

Case Clarifications
December 14, 2007

1. On page 45 of the case materials, in Darby Flook's criminal history, the most recent charge, from 10 Dec. 2006, lists him as being charged with felony possession of marijuana in excess of 2 kilos. Line 70 of Flook's statement (pg. 21) states that "the bag fell out of my pocket during the scuffle." Did Flook somehow have four and a half pounds of pot stuffed into his pocket, was the charge on the criminal record supposed to read "less than" instead of "greater than," or is this just an instance of Flook's unreliability?

Rely on the information presented in the case materials.

2. I have a question about Jo Staid's statement where he refers to investigating records of Red Fairfield which spanned one year before and one year after Fairfield's incarceration (Line 62-63). Which incarceration is he talking about? Isn't Red still incarcerated for the events on December 10th? Or is he talking about the incarceration in which he was released in 2003?

Rely on the case materials, in particular the next sentence, lines 63-64 (which talks about large number of cash deposits between 2004 and 2006).

3. In exhibit #5 (Red Fairfield's Bank State) there are two #444 checks with two different dates. Is this simply a typing error or not.

Alter the second #444 check (dated 12/1/2006) to be #444A.

4. Should Line 87 on page 33 in the last line read "I hope this prison stint doesn't force him/her into RELAPSE."?

Replace the word "remission" with "relapse".

5. page 77 (offering an exhibit) refers to authenticity stipulated to of the document. If we do not include that on page 13 stipulations then Jo Staid may be unable to testify at all because the foundation for exhibit 5 can never be established because the bank teller can not be called to lay foundation. No exhibit 5 then no testimony for Staid.

Stipulation #8: All parties stipulate that all exhibits were obtained and prepared in a lawful and accurate manner.