



COMMONWEALTH OF PENNSYLVANIA

vs

KIT SNOW

MONROE COUNTY BAR ASSOCIATION

2017 INVITATIONAL TOURNAMENT

Hosted by POCONO MOUNTAIN WEST HS

November 18, 2017

15.2506 (Crim) Drug Delivery Resulting in Death

1. The defendant has been charged with delivering drugs that resulted in the death of a person. To find the defendant guilty of this offense, you must find that the following elements have been proven beyond a reasonable doubt:

First, that the defendant administered, dispensed, delivered, gave, prescribed, sold, or distributed a controlled substance or a counterfeit controlled substance to a person.

Second, that the defendant did so intentionally, that is, that it was his conscious object to administer, dispense, deliver, give, prescribe, sell, or distribute a controlled substance or a counterfeit controlled substance to a person.

Third, that the administration, dispense, delivery, prescription, sale, or distribution was in violation of the Controlled Substance, Drug, Device and Cosmetic Act.

Fourth, that a person has died as a result of using the substance.

2. If you find each of these elements beyond a reasonable doubt, you should find the defendant guilty. If you do not find each proven beyond a reasonable doubt, you must find the defendant not guilty.

16.01 (Crim) Possession of a Controlled Substance [and Possession with Intent to Manufacture or Deliver a Controlled Substance]

1. In this case the defendant is charged with possession of a controlled substance and a separate crime, possession with intent to deliver a controlled substance. Specifically, the defendant is charged with unlawfully possessing heroin with intent to deliver.

2. Let me first explain the basic difference between these two crimes. The crime of possession is what it says--the act of possessing a controlled substance for an illegal purpose such as personal use. The crime of possession with intent to deliver requires something more--a controlled substance must be possessed, and it must be possessed not for personal use but for the specifically intended purpose of selling or delivering it to another person or persons.

3. In order for a person to be convicted of possession of a controlled substance, the following three elements must be proved to you beyond a reasonable doubt:

First, that the item is in fact a controlled substance. I hereby charge you that heroin is in fact a controlled substance in Pennsylvania.

Second, that the item was possessed by the defendant; and

Third, that the defendant was aware of the item's presence and that the item in fact was the controlled substance charged.

If the Commonwealth has proved all of these elements beyond a reasonable doubt, then you should find the defendant guilty; if the Commonwealth has failed to prove at least one element beyond a reasonable doubt, then you must find the defendant not guilty.

4. In order for a person to be convicted of possession of a controlled substance with intent to deliver, the following four elements must be proved to you beyond a reasonable doubt.

First, that the item is in fact a controlled substance. I hereby charge you that heroin is in fact a controlled substance in Pennsylvania.;

Second, that the item was possessed by the defendant;

Third, that the defendant was aware of the item's presence and that the item in fact was the controlled substance charged; and

Fourth, that the defendant possessed this item or these items with the specific intent, or goal, of delivering the item to another;

If the Commonwealth has proved all of these elements beyond a reasonable doubt, then you should find the defendant guilty of this charge; if the Commonwealth has failed to prove at least one element beyond a reasonable doubt, then you must find the defendant not guilty.

15.2501C (Crim) Causation

- 1. The defendant has been charged with causing the death of Maddison Walker. To find the defendant guilty of this offense, you must find beyond a reasonable doubt that the defendant's conduct was a direct cause of his/her death.**
- 2. In order to be a direct cause of a death, a person's conduct must be a direct and substantial factor in bringing about the death. There can be more than one direct cause of a death. A defendant who is a direct cause of a death may be criminally liable even though there are other direct causes.**
- 3. A defendant is not a direct cause of a death if the actions of the victim play such an independent, important, and overriding role in bringing about the death, compared with the role of the defendant, that the defendant's conduct does not amount to a direct and substantial factor in bringing about the death.**
- 4. A defendant's conduct may be a direct cause of a death even though his conduct was not the last or immediate cause of the death. Thus, a defendant's conduct may be a direct cause of a death if it initiates an unbroken chain of events leading to the death of the victim.**
- 5. A defendant whose conduct is a direct cause of a death cannot avoid liability on the grounds that the victim's preexisting physical infirmities contributed to his or her death.**

4.01 (Crim) Accomplice Testimony

Before I begin these instructions, let me define for you the term *accomplice*. A person is an accomplice of another person in the commission of a crime if he has the intent of promoting or facilitating the commission of the crime and (1) solicits the other person to commit it, or (2) aids or agrees or attempts to aid such other person in planning or committing the crime. Put simply, an accomplice is a person who knowingly and voluntarily cooperates with or aids another person in committing an offense.

1. When a Commonwealth witness is an accomplice, his testimony has to be judged by special precautionary rules. Experience shows that an accomplice, when caught, may often try to place the blame falsely on someone else. He may testify falsely in the hope of obtaining favorable treatment, or for some corrupt or wicked motive. On the other hand, an accomplice may be a perfectly truthful witness. The special rules that I will give you are meant to help you distinguish between truthful and false accomplice testimony.

2. You must decide whether Riley McCudden, Doyle Mormont, Tully Wolfe, and Emory Mannock were accomplices in the crime charged. If after considering all the evidence you find that they were an accomplice, then you must apply the special rules to their testimony, otherwise ignore those rules. Again, an accomplice is a person who knowingly and voluntarily cooperates with or aids another in the commission of a crime.

3. These are the special rules that apply to accomplice testimony:

First, you should view the testimony of an accomplice with disfavor because it comes from a corrupt and polluted source.

Second, you should examine the testimony of an accomplice closely and accept it only with care and caution.

Third, you should consider whether the testimony of an accomplice is supported, in whole or in part, by other evidence. Accomplice testimony is more dependable if supported by independent evidence. However, even if there is no independent supporting evidence, you may still find the defendant guilty solely on the basis of an accomplice's testimony if, after using the special rules I just told you about, you are satisfied beyond a reasonable doubt that the accomplice testified truthfully and the defendant is guilty.

3.08 (Crim) Evidence of Other Offenses As Substantive Proof of Guilt

- 1. You have heard evidence tending to prove that the defendant was guilty of an offense for which he is not on trial. I am speaking of the testimony to the effect that Defendant had been convicted of simple possession.**
- 2. This evidence is before you for a limited purpose, that is, for the purpose of tending to rebut a lack of prior drug history. This evidence must not be considered by you in any way other than for the purpose I just stated. You must not regard this evidence as showing that the defendant is a person of bad character or criminal tendencies from which you might be inclined to infer guilt.**

1 2017 Monroe County Bar Association Mock Trial Case
2 IN THE COURT OF COMMON PLEAS-POCONO COUNTY

3
4 COMMONWEALTH OF PENNSYLVANIA * # 573 Criminal 2017
5 vs *
6 KIT SNOW, Defendant * Drug Delivery Resulting in
7 * Death

8 STIPULATED FACTS:

9 Madison Walker was pronounced dead on January 15, 2017. The Coroner
10 determined that the cause of death was heart failure brought on by a heroin overdose.

11
12 Detective Riley McCudden interviewed all available witnesses, including
13 all the witnesses who will testify during this trial. Following his/her interviews, McCudden
14 obtained numerous search warrants to obtain all postings on all social media accounts
15 for the victim, and the witnesses who will be testifying at trial. All social media postings
16 were obtained through properly obtained and executed search warrants. There is no
17 need for either side to call anyone to authenticate them. Additionally, McCudden ran an
18 NCIC check through the FBI to obtain a criminal record history on all witnesses in this
19 case. There is no need to call any witness to authenticate Exhibits 1, 2, 3, or 4.

20
21 There was a Motion in Limine filed by each side asking the Court to rule on
22 whether the statements of the victim, Madison Walker, would be barred by the so-called
23 Dead Man's Rule. The Court has determined that the rule is not applicable. All other
24 objections shall be decided at trial as they arise.

25
26
27 The statements of all witnesses are affidavits given under oath.

28
29
30 COMMONWEALTH WITNESSES The following witnesses must be called by the
31 Commonwealth:

32
33 Riley McCudden : Police Detective, Pocono Police Department

34
35 Dr. Peyton Libby: Psychiatrist and owner of Harren Hall Treatment Center

36
37 Emory Mannock: Ex boyfriend/girlfriend of Madison Walker

38
39 DEFENSE WITNESSES The following witnesses must be called by the Defense:
40

1 Kit Snow: Defendant
2 Tully Wolfe: Friend and eyewitness
3 Doyle Mormont: Friend and eyewitness
4

5 EXHIBITS

6 The following are exhibits that either the Commonwealth or the Defense can use,
7 provided the rules of evidence are fulfilled:

- 8
9 #1. NCIC arrest record for Kit Snow
10
11 #2. NCIC arrest record for Emory Mannock
12
13 #3. NCIC arrest record for Tully Wolfe
14
15 #4. NCIC arrest record for Doyle Mormont
16
17 #5. Suicide message found on Madison Walker's phone
18
19 #6. Drug paraphernalia found at scene
20
21 #7. Drugs found at scene
22
23 #8. Police report for interaction with Madison Walker on January 5, 2017.

1 AFFIDAVIT OF DETECTIVE RILEY MCCUDDEN

2 My name is Riley McCudden. I wear a badge. I have been a detective with the
3 Pocono Police Department for 15 years. I have been with the department for 20 years,
4 spending the first 5 years as a patrol officer. I have an undergraduate degree in criminal
5 justice from Lenoir-Rhyne College in North Carolina. I have undergone extensive police
6 training since being hired by PPD. Some of the courses I have successfully taken are:

7 I have been approved as a DRE, or drug recognition expert, by the Pocono Courts and
8 other courts throughout the Commonwealth. I am often called on to testify as to possible
9 drug use by a suspect based upon my observations of a suspect and my experience.

10 Drug overdose is now the leading cause of injury death in the United States,
11 surpassing gun deaths and car crashes. Heroin is the most common drug identified in
12 fatal overdose victims. No standards exist in Pennsylvania to accurately track heroin
13 overdose deaths, but sources point to a large and growing figure. Our physician general
14 estimates that in 2014, roughly 2,500 Pennsylvanians died from heroin. Nearly 3,400
15 died from overdoses in 2015, with heroin or opioid painkillers detected in 81 percent of
16 deaths. I was at a lecture given by Pennsylvania's Secretary of Drug and Alcohol
17 Programs where he said, "This is the worst healthcare epidemic, healthcare crisis, in not
18 just our lifetimes, in the last 100 years."

19 It's not like on television. Being a detective doesn't mean tracking down big time
20 drug dealers 24/7. Much of my time is spent on normal police work. When things get
21 complicated is when the patrol officers call me in to handle their cases. I was on a
22 routine patrol on January 5, 2017, when I saw one of the local druggies, Madison
23 Walker, sitting on a low rock wall outside of the 1st Baptist Church on Main St. This area
24 is a common hangout for drug users. The church allows them inside to get warm and
25 across the street is what I call Hogan's alley...an alley where heroin is often sold and
26 consumed. Walker had become something of a nuisance, accosting people for money
27 to support his/her drug habit. Interestingly, many of the local drug users also
28 complained about how insistent Walker would get when in need of a fix, relentlessly
29 begging them to give him/her some of their stash.

30 I approached Walker because I figured Walker was probably holding...in
31 possession of heroin. I hadn't seen Walker since before Christmas, which was unusual
32 since Walker was a regular on Main St. When I approached Walker, s/he started to run,
33 but then stopped and said "Honest, I tried to quit. I just got out of rehab." It was an
34 unseasonable warm day and I decided to sit down and talk to Walker. Walker exhibited
35 all of the signs of a person under the influence of an opioid. I asked how recently Walker
36 had shot up, and s/he replied "a short while ago." Walker then went on to tell me about
37 how s/he had just gotten out of Harren Hall rehab and realized s/he needed to go back.

38 I get it; recovery is a process with many setbacks. I asked if Walker would go
39 back to rehab if they would take him/her. Walker broke down and became highly
40 emotional, crying and begging for me to let him/her go so s/he could go back to rehab.
41 Walker said "they have a bed on hold for me, but only for 72 hours. I promise to go

42 back. Just let this thing slide this one time.” Walker was hysterical and I decided to cut
43 him/her some slack. Walker promised to go back to Harren Hall within 48 hours.

44 I received an anonymous phone call sometime after the 5th. The caller was
45 hysterical and said that Walker didn’t go to rehab and was using again. I asked for a
46 name and how they knew Walker was using, but they refused to give any further
47 information. I decided to take no further action based on the unreliability of the caller.

48 The next time I saw Walker s/he was laying on the floor in a flop house on Main
49 St. with a needle in his/her arm. There was an eyeglass case with Walker’s “works”
50 lying next to the body. I had received the 911 call on January 15, 2017. I hadn’t seen
51 Walker since the 5th and assumed s/he was still in rehab. I guess his/her luck had finally
52 run out.

53 There were 4 other people in the room with the corpse: Kit Snow, Doyle
54 Mormont, Tully Wolfe, and Emory Mannock. They were all known to me as drug users.
55 Mormont in particular was a severe opioid abuser. I had recently arrested Mormont for
56 PWID but had agreed to keep the charge open so long as Mormont would act as an
57 informant. Mormont said s/he was sure that s/he could provide good intel on the
58 sources of heroin and other opioids in the county.

59 After securing the scene, I interviewed all the witnesses and obtained statement
60 from them. I also seized as evidence Walker’s “works” and loose packets of heroin I
61 found near the body. I needed info on how Walker got the heroin and decided my best
62 bet would be to charge all 4 and see who would cooperate. Emory Mannock, Peyton’s
63 ex girl/boyfriend agreed to cooperate if I would agree to dismiss possible charges
64 against Emory. I contacted the DA and they authorized me to make the deal. Emory
65 provided the information on how Walker overdosed on heroin provided by Kit Snow.

66 Another tragic death chalked up to opioid abuse. It turns out I was also adversely
67 affected by this situation. Following a disciplinary hearing that was a result of a
68 complaint filed by Walker’s parents, I was placed on unpaid leave for a period of 6
69 months. This was based on their claim that Madison would have still been alive if I didn’t
70 let him/her go on the 5th. Insane...you try to help someone out and it costs you your
71 livelihood.

72 *Riley McCudden*

73

74

1 **AFFIDAVIT OF DOYLE MORMONT**

2 My name is Doyle Mormont. I was a friend of Madison Walker. S/he was cool you know. We
3 hung out together a lot. I first met Madison when we were in first grade in elementary school. S/he was
4 always a little nutty when we were in school but that was cool. We were close “buds” all through high
5 school; we hung with the same crowd, you know, especially Kit and Emory. Yeah, we’d get high together,
6 smoking pot mostly. We all agreed that recreational marijuana should be legalized. And it still should be!
7 Used in moderation, it’s no worse than alcohol or tobacco and they’re legal. I never used heroin though.

8 Like I said, I knew Madison since we were little. And I knew his/her family too. His/her father
9 was tough on him/her all the time. Mostly about grades, doing well in school, that crap. When we were in
10 junior high school, Maddie started talking to me about “ending it all” and looking for the “sweet release
11 of death.” I thought s/he was just kidding namely because when I would ask him/her if s/he was serious,
12 s/he would just say “maybe.” We would have some serious talks about his/her father and that usually
13 made him/her feel better. I knew his/her parents would send him/her to shrinks as a kid. Maddie would
14 tell me that sometimes s/he would talk about suicide to the doctors just to see what they would do.
15 Maddie also told me one time that s/he was going to grab his/her guitar and sit on the street corner and
16 play and beg for money, just to piss off the old man too. And s/he did it! Brother, was his/her father
17 peeved about that. I think s/he started using heroin about then too. I steered clear of Madison when s/he
18 was doing heroin that stuff is bad news for sure.

19 Right after the New Year, I got texts from Madison asking if we could meet somewhere. S/he
20 wanted to meet up at his/her usual street corner, near the 1st Baptist Church on Main Street, where s/he
21 would play and panhandle. That text was on January 13th. Another one that same day from him/her said
22 that s/he had “big news to tell me, life changing.” I saw him/her the next day, January 14th, sitting on the
23 stone wall outside the church playing guitar with the case open for money. S/he looked sober when I got
24 there. I sat down next to him/her and s/he started to talk to me about getting his/her act together,
25 forgetting about his/her father and moving on with life. While we talked, I saw Kit across the street in

1 Hogan's Alley. Madison saw him/her too. S/he jumped up from the wall in a flash, grabbed his/her stuff
2 and ran toward Kit. All I heard from him/her was "see ya, gotta go," and s/he was off to meet Kit. I sat
3 there for a few minutes before I left.

4 That was the last I heard from or saw Madison. I heard from Detective Riley that Maddie had
5 overdosed on heroin the next day. That shook me up for sure. The detective also told me that Maddie tried
6 to text me right before s/he died. I didn't get any texts on the 15th from anybody because my phone was
7 off.

8
9 Doyle Mormont

10 DOYLE MORMONT

1 AFFIDAVIT OF EMORY MANNOCK

2 I am Emory Mannock and I was Madison's boy/girlfriend. I grew up with Madison
3 and Kit and even though Madison and I had broken up, I didn't think it was for good.
4 We had a history of breaking up and getting back together again. The only reason we
5 broke up this last time was because we both wanted to focus on rehab so we decided to
6 go our own way after Christmas. Madison knew s/he was on a really bad path and
7 his/her family was desperate for him/her to go to rehab. They even talked about staging
8 an intervention but decided against it; they were too afraid s/he would refuse to go to
9 rehab.

10 Madison and I talked about it a lot and I knew I was definitely going to rehab. I
11 had only just started using heroin and the only reason I had started was because I
12 wanted to fit in to Madison's new lifestyle. Madison was furious with me when I started
13 using, s/he didn't want me to turn out like him/her. S/He was terrified that s/he would go
14 to rehab and fail. His/her father was pretty tough on him/her but I think it was only
15 because Madison was so smart and could really do anything s/he put his/her mind too.
16 Madison thought that if s/he went to rehab and couldn't kick the addiction his/her father
17 would just completely write him/her off as a failure. S/He battled depression for most of
18 high school because s/he never felt good enough and Kit, Doyle and I were always
19 there by his/her side to help him/her through it.

20 After talking about it Madison decided his/her Christmas present to his/her family
21 would be to go to rehab. I was ecstatic. I knew we couldn't be together while we were
22 at rehab but I was hopeful once we both got through it that we could start dating again
23 and help each other with our recovery. The rehabs have a pretty strict isolation policy in
24 that you can't communicate with anyone the first two weeks you are there, especially
25 during your detox, but I knew Madison was in a good mind frame when s/he went to
26 rehab on December 26th. S/he had just had a great day with his/her family and his/her
27 father told him/her he was really proud of him/her and would be there with him/her every
28 step of the way, even if s/he struggled at the rehab.

29 I wasn't too worried when I hadn't heard from him/her when the two week time
30 period lapsed, I figured s/he was just focusing on rehab. Not wanting to bother him/her,
31 I decided to call his/her parents on January 10th to see whether they had heard from
32 Madison and to check in with them to see how they were doing. I was shocked when
33 they told me that Madison had signed out of the rehab against medical advice on
34 January 4th. I was also really furious; we talked about wanting to complete rehab for us,
35 so that we could be together. Madison knew I couldn't get clean and be around him/her
36 using and s/he even told me s/he didn't want me around if s/he was using again
37 because s/he already felt so guilty about being the reason why I even got involved with
38 heroin in the first place.

39 Unfortunately, my insurance only covered a 20 day stay at rehab so I was
40 released on January 14th. I was still pretty shaken up over learning that Madison had
41 signed out of rehab and I was worried I wouldn't be able to stay clean but I just had to
42 see him/her to find out what happened. I tried calling but his/her phone was out of
43 minutes so I couldn't get through. I spoke with his/her family earlier that day and they

44 said that they were willing to pay for him/her to go back into rehab and that they told
45 him/her that a couple of days after s/he came home from rehab. Apparently s/he felt
46 really bad about leaving and went home to apologize to his/her family. They told me
47 they knew overcoming the addiction would be difficult and accepted the fact that s/he
48 would probably relapse. Even his/her father seemed to really understand, I was
49 genuinely shocked. They could tell I was surprised and they told me they had been
50 going to group meetings that supported family members of addicts. His/her family told
51 me that they thought Madison was staying with Kit, who was basically Madison's go to
52 when s/he really needed drugs and they asked me to go see if I could convince him/her
53 to come home and talk about rehabs again.

54 I was very nervous about going to Kit's because my recovery was still fragile but I
55 knew Kit only cared for himself/herself and s/he didn't care about anything so long as
56 s/he could make some money; s/he would sell heroin to just about anyone in any
57 condition if they could pay. Sure s/he gave some free packets to me and Madison in
58 the past but that's only because s/he knew Madison would come back later and buy
59 triple that amount when s/he came into some money.

60 Kit wasn't at his/her house. On a chance, I decided to go to a flop house
61 downtown where Madison and I often got high. When I got there only Madison was
62 there. Other people came in and out after shooting up. I didn't keep track of the comings
63 and goings. I immediately started yelling at Madison. I knew I shouldn't have but I just
64 couldn't help it. I could tell s/he was high and I was just so mad at him/her for
65 jeopardizing everything by giving up so quickly. I know s/he had it worse than me and
66 that the detox would be difficult but s/he knew all of that going into it. I could tell s/he
67 was really hurt when I started yelling so I calmed down and tried to reason with him/her.
68 I told Madison his/her parents seemed to really understand what s/he was going
69 through. All s/he could focus on though was getting the next hit. It seemed as though
70 s/he was close to coming down. S/He kept asking me if I saw Kit outside or if I had
71 heard from Kit. I guess Kit was meant to come back with some more heroin for
72 Madison. I told him/her Kit was not good for him/her and that s/he was just a loser who
73 just wanted Madison around for his/her money.

74 Madison started getting mad at me, s/he said I was causing him/her to come
75 down from his/her high faster and that I needed to go find Kit to get some more heroin.
76 I told him/her I couldn't believe he would ask that considering I was trying to stay clean.
77 S/He told me I was the worst boy/girlfriend ever and that I should leave him/her alone
78 and that we should be broken up for good. That broke my heart and I told him/her that if
79 I walked out the door s/he would be dead to me. He made some kind of smart ass
80 comment about wanting to kill her/himself listening to me lecture on addiction so I told
81 him/her maybe s/he should just do it then and I walked out. I can't believe those were
82 the last words he ever heard from me. As I was leaving I saw Kit Snow enter the flop
83 house. Kit said "I got it. Do you want a taste? Nothing like it after coming off rehab." I
84 walked away.

1 AFFIDAVIT OF KIT SNOW

2 My name is Kit Snow and I am 25 years old. I reside at 231 Pocono Mountain
3 Road, Swiftwater, Pennsylvania. I own the large brick home up on the hill. A little gift I
4 purchased myself after getting my GED a few years ago. You see I was not able to
5 finish high school. I was expelled in the second quarter of my senior year for telling off
6 the assistant principal. She was such an idiot. I should have been able to leave school
7 early each day since my study hall was the last period. The assistant principal did not
8 see it that way, and I told her exactly what I thought of her. Anyway, I decided not to go
9 back after the two-week expulsion. I had had enough. I earned a GED in 2012 when I
10 was 20.

11 I am currently between jobs. I was last employed as a shift supervisor at the
12 Wendy's down the road a bit from my house, however, I was let go because I didn't
13 show up for work, or was late, on several occasions. Many times I would call to report
14 that I would be late or needed a sick day, but the store manager would never approve it.
15 Anyway, I expect to be employed as soon as I get this criminal matter behind me.
16 Luckily I never really have to worry about money so long as I have my trust fund.

17 You could say I'm kind of a big deal and was back in high school as well. My
18 mom comes from old money so we've never really had to worry about much. Plus, with
19 my mother being a doctor in the city and my dad being an attorney in the city I often had
20 free reign of our house. Even when they were home they were too tired from the
21 commute to take too much interest in what I was doing. This meant I would always
22 have people over for house parties when I was in school. Everyone wanted to be my
23 friend, and get on the guest list to come over including Madison Walker. Madison didn't
24 really seem to have any friends when I first met him/her. So I kind of took pity on
25 him/her and started inviting him/her to parties since he/she didn't seem like a freak or
26 anything. After having Madison around for a little while I realized he/she was actually
27 really cool. He/she was often morose but a genius, always having the solution to any
28 problem I had. When he/she wanted to be he/she could be the life of the party, but that
29 didn't happen often most of the time he/she just hung out drinking not really mingling or
30 partying like everyone else. Madison quickly became one of my closest friends and
31 became part of my little clique which definitely helped his/her social status at school. I
32 think deep down I always knew Madison had depression but never really came to grips
33 with it myself. Rather I just let myself believe that was just his/her personality never to
34 high never to low just very even.

35 I guess it was after Madison graduated High School that he/she started
36 experimenting with drugs. We never really talked about it and he/she would never do
37 them in front of me but I knew. Madison would just be different; he/she would show up
38 euphoric and ready to party. Where once he/she was reserved, now Madison's self-
39 control and inhibition would be gone. But Madison's thinking would also be unclear,
40 where once he/she was sharp as a tack now his/her memory was clouded and if he/she
41 ever sat down he/she would start drifting in and out of wakefulness. I probably should
42 have stepped in sooner but I didn't know how to talk to Mddison about everything they
43 were going through. Plus, not being a drug user myself I didn't think he/she would really
44 listen to me. I know that sounds funny saying I'm not a drug user when I pled guilty to

45 possession a few years ago but the drugs weren't mine. You see I was having one of
46 my legendary parties when the cops showed up, I guess because of a noise complaint.
47 When they showed up Detective McCudden says he pounded on the door and rang the
48 doorbell but no one answered because the party out back at the pool was too loud. He
49 must have opened the door because he saw was a needle and heroin packets on the
50 foyer table. The first thing I know the house was being raided and I was being arrested.
51 They searched everyone and the house but they only found the heroin and needle on
52 the foyer table. I told Detective McCudden it wasn't mine but he didn't listen. He said
53 "constructive possession" and told me "to my dying day, I will do whatever it takes to get
54 you and people like you off the streets." I was charged with possession with intent to
55 deliver but the DA offered a plea to simple possession with probation so I took the plea
56 to move on with my life. I never found out whose drugs they actually were. I am not a
57 drug dealer. Everybody thinks that since I'm a rich high school dropout who likes
58 throwing big parties that go way into the late night and just having fun, I must be
59 involved with drugs. I admit that some of the people who come to my parties might bring
60 drugs. But that is on them. I can't be held responsible for that. Oh well, it's just the cost
61 of doing business I guess.

62 Madison continued to use and I continued to pretend not to notice when I saw,
63 but over time that became less and less. I heard s/he had been hanging out down on
64 Hogan's alley often. S/He'd show up at my place from time to time and we'd hang out
65 like nothing had changed but whenever s/he'd leave I always spotted him/her a few
66 bucks as s/he was always short on cash. Last fall Madison showed up saying he/she
67 had it rock bottom. He/she said even the hard core users were becoming fed up with
68 him/her and he/she needed help but didn't know what to do or where to go. I told
69 him/her he/she needed to go to rehab to get his/her life back on track but he/she said
70 he/she couldn't afford it not having a job or insurance. Madison had always been one of
71 my best friends and I could bear seeing him/her like this. I could tell he/she really
72 wanted to do something about his/her problem so I told him/her I would help. We found
73 him/her a place at Harren Hall and I fronted him/her the money to check in after
74 Christmas. Sadly, I know he/she didn't stay long. Madison showed up to my house on
75 January 14th he/she had clearly been on a binge but hadn't had any drugs in a while as
76 he/she was deep in withdraws. Maddison was nauseous, sweating, shaking, and
77 deeply depressed. He/she was hysterical telling me how he/she checked
78 himself/herself out of rehab and went back to Hogan's Alley to get high but at soon as
79 he/she got high he/she was confronted by the police but somehow even though he/she
80 clearly needed help they let him/her go. I was very concerned to see Madison in such a
81 state and would do anything to see him get better. That was when Madison gave me
82 \$20 and asked me to go down to Hogan's Alley and give it to Emory Mannock who had
83 something for him/her that would help him "end this." Emory was Madison's ex who I
84 had met a few times when he/she brought him/her to a some of my parties. I had to
85 help Madison, I couldn't bear to see him/her like this, so I did as he/she asked. Maybe I
86 was kidding myself, I know what goes on down on Hogan's Alley, but in my mind I was
87 getting medicine for Madison, Methadone or Vivitrol or something, but I never asked
88 and never looked. Anyway I got the stuff from Emory, it actually only cost \$15 and when
89 I got back home I gave the small package to Maddison who left without saying much or
90 taking his/her change. The next thing I know I was getting a call form Emory telling me

91 to come quick down to some flop house on Main St. When I got there I saw Madison on
92 the floor with a needle in his/her arm. Before I could even process what I was seeing
93 Detective Riley McCudden came strutting into the room. After walking around the room
94 for a bit Detective McCudden immediately started questioning me about what had
95 happened, what was going on, what Madison had taken. I had no answers and I could
96 tell my lack of answers that just angered him/her as his/her face kept getting redder and
97 each question was louder than the last. S/He obviously didn't believe me. After
98 shouting questions at me s/he took the other three aside one at a time to a different
99 room to ask them the questions. After Detective McCudden talked to Emory I knew
100 he/she had found the answer he/she was looking for as he/she came back to the room
101 with a big grin on his/her face, and so did Emory for that matter. I figured the Detective
102 must have realized it was an accident as he/she told us we could all go then. I was so
103 upset about what had happened to Madison, I never thought about Detective
104 McCudden again or his/her question after that day. That was dumb on my part I should
105 have remembered McCudden's words from years early because just as I was finally
106 coming to terms with what had happened to Madison McCudden came strutting up to
107 me on the street one day and arrested me for dealing the drugs that killed Madison!

108

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Kit Snow

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AFFIDAVIT OF PEYTON LIBBY

I am Peyton Libby. I am a licensed psychiatrist in the Commonwealth of Pennsylvania. I received my undergraduate degree in sociology from Indiana University, my MS in psychology from Towson University and my MD and PhD (Psychology) from Duke University. I am board certified in Psychiatry and have been actively engaged in the field of drug and alcohol abuse. My current job is as the on duty psychiatrist at the Harren Hall Treatment Center. Harren Hall helps those suffering from psychiatric problems as well as drug/alcohol issues. We are one of the only places in Pennsylvania that is certified to deal with patient who have a dual diagnosis. A dual diagnosis means the patient is suffering from psychiatric issues as well as having a drug/alcohol problem.

Such a patient was Madison Walker. Madison came to our facility December 26, 2016 and stayed until January 4, 2017. Madison left against medical advice. The staff concluded that Madison had not yet come to grips with the demons inside his/her mind and body. Madison had a rough few days upon entering the facility, going through a very severe case of heroin withdrawal that caused significant pain for 3 days. Barely after getting over this physical problem, Madison kept pushing to be released.

Madison had signed him/herself into the facility. We thought Madison was a danger to him/herself due to both psychiatric issues and likelihood of a heroin relapse upon release. Madison often talked about wanting to "end it all" and waiting for the "sweet release of death". When pushed about whether this was just a ploy for attention or a serious threat, Madison would respond "maybe". Madison stated his/her desire to leave on January 1, 2017. I had not yet had a chance to reach a decision regarding the seriousness of Madison's threats and was unwilling to see Madison leave until I did.

We did an emergency mental health commitment that forced Madison to stay for 72 hours. At the end of the 72 hour period, I determined that there was no likelihood of a suicide attempt. Madison left against medical advice. Before leaving the staff told Madison not to call the facility if Madison had an urge to do drugs upon release. This may sound harsh to an outsider, but my philosophy is to apply tough love in dealing with addicts who do not take their recovery seriously. Madison was not taking things seriously as evidenced by leaving against medical advice.

I was contacted by the District Attorney's Office to review this case in order to rule out suicide as a cause of death. I have reviewed all of the exhibits, stipulated facts, and all of the affidavits. I can say, without question, that Madison's heroin overdose was accidental and not a suicide attempt. Madison had so much to live for and when Madison left our facility against my advice I could still see that spark of life in Madison's eyes.

Harren Hall is now involved in a civil lawsuit filed by Madison's parents. They claim I committed malpractice by determining that Madison was not suicidal. If the lawsuit is successful, we will probably have to close our doors at Harren Hall. This would

42 be a tragedy for all of those people we have helped in the past and would help in the
43 future.

44

Peyton Libby, M.D., Ph.D.

45

1 **AFFIDAVIT OF TULLY WOLFE**

2 I am a student enrolled at East Stroudsburg University (“ESU”). I am in my
3 sophomore year and my major is social work. I met Madison Walker in English Writing
4 101 during my first semester of my freshman year. English Writing 101 is a general
5 education credit that all ESU students must take to graduate regardless of their major.

6 I became friends with Madison, after we were assigned a group project and
7 presentation together. I liked Madison when I first met him/her. We hung out a lot and
8 became gym buddies. Madison was very outgoing and liked to party a lot, but always
9 was very smart and able to get good grades with minimal effort. I am sort of the same
10 way and so we bonded quickly and partied together a lot.

11 During the spring semester of my freshman year I attended a party at Madison’s
12 house. S/He and his/her roommate were throwing a party before the spring break to
13 celebrate the end of mid-terms. But to be fair, S/He and his/her roommates didn’t need
14 any real excuse to throw a party.

15 On January 14, 2017 at about 9 p.m. I arrived at the house, where there were
16 about 50 people already inside. The party was just getting started, but people had been
17 “pre-gamming” for a few hours before and quite a few were already very intoxicated. I
18 decided to start drinking myself, and poured myself a beer from the keg. I tend to drink
19 slowly (compared to some off my peers), and was drinking about a beer and a half an
20 hour from about 9:00p.m. when I arrived, until about 2 a.m. when I went home. I would
21 say that I had about 8 or 9 beers and a few mixed drinks by the time I left, I’m not really
22 sure. I was pretty buzzed but I did not black out and I still remember the details of that
23 night. Buzzed isn’t drunk, in spite of what those stupid TV commercials say.

24 At about 10:30 I bumped into Madison and s/he was intoxicated. I couldn’t tell
25 what s/he was on, maybe it was drugs, and maybe it was alcohol. Maybe it was both –
26 I’m not sure. Later on in the night I saw Madison sitting with his/her relationship of the
27 week, quietly begging him/her to do something. I was a little curious so I snuck in close
28 and overheard the conversation from a few feet away. Madison was with Kit Snow. I
29 think they were hooking-up but not in a serious relationship. Madison was begging
30 Snow to get him/her something. “I only have one packet left...that’s not enough.” S/He
31 kept saying that his/her “daytime was ending and I am starting to feel the evening”.
32 S/He told Snow that they could chase the dragon together if Snow went and got some H
33 from Mannock. S/he would even give Snow “the money to buy it”. I knew what they
34 talking about, because drug use goes on frequently at parties. I stick to alcohol myself,
35 but I’ve seen lots of friends do drugs.

36 In fact, that’s how I got into some trouble my senior year in high school. I was
37 with some friends who were drug users. They wanted to get high but needed money to
38 buy heroin. I went with them to the WaWa where we robbed the cashier. Stupid. We
39 were caught based on the surveillance tapes. I turned state’s evidence against the

40 others and got 3 years probation. I am still on probation but don't expect anything to
41 happen due to my testimony.

42 Snow kept telling Madison "no, I just want to stay here and get messed up some
43 more." Madison was persistent and kept following Snow whenever s/he got up to move.
44 I never realized what a persistent whiner Madison was. I had seen Madison beg other
45 people in the past to get him/her drugs, but nothing on this scale. It got to the point
46 where Madison told Snow "If you don't get me the heroin, I will kill myself. Maybe I will
47 anyway." This was better than reality tv! I followed them around because I was curious
48 as to what would happen. By the end of the night I decided that maybe I would try some
49 H for the first time to bond a little more with Madison.

50 A few minutes later I saw Snow leave the party. Before s/he left it looked like the
51 two of them had exchanged something very surreptitiously. That was the last time that I
52 saw the victim alive. I found out the victim had died in an email blast that was sent to the
53 whole student body. It was so surreal, one day s/he was in class with me joking and
54 going to the gym together, and the next minute he was dead and buried.

55 I saw Snow around campus after Madison passed away a few times, and at the
56 funeral. S/he seemed really sad. It seemed to me like Snow was genuinely and deeply
57 grieving for his/her friend. It was only after the Police Detective approached me that I
58 became aware that Snow was on trial for having something to do with the death of
59 Madison.

60

61

Tully Wolfe



N.C.I.C. CRIMINAL HISTORY CHECK
FOR RELEASE TO AUTHORIZED
PERSONS ONLY

BACKGROUND INFORMATION

SUBJECT: Kit Snow
SOC.SEC.NO.: 062-72-9903
FILES SEARCHED: United States. All reporting jurisdictions.

REPORTED HISTORY

Date Charged	Offense	Prosecuting Entity	Disposition	Sentence/ Fine
1-1-2013	Simple Possession - Heroin	PSP	Guilty Plea	1 year probation
7-23-2011	Sexual Assault	PSP	Not Guilty	N/A

Exhibit # 1



N.C.I.C. CRIMINAL HISTORY CHECK
FOR RELEASE TO AUTHORIZED
PERSONS ONLY

BACKGROUND INFORMATION

SUBJECT: Emory Mannock
SOC.SEC.NO.: 028-55-0002
FILES SEARCHED: United States. All reporting jurisdictions.

REPORTED HISTORY

Date Charged	Offense	Prosecuting Entity	Disposition	Sentence/ Fine
12.28.15	Theft	PSP	Unreported	\$200.00 fine
02.14.16	Assault	PSP	Guilty	2-23 months
01.15.17	Conspiracy	PSP	Open	

Exhibit # 2



N.C.I.C. CRIMINAL HISTORY CHECK
FOR RELEASE TO AUTHORIZED
PERSONS ONLY

BACKGROUND INFORMATION

SUBJECT: Tully Wolfe
SOC.SEC.NO.: 555-55-0005
FILES SEARCHED: United States. All reporting jurisdictions.

REPORTED HISTORY

Date Charged	Offense	Prosecuting Entity	Disposition	Sentence/ Fine
04.30.16	Robbery	AG	Guilty	Probation-3 years

Exhibit # 3



N.C.I.C. CRIMINAL HISTORY CHECK
FOR RELEASE TO AUTHORIZED
PERSONS ONLY

BACKGROUND INFORMATION

SUBJECT: Doyle Mormont
SOC.SEC.NO.: 660-00-5555
FILES SEARCHED: United States. All reporting jurisdictions.

REPORTED HISTORY

Date Charged	Offense	Prosecuting Entity	Disposition	Sentence/ Fine
12.22.16	PWID	PPD	Open	
07.22.15	Heroin Possession	PSP	Guilty	Unknown
07.22.15	Possession-small amount	PSP	Not Guilty	

Exhibit # 4

1/5/2017

Hey D--you got any drugs? Can't take it anymore!!!

1/5/2017

Hey D--did you ever get busted for stealing that stuff from the store??? HA!

1/15/2017

Gonna end it all . . . finally the sweet release of death

Exhibit 5

1/14/2017

Hey D--you going to Kit's? If so, bring some H!!

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Gonna end it all . . . finally the sweet
release of death

[Redacted]

EXHIBIT #5

[Redacted]

[Redacted]

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EXHIBIT # 6

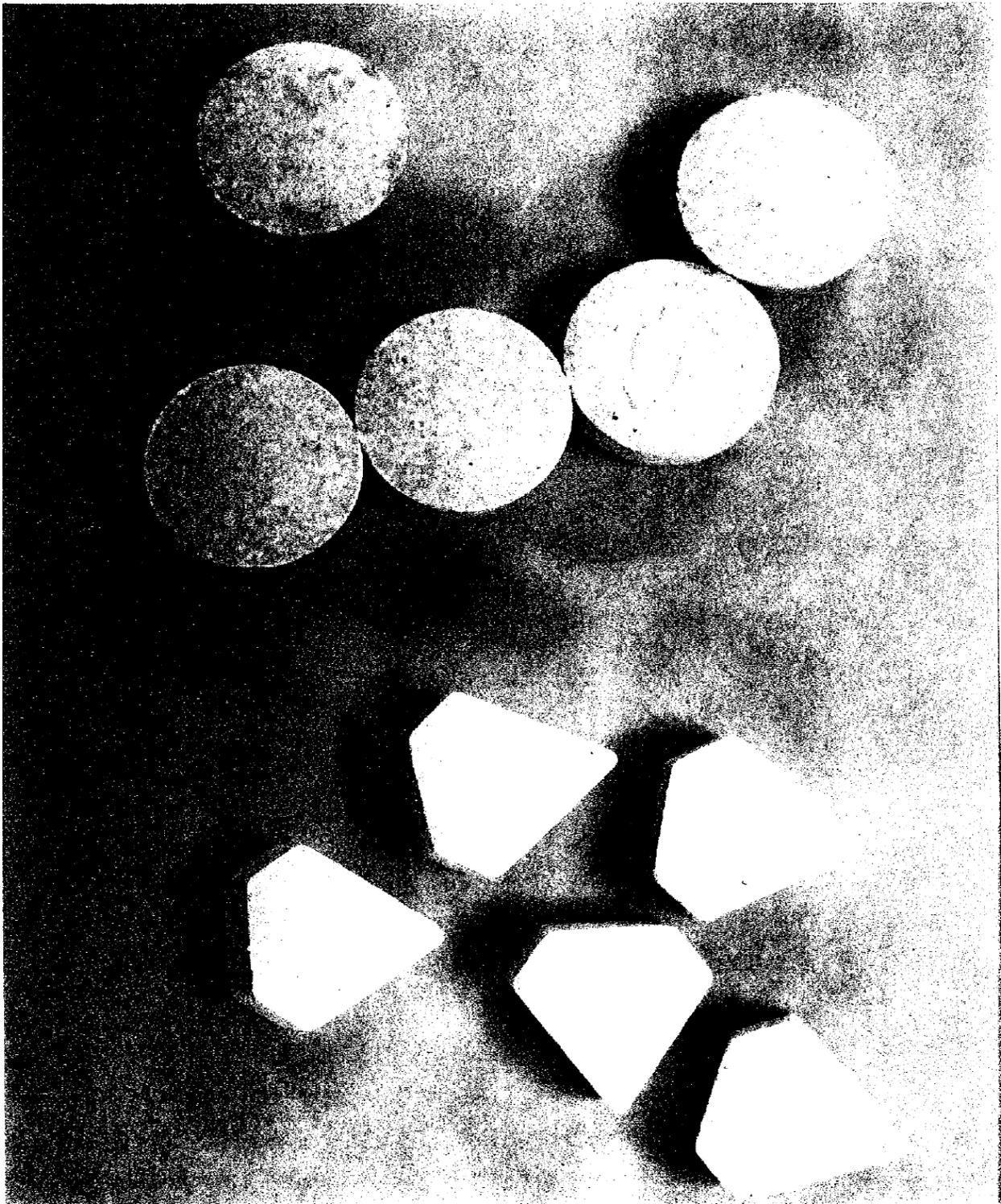


EXHIBIT 7



POCONO POLICE DEPARTMENT
INCIDENT REPORT FORM

Date of incident: January 5, 2017

Date of report of incident: June 25, 2017

Officer responding to report: Riley McCudden

Name of alleged victim: Society

Name of alleged perpetrator: Madison Walker

Location of incident: Near 1st Baptist Church on Main Street

Nature of crime alleged: Drug Related

Officer's summary : While on routine plain clothes patrol I observed Madison Walker. Walker was known to me as an opioid abuser from numerous previous interactions. Walker was sitting on a rock wall in an area known for drug transaction. Suspect fled when approached.

Action taken: Suspect was let go with a warning upon promising me s/he would return to rehab within 24 hours.

Detective Riley McCudden

Exhibit # 8