not very forthcoming the first time I was questioned, but I was weighing my options at the time. I
118 didn't get where I am in life by making imprudent decisions. When I then summoned the detective
119 and asked what my cooperation would be worth, s/he seemed very grateful. I think the detective knew
120 there was more to this case than just me but couldn't quite fit the pieces together on his/her own. I
121 told him/her the whole sordid story, giving him/her everything s/he needed to link Amory and
122 McQueen to this heist. While I was the one doing the dirty work, it was a collaborative effort. In return,
123 I got the sweetest deal I could get considering the circumstances. Premised, of course, on my truthful

testimony. I even told them everything I know about my associate, which was only his name. I'm sure it's not really "Tiny"; that would be ironic. Maybe it's Tony/Toni, or Timmy/Timi, or something like that. Whatever. Everything else about that oaf escapes me. S/He must still be running through the woods like a deer in hunting season.

I do find it humorous that Amory isn't being charged, at least not directly. I heard his/her probation was revoked, and s/he is back in prison for the remainder of his/her original sentence. Fitting for a person of his/her caliber.

The truth, the WHOLE truth, and nothing but the truth is what I agreed to tell. It's like Hunter S. Thompson said, "[T]he shark ethic prevails--eat the wounded. In a closed society where everybody's guilty, the only crime is getting caught. In a world of thieves, the only final sin is stupidity." I hate to say it, but McQueen is no Mensa member. McQueen's unwavering commitment to his/her "plausible deniability" theory is a solid effort, but the thing about plausible deniability is that it only works for those in power. McQueen has no power over me, leaving me free to supply the needed information—the truth—to patch the holes in the State's evidence in exchange for leniency for myself. Luxembourg awaits. It's just business.

WITNESS ADDENDUM

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

Signed,

Ari Clement

Ari Clement

SIGNED AND SWORN to me at 12:12 PM, March 25, 2020.

C.M. McCormack

C.M. McCormack, Notary Public

STATEMENT OF AVERY MCQUEEN

1 My name is Avery McQueen, I am 43 years old, and I am – well, I used to be – curator of the
2 Alice Moseley Museum of Art. I have to believe all this is a case of bad karma – bad luck, bad judgment
3 in having anything to do with Kennedy Amory again – bad something! After following Kennedy to the
4 Delta – maybe it's *The Choctaw Green* that's cursed, like King Tut's tomb – I found myself square in
5 the middle of the Casey Stokes manslaughter. Kennedy went away for that one, and my career took a
6 detour, as well. I have good credentials from Southern, and experience in Ft. Worth, Minneapolis, the
7 Telfair in Savannah, and the High in Atlanta, but they don't seem to count much these days, do they?
8 I was glad to be offered the curator's job; Ms. Moseley's aesthetic tastes have been supremely
9 appealing, and it's a small, institutional jewel. I'd hoped to make it a larger one.

10 Maybe it was Stokes's death that's cursed – that would be ironic, wouldn't it? Posey Tattersall
11 Peachling is a fine artist (I ought to know), but it was the publicity (should I say "scandal?") surrounding
12 that episode that really made the picture a draw, and it was the audience-drawing potential which
13 drew me (pun intended, I guess) back to that painting. I was under a lot of pressure to get attendance
14 up, and I guess I just went back to a well I knew... like allowing Kennedy back.

15 With a lot of persuasion from me, *The Choctaw Green* was loaned to the Moseley for a special
16 exhibit: signed-off on March 31, 2019 (so you see that it was in the works well before Kennedy showed
17 up in my life again. I just can't find that doggone letter to Raven Feather!); scheduled to open on March
18 19, 2020. Security is always an issue with loans, and the Moseley has five-level, state-of-the-art
19 technology, linked into our local police. It is called the Sentryway System. I'm particularly proud of the
20 phone app which lets us tailor coverage, off and on, to just what we need to access, without exposing
21 the rest to danger. As curator, I have a complete override, as does the security staff on-site. It's also
22 helpful to have two levels of human monitoring, one on-site, one removed (while the off-site cross-
23 checks the rest are patrolling, not just relying on gallery videos), but we don't have a budget for two
24 staffs, so we must rely on technology and (we hope) on watch-personnel more careful than Redding.

25 With *The Choctaw Green* covered by a polycarbonate panel to prevent "activists" from
26 destroying the work by throwing something, not just trying to steal it, the glass-break alarms won't
27 work there: wrong frequency. The glass-break alarms also don't work where glass windows have been
28 replaced by radiation-filtering plastic to prevent sun damage. Instead, we rely on security attachments
29 on the back of paintings, trained cameras linked to a DVR, and motion and infrared sensors at night.
30 However, I don't tell donors or exhibitors things like that, and we don't publicize such flaws and
31 measures generally. Besides, with our redundancy of technology and human connection, we're safe
32 enough... I thought.

33 When Kennedy Amory approached me again, March 25, 2019, perhaps I was too receptive. It
34 was perfect timing, though, as I was getting heat from the Museum Board to pull another rabbit out
35 of my hat. Kennedy re-appeared – perhaps attracted by news that my "rabbit" was to be the public
36 re-surfacing of *The Choctaw Green* after seven years – with news of a possible coup (for me): a
37 connection to some potential benefactors. Who could say no? On March 5, 2020, Amory and Clement
38 came to a lunch schmooze, then back to the gallery for the "inside scoop" of how the Moseley works.
39 We got back about 4:30; enough time not to be in the way of security, yet see everything without an

40 outside audience breathing down our necks. They'd already seen the public displays and (I supposed)
41 they knew our growing reputation, so this was really about stroking the guests with special attention.
42 With *The Choctaw Green* about to go on exhibit again – still in the lab, in fact – the timing couldn't
43 have been better; everybody wanted a first-look and I had it.

44 No, there is absolutely no truth to allegations I knew or was involved with what those crooks
45 were planning. I'd been under pressure, but I'd performed – the exhibit itself was proof of that – and
46 I'd made the painting too famous to be easily saleable...at least in the open. I'm a victim myself, I tell
47 you! They obviously swiped the Sentryway instructions from my desk while we were going over the
48 paperwork for Clement's prospective donation; I certainly didn't give it to them. I'm still recovering
49 from that horrible, horrible experience they inflicted!

50 Back when I knew *The Choctaw Green* loan was going to work – when I saw how terrific my
51 triumph would be – I began lining up the vacation I knew I'd need and deserve after such a herculean
52 effort. While the bungalows of Tahiti may have been a stretch on the budget, I had been saving for
53 this moment for a year. Ironically, now I need the time off to recuperate from this ordeal (and all the
54 gossip)!

55 We met in my office, since the museum was closing for the day, to give my guests a basic
56 introduction into what they'd be seeing of behind-the-scenes operations. I offered a libation, to put
57 them more at ease, but they declined or chose tea. (I wish I had.) While we'd been talking, the Moseley
58 had closed. We got started.

59 I'd taken the after-hours party past our research library, then through the restoration labs.
60 Since this was all off-the-record (it makes visitors feel trusted, flattered, and it keeps Board members
61 from horning-in), I hadn't been able to organize any "show-and-tell" with the restorers, so the lab was
62 cluttered... with some Mississippi Band of Choctaw Indians artifacts I'd gathered to flesh out the
63 history of the display – and that should've been enough! Right there in the lab, with proper gloves
64 available, I took the liberty of allowing my guests to handle a few of the items. Devon Finch would be
65 starting at the other end of the museum and (per schedule) the night-watchman was on-rounds, so I
66 used Sentryway to check our path to the Anderson Gallery to show the preparations for the exhibit. I
67 was ready to show off the best of our security: the Wi-Fi unit attached to the back of the paintings
68 themselves. That should impress potential donors with both our sophistication (for an art institution
69 of our size) and our commitment. It also gave me an excuse to ask them to help remove the painting
70 from its hooks. (Our restorers would brain me for letting a civilian touch the painting, but I've learned
71 that hands-on contact with a prominent piece of art emotionally binds donors like nothing else.) While
72 we weren't able to see *The Choctaw Green* itself, I chose a lovely Bissolo piece of the Madonna to
73 show the security unit. After this, the deal would be sealed. I'd stuffed some extra sets of gloves into
74 my jacket for just this moment. I explained the Wi-Fi alert and how the immediate system around the
75 exhibits themselves works, and how the silent alarm goes to our control center and phone app. I
76 demonstrated how we can instantly react to an alarm from the app so as to not constantly tie us to
77 the control center – a nice luxury for busy days.

78 At the end of the tour, I introduced them to Redding – another layer of donor ingratiation,
79 letting Clement meet more of the staff personally – and (quite improperly) Redding chose to vent
80 his/her resentment that I'd shown off our toys without setting it all up with him/her first. I was (a little)
81 more discreet reprimanding him/her for doing that in front of guests.

82 Wednesday, March 18, 2020 (after a very tiring St. Patrick's Day private party by one of our
83 Irish-American patrons and a routine "performance" for a curator), I'd arranged another off-the-books
84 tour for Clement and an associate I'd never met before, now that *The Choctaw Green* was in situ. It
85 was around 7:00 pm, and the cleaners were working elsewhere; Redding had completed his/her first
86 "closing" sweep, so we weren't to be bothered as we moved on. I met them at the front entrance and
87 walked them back to the security room to arrange the system for our visit. Clement was making a
88 phone call (maybe to Kennedy, who'd failed to show), so nobody was looking over my shoulder as I
89 punched my security code and adjusted the system, turning off the motion detector in the gallery and
90 the cameras along the way. We weren't going outside that night, so I didn't touch the external doors'
91 alarms.

92 I could just imagine the embarrassment of trying to explain if we'd set off the alarms because
93 some well-meaning staff cut peripherals back on as we walked, so I shepherded my party directly
94 towards the painting itself, moving up the ramp to the second floor. This would also allow me to re-
95 arm *The Choctaw Green* and the gallery as soon as possible after I'd finished my tour. (And then, since
96 I'd also cut the monitor cameras in the control rooms, no one would ever know...). There was an inside
97 joke to the "ignore" password with the authorities – the first time we'd tried out The Moseley's new
98 security my dog galloped ahead into the motion zone and right through the electronic curtain along
99 the wall, sending the alarm to the police; so "Gigi" signified to the dispatcher that everything was okay
100 – but it wouldn't be funny to use it.

101 Motion detectors flickered along our path, but only the "working" light, not "send." As we
102 walked through the grand entrance hall, I quickly gave "the talk" (again) about Peachling and the
103 painting's history (along with my key part in it). I reassured him/her that everything was set for our
104 private tour and that no one would know of his/her presence that night nor his/her involvement with
105 the exhibit until we opened Friday evening. I told Ari that I had taken his/her advice on booking my
106 stay at the Hilton in Tahiti and was very much looking forward to jetting off Sunday morning. S/He said
107 that it would "knock my socks off" and I replied, "I hope it doesn't hit me too hard!" We both had a
108 chuckle. I had noticed Ari had arrived in a brand-new Wayfinder and I asked him/her about it. S/He
109 said it was a going away present for him/herself as s/he was planning a long stay in Luxembourg
110 starting the next week. I had never heard of anyone taking their vehicle with them on such a trip and
111 asked how the logistics of such a venture worked, but s/he didn't seem too keen on giving any details.
112 No bother; the moment had arrived.

113 My visitors had seen the gallery in construction, so I planned on moving right to the chief
114 attraction on the far wall. I was confident the finished gallery would knock Clement's silk stockings off
115 and told him/her so; a clever turn if I do say. As we were steps from the painting itself, I was stunned
116 (literally) when the associate hit me from behind just as I was reaching...

117 I was not wholly unconscious, but I was halfway in a stupefied frame of mind as I felt myself
118 being dragged. Once I got the stars from my head, I could see they somehow had the painting in the
119 middle of our herringbone planks. To say I panicked would be to say that da Vinci just sketched. I was
120 horrified but helpless. It would be challenging to recover from a second scandal with that picture
121 (worse if it were damaged), but it might be impossible to recover from the robbers. In front of me, I
122 saw their set jaws and cold eyes (so different from the intelligent and receptive expressions they'd
123 worn admiring my work at the Moseley). In my imagination, I saw Casey Stokes laughing at me.

124 The thieves hustled me out of the way, depositing me in the corner of the gallery. I heard noises
125 receding, apparently exiting out the door on the other side of the gallery, but no alarm. Why? I thought
126 of my smart phone, to sound the still quiet alarm, but one of them must also be a pickpocket; they'd
127 seen me use the app, and I'd been too much in shock at the robbery to remember when I'd lost my
128 phone. Only later did I realize that Clement was all-too-adept at using my phone; only as my head
129 cleared (and the detective prodded my memory), did I piece together how they'd pilfered my
130 handwritten notes for Sentryway.

131 As I (finally) resurfaced mentally from the cloudy pool into which they'd bludgeoned me, panic
132 supplied the resolve that physical courage hadn't before. I raced through the gallery, where the middle
133 of the floor was empty, towards the back entrance of the Gallery. I didn't know I was following their (I
134 guess, logically obvious) escape path when I ran through this second gallery door and square into
135 Devon Finch. I was chasing my painting.

136 "I can't believe I lost it again!" I stammered – or something like that – then asked Devon, "Did
137 you see them go through here?" I was shocked. "I can't believe this!"

138 Devon said s/he didn't see them run by where s/he was lying in wait. I turned (I think) and
139 rushed through the exit door which (I think) had closed after Ari Clement absconded with my *Green*; I
140 then heard the deeper "thrum" of the night system's electronic klaxon which told me its silent twin
141 was finally summoning local constables. Someone must've re-armed the system from back in the
142 monitoring center, or else Redding saw something specific on surveillance cameras. Any of those
143 possibilities was fine with me as long as my painting, and my reputation, were being pursued.

144 As I got to the top of the concrete stairs outdoors, I saw my painting disappearing into the
145 cargo port of Clement's Wayfinder. It may have only been 100 yards away but it felt like 100 miles! I
146 started for them but slipped... or stumbled ... or staggered ... and saw a waterfall, in reverse, of
147 concrete steps whizzing past my head. Still conscious (somehow) at the bottom, I was woozy. As Finch
148 arrived a second time to help me up, I saw Redding interdicting Clement. I was too beaten up to feel
149 real relief, I suppose, but I remember remarking on how close we'd come to disaster (again), only to
150 be drawn back from the brink.

151 It stuns me to think the police suspect me (of all persons) with being in league with the robbers.
152 I have no idea – no connection – where the gloves on the ground came from (unless they were left
153 over from our exercise in the laboratory). The painting was in place for the exhibition, we weren't
154 going to handle it again; I didn't bring any more gloves to the gallery, just as I didn't bring my phone
155 outside. I didn't have it after I was whacked in the noggin. This has ruined me (again) – a successful
156 theft would've deprived me of the painting I made famous... and of my glory. Who better than I to
157 know how futile the painting's sale would've been had the police not corralled the thieves in time (for
158 which I salute them). Those crooks are just trying to involve me to gain negotiating leverage for
159 themselves. Our watchman is trying to cover him/herself for running late on rounds by testifying
160 against me. (Staff frequently "has it in" for the boss, don't they?) At least Kennedy Amory had the
161 decency to acknowledge my innocence. That's all; I'm a victim here.

WITNESS ADDENDUM

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

Signed,

Avery McQueen

Avery McQueen

SIGNED AND SWORN to me at 2:35 PM, March 30, 2020.

C. M. McCormack

C.M. McCormack, Notary Public

STATEMENT OF KENNEDY AMORY

1 My name is Kennedy Amory, and I am 40 years old. Ever since I was a small child, I have been
2 interested in art, particularly Native American artwork. When I was a child growing up in North Bend,
3 Mississippi (near Philadelphia), we lived along the Nanih Waiya Creek, and to this day, it is easy to find
4 shards of Native American pottery and flint arrowheads along the banks of the creek. Further, like so
5 many whose roots go back generations in Mississippi, I claim some Native American ancestry myself.
6 I attended the Mississippi University where I received a Bachelor's degree in History, a Master's degree
7 in Museum Studies, and a Ph.D. in Art History. While at college, I also interned at the M.U. Museum
8 of Art, which is located on campus. After college, I continued my studies in London and served as an
9 assistant curator of the North and Central American collection at the British Museum for
10 approximately four years.

11 After four years in England, I returned home and accepted the position of curator of the fine
12 arts collection at the Telfair Museum of Art in Jackson, Mississippi. It was at the Telfair Museum that I
13 first became acquainted with Avery McQueen. Not only was Avery a competent and highly qualified
14 assistant, but I considered Avery to be a close friend as well as a colleague. After resigning from the
15 Telfair, I accepted the position of curator at the Delta Museum of Art in Delta, Mississippi. Fortunately,
16 I was also able to hire Avery away from the Telfair to be my assistant curator at the Delta.

17 Although the Delta Museum was small, under my leadership, I was determined to make it one
18 of the best small museums in the whole world. That's why the Choctaw exhibit that Avery and I were
19 planning in 2013 was so important. This exhibit would display Native American artwork and artifacts,
20 as well as paintings depicting the forced relocation of the Choctaw people from their lands in the
21 southeastern United States to the Indian Territory west of the Mississippi River from 1831-1833.
22 Obviously, however, no exhibit on the subject would be complete, even doable, without the fabled
23 painting, or should I say, the cursed painting, *The Choctaw Green*. Painted in 1935 by Posey Tattersall
24 Peachling, one of Dorothy Day's most talented protégés, *The Choctaw Green* tells the legend of that
25 flower, and Avery and I had to have it as the thematic center of our exhibition. The only problem was
26 that nobody had seen *The Choctaw Green* for almost fifty years. It seems that mystery, misery, and
27 misfortune have always followed the painting... It's like the Hope Diamond.

28 Fortunately, or maybe unfortunately in retrospect, Avery traced *The Choctaw Green* to a
29 private collector named Raven Feather, a wealthy oil heir/heiress from Tulsa, Oklahoma. Avery
30 persuaded Mr./Mrs. Feather to loan *The Choctaw Green* to the Delta Museum, but only if the Museum
31 insurance policy would cover any loss. Of course, a painting that has not been exhibited publicly for
32 such a long time is bound to have dozens of unsubstantiated rumors swirling around it. I assigned the
33 task of verifying the painting's authenticity to Casey Stokes, another assistant curator at the Delta
34 Museum and a highly talented, yet temperamental artist in his own right. When Stokes refused to
35 certify the authenticity of the painting, quite unreasonably in my opinion, I had no choice but to
36 terminate Stokes's employment. First, Stokes threatened me, then *The Choctaw Green* disappeared,
37 but was conveniently "found" by Stokes in his garage. Thanks to a botched police investigation, Stokes
38 was never charged with the crime, and then he broke into my office one evening and tried to strangle
39 me. As I fought off Stokes, he thrust his right hand into his jacket pocket reaching for what I assumed

40 was a hand gun. To protect myself, I reached into a drawer and grabbed my antique .45-caliber
41 revolver and fired blindly twice in Casey's direction. When the smoke cleared, Casey was dead. In a
42 miscarriage of justice, I, the victim, was convicted of voluntary manslaughter on May 9, 2014, by an
43 overzealous prosecutor after the jury deadlocked on murder charges in my first trial. I was sentenced
44 to 10 years, 5 to serve and 5 on probation.

45 Five years in jail for a crime that I didn't commit. Jail is not a place where culture and education
46 are appreciated. And all because of that painting, that cursed painting. However, even in prison I kept
47 up with developments in the art world. I also met some "acquaintances" of Ari Clement, and I learned
48 there was a dirty underworld for stolen art.

49 Fortunately, Avery was not too tainted by my scandal, and he/she got the job as the curator at
50 The Alice Moseley Museum of Art. In February 2019, I was released from prison on probation, and I
51 caught up with Avery in late March 2019, after hearing a rumor that The Moseley Museum was
52 considering displaying *The Choctaw Green*. I was a bit surprised Avery wanted to get involved with that
53 wretched piece of art again, but I figured s/he knew what s/he was doing. I met Avery at The Moseley,
54 and he/she showed me around the galleries, the lab, and the security room.

55 Avery also showed me all of the new security features at The Moseley which we didn't have at
56 The Delta. I have to admit that I was impressed, especially with the security tags on the high-value
57 pieces and the integration of the entire system on a secure app. I even commented to Avery that "if
58 we'd had these security features in 2013, *The Choctaw Green* would've been safe." In reality, it would
59 have been impossible. I mean, the iPhone had only been out for a year and the idea of doing something
60 like this from your phone was still with the Jetsons.

61 My comment about the security was also a clever segue into the other purpose of my visit: to
62 learn if and when *The Choctaw Green* would be at The Moseley. Avery took the bait, and sighed,
63 "Wouldn't it be great to have it here again?" And then, Avery, thinking he/she was letting me in on a
64 little secret, told me that he/she was working on bringing *The Choctaw Green* to The Moseley and
65 expected a contract in about a week. I told Avery that "even though that painting had caused me
66 considerable trouble, it would be great to have it in my hands again." Avery also introduced me to
67 Security Officer Dylan Redding on my visit, who you could tell was no Benedict Cumberbatch.

68 Initially, I confess I was interested in getting revenge on that painting for ruining my life. I never
69 wanted to hurt Avery, but I am ashamed to say that I used Avery to gain access. I knew it was wrong,
70 but I wasn't thinking clear at that point. I then contacted Ari Clement, whom I knew was highly
71 connected to the underworld of art. Clement wanted me to be his/her art expert both on legitimate
72 and not so legitimate acquisitions. Clement was already interested in stealing *The Choctaw Green* and
73 was keen to add my knowledge and insight about the painting to the plans for the heist. After Clement
74 had the painting in his/her hands, I was to authenticate it to make sure we weren't dealing with a fake.
75 *The Green* would be worth a fortune on the black market, and his/her buyers wouldn't appreciate
76 paying for a Peachling knock-off. Plus, having *The Choctaw Green* at The Moseley would make the heist
77 easier if we used Avery for access. At no time did I suggest that Avery was complicit in this nefarious
78 scheme; I only said I had a "connection" at the Moseley (I may have dropped Avery's name once I was
79 pressed), and that things would go smoothly. And looking back, it apparently did, until the end. Avery
80 really put it all on the line when s/he testified on my behalf in 2014, and I was starting to feel guilty

81 about him/her taking all of that on for me. However, it is amazing how revenge and money can soothe
82 those pangs of guilt.

83 With Clement posing as a potential new donor, I arranged for Clement and me to meet Avery,
84 first for lunch, and then for an after-hours tour of The Moseley on March 5, 2020, so Avery could
85 schmooze Clement. Clement wanted to meet Avery and "interview" him/her for him/herself, before
86 committing to the plan. Avery took Clement and me on a guided tour of The Moseley and showed us
87 the lab and all of the security methods in place to protect *The Choctaw Green*. In the lab, Avery showed
88 us some pottery and an Army rifle; s/he gave us gloves to protect the pieces. Again, Avery was never
89 part of the plan, just a way to get Clement in the door. Initially, Clement wanted me to drive the
90 getaway car, but I refused because I did not want to risk being seen by Avery and hurting our
91 relationship. I did agree to verify *The Choctaw Green* once Clement and his/her men had gotten away
92 with it. However, Clement was insistent about me driving for some reason, and I agreed.

93 After having some time to rest with the plan and seeing what this may do to Avery, I told
94 Clement that I would not go through with it. This was a week before the heist, on March 10. I did not
95 want to do this to Avery, and, more importantly, I did not want to risk going back to jail in case we got
96 caught. Been there, done that, have the record. It was a sound plan, but you know what Steinbeck said
97 about the best laid plans. Clement was no mouse and responded by saying, "No one quits on me. You
98 work for me until I say you don't."

99 Well, given that not-so-subtle threat, I couldn't come right out and say, "I quit," but I quickly
100 backed out and laid low, confident that without me driving the car or my expertise to verify the
101 authenticity of *The Choctaw Green*, Clement would abandon the plans to steal the painting.
102 Unfortunately, since I had already laid the groundwork by introducing Clement to Avery and,
103 essentially handing Clement the keys to the castle, Clement went through with it anyway. S/He
104 brought some thick-neck along for the heist who quit as well. I don't think Clement gave him the
105 permission to quit either, but I don't see him getting charged with anything.

106 I know it's being asked why I never sounded the alarm about what was going to happen. I
107 wasn't scared of Clement's threat and wasn't worried about it blowing back on me. I just never felt it
108 was necessary to give any forewarning about the plan to Avery or to the police since, without my
109 verification, there would be no heist. Without the wheel man and the expert eye, I was certain the
110 whole plan was a bust. I should have at least warned Avery about Clement, but I was hoping it would
111 never happen and I wouldn't have to explain my planned betrayal to my friend.

112 As we now know, despite my backing out, Clement went through with it. When I heard Clement
113 was arrested at the scene, I felt relieved. Then, later on, I heard that Avery was arrested as well. My
114 guilt consumed me... I had to come forward and tell the truth. S/He wasn't part of this. Avery got
115 caught up in this whole stupid plan because of me. I had to do what I could to get him/her out of this.
116 I owed it to Avery.

117 I was about to call the Fondren Police to come forward when the detective called me before I
118 had a chance to call. I told the detective exactly what I have told you here. Although the prosecutor
119 hasn't charged me with anything, I was served with a petition to revoke my probation. Consumed with
120 guilt, I consented to a full revocation, and I'm back in jail. It's what I deserve from dragging Avery into
121 this mess.

122 I've come forward to tell you the truth, that Avery McQueen had nothing to do with this. This
123 whole thing is the work of Clement and his/her henchman. Avery McQueen is completely innocent, I
124 tell you! This whole thing is insane! I hope Avery can see that and forgive me.

125
126 **WITNESS ADDENDUM**

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

129
130 Signed,

131 *Kennedy Amory*
132 _____

133 **Kennedy Amory**
134

135 SIGNED AND SWORN to me at 11:40 AM, March 30, 2020.

136
137 *C.M. McCormack*
138 _____

138 C.M. McCormack, Notary Public

STATEMENT OF DEVON FINCH

1 My name is Devon Finch. I was born and raised in Fondren. I am 26 years old and have been
2 working at The Moseley Museum since I was 18. Over the years, I have worked my way up to night
3 shift cleaning crew supervisor. There is a lot of turnover with the cleaning crew because most people
4 don't see this as a forever job. I enjoy the job because it allows me plenty of time during the day for
5 my dog training business. I am known around town as a dog whisperer and really love working with all
6 dogs, but I am now specializing in training service dogs for the blind and for children with diabetes. I
7 take pride in doing an excellent job at the museum and have always been extremely careful when
8 cleaning near the art exhibits. Sometimes the new crew members don't take the job seriously and are
9 a little sloppy when cleaning. Since I have seniority and the most experience, I always clean the 2nd
10 floor where all the special and more expensive exhibits are housed. I really enjoy the job because the
11 museum is quiet and peaceful during the evenings. I just put in my earbuds, listen to a little jazz, and
12 get started on my evening routine. Also, my job is the kind of job that you don't take home with you.
13 Once the museum is cleaned up and secured for the night, that is it - no mess, no stress-except, of
14 course, for the night *The Choctaw Green* was stolen.

15 I am a low-key, really easygoing person, and get along well with everyone at the museum,
16 including Dylan Redding, the night security guard, and Avery McQueen, the museum curator. Dylan is
17 pretty rough around the edges, you know, the kind of person who seems to rub everyone the wrong
18 way on purpose. Dylan has that security guard mentality – sort of like a frustrated police academy
19 reject who is not allowed to carry a loaded gun. But like me, Dylan is very conscientious and is really
20 dedicated to keeping the museum and its contents safe. I guess that is why we get along – Dylan knows
21 I care about the museum as much as s/he does. Plus, we typically work the same overnight shifts, and
22 we tend to encounter the same frustrations with the job.

23 Avery McQueen has been the museum curator since 2014. Like I said, he and I have always
24 gotten along since s/he came in. Avery has always been extremely thankful for how I handled the
25 cleaning crew; s/he always said we do a professional job. Avery liked to run a spotless museum and
26 hated things being out of place. Avery knew I could be counted on for making sure the cleaning job
27 was done right the first time. In this way, Avery, Dylan, and I are on the same page. We are proud of
28 the museum and our work reflects on us personally. Avery has worked non-stop since taking the
29 curator's position. Every so often, we would chat about where we would go if we ever had the time to
30 take a vacation. Avery always wanted to go to Tahiti, but it is so expensive! Avery has been saving for
31 that trip for years. About a year ago, Avery told me that s/he finally saved up enough and was going
32 to treat him/herself in March of 2020. I think that conversation was a few weeks before I heard about
33 *The Choctaw Green* exhibit coming to the Moseley.

34 Of course, everyone has gripes about the job. The late hours were tough for me to get used to
35 at the beginning. Sometimes, Avery would complain that s/he didn't get paid enough for all the work
36 s/he had to do around the museum. Everyone gripes but I just keep my head down and focus on doing
37 the best job I can. One thing this did for me was that I've been able to be "in the know" without being
38 "in the loop." When I'm working, I usually have my earbuds in; people don't usually pay attention to
39 someone when it looks like they're tuned out to what's going on around them. I like this because it

40 helps me focus and helps pass the time. What no one in the museum realized is that most of the time
41 the music volume is so low I can still hear what people are saying around me. I guess I'm a bit of a
42 snoop around here, but I like knowing what's going on since how the museum goes, so goes my job.

43 The Moseley has strict rules about private tours, especially when a tour is scheduled during
44 evening hours when the museum is closed. The rules state that all private tours have to be booked at
45 least one week in advance, logged in on the museum calendar, and security and cleaning had to be
46 notified when the tour was booked. This policy is designed to make sure security did not activate the
47 security system prior to the private tour and to make sure that the cleaning crew did not arrive until
48 after the tour was gone, to avoid duplication of cleaning efforts and to stay out of everyone's way.
49 This policy made sure The Moseley was not embarrassed by alarms sounding during a tour and kept
50 patrons safe from accidents such as slipping on freshly polished floors. We work hard for that shine;
51 they don't call that level of gleam "museum-quality" for nothing!

52 For the most part, Avery was a stickler for following all the museum rules. But sometimes Avery
53 would come in late at night to work and turn off the system in the areas around his/her office and
54 then forget to turn them back on when s/he left. This really bothered Dylan; s/he would get really mad
55 and mouth off to everyone about how careless Avery was. Sometimes, Dylan would publicly rip Avery
56 a new one in front of all of us about being sloppy and unprofessional. I mean, yeah, Dylan's right, but
57 there's better ways of handling it. Sometimes, it got personal, and they definitely didn't get along after
58 a few of those "conversations."

59 About a week before *The Choctaw Green* fiasco, Dylan confronted Avery about sounding
60 another painting's alarm while showing a potential donor how security on the paintings worked.
61 Apparently, Avery had not given Dylan any warning that s/he was testing the alarm system and it
62 scared the mess out of Dylan. I wouldn't want to have to clean that up! Once again, Dylan called Avery
63 out about not following proper museum safety protocol but this time, it was in front of a potential
64 donor. Avery was furious about Dylan's rant and embarrassing him/her (and maybe the museum) in
65 front of esteemed guests, but there was really nothing s/he could do about it because Avery is not
66 Dylan's boss. Another hit in the relationship.

67 I guess the final straw for Dylan was the night of the attempted theft, Wednesday, March 18,
68 2020. It started out as an ordinary night. I got to work, double-checked the private tour calendar to
69 make sure no one was scheduled (none were), got my cleaning supplies out of the closet, put in my
70 earbuds, turned on the jazz, and started to head to the 2nd floor. Before I could get in my groove, Liz
71 Handy, my 1st floor crew person called in sick. It was too late to call someone in to cover the shift, so
72 I headed back down and started cleaning the 1st floor spaces myself. It would make for a later night,
73 but that's okay. I like what I do.

74 On my way to get started on the atrium outside the Haley Jane Gallery, I noticed Avery was in
75 and out of his/her office. S/He had been swamped with *The Choctaw Green* exhibit about to open and
76 seemed really worked up, almost nervous. We had a chance to chat, and Avery told me that s/he was
77 very close to securing a very prominent patron for the museum. S/he frequently referred to courting
78 patrons as "La Grande Danse," and with the Tahiti trip coming up, s/he was anxious to close the deal
79 before his/her departure. About 15 minutes later, I noticed Avery with some people walking up the
80 ramp to the 2nd floor where the Anderson Gallery with *The Choctaw Green* exhibit was. This was really
81 strange because nothing was scheduled. I took my ear buds out as I walked towards the Addison

82 Atrium. As I was moving, I overheard Avery talking about the gallery. I have to admit that the ceilings
83 in the entrance atrium are very high and cavernous and sometimes things get distorted and are very
84 echo-y, so you can't always distinguish exactly what is being said.

85 However, I could clearly see that one of the people with Avery that night was Ari Clement. I
86 didn't get a good look at the other person, but I can say for sure that Clement was there. Someone
87 told me it was Clement with Avery when Dylan went off on him/her a week earlier. I remember
88 thinking that the embarrassment of the rebuke wasn't bad enough for Clement to cancel his/her
89 donation. Clement has a distinct style, always dressed to the 9's and always wearing expensive Gucci
90 shoes. That night was no different – guess Clement dresses like a runway model even when stealing a
91 painting. I heard someone say, "Get ready, we're going to knock your socks off". Then someone
92 laughed and said, "Just don't hit me too hard." Like his/her dress, Clement's voice is also very
93 distinctive. Then Clement said, "Are you sure we're not going to be seen? I don't want this getting
94 out." Avery replied, "Don't worry about it; no one's going to know we're here." Avery then said, "I'm
95 set to get out of town right after all this goes down." They said a few more things that I couldn't quite
96 catch and then Avery said, "So how do you plan on getting it out of the country?" right as they rounded
97 the corner to the gallery entrance.

98 As I was going back to my floor buffer, Dylan walked by, heading to the security office from
99 his/her rounds. Dylan said "hi" and I replied, "Hey Dylan. I see Avery is on another nighttime tour with
100 those people again." Dylan said, "What do you mean? What people?" I told Dylan, "Avery just walked
101 by with the same gentleman/lady from a couple of weeks ago, the really nicely dressed one." I didn't
102 want to mention the public fight they had. "They just headed that way a minute ago" and pointed up
103 towards the Anderson Gallery. "Avery was talking about the new *Choctaw Green* exhibit and then
104 something about 'getting out of town'. Maybe about his/her trip to Tahiti? I hate it when s/he does
105 this. I wish s/he would put these visits down on the schedule so I know to go back through to make
106 sure it's all in order."

107 Dylan's face turned beet red and s/he turned and ran straight to the security office. I didn't
108 know what happened! I dropped the buffer handle and ran after Dylan to make sure s/he was okay.
109 Dylan ran back out of the control room and was heading to the stairs. I asked, "What's going on?"
110 Dylan told me Avery had just gotten knocked down and dragged off by someone in the group with
111 Clement, and then Dylan ran off. I ran into the control room and looked at the monitor. Sure enough,
112 Avery was slumped on the floor back up against the wall. Avery wasn't moving, but I did see some little
113 jerky movements of his/her legs – you know, kinda like when someone is having a seizure. Clement's
114 friend was standing back by Clement and the painting, holding what looked like a gun on Avery.

115 After seeing all this, I ran and caught up with Dylan at the entrance to the Anderson Gallery.
116 Dylan was crouched down a few feet from the gallery entrance so s/he wouldn't be seen, looking at
117 his/her phone. S/He put his/her finger to his/her lips to tell me to be quiet and leaned over and
118 whispered in my ear to sneak around to the Waltman Gallery's entrance, to make sure they didn't run
119 out that way. S/He told me to make sure I wasn't seen and just keep an eye out on that end of the
120 gallery. I quickly moved off as quietly as I could; I didn't want to move too fast and make a noise. I had
121 to go through the other galleries to cross through the Sculpture Loft to get in the Waltman Gallery. As
122 I hustled through the Loft, I could see Dylan still outside the Anderson Gallery working on his/her
123 phone.

Just as I got there to the entrance of the Waltman Gallery and ducked around the back corner, the building's main alarm went off. If I wasn't awake earlier, I sure as heck was now! Not seeing anyone come out of the gallery into the Loft, I hustled into the gallery and moved towards the Anderson Gallery. I saw Avery stumble out of the Anderson Gallery into Waltman and s/he says, "I can't believe we did it again." Then s/he shakes his/her head and notices me standing there shocked. S/He gets his/her own shocked look and says, "You... you can't be here – you shouldn't see this! I can't believe I lost it again. Did you see them go through here? I can't believe this!" I told him/her that no one ran past me this way, so Avery turns, shuffled across the gallery to the exit door, pushed it open, and ran outside. The door's alarm did not sound when Avery ran through it, though I don't know if it would with the main alarm sounding.

A second later, I saw Dylan sprint by and out the exit door. By the time I made it out the door behind Dylan, I saw Avery crumpled up at the bottom of the stairs and Dylan was almost at Clement's Wayfinder door, yelling at him/her and pointing his/her Phaser. I didn't see anyone else out there, including the guy who was dragging Avery across the gallery floor. I ran down the steps to help Avery up and s/he says, "Almost got away with it." S/He looked so embarrassed and ashamed. I felt bad for Avery. It seems like they used him/her to get to the painting. This was supposed to be such a shining moment for him/her and the museum; now it looks like it's all for nothing.

Avery and I waited together until the police arrived. Later, Avery asked me if I had seen his/her phone out there, but I didn't. One of the CSI ladies later said a phone and gloves were found in the Anderson Gallery and asked if I knew if they had been there earlier in the day. I told her I hadn't gotten to that gallery yet on my rounds, so I wasn't sure. She showed it to me in a bag and it looked like Avery's phone.

Once the police got a handle on everything, I gave my statement to the investigator and then was sent home for the night so the forensics team could gather evidence from the area around the missing *The Choctaw Green* painting. The museum was shut down for the next day, so I guess it was okay my floors didn't get waxed that night.

WITNESS ADDENDUM

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

Signed,

Devon Finch

Devon Finch

SIGNED AND SWORN to me at 9:15 AM, April 1, 2020.

C. M. McCormack

C.M. McCormack, Notary Public

Legal Authorities

The following excerpts of statutes and judicial opinions address the legal issues raised in this mock trial case. Only those portions of the statutes and judicial opinions provided may be used in the course of the trial. Citations are omitted for the judicial opinions, and they should be referenced by the case names.

Statute

Miss. Code Ann. § 97-17-13. Burglary; other buildings, motor vehicles and vessels

(1) Every person who shall be convicted of breaking and entering, in the day or night, any shop, store, booth, tent, warehouse, or other building or private room or office therein, water vessel, commercial or pleasure craft, ship, steamboat, flatboat, railroad car, automobile, truck or trailer in which any goods, merchandise, equipment or valuable thing shall be kept for use, sale, deposit, or transportation, with intent to steal therein, or to commit any felony, or who shall be convicted of breaking and entering in the day or night time, any building within the curtilage of a dwelling house, not joined to, immediately connected with or forming a part thereof, shall be guilty of burglary, and imprisoned in the penitentiary not more than seven (7) years.

Case Law

Gales v. State

To properly charge non-dwelling burglary, the state must allege: (1) breaking and entering a building; (2) where something of value is kept for use, sale, deposit, or transportation; and (3) the intent to commit a specific crime therein.

Clayton v. State

“Constructive breaking,” for purposes of burglary, can occur where an entry is gained by threat, deceit, fraud, or trickery. For purposes of burglary, act of gaining or enticing an invitation inside a business or dwelling with the intent to commit a burglary once inside is enough to constitute a “breaking and entering”.

Brown v. State

Intent is an emotional operation of the mind, and is usually shown by acts and declarations of the defendant coupled with facts and circumstances surrounding him at the time; a defendant's intention is manifested largely by the things he does.

James v. State

Uncorroborated testimony of an accomplice may be sufficient to convict an accused.

Hardin v. State

Accomplice's testimony that he previously pleaded guilty and as part of the plea testified under oath that he “conspired with [defendant] to commit these crimes” was sufficient to identify defendant as a participant in conspiracy to commit burglary of a dwelling, ... and burglary of a dwelling.

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

STATE OF MISSISSIPPI,

v.

AVERY MCQUEEN

Defendant.

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CRIMINAL ACTION NO: 2022-MT

THE CHARGE OF THE COURT

Pre-Trial Charge

Ladies and gentlemen, you have been sworn and empaneled, and you are about to try a criminal case, entitled the *State of Mississippi v. Avery McQueen*.

The defendant has been indicted by the Grand Jury of Fondren County in an indictment accusing the defendant of burglary in the second degree.

To this indictment that I have just read to you, the defendant has pled not guilty and denies each and every allegation therein. This is what forms the issue that you have been selected, sworn, and empaneled to try.

Before we begin the trial, I am going to give you some preliminary instructions on fundamental principles of criminal law. I will also instruct you on the role of the Judge, the jury, and the lawyers and give you an overview of the trial procedure. Many of you may have never served on a jury before. It is therefore necessary that these instructions be given so that you have a general understanding of procedure in a criminal trial, what will be expected of you, and how you are to conduct yourself during the trial.

The defendant is charged in the indictment with a crime that is a violation of a certain law of the State of Mississippi. I want to emphasize to you that the indictment, including all of the counts therein, and the plea of not guilty are the legal procedures by which the criminal charge is brought against the defendant. The charges and plea of not guilty are not evidence of guilt, and you should not consider them as evidence or implication of guilt of any crime whatsoever. This defendant is presumed to be innocent until he/she is proven guilty. The defendant enters upon the trial of the case with a presumption of innocence in his/her favor, and this presumption remains with the defendant until it is overcome by the State with evidence that is sufficient to convince you beyond a reasonable doubt that the defendant is guilty of the crime or crimes charged.

No person shall be convicted of any crime unless and until each element of the crime is proven beyond a reasonable doubt. The burden of proof rests upon the State to prove every material allegation of the indictment and every essential element of the crime(s) charged beyond a reasonable doubt.

A reasonable doubt means just what it says. It is a doubt of a fair-minded, impartial juror honestly seeking the truth. It is a doubt based upon common sense and reason. It does not mean a vague or arbitrary doubt, but it is a doubt for which a reason can be given arising from a consideration of the evidence or lack of evidence, a conflict in the evidence, or any combination of these. There is no burden of proof upon the defendant whatsoever, and the burden never shifts to the defendant to prove his innocence.

If, after giving consideration to all of the facts and circumstances of this case, your minds are wavering, unsettled, or unsatisfied, then that is a doubt of the law, and you should acquit the defendant. But if no doubt exists in your minds about the guilt of the accused, then you will be authorized to convict the defendant. If the State fails to prove the defendant's guilt beyond a reasonable doubt, it would be your duty to acquit the defendant.

Under our system, it is my duty as the trial Judge to determine the law that applies to this case and to instruct you, the jury, on the specific rules of law that you must apply to the facts in arriving at a verdict. I am giving you some of those instructions now. I will give you more detailed instructions after the evidence has been presented and the lawyers have made their closing arguments.

During the trial, I may be called upon to rule on motions or objections to evidence. Nothing I say in making these rulings or at any time during the trial is evidence and should not be considered as an indication that I have any leaning in this case whatsoever. My only interest in this case is to see that it is fairly tried according to the laws and the constitution of the State of Mississippi and the constitution of the United States.

As expected, the lawyers serve as advocates for their clients and are duty-bound to represent their clients to the best of their ability. The lawyers also serve as officers of this Court, and as such are bound to follow applicable laws, trial procedure, and rules of evidence during the trial. If at any time the lawyers believe that any law, procedure, or rule of evidence is being violated, they may make motions regarding the conduct of the trial or objections to the admission of evidence. In making these motions or objections, the lawyers are simply seeking to fulfill their duties to their clients and to the Court. Sometimes, these motions or objections may require the Court to consider outside your presence the questions raised, and you will be excused to the jury room. We will try to minimize the number and length of these interruptions and ask for your patience in this regard.

Ladies and gentlemen, trial procedure in a criminal trial is generally as follows: first, the attorneys for both sides have the opportunity to make what is called an opening statement. This opening statement is not evidence. Remember that what the lawyers say is not evidence but is a preview or an outline of what they expect the evidence to be.

Following the opening statements, the evidence will be presented. Evidence can be in the form of testimony given by witnesses or physical evidence that will be labeled with exhibit numbers for identification.

After the presentation of all of the evidence, the attorneys have the opportunity to make what is called a closing argument, or summation. At this time, the attorneys may suggest which laws are applicable and how they should be considered in light of the evidence and point out to you certain parts of the evidence that they think are favorable to their position. The goal of a closing argument is to persuade you to decide the case in their favor. Following the closing arguments, I will charge you more specifically on the law that applies to this case. I will then ask you to retire to the jury room to deliberate and reach your verdict.

The jury has a very important role. It is your duty to determine the facts of the case and to apply the law to those facts. I will instruct you on the laws that apply to this case, but you must determine the facts from the evidence.

Evidence, by definition, is the means by which any fact in issue is established or disproved. Evidence consists of two things: testimony and exhibits. Testimony is the testimony that you will hear under oath from those who take the witness stand. Exhibits are those documents, photographs, or other physical evidence that are admitted into evidence.

Ladies and gentlemen, the object of this trial is to discover the truth. During the trial, the admission of evidence will be governed by certain rules of evidence. Those rules were drafted with one prominent purpose in mind, and that purpose is the discovery of truth. Consequently, the rules of evidence seek to assure that only the best and highest evidence is admitted for your consideration.

During the trial, the attorneys have a right to object to the admission of evidence if they believe its admission would violate a rule of evidence. I will admit or exclude the evidence according to those rules. If I overrule an objection, this means that you are allowed to consider the evidence being offered. On the other hand, if I sustain an objection, this means you may not consider the evidence being offered. You should consider only that testimony and only those exhibits that are admitted, and you should draw no inferences and make no assumptions about the evidence objected to if the objection was sustained. In the event that you hear or see inadmissible evidence before an objection can be made and ruled upon, if the objection is sustained, I will instruct you to disregard it, and you should disregard that evidence entirely in your deliberations and in arriving at your verdict.

You, the jury, must determine the credibility and believability of the witnesses. It is for you to determine which witness or witnesses you will believe and which witness or witnesses you will not believe, if there are some whom you do not believe. In determining the credibility or believability of witnesses, you may consider all of the facts and circumstances of the case, the manner in which witnesses testify, their intelligence, their interest or lack of interest in the case, their means and opportunity for knowing the facts about which they testify, the nature of the facts about which they testify, the probability or improbability of their testimony, and the occurrences about which they testify. You may also consider their personal credibility insofar as it may appear to you from the trial of the case.

As the fact finder, it is your duty to believe the witnesses whom you think are most believable. It is for you alone to determine what testimony you will believe and what testimony you will not believe.

Ladies and gentlemen, it is important that you pay close attention to the evidence as it is presented during the trial. If at any time you are unable to hear or see any evidence being presented or if you are suffering from any discomfort that diverts your attention, please feel free to inform me, and I will do whatever is necessary to assure that you are able to hear and see the evidence being presented and give it your undivided attention. If you are in need of a recess at any time, please raise your hand and I will recognize you. It is vitally important that you are as comfortable as possible so that you can focus on the evidence being presented.

It is important that you view this evidence with an open mind at all times and reach no final conclusions until the trial is over. Do not jump to conclusions before all of the evidence is presented. Also, remember that during the course of this trial, it would be improper for you to discuss this case with anyone or to allow anyone to discuss the case with you or in your presence or hearing. This applies even to discussions among yourselves in the jury room or elsewhere before actual deliberations begin.

I instruct you, ladies and gentlemen, that you must decide this case for yourself solely on the testimony you hear from the witness stand and the exhibits admitted into evidence.

You may not visit any scenes depicted by the evidence. You may not utilize any books or documents not in evidence during your deliberations. You may not read or listen to any accounts of the trial that might appear in the news media. You may not discuss this case with anyone other than your fellow jurors during deliberations.

That concludes my preliminary instructions, and we are now ready for the lawyers to give their opening statements.

* * * * *

Post-Trial Charge

Indictment/Accusation

You are considering the case of the *State of Mississippi v. Avery McQueen*. The grand jury has indicted the defendant with the offense of burglary in the second degree.

Issue and Plea Of Not Guilty

The defendant has entered a plea of not guilty to this indictment. The indictment and the plea form the issue that you are to decide.

Neither the indictment nor the plea of not guilty should be considered as evidence.

Presumption of Innocence; Burden of Proof; Reasonable Doubt

The defendant is presumed to be innocent until proven guilty. The defendant enters upon the trial of the case with a presumption of innocence in his/her favor. This presumption remains with the defendant until it is overcome by the State with evidence that is sufficient to convince you beyond a reasonable doubt that the defendant is guilty of the offense charged.

No person shall be convicted of any crime unless and until each element of the crime as charged is proven beyond a reasonable doubt.

The burden of proof rests upon the State to prove every material allegation of the indictment and every essential element of the crime charged beyond a reasonable doubt.

There is no burden of proof upon the defendant whatsoever, and the burden never shifts to the defendant to introduce evidence or to prove innocence. When a defense is raised by the evidence, the burden is on the State to negate or disprove it beyond a reasonable doubt.

However, the State is not required to prove the guilt of the accused beyond all doubt or to a mathematical certainty. A reasonable doubt means just what it says. A reasonable doubt is a doubt of a fair-minded, impartial juror honestly seeking the truth. A reasonable doubt is a doubt based upon common sense and reason. It does not mean a vague or arbitrary doubt but is a doubt for which a reason can be given, arising from a consideration of the evidence, a lack of evidence, or a conflict in the evidence.

After giving consideration to all of the facts and circumstances of this case, if your minds are wavering, unsettled, or unsatisfied, then that is a doubt of the law, and you should acquit the defendant. But, if that doubt does not exist in your minds as to the guilt of the accused, then you would be authorized to convict the defendant.

If the State fails to prove the defendant's guilt beyond a reasonable doubt, it is your duty to acquit the defendant.

Bare Suspicion

Facts and circumstances that merely place upon the defendant a grave suspicion of the crime charged or that merely raise a speculation or conjecture of the defendant's guilt are not sufficient to authorize a conviction of the defendant.

Jury; Judges of Law and Facts

Members of the jury, it is my duty and responsibility to determine the law that applies to this case and to instruct you on that law. You are bound by these instructions. It is your responsibility to determine the facts of the case from all of the evidence presented. Then you must apply the law I give you in the charge to the facts as you find them to be.

Evidence; Generally

Evidence is the means by which any fact that is put in issue is established or disproved. Evidence includes all of the testimony of the witnesses and the exhibits admitted during the trial. It also includes any stipulations, which are facts agreed to by the lawyers. It does not include the indictment, the plea of not guilty, opening statements or closing arguments by the lawyers, or the questions asked by the lawyers.

Direct and Circumstantial Evidence

Evidence may be either direct or circumstantial or both.

Direct evidence is evidence that points immediately to the question at issue.

Evidence may also be used to prove a fact by inference. This is referred to as circumstantial evidence. Circumstantial evidence is the proof of facts or circumstances, by direct evidence, from which you may infer other related or connected facts that are reasonable and justified in the light of your experience.

To warrant a conviction on circumstantial evidence, the proven facts must not only be consistent with the theory of guilt but also exclude every other reasonable theory other than the guilt of the accused.

The comparative weight of circumstantial evidence and direct evidence on any given issue is a question of fact for the jury to decide.

Stipulations

The parties have entered into certain stipulations that have been approved by the court. Where parties stipulate facts, this is in the nature of evidence. You may take that fact or those facts as a given without the necessity of further proof. However, you are not required to do so, and even such matters may be contradicted by other evidence. You make all decisions based on the evidence in this case.

Credibility of Witnesses

You must determine the credibility or believability of the witnesses. It is for you to determine which witness or witnesses you believe or do not believe, if there are some whom you do not believe.

In deciding credibility, you may consider all of the facts and circumstances of the case, the manner in which the witnesses testify, their intelligence, their interest or lack of interest in the case, their means and opportunity for knowing the facts about which they testify, the nature of the facts about which they testify, the probability or improbability of their testimony, and the occurrences about which they testify. You may also consider their personal credibility insofar as it may have been shown in your presence and by the evidence.

Conflicts in Testimony

When you consider the evidence in this case, if you find a conflict, you should settle this conflict, if you can, without believing that any witness made a false statement. If you cannot do so, then you should believe that witness or those witnesses whom you think are best entitled to belief.

You must determine what testimony you will believe and what testimony you will not believe.

Witness, Impeached by

To impeach a witness is to prove that the witness is unworthy of belief. A witness may be impeached by disproving the facts to which the witness testified; proof of general bad character; proof that the witness has been convicted of a crime involving dishonesty or false statement; and/or proof of contradictory statements, previously made by the witness about matters relevant to the witness's testimony and to the case.

If it is sought to impeach a witness by any of the above – except disproving the fact to which the witness testified – proof of the general good character of the witness may be shown. The effect of the evidence is to be determined by the jury.

If any attempt has been made in this case to impeach any witness by proof of contradictory statements previously made, you must determine from the evidence whether any such statements were made, whether such statements were contradictory to any statements the witness made on the witness stand, and whether such statements were relevant to the witness's testimony and to the case.

If you find that a witness has been successfully impeached by proof of previous, contradictory statements, you may disregard that testimony, unless it is supported by other creditable testimony. The credit to be given to the balance of the testimony of the witness would be for you to determine.

It is for you to determine whether or not a witness has been impeached and to determine the credibility of such witness and the weight the witness's testimony shall receive in the consideration of the case.

Prior Consistent Statement; Substantive Evidence

Should you find that any witness has made any other statement on the witness stand consistent with another witness's testimony from the witness stand and that such prior consistent statement is material to the case and the witness's testimony then you are authorized to consider that other statement as substantive evidence.

Prior Inconsistent Statement; Substantive Evidence

Should you find that any witness has made any other statement inconsistent with that witness's testimony from the stand in this case and that such prior inconsistent statement is material to the case and the witness's testimony then you are authorized to consider that other statement not only for purposes of impeachment, but also as substantive evidence in the case.

Immunity or Leniency Granted Witness

In assessing the credibility of a witness, you may consider any possible motive in testifying, if shown. In that regard you are authorized to consider any possible pending prosecutions, negotiated pleas, grants of immunity or leniency, or similar matters. You alone shall decide the believability of the witnesses.

Accomplice; Corroboration

The testimony of a single witness, if believed, is generally sufficient to establish a fact. An exception to this rule is made in the case of burglary, where the witness is an accomplice. The testimony of the accomplice alone is not sufficient to warrant a conviction. The accomplice's testimony must be supported by other evidence of some type, and that evidence must be such as would lead to the inference of the guilt of the accused independent of the testimony of the accomplice.

It is not required that supporting evidence be sufficient to warrant a conviction or that the testimony of the accomplice be supported in every material particular.

The supporting evidence must be more than that a crime was actually committed by someone. It must be sufficient to connect the accused with the criminal act and must be more than sufficient to merely cast upon the accused a grave suspicion of guilt.

Slight evidence from another source that connects the accused with the commission of the alleged crime and tends to show participation in it may be sufficient supporting evidence of the testimony of an accomplice. In order to convict, that evidence, when considered with all of the other evidence in the case, must be sufficient to satisfy you beyond a reasonable doubt that the accused is guilty.

Whether or not any witness in this case was an accomplice is a question for you to determine from the evidence in this case.

The testimony of one accomplice may be supported by the testimony of another accomplice. Whether or not the testimony of one accomplice does, in fact, support the testimony of another accomplice is a matter for you to determine.

The sufficiency of the supporting evidence of an accomplice is a matter solely for you to determine.

Definition of Crime

This defendant is charged with a crime against the laws of this state. A crime is a violation of a statute of this state in which there is a joint operation of an act (or omission to act) and intention.

Intent

Intent is an essential element of any crime and must be proved by the State beyond a reasonable doubt.

Intent may be shown in many ways, provided you, the jury, believe that it existed from the proven facts before you. It may be inferred from the proven circumstances or by acts and conduct, or it may be, in your discretion, inferred when it is the natural and necessary consequence of the act. Whether or not you draw such an inference is a matter solely within your discretion.

Criminal intent does not mean an intention to violate the law or to violate a penal statute but simply means the intention to commit the act that is prohibited by a statute.

No Presumption of Criminal Intent

This defendant will not be presumed to have acted with criminal intent, but you may find such intention (or the absence of it) upon a consideration of words, conduct, demeanor, motive, and other circumstances connected with the act for which the accused is being prosecuted.

Mistake of Fact

A person shall not be found guilty of a crime if the act (or omission to act) constituting the crime was induced by a misapprehension of fact that, if true, would have justified the act or omission.

Parties to Crime

Every party to a crime may be charged with and convicted of commission of the crime.

A person is a party to a crime only if that person directly commits the crime; or intentionally helps in the commission of the crime; or intentionally advises, encourages, hires, counsels, or procures another to commit the crime; or intentionally causes some other person to commit the crime under such circumstances that the other person is not guilty of any crime either in fact or because of legal incapacity.

Principal, Failure to Prosecute; Other Involved Persons

Any party to a crime who did not directly commit the crime may be indicted, tried, convicted, and punished for commission of the crime upon proof that the crime was committed and that the person was a party to it, even though the person alleged to have directly committed the crime has not been prosecuted or convicted, has been convicted of a different crime or degree of crime, is not amenable to justice, or has been acquitted.

Knowledge

Knowledge on the part of the defendant that the crime of burglary was being committed and that the defendant knowingly and intentionally participated in or helped in the commission of such crime must be proved by the State beyond a reasonable doubt.

If you find from the evidence in this case that the defendant had no knowledge that a crime was being committed or that the defendant did not knowingly and intentionally commit, participate, or help in the commission of and was not a conspirator in the alleged offense, then it would be your duty to acquit the defendant.

On the other hand, should you find, beyond a reasonable doubt, that the defendant had knowledge that the crime of burglary was being committed and that the defendant knowingly and intentionally participated or helped in the commission of it, then you would be authorized to convict the defendant.

Burglary of a Non-Dwelling

A person commits the offense of burglary of a non-dwelling when he or she breaks and enters into any commercial or other non-dwelling building in which any valuable things are kept, with intent to steal therein.

Burglary; Intent to Steal

The evidence need not show that an actual theft was accomplished; however, an intent to commit a theft, that is, an intent to steal, is an essential element of burglary as alleged in this indictment.

An intent to steal may be shown in many ways, provided you, the jury, believe beyond a reasonable doubt that it existed from the proven facts and circumstances before you.

You may infer an intent to steal where the evidence shows an unlawful entry without authority into the place described in the indictment of another where items of some value are present/stored or kept inside and where there is no other apparent motive for the entry. Whether or not you make such inference is a matter solely for you, the jury, to determine.

Conspiracy; Culpability

A conspiracy is an agreement between two or more persons to do an unlawful act, and the existence of a conspiracy may be established by proof of acts and conduct, as well as by proof of an express agreement. When persons associate themselves in an unlawful enterprise, any act done by any party to the conspiracy to further the unlawful enterprise is considered to be the act of all the conspirators. However, each person is responsible for the acts of others only insofar as such acts are naturally or necessarily done to further the conspiracy.

Whether or not a conspiracy existed in this case is a matter for you to determine.

Conspiracy; Conduct and Presence of Parties

Presence, companionship, and conduct before and after the commission of the alleged offense may be considered by you in determining whether or not such circumstances, if any, give rise to an inference of the existence of a conspiracy.

Mere Presence; Guilt by

A jury is not authorized to find a person who was merely present at the scene of the commission of a crime at the time of its perpetration guilty of consent in and concurrence in the commission of the crime, unless the evidence shows, beyond a reasonable doubt, that such person committed the alleged crime, helped in the actual perpetration of the crime, or participated in the criminal endeavor.

Mere Association; Guilt by

A jury is not authorized to find a person who was merely associated with other persons involved in the commission of a crime guilty of consent in or concurrence in the commission of the crime, unless the evidence shows, beyond a reasonable doubt, that such person helped in the actual perpetration of the crime or participated in the criminal endeavor.

Conspiracy; Admission of Coconspirator

If the existence of a conspiracy has been shown beyond a reasonable doubt by evidence other than by the declarations of any of the alleged coconspirators, then any admissions or statements made by one or more of the conspirators during and in furtherance of the alleged conspiracy may be considered by the jury against all of the conspirators.

Should you determine that there was no conspiracy or if you are not satisfied beyond a reasonable doubt that a conspiracy existed at the time a particular declaration was made, that the defendant on trial was not a party to a conspiracy, that the existence of a conspiracy has been shown only by the declarations of coconspirators, that the alleged admissions by coconspirators were not made during and in furtherance of the alleged conspiracy, or that no admissions were made to a third party by an alleged coconspirator, then you are to disregard any testimony as to any alleged admissions made out of the presence of the defendant by an alleged coconspirator.

Conspiracy; Renunciation and Abandonment of Criminal Enterprise

If you believe that the defendant conspired with one or more other persons to commit the crime alleged in this indictment, but that before the overt act occurred the defendant withdrew agreement to commit the crime and the defendant voluntarily and completely renounced and abandoned all participation in the criminal endeavor prior to the commission of the offense, if any, then the defendant would not be guilty of the offense alleged, and it would be your duty to acquit the defendant.

Verdict; Generally

If, after considering the testimony and evidence presented to you, together with the charge of the court, you should find and believe beyond a reasonable doubt that the defendant in Fondren County, Mississippi, did on or about the date alleged commit the offense as alleged in the indictment, you would be authorized to find the defendant guilty. In that event, the form of your verdict would be, "We, the jury, find the defendant guilty." If you do not believe that the defendant is guilty, or if you have any reasonable doubt as to the defendant's guilt, then it

would be your duty to acquit the defendant, in which event the form of your verdict would be, "We, the jury, find the defendant not guilty."

Court Has No Interest in Case

By no ruling or comment that the court has made during the progress of the trial has the court intended to express any opinion upon the facts of this case, upon the credibility of the witnesses, upon the evidence, or upon the guilt or innocence of the defendant.

Sentencing; Responsibility for

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

Deliberations

One of your first duties in the jury room will be to select one of your number to act as foreperson, who will preside over your deliberations and who will sign the verdict to which all twelve of you freely and voluntarily agree.

You should start your deliberations with an open mind. Consult with one another and consider each other's views. Each of you must decide this case for yourself, but you should do so only after a discussion and consideration of the case with your fellow jurors. Do not hesitate to change an opinion if you are convinced that it is wrong. However, you should never surrender an honest opinion in order to be congenial or to reach a verdict solely because of the opinions of the other jurors.

Unanimous Verdict

Whatever your verdict is, it must be unanimous (that is, agreed by all). The verdict must be in writing and signed by one of your members as foreperson, dated, and returned to be published in open court.

Retire to Jury Room

You may now retire to the jury room, but do not begin your deliberations until you receive the indictment and any evidence that has been admitted in the case.

Bailiff, escort the jury to the jury room.



FONDREN POLICE DEPARTMENT

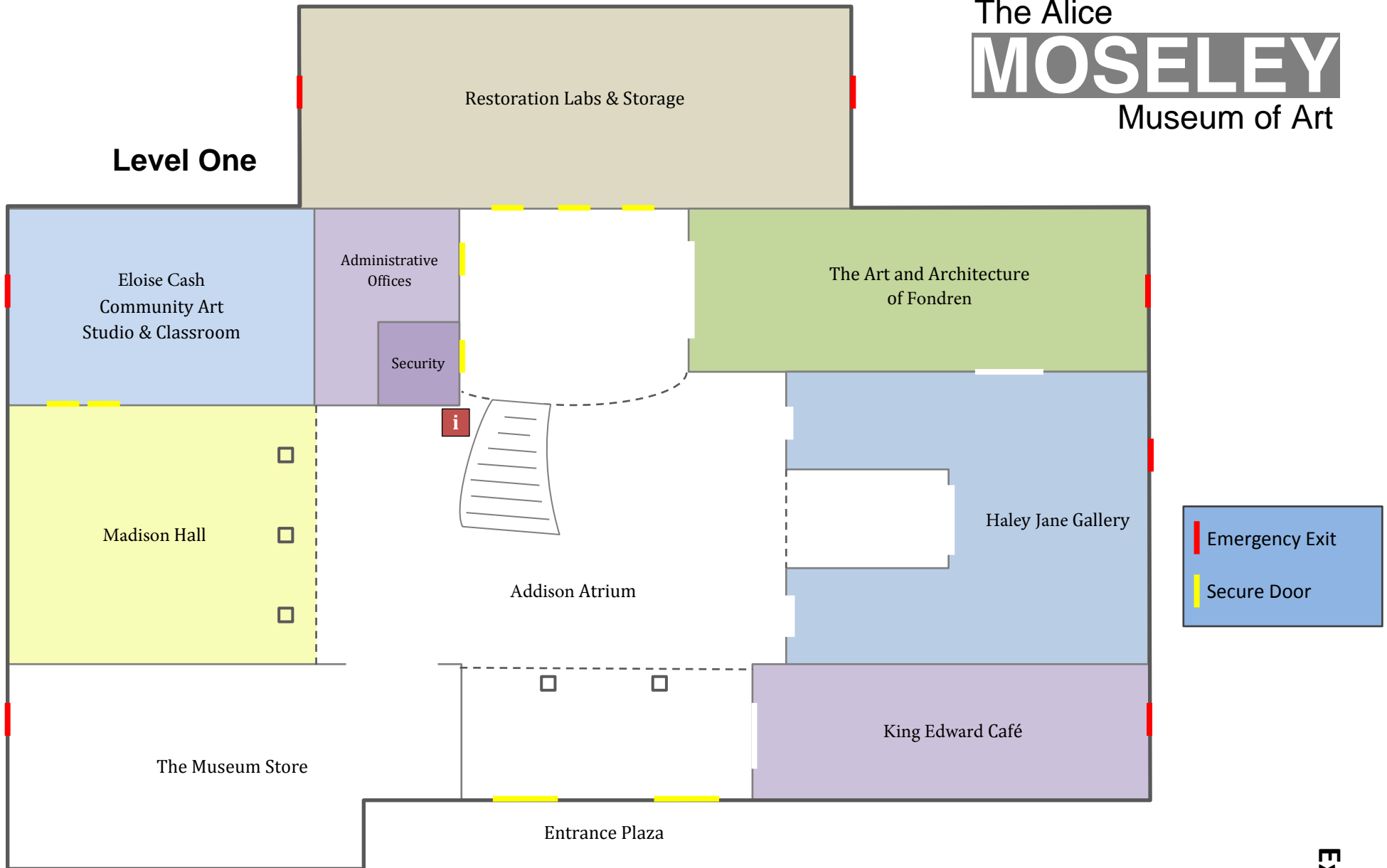
INCIDENT REPORT

CASE NUMBER: 20-518035		DATE OF REPORT: 23 March 2020 TIME: 9:25		<input checked="" type="checkbox"/> ORIGINAL REPORT <input type="checkbox"/> SUPPLEMENTAL REPORT	
DATE OF OCCURRENCE: 18 March 2020		TIME OF OCCURRENCE: 19:27		DOW: <input type="checkbox"/> Sun <input type="checkbox"/> Mon <input type="checkbox"/> Tues <input checked="" type="checkbox"/> Wed <input type="checkbox"/> Thur <input type="checkbox"/> Fri <input type="checkbox"/> Sat <input type="checkbox"/> Unk	
INCIDENT LOCATION: The Alice Moseley Museum of Art					
COMMON/BUSINESS NAME:		BEAT:		MAPR:	
DISTRICT:		ALCOHOL: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> UNK		DRUG: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> UNK	
CASE STATUS: <input checked="" type="checkbox"/> cleared by arrest <input type="checkbox"/> exceptionally cleared <input type="checkbox"/> unfounded <input type="checkbox"/> inactive <input type="checkbox"/> pending arrest <input type="checkbox"/> pending inv. results <input type="checkbox"/> informational only <input type="checkbox"/> administratively cleared					DATE: 21 March 2020
ATTEMPTED/COMMITTED: <input type="checkbox"/> Committed <input type="checkbox"/> Accessory After <input type="checkbox"/> Accessory Before <input type="checkbox"/> Aid/Abet <input type="checkbox"/> Assault To <input checked="" type="checkbox"/> Attempt to <input checked="" type="checkbox"/> Conspiracy To <input type="checkbox"/> Facilitation Of <input type="checkbox"/> Solicitation To <input type="checkbox"/> Threat To <input type="checkbox"/> Unfounded					
ATTACK REASON: <input type="checkbox"/> Assault <input checked="" type="checkbox"/> Theft <input type="checkbox"/> Menace <input type="checkbox"/> Concerned Citizen <input type="checkbox"/> Mental			WEAPON TYPE: <input type="checkbox"/> Firearm <input type="checkbox"/> Knife/Cutting Instrument <input type="checkbox"/> Hands/Fists/Feet, etc. <input checked="" type="checkbox"/> Other Weapon		
# ENTERED: 2		STRUCTURE OCCUPANCY: 3 at time of entry		EVIDENCE OBTAINED: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNK	
JUVENILE DISPOSITION: <input type="checkbox"/> Referred to Welfare Agency <input type="checkbox"/> Referred to Other Police		<input type="checkbox"/> Handled w/in Dept. <input type="checkbox"/> Referred to Juvenile Court <input type="checkbox"/> Referred to Adult Court			
UCR DISPOSITION: <input type="checkbox"/> Exceptionally Cleared – Adult		<input type="checkbox"/> Cleared by Arrest – Adult <input type="checkbox"/> Exception Cleared – JUV		<input type="checkbox"/> Cleared by Arrest - JUV <input type="checkbox"/> Unfounded <input type="checkbox"/> Active	
EX CLEARED TYPE: <input type="checkbox"/> Death of Offender <input type="checkbox"/> Juvenile/No Custody		<input type="checkbox"/> Extradition Declined <input type="checkbox"/> Vict/Witn Refused Cooperate		<input type="checkbox"/> Arrest on Primary Offense <input type="checkbox"/> Prosecution Declined	
THEFT BY COMPUTER? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> UNK		FORCED ENTRY? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> UNK		DATE CLEARED: 21 March 2020 # ARRESTED: 2	
DRUG ACTIVITY: <input checked="" type="checkbox"/> N/A <input type="checkbox"/> Buy <input type="checkbox"/> Deliver <input type="checkbox"/> Use <input type="checkbox"/> Distribute <input type="checkbox"/> Manufacture <input type="checkbox"/> Produce <input type="checkbox"/> Cultivate <input type="checkbox"/> Possess <input type="checkbox"/> Smuggle <input type="checkbox"/> Sell <input type="checkbox"/> Traffic <input type="checkbox"/> Other					
DRUG TYPE: <input checked="" type="checkbox"/> N/A <input type="checkbox"/> Amphetamine <input type="checkbox"/> Barbiturate <input type="checkbox"/> Cocaine <input type="checkbox"/> Heroin <input type="checkbox"/> Hallucinogen <input type="checkbox"/> Marijuana <input type="checkbox"/> Opium/Derivative <input type="checkbox"/> Paraphernalia <input type="checkbox"/> Synthetic					
QUANTITY:		UNITS: <input type="checkbox"/> Gram <input type="checkbox"/> Milligram <input type="checkbox"/> Kilogram <input type="checkbox"/> Ounce <input type="checkbox"/> Pound <input type="checkbox"/> Ton <input type="checkbox"/> Liter <input type="checkbox"/> Milliliter <input type="checkbox"/> Dose		VALUE \$ _____	
VICTIM/OFFENDER RELATIONSHIP: Employee					
ASSAULT/HOMICIDE CIRCUMSTANCES: Refer to narrative					
CHILDREN WERE... <input type="checkbox"/> Involved <input type="checkbox"/> Present <input checked="" type="checkbox"/> N/A <input type="checkbox"/> Both		OFFICER ACTION: <input type="checkbox"/> Arrest Family Violence <input type="checkbox"/> Arrest Other Offense <input type="checkbox"/> Summons <input type="checkbox"/> Separation <input type="checkbox"/> Unfounded <input type="checkbox"/> Referred to Social			
PRIOR COURT ORDERS: <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNK		ALCOHOL USED BY: <input type="checkbox"/> Aggressor <input type="checkbox"/> Victim <input type="checkbox"/> Both Used <input type="checkbox"/> Neither Used		DRUGS USED BY: <input type="checkbox"/> Aggressor <input type="checkbox"/> Victim <input type="checkbox"/> Both Used <input type="checkbox"/> Neither Used	
PREVIOUS COMPLAINTS: <input type="checkbox"/> None <input type="checkbox"/> One-Five <input type="checkbox"/> Six-Ten <input type="checkbox"/> More than 10 <input type="checkbox"/> Unknown		SERVICES: <input type="checkbox"/> Advised <input type="checkbox"/> Not Advised		AGGRESSOR IDENTIFIED BY: <input type="checkbox"/> Physical Evidence <input type="checkbox"/> Testimonial <input type="checkbox"/> Both	

CASE NUMBER: 20-518035	DATE OF REPORT: 23 March 2020 TIME: 9:25	<input checked="" type="checkbox"/> ORIGINAL REPORT <input type="checkbox"/> SUPPLEMENTAL REPORT
BRIEF DESCRIPTION:		
<p>On 03/18/20, I was dispatched to the Moseley Museum on a 459A (burglar alarm). When I first arrived, the uniform officers had Ari Clement in handcuffs in the back of a patrol car. A Lincoln Wayfinder with license plate JWS2006 registered to Clement was parked outside the museum. In the back, I could see, in plain view, <i>The Choctaw Green</i>. I learned that Clement was involved in the theft of this painting. I saw Avery McQueen, the curator, and Dylan Redding, the night shift security guard at the bottom of the stairs to the rear door of the museum. That rear door was open. The uniform officers had already secured the scene inside the museum.</p> <p>As the lead investigator for this case, I was responsible for delegating certain duties. I had someone with our Crime Scene Unit help try to obtain fingerprints and DNA from the museum gallery where the painting was stolen. We weren't able to obtain any fingerprints because I learned that the culprits were wearing gloves. There was no DNA that we could use; too many visitors and employees had been through the area that day to be able to find anything that we could compare to known samples.</p> <p>I interviewed the people on scene. I talked to Redding first. S/He said that s/he was by him/herself working the night shift. S/He said that he was just finishing his evening walk-through, and even though there aren't supposed to be guests at that time, s/he heard from Devon Finch that McQueen was breaking protocol and giving an improperly scheduled after-hours tour. Redding went to the security room to see what was going on and found that the surveillance cameras had been turned off. S/He speculated that McQueen did it to cover up the tour because it wouldn't be his/her first infraction.</p> <p>McQueen was still shaken up when I talked to him/her. S/He said he saw Clement and an unidentified individual move across the gallery to <i>The Choctaw Green</i> exhibit. According to him/her, there they took it off the wall and s/he tried to stop them. S/He said no alarms went off.</p> <p>The only other witness in the museum was Finch. Finch was the custodian. S/He said that everything was normal in the gallery where <i>The Choctaw Green</i> was displayed, even though s/he hadn't gotten to that part of the museum. He/she said that McQueen seemed a little nervous that evening when he saw him.</p> <p>After I finished at the museum, I went back to headquarters, where Clement was in custody. S/He was in Interview Room 1. I set up the audio/video equipment to record the interview. I went into the interview room, and I advised Clement of his/her Miranda Rights, reading from my Miranda card that I keep on my person. Clement asked for an attorney.</p> <p>A few hours later, I got word that Clement was asking for me. We hadn't finished all the paperwork, so s/he hadn't been transported to the jail yet. I advised him/her of his/her Miranda Rights again, and I had him/her sign another form. S/He told me that McQueen came up with the idea for the heist. S/He said that McQueen wanted him/her to pose as a rich art donor, and along with Kennedy Amory, they would be able to take the painting. Clement also said this other guy named "Tiny" helped the night of the heist. Clement walked me through how McQueen had showed him/her how to disable the alarms using an app on his/her phone. S/He said that everything went according to plan that night, except Amory didn't show up. The part about McQueen chasing them and getting knocked out was even part of McQueen's elaborate scheme to make it look like McQueen wasn't involved.</p> <p>I also interviewed Amory when s/he came to headquarters. S/He wasn't under arrest at that time, so I didn't read him/her Miranda. S/He also said that McQueen concocted the whole plan, and s/he was supposed to be the getaway driver. However, Amory said that s/he decided not to go along at the last minute after getting cold feet. I ran his/her criminal history and learned that s/he had already been convicted of voluntary manslaughter stemming from an incident involving <i>The Choctaw Green</i>.</p> <p>After learning this information, I went back to review the surveillance videos, but I was not able to obtain any. I did learn during my investigation that McQueen had booked a trip to Tahiti that was scheduled to start just a few days after the heist.</p> <p>Based upon this information, I took out a warrant for McQueen's arrest for conspiracy to commit theft. This case is closed by arrest.</p>		
ATTACHMENTS: <input type="checkbox"/> Persons <input type="checkbox"/> Property <input type="checkbox"/> Offenses <input type="checkbox"/> Narrative		GCIC ENTRY <input type="checkbox"/> Warrant <input type="checkbox"/> Vehicle <input type="checkbox"/> Article <input type="checkbox"/> Boat <input type="checkbox"/> Gun
REPORTING OFFICER: <i>C. Slack</i>	BADGE: 4733	DATE: 23 March 2020
SUPERVISOR: <i>Nick Barker</i>	BADGE: 88522	DATE: 23 March 2020
DATA ENTRY:	BADGE:	DATE:

The Alice
MOSELEY
Museum of Art

Level One



Level Two

Reception Space

Anderson Special
Exhibitions Gallery

James Russell Special
Collections Gallery
Art of the American South

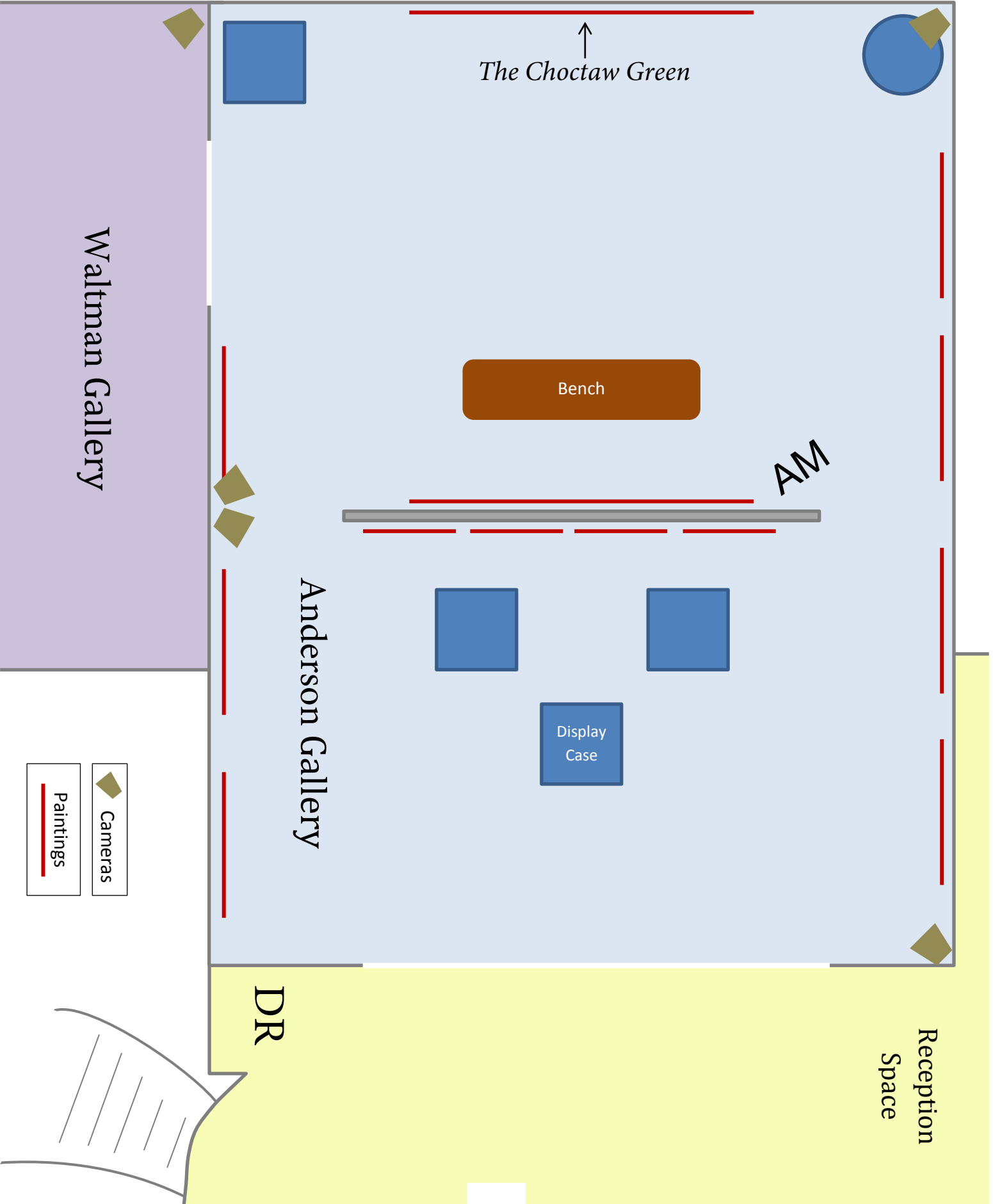
Waltman Gallery


Coleman-Harvey Portrait Gallery


Photographs

The Kyle Myers Sculpture Loft
(Loft has rail open to atrium.)






Cameras


Paintings



Sentryway Security Log

Security Systems

THU, 05-Mar-20

16:00	CLOCK_IN		DREDDING		
16:30	SEC_OFF	DOOR	AMCQUEEN		
16:33	VIS_BADGE	CHECK_IN	AMCQUEEN		Kennedy Amory
16:33	VIS_BADGE	CHECK_IN	AMCQUEEN		Ari Clement
16:40	LAB_1	DOOR	AMCQUEEN	CARD	
16:42	LAB_1	DOOR	KHANDY	CARD	
16:48	LAB_2	DOOR	AMCQUEEN	CARD	
16:57	CLOCK_IN		DFINCH		
17:05	CLOCK_OUT		EHYDE		
17:05	CLOCK_OUT		BSMITH		
17:05	CLOCK_OUT		JSETZER		
17:07	CLOCK_IN		DREED		
17:15	PERIM_DOORS	ACTIVE	DREDDING	SEC_OFF	
17:20	CASE_A12	INACTIVE	KHANDY	LOCAL	
17:28	TAG_125	BREACH			
17:28	TAG_125	ANSWER	AMCQUEEN	APP	
17:29	SEC_OFF	DOOR	DREDDING	CARD	
17:33	CASE_A12	ACTIVE	KHANDY	LOCAL	
17:46	ADMIN	DOOR	AMCQUEEN	CARD	
17:49	SEC_OFF	DOOR	AMCQUEEN	CARD	
17:52	VIS_BADGE	CHECK_OUT	AMCQUEEN		Ari Clement
17:54	DOOR_1A	INACTIVE	AMCQUEEN	CARD	
17:54	DOOR_1A	ACTIVE	AMCQUEEN	CARD	
17:56	ADMIN	DOOR	AMCQUEEN	CARD	
18:12	SEC_OFF	DOOR	AMCQUEEN	CARD	
18:13	VIS_BADGE	CHECK_OUT	AMCQUEEN		Kennedy Amory
18:20	DOOR_3	INACTIVE	AMCQUEEN	CARD	
18:35	GAL_2_MOTION	ACTIVE	DREDDING	SEC_OFF	
19:04	GAL_4_MOTION	ACTIVE	DREDDING	SEC_OFF	
19:46	GAL_1_MOTION	ACTIVE	DREDDING	APP	
19:50	DOOR_3	INACTIVE	DREED	CARD	
19:53	DOOR_3	ACTIVE	DREED	CARD	
21:13	GAL_3_MOTION	ACTIVE	DREDDING	SEC_OFF	
21:16	GAL_5_MOTION	ACTIVE	DREDDING	SEC_OFF	
21:17	GAL_6_MOTION	ACTIVE	DREDDING	SEC_OFF	
23:18	CLOCK_OUT		DREED		
23:20	CLOCK_OUT		DFINCH		
23:21	DOOR_3	INACTIVE	DFINCH	CARD	
23:30	ALL_ARM	ACTIVE	DREDDING	APP	

WED, 18-Mar-20

16:55	CLOCK_IN		DFINCH		
17:04	CLOCK_OUT		EHYDE		
17:05	CLOCK_OUT		BSMITH		
17:05	CLOCK_OUT		JSETZER		
17:18	PERIM_DOORS	ACTIVE	DREDDING	SEC_OFF	
17:24	LAB_1	DOOR	KHANDY	CARD	
17:48	TAG_119	ACTIVE	KHANDY	LOCAL	
17:49	TAG_103	ACTIVE	KHANDY	LOCAL	
17:51	TAG_99	ACTIVE	KWOOD	LOCAL	
17:52	TAG_96	ACTIVE	KWOOD	LOCAL	
17:54	TAG_100	ACTIVE	KHANDY	LOCAL	
17:54	TAG_103	INACTIVE	KHANDY	LOCAL	
17:55	TAG_122	ACTIVE	KWOOD	LOCAL	
17:56	CASE_C2	ACTIVE	KHANDY	LOCAL	
17:58	TAG_103	ACTIVE	KHANDY	LOCAL	
18:30	GAL_2_MOTION	ACTIVE	DREDDING	APP	
19:02	DOOR_1A	INACTIVE	AMCQUEEN	CARD	
19:02	DOOR_1A	ACTIVE	AMCQUEEN	CARD	
19:04	SEC_OFF	DOOR	AMCQUEEN	CARD	
19:07	GAL_2_MOTION	INACTIVE	AMCQUEEN	SEC_OFF	
19:08	INT_CAMERAS	INACTIVE	AMCQUEEN	SEC_OFF	
19:20	SEC_OFF	DOOR	DREDDING	CARD	
19:20	INT_CAMERAS	ACTIVE	DREDDING	SEC_OFF	
19:20	MASTER_ALARM	ACTIVE	DREDDING	SEC_OFF	FAILED
19:23	TAG_103	INACTIVE	AMCQUEEN	APP	
19:23	PERIM_DOORS	INACTIVE	AMCQUEEN	APP	
19:24	SYSTEM_RESET		DREDDING	APP	
19:25	DOOR_9	BREACH			
19:26	MASTER_ALARM	ACTIVE	SYSTEM		
19:26	MPD_DISPATCH		SYSTEM		
19:37	MASTER_ALARM	ANSWER	DREDDING	APP	
19:49	ALL_ALARM	INACTIVE	DREDDING	APP	
20:14	SEC_OFF	DOOR	DREDDING	CARD	
20:40	ADMIN	DOOR	AMCQUEEN	CARD	
21:49	CLOCK_OUT		DFINCH		
22:34	PERIM_DOORS	ACTIVE	DREDDING	SEC_OFF	
22:36	ALL_ALARM	ACTIVE	DREDDING	SEC_OFF	

Sentrywayamcqueen
gigi 0001

Admin - Card

- Log

- Visitor badge

System - Doors

- Tags

- Cases

- Cameras

- Motions

All Arm

D1A/B - front

D2 - store

D3 - cafe

D4 - Haley Jane

D5 - Arch.

D6

D7 > Labs

D8 - Cash

*D9 - Waltman

D10 > Recpt.

D11

D12 - Russell

D13 - Photo

WIFI -
Moseley20

*cards at doors when sys. armed

CGREEN = 103



LOAN AGREEMENT

THIS AGREEMENT ("Agreement") between the ALICE MOSELEY MUSEUM OF ART, a non-profit Mississippi Corporation ("Museum") and RAVEN FEATHER, an individual residing in Tulsa, Oklahoma ("Feather") is entered into for the purpose of documenting the condition of the loan of a fine art painting known as THE CHOCTAW GREEN ("painting" or "art work").

The painting is currently owned by Feather, who warrants that s/he has the legal right to loan the painting to Museum for the purposes and term described and upon the conditions set forth. No intellectual property rights exist in other persons inhibiting the reproduction of the painting.

Museum is planning an exhibition of fine art in which it wishes to exhibit the painting, during the period from March 19, 2020 until October 31, 2020, inclusive. To facilitate arrangement of the exhibit, Museum will take possession of the painting on March 4, 2020. Museum acknowledges the authority of Avery McQueen, its curator, to execute this Agreement and enter into the obligations below on its behalf.

IN CONSIDERATION of the mutual covenants set forth in this Agreement, Feather agrees to loan and Museum agrees to receive and protect the painting during the above-mentioned exhibition.

- I. The painting will be removed, under the supervision and at the expense of Museum from its location at Feather Oil Company in Tulsa, OK, and will be properly packed for shipping. Transportation to the exhibit, unpackaging, storage before exhibition, storage after exhibition, repackaging after exhibition, transportation back to Feather Oil Company, Tulsa, OK and re-installation will be under the supervision and at the expense of Museum.
- II. The painting is to be installed, by Museum, as the centerpiece of the Exhibition. The Choctaw Green will be hung and lighted as the initial work seen as attendees enter the exhibition space, separated from the access-way by security barriers placed no less than four feet (4') from the wall. Guards will be in attendance, in the exhibition itself, at all times that the exhibition is open to the public, and the painting itself will be alarmed – integrated into the alarm system of the museum – with local police available within fifteen (15) minutes driving time of the museum.
- III. Museum shall be in control of the wall colors and other surroundings of the installed painting. The description of The Choctaw Green for the exhibition program, tour materials (both written and audio) and publicity (both print and video) is to be developed by Museum. Museum shall have the right to reproduce the painting on the exhibition program, show posters (for display in the museum), souvenir tickets, and local publicity materials. Any reproductions for sale through the museum shop are to be licensed through a separate agreement. An exhibition companion book is not contemplated.
- IV. No restoration, repair or re-framing of the painting is to be done, and the painting will be installed in the exhibition in its current condition as of its last inspection by Museum's

assistant curator prior to the execution of this Agreement. Any change of condition after the signing of this Agreement and before Museum has taken possession shall be grounds to terminate this Agreement at the election of Museum.

V. Museum agrees to value the painting, for the limited purposes of this Agreement (and not as an appraisal for any other purposes) at the value of TWENTY MILLION DOLLARS (\$20,000,000.00), and to insure the painting for this amount (on its own behalf and by adding the painting to Museum's overall insurance coverage) in the event of loss (by reason of theft, misdirection or total destruction of the painting) during the period the painting is in the custody of Museum: from receipt, during transport, storage and exhibition, until return and reinstallation in Tulsa, OK.

- [a] "Total Destruction" shall mean the destruction of the painting in its totality, the partial destruction of the painting to such extent that its unique value is substantially lost, and/or the damage of the painting such that it cannot be restored or repaired to its previous condition.
- [b] "Theft" shall mean the taking away of the painting, during any period when custody resides in Museum, by any person (other than the lawful owner or his/her agents), with the intent to permanently deprive the owner of the full enjoyment of the painting (absolutely or on condition that a ransom is not paid). Museum, working in concert with law enforcement authorities, will make its best efforts to secure the return of the painting in good condition. A "theft", for insurance purposes, shall be presumed if the painting cannot be recovered within thirty (30) days of its disappearance or fifteen (15) days of its known theft, if sooner.
- [c] "Misdirection" shall mean any action or failure by Museum, its agents, employees or delegates, which shall cause the painting's location to be unknown or unaccounted for a period of thirty (30) days.
- [d] Raven Feather agrees, in the event of theft or misdirection, to cooperate with Museum, its agents and all relevant law enforcement authorities to secure the return of the painting in good condition. Museum shall have permission to disclose to its agents and law enforcement authorities all information disclosed to it or in its possession regarding the painting, its provenance and its condition. The owner also gives permission for Museum to have repair and restoration work done, in the event of damage, before a value for insurance payment purposes is assessed.
- [e] In the event that compensation is paid to the owner by reason of loss, owner transfers and subrogates to Museum and/or its insurer all compensated claims which owner may have or could bring against third persons, up to the full amount of compensation paid to the owner, plus costs.

VI. This Agreement shall be construed under the Laws of the State of Mississippi. This Agreement may be modified or amended, but only in writing. This Agreement may be executed in multiple counterparts each of which shall be effective as an original and all of which together comprise this Agreement.

Raven Feather

RAVEN FEATHER

3-12-19

Date

THE ALICE MOSELEY MUSEUM OF ART

By:

Avery McQueen

Avery McQueen

Authorized Representative

3/31/2019

Date

The Alice
MOSELEY
Museum of Art

APPRAISAL

Date of Appraisal: March 15, 2019

Property of:

Mr. & Ms. Raven C. Feather
Feather Oil Company
95 West 6th Street
Tulsa, OK 74103

Description:

An oil painting, on canvas w/ three minor repairs (believed to be late 1940s) and one small over-painting in lower left corner (believed to be original to painting or painted soon thereafter and in style of artist); no dealers' or auction house stamps; the painting depicts a Choctaw Green plant growing among rocks alongside a rustic trail of early 19th Century appearance; rear-ground shows procession of persons in Native American dress of 1820s-1830s Southeastern Choctaw style; brushwork, perspective, palate and subject matter is identified (based upon research into other, accredited work of artist) as that of Posey Tattersall Peachling (Am. artist, 1880-1971), no signature, and specifics of painting match descriptions of work by that artist entitled *The Choctaw Green*, which this work is believed to be.

Valuation:

This appraisal is prepared in connection with a loan agreement for the exhibition of fine art, and is not intended for use for valuations in connection with auctions, gifts, estate taxes, charitable donations, PRIVATE property insurance or purposes other than its chief purpose.

Total Appraised Value: **\$20,000,000**

By: Marjorie Coleman

Marjorie Coleman

Appraiser

Member, Appraisers Association of America

Member, International Society of Appraisers

IN THE CIRCUIT COURT OF FONDREN COUNTY, STATE OF MISSISSIPPI

STATE OF MISSISSIPPI
versus KENNEDY AMORY

Clerk to complete if incomplete:

CRIMINAL ACTION #:

OTN(s): 551255487339DOB: 7/19/76Miss. ID#: 06325499652014-NMT
MARCH TERMFinal Disposition:
FELONY

PLEA:

VERDICT:

☐ Negotiated ☐ Non-negotiated ☒ Jury ☐ Non-jury

The Court enters the following judgment:

Count; CTN; Warrant #	Charge (as indicted or accused & code section)	Disposition (Guilty, Guilty-Alford, Guilty- Lesser Included & code section, Not Guilty, Nolo, Nol Pros, Dead Docket)	Sentence	High & Aggravated	Fine	Concurrent/ Consecutive, Merged Suspended
1 001 08w56147	MURDER (M.C.A. §97-3-21)	GUILTY – LESSER INCLUDED MANSLAUGHTER (M.C.A. §97-3-47)	10 Years			

The Defendant is adjudged guilty for the above-stated offense(s); the Court sentences the Defendant to confinement in the County Jail, with the period of confinement to be computed as provided by law.

SENTENCE SUMMARY

The Defendant is sentenced for a total of TEN (10) YEARS, ☒ with the first 5 to be served in confinement and the remainder to be served on probation; or ☐ to be served on probation.

The Defendant is to receive credit for time served in custody: ☐ from ***; or ☐ as determined by the custodian.

☐ 1. The above sentence may be served on probation provided the Defendant shall comply with the Conditions of Probation imposed by the Court as part of this sentence.

☒ 2. Upon service of 5 YEARS, the remainder of the sentence may be served on probation; PROVIDED, that the Defendant shall comply with the Conditions of Probation imposed by the Court as part of this sentence.

SPECIAL CONDITIONS OF PROBATION


The Defendant is subject to arrest for any violation of probation. If probation is revoked, the Court may order incarceration. The Defendant shall comply with the following Special Conditions of Probation: 1) Do not violate the criminal laws of any governmental unit and be of general good behavior. 2) Avoid injurious and vicious habits, especially alcoholic intoxication and narcotics and other dangerous drugs unless lawfully prescribed. 3) Avoid persons or places of disreputable or harmful character. 4) Report to the Probation Officer as directed and permit the Probation Officer to visit you at home or elsewhere. 5) Work faithfully at suitable employment insofar as may be possible. 6) Do not change your place of abode, move outside the jurisdiction of the Court, or leave the state without permission of the Probation Officer. If

permitted to move or travel to another state, you agree to waive extradition from any jurisdiction where you may be found and not contest any effort by any jurisdiction to return you to this State. 7) Support your legal dependents to the best of your ability. 8) When directed, in the discretion of the Probation Officer: (a) submit to evaluations and testing relating to rehabilitation and participate in and successfully complete rehabilitative programming; (b) wear a device capable of tracking location by means including electronic surveillance or global positioning satellite systems; (c) complete a residential or nonresidential program for substance abuse or mental health treatment; and/or (d) agree to the imposition of graduated sanctions as defined by law. 9) Make restitution as ordered by the Court.


OTHER CONDITIONS OF PROBATION

The Defendant is advised that violation of any Condition of Probation may subject the Defendant to a revocation of probation and the Court may require the Defendant to serve up to the balance of the sentence in confinement. The Defendant shall comply with all other Conditions of Probation as follows:


The Defendant shall report to the Probation Office as directed by Probation.

 Attorney at Law, represented the Defendant by:
☒ employment; or ☐ appointment.

SO ORDERED this 29th day of May, 2014.



Honorable George Carley, Judge
Fondren County Circuit Court

Prosecutor: 

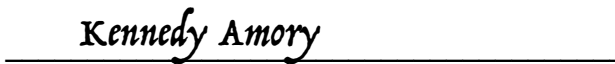
Court reporter: 

HABEAS CORPUS NOTICE

Should the defendant seek to challenge this legal proceeding, a Petition for Habeas Corpus must be filed: within four (4) years for a Felony conviction; within twelve (12) months for a Misdemeanor conviction; within 180 days for a Misdemeanor Traffic conviction; from the date the sentence becomes final. The defendant has been so advised.

ACKNOWLEDGMENT

I have read the terms of this sentence or had them read and explained to me. If all or any part of this sentence is probated I certify that I understand the meaning of the order of probation and the conditions of probation. I understand that violation of a special condition of probation could result in revocation of all time remaining on the period of probation.



Defendant

March 29, 20 14
Date

PETITION FOR MODIFICATION / REVOCATION OF PROBATION
DEPARTMENT OF CORRECTIONS / PROBATION DIVISION

THE STATE OF MISSISSIPPI

Vs.

Kennedy Amory

DOCKET NUMBER CR 2014NMT

March TERM 2020

CIRCUIT COURT OF FONDREN COUNTY

Now comes Natalie Seger, Probation Officer II in the name of and on behalf of the State of Mississippi and brings this action against Kennedy Amory hereinafter called the defendant, and shows

I

That the defendant entered a plea of guilty to or was convicted of the offense (s) of Manslaughter.

II

That this court did sentence the Defendant to serve as follows: Adjudicated guilty on May 29, 2014 and sentenced to Ten (10) years imprisonment. Toll Time Began/Ended Dates: April 1, 2013/April 1, 2023

III

That this Court, by proper order, however, permitted the Defendant to serve said sentence on probation, the terms and conditions of which are fully set forth in the copy of said sentence which is attached hereto, and marked "Exhibit A", and specifically incorporated herein.

IV

That the defendant has violated the terms and conditions of probation in the following particulars: Condition #3: In that, the Defendant failed to avoid persons or places of disreputable or harmful character by involving him/herself in an attempted burglary.

V

WHEREFORE, the State of Mississippi prays that the citation for modification / revocation of probation be served on the Defendant and that the Defendant be directed to appear before this court on a day to be fixed by the Court and at that time to show cause why probation should not be modified or revoked.

This 26th day of March, 2020

Natalie Seger
PROBATION OFFICER II
FONDREN CIRCUIT

Having read and considered the foregoing petition, it is hereby ordered that the Defendant be served with a copy of same and that the Defendant show cause before the presiding Judge on the 7th day of April, 2020 at 1 p.m. at the Fondren County courthouse in Fondren, Mississippi why said probation should not be modified/revoked.

This 26th day of March, 2020.

The Honorable George H. Carly
Judge
Fondren County Circuit Court

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing petition upon the defendant in person (or by registered mail).

This 26th day of March, 2020

Natalie Seger
PROBATION OFFICER
FONDREN CIRCUIT

ACKNOWLEDGEMENT

I hereby acknowledge service of the foregoing petition and that I am aware that I may employ legal representation at said hearing or be represented otherwise as the Court may direct.

This 26th day of March, 2020

Kennedy Amory
(Defendant)

Whereas pursuant to notice given to the defendant, a full hearing was conducted by the Court on the date aforesaid in accordance with M.C.A. 47-7-37 and the Court has adjudicated that the terms and conditions of probation had been violated by being a party to the crime of burglary of a non-dwelling in Fondren County on or about 5 March 2020 through 18 March 2020, and Defendant has knowingly, intelligently and voluntarily consented to the revocation of probation in full,

NOW, THEREFORE, it is ordered and adjudged that the probation provisions in said original sentence be: X Revoked in full in accordance with M.C.A. 47-7-37.1 and the defendant is required to serve the balance of the originally imposed sentence in custody of the Department of Corrections.

So ordered, this the 14th day of April, 2020.

George H. Carley
Judge
Fondren County Circuit Court



EXHIBIT 9(A)

Fondren Police Department

104 Main Street ♦ Fondren, MS 39211

CHIEF OF POLICE
Eric Lassard

ASSISTANT CHIEF OF POLICE
Ted/Teddi Exley

YOUR RIGHTS

Name: Ari Clement Place: FPD
DOB: 5/16/88 Date: 3/18/20
Time: 23:10

We are informing you that we are Cameron Slack and _____, police officers of the Fondren Police Department. Before we ask you any questions, you must know and understand your legal rights; therefore, we warn and advise you:

AC You have the right to remain silent.

AC Anything you say can and will be used against you in a court of law.

AC You have the right to an attorney.

AC If you cannot afford an attorney, one will be appointed for you before any questioning if you wish one.

AC You can decide at any time from this moment on to terminate the interview and exercise these rights.

Do you understand each of these rights I have explained to you? Yes X No

Having these rights in mind, do you wish to talk to us now? Yes No X

Signed: Ari Clement

Witnessed: C. Slack

Witnessed: _____



EXHIBIT 9(B)

Fondren Police Department

104 Main Street ♦ Fondren, MS 39211

CHIEF OF POLICE
Eric Lassard

ASSISTANT CHIEF OF POLICE
Ted/Teddi Exley

YOUR RIGHTS

Name: Ari Clement

Place: FPD

DOB: _____

Date: 3/19/2020

Time: 23:10

We are informing you that we are Cameron Slack and _____, police officers of the Fondren Police Department. Before we ask you any questions, you must know and understand your legal rights; therefore, we warn and advise you:

AC You have the right to remain silent.

AC Anything you say can and will be used against you in a court of law.

AC You have the right to an attorney.

AC If you cannot afford an attorney, one will be appointed for you before any questioning if you wish one.

AC You can decide at any time from this moment on to terminate the interview and exercise these rights.

Do you understand each of these rights I have explained to you? Yes X No ____

Having these rights in mind, do you wish to talk to us now? Yes X No ____

Signed: Ari Clement

Witnessed: C. Slack

Witnessed: _____



Hello, AVERY M

AirMiles # *****104 >

Your Trip Confirmation #: LNTS4S

MANAGE MY TRIP >

Sun, 22MAR	DEPART	ARRIVE
ALPHA 2437 FIRST CLASS (A)	JACKSON 11:10am	LOS ANGELES 12:51pm
ALPHA 7173* FIRST CLASS (S)	LOS ANGELES 4:30pm	PAPEETE 10:55pm
Sun, 5APR	DEPART	ARRIVE
ALPHA 77* FIRST CLASS (B)	PAPEETE 8:40am	LOS ANGELES 6:45pm
ALPHA 2662 FIRST CLASS (S)	LOS ANGELES 10:45pm	JACKSON 5:50am

*Flight 7173 Operated by TAHITI AIR

*Flight 77 Operated by ENGLISH AIRWAYS

Passenger Info**NAME**

AVERY MCQUEEN

AirMiles #*****104

FLIGHT

ALPHA 2437

ALPHA 7173

ALPHA 77

ALPHA 2662

SEAT

3A

4C

4E

2B

Flight Receipt

Ticket #: 0062387678723

Place of Issue: Alpha.com

Issue Date: 26MAR19

Expiration Date: 26MAR20

METHOD OF PAYMENT

VI *****8779

\$4,043.69 USD**CHARGES****Air Transportation Charges**

Base Fare

\$3,768.00 USD

Taxes, Fees and Charges

\$275.69 USD

TICKET AMOUNT**\$4,043.69 USD**

This ticket is non-refundable unless the original ticket was issued at a fully refundable fare. Some fares may not allow changes. If allowed, any change to your itinerary may require payment of a change fee and increased fare. Failure to appear for any flight without notice to Alpha will result in cancellation of your remaining reservation.