Genesee County Bar Association
2006 High School
Mock Trial Competition

State of Michigan

v.

Alex Kolski

April 25th & 26th
Genesee County Circuit Court
900. S. Saginaw Street
Flint, MI 48502

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Thanks to the Anchorage Bar Association Young Lawyers Section for allowing our use of their mock trial. The case has been modified and condensed to suit our mock trial format and applicable Michigan statutes.

STATE OF MICHIGAN, Plaintiff
vs.
ALEX KOLSKI, Defendant

TYPE OF CASE
Criminal prosecution for death due to explosives placed with intent to destroy building or object
Defense claims innocence
Jury Trial
Circuit Court (State)

NATURE OF LEGAL CLAIMS
The prosecution claims that defendant placed an explosive device in a science lab with the intent to destroy the lab; explosion resulted in the death of Peter Zoros. Defendant claims innocence.

SUMMARY OF FACTS
On the evening of October 20, 2005, a bomb exploded in the Gloria Rubin Science Center, located on a branch campus of the University of Michigan - Beaver Island. The explosion originated in the biology laboratory and fatally wounded Peter Zoros, a UMBI janitor who was cleaning next door in the physics laboratory at the time of the explosion.

Prior to the explosion, the biology laboratory primarily housed the experiments of Prof. Kim Sanders, who was researching a deadly new disease, Michigan Respiratory Immunodeficiency Syndrome (MRIS), that had been spreading in towns around Beaver Island. As part of his/her research to counteract this disease, Prof. Sanders was conducting experiments on several animals indigenous to the area.

Following an investigation by a Michigan State Police forensic investigator, the Beaver Island Police Department arrested Alex Kolski on December 5, 2005. Defendant was charged with death due to explosives, placed with intent to destroy building or object. At the time of arrest, defendant was a junior (third year student) at UMBI and president of the campus chapter of Organized Students Against Laboratory Testing on Animals (OSALTA), a national animal rights organization.

Because of the isolation of Beaver Island and publicity surrounding the explosion, a change of venue to Cheboygan was requested and granted.

LIST OF MATERIALS

Exhibit II - Sam Rodriguez, Curriculum Vitae
Exhibit III - Beaver Island Bugle May 6, 2005 article "Students Protest Animal Testing"
Exhibit IV - October 2, 2005 Email
Exhibit V - WebTracker v.2.3. Log
Exhibit VI - Gloria Ruben Science Center Entry Log
Exhibit VII - Leppert Academic Transcript

COMMENTS AND SUGGESTIONS

This year's mock trial case involves substantial issues and is meant to elicit serious discussion while at the same time providing a worthy educational experience for your students. Because of the nature of the events in question, some descriptions are necessarily graphic. However, every effort has been made not to overstep the bound of decency and students should be encouraged to do the same at the competition.

The 2006 mock trial case is a hypothetical case. All names, descriptions, and events in the problem are fictitious. Any similarity to any actual event or to the name of any actual person is strictly coincidental. The names of all witnesses were created to be gender-neutral, though genders were assigned to certain non-witnesses.

Four potential witnesses for each side are provided. Because of Michigan's Speedy Trial Act of 2001 (OK, this is fictitious too), **each side will be limited to three witnesses of their choosing. Information contained in affidavits of witnesses not called at trial cannot be introduced at trial, except as permitted under the Mock Trial Rules of Evidence.** Affidavits of witnesses called at trial can be used for impeachment or other purposes. **Teams will be required at the start of each mock trial to submit to the presiding judge a list of the witnesses to be called.** Such list may be handwritten. Exhibits can only be identified by a witness if the witness discusses the exhibit in that witness's affidavit.

As in previous years, all admissible exhibits and information relating to the case are contained in these case materials. Students are not allowed to introduce at trial cases or exhibits not contained in the case materials. **The description of the components of the bomb is fictitious and purposely involves chemical compounds that do not exist in reality. Students and coaches are strongly encouraged NOT to research how to make homemade bombs or to experiment with hazardous materials.** The website where the recipe for the homemade bomb could be found is also, at the time of the writing of this problem, fictitious.

Note: Defense witness Tai Leppert is an adverse witness. This means that the witness is not overtly supportive of the defense's case. Tai does not want to go to jail any more than Alex does and will not admit guilt for the purpose of acquitting Alex. **Because of the structure of the mock trial competition, the prosecution cannot call Tai as a witness.** Should the defense choose to call Tai as a witness, which the defense is under no obligation to do and may have good reasons not to, the student performing as Tai will be judged in part based on how well that character advances his or her innocence. It will be the job of the defense attorney to attack the claims made by Tai Leppert and the job of the prosecution to defend Tai in cross-examination. All witnesses retain their Fifth Amendment right against self-incrimination. If a defendant in a criminal trial opts to take the stand, this right is deemed waived. If another witness takes the stand, that witness may assert his or her Fifth Amendment right, and it will be left to the determination of the judge whether this right was validly asserted.

STATE OF MICHIGAN
FIFTY-THIRD CIRCUIT COURT

STATE OF MICHIGAN	)
	)
Plaintiff,	)
vs.	)
	)
ALEX KOLSKI	)
DOB: 9/12/1984	)
APSIN ID: 5867132	)
SSN: 546-19-0999	)
ATN: 105-691-992	)
	)
Defendant.	)
_____	)

Court No. 05-23456-FC

STIPULATIONS

1. Michigan Penal Code Act 328 of 9131, 750. 328 Death due to explosive; placed with intent to destroy building or object.
   (1) Section 328: Death from explosives placed with intent to destroy, etc. building or object – Any person who with intent to destroy, throw down or injure the whole or any part of any building or object, places or causes to be placed in, upon, under, against or near such building or object any gun powder or other explosive substance which upon explosion causes the death of any such person, shall be guilty of a felony, punishable by imprisonment in the state prison for life or any term of years.

2. Defendant is charged violation of Michigan Penal Code Act 328 of 9131, 750. 328.

3. The presiding judge will conduct the trial according to the Michigan Rules of Evidence. Trial will be by jury.

4. The jury will be instructed on the elements of the offense according to jury instructions.

5. Michigan's Speedy Trial Act of 2001 limits plaintiff and defense to three witnesses of their choosing. Information contained in affidavits of witnesses not called at trial cannot be introduced at trial, except as permitted under the Mock Trial Rules of Evidence. Affidavits of witnesses called at trial can be used for impeachment or other purposes.

6. The presiding judge will entertain no motions other than for an order sequestering the witnesses. Such a motion should be made after the introduction of counsel and before the before the plaintiff's opening statement.

7. All facts asserted in the witness statements are true and correct.

8. Peter Zoros died as a result of injuries caused by the explosion in the Gloria Rubin Science Center on October 20, 2005.

9. All witness statements are considered part of the case materials and may be used during trial. The signatures on the affidavits are to be considered authentic.

10. All exhibits included in these case materials are authentic and are accurate in all respects; no objections to the authenticity of the exhibits will be entertained.

11. All factual descriptions by Kris Felini of the evidence in the biology laboratory in the aftermath of the October 20th explosion are considered admitted. Evidence from the biology laboratory cannot be challenged for lack of an exhibit.

12. The website, www.anarchistresource.com, existed at all relevant times prior to one week before the start of the trial. One week before the trial the website, for unknown reasons, disappeared from the Internet. No printouts exist of any portion of the website for admission as an exhibit.

My name is Brooke Wright. I'm 38 years old. I've been a security officer at the UMBI for 7 years. Before that I was in the U.S. Army. I was a lieutenant. I served in the Gulf War in Desert Storm as a communications specialist. I also served briefly in some Military Police operations. I believe the security of this country is important.

I'm one of five security officers. I'm second in command. I have a problem with Chief Bronson's view of security threats to this campus. I admit most of the problems on campus have to do with underage drinking and stupid pranks. But that doesn't excuse such a lax system of monitoring student activities. Students on this campus need to know that if they break the law or the campus rules, they'll be caught. Right now, they think they can get away with murder.

I really think if a more stringent system of tracking student activities had been in place this tragedy could have been averted. A man died because Chief Bronson did not make it a priority to pay attention to the nefarious intentions of known trouble-makers. I would have had Alex Kolski in for questioning well before October 21st, and would have followed his/her every move.

I was on duty the night of October 20th at the campus police office which is across campus from the science center. At 11:33 p.m. I heard a loud explosion from that direction. I grabbed my coat and ran across the courtyard. I could immediately see fire on the second floor of the building approximately the center of the east-west wall. I called the fire department and then used my pass card to get inside the building. I was afraid a chemistry experiment might have gone wrong, and I was afraid a professor might be inside one of the labs.

I checked the chemistry lab first thinking that must be where the explosion originated, but everything seemed intact except for a few broken beakers that must have fallen from the jolt of the explosion. Next I checked the biology lab. It was immediately evident that this was where the explosion happened. The glass in the lab door was shattered. Smoke and flames were everywhere and from what I could see all the glass cages were shattered and animals were running around. Some of them were shrieking as they were being burned alive. I didn't see any humans in there.

Then I went to the physics lab. The door was already open. The wall abutting the chemistry lab was collapsed. Fire hadn't spread there yet, but I was afraid it would. I was about to leave when I spotted what looked like a human figure, partially covered by the collapsed wall. I rushed over to discover it was the janitor, Peter Zoros.

He was bleeding heavily and appeared to have lost a great deal of blood. He was struggling to breathe and I could hear him getting weaker with each gulp of air. I carried Pete outside the lab, down the stairs, and outside the Science Center. I didn't see the need to take him farther. As I laid him down, he reached up for me and his last words were *"Is Alex Kolski okay? I think I saw Alex in the biology lab."* Then he died.

At first I didn't know why Pete was there so late cleaning. He usually did his cleaning rounds between 2:30 and 9:00 p.m. Later his wife told me he had attended a family birthday party that afternoon and was cleaning later than usual.

The security system at the science center required everyone who entered after 5:30 p.m. to use a pass card. Every student who takes a science class with a lab component or who is working as a research assistant at the science center has a card good for that term. Once inside, students need to know what numeric code to enter on the keypad outside each door to get into any of the labs. There are no computer records of who

uses the keypad. Even worse, sometimes the humidity causes the doors to swell so they don't always close properly unless the person leaving the room checks to see the door is securely closed.

There is an entry record of anyone who uses the pass card, but no entry is made when they leave. Of course, any number of people can gain entry if one person with a pass card opens the door and allows them to enter. I printed out a copy of the entry log for the evening of October 20th. It shows that Alex Kolski entered the building at 9:41 p.m. There's no record of when he/she left.

Firefighters arrived at 12:07 a.m. and as soon as I saw that the fire was under control and they didn't need my help, I went to question Alex about where s/he was at the time of the explosion. I trusted Pete and knew he had recognized Alex. Pete had an extraordinary ability to remember names and faces. I was sure Alex would mess up and give me evidence that would lead to a solid conviction.

When I got to Alex's dorm I noticed the faint smell of skunk. Alex's roommate Chase Myers told me Alex was in the shower. I could hear Alex coughing rather loudly and told Chase I would wait. Once Alex came out of the shower, I told him/her to come to the common room so we could talk. I calmly, but firmly asked Alex how it felt to have murdered Pete. I told him to save everyone trouble and admit now that s/he had set off the bomb in the biology lab. Alex pretended not to know what was going on. Alex was still coughing rather persistently, which was the one thing I didn't think was being faked. I told Alex that s/he was not going to get away with this crime, that sooner or later incriminating evidence would surface. Alex asked me to leave and I did.

After I got back to the science center from confronting Alex, I roped off the vicinity of the biology and physics labs with police tape. To his credit, Chief Bronson agreed with me that the area should be continuously guarded until someone from the state crime lab could conduct an investigation. I can assure you that no one tampered with the evidence. Forensic investigator Kris Felini arrived in the afternoon of October 22, 2005. The investigation lasted three days.

I filled out an incident report pursuant to university policy. One part of the report called for an estimate of damages. I talked to a building contractor and to Professor Sanders, whose lab suffered the most damage. The estimate came to around $92,000 dollars including structural damage and loss of lab equipment and animals.

I'm sure Alex Kolski did this. Alex has been a trouble-maker since day one and was cited three times for under age drinking as a freshman. During one of those incidents Alex was also cited for disorderly conduct, yelling during quiet hours. S/He managed to talk his/her way out of going into a treatment program because his/her dad is a close friend of Chief Bronson. All Alex got was a warning on his/her official record and a brochure about a treatment program in town.

Alex was only cited once for under age drinking in his sophomore year. It should have resulted in expulsion for the semester because it was the fourth violation of university policy, but Chief Bronson decided because it was a new school year, the freshman incidents didn't count. That was also the year Alex took over as president of a campus branch of the Organized Students Against Laboratory Testing on Animals (OSALTA). S/He organized a student protest and spearheaded a student rally outside the science building on May 3, 2005. I know Alex was in charge because s/he was the one with the bullhorn doing all the talking. Some students decided to call the campus police to complain about disturbance of the peace. They were trying to study for finals. A junior officer responded. There were about 75 students involved. They would not disperse, so s/he called for backup. I think failing to obey an order to disperse amounts to

resisting arrest, so I confronted Alex, confiscated the bullhorn and handcuffed him/her. As I led Alex away, I told him/her this was his/her last stunt at UMBI. As soon as I got Alex to the office s/he started complaining to Chief Bronson about free speech rights and police brutality. The chief decided not to press any charges if Alex agreed not to sue the University.

This year, Alex is a junior and the trouble began right when school started. Professor Sanders was in the middle of an opening lecture in Biology 101 when Alex showed up with a bullhorn and started berating the professor and telling students the professor was a murderer and that if they took the class they would be murderers too. I took Alex out in the hallway and gave him/her a stern talking to. That was the last stunt except for the petition to revoke Prof. Sanders' tenure, until the night of October 20th.

After the explosion, I wanted to arrest Alex immediately. But the chief said wait until the investigation was complete and there was more evidence. I continued investigating and under the Patriot Act powers given to law enforcement officials and got the town magistrate to order UMBI to provide me with a list of websites Alex had surfed in the week prior to the explosion. I found out that Alex used the library computer three times and all three times s/he visited a site called "The Anarchist Resource." On this site I found a recipe for a hydrogen difluomate bomb, which is the type of homemade bomb the State forensic investigator said was used to destroy the biology lab. I'm not aware that Alex had any chemistry courses, so this is the only way s/he could have known how to make the bomb.

My research and the report from the state forensic investigator convinced Chief Bronson that he had to call in the Beaver Island Police Department who arrested Alex on December 5, 2005. Alex was simultaneously suspended from UMBI. This was a great personal vindication for me as I have been trying to get Alex kicked off campus for three years.

I have never had any trouble with Tai Leppert. Tai has been, as far as I can tell, a model student. Tai does not have any record whatsoever with the UMBI campus police.

I have reviewed this statement, and I have nothing of significance to add. The material facts are true and correct.

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Officer Brooke Wright

STATEMENT OF DR. KIM SANDERS [Plaintiff Witness]

My name is Kim Sanders. I am a professor of Biology at the University of Michigan-Beaver Island. I have been teaching there for 12 years. I got my PhD in immunobiology from Yale University in 1986.

In the winter of 2002-2003, a very serious flu-like virus began to show up on Beaver Island. The associated disease, dubbed Michigan Respiratory Immunodeficiency Syndrome or MRIS for short, is very debilitating and sometimes even deadly. There is no known cure and no known means to limit its spread. I obtained a grant of $45,000 to study the disease. I hired Tai Leppert as a research assistant. We spent the summer of 2004 adapting my lab for the research. I had collected samples of the virus, successfully isolated it, and was about to begin vaccination research at the time of the explosion on October 20, 2005.

I can't imagine why anyone would want to sabotage research that was vital to saving lives in the region, not to mention stopping a potentially global epidemic. I've been told that the two main suspects are Alex Kolski and Tai Leppert. I have had some unpleasant interactions with both of these students since the school year began in early September. I wouldn't be surprised if either one of them set off the bomb.

Alex is the leader of OSALTA. They have been active on campus for three or four years. After Alex took over as President of OSALTA, they became much more active. There was a large rally on campus during quiet week, last year, just before finals. I saw the protest going on outside the building, so I went around to a different entrance. When the fall term began, Alex tried to convince students not to take my courses by bursting into the classroom with a bullhorn. I called campus security and they took him/her away. S/he never came back. But later I received a threatening e-mail from Alex, on about October 2nd, so I started to be a bit more wary. I didn't respond. I have no idea what s/he meant by "suffering the consequences".

Tai I am very disappointed with. Tai is a Biology major, a senior this year and one of my key research assistants on the MRIS project. Tai helped all summer in setting up the lab, monitoring the animals and doing a lot of essential work. We became great friends. That all changed after midterms on October 8th. Tai was taking advanced Molecular Biology, one of only eight students in the course. The midterm was difficult but fair. Tai got an F and later shouted at me, *"You've ruined my life! Maybe some day I will have the chance to return the favor!"* That was the last I saw of Tai before the explosion. Classes were canceled the week of the explosion, but Tai returned the following week and worked hard enough to earn a high "C" for the course. When Tai applied to medical school, I wrote a good letter of recommendation. I thought it would be wrong to blame Tai for the bombing, even though there was a possibility that Tai had done it.

I want to reiterate how devastating the explosion was to my research. I feel I was really close to a breakthrough that would have saved many lives. Already this past winter the disease has spread to mainland communities. I'm concerned about the three ravens and five geese that apparently escaped from the broken cages. I had intentionally infected five ravens and four geese, so I know that some of the animals that escaped were infected. I fear that the escaped birds might have aided in spreading the virus.

I have reviewed this statement, and I have nothing of significance to add. The material facts are true and correct.

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Dr. Kim Sanders

STATEMENT OF TONI/Y CHANG [Plaintiff Witness]

I am Toni/y Chang. I'm a senior at University of Michigan-Beaver Island. As a freshman I became involved in OSALTA, that's the Organized Students Against Laboratory Testing on Animals. The group didn't do much except have monthly meetings. Mostly we put up fliers about the evils of laboratory

testing. In my sophomore year, Alex Kolski arrived at UMBI, but s/he didn't become active in OSALTA until second semester.

Soon, though, Alex became passionate about the causes OSALTA supported and was a born leader, never missed a monthly meeting and started organizing activities. One was a big UMBI rally. Our campus is only about 1000 students. About a hundred showed up for this anti-animal testing rally. This was in May, during Dead Week, when students were studying for finals. Alex got hold of a megaphone and was lecturing about animal testing going on right on campus. Alex called Professor Sanders some kind of mass murder. The scariest thing was that other students seemed to be buying in to the idea.

The next term Alex went into Professor Sanders first class of Biology 101 and started telling them they shouldn't take the class. He seemed out of control and obsessed. I tried to educate Alex about the kind of research Professor Sanders was doing and that it was to save human lives so I suggested s/he go to the lab and see that the animals were well cared for. I tried to convince Tai to give Alex the combination to the keypad, but Tai didn't trust Alex and refused. I went to Cynthia Baxter since I knew she would do anything for money and I suggested Alex give her $100 for the combination. Call me stupid but it never occurred that Alex would use the combination to sabotage the experiments, let alone blow up a building. I don't know if Alex ever saw Cynthia. She died in a plane crash.

Tai reminds me a bit of Alex. S/he is basically a good person, but has a nasty temper. It takes a lot to set him/her off, but once that happens, watch out. Sometime last spring Tai started becoming really interested in anarchy. S/he had a tattoo of the anarchist symbol. But despite his/her interest in anarchy, I can't see Tai setting off that bomb that blew up the science center and killed Pete.

I have reviewed this statement, and I have nothing of significance to add. The material facts are true and correct.

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Toni/y Chang

STATEMENT OF KRIS FELINI [Plaintiff Witness]

My name is Kris Felini. I am employed by the Michigan State Police Crime Lab as a investigator. I am a recognized expert in the State of Michigan in firearm identification, tool-mark identification, muzzle-to-target distance determinations. I have received training in arson and explosive identification, however that is not my expertise. Currently the crime lab is understaffed and because of budget cuts, we currently do

not have a specialist in arson or explosives.

Our former arson and explosives expert, Sam Rodriguez, was fired for incompetence. He is currently an expert for hire.

I was contacted about noon on October 21st about the explosion at the UMBI. I didn't get there until early afternoon of the 22. I spent three days on the scene gathering evidence and took the information to the state crime lab in Bridgeport. I completed and filed my report on December 3, 2005. I understand that Alex Kolski, whom I named in my report as the most likely perpetrator, was arrested two days later.

No effort was made to preserve the crime scene after I completed my report. I took scrupulous notes and made diagrams where required. My job as forensic investigator is to conduct my investigations thoroughly enough that later forensic experts will be able to work off my notes and other materials to draw their own independent conclusions. What follows is a summary of my investigation and subsequent report.

Type of explosive material

The explosive detonated in Professor Sander's lab is definitely hydrogen difluomate. I was able to determine this by testing trace amounts of the explosive found in the vicinity of the explosion. While it was not easy to identify the chemical composition of the explosive residue, I was able to separate it out from the other debris in the remains of the laboratory. Chemical analysis confirmed that all the samples were from a hydrogen difluomate bomb, originating from the same bomb. No other trace materials were detected in the explosive material ejected from the bomb, suggesting to me that hydrogen difluomate was the only explosive material used in the bomb.

It is difficult, but not impossible for a novice to make a hydrogen difluomate bomb. These types of bombs are very unstable when you are mixing the elements together and improper proportions can lead to an unplanned explosion. More than 43 percent hydrogen would cause an immediate explosion. Less than 35 percent hydrogen would make it impossible to detonate the solution. I would say that the chance of error increases when one tries to extract the hydrogen or the difluomate from other sources rather than using pure samples of those chemicals. If somewhat impure extracted chemicals were used, it would be significantly more likely that the person mixing those chemicals would exceed the allowable tolerances and set off an unfortunate unplanned explosion.

I have examined the instructions for making a hydrogen difluomate bomb located on the website, anarchistresource.com, and have concluded that it would be possible to make an explosive device detonated in Prof. Sanders' laboratory using those instructions. The website also contains directions for extracting the hydrogen and difluomate from water and common cleaning solutions. I found the instructions clear and informative. If careful, it is possible to mix the chemicals and set up and detonate the bomb by means of a fuse without getting any hydrogen difluomate residue on oneself. That said, hydrogen difluomate residue was found under the fingernails of Tai Leppert but no such residue was found anywhere on Alex Kolski. It is harder not to be affected by the fumes caused by the chemical reaction when mixing the super-hydrogenated water and the difluomate. The chemical reaction releases a noxious, foul-smelling odor that if breathed causes almost uncontrollable bouts of coughing lasting for several hours. A mask can help avoid this effect, but of course, even with a mask, one cannot avoid being tainted with the stench from the oxyfluomate fumes. The smell is not unlike that of a skunk, but usually goes away after a long, hot shower.

Size of the Explosion

The explosion that occurred in Prof. Sanders' biology lab was caused by a hydrogen difluomate bomb, that hydrogen difluomate was the only explosive material used in the bomb, and that the bomb would have been powerful enough to cause the destruction that was in fact caused. From the amount of hydrogen ifluomatte residue I was able to detect in the ruins of the biology lab, I have calculated that the bomb must have contained approximately 1.4 liters of hydrogen difluomate solution and would be considered a "crude" hydrogen difluomate bomb. "Crude" means the explosive solution was all contained in one single canister at the time of explosion.

In a more sophisticated hydrogen difluomate bomb, a little bit of the explosive material will be contained in a small chamber next to the main storage chamber. It is this smaller chamber that will be detonated. When the small chamber explodes, it creates an instant burst of heat that detonates the larger chamber. This is a much more efficient explosion, using up more of the explosive solution and thus leaving less residue, than a single chamber explosion. With a single chamber bomb, the explosion necessarily starts in one part of that large chamber and flings a lot more residue away from the point of the explosion. In short, by assuming a crude single chamber bomb, I am able to backwards calculate the amount of explosive solution originally in the bomb by using amount of residue that was left behind and multiplying this by a commonly accepted factor of the ratio of residue to explosive material for a single chamber hydrogen difluomate explosive device. There is no physical evidence to suggest a dual chamber bomb, though to be honest, it is hard to imagine what physical evidence there could possibly be, since any such evidence would be destroyed in the explosion.

I cannot say whether the person who detonated the hydrogen difluomate intended to collapse the wall between the biology and physics labs, but I do believe it plausible that a 1.4 liter single chamber hydrogen difluomate bomb, detonated close to an internal wall, would have the effect of collapsing that wall in the manner that in fact resulted. I do not believe it plausible that any other chemicals could have been mixed in with the hydrogen difluomate used in the bomb. Any chemical compounds that contributed to the explosive effect of the bomb would have to have chemically bonded in some way with the hydrogen difluomate solution. Consequently, there should have been trace amounts of any additional chemicals found along with the hydrogen difluomate residue. No additional trace chemicals were found, only hydrogen difluomate

The materials and chemicals that go into making a hydrogen difluomate bomb could easily be found in the chemistry lab. A 1.4 liter hydrogen difluomate bomb would consist of 529 ml of hydrogen and 871 ml difluomate, give or take a couple of milliliters within acceptable tolerances. I discussed with Prof. Reynolds, the chemistry professor in charge of maintaining the supplies in the chemistry laboratory, what supplies were likely to be in the chemistry laboratory at the time of the explosion. Prof. Reynolds told me that not only does he/she keep a regular log of chemicals as they are exhausted and replaced, but that because the chemistry lab was virtually unharmed by the explosion, he/she was able to take an inventory a couple of days afterwards to what chemicals were missing and in what amounts. Reynolds said the chemistry laboratory was running low on super-hydrogenated water at the time because many students were conducting experiments with hydrochloric acid and there may or may not have been 529 ml of super-hyrdogenated water remaining. It did not occur to me to get fingerprints off of any of the used super-hydrogenated water bottles to see if Alex Kolski had handled more than one bottle. As for pure difluomate, Reynolds told me that because of its limited uses in a college chemistry lab, he/she only kept one 250 ml bottle of pure difluomate in the lab. However, he/she further stated while this bottle had never been opened to her knowledge, it was missing when he/she did his/her inventory a couple of days after the explosion. This bottle of difluomate has never been found.

The 1.4 liter single chamber hydrogen difluomate bomb is also consistent with the theory that Alex Kolski extracted most chemicals necessary to construct the bomb. There was sufficient equipment in the lab that both chemicals could be extracted simultaneously. Assuming Kolsi used the missing 250 ml bottle of pure difluomate, it would be possible for him/her to extract the necessary materials, regardless of the stock of super-hydrogenated water in the chemistry lab at the time, but without using an additional source of difluomate it would probably not be possible to set up the equipment and extract 871 ml of difluomate and construct a bomb in the time he/she was apparently in the lab. Kolski could have extracted the necessary chemicals at an earlier time and just that evening brought them back to construct the bomb. The Ph experiment Kolski was supposedly conducting should conservatively have taken 45 minutes to an hour to complete.

A fuse for the bomb could be made out of string soaked in rubbing alcohol, like a wick. Such a wick, so long as it was not sitting in a pool of alcohol, would burn steadily at the rate of about seven minutes per foot.

Effect of the Explosion

The force of the explosion caused the wall between biology and physics labs to collapse, resulting in fatal injuries to Peter Zoros. The full force of the blast appears to be limited to a relatively small radius around the point of the explosion. The explosion point was located on a counter less than a foot away from the wall that collapsed. The force of the blast destroyed all glass structures throughout the room including those housing Professor Sanders' experimental animals. No animals seem to have survived the explosion. The shrews and pikas were close enough to the point of explosion that there is no way they could have survived. On the off chance some of them did survive the blast, they would have been killed by the fire. Likewise the beavers might have survived the initial explosion, but perished in the ensuing fire that engulfed that area of the room. Four ravens and one goose were killed in the blast, as might have been expected. What I cannot explain is what happened to three ravens and five geese. Glass was shattered in a window, but that window was also half open at the time of the explosion. It's possible someone tried to release all of the birds. Tai Leppert's fingerprints were found on the window frame.

The glass to the door of the biology lab was shattered, but I don't believe it was shattered entirely by the force of the blast. The pieces of glass were roughly the same size. Because of the blast moving from the inside toward the door, I would expect all the glass to have landed outside the biology lab. The fact that about a third of the glass from the door was found inside the lab suggests to me that the window was at least partially shattered prior to the explosion.

There was some unusual red glass also found inside the biology lab, consistent with the glass used in bottles of Red Bottle Beer. The glass exactly matched the glass in two empty bottles of Red Bottle Beer which were found in the chemistry lab. Both of the bottles in the chemistry lab had Kolski's fingerprints on them.

Fingerprints

Besides the prints that were found on the beer bottles in the chemistry lab, I found one isolated print of Alex Kolski's in the biology lab. It came from the shattered remains of the glass door to the goose enclosure. I did not find any other fingerprints from Kolski on any other surface. With any fingerprint, there are potentially sixteen points of identification, places where the pattern of a print will come to a break, lines will merge, something like that. While it is true that the more matching points there are, the more confident one can be about a positive identification, the standard adopted by the Michigan State Police is nine matches of sixteen. I was able to match up ten points. There were no non-matches. I am

confident the latent fingerprint and Alex Kolski's lab fingerprint are from the same person, and that Kolski was in the lab some point prior to the explosion.

I have reviewed this statement, and I have nothing of significance to add. The material facts are true and correct.

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Investigator Kris Felini
Michigan State Police

STATEMENT OF ALEX KOLSKI [Defendant]

My name is Alex Kolski. I'm a junior English major at UMBI. I'm 20 years old.

I didn't blow up Prof. Sanders' lab. I love animals. Why would I kill them? I don't know how to make bombs, and I don't have access to the biology lab. You want Tai Leppert, not me!

Yeah, I had a pass card to the science center and I was in the building the night of October 20th. I was doing an experiment in the chem lab. I didn't know that website Tai told me about said how to make

bombs. I don't even like chemistry. I was taking chemistry because I had to fill a graduation requirement. I didn't want to be in the chem lab that night, but I didn't want to fail the class either. I was making a mild hydrochloric acid solution and testing out its Ph level. This was one of the stupid experiments we had to do in the class. It took me longer than it was supposed to for me to conduct my experiment because chemistry is so hard and uninteresting to me. Plus, I was drinking that night, which slowed me down a little bit more, and I had this really bad cold and was coughing all the time. I found out later that Pete was in the building at the time. I was surprised and saddened. I heard from others who are in the building more than I am that Pete usually cleaned up soon after classes ended at 5:30 p.m. To be honest I don't believe I ever even met Pete or would know what he looks like.

I was in the lab, did my experiments and went back to my dorm. Ask Chase Myers. I was already back in my dorm when Tai's bomb went off. So, it couldn't have been me. Officer Wright wanted to arrest me the night of the explosion. S/he came to my dorm suite, waited until I was out of the shower, and then accused me of setting off the explosion that destroyed the biology lab and killed Pete. I heard the explosion, but I had no idea that someone was killed. I thought the science center was empty when I left at about 11:15 p.m. I didn't have access to the biology lab, and that I would not go in there even if I did. Officer Wright said Pete told him/her that I was in the biology lab just before the explosion. I couldn't believe Officer Wright would make up stories like that. I said Pete was an old man and maybe his eyesight wasn't what it should be. This made Officer Wright mad, and I could see the conversation was going nowhere. So I commanded Officer Wright to get out of my dorm until s/he had some real and not made up evidence against me.

I didn't know the lengths to which Officer Wright would go to get me arrested. Officer Wright is clearly biased against me. I bet s/he planted evidence to get me convicted. Officer Wright was guarding the crime scene from time to time before the forensic investigator arrived, so it would have been easy for Officer Wright to plant those broken beer bottle shards in the biology lab. S/he can't stand the thought of students thinking for themselves. At that demonstration on campus last May s/he gets all harsh and decides to restrict my free speech rights. I should have sued for this and for police brutality. It happened again when I tried to get people to drop Prof. Sanders' Biology 101 class. I didn't force anyone to drop it. I was just trying to educate them about how evil Prof. Sanders is.

Okay, lets look at the evidence against me. Apparently Toni/y Chang thinks I knew the combination to the biology lab, that I got it from Cynthia Baxter or something. I didn't want to see those animals, I wouldn't pay $100 to get in there. Ask Cyn. Oh, wait, you can't. She's dead.

So, I can't get into the biology lab. I don't know how to make bombs. Does anyone honestly think that a student whose only exposure to chemistry was a joke chemistry course would be able to make a bomb powerful enough to knock down a wall? If they did, no one would be allowed to take chemistry courses.

I didn't know that the anarchistresource.com website told you how to make a bomb. Tai was just setting me up. Tai came to me at the cafeteria and told me about this website and said *"I hear you like to stir things up. You should check out this www.anarchistresource.com. It might give you some new ideas."*

I checked it out a couple of times, clicked on a couple of links. I never clicked on the "Toolbook" link, which I guess is where the bomb making instructions are. Why would I? All my protests have been non-violent. I don't need to know how to make a bomb. I hear Tai has a nasty temper and was incredibly angry at Prof. Sanders. I barely knew Tai and shouldn't have trusted him/her about that website. Tai just needed me as a scapegoat to take the fall.

I joined OSALTA midway through my freshman year at UMBI. I originally joined because I had a crush on one of the members Pat Ikin. I didn't care that much about the animals. But then this big flood light went off in my head. I had never given any thought to what happens to animals all in the name of science. Did you know somewhere between 60 and 100 million animals are used in experimental science each year? Animals have feelings and emotions just like everyone else. None of them want to be killed or kept in cages.

Things didn't work out between me and Pat and I quit going to OSALTA meetings because I didn't want to run into him/her. Later Toni/y came and begged me to come back, said OSALTA needed me. I decided if I went back it would be for the right reasons and I would give 100% to turn OSALTA into one of the most prominent organizations on campus. I started a letter writing campaign to the Michigan Congressional delegation to try to get them to stop funding colleges and universities that did animal testing. I figure they were all in the pockets of the drug and cosmetic companies because they didn't do anything.

But I got elected president of OSALTA. I wanted people to think about the organization over the summer so I came up with the idea of this big protest before finals. Then Toni/y, one of my underlings in OSALTA told me about this huge grant that Prof. Sanders got to conduct all these experiments on animals and I knew this had to be the subject of the protest. I ordered a megaphone. I knew with Officer Wright watching me, I had to be surreptitious about the planning, so I passed out flyers and only the people who came to pick up a flyer were told about the protest.

The protest went off great. There must have been over 100 people at the rally. For a campus of under 1000, that's pretty amazing. Everyone was paying attention. They seemed like they were with me. That 's when I decided we needed to march on the president's office. I yelled at the crowd, *"Who's with me?"* They yelled back. Just then officer Wright showed up. The other officer had things under control, so I don't know why Officer Wright showed up. Anyway, for no reason at all Officer Wright humiliated me in front of everyone by handcuffing me and leading me away from all my supporters. I swore I'd get back at Officer Wright. I demanded to see Chief Bronson and I told him if any charges were brought against me I'd sue the University for violating my free speech rights. Chief Bronson knew I'd win and pleaded with me to call the whole thing even and walk away, which I did. I let the University off easy. After I get off from this bogus arson and murder charge, I'm going to sue the University something serious.

I stayed in Beaver Island over the summer working in a hardware store. I didn't run into officer Wright. In the fall I knew I needed to go on with my protest, and I couldn't waste time by calling a meeting of OSALTA. So I decided to take my protest into the Biology 101 classroom because it looked like everyone else had forgotten about what we were protesting in the spring. I was trying to give these new students information about animal testing. Who should show up but Officer Wright? S/he told me I was a troublemaker and s/he was keeping an eye on me. Told me if I ever made another peep in a classroom or created another campus disturbance s/he would personally see I was expelled. I was afraid. I mean, Officer Wright is crazy. This bombing thing, blaming me for it when it's clear Tai did it, is all part of Officer Wright's twisted little mind.

I tried to rally new and old members of OSALTA by telling them Prof. Sanders was evil. They looked like me like I was crazy. If no one was going to help me, I knew I'd have to do it myself. I started another campaign to petition to have Prof. Sanders' tenure revoked and have him/her fired. Cruelty to animals in a crime, right? No members of OSALTA signed the petition. Why are they doing this to me? I am the LEADER!!!!

I still don't really know what Prof. Sanders was doing with all those animals. I think s/he was researching the flu or something. So some people get the sniffles, that isn't justification for murder. Those animals should have been free in the wild rather than locked up in cages and infected with human diseases. I wish those animals had all lived. I don't think resorting to bombs is an appropriate means of protest.

I have reviewed this statement, and I have nothing of significance to add. The material facts are true and correct.

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Alex Kolski

STATEMENT OF TAI LEPPERT [Defense Witness]

My name is Tai Leppert. I am 21 and a senior at the UMBI. I will graduate this spring and have been accepted into the medical school at the University of California – San Diego. UCSD is ranked among the top twenty medical programs in the country. I should have gotten into a better medical school, but I can accept going to UCSD. I have lived in Michigan all of my life and grew up miles away from the nearest family. My father is a miner, mostly for gold, in some of the hills around Beaver Island. My mother helps out around the house, and with the business end of the mines. It has been quite an adjustment for me coming to UMBI and having to live with so many other people. I am sure it will be even more of a challenge living in San Diego and being a student at UCSD, but I look forward to the challenge. It is important to me that I do this, not just professionally but also so that I can mature as a person. My goal after getting my medical degree is to come back to Beaver Island and be a doctor in the rural health

system around here.

I am glad that I decided to become a biology major. Hopefully, it will lead to me having the opportunity to do a lot of good for my community. Plus, I have found the subject matter to be quite interesting. I have managed to do well in biology, but to be honest, I think I probably would have done well in any course of study I chose. I am fortunate to have inherited my parents' intelligence and UMBI has been the perfect place to develop my intellectual pursuits. I was home schooled by my mother and father, so I am used to receiving individual attention when I am in an educational setting. Indeed, I feel it is how I learn best. I must admit that I sometimes do not do well in class settings. First of all, I am still a bit uncomfortable around other students. This is because of my upbringing away from other children. I am trying to change that about myself, but it can be somewhat difficult to do this. Over time, I will become much more sociable. The other reason I sometimes have trouble in classroom settings is because I am so much smarter than the average student at UMBI. When I do not feel that I am being challenged intellectually, I lose much of my motivation to study hard. Of course, I still do well on all of the tests, but the class is not as enjoyable as it would be if I were surrounded by peers.

Prof. Kim Sanders has been great to work with. For the most part, Prof. Sanders has recognized my intelligence. Prof. Sanders hired me on as her/his primary research assistant upon receipt of a National Institutes of Health grant to study MRIS (Michigan Respiratory Immunodeficiency Syndrome). MRIS is a horrible disease that has struck many small communities on Beaver Island. MRIS strikes the immune system within the lungs and causes the lungs to turn against themselves. This disease, which exists in viral form, has no known vaccine and no known cure. MRIS can often be deadly, and even in those it does not kill, MRIS appears to permanently damage the respiratory system. I know personally how devastating MRIS can be because it struck a cousin of mine two years ago. Fortunately, my cousin survived, but the disease has left him greatly weakened. It saddens me to no end that because of the unforgivable bombing in Prof. Sanders' laboratory, we are that much further from stopping the deadly spread of MRIS.

I worked very hard over the summer and during the school year to set up various experiments being funded by the grant. Once we got the animals from the state, I was in charge of making sure the animals were well taken care of, at least as well as possible considering we were purposely infecting them with a deadly disease and monitoring their progress through taking blood samples and so on. I cared for this project and knew its importance. I would not have destroyed it just to get even with Prof. Sanders.

Yes, I have a serious temper, and yes, I was extremely angry at getting an F on that exam that Prof. Sanders gave. To be honest, I blame this exam, and the resulting C grade I got in Advanced Molecular Biology, as the reason why I did not get into a better medical school. I knew this is what would happen once I saw the grade on the exam. Prof. Sanders knew how smart I was and knew how much time I was spending working in the laboratory. After grading the test, Prof. Sanders should have immediately realized that the grade I was getting was not reflective of my true abilities and offered to allow me to retake the test or to do extra credit to receive a better grade. My understanding of the material in Advanced Molecular Biology was clearly better than the F level — it had to be. I had always gotten good grades in biology courses. But for whatever reason, Prof. Sanders insisted on giving me the F grade I received on that particular test rather than a grade more reflective of my true abilities. Furthermore, after reviewing the test a couple of days later, I discovered that Prof. Sanders had given me far less partial credit than I deserved for my essay answers to some of the questions on the exam. By my calculations, I should have received at least a C on the exam. This would have allowed me to achieve a B overall in the course or possibly even an A. In other words, Prof. Sanders actions were once again totally uncalled for.

Prof. Sanders and I had been very close friends before this whole exam incident. As I described, we had worked closely together on the MRIS project and both shared a passion for biology. Now, I get mad even thinking about Prof. Sanders. How can someone callously ruin someone else's dream when it is so easy not to? It was almost unbearable getting through class the day Prof. Sanders passed back that fateful exam. I knew I was going to confront Prof. Sanders after class about what s/he had done to me. When I confronted Prof. Sanders after class, I tried to explain calmly why I felt I deserved the opportunity for a better grade, but I was so emotionally distraught over having my life ruined that my arguments might not have come out as well as I would have hoped them to. To be honest, I cannot accurately remember what I said or did, I was so consumed with rage. All I know is that Prof. Sanders would not budge and that our friendship is now over.

After getting the F on that exam, I wanted to kill Prof. Sanders. But of course I would never do something like that. I admit that I can sometimes get kind of violent when I lose my temper. I cannot really predict when it is going to happen or what I am going to do. I usually cool down after a while, though. It is true that I am still mad at Prof. Sanders, but not to the point where I fear I might lose my self-control. I did, after all, return to class the week after the explosion. No, one cannot expect me to forgive Prof. Sanders or be Prof. Sanders friend or research assistant again. There was after the exam incident and forevermore will be some tension between the two of us. But I am in the process of learning that just because you are angry at someone, this does not mean that you cannot work with that person. I wanted and needed to take Advanced Molecular Biology from Prof. Sanders, so I suppressed my anger and decided to make the best of a bad situation.

I had come to this realization prior to the night of the explosion. I had been angry all week after receiving the F, and I was generally an unpleasant person to be around. I had refused in protest to go to the Thursday Advanced Molecular Biology class. I also did not want to do anything else that might be viewed as being in support of Prof. Sanders, so I conscientiously neglected my lab work duties as part of my work-study program on the MRIS project with Prof. Sanders. I figured Prof. Sanders would probably fire me, as s/he had obviously lost trust in me if nothing else, but at that point I did not care.

I decided to go home over the weekend to visit my parents and blow off some steam, so to speak. Once I get home, the way I like to release tension is by setting off small explosions in my father's mines. I am well versed in formulating explosives, and my father always indulges me by allowing me access to the chemicals need to make the explosives. In fact, my father often tells me in which mines to set off the explosives, so that I do not interfere with and can even advance the work that he is doing. I am not interested in following in my father's footsteps, career-wise. However, I will always remain interested in chemistry and the science of explosives.

The primary explosive my father, and by extension myself, uses is sodium trichromide. This explosive is very stable and easy to control, while at the same time quite powerful. Sodium trichromide can be used as a directional explosive to clear out precise areas of rock surrounding where a suspected vein of gold is located. Because of this, sodium trichromide is sometimes called "Miner's Friend." Once prepared, the explosive, which exists in liquid form and is placed inside some sort of glass container, can only be set off through some sort of electrical charge. Consequently, sodium trichromide is very safe to transport, as it is hard to accidentally detonate. Furthermore, the means of intentionally detonating a sodium trichromide explosive is fairly simple. Typically, the miner will string wire into the glass canister containing the sodium trichromide solution, rest the glass canister on the desired location on the rock (perhaps taping it in place), stretch the wire several hundred feet away (somewhere outside the mine in a safe, shielded location), and hook the wire up to a battery powered detonator. When a button is pressed on the

detonator, an electrical charge travels down the wire and sets off the explosive device.

Unfortunately, that weekend we were running low on the ingredients to make a sodium trichromide explosive, so my father told me to make a hydrogen difluomate explosive instead. I do not like hydrogen difluomate explosives as much as sodium trichromide explosives. Hydrogen difluomate explosives are much more unstable and thus harder to make than sodium trichromide explosive. To be honest, I am a bit nervous about making hydrogen difluomate explosives — if you do not mix the ingredients exactly correct, you might blow yourself up. Plus, the fumes smell awful and can be toxic, so you need to be sure to cover your mouth and nose with a cloth while making the explosive and putting a rubber or cork stopper on the canister when finished. One time I forgot to do this and coughed for three hours straight. You only need to make that mistake once. After the explosive is concocted, though, it stands up well to sudden jolts, which makes it relatively easy to transport, as long as you do not expose it to excessive heat. Assuming you can make the explosive without killing yourself, hydrogen difluomate explosives can be detonated through exposure to temperatures above 150 degrees, like the kind of heat you would find in almost any flame. In a mining context, this typically means you attach a long fuse to the canister containing the hydrogen difluomate, which like sodium trichromide exists in liquid form, and run away. Hydrogen difluomate explosions are very messy and not very good for directional explosions. Adding gasoline can somewhat increase the force of hydrogen difluomate explosives, but mostly it just creates a larger fireball.

However, hydrogen difluomate was all we had that weekend, and despite my nervousness about it, making a hydrogen difluomate bomb is well within my capabilities. Hydrogen difluomate explosives can be created using chemicals found commonly in any chemistry laboratory or which can be easily ordered online. For that matter, it is easy to extract the difluomate from certain cleaning solutions and create super-hydrogenated water by using distilled water, electricity, and a lead collecting plate. Once the extraction process is complete, the trick comes in knowing the exact proportions for mixing the two together to create hydrogen difluomate. My father trusts me not to make explosives I do not feel comfortable with, and I trust myself as well. I usually create a two chamber bomb by placing a small test tube of hydrogen difluomate next to the larger master chamber. This creates a more powerful explosion than a single chamber bomb and is also marginally safer. I cannot exactly remember what I blew up that weekend. I think I just set off the explosive in a rocky outcropping somewhere on a worthless hillside. I find it fun to watch small pieces of rock flying every which way. And the loud boom created by the explosion sends a shiver down my spine, but in a good way.

I did not have any classes on Monday, so I waited until Monday evening, October 20th , to return to UMBI. Despite the fact that it was getting rather late, I had resolved to put my differences with Prof. Sanders behind me as much as possible and return to work on the MRIS project, the importance of which certainly did not diminish due to my dispute with Prof. Sanders. The first thing I decided to do was check out the animals. It had been my job to take care of them, and it had now been a week since I had last tended to them. I figured that Prof. Sanders or another research assistant had taken care of the animals in my absence, but it was now my turn to resume those duties. I used my pass card to get into the science center at about 10:15 p.m. I then punched in my combination to the biology laboratory, went inside, and closed the door behind me. It was a bit stuffy in the room, so I opened one of the windows to let in some fresh air. I cannot remember if I closed the window upon leaving the laboratory.

It was almost like some of the animals were happy to see me again. I was the one who usually fed them, so I guess this should not be too surprising. The animals were in airtight glass cages and besides were likely contagious, so of course I could not pet them. The air circulation system to the airtight cages

contained a special filtering system designed to trap any airborne viruses. I changed the filters on the air circulation system and carefully placed the old filters in a special solution to begin the process of congealing and separating the viruses. I then fed the animals through specially designed foot chutes. This whole process took about forty-five minutes, after which I left to go to my apartment to go to bed. As always, I made sure that the door to the biology laboratory closed shut behind me.

As I was leaving the science center at about 11:00 p.m., I saw Whistling Pete, the janitor who serviced the science center, approaching. I often worked late in the biology laboratory and consequently had become quite acquainted with Pete. Pete was a really good guy, always smiling and whistling, whistling and smiling. Friendly to everyone. I held the door open for Pete as I exited the building so that he would not have to bother with getting out his pass card. I asked Pete why he was there so much later than usual, and Pete responded, *"Well, you know, I was at my cousin's birthday party, and we got to drinking and it ran a little late, but I still have a job to do, so I'm here to do it."* I told Pete that there was no reason to clean tonight, that I knew he did not want to clean tonight, and that he should just go home. I told Pete that he could just clean tomorrow and that no one would notice the mess. I wish Pete had listened to me.

I cannot believe that Alex Kolski went so far as to set off a bomb that destroyed the biology laboratory and killed Pete. I wish I had never told Alex about anarchistresource.com. I knew the website has recipes for making bombs, but that is not why I thought Alex wanted to visit the site. About a week and a half before the explosion, in fact, I think it was the Sunday before I got my Advanced Molecular Biology grade, Alex approached me in the library to ask me if I knew anywhere where s/he could research different theories of anarchy. I did not trust Alex. Not too much earlier, Toni/y Chang had tried to buy the combination to the biology laboratory off of me to give to Alex or show Alex the animals or something. I did not trust Alex, so I did not give Toni/y the combination. I liked Toni/y and enjoyed rooming with her/him. And I feel bad about Toni/y because sometimes I blew my cool when I should not have. But Alex I did not trust, and if giving Toni/y access to the biology laboratory meant giving access to Alex, I would not put up with it. However, when Alex approached me about wanting to research anarchist theorists, I was tricked into believing that the request was genuine. Alex even asked me if I would be willing to talk about anarchy over a couple of Red Bottle Beers. I do not drink alcohol, nor did I especially want to spend any time with Alex, so I told Alex to read the website first and then maybe I would consider discussing it with him/her.

Anarchy had become a very important part of my life ever since my first exposure to anarchist theory in a political theory course on radical movements I took spring semester of my junior year. Almost everyone who criticizes anarchist thinking has not actually read any anarchist thinkers. Anarchism is at its heart a social critique. The core of anarchism is the doctrine that society can and should be organized without the coercive authority of the state. Different anarchism theorists have taken this central idea to different lengths. For example, some of the early individualist anarchists were the forerunners of modern libertarianism. On the other hand, collectivist anarchists offer up a stateless version of communism that can be seen as an alternative to Marx's proletarian-based communism. As anarchists have become more and more frustrated with the oppressive socialization of life in an industrial, ever more state-based world, some of them have turned to increasingly violent forms of resistance, such as terrorist acts aimed at government organizations. I am a libertarianist and use anarchism as a form of social critique. That is all. I was briefly tempted by the more violent side of anarchism — that is when I got a tattoo of the anarchist symbol of a capital "A" inside a circle on my left bicep. I find it more funny now than serious. Sometimes I show the tattoo to people just to scare them a little bit. It gives me a sense of power without having to place anything on the line. But I would never take it any further than that. I stopped going down the path toward the violent terrorist strain of anarchism when I realized that it had never

accomplished anything and never would. All it did was disrupt society and shatter a government's sense of security. True anarchism is not about lawlessness but rather about moving beyond the need for governmental authority by transforming how people relate to each other.

It was in this spirit of anarchism as education that I told Alex about anarchistresource.com. The website contains many informative articles of its own and links to other excellent articles, all of which give a comprehensive overview of the history of anarchist thinking. I have often thought about submitting an article myself. I used this website to supplement the meager reading on anarchism we did in my political theory course. I emphasized to Alex the strains of modern anarchism that overlap with the animal rights movement by drawing analogies between the relationship between society and the individual on the one hand, and the way human beings treat animals and the natural world on the other. I certainly did not trust Alex, but I thought that if Alex was trying to be conscientious about her/his activism, this could only be a good thing. I was aware that anarchistresource.com had some "recipes" for bombs — I guess they figured they need to satisfy all brands of anarchists — but I certainly did not need to look at these pages and cannot give any details on whether any of these so-called "recipes" would actually work. Unfortunately, it seems like at least one of them did work. It never occurred to me that Alex would be looking for an anarchism website to try to find out how to make explosives. If it had, I never would have told Alex about anarchistresource.com.

I do not know why some people consider me a suspect in the October 20th bombing. Why would someone like me who has such a promising future throw it all away by destroying a project that I knew was of supreme medical importance? It does not make sense. And I am a very rational person.

I have reviewed this statement, and I have nothing of significance to add. The material facts are true and correct.

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Tai Leppert

STATEMENT OF CHASE MYERS [Defense Witness]

My name is Chase Myers. I am a junior at UMBI. I should be a senior this year, but I took last year off from school to be with my ailing mother, may she rest in peace. I left around the beginning of November, and since I never finished the courses I was taking, I had to start all over. At least the University didn't give me F's for the courses I dropped out of. My mother died of ovarian cancer last April. Needless to say, it was a tough year for me, but I am glad to be back at UMBI.

I have been friends with Tai Leppert since we were labmates in Biology 101 freshman year with Prof. Bickers. I was really into science my freshman year, but I have since then decided to become a music history major. I know Tai spends most of her/his time working for Prof. Sanders now, but I think it was Prof. Bickers that convinced Tai to become a biology major.

So, yeah, Tai and I became friends and stayed friends even after we split paths academically. Tai is, like, really smart. Tai is going to make a great doctor someday. Or at least s/he would have before getting that C in Prof. Sanders class. I don't know, maybe Tai will still be able to get into a good medical school.

I'm not sure what I am going to do after graduation. I figure I'll figure it out when I get there. No reason to stress myself out about it now. But Tai has ambition. Tai was really angry about getting that F on that exam from Prof. Sanders. And I can totally understand. Tai is, I mean, Prof. Sanders research assistant. Prof. Sanders had been keeping Tai real busy so you'd figure Prof. Sanders would cut Tai a break on the test. Maybe give a chance for extra credit or something. But no, Prof. Sanders stuck to her/his guns. I'd be angry too if that happened to me. That was so uncool by the Prof.

Of course, Tai doesn't get angry like a normal person. When Tai gets angry, s/he throws a temper tantrum like a little child. Mostly, Tai just yells and pouts. It is a good thing Tai doesn't drink, because who knows what would happen with a drunk Tai. I've never seen Tai do anything physically violent out of anger. I think Tai would be too afraid of the possible repercussions if s/he did. Tai certainly did not want to get into a fight with anyone and risk getting in trouble with the campus police or the law. Tai knew the limits of what s/he could get away with and never went beyond them. Tai just had to lash out a little bit now and then to let off steam. Tai had all of these, you know, suppressed feelings and emotions. I think Tai was a lot more tense than s/he let on. I guess Tai had too many brain waves going on in her/his head.

Tai has an interesting background, and loves to tell it to people. In the old days, Tai's great-grandfather was one of the more colorful prospectors in the Beaver Island. He bought some isolated property and lived off the land. He made one big strike and bought up more land. Unfortunately, he died at 43 with lots of land and unfulfilled illusions of hitting another big strike. The property passed to Tai's grandfather and eventually to Tai's father Joseph when Joseph was about 17. Joseph decided he would try to revive some of the old mines on what was now his land. Joseph, like his father, I guess, was a bit of a loner, so this suited him perfectly. Joseph was real smart, though. Joseph bought all of these books on mining techniques and explosives. Joseph then basically taught himself to become a mining engineer, with nothing even approaching a college education.

By trick or by charm, Joseph managed to find a woman to marry who was as much a loner as he was - Amy Ehrsen. She and Joseph live the type of wilderness lifestyle they both enjoyed so much. Tai is one of two children they have. Tai is kind of awkward, but I guess that is to be expected when you grow up out in the middle of nowhere, with only the occasional trips into town for supplies. Joseph was smart enough to home school his kids. Joseph would get the books, and learn them himself first before teaching his children. Tai also said that s/he learned plenty about the mining business and about explosives from his/her father. I guess it was sometimes all Joseph could talk about at the dinner table. I don't think Joseph ever became filthy rich like his grandfather was at one point, but I do think he had enough technical know-how to extract enough gold to live a comfortable life.

Tai would go home during the summers and blow stuff up. Sounds fun to me. Tai once told me that this was the perfect way to release tension after a long school year. I mean, Tai was doing this to help her/his father explore for gold and all, but there is nothing wrong with an ulterior motive now and then. But to say that Tai knew how to make her/his own explosives would be an understatement. I hear a hydrogen difluomate bomb was used to blow up the science center. I don't know if Tai knew how to make that kind of bomb, but I wouldn't be surprised.

I think Tai probably set off the bomb that blew up the Prof. Sanders' lab. Tai was really upset about getting that F from Prof. Sanders. And as I was saying earlier, Tai was capable of becoming physically violent when s/he got angry. I would not put it past Tai to do something like blow up Prof. Sanders' lab out of revenge. That is how ill-adjusted Tai was to society. I only saw Tai once between the time s/he got the F and the time of the explosion. I came across Tai sitting in one of the carrels in the library. I think

this was the day after Tai got the F. Tai was just totally fuming. S/he was flipping through her/his advanced bio textbook, muttering under her/his breath, *"I can't believe I didn't get at least partial credit for this. What an idiot!"* So, I went up to Tai and was all, like, *"Tai! What's up?"* Tai turned to me and almost snarled at me, *"What do you care? You got out of biology at the right time. I can't believe I've wasted my life in this stupid major."* I could tell Tai needed a time out, so I left Tai there at the carrel and went to listen to my music history assignments. But then, when I saw Tai a little over a week later, Tai was all calm and serene, like s/he had set off one of those explosions to let off steam. I bet Tai was so calm because s/he had set off that explosion in the science center.

Plus, Alex Kolski couldn't have set off the bomb — I was with Alex when the explosion happened. Alex and I lived in the same dorm last semester, on the same hallway for that matter. We had been best friends for the past couple of years, ever since Alex came to UMBI. Alex likes that I buy beer for her/him, even when I had to do it through my brother before I turned 21, and doesn't mind that I only bathe once a week. Plus, we both like the same shows and music, and Alex is so easy to get along with. We hit it off real well. Alex can kind of be boisterous to others, but to me Alex is like all relaxed. I guess maybe Alex has given up on trying to motivate me or whatever. Best off, Alex was amazingly understanding when I had to take time off to be with my mother. Alex was a real friend to me at a time of need. So, when it came time to pick roommates for this year, Alex and I going into the room draw together was a no-brainer. Alex and I share a suite with two losers who had no where else to go and don't want too much to do with us. The suite has a long hallway with four rooms off of it and a common room at the end with a television and a microwave. The common room is at the front of the suite, so you had to go through it to get to the individual rooms down the hallway. I was sitting up watching television in my suite common room late on the night of October 20th. I was watching Leno. Alex walks in. I asked Alex where s/he had been, and Alex responds that s/he had been in the library studying. I didn't entirely believe it, because you could tell that Alex had been drinking a bit and not even Alex was stupid enough to drink in the library. Alex has issues with alcohol. From what I hear, Alex has always been an occasional heavy drinker and has even been cited for underage drinking. I don't care about that, though. I'm old enough to drink, so I buy beer and put it in the mini-fridge we have in our common room. Alex sometimes takes a couple of beers with her/him, but always pays me for it. I'm fine with that. I've tried to get Alex to smoke marijuana with me before, but Alex won't do it. S/he says that alcohol is plenty effective.

So, I'm like looking at the clock to see what time it is and all that Alex is getting home and it says 11:36 p.m. Just then, we hear this loud explosion. BOOM!!! Coming from the direction of the science center. Alex exclaimed: *"Whoa! What was that?"* Alex seemed really surprised by the explosion. I was too. I thought we were under attack or something. So, I'm like, *"What's going on? Do you think we should hide?"* And Alex and I are both pretty frightened. Alex says, *"I don't know, maybe we should check it out."* And so, I mean, there is no reason to believe we are any safer in our dorm than anywhere else, so we both go outside. You could see all of this smoke coming from the science center. Well, I mean, it was dark outside. There was half a moon showing, so there was a little bit of light from that. And the walkways on campus are pretty well lit, which lets off light elsewhere. So, yeah, you could tell that there was all this billowing smoke rising into the air.

Alex wanted to go up to the science center and check things out closer, but I was like, *"No, there might be secondary explosions. Who knows what is going on up there. Let's just go back inside the dorm and make sure we lock the door."* Alex said, *"Yeah, I guess you're right, I mean, if someone is going to bomb the science center, they probably don't care much about the dorms."* So, we went back inside the dorm, locked the door, and tried to forget about what was going on. Except Alex kept coughing something fierce. I thought it was weird that Alex would be all sick all of a sudden because s/he seemed fine earlier

in the day. I also realized that Alex totally reeked. I think Alex had been sprayed by a skunk or something. I told Alex that even I would shower if I smelled like that. So, Alex went off to the bathroom to shower.

Then Officer Wright, starts banging real loud on the door and demands to be let in. And I'm like *"Respect my authority,"* imitating Cartman from South Park. This really ticked Officer Wright off. I let Officer Wright in and s/he is, like, blowing smoke out her/his ears and saying, *"Where's Alex! I need to talk to Alex!"* I told Officer Wright that Alex was in the shower but that Alex would probably file a sexual harassment suit if s/he went into the bathroom to check him/her out. Officer Wright said s/he wait until Alex came out and that it was probably in my best interest if I went to my room. I don't like being around cops anyway, so I did. It wasn't until the next morning that I heard the details of what had happened and how Pete the janitor was killed. That was so totally heinous. I hope they catch whoever did this, because blowing up stuff for jollies or revenge is way uncool.

I don't think Alex would have done anything as destructive as setting off a bomb in the science center. I know Alex had her/his problems with Prof. Sanders, but this was all political. I don't think Alex hated Prof. Sanders personally, I just think Alex was opposed to what Prof. Sanders was doing to those animals. And that is a political position. The University should be encouraging their students to be more politically active, like Alex is. The University likes to brainwash their students into being all passive and like, but not me, I'm free. And so is Alex. Maybe Alex went a little too far with that megaphone sometimes, but that's OK, you've got to rattle the boat every now and then. And saying something is "free speech." And that's in the Constitution, so it's got to be OK, right? Alex had never done anything physical before, but has always been just exercising her/his rights. Alex is a hero, and here the University thinks that Alex did this heinous act. That's totally bogus!

But you know who I bet would do something like this — Tai Leppert. Tai is into all of this anarchy stuff. I hear anarchists like to blow up things. This fits Tai perfectly. Tai is a real loner, doesn't like society, so I imagine Tai wouldn't mind if society, you know, dissolved. There were times when Tai felt the system was against him/her. I mean, Tai was really bad at taking responsibility. Like I was saying when Tai got that F on Prof. Sanders' exam, Tai thought it was all Prof. Sanders' fault. It didn't occur to Tai that maybe s/he should have studied more. I can understand, because Tai is really smart, but this doesn't mean you can blow off your schoolwork and expect to do well.

So, yeah, Tai knows all about explosives and is into anarchy. Tai tried to get Alex into anarchy as well. Tai and Alex had this weird sort of friendship. By which I mean Tai totally didn't trust Alex, but still Tai could tell that Alex was really driven and had strong leadership talents. I think Tai wanted Alex to channel these abilities away from hating animal killers and toward something more productive. You wouldn't think that an anarchist would want to encourage someone with strong leadership abilities to get into the anarchy movement. Seems sort of counter-productive to me. But Alex was telling me that this one time a few weeks before the explosion, Tai came up to her/him and was talking all about this great website, www.anarchistresource.com, and telling Alex that s/he should check it out. Alex said Tai was explaining how the modern anarchist movement and the animal rights movement had a lot of overlap. And how Alex should become an anarchist. Maybe Tai wanted to start some kind of broad social movement and figured Alex could be the leader. Then we could all live out in the woods and blow up stuff like Tai and his/her father. Whatever.

A few weeks after the explosion, I went to that anarchist website after Alex told me about it. It had some stuff on animal rights, a few articles you could link to. I didn't do that, though. If I wanted to read, I'd

open up a textbook. But I also noticed that the website had all this information on how to make bombs. This is so totally perfect for Tai, and I can totally see why Tai was into this anarchy stuff. That was when I knew Tai had set off the bomb that destroyed the science center. It just all fit together.

I have reviewed this statement, and I have nothing of significance to add. The material facts are true and correct.

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Chase Myers

STATEMENT OF SAM RODRIGUEZ [Defense Witness]

My name is Sam Rodriguez. I'm forensic scientist specializing in crime scene investigation and latent fingerprint recovery and identification. I have owned and operated Michigan Professional Forensics since Janaury 2005. I was previously employed by the State of Michigan for three years. I'm appearing in the case at the request of Alex Kolski and his/her parents. My fee is $200 per hour plus reimbursable travel expenses. I am familiar with anarchist activities. I was involved in a few demonstrations in college. My roommate and some friends made a pipe bomb and planted it in the college president's flower garden. Seeing how state crime lab scientists were able to piece together lab materials and a latent print and figure out who did it was really great and put me on the straight and narrow path.

I majored in chemical engineering and received my BS in 1999. I received an MS in forensic science in 2001. I have completed training in post-blast investigation, processing arson evidence, latent print imaging, crime scene processing, trace evidence collection and death investigation. I am a certified police instructor in crime scene processing, including latent print development. I was dismissed as a state forensic investigator for two misidentifications that resulted in the conviction of innocent men. I attribute this to my zealous pursuit of proof of criminality. I have learned from my mistakes and no longer cut corners. I have a rock solid track record and my client has won 23 out of 28 cases in which I have been expert witness. Because I was an explosives expert and Kris Felini is a firearms expert, I rarely worked

with Kris while I was with the state.

I was hired by Alex Kolski's parents about a month after s/he was arrested. I immediately requested a copy of the forensic report compiled by Kris Felini to see if its conclusions were sound. I have concluded that there is insufficient evidence to implicate Alex Kolski in the bombing that took place on the UMBI science center on October 20, 2005. As a private forensic investigator, I am not required to create a report of my findings, nor did I do so. My findings are contained in the testimony I present here and at trial.

Type of Explosive Material

I agree with Ms./Mr. Felini's analysis that the primary explosive material used in the bomb in the science center on October 20, 2005 was hydrogen difluomate. Given the analysis conducted, I also agree with the conclusion that this material all came from the same bomb. I disagree with the state's conclusion that hydrogen difluomate was the only explosive material used in the bomb. I firmly believe that the bomb also contained a significant amount of gasoline.

In my opinion, it would be nearly impossible for a novice chemist to make a hydrogen difluomate bomb. I cannot rule out this possibility entirely, but I think it unlikely that someone would "luck out" and not kill themselves attempting to make a hydrogen difluomate bomb. In fact, I think there is a greater than fifty percent chance that the mixing of the chemicals would go wrong and an unplanned explosion would result, killing or seriously injuring the person creating the bomb. Using carefully controlled experiments, I calculated the margin of error for the hydrogen ratio in a hydrogen difluomate bomb. I was able to determine that there is only a three percent tolerance. This is a range of 1.61 to 1.69 parts difluomate to 1.00 parts hydrogen. A chemist creating the explosive hydrogen difluomate solution would gradually add super-hydrogenated water to pure difluomate using a pipette. As the super-hydrogenated water combines with the difluomate, the hydrogen difluomate solution, which is green in color, separates out and sinks to the bottom, with the excess water remaining on top. This water must be periodically poured out to enable a successful combination of the remaining super-hydrogenated water and the remaining difluomate. Not all of the water need be removed, but most of it must be. Either by pouring off a little bit of the difluomate when draining the excess water or by a shaky hand with the pipette, the chances of adding too much hydrogen, or even too little, are great. This is why I find it highly unlikely that a person such as Alex Kolski, whose only training in working with chemicals was a very low level chemistry course employing minimal use of pipettes, could successfully make a hydrogen difluomate bomb. Either the bomb would not contain enough hydrogen and thus would not detonate later, or in the process of making the bomb Alex would have added too much hydrogen and killed himself/herself.

I find it much more likely that Tai Leppert, who had extensive experience making explosives and a great deal of familiarity with chemistry in general, would be able to successfully create a hydrogen difluomate bomb. As Mr./Ms. Felini described, the instructions on www.anarchistresource.com on how to make a hydrogen difluomate bomb are not especially clear. They would be clearer to someone like Tai or Mr./Ms. Felini who knew a great deal about chemistry, but to a novice such as Alex, they may as well be written in Greek. If performing complex chemistry tasks were as simple as reading a website, there would be no need for chemistry courses in college. Plus, I also note that it was Tai and not Alex who had traces of hydrogen difluomate on his/her hands.

Size of the Explosion

I disagree with the conclusion that hydrogen difluomate was the only explosive material used in the bomb detonated in the biology laboratory on October 20th. I strongly believe that the bomb also contained a significant portion of gasoline. The introduction of gasoline into a hydrogen difluomate bomb does not increase or decrease either the stability of the bomb or the necessary proportions of hydrogen to difluomate. Rather, all that gasoline does is increase the force of the explosion. Adding 500 ml of gasoline to a 1.1 liter hydrogen difluomate bomb would have the same effect as a 1.4 liter bomb using only hydrogen difluomate. I should say that this is for a single chamber bomb. I accept Ms./Mr. Felini's analysis of the differences between one and two chamber bombs and that a two chamber bomb is more efficient and uses up more of the explosive material as compared to a single chamber bomb. Of course, the addition of gasoline alters the multiplying factors involved in relation to the amount of remaining residue. The amount of residue found would be consistent with either a single chamber 1.1 liter hydrogen difluomate bomb combined with 500 ml of gasoline or a dual chamber 0.8 liter hydrogen difluomate bomb combined with 800 ml of gasoline. Different combinations of gasoline and hydrogen difluomate are possible to yield the same result. It is important to note that the more gasoline is used, the more dispersed will be the explosion, since increased volume of the liquid caused by the addition of the gasoline results in a greater spraying effect of explosive material. To put it another way, instead of one localized explosion, you have a large fireball. The instructions on www.anarchistresource.com do not say that the power of a hydrogen difluomate bomb can be increased by the addition of gasoline. One would have to know this independently of that website.

I do not believe that a 1.4 liter hydrogen difluomate bomb by itself would be sufficient to cause the type of destruction that occurred on October 20th. Ms./Mr. Felini mentioned that a 1.4 liter hydrogen difluomate bomb would have only limited impact outside the room in which it was detonated. Anything beyond that is pure speculation by Ms./Mr. Felini. Adding gasoline to a hydrogen difluomate bomb would not only create a large fireball, it would also increase the force of the immediate explosion. I would believe it much more likely that a 1.1 liter hydrogen difluomate bomb combined with 500 ml of gasoline would yield enough explosive force to collapse a wall than would a 1.4 liter pure hydrogen difluomate bomb. There really is a minimal relationship between the force of an explosion and the amount of residue left behind afterwards. Well, I should say that is true where there are different combinations of explosive materials that would yield the same amount of residue but have different explosive energies, as is the case with adding gasoline to a pure hydrogen difluomate bomb. As discussed above, there is a whole range of gasoline/hydrogen difluomate combinations that would yield the amount of residue that Ms./Mr. Felini found in the remains of the biology laboratory. It is next to impossible to determine exactly which combination was actually used, though given the effects of the explosion, I would say the bomb was probably closer to 1.1 liter of hydrogen difluomate and 500 ml of gasoline than 0.7 liters of hydrogen difluomate and 1.0 liter of gasoline. This is because hydrogen difluomate is still more explosive than gasoline, so a higher percentage of hydrogen difluomate will result in a more powerful explosion. And this is assuming a single chamber bomb. With a dual chamber bomb, such as one with 0.8 liters of hydrogen difluomate and 800 ml of gasoline, you would get the same amount of residue but an even more powerful explosion. Furthermore, given the force of the explosion, I see no reason not to believe that the type of bomb set off was not a two chamber bomb. As for why traces of gasoline did not show up in the bomb residue, it is common knowledge that gasoline is completely used up as it burns. Because the gasoline was added to the hydrogen difluomate bomb, the effect on the explosive material was not limited to the explosion itself. Rather, as the gasoline/hydrogen difluomate solution spread across the room, it continued to burn, maybe even causing further smaller explosions, until the gasoline was completely

consumed. This is one of the reasons why combining gasoline with a hydrogen difluomate bomb results in a massive, spreading fireball. The residue found is what was left after the gasoline has completely burned off.

I have no reason to question the account given by Ms. Reynolds of the supplies in the chemistry laboratory. I would only note that Alex was conducting a chemistry experiment involving super-hydrogenated water, so s/he would be expected to have handled the bottles containing super-hydrogenated water. Indeed, Alex could reasonably have been expected to have handled much of the equipment in the laboratory. As for the missing bottle of pure difluomate, there is absolutely no reason to believe that Alex is the cause of this. Given how thin the evidence is that Alex constructed a homemade bomb, the missing bottle of pure difluomate should not be used to incriminate Alex. The connection is simply far too tenuous. Furthermore, even if Alex had in fact used a full 250 ml bottle of pure difluomate to construct a bomb, by Mr./Ms. Felini's own estimates, there would not have been enough difluomate to construct a 1.4 liter hydrogen difluomate bomb. Alex would have been forced to separate out at least a portion of the difluomate from a cleaning solution, which, as I have already discussed, someone of Alex's level of understanding of chemistry would likely not be able to do successfully.

Once again, Mr./Ms. Felini bases his/her bomb-making assumptions on someone who already knows a great deal about chemistry. Someone of Alex's very limited abilities successfully being able to extract chemicals is hard enough, doing this procedure quickly is next to impossible. Setting up these extraction processes and performing careful measurements requires confidence, confidence that comes only from extensive familiarity with chemistry. Even assuming Alex would attempt something as complex as extracting the necessary chemicals to make a highly volatile bomb, it is unimaginable that Alex would do this with the nonchalant alacrity that Mr./Ms. Felini envisions. It is much more likely that Alex took longer than usual to complete her/his assigned science experiment than that s/he deftly extracted several hundred milliliters of two different chemicals.

I agree that a string soaked in rubbing alcohol could be used as a fuse for a gasoline/hydrogen difluomate bomb, though it is also conceivable that a more sophisticated fuse was used. I would also note that the longer the fuse, the more likely it is to be extinguished on its own without detonating the explosive.

Effect of the Explosion

The aftermath of the explosion speaks for itself. There was quite obviously a great deal of damage, strongly suggesting an extraordinarily powerful bomb. The radius of the explosion is not as important as the fact that it collapsed a wall. I accept Mr./Ms. Felini's account of the physical effects of the explosion and am not surprised that the primary destructive force of the explosion was limited to twelve or thirteen feet, with limited scorching of cabinetry for another eight or nine feet after that. However, I think that by focusing on the limited range of the explosion, Mr./Ms. Felini misses the sheer power contained in that explosion. It is the ability to collapse a wall and kill a man on the other side that we should look at when analyzing the type of bomb that was used, not the fact that one third of the room escaped relatively unscathed.

The death of all of those animals was certainly unfortunate. However, I find it incorrect to conclude that

the missing animals must have been released from their enclosures prior to the explosion. One can make generalizations, which Ms./Mr. Felini does, about how an explosion might have affected different kinds of animals, but it is impossible to predict precisely what will happen to each individual animal. I speak here of the birds, which are the only animals to have gone missing. In other words, some birds were clearly killed by the force of the explosion. We know this because the fire did not reach that side of the room to any significant degree. But some birds, the fortunate few, likely survived the explosion. We know that the glass enclosures surrounding both the ravens and the geese were completely destroyed by the force of the blast. The glass probably protected the birds enough that the force of the blast was somewhat muted. Once the glass shattered and fell to the floor, though, those birds who survived the explosion were free to fly away. And they were able to escape the biology laboratory because we also know that the window was half open and that Tai Leppert's fingerprints were all over the window. The way I see it, there are two possible explanations: either Tai came into the room and intentionally let some of the birds free, perhaps out of spite toward Prof. Sanders; or Tai accidentally left the window open and some of the birds were able to fly away once they escaped from their cages. I do not disagree with Ms./Mr. Felini's analysis of the fate of the other animals.

Mr./Ms. Felini is rashly jumping to conclusions regarding the glass in the doorway to the biology laboratory. This really shows his/her inexperience as an expert in explosives. The force of the blast would not necessarily caused all of the glass to fall on the hallway side of the door. In fact, this would be quite unusual. What the explosion would do is cause the glass in the door to immediately crack and shatter, but otherwise remain within the frame for the window. It would then fall straight down toward the floor. As it fell, some of the glass would fall in the hallway and some would fall in the lab. Because the force of the blast was coming from inside the lab, it is to be expected that slightly more glass would fall outside the lab than inside. This is what in fact happened. About one-third inside and one-third outside is what would be expected from an explosion inside the room. There is absolutely no reason to believe that the window was shattered prior to the explosion. Indeed, given that the pieces of shattered glass were all the same size, I find this highly unlikely. The blunt force of a fist or other large solid object breaking the window would have resulted in unevenly sized pieces of glass because the force of that blow would itself be unevenly distributed on the window. In other words, the evenly sized shards of glass must mean that the window was whole at the time of the explosion.

Alex Kolski may have been drinking in the chemistry lab. I do not know this one way or the other, though I suppose the fingerprints on the empty bottles are a strong indication that Alex was in fact drinking and maybe even drunk. If s/he had been drinking, it makes it that much less likely that Alex would have been able to achieve the precision of measurement necessary to create a complex and unstable bomb. As for the red glass found in the biology lab, it is conceivable, and perhaps even likely, that this came from the same brand of beer that Alex had in the chemistry lab. But Red Bottle Beer is widely available in Beaver Island. Anyone could have left a bottle in the biology laboratory prior to the explosion. The point of a criminal trial is to find solid proof of guilt, not to dwell in conjecture. There is no solid proof that Alex is the person who placed the bottle of Red Bottle Beer in the biology laboratory.

Fingerprints:

It is shameful that Mr./Ms. Felini and the State of Michigan are willing to accept nine points of identification out of a possible sixteen as a positive identification. Most other states and an overwhelming

consensus of the fingerprint identification manuals maintain that twelve matches are necessary for a positive identification. I agree that the ten points of identification that Mr./Ms. Felini points to are in fact matches and that there are no points of identification that are non-matches. I would therefore have to concede that the latent fingerprint is consistent with a fingerprint from Alex Kolski. But it is hardly a positive identification. The use of nine points of identification by the Michigan State Police is merely a convention and is not codified in law. You would expect the prosecution to lower the standards for criminal identification to try to get more convictions. This is a practice that cannot be allowed to continue. A justice system must be honest before it can be fair. No forensic scientist who is rigorously trained in fingerprint identification can say with a clear conscience that ten points of identification constitutes a positive identification for the purposes of a criminal conviction. Thus, the latent fingerprint found in the biology laboratory is not a valid piece of evidence to use in this prosecution.

I have reviewed this statement, and I have nothing of significance to add. The material facts are true and correct.

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Sam Rodriguez