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July 12, 2014

Joshua Stensaas
Assistant District Attorney
Seventh Judicial District
201 N. David St.
Casper, WY 82602
307-235-9223

Re: State of Wyoming v Knospler
JHSI 14-004-0206

Dear Mr. Stensaas:

You contacted me in early February of this year and asked me to review and interpret certain evidence relating to this shooting homicide. On February 6, 2014, I met with you, Detective Sean Ellis, NCSO and Trooper Jason Sawdon, WHP. Detective Ellis is the lead investigator on the case and Trooper Sawdon, a traffic crash reconstructionist, provided both forensic mapping in 3D as well as interpretation of tire mark evidence. Detective Ellis outlined his investigation into the matter and Trooper Sawdon provided his recitation of his observations and mapping. We all went to the secure storage where the 2008 Chevy Cavalier was being kept as evidence, and we discussed further investigation and testing that could be done to increase understanding of the events leading up to the shooting death of James Baldwin by John Knospler.

You have provided me with Detective Ellis' written reports as well as photographs of the scene, 3D drawings of the scene, autopsy photos of Baldwin, photos and measurements taken during a reenactment of the shooting incident using the 2008 Cavalier and an exemplar for Baldwin, and a copy of the weather conditions existing on the night of the shooting. The reports submitted to me were detailed, so I will not re-hash the incident in detail leading up to the shooting but will provide a brief summary leading up to that incident.

In essence, the shooting occurred in the parking lot of Rack's Gentlemen's Club just outside of Casper in Natrona County, Wyoming. The date was October 4, 2013 at about 12:18 AM. An early fall snowstorm had deposited heavy, wet snow in the area. Knospler and Baldwin were both patrons of the establishment and evidently first met there. From what I glean from the police reports, there was no animosity between the two in any of their social interactions.

Knospler was eventually asked to leave the establishment because some of his conversations were making other patrons uneasy. He did leave after dropping a marijuana cigarette in front of the bouncer and then retrieving it before he left. Baldwin had come with another friend. The vehicle in which they arrived was a dark blue Ford Fusion which belonged to Baldwin. Baldwin

wanted to stay and the friend wanted to leave. The friend left with Baldwin's blessing, intending to return to pick Baldwin up later.

Baldwin left the establishment and went over to the dark blue Cavalier parked in the parking lot. At night, in a snowstorm, the intoxicated Baldwin may have mistaken the Cavalier for his dark blue Fusion, as the two are similar in appearance. Baldwin ended up on the driver's side of the Cavalier near the driver's side window. Evidently a confrontation between Knospler and Baldwin ensued, and Knospler shot Baldwin, thus causing Baldwin's death. Knospler drove away from the scene and was stopped later that morning.

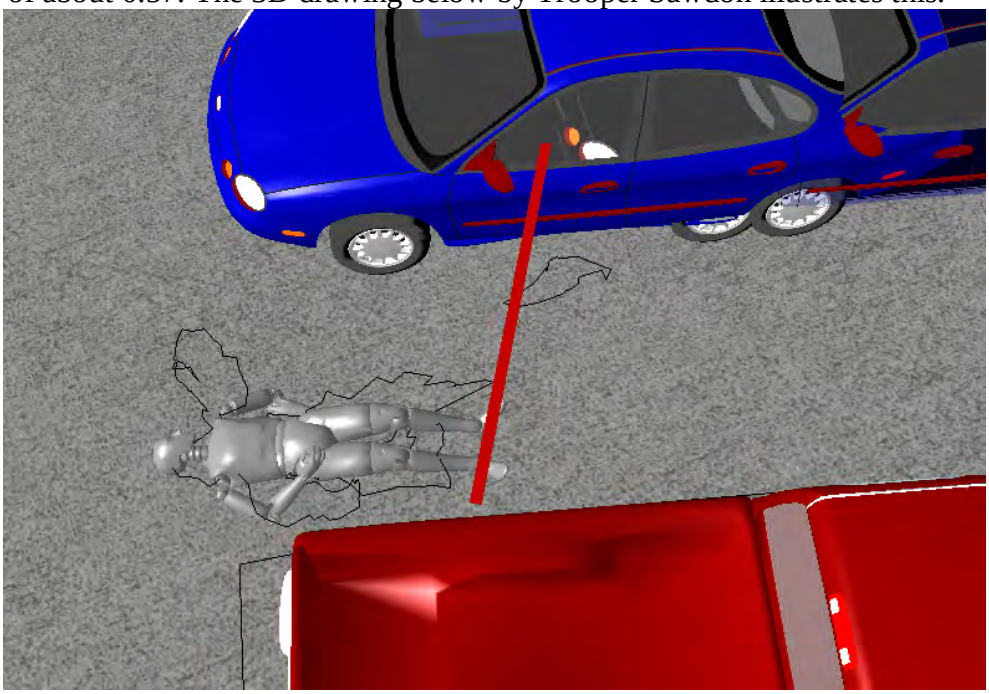
There are two evidentiary issues you asked for me to examine, both dealing with Knospler's mens rea. Firstly, why didn't Knospler simply drive away from the confrontation rather than shoot Baldwin? Secondly, did Knospler shoot Baldwin through a closed window or was it already broken?

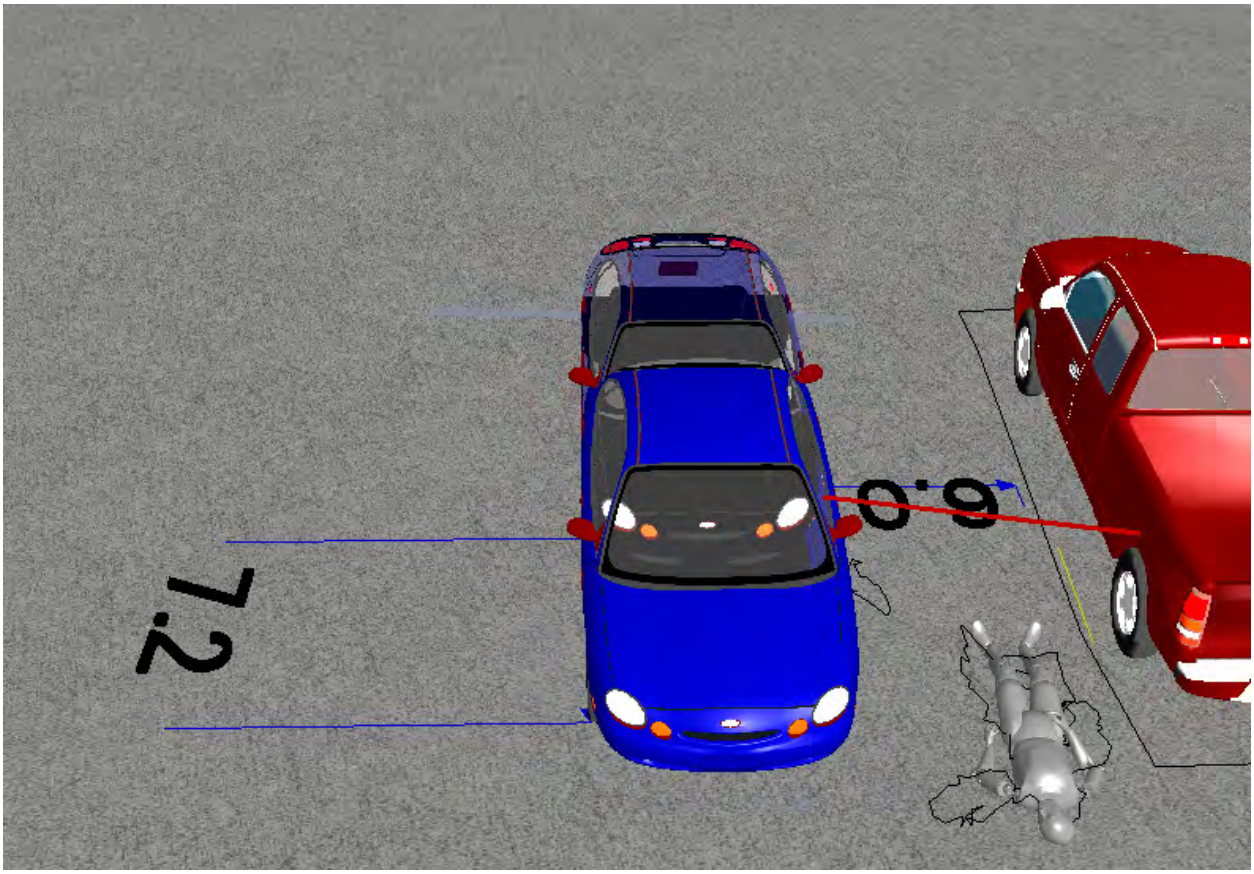
EVIDENCE OF VEHICLE MOTION:

There is substantial scene evidence that Knospler had started to drive away before the final confrontation with Baldwin. On the photo below, we see the Cavalier had been parked so that its back end was at the parking block and the area under the car was relatively free of snow.

Note the presence of the tire marks leading away from the parking spot as well as the location of Baldwin's body (foot) on the right side of the photo. In addition, there was a bullet strike on the bed of the Ford pickup parked up against the parking block and adjacent to the Cavalier's parking space.

This photo of the bullet strike in the bed side of the Ford pickup shows a bullet mark with a W/L ratio of about 0.95 or so. This corresponds to a strike angle of about 72 degrees. If the shot came from the vicinity of the driver's side window, this is also an indicator that the Cavalier had moved ahead as the bullet strike on the Ford would have been at about a 35 degree angle with a W/D ratio of about 0.57. The 3D drawing below by Trooper Sawdon illustrates this.





The drawing above by Trooper Sawdon shows closely the relationship between the two vehicles, the broken glass on the ground adjacent to the driver's door of the Cavalier, and the location of Baldwin's body. The Cavalier had moved forward about 7.2 feet from its parked position when the shot was fired.

Why didn't Knospler keep on driving away? The next photo may provide evidence to address this question.

In this photo, note both the area within the oval and the area to the right of the oval. This is most likely the passenger side front tire of the Cavalier, which is a front wheel drive vehicle. To the right of the oval we see a tire print in the snow surface, consistent with a tire that is rolling and still has some traction. Within the oval, there is snow deposited across the tire print, obscuring it. This is consistent with a tire that has lost traction on this slick surface and is spinning, depositing snow to its rear. This is evidence that the Cavalier, while still trying to go forward, had lost the tractive ability to do so.

EVIDENCE CONCERNING THE BREAKING OF THE DRIVER'S WINDOW:

The first evidence I will address is the distribution of the broken tempered glass from the driver's side window. There was broken glass both outside the Cavalier near the driver's door and also broken glass distributed throughout the front of the passenger compartment, as shown in the photos below.

The only way for the glass to be scattered within the vehicle with such a large scattering distribution is for a force applied to the glass to accelerate it in the direction of the interior of the car. This observation comes from Newton's Second Law, which is commonly written as **F**=m**a.** Notice in this equation that both the **F** and **a** variables are bolded. This tells us that Newton's Second law is a vector equation. Simply put, this tells us that the acceleration of any object is in the direction of the applied, external, unbalanced force. The only way for glass to be scattered throughout the passenger compartment as the photos illustrate is for the breaking force to be directed into the passenger compartment.

A 230 grain .45 caliber FMJRN bullet fired from inside the passenger compartment would be directing all of its impact force toward the outside of the vehicle. The transit time through the glass for this bullet at a muzzle velocity of about 800 feet per second would be on the order of 0.00006 to .00007 seconds. In addition, the applied force, while relatively large, is concentrated in a very small area. Because of the inertial properties of the glass that would be penetrated, there is only a small amount of glass that could have been projected outward during the transit of the bullet. Absent other forces, it is not unusual for the bulk of a tempered glass window that has been penetrated by a bullet to remain essentially in place except for the region immediately in contact with the bullet. I recommended this shooting test be done in this case, but it has not been carried out as of this writing. If the glass collapsed on the driver's side window after the passage of the bullet, some would likely have fallen to the outside of the Cavalier, with the remainder of the glass being inside the passenger compartment very near the driver's side. It would not have been scattered so widely throughout the passenger compartment.

If an outside force broke the driver's side glass, where did the force come from? We may look to the autopsy report and photos of Baldwin for possible answers.

The autopsy was performed by Dr. John D. Carver, a forensic pathologist located in Golden, Colorado. In his report, Dr. Carver states:

…"Over the outer surface of the right upper arm is an area of oblique superficial (the) abrasions and dicing type lacerations measuring approximately 10 by 5 cm. There are superficial disruptions of the skin over the back of the right hand, at the base of the right hand third through fifth fingers, and the lateral surface of the right hand. A very superficial dicing-type laceration (1 cm) is over the ulnar surface of the right wrist. A number of very short superficial dicing-type lacerations, ranging from 0.5 to 1 cm, are over the ulnar surface of the right forearm."

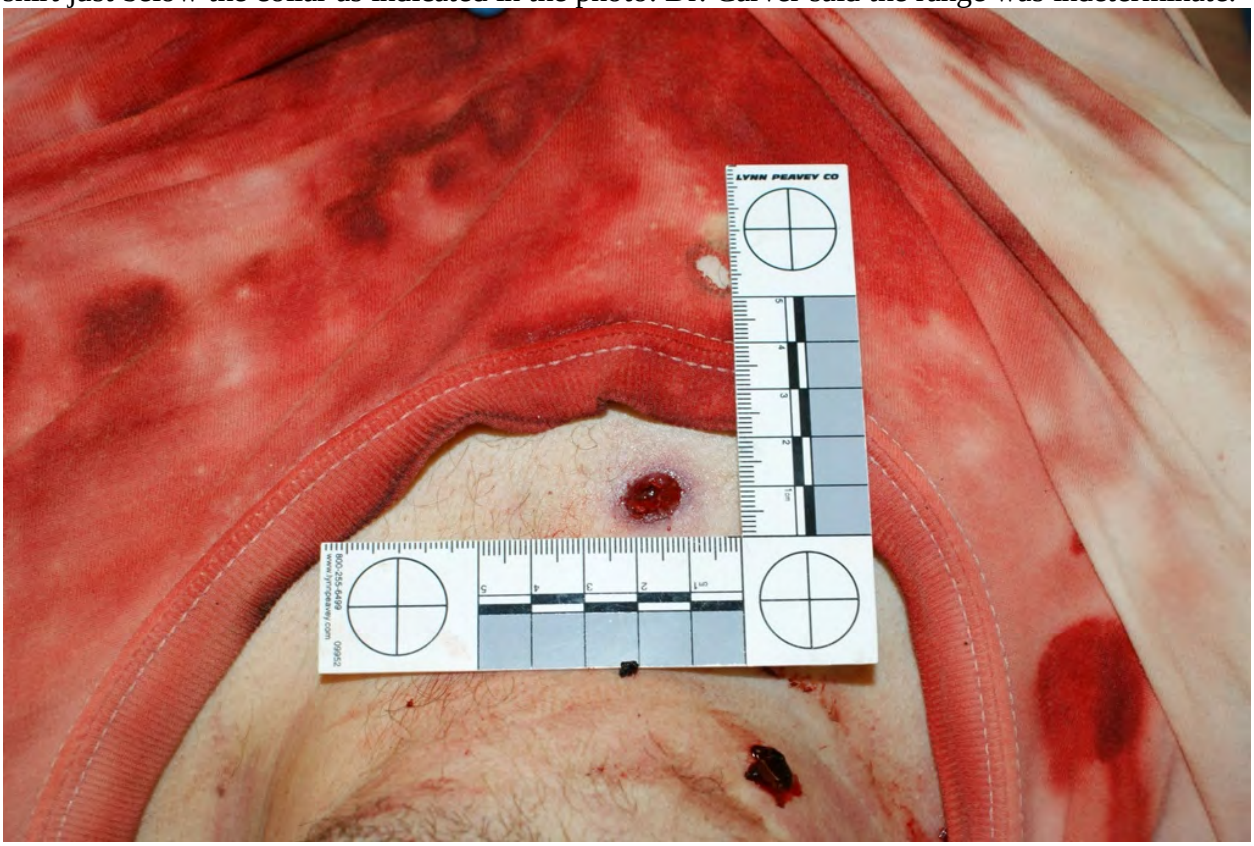
The following photos illustrate the described injuries on the arm and hand:


2 3 4 5 6 7 8 9 10 11 12 13 14 15
INCHES
5 4 3 2 1

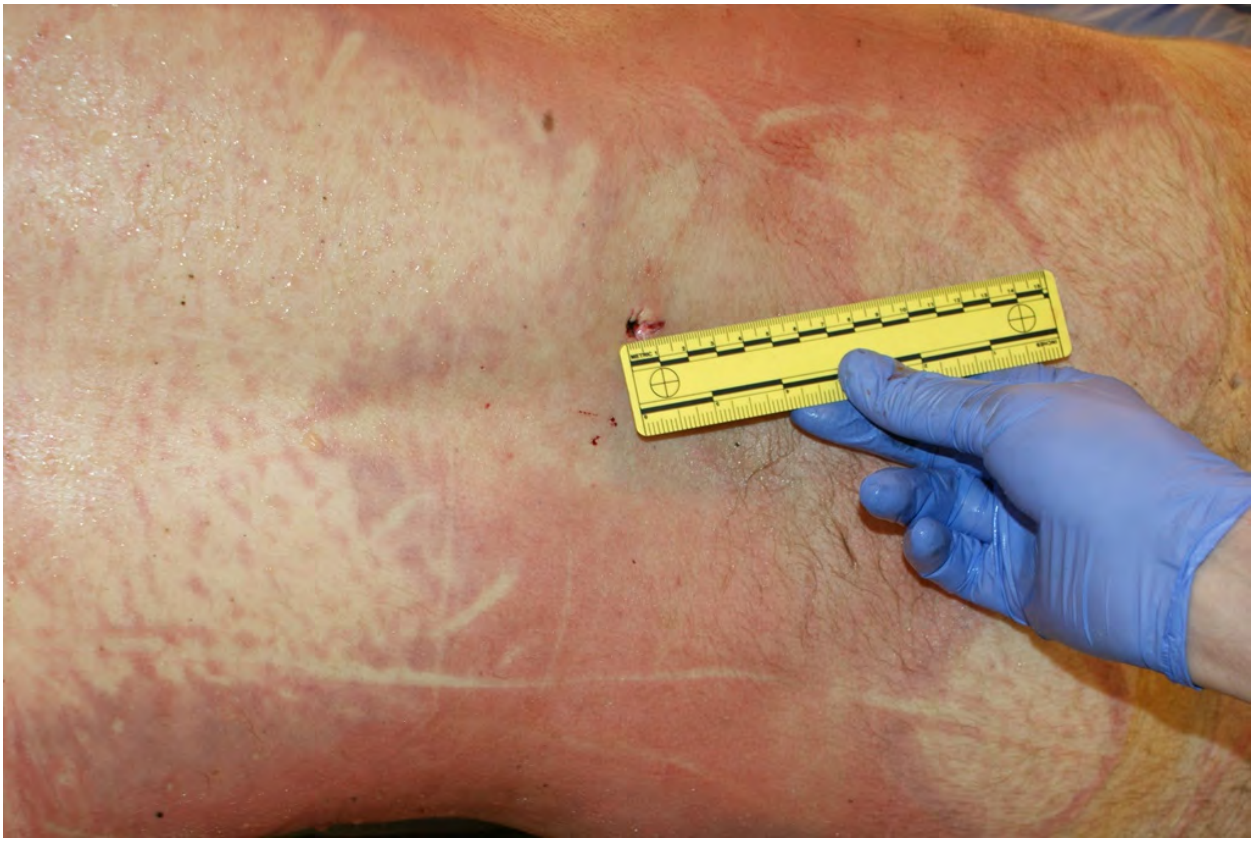
These injuries are described as both lacerations and “dicing-type” injuries by Dr. Carver. Dicing injuries are common in traffic crashes when a vehicle occupant comes in contact with tempered glass, causing it to fracture. Tempered glass breaks into many small pieces upon fracturing; causing these dicing injuries to the body part that causes the fracture.

These injuries to Baldwin are consistent with him punching out the window and subsequently getting far enough onto the passenger compartment of the vehicle to receive the dicing and lacerations on his upper right arm near the shoulder. This also accounts for a force coming into the passenger compartment on the driver’s side and causing a wide dispersion of glass within the passenger compartment.

If such a scenario happened and Baldwin was shot contemporaneous with punching out the window and entering the passenger compartment, then the trajectory of the bullet through his body needs to be examined. According to the autopsy report, the entrance wound was located about 12.5 inches down from the top of the head and about 1.25 inches to the right of the front midline of the chest, as shown in the photo below. No stippling, soot, or searing was noted on the skin around the entrance wound on external examination. The bullet had passed through the tee shirt just below the collar as indicated in the photo. Dr. Carver said the range was indeterminate.



The exit wound is on the back, 26 inches down from the vertex of the head and 1.5 inches to the right of the posterior midline. The wound is described as a 1.5 cm stellate laceration with no soot, searing, or stippling from gunpowder particles. The next photo illustrates this wound.



The evidence from the autopsy suggests a relatively straight bullet path through Baldwin's torso. This may be expected from a FMJRN projectile at relatively low velocity such as one would see from a 1911 style .45 semi-auto pistol. Since there is no evidence that Knospler ever got out of his car to shoot Baldwin, this means that Baldwin would have to be leaning down by the driver's side window, facing the window in order for the entrance and exit wounds to be as described.

Detective Ellis and Trooper Sawdon collaborated with other law enforcement people to do a physical reconstruction of the bullet path. The Cavalier was positioned six feet from a vertical wall, which was marked with the height of the bullet strike on the Ford Pickup that had been parked adjacent to the Cavalier on the driver's side. Detective Ellis is a close match in height to Baldwin, so he was marked with both the entrance and exit wound locations. The photos and Detective Ellis' report illustrates this testing.

The photos beginning on the next page illustrate reconstruction that would account for both the bullet path and the glass dispersion in the passenger compartment. These place Baldwin within the passenger compartment.

The above photo places Baldwin partially in the passenger compartment. This accounts for the bullet trajectory and the injury noted to Baldwin's upper right arm from the broken tempered glass. It also accounts for the glass dispersion in the passenger compartment if Baldwin had punched out the window, thus injuring his right hand as noted in the autopsy report. The same comments hold for the photo below.

The following photos from the reconstruction of possible scenarios either show an impact on the Ford pickup inconsistent with the scene measurements or fail to account for the glass dispersion and injuries to Baldwin's right hand and upper arm.

The tee shirt worn by Baldwin was tested for gunshot residue by Steve Norris of the Wyoming State Crime Lab in Cheyenne, WY. He fired the handgun used in this incident with furnished ammunition at woven cloth samples at ranges from contact to 24 inches away. Based on these tests, he opines that the gunshot entrance could not have been caused by a contact shot because of the stellate tearing of the woven fabric. He also opines the shot had to be at least 24 inches away from the fabric unless there was an intervening surface.

A tee shirt is not a woven fabric, but rather is knit. Perhaps it would have been more appropriate to test a white knit tee shirt rather than a swatch of woven fabric. The result may have been the same, but this would remove that question. Secondly, the tee shirt worn by Baldwin had been soaked in blood and water and had been wet for some time. Perhaps it would have been useful to wet the shot samples for a time before drying and then testing them for GSR.

In addition, if Knospler had shot through the driver's side window, then it would have been appropriate for the examiner to set up a test where the curved, tempered side glass was shot through on the inside curve of the glass while the glass was still in the door and rolled up. Then the glass dispersion could have been carefully measured and mapped. As it is, there was no testing done by the examiner that would either confirm or deny the glass dispersion seen inside the passenger compartment of the Cavalier.

The photo on the next page shows a possible scenario that would account for the injuries to Baldwin's hand and arm, the dispersion of the glass inside the passenger compartment, the glass on the outside of the driver's door on the ground and the bullet path through Baldwin's torso. One must keep in mind this was a dynamic event being recreated by means of still photographs.

If Baldwin punched out the driver's side window and entered the Cavalier far enough to injure his right upper arm and hand from the broken tempered glass, then the glass dispersion issue inside the passenger compartment is satisfied as are Baldwin's injuries. If Baldwin then began to extract himself from the passenger compartment at about the same time that Knospler produced his .45 and shot Baldwin, then the act of pulling back from inside the passenger compartment would pull some of the broken tempered glass to the outside of the Cavalier to land on the ground near the driver's door. In addition, the bullet trajectory through Baldwin and its subsequent impact on the Ford pickup adjacent to the Caviler is consistent with the evidence we see in this case.

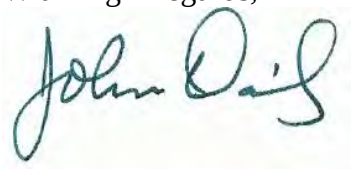
In my opinion, based on the evidence I have seen, a reasonable scenario is that Knospler tried to drive away from the confrontation with Baldwin, but was not able to do so because he lost traction on the snowy surface in front of his vehicle as he accelerated away from the parking space.

In my opinion, Baldwin punched out the driver's side glass of the Cavalier, injuring his right hand and entering the passenger compartment far enough to get dicing injuries from the broken tempered glass on his right upper arm. He may have then started to extract himself from the passenger compartment, dragging some of the broken tempered glass with him. Somewhere in this extraction, he was shot by Knospler, thus resulting in a gunshot wound of indeterminate range.

While we cannot know for sure what was going through Knospler's mind at the time he fired the shot into Baldwin, the evidence presented may assist in determining Knospler's state of mind as this incident was playing out.

This concludes the work you have asked me to do in this case. Should other credible evidence arise, I reserve the right to modify my opinion.

With High Regards,



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