



**Arkansas Bar Association 2020 Mock Trial Competition**

**State of Arkansas vs. Landry Brighton**

## **2020 ARKANSAS HIGH SCHOOL MOCK TRIAL COMPETITION:** **STATE OF ARKANSAS V. LANDRY BRIGHTON**

On behalf of the Arkansas High School Mock Trial Subcommittee, we welcome your participation in the 2020 competition. In this year's criminal case, you will have to figure out who killed Lucky Lou Gianna, who was in federal witness protection and living in Quartz Pointe, Arkansas, at the time of his death. Was he killed by the defendant, Landry Brighton, as a result of a dispute between neighbors? Or did the Madden Mafia family get to him?

Students will compete in regional competition on Saturday, March 7. The top teams will compete at the State Championship in Little Rock on Saturday, March 21, and the State Champion will represent Arkansas at the National High School Mock Trial Championship in Evansville, Indiana in May 2020.

**Students** – You will experience what it is like to prepare for and present a case before a judge. Working with your team and coaches, you will learn to evaluate information and respond quickly. As you prepare, you will sharpen public speaking and presentation skills. The greatest benefit is the opportunity to learn how the legal system works. By studying and understanding courtroom procedure, you should become more comfortable with federal and state laws as part of the legal system. Your interaction with some of Arkansas's finest attorneys and judges will give you a glimpse of the different interpretations of trial procedure and different approaches of individual members in the legal arena.

**Teacher Coach, Attorney Coach, or Judge** – We strongly encourage you to focus on the goal of participation, rather than stressing competition, while preparing your students. Your contributions of time and talent are making many experiential educational opportunities available annually to many Arkansas students. Your participation is an essential key element to the success of this program. You can be proud of the impact you have made on the lives of these students.

The Mock Trial Subcommittee would like to acknowledge:

- The Indiana Bar Foundation and Susan Roberts, the authors of the original case from which our case is inspired;
- The Mock Trial Case Selection Subcommittee (Kelly Brown, Sarah Greenwood, Matt Hutsell, Anthony McMullen, Bob Minarcin, and Matt Wells); and
- The teachers and attorneys who volunteer their time to prepare the students for competition.

This case is a work of fiction. The names, characters, businesses, organizations, places, events, and incidents herein are the product of the original authors' imaginations. This case is meant to provide an opportunity for students to explore legal issues and is not meant to provide commentary, either for or against, any of the issues raised in the case.

**IN THE CIRCUIT COURT OF OSAGE COUNTY, ARKANSAS  
CRIMINAL DIVISION**

**STATE OF ARKANSAS**

**v.**

**Case No. ARMT2020**

**LANDRY BRIGHTON**

**CRIMINAL INFORMATION**

I, Prosecuting Attorney, 25th Judicial District, in the name, by the authority, and on behalf of the State of Arkansas, Osage County, charges the Defendant, LANDRY BRIGHTON, with the crime of violating Arkansas Code Annotated section 5-10-102, murder in the first degree, committed as follows, to wit: said Defendant, on or about the 7th of September, 2019, with the purpose of causing the death of another person, namely LOU GIANNA, caused the death of that person, against the peace and dignity of the State of Arkansas.

I swear, under penalty of perjury, that the foregoing representations are true.

*/s/ Prosecuting Attorney*

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**PRETRIAL HEARING ORDER**

**1. Trial Setting:** All pretrial issues have been resolved, and this case is ready for trial. This case is hereby set for trial on March 7, 2020. If further proceedings are necessary, those proceedings will be held on March 21, 2020. The case is to be tried before a jury on the issue of guilt only. If the defendant is found guilty, the appropriate sentence will be determined at a separate hearing.

**2. Stipulations:** The parties stipulate to the following. No witness may contradict knowledge of the facts contained in the stipulations:

- a. No jurisdiction or venue issues exist in this case.
- b. All exhibits and signatures are authentic and accurate. No party may challenge the authenticity of an exhibit or signature. However, this does not constitute a waiver of any other objections as to admissibility of any exhibit.
- c. Exhibit 5 was made at or about the time of the events by a person with knowledge of the events and is kept in the course of regularly conducted business activity, and it is the regular practice to make such records. Exhibit 5 does not need to be introduced through the custodian of the records.
- d. The conclusions of the Toxicology and Serology reports referenced in the autopsy (Exhibit 5) are admissible.

- e. The proper chain of custody for all blood and tissue samples from the time of collection and processing was maintained.
- f. The Osage County Sheriff's Department Criminal Investigations unit tested for trace evidence and found none.

**3. Witnesses:** The designated witnesses, and only these witnesses, may be called at trial.

They may only be called by the party sponsoring their testimony, but they may be called in any order.

Witnesses for the Prosecution

Jordan Key  
Murphy Dennis  
Jules S. Timmons

Witnesses for the Defense

Landry Brighton  
Charlie Gianna  
Rory Middleton

**4. Exhibits:** Both parties have collectively identified the following exhibits, which have been pre-marked and may be offered into evidence by either party:

- a. Exhibit 1: U.S. Marshal Service Witness Security Program Memorandum of Understanding
- b. Exhibit 2: Relocation Report for Lou Gianna
- c. Exhibit 3: Osage County Sheriff Department Investigation Report
- d. Exhibit 4: Osage County Sheriff Department Supplemental Investigation Report
- e. Exhibit 5: Osage County Autopsy Report
- f. Exhibit 6: Curriculum Vitae of Rory Middleton

**IT IS SO ORDERED**, this 31st day of October 2019.

/s/ Honorable Judge

## APPLICABLE LAW

*While these statutes and cases are based on provisions found in the Arkansas Code and case law, they may have been modified for the purposes of the 2020 Arkansas High School Mock Trial Competition. These statutes should not be relied upon for any purpose other than the 2020 competition.*

### § 5-2-202. Mental states—Definitions

As used in the Arkansas Criminal Code, there are four (4) kinds of culpable mental states that are defined as follows:

- (1) “PURPOSELY.” A person acts purposely with respect to his or her conduct or a result of his or her conduct when it is the person’s conscious object to engage in conduct of that nature or to cause the result;
- (2) “KNOWINGLY.” A person acts knowingly with respect to:
  - (A) The person’s conduct or the attendant circumstances when he or she is aware that his or her conduct is of that nature or that the attendant circumstances exist; or
  - (B) A result of the person’s conduct when he or she is aware that it is practically certain that his or her conduct will cause the result;
- (3) “RECKLESSLY.”
  - (A) A person acts recklessly with respect to attendant circumstances or a result of his or her conduct when the person consciously disregards a substantial and unjustifiable risk that the attendant circumstances exist or the result will occur.
  - (B) The risk must be of a nature and degree that disregard of the risk constitutes a gross deviation from the standard of care that a reasonable person would observe in the actor's situation; and
- (4) “NEGLIGENTLY.”
  - (A) A person acts negligently with respect to attendant circumstances or a result of his or her conduct when the person should be aware of a substantial and unjustifiable risk that the attendant circumstances exist or the result will occur.
  - (B) The risk must be of such a nature and degree that the actor's failure to perceive the risk involves a gross deviation from the standard of care that a reasonable person would observe in the actor’s situation considering the nature and purpose of the actor's conduct and the circumstances known to the actor.

### § 5-10-102. Murder--First degree

- (a) A person commits murder in the first degree if: ...
  - (2) With a purpose of causing the death of another person, the person causes the death of another person[.]

**§ 5-10-103. Murder--Second degree**

(a) A person commits murder in the second degree if:

- (1) The person knowingly causes the death of another person under circumstances manifesting extreme indifference to the value of human life; or
- (2) With the purpose of causing serious physical injury to another person, the person causes the death of any person.

**§ 5-10-104. Manslaughter**

(a) A person commits manslaughter if:

- (1)(A) The person causes the death of another person under circumstances that would be murder, except that he or she causes the death under the influence of extreme emotional disturbance for which there is reasonable excuse.
  - (B) The reasonableness of the excuse is determined from the viewpoint of a person in the actor's situation under the circumstances as the actor believed them to be; [... or]
- (3) The person recklessly causes the death of another person[.]

**§ 5-13-203. Battery--Third degree**

(a) A person commits battery in the third degree if:

- (1) With the purpose of causing physical injury to another person, the person causes physical injury to any person;
- (2) The person recklessly causes physical injury to another person; [or]
- (3) The person negligently causes physical injury to another person by means of a deadly weapon[.]

**§ 5-13-301. Terroristic threatening**

(a)(1) A person commits the offense of terroristic threatening in the first degree if:

- (A) With the purpose of terrorizing another person, the person threatens to cause death or serious physical injury or substantial property damage to another person; or
- (B) With the purpose of terrorizing another person, the person threatens to cause physical injury or property damage to a teacher or other school employee acting in the line of duty.

(b)(1) A person commits the offense of terroristic threatening in the second degree if, with the purpose of terrorizing another person, the person threatens to cause physical injury or property damage to another person.

**§ 5-38-203. Criminal mischief--First degree**

(a) A person commits the offense of criminal mischief in the first degree if he or she purposely and without legal justification destroys or causes damage to any property of another.

**§ 5-39-203. Criminal trespass**

(a) A person commits criminal trespass if he or she purposely enters or remains unlawfully in or upon: (1) A vehicle of another person; or (2) The premises owned or leased by another person.

**§ 5-53-109. Intimidating a witness**

(a) A person commits the offense of intimidating a witness if he or she threatens a witness or a person he or she believes may be called as a witness with the purpose of:

- (1) Influencing the testimony of that person;
- (2) Inducing that person to avoid legal process summoning that person to testify; or
- (3) Inducing that person to absent himself or herself from an official proceeding to which that person has been legally summoned.

**Nuisance**

Nuisance is defined as conduct by one landowner that unreasonably interferes with the use and enjoyment of the lands of another and includes conduct on property that disturbs the peaceful, quiet, and undisturbed use and enjoyment of nearby property. ... The general rule is that, in order to constitute a nuisance, there must be an intrusion that results in physical harm, as distinguished from unfounded fear of harm, which must be proven to be certain, substantial, and beyond speculation and conjecture.

*Cross v. West Waste Industries*, 2015 Ark. App. 476.

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**JURY INSTRUCTIONS**

The faithful performance of your duties as jurors is essential to the administration of justice.

It is my duty as judge to inform you of the law applicable to this case by instructions, and it is your duty to accept and follow them as a whole, not singling out one instruction to the exclusion of others. You should not consider any rule of law with which you may be familiar unless it is included in my instructions.

It is your duty to determine the facts from the evidence produced in this trial. You are to apply the law as contained in these instructions to the facts and render your verdict upon the evidence and law. You should not permit sympathy, prejudice, or like or dislike of any party to this action or of any attorney to influence your findings in this case.

In deciding the issues, you should consider the testimony of the witnesses and the exhibits received in evidence. The introduction of evidence in court is governed by law. You should accept without question my rulings as to the admissibility or rejection of evidence, drawing no inferences that by these rulings I have in any manner indicated my views on the merits of the case.

Opening statements, remarks during the trial, and closing arguments of the attorneys are not evidence but are made only to help you in understanding the evidence and applicable law. Any argument, statements, or remarks of attorneys having no basis in the evidence should be disregarded by you.

I have not intended by anything I have said or done, or by any questions that I may have asked, to intimate or suggest what you should find to be the facts, or that I believe or disbelieve any witness who testified. If I have done or said anything that has seemed to so indicate, you will disregard it.

In considering the evidence in this case you are not required to set aside your common knowledge, but you have a right to consider all the evidence in the light of your own observations and experiences in the affairs of life.

You are the sole judges of the weight of the evidence and the credibility of the witnesses. In determining the credibility of any witness and the weight to be given his or her testimony, you may take into consideration his or her demeanor while on the witness stand, any prejudice for or against a party, his or her means of acquiring knowledge concerning any matter to which he or she testified, any interest he or she may have in the outcome of the case, the consistency or

inconsistency of his or her testimony, its reasonableness or unreasonableness, and any other fact or circumstance tending to shed light upon the truth or falsity of his or her testimony.

An expert witness is a person who has special knowledge, skill, experience, training, or education on the subject to which his or her testimony relates. An expert witness may give his or her opinion on the questions in controversy. You may consider his or her opinion in the light of his qualifications and credibility, the reasons given for his or her opinion, and the facts and other matters upon which his or her opinion is based. You are not bound to accept an expert opinion as conclusive, but you should give it whatever weight you think it should have. You may disregard any opinion testimony if you find it to be unreasonable.

A fact in dispute may be proved by circumstantial evidence as well as by direct evidence. A fact is established by direct evidence when, for example, it is proved by witnesses who testified to what they saw, heard, or experienced. A fact is established by circumstantial evidence when its existence can reasonably be inferred from other facts proved in the case. However, circumstantial evidence must be consistent with the guilt of the defendant and inconsistent with any other reasonable conclusion.

The State must prove beyond a reasonable doubt each element of the offense charged. On the other hand, the defendant is not required to prove his innocence.

The filing of an information is merely the means by which a person is brought to trial. It is not evidence and is not to be considered by you in determining the guilt or innocence of Landry Brighton.

There is a presumption of the defendant's innocence in a criminal prosecution. In this case Landry Brighton is presumed to be innocent. That presumption of innocence attends and protects him throughout the trial and should continue and prevail in your minds until you are convinced of his guilt beyond a reasonable doubt. Reasonable doubt is not a mere possible or imaginary doubt. It is a doubt that arises from your consideration of the evidence and one that would cause a careful person to pause and hesitate in the graver transactions of life. A juror is satisfied beyond a reasonable doubt if after an impartial consideration of the all the evidence he or she has an abiding conviction of the truth of the charge.

If you find that the defendant is a person of good character, you may take that fact into consideration in determining his or her guilt or innocence, but if you believe from all the evidence in the case beyond a reasonable doubt that the defendant is guilty, you should so find, notwithstanding his or her good character.

Landry Brighton is charged with the offense of murder in the first degree. This charge includes the lesser offenses of murder in the second degree and manslaughter. You may find the defendant guilty of one of these offenses or you may acquit him/her outright. If you have reasonable doubt of the guilt of the defendant on the greater offense, you may find him/her guilty only of the lesser offense. If you have a reasonable doubt as to the defendant's guilt of all offenses, you must find him/her not guilty.

Landry Brighton is charged with the offense of murder in the first degree. To sustain this charge, the State must prove Landry Brighton did the following things beyond a reasonable doubt that, with the purpose of causing the death of Lou Gianna, Landry Brighton caused his death. A person acts with purpose with respect to his conduct or a result thereof when it is his conscious object to engage in conduct of that nature or to cause such a result.

If you have a reasonable doubt of the defendant's guilt on the charge of murder in the first degree, you will then consider the charge of murder in the second degree. To sustain this charge the State must prove beyond a reasonable doubt either (a) that Landry Brighton knowingly caused the death of Lou Gianna under circumstances manifesting extreme indifference to the value of human life or (b) that Landry Brighton, with the purpose of causing serious physical injury to Lou Gianna, caused the death of Lou Gianna. A person acts knowingly (or with knowledge) with respect of his conduct or the circumstances that exist at the time of his act when he is aware that his conduct is of that nature or that such circumstances exist. A person acts knowingly with respect to a result of his conduct when he is aware that it is practically certain that his conduct will cause such a result. "Serious physical injury" means physical injury that creates a substantial risk of death or that causes protracted disfigurement, protracted impairment of health, or loss or protracted impairment of the function of any bodily member or organ.

If you have a reasonable doubt of the defendant's guilt on the charge of murder in the second degree, you will then consider the charge of manslaughter. To sustain this charge the State must prove beyond a reasonable doubt that Landry Brighton caused the death of Lou Gianna under circumstances that would be murder, except that he/she caused the death under the influence of extreme emotional disturbance for which there was a reasonable excuse. You should determine the reasonableness of the excuse from the viewpoint of a person in Landry Brighton's situation under the circumstances as he/she believed them to be.

Alternatively, the State may also sustain the charge of manslaughter by proving beyond a reasonable doubt that Landry Brighton recklessly caused the death of Lou Gianna. A person acts recklessly with respect to the results of his conduct when he consciously disregards a substantial and unjustifiable risk that the results will occur. The risk must be of a nature and degree that disregard thereof constitutes a gross deviation from the standard of care that a reasonable person would observe in the same situation.

If you find Landry Brighton, defendant, guilty of the offense as charged, you will so indicate on a verdict form to be given you. If you find Landry Brighton not guilty, you will so indicate on the appropriate verdict form.

In your deliberations the subject of punishment is not to be discussed by you. If you return a verdict of guilty, the matter of punishment will be addressed in a separate proceeding.

The jury will now retire to the jury room to deliberate.

## Statement of Jordan Key

1 My name is Jordan Key. I am a United States Marshal for the Witness Protection Program  
2 in St. Louis, Missouri. Lou Gianna was a witness in the Witness Protection Program. He and his  
3 son/daughter, Charlie Gianna, were assigned to me for protection in 2011.

4 My interest in law enforcement began when I was about 14, growing up in Mockingbird,  
5 Arkansas. My parents owned a little pizza shop there. They are hard-working, honest people. In  
6 the mid to late '80s, it became headline news that the Mafia was using pizza joints to disguise  
7 meetings and money laundering for the Mafia's heroin trafficking. In the "pizza connection" case,  
8 a former chief of Sicily's Mafia and 16 other men were convicted in St. Louis of running an  
9 international ring that distributed heroin, with a street value estimated at \$1.6 billion. My parents'  
10 business suffered when the news broke on the Mafia's scheme, even though my parents had  
11 nothing to do with it. At that time, there were other news headlines of significant mob trials. In the  
12 "mob commission case," eight men, including mob bosses Anthony Salerno, Anthony Corallo and  
13 Carmine Persico were convicted in St. Louis of being part of the Mafia's ruling commission.  
14 During the late '80s, the Philip Rastelli case went to trial. Mr. Rastelli, the head of the Bonanno  
15 family, and eight others were convicted of labor-racketeering. The law men were the heroes and  
16 the streets were getting cleaned up. I decided then to make law enforcement my career.

17 Upon graduating from high school, I attended the University of Arkansas at Fayetteville. I  
18 graduated in 1994 with a Bachelor of Science degree, with honors, in Criminal Justice. While  
19 working on my bachelor's degree, I was able to participate in the Hot Springs Police Department  
20 Cadet Program, a special internship program available to University of Arkansas at Fayetteville  
21 students majoring in Criminal Justice. In the late '80s and early '90s, the John Gotti trials were  
22 front and center. My interest in fighting organized crime grew even stronger. Since graduating in  
23 1994, I have served in law enforcement. My internship led to a position with the Hot Springs Police  
24 Department, one of the state's premier police departments. I was fortunate to be assigned to the  
25 Organized Crime Investigation Division of the Organized Crime Control Bureau.

26 In 1998, I began my career as a United States Marshal. I have been a Marshal for 18 years,  
27 11 of those years have been in the Witness Protection Program. The requirements to become a  
28 U.S. Marshal include, among other things, a bachelor's degree with either superior academic  
29 performance or one year in a graduate program. To qualify as a U.S. Marshal, you are also required  
30 to complete a rigorous 21 ½ week training course. A U.S. Marshal assigned to protect a witness  
31 requires special skills. You have to be able to deal with people under tremendous stress, who may  
32 be belligerent, distrusting, and difficult. Despite a stressful environment, decisions have to be made  
33 quickly. Yet it is the pressure, the problem solving, and the finding of a solution that kept me  
34 going. I feel privileged to be able to serve the public and work for the government in a capacity  
35 where we face complex problems that have very real life and death consequences. Every day, I  
36 and all U.S. Marshals, put our lives on the line, protecting witnesses, knowing that the first shots  
37 fired will be at us.

38 My first two years as a U.S. Marshal, I escorted prisoners between the jail and courts in  
39 Baton Rouge, Louisiana. For the next five years, I was assigned to Fugitive Investigations at our  
40 New Orleans Office. I won praise for capturing a fugitive without firing a shot, even though the  
41 suspect had barricaded himself inside an apartment and said he would never be taken alive. In

42 2005, I was assigned to Witness Security. The first five years in witness protection, I was stationed  
43 in St. Louis where I was assigned to hide and protect mobsters while they were waiting to testify.  
44 I then continued with their protection and relocations for the safety and security of the witnesses  
45 and their families after the trial. In 2013, my assignment brought me back home to Hot Springs,  
46 where I felt I could provide even more service to the government for more high profile cases with  
47 the goal of convicting mob bosses and mobsters, who used to be untouchable.

48 My primary duties in St. Louis consisted of witness security for “made men” (a mafia term  
49 for fully initiated members of the Mafia family, who possess critical inside information as business  
50 can be discussed openly in front of them). My secondary duties involve continuing serving as the  
51 agent in charge, as necessary, for the safety and security of witnesses that were previously assigned  
52 to me in Hot Springs. Once a Marshal is assigned to a witness and the family, he/she oversees their  
53 case from the moment they are accepted into the program until the day the witness leaves it. As  
54 my responsibilities increased in St. Louis, I necessarily devoted more time to the new cases  
55 assigned to me, and less and less time to the old Hot Springs cases. This is not unusual, however,  
56 because the more years that pass from the time the witness testified the less risk there is to him/her  
57 and the family. The risk is reduced for a variety of reasons, including a successful relocation,  
58 inability of a hit man to locate the witness, or a lack of interest by the Mafia to continue a hit on  
59 the witness, instead diverting energy and resources to other mob priorities. The primary threats are  
60 in the first two years after the trial testimony. While it is the exception to the rule, the Marshal’s  
61 Service has had threats to witnesses as much as ten years after the trial testimony and relocation  
62 of the witness. The Marshal’s Service have thwarted those attempted murders as we stay vigilant  
63 in protecting all witnesses, new and old, when we have information of a potential risk.

64 The Federal Witness Protection Program, also known as the Witness Security Program or  
65 WITSEC, is administered by the United States Department of Justice and operated by the United  
66 States Marshals Service. The United States Marshals Service is the nation’s oldest and most  
67 versatile federal law enforcement agency. Federal Marshals have served the country since 1789.  
68 The Witness Protection Program began in the mid-1960s and formally was established in 1970  
69 under Title V of the Organized Crime Act. The Justice Department needed witnesses to testify in  
70 its battle against organized crime. A good eyewitness can almost always guarantee a conviction.  
71 Fingerprints, murder weapons, and forensic findings are all helpful, but none is as convincing as a  
72 credible witness who takes the stand and swears under oath, “I was there and I saw the defendant  
73 do it.” Protecting these eyewitnesses and informants through WITSEC is regarded as an invaluable  
74 tool in the government’s war on crime.

75 Prior to the establishment of WITSEC, those who had agreed to testify against the Mafia  
76 would be executed prior to trial. The Department of Justice would not be able to obtain a conviction  
77 because the key witness, the informant, was murdered. The murders also sent a message to any  
78 others thinking about testifying or informing against the Mafia. No one wanted to break the much  
79 feared Mafia code of *omerta*. Crimes would go unpunished because people were too scared to  
80 speak up. Others wanted to get out of the life of crime but knew they would be hunted down  
81 because they did not have the resources or know-how to avoid detection. Without protection and  
82 new identities, these witnesses and informants would not come forward.

83 Even though the old-world mob has died down, organized crime still exists in America.  
84 But members of criminal enterprises don’t have strong allegiances to their leaders anymore,

85 making witness protection more important than ever. In addition, more criminal enterprises exist  
86 today, meaning more witnesses that need protection.

87 WITSEC provides for the security, safety, and the health of persons whose lives are in  
88 danger as a result of their cooperation with the government. It is designed to protect threatened  
89 witnesses, and sometimes their immediate dependents, before, during, and after testifying for a  
90 trial. Taking such drastic measures to protect witnesses has paid off for prosecutors. Since the  
91 program's inception in 1970, it has achieved an overall conviction rate of 89 percent as a result of  
92 protected witness testimony, and more than 10,000 criminals have been convicted.

93 WITSEC has the best protective service in the world, and a reputation for never losing  
94 anyone. U.S. Marshals in WITSEC receive specialized, exclusive training. The WITSEC Marshals  
95 understand that it is their responsibility, their duty, to serve and protect the witnesses and their  
96 families. Any deputies who don't measure up are booted out. My assignment to protect a witness  
97 is my job, whether the person is a scumbag or the President of the United States. You don't take a  
98 bullet for the Mafioso, you take a bullet because you are a professional, and that's your job. The  
99 best thing we could do for society is to help the witness start a productive and honest life. We are  
100 actually the heroes that come in the night and save these witnesses. We give them the opportunity  
101 to live.

102 WITSEC provides for the relocation and protection of the threatened witnesses. Since its  
103 inception, WITSEC has protected over 8600 witnesses and 9900 family members of the witness.  
104 About 95% of the witnesses in the program are criminals. Approximately 17% of the protected  
105 witnesses that were criminals in their former life will be caught committing another crime while  
106 under the protection of the government. However, the U.S. Marshals Service fully cooperates with  
107 State and local law enforcement and court authorities to bring witnesses to justice or to have the  
108 protected witness fulfill their legal responsibilities in any criminal or civil legal matter.

109 The process for enrolling a witness into the program begins when a state or federal law  
110 enforcement agency submits a request for protection. The application summarizes the testimony  
111 to be provided, the threat to the witness and any risk the witness may pose to a new community if  
112 relocated. A preliminary interview with the Marshals Service is arranged, so the witness can find  
113 out what to expect from his or her new life in the program. The witness and family members must  
114 sign a Memorandum of Understanding, verifying they understand the rules of the program. A true  
115 and accurate copy of the Memorandum of Understanding that is issued to each and every witness,  
116 is attached as Exhibit 1. Following the preliminary interview, the Marshals Service makes its  
117 recommendation as to whether the prospective witness should be placed in the Witness Security  
118 Program. The U.S. Attorney General has the final authority to enroll a witness into the program.  
119 If the value of the witness' testimony outweighs the danger to the new community, the Attorney  
120 General can authorize the witness to participate in the Witness Security Program.

121 The witness and his family are immediately removed from their current location and taken  
122 to a temporary, secure holding area. The U.S. Marshals Service then provides 24-hour protection  
123 to protected witness both for pre-trial matters and during the trial because it is a high threat  
124 environment. The 24-hour protection ends after the trial. Protection after the trial includes  
125 providing new identities to the witness and immediate family members. There is a psychological  
126 advantage to changing a name, in addition to providing added protection. It helps in the

127 transformation into a new person, starting over with a fresh start. Along with changing names,  
128 WITSEC provides social security numbers, and authentic documentation for the new identities. If  
129 a child is involved, we recreate school records too.

130 Protected witnesses are relocated, usually to a new community, often in a different state.  
131 The US Marshal selects the location. The witness does not have any input in that decision. They  
132 cannot choose to live in the Caribbean or in the French Riviera. If a witness selected the place for  
133 relocation, the place selected might be a location they are familiar or have relatives and friends.  
134 WITSEC cannot afford such niceties. The best thing I could do for them was to relocate them some  
135 place far away from their home so that they didn't have to keep looking over their shoulders. The  
136 Witness Security Program is designed to create total anonymity for witnesses and help them blend  
137 into a new city where they most likely won't be recognized. Adjustment to a new community has  
138 its hiccups too. They have to look like they fit in, even though the new community may be worlds  
139 apart from their former life. Many protected witnesses have never mowed grass in their life.  
140 Sometimes it is difficult for the protected witness and their family to "blend in." A leopard cannot  
141 change his spots. The wise guy life is a sharp and cocky, cash-driven subculture. With a new  
142 identity, we ask those we are protecting to try not to be who they are. If the Marshal Service or the  
143 protected witness ever suspected he is in danger, all he needs to do is call a special telephone  
144 number, and a squad of deputy U.S. Marshals would rush to his aid and move him instantly.

145 Relocation involves providing moving expenses, housing, and medical care. Although  
146 witnesses receive subsistence from the government for basic living expenses, it usually is provided  
147 only for three months to two years, depending upon the circumstances. So, protected witnesses  
148 also need to obtain employment. For some witnesses, finding a job is the biggest headache. Some  
149 witnesses have never worked at a legitimate job and do not possess skills necessary for  
150 employment in the workforce. But, WITSEC will provide job training and employment assistance.  
151 Ultimately, we expect the witness to gain lawful employment to support the day-to-day living  
152 expenses needed, and the subsistence is terminated. WITSEC was not designed to provide lifelong  
153 subsidies to former criminals turned government witnesses. It was intended only to protect them  
154 from harm by giving them new identities and help them become self-sufficient to have a start on a  
155 new life without crime.

156 For security reasons, we require witnesses to keep their new identity and relocation a secret  
157 from their relatives and friends from the past. Secrecy is critical. I tell everyone entering the  
158 program, "don't tell anyone where you have been relocated," and then I add "I mean anyone,"  
159 because everyone thinks they can trust someone. We also mandate that they not return home. As  
160 time passes, they forget the danger that still exists, and the desire to go home and get in touch with  
161 family and friends becomes overwhelming. Understandably, this is one of the most difficult tasks  
162 for the witnesses and their families. The people we are trying to protect are clannish. Families are  
163 important to them. Often, the extended families live within blocks of each other. WITSEC wipes  
164 out entire families in order to protect the witness and immediate family - - no more visits with  
165 grandparents, no parties with cousins, no contact with old friends. If a relative dies, they cannot go  
166 to the funeral. We take away their pasts - the good and the bad.

167 We also tell participants in the program not to tell anyone new they meet that they are in  
168 the witness protection program, including neighbors, new friends, or co-workers. There are no  
169 options. WITSEC is a program of last resort. It is absolutely necessary to follow the U.S. Marshals

170 Service's guidelines to save their lives, even though we understand it is easier said than done. The  
171 children in the witness protection program became the most resentful. They have nothing to do  
172 with the criminals or their crimes, yet they feel as if they are being punished. They are forced to  
173 suffer isolation from anyone who ever cared about them and they project a lie about who they are  
174 to everyone they meet in the future.

175 There are complaints and criticisms about the WITSEC program from participants in the  
176 program. The witnesses or families do not like the new community where they have been relocated;  
177 or they cannot find a job that is suitable to them. They feel isolated. They feel like they are living  
178 a lie. In a nutshell, they want their old way of life, just without the danger. But for every participant  
179 that cannot adjust to the changes required, there are a thousand participants that have a successful  
180 transition. A successful relocation is one where the witness forgets he has been relocated and  
181 doesn't need to look over his back. I know witnesses who are now grandparents, and their  
182 grandchildren don't have a clue about their grandparents' past. We helped change and save three  
183 generations of lives. Nevertheless, for those participants who are unsatisfied, WITSEC is  
184 completely voluntary. Protected witnesses can drop out at any time, no strings attached.

185 No WITSEC participant that has followed the program guidelines has ever been harmed or  
186 killed while under the protection of the U.S. Marshals Service. Unfortunately, not all witnesses  
187 take the threat on their lives seriously. Some have left the program of their own volition or have  
188 broken the rules about returning to high-risk areas. Five witnesses were slain after relocation when  
189 they ignored the program guidelines, warnings, and cautionary advice from the U.S. Marshal in  
190 charge. For example, one such witness, after being relocated, bragged about the crimes he did and  
191 his "associations" with mob guys. He invited danger to come looking for him. Within a week, he  
192 was found in a 55-gallon oil drum bobbing in the Miami Biscayne Bay. Many times though,  
193 crossing the line is less brazen, and often occurs when a witness ignores the program's warnings  
194 about returning home. Daniel LaPolla was identified as the first WITSEC witness murdered by the  
195 mob. He had come out of hiding to attend a funeral. After the ceremony, he stopped to check on  
196 his home and a booby trap exploded, blowing him to pieces. We also have had a few witnesses  
197 that opted out of the program and were subsequently murdered by the Mafia. They thought they  
198 could hide on their own or make amends with those they testified against.

199 Lou Gianna's death does not blemish our perfect record. I was responsible for protecting  
200 Lou from the Mafia, not some enraged neighbor. Lou Gianna died at the hands of Landry Brighton,  
201 not the Mafia.

202 As the agent in charge of the safety and security of Lou Gianna, it was my responsibility  
203 to know his file backward and forward. You have to really know the person you are protecting, if  
204 you are going to keep them out of harm's way. Based upon my review of Lou Gianna's criminal  
205 history and interviews with him, I believe that I knew Gianna about as good as anyone, or better.  
206 Of course, with these guys there is always something they hold back. There is a trust issue,  
207 particularly with law enforcement.

208 The City of Hot Springs has a long history of Mafia and organized crime connections,  
209 dating back to the days of Al Capone, who ran a bar and casino in the town; though the Mafia's  
210 presence in Hot Springs has waxed and waned over time, the Mafia has steadily increased its  
211 presence there over the last couple of decades. Lou Gianna was a loan collector for a dangerous

212 organized crime gang known as the Madden Mafia family based in Hot Springs. The Madden  
213 Mafia Family was run by Owney “The Killer” Madden. Madden was one of the most powerful  
214 crime bosses in New York City and owner of the famed Cotton Club. Now, in his later years he  
215 had retired to Hot Springs, maintaining his business and connections back in New York. As the  
216 outside mobs, particularly Carlos Marcello from New Orleans, tried to muscle into the Hot Springs  
217 territory, Owney Madden, appealed to the New York mob and put a stop to Marcello taking over  
218 his new territory. Once he had the area, he set up his own shop again and ran the family from Hot  
219 Springs. As an associate, Gianna was establishing himself within the family and expected to be a  
220 button man. A button man is an associate who has earned their button to becoming a “made man.”  
221 Before being inducted as a made man, a contract killing is generally required to prove loyalty to  
222 the Mafia family. Made men are the only ones who can rise through the ranks of the Mafia, from  
223 soldier to caporegime, consigliere, underboss, and boss.

224 Gianna had no formal education. He dropped out of high school at 16. He never held a  
225 legitimate job, but rather lived and learned off the streets of New York, before later moving to  
226 Hot Springs. As a loan shark for the Maddens, Gianna used intimidation, both threats and physical  
227 harm, to collect on loans owed to the family. At times, Gianna was reckless, resulting in several  
228 run-ins with the law between 1986 and 2010. In the beginning, it was just petty crimes. He was  
229 convicted of criminal mischief, criminal trespass, professional gambling, and intimidation. Gianna  
230 was flamboyant and liked to live life on the edge, and in the later years of his life of crime, he  
231 became more brazen. He was charged with several additional crimes, including bribery, arson,  
232 loan sharking, and battery. None of these resulted in convictions. The Madden family made the  
233 witnesses disappear or the cases go away. Still, Gianna was taking risks that might expose the  
234 family.

235 Then, it all began to unravel for him. In 2010, Gianna had been investigated in the death  
236 of Mike Jesser, a co-owner in a restaurant in Apple Blossom, Arkansas. Frost had been murdered  
237 - - frozen to death in a commercial freezer at her restaurant. Investigators learned that Frost had a  
238 gambling addiction and was behind in substantial loans owed to the Maddens. Frost had no means  
239 of paying the loans and had missed multiple payments. Gianna had been at the scene of the crime  
240 on the night of the murder. When Gianna was taken into police custody, this time the Mafia didn’t  
241 clean up his mess.

242 However, after talking to investigators, no charges were filed against Gianna, raising  
243 suspicions within the ranks of the Maddens. In addition, charges against Gianna for loan sharking  
244 were dropped. Frost’s business partner was charged with Frost’s murder and Gianna was a key  
245 witness. At that 2011 trial, Gianna stated on the witness stand, “I’m testifying in this case because  
246 the prosecutor made me an offer I couldn’t refuse.” Also during the trial, a jailhouse snitch,  
247 Christopher Byrd, testified that Gianna had admitted to icing Frost thereby bringing more scrutiny  
248 of the Madden mob. Gianna, of course, denied to law enforcement that he was involved in the  
249 death of Mike Jesser.

250 Gianna initially didn’t make a deal to spill his guts about Mafia business, but the Maddens  
251 thought he did. Even if you aren’t going to rat, if someone thinks you are, then you’re going to end  
252 up being whacked, and you might not ever have said a word to law enforcement. Gianna had fallen  
253 out of favor with the family. Gianna was nervous that he might be on a hit list. Word on the street  
254 was that it would be bad business for an insurance company to issue a life insurance policy on

255 Gianna because he might not be living too much longer. To make matters worse, Gianna, thinking  
256 he could disappear on his own, embezzled money from the Madden crew.

257 Two days before Lou had planned to leave town, his wife, Donatella Gianna, was  
258 murdered. The hit was actually intended for Lucky Lou. On March 14, 2011, Donatella decided to  
259 take Lou's car to pick up Charlie from school because it was raining. When Donatella turned the  
260 ignition key, a bomb rigged to the ignition switch exploded. Fearing for his life and Charlie's life,  
261 who was nine years old at the time, Gianna requested witness protection in exchange for testimony  
262 against key players in the Madden crew. Gianna could remember dates, times, names and details.  
263 He was an important witness that led to the convictions against one of the underbosses, Kirksey  
264 Nix, and two hitmen of Madden's crew Bobby Fabian and Carl Douglas White.

265 During the time that Lou Gianna was testifying, he and Charlie were under full protection  
266 of the U.S. Marshal Service. I was assigned as the Marshal in charge, and while the three trials  
267 were pending, two additional marshals assisted in the securing the safety of Lou and Charlie.  
268 Staying close to Hot Springs for the trials, we holed up in motels throughout Northwest Oklahoma,  
269 Northern Tennessee, and Northern Missouri, moving frequently to avoid suspicion and detection.  
270 Charlie was withdrawn, despondent. Charlie blamed Lou and the government for the death of  
271 his/her mother. We were the bad guys in his/her mind. I told Charlie that he/she could not stay in  
272 touch with family or friends and that he/she had to forget his/her past. Charlie was pulled out of  
273 school when first placed in witness protection and during the trials against the Madden crew.  
274 Charlie hated the forced changes to his/her life.

275 The trials against Nix, Fabian, and White ended in April 2012. Once we had the  
276 convictions, the full-time, round the clock protection service ended for Lou and Charlie, and we  
277 moved to the next phase. Lou and Charlie were given new identities, new social security numbers,  
278 new school records and birth certificates. For the first year post-trial, I touched base with Lou  
279 regularly - - two to three times a week. The first two years are usually the most critical because the  
280 witness and the family members need assistance transitioning to the new life, and also the threat  
281 of a revenge hit by the Mafia family is heightened.

282 Shortly after the Madden crew convictions, I received a tip from an informant that Owney  
283 Madden had ordered a hit on Lucky Lou. The hitman was Joey "The Knife" Spencer. Joey's  
284 "signature" is slicing the victim's throat or cutting out the tongue as a retribution for talking to the  
285 police. Joey has a reputation for executing witnesses and informants in gruesome fashion.  
286 Sometimes, he mutilates bodies of witnesses and informants. He even is known for yanking out  
287 internal organs as a crude warning against an informant spilling their guts. To this day, however,  
288 we have never been able to pin anything on him.

289 After the trials, Lou and Charlie Gianna were relocated five times in a span of seven years.  
290 With each relocation, they received new identities. The shortest stay was two months; the longest  
291 stay, the last, was three years. At first, Lou didn't always follow our guidelines to the letter. When  
292 I learned of the breach of the guidelines, I didn't take the risk of keeping them in the same location.  
293 Only one of those moves, the third move, was the result of a probable threat to Lou's life. I learned  
294 through an informant that Joey Spencer was zeroing in on Lou's relocation because Charlie had  
295 contacted his/her grandparents, and their phone was bugged, unbeknownst to the grandparents or  
296 Charlie. I can tell the witnesses and their families a million times to leave the past behind, but

297 inevitably they contact someone from their past. Usually, it only takes one time to get that close to  
298 death, and the mistake is never repeated. The reason for the last couple of relocations were innocent  
299 or accidental, but still created a risk. For example, Lou had been spotted by one of his old friends  
300 from Hot Springs at a casino, or another time Lou had his picture in a local paper after winning  
301 \$5,000 in a lottery scratch-off. Exhibit 2 is a true and accurate compilation of the dates of Lou's  
302 various relocations, and the reason for the moves. I have not included the locations of the  
303 relocations for the security and protection of current or future protected witnesses. I created this  
304 compilation based upon my personal knowledge of the relocations at the time they occurred.

305 As time passed, it was less critical for me or the U.S. Marshal's Service to have as much  
306 frequent contact with the Giannas. As time progresses, the witness and family members have an  
307 easier time assimilating into a new community and need less assistance from the U.S. Marshal.  
308 Also, the witnesses understand better why adherence to the established guidelines is for their  
309 protection. On the other hand, witnesses can become more complacent and can forget about those  
310 most important guidelines. After the first year following the trials, I found it unnecessary to contact  
311 Lou every week. Sometimes in the latter years it would be a few months between follow-up  
312 communications. When I was reassigned to St. Louis in 2013, my new job responsibilities limited  
313 the time I had available to contact Lou. However, Lou and Charlie had my direct dial telephone  
314 number and were told that if anything suspicious or of concern to them ever occurred, they were  
315 to contact me and I would drop everything and see to their safety and protection. I do not keep logs  
316 of the communications I have with my witnesses or their family members. I have an excellent  
317 memory – nearly photographic. More important, it is risky to the witness and family members to  
318 have written documentation that could possibly be intercepted and then used by a hitman or Mafia  
319 member to harm or kill the witness and family member.

320 Neither Lou nor Charlie contacted me between 2016 and 2019 with any suspicions that  
321 would lead me to believe that a hitman was an imminent threat. Otherwise, I would have  
322 immediately relocated them to another community. In fact, I have no recollection of receiving any  
323 calls, except for one call on July 4<sup>th</sup>, 2016 from Charlie. He/she was nervous about hearing a  
324 gunshot. I immediately spoke to Officer Murphy Dennis, who investigated the matter at my  
325 request. Officer Dennis determined that the sound heard by Charlie was a firecracker that had been  
326 set off. There were no other calls, as far as I recall, except for Charlie's call on September 13, 2019  
327 to report that Lou was missing. If Charlie observed suspicious events in the days and weeks prior  
328 to Lou's death, he/she may not have mentioned it to me for fear that yet another relocation would  
329 be required. After this last relocation to Quartz Pointe, Charlie was angry and adamant that he/she  
330 was tired of moving. I was never made aware of possible secret meetings that Lou Gianna may  
331 have had with former Madden cohorts. Regardless, if a hitman was closing in on Lou and Charlie,  
332 there likely would have been some chatter from informants or undercover moles. There were none.

333 When Lou and Charlie were relocated to Quartz Pointe, Arkansas, they assumed the  
334 identities of Lou Andrews and Kelly Andrews, respectively. I was against Lou using his real first  
335 name. I had begun preparing the paperwork for his identity to be Lee Andrews, but he was able to  
336 manipulate the paperwork, and it went in as Lou Andrews. Due to the number of years that had  
337 passed since the trial, I was not overly concerned, or I would have changed his name right back. I  
338 spoke with the local authorities, specifically Officer Murphy Dennis, that the Andrews were in the  
339 witness protection program and that they may need protection. I asked Officer Dennis to keep an  
340 eye out for anything suspicious. The government set up Lou in his own business in Quartz Pointe.

341 The business was in the sale and installation of underground electric fences for homeowners to  
342 keep their pets within certain parameters in their yard. The franchise was called No Escape. I had  
343 some legitimate concerns about putting Lou in the position of being invited into people's homes  
344 and scouting out their properties, and possible security. Lou was an opportunist, and I thought it  
345 possible that he might go back to a criminal life and contact prior criminal associates. That was  
346 always our concern for the criminal witnesses we protected. We were cautious, even though  
347 statistically few WITSEC witnesses return to a life of crime. WITSEC has a higher rehabilitation  
348 rate than any other government program. Lou kept his nose clean. WITSEC did not receive any  
349 reports from local authorities that Lou was engaged in criminal activities. In fact, I recall having a  
350 couple of conversations with Lou about the business. When we first set him up in the franchise,  
351 Lou seemed enthusiastic about being his own boss. The other conversation was about a year later,  
352 and Lou said he was figuring out how to make more money. I think he wanted to grow and develop  
353 the business further.

354 I am the closest thing the government has to an insider in the mob. I know everybody who  
355 is anybody in the mob. I know their habits - - where they are, what they do, and how they think. I  
356 have reviewed the testimony of Officer Murphy Dennis as well as the investigation report and all  
357 of the forensic evidence looking for any shred of evidence that Lou Gianna was murdered by the  
358 mob. Based upon my expertise and my review of the evidence, I can say unequivocally that the  
359 death of Lou Gianna was not a mob hit.

360 Men and women within organized crime have a particular signature when committing  
361 crimes, which takes one of two avenues: either (1) committing the crime in such a heinous fashion  
362 so as to send a message to other would be wrong-doers against the mob/Mafia, or (2) skilled use  
363 of hiding the crime or their connection to it. An example of the former is the Italian rope trick. The  
364 Mafioso wraps a rope around the victim's neck and a tug of war ensues as the victim is strangled  
365 to death. Also as a public warning, the mob, on occasion, tied victims to a tree in the wilderness  
366 and slashed the victim to draw blood for wild animals to feed upon.

367 In this case, the Madden family had arranged for Joey "The Knife" Spencer as the hitman  
368 to eliminate Lou Gianna. The Knife is known for his gruesome killings for anyone who breaks the  
369 *omerta* code. He was not merely satisfied with slashing the throat, rather he would remove the  
370 tongue, or create the Sicilian necktie, where the throat is slashed and the tongue pulled through the  
371 opening. None of those classic signatures of Joey "The Knife" Spencer were present in this case.

372 Organized crime's use of hiding the crimes or their connection to the crime also definitely  
373 has its own signature. Compared to a non-career criminal, it is far more sophisticated and skilled.  
374 Disposal methods included dismemberment, burial - often in cement in the foundations of  
375 buildings, or placing the body in the trunk of a car and having it crushed in a junkyard. Another  
376 popular "signature" method of the mob is to hide a corpse in a false bottom of a casket of another  
377 person. The disposal is not hurried. It is planned and methodical, also as much about making a  
378 point, as the death itself. Yes, we've probably all heard of "swimming with the fishes" in which  
379 the mob ties the victim to a cement block and throws them in a body of water. On the surface, it  
380 might appear that Gianna's body disposal looks like a mob hit. But, the investigation report  
381 suggests that the ropes around the body tied to the cement block were hastily tied and haphazard,  
382 like someone in a panic, not a planned execution and disposal. I admit that I was not present during  
383 the crime scene investigation. I also am not a forensic analyst. I have seen my share of mob hits

384 though. If Gianna's death itself had looked more like a mob hit, I too might be convinced that the  
385 disposal was similar to a mob hit style. Of course, one can never rule out a copycat killer, i.e.  
386 where a person mimics the style of killing or body disposal that they have heard about either  
387 through print, news media, or television and movies. There probably isn't a person over the age of  
388 16 who can't name at least one mob movie or television show.

389 I also can firmly say that I know this was not a mob hit, because I would have known about  
390 it. I have my ear to the ground on the stirrings within the Mafia. We have informants and  
391 undercover operatives who intercept information if a protected witness has been located. That was  
392 the case with the other relocations of the Giannas. They had been located, or there was a possibility  
393 that they had been seen or discovered, so we removed them immediately to another location.  
394 Similarly, after the fact, I would have expected to hear word on the street that Gianna had been  
395 killed. Nothing. No bragging rights or cheers that the guy who turned on them was dead. I only  
396 learned about Gianna's death from the local police and Charlie. Otherwise it was as if nothing  
397 happened.

398 Based upon my review of the testimony of Officer Murphy Dennis as well as the autopsy  
399 report and investigation report, I have reached the same conclusions as Officer Dennis. It is my  
400 opinion that Landry Brighton murdered Lou Gianna.

*I affirm under penalty of perjury that the foregoing is true and correct to the best of my belief and knowledge.*

/s/ Jordan Key

## Statement of Detective Murphy Dennis

1 My name is Murphy Dennis. I was born and raised in Loblolly, Arkansas. I graduated from  
2 Dizzy Dean High School in Loblolly in 1998. I have a bachelor's degree in Sociology with a  
3 concentration in Criminology from the University of Arkansas at Little Rock. I am also a graduate  
4 of the Arkansas Law Enforcement Training Academy in Camden, Arkansas, and I hold a  
5 certification from ILEA in Crime Scene Investigations. I currently reside in Quartz Pointe,  
6 Arkansas.

7 Law enforcement has been a part of my whole life. My mother and father, until their  
8 retirement, served as law enforcement officers with the Osage County Sheriff's Department. My  
9 baby sister, Ree, also served with the Osage County Sheriff's Department for seven years in Jail  
10 Transportation and the Community Workforce Program, helping inmates and young gang member  
11 to rebuild their lives by contributing to society through community service projects, rather than  
12 working against the community through criminal activity. Four years ago, Ree did some rebuilding  
13 of her career and seized an opportunity to work in the United States Marshal's Service in its St.  
14 Louis office, assigned to witness transportation and assisting with security services, as needed, in  
15 the Witness Protection Program.

16 I am a Detective in the Investigations Division of the Osage County Sheriff's Department.  
17 I began my career with the Osage County Sheriff's Department in 2001. Initially, I was assigned  
18 in the Patrol Division and K-9 Unit. Subsequently, I served as an Evidence Technician in Crime  
19 Scenes Investigation and later was assigned as a Detective in the Gang Crimes Unit. Then I  
20 returned to the Patrol Division as a Supervisor and Field Training Officer. In my current  
21 assignment with the Detective Bureau of the Investigations Division, I am the Lead Detective for  
22 investigating and solving homicides.

23 I have received several awards and commendations throughout my service with the Osage  
24 County Sheriff's Department. I am a past recipient of the Arkansas State F.O.P. Chris Anton  
25 Award, for dedication to law enforcement and leadership abilities. I am also the recipient of the  
26 Arkansas State F.O.P. Alex Foley Award, considered to be the most prestigious law enforcement  
27 award in Arkansas. I recently received the John McClane Service Award in recognition of  
28 outstanding efforts for a proactive and cooperative approach to law enforcement.

29 Given Osage County's close proximity to Hot Springs and Hot Springs gangs, the Sheriff's  
30 Department's mission is to reduce crime by providing the citizens of Osage County with a prompt  
31 and effective investigation response to all classifications of criminal cases. The Sheriff's  
32 Department works with other law enforcement agencies to achieve its goal, including the local  
33 town and city police departments in the area, the Southern Arkansas Major Crimes Task Force,  
34 the Federal Bureau of Investigations, and the United States Marshal's Service.

35 As the Lead Detective in Homicides, I am responsible for the investigation of suspected  
36 homicides. Those tasks involve gathering information from a variety of sources, conducting  
37 interviews, and working as an integral unit with the crime scene investigation team for the recovery  
38 of evidence through the collection, packaging, preservation, and presentation of physical evidence  
39 for major trials. Preservation of the evidence can include photography. The Photography Section  
40 of the Unit is responsible for the development and printing of crime scene photographs. All cities

41 and towns in Osage County utilize the services of the Osage County Sheriff's Department for the  
42 criminal investigation of violent crimes. The Detective Bureau ultimately prepares the criminal  
43 cases for a successful conclusion at trial, utilizing the CSI physical evidence in conjunction with  
44 the field investigation work.

45 I have attended numerous seminars, training courses and lectures to further develop my  
46 skills in crime scene investigations. Many of the training courses have been through the Public  
47 Agency Training Council. A sampling of some the training I have received, include Bloodstain  
48 Pattern Evidence Analysis for Crime Scene Reconstruction; Death and Homicide Investigation (5-  
49 day course); Forensic Pathology for Investigators; Homicide: The Investigative Challenge;  
50 Homicide and Questioned Death Scene Determination and Reconstruction; Homicide  
51 Investigation: From the Crime Scene to the Courtroom; and Solving Homicides: Investigative  
52 Steps to Success.

53 A little more than three years ago, I was contacted by United States Marshal Jordan Key  
54 regarding witness protection for a protected witness, "Lucky" Lou Gianna, who had turned State's  
55 Witness and assisted with the convictions of key members of the Madden Mafia family. Mr.  
56 Gianna had testified in 2011, but the family continued to receive the government's protection  
57 because it was well known that the Madden family had a hit on Gianna and/or his son/daughter,  
58 Charlie Gianna. My sister, Ree, had recommended me to the U.S. Marshal's Office as a person  
59 who was trustworthy and dependable. Marshal Key was the Agent in Charge of the Giannas'  
60 protection but operated out of the St. Louis Office. He/She needed a local contact to act as a liaison  
61 with Key and the Hot Springs U.S. Marshal's Office but would also be able to be the eyes and ears  
62 locally for any suspicious activity. I was not assigned responsibility of ensuring the safety and  
63 security of the Giannas; that task was solely the responsibility of the U.S. Marshal Service. The  
64 Giannas had Marshal Key's contact number for their needs and concerns, as well as a special  
65 number to dial in the event they believed they were at immediate risk. It was my responsibility to  
66 handle any "local matters" and provide assistance as needed. After undergoing the vetting process,  
67 I was approved as the local liaison. The Giannas true identity was to remain secret and was not to  
68 be shared with anyone. Other than the U.S. Marshal's Office, the only persons who were aware of  
69 the Giannas' Witness Protection status were the Sheriff, the Commander of the Patrol Division,  
70 and me.

71 At the time of my new assignment involving the Giannas, I had been working in the Gang  
72 Crimes Unit as a Detective. In order for the Sheriff's Department to cooperate and best assist the  
73 U.S. Marshal's Office, my superiors returned me to the Patrol Division. In the Patrol Division, I  
74 would have better opportunity to respond immediately to any matters concerning the Giannas  
75 without raising eyebrows as to why a Detective in the Gangs Crime Unit was responding to  
76 domestic matters.

77 On June 28, 2016, I met with Marshal Key for a briefing prior to the Giannas arrival in  
78 Quartz Pointe. The meeting was my one and only face to face meeting I had with Key. Marshal  
79 Key provided more detail regarding Lou Gianna's background in the Madden crime family and  
80 his decision to turn State's witness after his wife had been murdered in a car bomb intended for  
81 him. Gianna had one child, a son/daughter, Charlie that was also in the witness protection program  
82 and could be equally at risk as a pawn for the Mafia to get back at Lou. Boss Man Owney Madden  
83 had put Joey "The Knife" Spencer on the trail to kill Lou Gianna, and the government had always

84 stayed one step ahead. The Giannas were relocated with new identities numerous times over a  
85 seven to eight-year period. There was no indication that the Giannas were any safer merely because  
86 of the passage a time. It was said that Owney Madden never forgot a wrong.

87 Charlie would start his/her senior year of high school at Quartz Pointe High School. Fake  
88 school records, birth certificates, voters' registration, and social security cards had been provided  
89 to the Giannas. Key provided me with a dossier of the Giannas' current fabricated identities. I was  
90 informed that the new identities under the witness protection program would be Lou Andrews and  
91 Kelly Andrews. The government had purchased a fully furnished and supplied home for the  
92 Giannas in Possum Grape Estates, an upscale quiet neighborhood situated on one of the area's  
93 premier golf courses. Mr. Gianna would be set up as a business owner of a franchise for hidden  
94 fencing systems for pet protection. The Giannas would move into their new home on Friday, July  
95 1<sup>st</sup>, 2016.

96 Marshal Key gave me further instruction that I was not to draw any attention to the Giannas.  
97 I also was not to maintain any written or electronic records that could be intercepted or hacked,  
98 thereby exposing the Giannas to risk. All precautions had to be taken to prevent discovery of their  
99 true identities and ultimately risk the Giannas safety. Before the meeting ended, I had returned the  
100 Giannas' dossiers to Marshal Key to dispose of "properly." Toward the end of my three-hour  
101 meeting with Marshal Key, I was introduced to Lou and Charlie Gianna, aka Lou and Kelly  
102 Andrews. Marshal Key wanted them to know who I was. The Giannas were told that I was the  
103 local support, and that I could be trusted as the liaison when Key was not available. Key explained  
104 to the Giannas that the Sheriff and my Commander would arrange to have any calls directed to me  
105 if it concerned them.

106 My instructions had been that I was not to do anything that called attention to the Andrews.  
107 Sure, no problem. But if you put lipstick on a pig it is still a pig. Lou Andrews was not one that  
108 "blended in." He was a flashy dresser: silk shirts, silk suits, gold chains, Italian shoes, and a sort  
109 of pompadour hairstyle. My thoughts were "Really? Hide this?" But the nice thing about Quartz  
110 Pointe and the Possum Grape neighborhood is that no one cared about one another's business.  
111 However, I was a little concerned about Jules Timmons. He/She is one of those nosy neighbors,  
112 watching everything going on. Then again, I thought Timmons might be a valuable resource. If  
113 anything suspicious did occur, he/she would know it. Timmons's only problem is that he/she tends  
114 to exaggerate. I think it's because he/she watches too much television and feels the need to  
115 embellish to make reality more like the dramas on television. My feeling was that it was better to  
116 have the extra lookout, even if at times it might be exaggerated. An ounce of prevention is worth  
117 a pound of cure.

118 Honestly, when I was assigned the job, I didn't expect I would be needed much. The  
119 Giannas had been in numerous communities for relocation prior to the move to Quartz Pointe and  
120 had been able to adjust to each new environment. They knew the routine. They knew how to  
121 redirect awkward questions about the past. What I didn't calculate in the equation were two things:  
122 (1) the Giannas had always lived in a bigger city, and didn't know how to blend into a residential  
123 neighborhood in a mid-size community; and (2) the years of running and hiding and not being  
124 caught had made them complacent. Lou, especially, seemed like he thought he could take more  
125 risks and that he wouldn't be discovered by the Mafia, or if he was discovered that they would be

126 forgiving. He didn't act like he feared that he had a target on his back. He was loud. He was  
127 boisterous. He was obnoxious.

128           It didn't take long for the Giannas to need my assistance. On the evening of July 4<sup>th</sup>, 2016,  
129 I received a call from Marshal Key. He/She told me that Charlie had called him/her, nervous that  
130 the Madden family was in Quartz Pointe and was going to kill Lou and Charlie. Charlie had heard  
131 a loud noise that he/she said sounded like a gunshot. Key asked me if there had been any leak in  
132 the identities and location of the Giannas. I answered in the negative. I assured Key that I would  
133 immediately investigate the situation, and if I believed the Giannas were in any jeopardy, I would  
134 secure a temporary safe location for them. After scoping out the neighborhood and talking with  
135 Lou and Charlie, I determined that the presumed gunshot was, in fact, fireworks. Lou said "I knew  
136 it. I really don't need you guys anymore." But Charlie was nervous and asked me to stay for a little  
137 longer just to "be safe." Charlie told me, in confidence, that he/she was worried about being so  
138 close to Hot Springs – so close to the Madden family. They had never lived that close with any of  
139 their other relocations. Maybe it was bad dreams, remembering the loss of his/her mother, or  
140 maybe it was a premonition – he/she didn't know. The concern, according to Charlie, was that Lou  
141 seemed to not care anymore about hiding. Charlie overheard parts of Lou's telephone conversation  
142 the day they moved to Quartz Pointe regarding "getting back in the business." Charlie said he/she  
143 was not naïve as to what was going on and what would happen.

144           Only a few days had passed from the July 4<sup>th</sup> drama, and I was called back out for concerns  
145 involving the Giannas. Dispatch reported that Jules Timmons heard a heated argument between  
146 Lou Andrews and Landry Brighton, Andrews's next-door neighbor. Timmons had reported that  
147 threats had been made and a butcher knife had been brandished. When I pulled up in the patrol car  
148 in Possum Grape Estates, I heard Lou Gianna, a.k.a. Lou Andrews and Landry Brighton arguing.  
149 I saw Brighton with a switchblade, pointed at Lou Andrews and threatening "You'll pay for this."  
150 He/She had a look of pure rage. I yelled for everyone to calm down. Then Brighton threw the knife  
151 forcefully to the ground, so that the point was stuck in the ground and the handle wobbled from  
152 the force of the throw. As I investigated the matter, I learned that the feud began over a landscaping  
153 issue. Can you imagine if it had been something more important? Anyway, my main goal was to  
154 diffuse the situation. So, I suggested to Brighton to take the matter up in a small claims court. I  
155 calmed the situation down and said no charges would be filed. Brighton, still fuming, said angrily  
156 "What good is the law? You might as well take matters into your own hands."

157           Jules Timmons reported other disturbances between Andrews and Brighton that occurred  
158 over the three-year period of July, 2016 through the present. Each time, I brokered a peace deal  
159 for a temporary ceasefire. The disputes evolved from the landscaping problem to nuisance  
160 complaints - - noise, bright lights, more noise, Brighton's dog barking, Brighton's dog acting  
161 aggressively. Each time I was able to calm them both down. I never made any arrests for these  
162 spats, or filed criminal charges. I had hoped diplomacy would be the best tactic. Also, I was  
163 conscientious that if charges were filed that it could catch the attention of the Madden crime family.  
164 It was all petty stuff, but it's one of those things where it just keeps building and building and  
165 building. Soon, it's like a pot ready to boil over. I don't believe, however, that there was any  
166 disturbance at least a month prior to Lou Andrews's disappearance. I thought maybe it was all  
167 settling down.

168 I also made several trips to the neighborhood over the three-year period for noise  
169 complaints and domestic disturbance involving Lou and Kelly Andrews. Like the noise complaints  
170 involving Lou and Landry, I did not make any arrests or file any charges for the fights between  
171 Lou and Kelly out of an abundance of caution to drawing the attention of the Madden crime family.  
172 Their fights, too, were often violent. No punches thrown, but household objects were hurled  
173 against walls, and yelling, screaming, and threats were always involved. I overheard Charlie a/k/a  
174 Kelly, say a number of times that he/she hated Lou. Sometimes the words were “I wish you were  
175 dead.” When I spoke to Charlie about the hateful words, he/she told me that he/she resented his/her  
176 father for getting his/her mother killed. He/She was concerned that Lou, was acting careless with  
177 the mob again, and it could cost both of their lives this next time. Even though Charlie said hateful  
178 things, his/her concern was to save their lives. Charlie told me that he/she could not bear losing  
179 another parent. The one thing that struck me with all of these fights was that Lou could get under  
180 a person’s skin and push them to the edge, or maybe even over the edge.

181 The pressures of the lives that the Giannas lived were something that we cannot begin to  
182 understand. They always had to keep one eye looking over their shoulder. It seemed like they lived  
183 like Andrews, but they experienced the isolation like Andrews too. About one year ago, the stress  
184 caused Kelly to snap. He/she vandalized Jules Timmons’s house by spray painting one of the  
185 windows black. I wanted to resolve this matter, too, without filing any charges. But, Timmons  
186 insisted that Kelly be taught a lesson. I ceded to Timmons’s demands. I thought publicity of the  
187 incident, if any, would not draw the Mafia’s attention because it involved Kelly. Kelly was charged  
188 and pled guilty to Criminal Mischief and Criminal Trespass. As part of the plea agreement, Kelly  
189 was required to perform community service. It was an opportunity for Kelly to channel his/her  
190 energies to something positive. Kelly served his/her community service at the local Humane  
191 Society. Landry volunteered at the Humane Society too. They were able to find common ground  
192 and became friends.

193 Jules Timmons’s recollection of how often the police were in the neighborhood to handle  
194 disputes is exaggerated. Timmons watches a little too much television and has a tendency to distort  
195 reality. My recollection is that over the three-year period from July 2016 through September, 2019,  
196 I attended to a disturbance call involving Lou Andrews no more than a dozen times. There are no  
197 records of the police calls for domestic disturbances or neighborhood feuds involving Lou  
198 Andrews. I did not document the times I went to break up an argument or settle heated positions  
199 between Lou and Landry, or between Lou and Charlie. I did not keep any written records of those  
200 instances because it was a priority to maintain a low profile for the Giannas. Any report of a call  
201 to their neighborhood would be included in the police blotter in our local newspaper. Quartz Pointe  
202 and the Little Italy neighborhood in Hot Springs is approximately one hour away. So, it was not  
203 too far-fetched for Madden to have fingers reaching into Osage County. Not recording and  
204 documenting the dispatches to the Possum Grape neighborhood was against Department rules and  
205 policy. Sometimes you have to be flexible with Department rules. They’re more guidelines,  
206 anyway. What’s more important? Documenting every spat between neighbors and family members  
207 or protecting someone’s life?

208 Although I did everything in my power to keep the Giannas from being discovered by the  
209 Mafia, Lou did not seem to put any effort into trying to be unnoticeable. Lou drove around in  
210 expensive cars and flashed around money. His actions drew attention because he closed only a few  
211 contracts for business sales. However, even though I always tried to be vigilant of anything

212 suspicious, I was not aware of any red flags that the Mafia was closing in on Lou. I knew Jules  
213 Timmons would notify me if he/she had spotted any suspicious characters in the neighborhood.  
214 There were no such reports because the Mafia was still clueless that the Giannas were now located  
215 an hour away.

216 While I was looking in the direction of a mob hit, I was blind-sided by the murder of Lou  
217 Gianna at the hands of an angry, tormented neighbor. Charlie Gianna reported his/her father's  
218 disappearance on Tuesday, September 10<sup>th</sup>, 2019, and Lou's body was found floating in Diamond  
219 Lake on Wednesday, September 11<sup>th</sup>, 2016.

220 When the body was located, I immediately observed a slashed throat, which appeared to  
221 be the cause of death. The autopsy confirmed that a knife cut the neck and ended the life of Lou  
222 Gianna. The time of death was established as sometime between 19:00 hours on September 7<sup>th</sup>,  
223 2019 and 06:00 hours on September 8<sup>th</sup>. Due to decomposition, a more precise time of death could  
224 not be determined. The autopsy also noted a blunt blow to the back of the head, perhaps from a  
225 stick or club, or possibly from a fall. However, the blow was not the cause of death. It was further  
226 noted that there were ropes around the body, which appear to have been tied to a cement block.  
227 The ropes appeared to be hastily tied and haphazard, suggesting someone was in a panic, and that  
228 this was not a planned execution and disposal. A roll of cash, \$700, was found on the body.  
229 However, there was no ID located on the body.

230 According to Charlie, Lou Gianna had been missing since Saturday night, September 7<sup>th</sup>.  
231 Lou was last seen walking over to Landry Brighton's house. Charlie did not immediately report  
232 that Lou was missing, because it was not unusual, according to Charlie, for Lou to be gone for a  
233 few days. Charlie apparently suspected that Lou was connecting with old "friends" in Hot Springs.  
234 When Charlie reported his/her father missing, I was certain that Lou would return from one of his  
235 escapades, and then we would discuss whether he was going to abide by the rules, or be relocated  
236 to yet another city, and start all over again.

237 When the body was located, I was assigned to investigate the suspected homicide. I had  
238 been promoted to a Lead Detective position in the Detective Bureau of the Investigation Division  
239 effective January 1, 2019. My understanding of the history and background of all the players in  
240 this case was invaluable and helped in my investigation. To be quite honest, my initial instinct and  
241 presumption was that it was a mob hit. It seemed like the most obvious scenario was that Madden's  
242 crew had located Gianna and had him executed mob style with a slashed throat and the body  
243 dumped and submerged. Murder from a neighborly dispute gone badly was remote. But the  
244 evidence contradicted my initial theory.

245 When conducting a homicide investigation, I clear myself of all presumptions and let the  
246 evidence lead me instead. Otherwise, the presumptions can possibly steer the direction of the  
247 collection and interpretation of the evidence. I met with Charlie Gianna and learned that on the  
248 evening of Saturday, September 7<sup>th</sup>, Lou was angry yet again over Landry Brighton's dog, Asta,  
249 for yet another perceived offense. Lou had threatened Landry that he was taking Asta that evening  
250 to have him euthanized. Charlie was unconvinced that Landry had anything to do with the  
251 suspected homicide. Rather Charlie reported that he/she believed that the Mafia had located them.  
252 In support of his/her assertion, Charlie described having observed suspicious strangers hanging  
253 around the neighborhood and near his/her school, sitting in the car and watching their movements.

254 Charlie stated he/she had raised these concerns to Marshal Key a week or two prior to Lou's death,  
255 but nothing had come of it. Certainly, I was never made aware of the suspicious strangers lurking  
256 in the neighborhood. Otherwise, I would have investigated it immediately.

257 I then interviewed Landry Brighton. Landry freely spoke to me and did not lawyer up.  
258 He/she also granted full access to his/her home. Landry said that he/she had nothing to hide. During  
259 my interrogation of Landry, his/her account placed Lou Gianna at his/her home at approximately  
260 19:32 hours on September 7, 2019. Landry stated that Gianna had barged into the front foyer of  
261 his/her house. Lou had demanded taking Asta to have the dog euthanized. Landry asserted that  
262 he/she intended to fight it, and thus would not release the dog unless there was a court order. Lou  
263 lunged toward Asta, who then went into full attack mode. Asta bit Lou several times on the hand  
264 and forearm. The bites marks observed on the hands and arm as reflected in the autopsy report are  
265 consistent with Landry's account. Landry also described Lou pulling out a switchblade and  
266 stabbing Asta relentlessly. Asta finally collapsed on the foyer rug and bled out. According to  
267 Landry, Lou then left the house, holding pressure on some of the puncture wounds caused by Asta.  
268 Landry assumed that Lou was returning to his/her home. Landry was consumed with grief of the  
269 death of Asta and said he/she did not pay much attention to Lou's departure from the house or  
270 even whether he/she was around over the weekend. Landry described Charlie Gianna's follow-up  
271 visit on Sunday evening, September 8<sup>th</sup>, inquiring as to the whereabouts of his/her father. Landry  
272 said that when Charlie talked to Landry about Lou's absence, Landry was equally puzzled.

273 At the scene, I used luminol to determine if there were bloodstains present. There were  
274 some bloodstain spatters, but not what I would have expected for a homicide involving a slashed  
275 throat. I had a test run on the blood stains to determine whether the bloodstains were human or  
276 canine, given the account by Landry of the stabbing of Asta. The results of those tests showed that  
277 most of the blood stains were canine. However, there were bloodstains located by the front door  
278 that were human. Those bloodstains were low velocity blood stains which would indicate that the  
279 stains were the result of having a puncture wound and the blood dripping by virtue of gravity. I  
280 then tested the DNA of the bloodstains located by Brighton's front door. The DNA was found to  
281 be that of Lou Gianna.

282 Landry explained the absence of the front foyer rug. He/she explained that the rug was  
283 saturated with blood from the stabbing of Asta, so Landry rolled Asta in the rug and brought the  
284 dog to Landry's place of business, where he/she buried Asta. That location is approximately four  
285 miles from Landry's residence. Brighton stated that he/she discarded the rug in a nearby landfill.  
286 We were never able to locate the rug.

287 Landry provided complete access to the business property and gave me permission to  
288 exhume Asta. Asta was buried on the property just as Brighton had described. The business is  
289 located on Highway 125, four miles west of Quartz Pointe, about halfway between Quartz Pointe  
290 and Diamond Lake. Diamond Lake is about 8 miles west of Quartz Pointe, or a 15-minute drive  
291 from Gianna's home. Asta was wrapped in a blanket and the dog's body had multiple stabbing  
292 wounds. The DNA testing of tissue and blood in the dog's canines was a match for Lou Gianna.

293 I examined all knives located at the Brighton residence. No blood stains were noted on the  
294 knives. Gianna's alleged switchblade was never recovered. Based upon the length and depth of the  
295 slash on Gianna's neck, I concluded, along with the coroner, that the blade/knife used to cut Lou

296 Gianna's throat was a large knife, such as a kitchen knife. I was unable to discern the exact type  
297 of knife because of the changes in the body from the submersion and decomposition. A variety of  
298 switchblades were tested to compare the type of cut to wounds located on the hands and forearm  
299 of Lou Gianna. Those cuts appeared to be consistent with a smaller blade knife used to stab the  
300 victim in the hands and arm. The evidence suggested that as Gianna and Brighton fought, and  
301 during the struggle, the knife changed hands from Gianna to Brighton. Brighton is skilled in martial  
302 arts and had proven his/her ability to disarm a knife from Gianna in the past. Then Brighton used  
303 the weapon to stab Gianna in the hands and arm. Due to the decomposition of the body and the  
304 sustained submersion in Diamond Lake, the cut wounds had become distorted and I was unable to  
305 confirm a match with a switchblade similar to the knife carried by Lou Gianna.

306 Testing of trace evidence was also conducted. No trace evidence was located on clothing  
307 of Landry Brighton. Fiber analysis found in Brighton's vehicle confirmed that a rug had been  
308 placed in the back of the SUV. There were no blood stains found in the vehicle. We were unable  
309 to obtain trace evidence from the clothing of Lou Gianna's body and the rope due to the submersion  
310 in the lake for several days. The rope was typical of rope one can locate at any hardware store and  
311 did not assist in providing additional information for the investigation. We did not test for any  
312 trace evidence in Landry Brighton's rowboat docked at Diamond Lake. Unfortunately, it was  
313 something that was overlooked.

314 Based upon my training and experience as a Homicide Detective and Criminal Scene  
315 Investigation technician, and based upon the findings of my investigation as well as the autopsy  
316 report, it is my opinion that Landry Brighton did cause the death of Lou Gianna by slashing his  
317 neck on the evening of September 7<sup>th</sup>, 2019.

318 I have reviewed Rory Middleton's conclusions and note that his/her opinion was formed  
319 without the benefit of examining the actual evidence or interviewing witnesses. Middleton only  
320 reviewed the reports and the statements of the witnesses. By viewing the body in the context of its  
321 surroundings, a detective or expert is better able to interpret certain findings at the autopsy. Non-  
322 attendance at death scenes has been regarded as one of the classical mistakes in forensic pathology.

***I affirm under penalty of perjury that the foregoing is true and correct to the best of my belief and knowledge.***

*/s/ Murphy Dennis*

## Statement of Jules S. Timmons

1 My name is Jules S. Timmons. I am 81 years old. When you're my age, people assume  
2 you're weak: physically and mentally. I am here to tell you that I am in excellent health, and my  
3 mind is as sharp as a tack. I have no limitations. My hearing is perfect, practically supersonic. My  
4 eyesight has its wear and tear from old age, but with a pair of glasses or binoculars, I don't miss a  
5 thing.

6 I am retired and live alone. I live in Possum Grape Estates, an established upscale  
7 residential community on a golf course. I have lived in the same house in that neighborhood for  
8 35 years, and I have lived in Quartz Pointe all of my life. I live in the house directly across the  
9 street from Landry Brighton, about 80 feet. I have known Landry Brighton from the day that he/she  
10 purchased the house, about ten years ago. Landry has been a good neighbor. He/She is quiet and  
11 unassuming. Landry isn't overly friendly, and keeps to himself/herself, but I have always found  
12 him/her to be respectful of others.

13 I would describe Landry Brighton as obsessive and compulsive. It seemed everything had  
14 to be done a certain way, and everything had its place. If Landry found anything out of place,  
15 he/she fixed it immediately. Brighton is disciplined in everything he/she does – whether it is taking  
16 care of his/her house or yard, or training his/her dog. For example, Landry Brighton meticulously  
17 groomed the hedges in his/her yard ever since he/she moved into the house ten years ago. Landry  
18 took pride in having the best looking lawn in the neighborhood. I've also noticed Landry's  
19 discipline when he/she practices that karate or Kung Fu stuff. I noticed when Landry Brighton  
20 practiced in his/her garage when the door was up. Each move was calculated and precise, at least  
21 that's how it appeared to me. I'm no expert in that kind of stuff, but he/she looked very skilled.  
22 For certain, Landry is not a person who could be intimidated, and I believe could defend  
23 himself/herself.

24 Landry Brighton sells knives for a high-end cutlery company; you know, the kind of knife  
25 you can spend \$200 to \$300 just for one knife. He/she demonstrates the knives all across the United  
26 States, requiring him/her to be away from home for a couple of months at a time. Landry showed  
27 me his/her collection of knives once; it was quite impressive. He/she demonstrated them for me.  
28 He/She was so nimble and skilled with a knife that he/she could look at me while at the same time,  
29 at rapid speed, finely mince a carrot or garlic clove, and not skip a beat.

30 Landry Brighton lives alone, except for his/her prized dog, Asta. The dog is his/her only  
31 family, and Landry has a special bond with Asta. He/She told me that he/she rescued the dog when  
32 it was to be euthanized after attacking and biting a dog owner/handler at a dog show in 2014. I  
33 have observed that Landry has great control and command over Asta. Landry is dedicated to  
34 training Asta. It is just one more example of his/her disciplined nature. I have noticed that when  
35 Landry is gone for any length of time, Asta stays at the house alone. Landry Brighton does hire a  
36 dog sitter for prolonged absences. The sitter comes to the house 3 – 4 times a day for an hour or  
37 so each time. Unfortunately, Asta barks during the day and throughout the night when Landry is  
38 gone for more than three days. Asta is a pretty strong dog and weighs about 70-80 pounds. The  
39 sitter is unable to maintain good control of Asta. I also have noticed that the sitter is not as diligent  
40 as Landry in taking care of Asta's excrement, which are quite messes. It seems that the Andrews  
41 get the brunt of that problem because they live right next door.

42 I live diagonally across the street from the Andrews, or I guess their real names are the  
43 Giannas. There is not much going on in my neighborhood that I don't know about. I know the  
44 history of all the people in the community. I have lots of time on my hands. So, I sit at my window,  
45 and make it my business to watch people's comings and goings. I think other people's lives are  
46 fascinating. I suppose it is a force of habit. My career, until I retired at 62, was in anthropology,  
47 which is the study of humans, both past and present, and understanding of human cultural behavior  
48 and socialization. I have a PhD. in Anthropology from Washington University at St. Louis and my  
49 undergraduate from Northwestern University. I was a Professor of Anthropology at Southern  
50 Arkansas University, and my fieldwork and research pertained to Mound Builders. I have a few  
51 hobbies besides watching people. I enjoy birdwatching. I invested in an expensive, but powerful  
52 set of binoculars - - the Oberwerk 25/40x100 mm Long Range Observation Binocular. It is  
53 amazing the amount of detail I can see when I zoom in with my binoculars. I also like to watch  
54 television shows about crime-solving like "48 Hours," "Cold Case Files," "Forensic Files," and  
55 "Disappeared."

56 I have a reputation in our neighborhood for being a nosey busybody. But in this case, my  
57 keen observations helped solve this crime. The Andrews' move to the Possum Grape neighborhood  
58 was so bizarre, it caused quite a bit of gossip and speculation about these out-of-town strangers.  
59 They bought the house with everything in it - not just your typical furniture and appliances, but  
60 sheets, towels, plates, silverware, paintings, knickknacks - everything. There was no moving van  
61 or even a pick-up truck with personal items brought to the house. They just showed up one day  
62 and stepped in where the former owner (Brent Orr) had left off. Who does that? Then they put out  
63 those plastic multi-colored chairs on the front lawn. It's like they purposely were raising a bullseye  
64 target on their back. It was so curious and bizarre that I thought I would watch them even more.  
65 Something was suspicious, but I had not figured out yet what their story was. They would have  
66 made a great study for an anthropologist.

67 After Mr. Andrews's death, I found out that the Andrews were in the witness protection  
68 program. I was surprised what little effort they had made to blend in to the community. The  
69 Andrews didn't fit into the neighborhood. They stood out, and the whole neighborhood was abuzz  
70 about who these people were. You couldn't even go to the grocery store without hearing someone  
71 talk about the strange new residents of Quartz Pointe.

72 Mr. Andrews dressed like he belonged on some disco floor with his unbuttoned silk shirt  
73 and heavy gold chains. He even wore it to mow the lawn. He was an obnoxious sort of fellow. He  
74 was full of himself, like he was somebody important, but he was so brash that he offended and  
75 irritated nearly everyone in the neighborhood.

76 Mr. Andrews's son/daughter, Kelly, was unsociable. Kelly stayed to himself/herself. The  
77 only one Kelly befriended was Landry Brighton. It was an odd pairing, and I think that they both  
78 became friends just to spite Mr. Andrews. Kelly even vandalized my house by spray painting my  
79 windows black. I had to hire a professional window cleaner to restore them. Lou Andrews paid for  
80 the damages. He took out a roll of cash from his pocket. It had to be as big as two decks of cards,  
81 and it looked like it was all \$100 bills. He asked me what was owed, then paid it, plus an extra  
82 \$300 "for my trouble." I'm not sure where all that money came from, because I know Lou owned  
83 that business for pet fences, but I hardly ever saw him working at it. I even tried to refer jobs to

84 him for the business to help him out, but he frequently missed appointments. He also was  
85 unfriendly to the customers' pets, and he refused to help train.

86 The neighborhood, at one time, was quiet and peaceful. That all changed when the Andrews  
87 moved in. Lou and Kelly Andrews did not get along. They were constantly arguing. The fights  
88 between Lou and Kelly were loud and horrendous. I had never seen anything like it. They yelled  
89 at each other the top of their lungs. They threw things against walls and at each other. I even heard  
90 threats of violence towards each other. Kelly Andrews would yell to Mr. Andrews "I hate you" or  
91 "I wish you were dead." Even from a distance, I could see that Kelly's body language was  
92 aggressive. I never saw either of them make a move to physically harm each other. But you never  
93 know what the tipping point will be. So, I took it upon myself to police their dysfunctional  
94 relationship. I am the one who called the police to report the domestic disturbances involving the  
95 Andrews. It became so routine that I had the Osage County Sheriff's Department on speed dial.  
96 Officer Murphy Dennis was probably at their house 2 or 3 times a month. Each time, Officer  
97 Dennis calmed them down, temporarily. Dennis told me that he/she didn't take Kelly's threats too  
98 seriously because Kelly was just joking. Maybe it's my old age, but that type of joke is lost on me.  
99 I think there was some underlying fracture in their relationship from the past causing a strain in  
100 the present.

101 I also reported to the police other volatile situations involving Lou Andrews. Those  
102 confrontations were between Lou Andrews and Landry Brighton. They were at each other's throats  
103 frequently, and when they would go at it, neither would back down. The Andrews moved into the  
104 neighborhood in July 2016 and it didn't take long for the feud to begin. I think it all started about  
105 a week after the Andrews had moved in. I don't know what Mr. Andrews was thinking, but one  
106 day, when Landry was off at work Mr. Andrews destroyed Landry's hedge. It turned into a further  
107 catastrophe when he burned the brush pile, fueling the flames with gasoline. Andrews must have  
108 dumped several gallons of gasoline on the brush fire because I could see the flames were high and  
109 the black smoke thick. I didn't stop him, because I didn't want to get involved. I thought Mr.  
110 Andrews might very well be crazy.

111 I was watching from my window when Landry Brighton came home from work that day.  
112 Landry Brighton immediately saw the destruction to those hedges and the out-of-control burning  
113 fire. He/She threw down a briefcase and charged over to Mr. Andrews. I opened my window so  
114 that I could hear the argument clearly. Landry Brighton was furious. His/Her face was beet red,  
115 and he/she was pointing a finger at Mr. Andrews and yelling obscenities. Mr. Andrews yelled right  
116 back. He took no responsibility for taking out the hedges. Andrews said he didn't care, that the  
117 hedges blocked his view. Enraged, Landry Brighton yelled "That's the point. I don't want to see  
118 your ugly face, your pathetic clown suit, or the dog chain you've got around your neck." Mr.  
119 Andrews yelled back "no one disrespects me like that and gets away with it." It continued to get  
120 heated. Landry Brighton started threatening Andrews. Landry Brighton said "This is not the end  
121 of this. You'll pay for this, if it's the last thing you do on this earth!" It appeared that it was only  
122 going to escalate from there, so I went to call the police. I watched in fear when Andrews then  
123 flipped open a switch blade and thrust it within an arm's length from Landry Brighton's throat.  
124 Landry Brighton was not in the least intimidated. He/She laughed, saying, "You call THAT a  
125 knife? I know knives, and I can take you on, any place, anywhere." Andrews kept the knife pointed  
126 at Landry Brighton for what seemed an eternity, but it was probably two minutes. Andrews said  
127 menacingly, "Are you threatening me?" Then, as cool as a cucumber, Landry Brighton charged

128 Andrews and did some fancy-schmancy Kung Fu or Karate Kid move, dislodging the knife from  
129 Lou's grip and landing Andrews flat on his back. In a blink of an eye, Andrews had picked up the  
130 knife from the ground and while he was still flat on the ground, hurled the knife at Landry. But  
131 Landry, like someone from the Matrix, agilely dodged the knife, almost as if it was in slow motion.  
132 Landry then picked up the knife, pointed it at Andrews, and snarled through gritted teeth, "You've  
133 been warned." Then Landry threw the blade sharply toward the ground as if to stick the point  
134 further. I do not recall seeing Kelly Andrews present during this argument, as I was focused on  
135 Lou Andrews and Landry Brighton. I also don't know when Officer Dennis showed up during this  
136 heated battle.

137           Officer Murphy Dennis's presence relaxed tensions between the two. I told Officer Dennis  
138 the events that had unfolded that day, just as I have stated here. To assuage my concerns, Officer  
139 Dennis explained that he/she believed that he/she could encourage them to work out their  
140 differences. Mr. Andrews did bring out a wad of cash from his pocket, and threw some money to  
141 the ground toward Landry Brighton. I'm sure it was not enough to pay for all of the damages.  
142 Officer Murphy Dennis intimated that he/she could get payment to Landry Brighton for the  
143 damages. I don't know if that ever happened, but I do know that this was not the last of the  
144 tumultuous battles between the two neighbors.

145           Whether Mr. Andrews was resentful for Landry Brighton getting paid for the damages, or  
146 because he had been embarrassed by Landry Brighton's fortitude or mocking, it gave Andrews all  
147 the more reason to agitate Landry Brighton. It started off slow - - little jabs here and there. And  
148 fortunately, I suppose, Landry Brighton had a job that required traveling sometimes months at a  
149 time, so there were opportunities for cool down periods. However, as time passed, it was like a  
150 storm that had been brewing. Andrews used every trick in the playbook on how to torment your  
151 neighbor. Mr. Andrews knocked over trash cans in Landry Brighton's driveway. He blasted heavy  
152 metal rock music when Landry Brighton was entertaining guests on his/her deck.

153           It was even intolerable for me across the street. At odd hours of the night, Andrews would  
154 rev up his car engine in the driveway, causing Landry Brighton's dog to bark. The late evening  
155 hours were not the only times that sleep was disrupted. Before the first ray of sun at dawn, Andrews  
156 had every possible noisy yard tool operating - - the lawn mower, the leaf blower, and the snow  
157 blower. Andrews intentionally blew leaves and snow into Brighton's yard and driveway. The  
158 constant barrage of annoyances had to be stressful for Landry Brighton.

159           About six months ago, I spoke with Landry Brighton about the noises and problems with  
160 Mr. Andrews. I commiserated with him/her that Landry's home was no longer a place of peace  
161 and comfort. The police had been called to address the noise complaints and settle the disputes,  
162 but it did little to help the situation. Landry Brighton told me that he/she had filed a lawsuit for  
163 nuisance, but that Andrews didn't show up for court, and even with a court order against him, that  
164 Andrews had no intention of stopping the assaults. Landry told me that it was clear that Andrews  
165 had no respect for authority, and in fact, turning to the law, only made matters worse. So, Landry  
166 said that he/she had planned to just ignore Andrews and his petty antics. I was impressed with  
167 Landry Brighton's discipline to avoid stooping to Andrews's childish level. Landry Brighton told  
168 me that "when they go low, you go high." I joked that if something happened to Andrews, no jury  
169 in the world would convict Landry; that surely it would be justifiable homicide. We both chuckled.

170           It possibly could have stayed at that status quo, and who knows, maybe Andrews would  
171 have tired of harassing Landry Brighton. The problem, however, was Landry Brighton’s dog, Asta.  
172 When Landry was gone for his/her job, the dog was left alone most of the time. The dog had a  
173 severe case of separation anxiety and barked incessantly, especially if Asta heard any noises  
174 coming from the Andrews’s house. Lou Andrews would yell out his window for the dog to “shut  
175 up,” which only stirred the dog up more. And then there were the times that the dog sitter let Asta  
176 go to the bathroom on the Andrews’ yard. I would see Lou out mowing the grass in his fine fancy  
177 clothes, and then you’d hear him yell, “That stupid, no good dog. I’m going to kill him.” And Mr.  
178 Andrews would take his shoes off, right then and there, and throw them in the garbage. You could  
179 tell he was really angry.

180           When Landry Brighton returned home, Mr. Andrews would be extremely confrontational.  
181 Brighton barely got out of his/her car, when Mr. Andrews stomped over to the driveway. Andrews  
182 complained that the dog had gone to the bathroom in his yard and ruined his Italian shoes, or that  
183 the dog barked and ruined his sleep. I overheard Andrews tell Landry Brighton that he was going  
184 to kill the dog, and that there was nothing he/she could do about it. Brighton had reached his/her  
185 tipping point. That dog was family to him/her. Threatening the dog was like threatening your child.  
186 I could hear clear as day Landry Brighton yell, while pointing a finger at Mr. Andrews, “You touch  
187 one hair on my dog, and I will make sure you don’t live another day to tell about it.”

188           The tensions continued to build and Andrews became more menacing. Now it was not just  
189 loud noises, or tipped garbage cans, but Landry Brighton would come home to a broken window  
190 or a car door keyed. Each time Officer Dennis was called to mitigate the feud, nothing would  
191 change. There was no clear evidence that it was Andrews, but we all knew it was. Officer Dennis  
192 reprimanded Andrews, but never arrested him. He/She told Andrews that he was on thin ice, and  
193 Dennis could hit the defrost button with no hesitation. Dennis said that it would only take one call  
194 and Andrews would be done . . . or was it gone? I could understand if Landry Brighton was  
195 frustrated that the law seemed to have no power over Andrews. I approached Officer Murphy  
196 Dennis with concern that I feared their feud would end tragically one day. Office Dennis reassured  
197 me that protections were in place to prevent anything tragic.

198           A few weeks before Andrews’s death, I had a conversation with Landry Brighton when we  
199 were both working outside in our yards. Landry told me that he/she had taken Asta to the vet  
200 because he/she was not eating or drinking water. After running some tests, Landry learned that  
201 Asta had been given something poisonous. Landry was convinced that Andrews had made good  
202 on his promise to kill Asta, or at least make him very sick. I asked Landry what he/she planned to  
203 do. Landry Brighton responded, “There is only one way to take care of a bully and that is to take  
204 them out.” Landry sounded cold and calculating. It actually scared me. I understood Landry’s pain  
205 and frustration, but his/her statement confirmed my fear of a tragedy looming.

206           During that same time period, a few weeks before Andrews’s death, I observed strangers  
207 in our neighborhood, which was quite unusual. The neighborhood is outside the town and not along  
208 any main roads. We don’t even get kids for Halloween because of the location. One night, I saw a  
209 man parked down the street, just sitting in his car smoking. Using my high powered binoculars, it  
210 looked to me as if he was watching the Andrews’s house. It was hard to see a lot of detail at that  
211 distance and through the tinted car window. But I noticed the wrist of his hand hanging outside the  
212 window holding his cigarette. The wrist had the same type of gold clunky chain like the one that

213 Lou Andrews wears. About a week later, I saw two shadows that dashed to the back of Andrews's  
214 house. It happened so fast that I did not have time to retrieve my binoculars. I can't be sure if the  
215 shadows were people or the shadow from the trees. I can't recall the specific date that I saw those  
216 shadows. It might have even been the night that Andrews went missing. I can't recall for certain.  
217 I didn't report my observations of the strangers to the police, because I have a reputation for being  
218 overly suspicious besides being nosy. I didn't want to be the one who cried wolf one too many  
219 times.

220 When I heard on the news that there had been a murder of Lou Andrews, aka Lou Gianna,  
221 I felt that I had relevant information. So, I asked Officer Murphy Dennis to come to my house. I  
222 reported to Officer Dennis what I saw on Saturday night, September 7, 2019. The night of  
223 September 7<sup>th</sup>, I saw Lou Andrews go to Landry Brighton's house around 6 pm. Landry opened  
224 the door, and Asta was right by his/her side. My windows were closed so I could not hear anything.  
225 Andrews pushed his way into the front foyer of the house. It looked like Asta was growling at  
226 Andrews, but Landry Brighton had Asta under control. Then the door closed. I watched the house  
227 for about 15 minutes because there were always fireworks between those two. I never saw Andrews  
228 leave.

229 That same night I woke up in the middle of the night restless; it was close to 2 am. I had  
230 planned to read a book to help me sleep. So, I went to the front room to fetch my eyeglasses. I was  
231 surprised to see Landry Brighton coming out of his/her front foyer, dragging from the house a  
232 rolled up area rug about the length of an adult body. The way he/she was pulling it, it looked heavy.  
233 My gut feeling was that it was a body - - Lou's body rolled up in that rug. Landry Brighton may  
234 have seen me peering through the window, trying to make out what was going on. I did not have  
235 the binoculars or my glasses. The next thing I know is that Brighton turned the outside lights off  
236 to his/her house. Landry had pulled out his/her Jeep Cherokee from the garage and opened the  
237 back gate. He/She had backed in the vehicle, so the back of the vehicle was not in plain view for  
238 me. What I could see was Landry awkwardly picking up that rolled rug and putting it in the back  
239 of the Cherokee. I observed Brighton put some other things in the back of the vehicle too. However,  
240 with the lights off, it was hard to make out what the items were. The one thing I did see was Landry  
241 carrying a folded blanket and placing it in the front passenger seat. Brighton drove away with the  
242 car lights off until he/she got to the end of the road. I started reading my book and was still up  
243 when Brighton returned an hour and a half later. If you had spoken with Landry Brighton and had  
244 heard the iciness in his/her voice, and if you had observed that body in the rolled rug being loaded  
245 and carried off in the middle of the night, you too would reach the same conclusion as I have that  
246 Landry Brighton is guilty of murdering Lou Gianna. I like Landry Brighton and don't want to  
247 believe it, but you can't refute the facts.

***I affirm under penalty of perjury that the foregoing is true and correct to the best of my belief and knowledge.***

/s/ Jules S. Timmons

## Statement of Landry Brighton

1 My name is Landry Brighton. I live in the Possum Grape Estates community in Quartz  
2 Pointe. I purchased my home about ten years ago. I grew up just outside of Houston, Texas and  
3 attended college there as well. My career brought me to Quartz Pointe, and I have embraced it as  
4 my home. It has a hometown atmosphere with a historic downtown square, yet it is in close  
5 proximity to New Orleans and the Louisiana beaches. I like the Possum Grape neighborhood too;  
6 it is quiet and peaceful. The neighborhood has beautiful, upscale homes on a golf course. An aspect  
7 of the neighborhood that I enjoy is that the community shares a common sense of pride in the  
8 upkeep and appearance of their homes and landscape. I like to think that the neighbors appreciate  
9 that I am meticulous about keeping my house well maintained and the landscape nicely groomed.  
10 When the Andrews moved in the neighborhood, our quiet, peaceful slice of heaven forever  
11 changed.

12 I attended Conrad N. Hilton College at Loyola University and obtained a Bachelor of  
13 Science degree in 2004 in Hotel and Restaurant Management. I then came to the Midwest and  
14 attended Lewis and Clark University to pursue a masters in Hospitality and Tourism Management.  
15 While attending Lewis and Clark, I picked up a job with SharpCo selling cutlery to friends, families  
16 and acquaintances. SharpCo has the sales representative (me) present the products at the customers  
17 home. I practiced my knife skills day-in and day-out so that my presentations of the knives were  
18 flawless and enticed customers to purchase the products. As quirky as it may sound, I found knives  
19 to be my passion. I was fascinated in the art and science of forging a high quality knife. It also was  
20 lucrative, but it didn't have the unreasonable demands on my time like most careers in the  
21 hospitality business.

22 I decided not to complete my master's at Lewis and Clark, but rather put my passion and  
23 knife skills to work as an entrepreneur. I partnered with two Lewis and Clark graduates – one with  
24 a Masters in Materials Engineering and the other in Industrial Design. With my knowledge of knife  
25 construction and functionality, we were able to create artisan knives forged from one piece of our  
26 trade secret specially tempered high carbon stainless steel to provide the perfect balance of  
27 toughness, rust resistance and edge retention. We formed a knife company, located in Quartz  
28 Pointe, called The Cutting Edge. The Company has become very successful, and our knives have  
29 been endorsed by premier chefs throughout the world. As a company representative, I make  
30 presentations at cooking schools, gourmet cooking stores, high-end department stores, and upscale  
31 restaurants throughout the country to demonstrate the quality of the knives. I schedule  
32 presentations for ten to twelve different locations in a particular region of the country for a one-  
33 month period, generally. So, I am sometimes gone for a month at a time. Naturally, I have a large  
34 collection of knives in my home, which I always keep razor sharp, not for any nefarious reason,  
35 but rather because it is my career.

36 When I'm not working, I am pursuing one of my other hobbies and interests. One of my  
37 passions is martial arts. I became interested in martial arts as a child because I was bullied. My  
38 interest in learning martial arts skills was to be able to defend myself. But, as I learned more about  
39 martial arts, I learned that the teachings are about discipline, confidence, and focus, it is not about  
40 fighting. I have continued with the teachings of Martial Arts since learning it as a child, and I am  
41 now a black belt. I compete in Martial Arts competitions, schedule permitting. For the past year, I  
42 have been working with nunchaku. It is a training weapon that develops quicker hand movements.

43 I believe martial arts has made me powerful and strong. I practice the skills regularly. It helps me  
44 focus and reminds me to center my life whenever I feel it is spinning out of control. I help teach  
45 at the Martial Arts Discipline (MAD) School when needed, if I am in the area. I enjoy working  
46 with students to develop confidence, focus, and discipline.

47 Another one of my passions is working with pets, particularly dogs. I volunteer at the local  
48 Humane Society. Dogs offer you unconditional love and trust. A dog provides companionship,  
49 helps reduce stress, and helps us relax and focus our attention away from problems and worries.  
50 In a shelter, there are so many dogs that still trust and love, even though they have been abandoned  
51 or abused. I like working with the pets at the shelter because they just need a little kindness. I felt  
52 like Kelly Andrews was like that when I met him/her. He/she was assigned to the shelter to fulfill  
53 his/her community service. We worked together at the shelter and became friends.

54 I rescued my dog, Asta. He is a Chow Chow. Chow Chows are powerfully built. The breed  
55 standard is 17 to 20 inches in height, and they usually weigh between 55 and 70 pounds. Asta is at  
56 the high end of the standard at 20 inches in height and a weight of 80 pounds. The Chow Chow  
57 breed is fearless, intelligent, and suspicious of strangers. However, they need proper socialization.  
58 Because of their nature, it takes a firm hand to control them.

59 Asta was not your typical rescue, because he actually is a full pedigree Champion Chow  
60 Chow. Asta won several awards in his class, in his group, and even was named Best of Breed.  
61 Unfortunately, Asta had been over-trained and became annoyed by certain sounds. Asta developed  
62 some bad behaviors, specifically biting and some aggressive behavior. When he appeared at the  
63 Donnybrook Dog Show at the Fort Wayne Coliseum, in November, 2014, he bit another dog  
64 owner/trainer. Asta's owner, a rich tycoon, was sued because he allegedly knew that Asta had a  
65 propensity to be vicious. A judgment was entered against him, and he had to pay substantial sums  
66 of money. Thereafter, he had planned to have Asta euthanized to be rid of the problem. I learned  
67 about the plan to end Asta's life, and I convinced him to let me keep Asta. Asta and I have been  
68 bonded since that day, April 4, 2016.

69 I adopted Asta only three months prior to when the Andrews moved into the house next  
70 door to me. The Andrews moved into the house on July 1, 2016. I had been working with re-  
71 training Asta and had noticed positive changes. Asta had become, within a short time, loyal and  
72 obedient. However, Asta had not yet fully adapted to his new environment. Asta's sensitivity and  
73 irritation to loud noises were a bad combination with the boisterous and raucous Andrews. Chaos  
74 ensued. Asta sensed hostile behavior from Mr. Andrews toward me, and likewise was protective  
75 and border-line aggressive. I was able to keep Asta under control, but he needed more training.

76 Unfortunately, Asta had to be placed in the care of others at times. I had commitments for  
77 scheduled presentations for Cutting Edge that could not be canceled. I owed it to my business  
78 partners to ensure the company's success. When I was away from home, whether it was for work  
79 or martial arts competitions, I hired a dog sitter to take care of Asta in my home. The sitters, all of  
80 whom I vetted, had experience with training large breed dogs. The sitters' duties were to walk,  
81 feed, and play with Asta five times a day. None of the sitters ever reported any problems with Asta.  
82 None of the neighbors, except Lou Andrews, complained about Asta. Even Kelly Andrews told  
83 me that Asta wasn't the problem, and I wasn't the problem. The problem, according to Kelly, was  
84 his/her Dad. The problems between Mr. Andrews and I concerning Asta began after Andrews tried

85 to sell me a No Escape Fence. It seemed he took it personally when I said I wasn't interested. If a  
86 dog is properly trained, there is no need for such devices.

87 The conflict between Mr. Andrews and I started even before there was an issue with Asta.  
88 The battle lines were drawn over shrubbery. I had a beautiful privacy hedge that I planted and  
89 groomed for ten years. The hedge was dense and about 5 feet tall and 20 feet long. It was located  
90 completely on my property, situated in between Andrews's driveway and my driveway. Only  
91 seven days after the Andrews moved in, I was shocked when I came home to see the entire privacy  
92 hedge yanked out of the ground with some scrappy stumps left behind, and, in the backyard was a  
93 large fire causing heavy smoke. Naturally, I was upset, actually furious. I jumped out of my car  
94 and immediately started yelling at Mr. Andrews who was standing in his driveway. I said, "What  
95 do you think you're doing, man?" That's my property. Those are my bushes that you've  
96 destroyed." He shrugged his shoulders, and said "So?" His answer was flippant, like he didn't care.  
97 I said, "So? So, I've been grooming those hedges for ten years." Then he said, "Well, I did you a  
98 favor." Then he said, as if it justified his actions, "The hedge blocked my view." His attitude  
99 brought out my worst, and I'm not proud of how I reacted. I told him, "That's the point - - so I  
100 don't have to see your ridiculous clown suit or your choke chain dog collar." I said he was "crazy,"  
101 "a lunatic," a "nut job." I made fun of his multi-colored plastic chairs that he so prominently placed  
102 in his front yard, and said he didn't belong in our neighborhood. I told him to "go back to whatever  
103 hole [he] crawled out of."

104 I then saw that the once-beautiful shrubs were smoldering in the back yard from a fire  
105 spread across our two properties. The fire scorched a 5 x 10 ft. section of my yard. I also saw that  
106 there was thick black smoke wafting through the open windows of my house. The argument got  
107 more heated; our voices were louder and louder. Fuming with anger, I fired off one insult after  
108 another. He pointed his finger at me and said "You disrespected me. No one disrespects Lucky  
109 Lou and gets away with it." He sounded like he was right out of *Good Fellas* or something. I  
110 laughed, and said "Who?" That didn't go over so well. He called me more names, yelled  
111 obscenities, and threatened me. I yelled, "This is not the end of this." I told him that I could take  
112 him to court and said, "You will pay for this." He threatened me, saying, "I can take you out, if I  
113 want." I was not intimidated. I had dealt with bullies before in my life. I said, "Are you threatening  
114 me?"

115 Mr. Andrews, I mean Mr. Gianna, then pulled a switch blade out of his pocket and flashed  
116 it toward me. He started walking toward me with the blade held out in front like he meant to do  
117 me harm. As he was charging me, I used a defensive martial arts move, knocking the knife out of  
118 his hand to disarm him, and he fell to the ground. While he was lying on the ground, he grabbed  
119 the knife and quickly hurled it toward me. I swerved and jumped, and the knife missed me. It  
120 landed on the ground next to me. I picked up the knife and told him that knives were my business  
121 and not to mess with me. I dropped the knife to the ground and walked away.

122 Officer Dennis showed up sometime during the argument. I would not say he/she diffused  
123 the situation, as I had already walked away. Officer Dennis saw me with the knife or heard some  
124 of the words I said, and presumed I was the aggressor. I had no intention of injuring or harming  
125 Gianna. I used defensive moves only, and I stood up to a bully. Officer Murphy Dennis told me to  
126 go to court to settle the matter. I never filed suit. I decided to let bygones be bygones. I am  
127 embarrassed by that whole situation. I regret that I lost my cool. Normally, I am a disciplined

128 person. It's part of my martial arts training. Thereafter, I resolved to handle future situations  
129 involving Gianna calmly, with decency, and to look for common ground and resolutions.

130 Mr. Gianna complained constantly about my dog, whether it was barking, peeing on his  
131 tree, mailbox or flag pole, wanting me to walk the dog on the sidewalk across the street if he was  
132 in his front yard, and heaven forbid if Asta chased a squirrel on to his yard. He was always yelling  
133 at me or my dog. Asta, at times, would lunge toward him, but I always was able to keep Asta under  
134 control. Andrews also accused me of having my dog relieve himself in his yard, but I had nothing  
135 to do with that. I can't control the dog sitters when I'm not around. If I became aware that one of  
136 the dog sitters wasn't respecting his property, or any property for that matter, I would instruct the  
137 agency to not have that dog sitter return.

138 Gianna was a bully, and I was his punching bag. He blasted music when I would have  
139 guests at my home. He intentionally ran his lawn mower, leaf blower, and snow blower in the wee  
140 hours to disturb my sleep. He shone security lights through my window. There were other things  
141 that happened that I couldn't prove he was the culprit, but my gut knew it was him. I had a garbage  
142 can knocked over, a window broken, and my car keyed. In spite of it all, I stayed cordial. I couldn't  
143 completely ignore his verbal abuse and harassment. I reported him to the police frequently, but  
144 nothing ever seemed to come of that. I also filed a lawsuit against him for nuisance. He never  
145 showed up in court and did not pay the judgment against him. He had little, if any, respect for the  
146 law or authorities.

147 On the night of Saturday, September 7, 2019, Lou came over to my house. I believe it was  
148 around 7 pm. It was a complete surprise. I had not heard a voicemail message from Lou prior to  
149 him pounding on my front door. When I opened the door, Lou barged into the front foyer. He had  
150 taken out his switchblade and said he didn't want any trouble, but that he was taking Asta. We  
151 argued, and I told him that until he had legal papers to take Asta, my dog would stay with me. Asta  
152 was by my side.

153 Andrews lunged toward Asta with the knife in hand, and Asta defensively attacked him.  
154 Asta bit Andrews several times while Andrews was flailing his knife around recklessly. I tried to  
155 step into the fray to separate Andrews and Asta to calm things down. It was chaotic and there was  
156 too much commotion for me to use any of my training in martial arts to disarm Andrews.  
157 Andrews's switchblade was thrashing in every direction and as Asta attacked and defended, I'm  
158 certain Andrews got cut with his own knife a few times. I was yelling "STOP! STOP." Asta was  
159 the only family I had.

160 Asta then collapsed, and I kneeled, leaned over him, and held him. He had been stabbed  
161 multiple times. He gasped his last breaths and his eyes pierced my soul. And then he was gone, his  
162 lifeless limp body resting on the rug in the front foyer where it all began only a few minutes prior.  
163 As I was leaning over Asta's body, I looked up at Lou Gianna and told him that he would be  
164 arrested for animal cruelty. I said I was calling the police immediately. I told him that, even if he  
165 wasn't convicted in a court of law, he would be convicted in the court of public opinion. I vowed  
166 to tell every media outlet what he had done. Andrews/Gianna looked shaken. He left my house  
167 saying he was going home, and that's the last I saw of him.

168 I ultimately did not call the police after Andrews killed Asta. From past experience, it  
169 appeared that Andrews was protected. The law wasn't going to charge him with any crimes, and  
170 even if a judgement was entered against him, he would never pay a dime. I also didn't smear  
171 Andrews in the media. It wasn't going to bring Asta back, and the grief gripped me so deeply, I  
172 didn't think I could hear the tragedy play over and over again.

173 The night Asta died, I was in a state of shock - - numb. I was grief-stricken. I cried for  
174 several hours straight. Asta was my family. We had bonded in the few years I had him. Andrews  
175 had not given Asta any peace. I wanted to put him to rest in a place where he would find peace.  
176 The Company had its manufacturing facility out in the country about four miles west of town,  
177 about halfway between Quartz Pointe and Diamond Lake. I decided to bury Asta there. So, I rolled  
178 Asta up in the front foyer rug, which was saturated with his blood from being stabbed so many  
179 times. His dead weight was very heavy, so I pulled Asta inside the rug out the front door to my  
180 Lexus RX. I thought I saw Jules Timmons watching from his/her window and I didn't want to  
181 have to share my grief at that moment or anytime soon with anyone. So, I turned off my outside  
182 lights. I grabbed a few things I would need - - a shovel, a flashlight, Asta's favorite blanket and  
183 toy, plus a rope to secure his body in his blanket. When I left the house, I also turned off the  
184 headlights for my car. It was very late at night - maybe around 2 am or so, and out of respect for  
185 others, I didn't want to disturb anyone with my headlights shining into their homes. Funny how  
186 you can try to do something nice, and because people are cynical they think there is something  
187 suspicious about it.

188 I went to the Company's land and found a nice spot under a tree to bury Asta. I dug a deep  
189 hole so that wild animals wouldn't dig him up. I placed his body in the blanket that I brought and  
190 tied him up with a rope and then rolled his body into the grave. I said a silent prayer. I asked that  
191 I be able to forgive Andrews, in time. Then, I sat there on the ground for a long time, wishing all  
192 of this was just a bad dream. Before returning home, I drove by the landfill and dropped off the  
193 bloody foyer rug. There was no reason to keep it. It was just a bad reminder of the loss of my Asta.  
194 I arrived back home in about an hour.

195 Kelly Andrews came to my house on Sunday evening. I was surprised to see him/her, but  
196 thought maybe Lou had told Kelly about killing Asta. I realized too, at that time, that I had not  
197 called Kelly or Lou to see if Lou was okay after receiving the dog bites. I suppose subconsciously,  
198 I was angry that Lou had killed my dog viciously, and I didn't have it in me to extend common  
199 courtesies. Also, I was stricken with grief.

200 Kelly asked me if I knew where his/her Dad was. He/She asked me if Lou had come to my  
201 house on Saturday night. I explained to Kelly what had happened - Lou's aggression and attack  
202 against Asta, and Asta trying to defend himself and me. It was very difficult for me to discuss  
203 Asta's death. Kelly asked me what happened to my foyer rug, and I explained that Asta suffered  
204 numerous deep cuts, and that I had to throw the rug away the night before because it was saturated  
205 with blood. When Kelly pressed me further about the whereabouts of his/her father, I said, "I hope  
206 he's found. I'm sure he'll be home soon." I apologized that I had not called Kelly or Lou to see if  
207 the puncture wounds from Asta were okay.

208 Kelly also asked me a curious question about whether I had seen any strangers in the  
209 neighborhood. To be quite honest, I have been gone quite a bit giving knife presentations that I

210 feel like I have not been home long enough to notice much. I couldn't think of anything at the  
211 time, but now that I've thought about it, and trying to put the pieces together, I do remember one  
212 instance. I was walking Asta on the sidewalk past Andrews's house and this stranger, drove by  
213 slowly in a black sedan. He was wearing dark sunglasses and a silk shirt like the type Mr. Andrews  
214 wore. This guy rolls down his window and asks me if that's where Lucky Lou lives. I shook my  
215 head no, and said Lou Andrews lived in that house. After he left, I remembered that Mr. Andrews  
216 once referred to himself as Lucky Lou. That happened about two weeks prior to Mr. Andrews's  
217 disappearance.

218           It is my understanding that Lou Andrews's body surfaced at Diamond Lake on Wednesday,  
219 September 11<sup>th</sup>. He had been murdered. Detective Murphy Dennis had learned from Kelly  
220 Andrews about my last encounter with Lou and the fight that had ensued with Lou stabbing Asta  
221 to death. Detective Dennis informed me that when they located Andrews/Gianna's body, no  
222 switchblade was located on him. Detective Dennis asked me if I knew what happened to it, as I  
223 was the last person who had seen him with that knife. Quite honestly, I had no explanation. It was  
224 not left at my house. Maybe Andrews dumped it because I threatened to go to the police about him  
225 killing my dog. Detective Dennis also asked me about my owning a boat. As I told him/her, I do  
226 own a small rowboat that I have docked at Diamond Lake. I think every person in our  
227 neighborhood has a boat docked on that lake.

228           I have to believe that I am the scapegoat for the death of Lou Gianna aka Lou Andrews.  
229 The United States Marshal Service wants to protect their statistics of never having a protected  
230 witness murdered on their watch. I've heard it said that every defendant says they're innocent. But  
231 you have to believe me. I AM innocent!

***I affirm under penalty of perjury that the foregoing is true and correct to the best of my belief and knowledge.***

/s/ Landry Brighton

## Statement of Charlie Gianna

1 My real name is Charlie Gianna. For the past eight years, I was in the witness protection  
2 program. I've been a chameleon, changing my appearance and who I am to disguise myself from  
3 dangerous people. I am not the poster child for the witness protection program. I hated it. The  
4 deaths of my parents marked the beginning and end of my time in the witness protection program.  
5 I no longer have a family support system. I have been cut off from the family I knew for 8 years.  
6 No one from my old life knows me anymore. I don't even know who I am. Sometimes I don't even  
7 know my real name.

8 I grew up in Hot Springs until I was nine years old. We lived within a few blocks of most  
9 of my extended family. My friends lived within a two-block radius. I enjoyed sports and was even  
10 pretty good at it. I was also good at school, back then. I laughed. I played. I had no cares in the  
11 world. I was somebody. My dad, Lou, was an important man in our neighborhood. He was part of  
12 Owney Madden's crew. We walked through the neighborhood and people recognized us as  
13 someone important, because Dad was part of Owney's guys, you know? People gave him respect.  
14 We didn't have to have reservations for restaurants because Dad was one of Owney's guys. At the  
15 neighborhood gelato shop, I was "Lou's kid," and so I didn't have to pay for my gelato.

16 I really never knew what my Dad did for a living. Sometimes he came home with bloody  
17 knuckles and he would say it was a hard day at work. He always had a huge roll of cash in his  
18 pocket, bound with a rubber band. In Hot Springs, we only used cash. None of Owney's guys had  
19 a checking or savings accounts in a bank. Dad always dressed real nice too – silk suits and gold  
20 jewelry. He drove a shiny black Cadillac Escalade.

21 When I was nine, my life changed. I have bits and pieces of memories from the day we left  
22 Hot Springs and never returned. I remember Dad seemed a bit nervous that day and took out a  
23 strongbox from under a floorboard in our hall closet. The next thing I remember was that I was  
24 walking home from school in the rain. A dark van pulled up and my Dad was inside and there were  
25 others in the van yelling at me. Everyone kept telling me, "hurry, hurry, hurry." I remember  
26 stopping and switching vans a little later, and Dad was upset about the defrost. My Dad told me  
27 that my mom had been murdered by one of Owney's guys, and that it was all his fault. I think I  
28 passed out then because I don't remember anything until I woke up in a motel. That was my  
29 introduction to the federal Witness Security Program, or "witness protection."

30 Dad never explained to me what he did, even after we entered witness protection. He just  
31 told me that I needed to always look over my shoulder, and watch for anyone who acts suspicious,  
32 because there were bad guys who wanted to kill us, like they killed my mother. He said that they  
33 would never give up on hunting us down. I barely spoke to him for a long, long time. All I could  
34 think was that it was unforgivable that my Dad was responsible for getting my Mom killed and for  
35 getting us into this mess.

36 Marshal Key sat down with me and told me that he/she was our key to survival: that he/she  
37 would protect us. Yeah, right. Look how well that turned out. Marshal Key said we could never  
38 go back to Hot Springs or our old way of life. He/she said we would be killed if we went back.  
39 The Marshal said that the word on the street was that Owney Madden had a contract out on my  
40 Dad. Can you imagine what it feels like to know there is someone out there who wants to kill you?

41 The Marshal told us to start thinking of new names - - names that we would remember. He/she  
42 told us not to tell anyone our new names.

43 We stayed in cheap motels for a long time. We moved around from motel to motel, never  
44 staying long in one place. Marshal Key told us that we had to stay in the motels under full  
45 protection for our safety until after the trials of Owney's guys. The TV became my only friend. I  
46 wasn't even allowed to go to school that first year.

47 After the trials were over, Marshal Key explained that we would be relocated to a new city.  
48 We changed names again and pretended to be someone else. We had to be relocated several times  
49 – so many times, I lost count. It is all a blur. With each new relocation, Marshal Key explained  
50 that he/she received a tip that Owney's crew was closing in on our new location and identities and  
51 we had to move to be safe. Owney's hitman was always one step behind us, relentless in his pursuit  
52 of us. It was just a matter of time before the Mafia would find us.

53 We would get a packet of things to memorize before each relocation. Again and again, we  
54 would practice saying and writing our new names. Dad and I used to joke that we had to keep our  
55 driver's licenses on us always because we might forget the current names assigned to us. We  
56 laughed, but it was true. We had to study information about the town where we would be relocated  
57 next. We also had a set of facts to memorize about our new identities – a brief history of some fake  
58 place where we supposedly had moved from, and a little story to go with it. It was never enough  
59 to answer questions that we would be asked. We would have to fill in the gaps with plausible lies.  
60 We also became experts in the art of avoiding questions and changing subjects. I learned not to  
61 make eye contact or strike up conversations with random people, because it could attract attention  
62 or invite awkward questions. You don't realize how much you talk about yourself and your past  
63 until you don't have one.

64 I lived every day as a lie. But, lying didn't come easy for me. I felt sure people would know  
65 I was lying. Innocent things would throw me off, like questions about old friends. When anyone  
66 would ask me questions about where I was from or something personal, I would freeze and not  
67 know what to say. One of the worst parts of hiding was lying. You're forced to lie, and you feel  
68 ashamed. You are not a criminal, but you are treated like one, and made to act like one.

69 I had a difficult childhood trying to figure out who I was. In our new locations, we were  
70 nobodies. Even worse, we were nobodies with empty souls. Everything about us was stashed away  
71 in some little box. You are forced to give up your past and your memories of your past. But  
72 everything you are as a person is based on where you came from and the people who loved you. I  
73 went to school in an alien place as a different person, not who I was. The Witness Protection  
74 Program may have saved my physical being, but it destroyed my sense of self. The Mafia's deadly  
75 grip forever changed my life.

76 Moving around so often, and reinventing myself each time, took its toll on me. I became a  
77 poor student because I just didn't care. It didn't matter. More than likely I would be in a new school  
78 system the following year. I stopped being involved in sports or clubs, because I never knew when  
79 the next move would be forced on me. I became a social hermit. I spent time by myself reading  
80 books. It was hard making friends. Sometimes I thought "what's the point, I'll only be moving

81 again so why invest the energy into a friendship.” I never stayed in a place long enough to create  
82 any memories.

83 We lived in six places over a period of eight years. The longest time we stayed in any one  
84 location was for three years. It was our last move - - Quartz Pointe, Arkansas. Maybe we stayed  
85 too long there and gave Owney’s crew more time to find us. The reason for every relocation was  
86 because there was a chance that Owney had found us. Once we ran into a person from our past on  
87 a vacation. As soon as we were spotted, we were uprooted in an instant and moved to another  
88 “safe” location. Another time, we moved because a couple of years had passed and I was missing  
89 my relatives – something familiar, something real. I thought it was okay to let my Aunt Minnie  
90 and my Uncle Clyde know that we were in Miami. I knew they would never tell anyone. They  
91 were not caught up in anything to do with my Dad’s business with Owney. They lived in Atlanta,  
92 Georgia, far away from anyone connected to Owney’s guys. But it doesn’t take long for the bad  
93 guys to find out. It ain’t a secret if you tell somebody.

94 In our last relocation, I was Kelly Andrews. My Dad assumed the name of Lou Andrews.  
95 We were placed in Quartz Pointe, Arkansas with our fake names, fake backgrounds, and fake  
96 personas. Quartz Pointe was the first relocation where we did not live in a big city. But we were  
97 an hour’s drive to Hot Springs, and that much closer to Owney’s crew.

98 It seemed like we were breaking all of the rules and safe practices once we moved to Quartz  
99 Pointe. Our home looked rich and was in a very nice neighborhood. But you don’t want to be in a  
100 nice neighborhood, because those people are all in your business and want to know everything  
101 about you. You want to live on the fringe of society and be forgettable. We were anything but  
102 forgettable in that town. Dad, a city guy all of his life, had a different concept for what to do with  
103 our first-ever front lawn. When Dad put four brightly colored plastic Adirondack chairs from Big  
104 Lots in the front lawn, we became the talk of the neighborhood.

105 Dad had become more lax in taking precautions to avoid detection. I don’t think Marshal  
106 Key knew or cared that Dad wasn’t taking the necessary precautions to go unnoticed. Multiple  
107 relocation experiences had made us feel comfortable. Feeling comfortable is bad. You forget that  
108 you are still being hunted. Most mistakes are made when you think no one is watching. Someone  
109 is always watching. You shouldn’t do anything to attract attention. It’s like putting a target on your  
110 back.

111 In Quartz Pointe, Dad stuck out like a sore thumb. He wore thick gold chains, and silk  
112 shirts with the shirt half unbuttoned. It wasn’t the sort of look of a typical Quartz Pointe resident.  
113 Dad had also started flashing his roll of money. He even purchased a black Cadillac Escalade. I  
114 don’t know how Dad could afford the Escalade. The government had taken away our subsidy.  
115 Dad’s new employment was as the owner and sales person for a franchise of underground electric  
116 fences for pets, called No Escape. What kind of irony is that? Dad was upset when the government  
117 told him this was his new line of work. Dad complained to Marshal Key that he couldn’t make  
118 money in that line of work. Dad was not a good salesman for No Escape. I overheard Dad say to  
119 Marshal Key that no one asked Dad for his input. He was just thrown into some random work, and  
120 expected to make it work. Funny thing was that Dad is one of those people that loathe dogs. He  
121 would go to an appointment for the business, and the customer would expect him to warm up to  
122 their dog, but instead he recoiled.

123 We were no longer Marshal Key's priority. He/she told us in 2013 that he/she was being  
124 transferred to St. Louis to work on some "big," high profile cases. Marshal Key became less  
125 involved with our needs and our safety. I made several calls to Marshal Key after we moved to  
126 Quartz Pointe. Key did not make any phone calls to us, unless he/she was returning one of our  
127 calls. Even then, a phone call might not be returned by Marshal Key for a few days later. Marshal  
128 Key did not personally see to our safety anymore. If either Dad or I reported something suspicious,  
129 Marshal Key would just contact the local police and ask them to drop in on us and make sure we  
130 were doing okay.

131 With less protection from the U.S. Marshal Service, I stayed alert for anything suspicious.  
132 I realize that I was a little jumpy: like the time that I thought I heard a gunshot over the 4<sup>th</sup> of July.  
133 Officer Murphy Dennis came to investigate and figured out it was just some lame fireworks. I  
134 know that sometimes the line between caution and paranoia was easy to blur. But I also know what  
135 I saw. A couple of weeks before Dad was murdered, there were three suspicious instances that  
136 raised the hair on my neck. Bad luck comes in threes. First, I thought I saw one of Owney's guys  
137 walking in front of Dad's business. Another time, I saw a car parked outside the house, with two  
138 men sitting in the car, facing toward our house. I noticed there was a pile of cigarette butts on the  
139 ground just outside the front door of the car. And last, I saw a guy standing on the corner across  
140 from my school's parking lot. He had one of those knives that you can flip open with a flick of  
141 your wrist, and he flipped it open and shut several times. When I made eye contact with him, he  
142 turned around and walked away. I knew we had been marked. You don't spend eight years of your  
143 life looking over your shoulder for the bad guys, and not know what looks out of place. My  
144 suspicions proved to be right. I know that my Dad was murdered by the Madden family.

145 I did not tell my Dad about seeing Owney's guys. There was a part of me that thought he  
146 might just confront them, and then they'd have no choice but to kill him and I'd lose him forever.  
147 Instead, I called Marshal Key after each of those suspicious events. I told him/her that I was  
148 worried that the death knell had rung. Each time I called with one of my observations of suspicious  
149 events, Marshal Key reminded me of how I had overreacted to the fireworks over July 4<sup>th</sup>. Marshal  
150 Key told me that it was just my imagination. Marshal Key said there was no chatter that we had  
151 been found by the Mafia or that the hitman was close on our trail. The Marshal offered to send  
152 Officer Murphy Dennis to investigate, but of course, the suspicious characters were not hanging  
153 around 24/7. Officer Dennis never investigated as far as I know. I begged Marshal Key to relocate  
154 us. I hated the thought of another relocation, but it was better than the alternative. It seemed like  
155 my complaints were a bother for Marshal Key. I think that Marshal Key's idea from the start of  
156 our relocation to Quartz Pointe was that it was hopefully our last. We had never been placed in  
157 such a nice home, with plush furnishings. Dad had never been set up with his/her own business in  
158 any of our previous relocations. Marshal Key let us be close to our roots and even let Dad keep his  
159 real first name.

160 I admit that when we were relocated to Quartz Pointe, I was angry. I was tired of moving.  
161 I became even more despondent. I resented my Dad for putting me in this position. I was very  
162 bitter about being in witness protection. And I resented the U.S. Marshal Service. My life was in  
163 their total control – where I lived, who I could talk to, what I could say or not say. This was their  
164 fault too. The isolation was beginning to take its toll.

165 I would have heated arguments with Dad about this being his fault. I would yell at Dad that  
166 I hated looking over my shoulder for Owney's hitman. The arguments were loud – that's the way  
167 our family and the people from our past argued. It's boisterous. It's animated. It's putting it all out  
168 on the table. I'm certain our arguments raised eyebrows with our neighbors. The police were called  
169 to house several times when Dad and I were arguing. I'm sure the police visits for domestic  
170 disturbances were called in by our neighbor across the street, Ms./Mr. Jules Timmons. It is very  
171 possible someone heard those arguments, and it got back to one of Owney's guys.

172 The frustrations, worries, and hate kept building inside me. And, I acted out – badly. I had  
173 some trouble with the law. In 2018, when I was 16, I was arrested for criminal mischief and  
174 criminal trespass. I noticed that our neighbor that lived across the street, Mr./Ms. Jules Timmons,  
175 was always peering out the window watching our every move. It was unnerving. There was also a  
176 part of me that became suspicious that Jules Timmons may have been paid off by the Mafia to spy  
177 on us. So, I broke into Jules Timmons's house and used black spray paint to cover the window  
178 he/she used to peer at us. I pled guilty to the criminal mischief. What did I care about a criminal  
179 record under some fake name and fake social security number? Through the plea agreement, the  
180 criminal trespass charge was dismissed. I pled guilty because I didn't want to raise any flags to  
181 Owney's crew if I had to explain why it hit a nerve about someone peering at you from across the  
182 street. As part of my plea deal, I did not have to serve any jail time. Dad paid the fine, and I did  
183 some community service work at the local Humane Society.

184 It was through my work at the Humane Society that I got to know Landry Brighton. We  
185 were neighbors but had not talked to each other much as neighbors. Just an occasional nod or a  
186 short "hello." Landry Brighton volunteered at the shelter, and we learned that we shared the same  
187 interest and enjoyment of dogs. We worked together at the shelter walking the dogs, giving them  
188 baths, and feeding them. I know that Landry and my Dad couldn't stand each other - - they both  
189 told me so - - but I know that Landry couldn't have murdered my Dad. It had to be the Mafia.  
190 Landry is friendly, and not some hot-head. I don't believe he/she could ever kill my Dad. Sure  
191 they had words, but that was all it was: words. Threats don't mean anything unless you act on it.

192 From the get-go, Dad and Landry Brighton were like the feuding Hatfields and the  
193 McCoys. We moved to our new home in Quartz Pointe in July, 2016. Landry Brighton lived in the  
194 house next door. Dad didn't know anything about lawn care, or living in a nice upscale  
195 neighborhood like that. Within days after we moved, Dad said he didn't like the hedge between  
196 our house and Landry's house. He thought it was too tall and dense. He didn't want one of Owney's  
197 crew to use it to ambush us. His solution was to yank it all out.

198 When Landry returned home that day and saw the hedge destroyed, he/she was livid.  
199 Apparently, it was Landry's hedge. It was all a misunderstanding, but it definitely got things off  
200 to a bad start. To make matters worse, Dad torched the scrapped bushes in the back yard next to  
201 Landry Brighton's property. Dousing the brush pile with gasoline, the flames reached upward to  
202 the leaves of the surrounding trees. The fire burned out of control, scorching part of Landry  
203 Brighton's yard. Oh, and that's not all. Just so happens that on that very day, Landry Brighton left  
204 his/her windows open and his/her house filled with smoke.

205 Landry Brighton screamed at Dad, yelling derogatory and demeaning insults. Dad was  
206 unapologetic which escalated the matter. Dad was not used to such treatment and yelled back at

207 Landry to never disrespect him. In a rage, Dad pulled a switch blade out of his pocket and flashed  
208 it toward Landry Brighton. Then, Landry charged Dad in a threatening manner, and knocked him  
209 flat on the ground with some martial arts move. Dad threw the knife at Landry. It narrowly missed  
210 Landry, only because he/she was quick and agile and dodged it. At that moment, Officer Murphy  
211 Dennis pulled up in a squad car and told everyone to calm down. Landry Brighton picked up Dad's  
212 knife and pointed the knife at Dad, and firmly demanded, "You'll pay for this." Dad replied, "I  
213 ain't payin' for nothin'." Then Landry Brighton dropped the knife to the ground.

214 Landry Brighton voiced his/her complaints with Officer Murphy Dennis – the hedges, the  
215 fire, the smoke. Officer Murphy Dennis said that Landry Brighton could be charged with battery  
216 and that Dad could be charged with attempted battery or even attempted murder for throwing the  
217 knife at Landry Brighton. Officer Murphy Dennis said no charges would be filed, but that Landry  
218 could take it up with the courts in a civil lawsuit for the hedge, yard, and smoke damages. Dad  
219 laughed smugly at Landry. He took out a wad of cash, like he used to carry around in Hot Springs,  
220 and threw \$100 on the ground and said "that should take care of it." Dad was confident that he was  
221 untouchable from the law because of his witness protection status. He knew Officer Dennis had  
222 been informed by Marshal Key that we were in the witness protection program. I was there for the  
223 entire duration of their feud that day. It was ugly; and, it certainly didn't help with good neighborly  
224 relations or us trying to blend in.

225 This was the first of many arguments and fights between Dad and Landry Brighton. Officer  
226 Dennis was called to the neighborhood at least once a month for the ongoing battle. Fists were  
227 raised. Threats were made. Of course, no one took any of the threats seriously; it was all about  
228 showing bravado. Landry Brighton and my Dad were both strong willed, and neither one was  
229 going to back down. Dad had been disrespected, and now, being the tough guy, made it his mission  
230 to bully Landry. He blasted music on the patio when he knew Landry was entertaining company.  
231 He would mow the grass early in the mornings or rev up his engine on his GT Mustang. The sounds  
232 always irritated Landry's dog, Asta, a Chow Chow, who would then bark and howl at the noises.  
233 Dad also knocked over Landry's garbage cans during the night so that the garbage would scatter  
234 all over his/her yard. And he beamed floodlights into Brighton's bedroom at night. Dad was trying  
235 to be a menace, and had succeeded.

236 Landry Brighton's revenge was to make sure that our yard was Asta's bathroom every time  
237 the dog needed to relieve himself. Dad threw away pair after pair of special order expensive Italian  
238 shoes that had the misfortune of stepping in the wrong place at the wrong time. Dad did not like,  
239 rather abhorred, Asta. The dog always growled and barked at him viciously. There were even a  
240 couple of times that Asta tried to attack Dad. I witnessed a couple of times when Asta lunged  
241 aggressively toward Dad, but Landry Brighton held Asta back with a leash. As time passed, Landry  
242 Brighton seemed to not be able to control Asta around Dad anymore. It was almost as if Asta had  
243 been trained to attack him.

244 Finally, Dad had enough of Asta's menacing behavior when the dog bit him on the hand.  
245 Later that night, on September 7, 2019, I overheard Dad leaving a voicemail message for Landry  
246 Brighton. Dad said that he would be picking up Asta in two hours to take him to Animal Control  
247 to be euthanized. Around 7 pm, Dad left the house. I assumed he was going to Landry Brighton's  
248 home to pick up Asta. Dad did not return to the house that night.

249 By Sunday night, Dad had still not returned home. The other odd thing about his  
250 disappearance was that his vehicles, the Escalade and the Mustang, were parked in the garage. If  
251 he went anywhere, he would have either walked or someone picked him up. I knew that Dad was  
252 planning to see Landry Brighton, so I went to his/her house. When I arrived, I noticed that the  
253 foyer rug was missing, and Asta was nowhere to be found. Landry Brighton said Dad did come to  
254 his/her house on the evening of Saturday, September 7, 2019. Landry described Dad taking out his  
255 switchblade and threatening to take Asta to be euthanized. Landry said they argued. Landry  
256 Brighton claimed my Dad lunged toward Asta with the knife. The dog and Dad battled, each  
257 receiving battle wounds, according to Landry Brighton. Dad had several puncture bites, but Dad  
258 also had knifed Asta to death. Landry said that Dad left the house angry and said that he “wanted  
259 to go back home.” That was the last time that Brighton had seen my Dad. He/she had no idea where  
260 Dad went next. I also asked Landry if he/she had seen any strangers in the neighborhood, and  
261 he/she said “no.”

262 Landry was visibly upset reliving the events that had unfolded on September 7th. Landry  
263 did not appear nervous or suspicious. He/She was grief-stricken that his/her pet had died. He/She  
264 was more concerned about his/her dog than the whereabouts of my father. Landry mumbled  
265 something under his/her breath, but it was hard to make it out clearly. I think he/she said, “I hope  
266 he’s never found.” Then, almost immediately, he/she apologized for being insensitive as I was  
267 obviously worried for Dad’s safety and well-being, and he/she said, “Don’t worry. I’m sure he’ll  
268 walk through your front door any moment.” Landry Brighton made the statement with such utter  
269 sincerity and conviction, like he/she truly believed it, that it eased my worries.

270 It was not unusual for Dad not to return home recently. In the past six months, Dad would  
271 leave for a day or two twice a month. I don’t know where he would go. He told me that he was  
272 working on a business deal. But Dad had never been gone for more than two days. When he didn’t  
273 return by Tuesday morning, my first instinct was that the Mafia had finally caught up to him. I had  
274 reflected on Dad’s statement that he “wanted to go back home” and realized he wasn’t talking  
275 about our home in Quartz Pointe, but our home in Hot Springs. I contacted Marshal Key to let  
276 him/her know of Dad’s absence and my concerns that the Mafia had caught up to him. It seemed  
277 especially concerning since there were mob guys hanging around town.

278 Detective Murphy Dennis arrived at the house about an hour after I had called Marshal  
279 Key. I told him/her about the fight that Dad had with Landry Brighton, and that Dad had been  
280 bitten by the dog, and left angry from Landry Brighton’s home. Because of the concern for Dad’s  
281 safety and protection, Detective Dennis did not want to file a missing person report and flash Dad’s  
282 picture all over the wire, or have a search party looking for him. He/She said he would follow what  
283 clues were available. Dennis added that Marshal Key was in touch with informants and undercover  
284 operatives to find out if there was any word on my Dad. I saw Detective Dennis go to Landry  
285 Brighton’s house, but no one was home, then Detective Dennis left.

286 On Wednesday morning, Detective Dennis, along with Marshal Key, showed up at our  
287 house and informed me that Dad’s body surfaced in Diamond Lake. I had a premonition that the  
288 Mafia had found and killed him, but nothing prepares you for something like this. I needed time  
289 alone to process the fact that I no longer had either a Mom or Dad, both had been killed at the  
290 hands of the Mafia. When Detective Dennis described to me how my Dad was killed, it confirmed  
291 my suspicions that it was a mob hit. Dad’s throat had been slashed and his feet crudely tied to a

292 concrete block. It was the calling card of the Mafia. I knew Joey the Spencer had finally tracked  
293 him down and murdered him. I told Detective Dennis that it was a Mafia hit. Detective Dennis  
294 dismissed any such notion. Dennis had already spoken to Marshal Key, and they had formed their  
295 opinions before even looking at the evidence that it could not be a Mafia hit. I know Marshal Key  
296 was motivated to keep his/her perfect record that none of his/her protected witnesses had been  
297 harmed or killed by the Mafia. I had called him/her several times within a few weeks before my  
298 Dad was killed warning that the Mafia had found us. I begged to have us relocated. A mob hit  
299 would have been his/her responsibility and failure. I suppose Detective Dennis went along with it  
300 to save his/her job too. Marshal Key told me that he/she would have Detective Dennis investigate  
301 the suspicious men that were stalking us. A Mafia hit would also cause a panic among Quartz  
302 Pointe residents. Maybe Detective Dennis didn't want to deal with the hysteria that would ensue.

303 Detective Murphy Dennis interrogated me when Dad was found murdered. Detective  
304 Dennis was well aware of the tensions between Dad and I. Dennis had been dispatched to our  
305 home several times for reports of a domestic disturbance. Many of those instances, I said hateful  
306 things about my Dad. I said "I hate my Dad" and "I wish Dad was dead instead of Mom." Of  
307 course, I meant none of it. I loved Dad. He was the only family that I had any relationship with  
308 anymore. He had made bad choices in life, but he was turning his life around.

309 Detective Dennis asked permission to look around our house. He didn't find anything of  
310 any concern. He asked me whether Dad had his wallet on him when he left that Saturday night. I  
311 told him that Dad didn't carry a traditional wallet. He carried a roll of cash tied up with a rubber  
312 band. He didn't use credit cards, so he only used a thin card holder to carry his driver's license and  
313 health insurance card. Neither his roll of cash nor the card holder were at the house. I told Dennis  
314 that Dad always carried the cash and the card holder with him. It was like putting on a pair of  
315 socks. He didn't go without them.

316 A few hours later that day, my Aunt and Uncle Minnie and Clyde called me to express  
317 condolences. I didn't know that they even knew how to reach me. And how did they know that  
318 Dad had been murdered? They let me know that Owney said I was safe and could return home to  
319 Hot Springs to be with my family. Owney told them he held nothing against me. He said I could  
320 stop running.

***I affirm under penalty of perjury that the foregoing is true and correct to the best of my belief  
and knowledge.***

/s/ Charlie Gianna

## Statement of Rory Middleton

1 My name is Rory Middleton. I am the Chief Forensic Scientist and Lead Consultant in  
2 Forensic Testing for Forensic Analysis Consultants based in St. Louis, Missouri. I have testified  
3 over 250 times in federal and state courts in eight different states regarding forensic science, with  
4 particular emphasis on crime scene reconstruction and blood spatter patterns. I have testified in a  
5 few cases in which organized crime was a potential factor. I have been retained as an expert for  
6 both the prosecution as well as the defense. As an expert witness, I am paid \$5,000 for an initial  
7 consultation and any trial testimony is billed at \$650.00 per hour. Exhibit 6 is a true and accurate  
8 copy of my Curriculum Vitae. It was prepared by me and I have personal knowledge of the contents  
9 of my curriculum vitae. My curriculum vitae is kept in the course of my profession as an expert,  
10 and it is the regular practice for me to make such records.

11 I have been retained by the defendant Landry Brighton to provide my expertise in forensic  
12 science regarding the death of Lou Gianna. Landry Brighton and I met briefly three years ago  
13 when I attended a Knife Symposium in Indianapolis, Indiana. The Symposium included a half-day  
14 trip to tour the Cutting Edge Facility to learn about the unique artisan materials and design of the  
15 knives produced by the Company. I believe it is important to seize opportunities to learn and have  
16 a better understanding of materials and design relevant to forensic science analysis. The Cutting  
17 Edge knives were one of those new technologies. Landry Brighton and I spoke briefly at that time  
18 regarding the Company's products. I was quite impressed with the knives produced at the facility.  
19 I thought it would be a good investment, as the Company was still in a start-up phase. Landry  
20 Brighton showed no interest in having investors, and we left it at that. I doubt that Landry Brighton  
21 even remembers me. I am not an investor in Cutting Edge, and only know Landry Brighton through  
22 the one brief encounter. Therefore, I have no conflicts, and I am able to give my independent  
23 opinion in this case after reviewing all of the evidence presented. I came into the case with no  
24 preconceived notions, and strictly looked at the facts as they were presented. I have spent a total  
25 of 8 hours reviewing the statements and evidence, and then I have additional time incurred in  
26 providing this statement as well as my testimony in court.

27 For purposes of providing my expert opinion in this case, I have reviewed the following:  
28 the indictment, the statements made in this case, the Investigation Report dated September 11,  
29 2019, and the Autopsy, along with the pathology, serology, and immunology findings, included  
30 therein. I also have reviewed the trace report. I did not interview any witnesses in this case. I did  
31 not examine any physical evidence. I was not present during the autopsy, and I did not see the  
32 victim's body. I did not see the crime scene, nor did I see the bloodstains. I did not see the dog's  
33 wounds. I did not see the knife allegedly used by the victim. I did not examine any knives in Landry  
34 Brighton's home or workplace. I did not see the rug that was removed from Landry Brighton's  
35 home. The witness written statements, autopsy, and trace evidence reports are sufficient to enable  
36 me to form an expert opinion to a reasonable degree of scientific certainty. Photographic evidence,  
37 lost by Officer Murphy Dennis during the investigation, would have been helpful in my review of  
38 the victim's body, the crime scene, and the blood spatter. Nevertheless, I do not believe it would  
39 have shown any evidence inconsistent with the information included in the autopsy and police  
40 reports, as well as the witnesses' statements.

41 I approached this case as a probable homicide from a knife wound based upon the  
42 indictment and prosecution's theory of the case. The indictment alleged that Landry Brighton

43 slashed the victim's throat. Three key areas would provide relevant information – evidence from  
44 the crime scenes (allegedly Landry Brighton's residence and Diamond Lake), evidence from the  
45 victim's body, and trace evidence. Relevant evidence at the crime scene includes the presence of  
46 blood spatter patterns, blood type, and DNA. The autopsy would provide additional information  
47 regarding wound type, cause of death, other wounds or injuries of the victim, as well as any  
48 relevant toxicology reports. Trace evidence would include examining fiber analysis and  
49 information regarding blood stains on clothing or other items of relevance, tire tracks, and  
50 footprints, if available.

51 A Forensic Science and Crime Scene Investigation Analyst first examines whether there is  
52 any blood at the crime scene. In this case, luminol was sprayed over a room to detect even the  
53 tiniest droplets of blood. Several droplets of blood were located on the floor in the foyer near the  
54 door. Some blood spatter was located on the wall in the foyer low to the ground. A DNA test of  
55 the blood stains showed that the blood spatter on the wall was not human, but rather was from a  
56 canine species. The bloodstains on the floor were a combination of canine and a match of Lou  
57 Gianna. No bloodstains were a match with Landry Brighton's DNA. However, the analysis doesn't  
58 end merely because Gianna's blood was located at Landry Brighton's house. The next part of the  
59 analysis assists in determining what caused the bloodstains present at the scene.

60 As a Forensic Scientist, once blood of the victim is confirmed, the next thing to examine  
61 is the Pattern Analysis, followed by a Reconstruction Analysis. Pattern Analysis looks at the  
62 physical characteristics of the stain patterns including size, shape, distribution, overall appearance,  
63 location and surface texture where the stains are found. In the Reconstruction Analysis phase, the  
64 forensic scientist interprets what mechanisms may have caused those pattern types.

65 A crime scene where bodily injury has occurred is likely to have some amount of bloodstain  
66 evidence present. When blood is affected, droplets are dispersed through the air. When these  
67 droplets strike a surface, the shape of the stain changes depending on the angle of impact, velocity,  
68 distance travelled and type of surface. Bloodstain pattern analysis (BPA) is the interpretation of  
69 bloodstains at a crime scene. BPA provides information not only about what happened, but also  
70 what could not have happened. The information assists the forensic analyst in reconstructing a  
71 potential crime. The BPA assists the analyst in answering questions such as: (1) Where did the  
72 blood come from? (2) What caused the wounds? (3) What movements were made after the  
73 bloodshed?

74 Television crime dramas depict bloodstain analysts as able to tell investigators everything  
75 that occurred at a crime scene based solely on a few blood splashes or spatters. That is a Hollywood  
76 fiction. BPA cannot re-enact the entire crime. Bloodstains can be interpreted with a reasonable  
77 certainty, to determine what happened at specific moments in time corresponding to each useable  
78 stain. In some cases, the bloodstains are too few or the volume of blood is too great for analysts to  
79 reasonably render any opinion on the causes of the stains.

80 Blood behaves according to certain scientific principles, and so what may appear to be a  
81 random distribution of bloodstains at a crime scene, can be used to provide clues in a given case.  
82 Blood is primarily made of water. So, it behaves like water, obeying the laws of motion  
83 and gravity. Particles in the blood are attracted to each other, and this cohesive property causes  
84 blood to leave behind droplets. The size and shape of the droplets tell us what type of weapon was

85 used, if the suspect was right or left handed, the position of the victim and how they moved during  
86 and after the attack.

87 Blood can leave the body in many different ways, depending on the type of injury inflicted.  
88 It can flow, drip, spray, spurt, gush or just ooze from wounds. Bloodstains are classified into three  
89 basic types: passive stains, transfer stains, and projected or impact stains. Passive stains include  
90 drops, flows, and pools, typically from gravity. Transfer stains occur when an object comes into  
91 contact with an existing bloodstain, such as a bloody shoe print or a smear from a body being  
92 dragged. Impact stains are created when a force such as a gun or knife, causes the blood to break  
93 into droplets.

94 The crime scene in the present case did not have blood spatter to suggest passive stains or  
95 transfer stains. Rather the blood spatter patterns are consistent with an impact stain. The next step  
96 in the analysis process then is to determine what type of force was used to create the impact blood  
97 stain. Low velocity spatters (droplet size is greater than 4 mm) have large bloodstain droplets and  
98 indicate the victim was struck by a large blunt instrument, or they are leaking from the wound.  
99 Medium velocity spatter (droplet size is between 2 mm and 4 mm) results from attacks with a blunt  
100 object or a stabbing. High velocity spatter (less than 1 mm) occurs with gunshot wounds. The  
101 droplets look like a fine spray.

102 The Crime Scene Investigation in this case showed that Landry Brighton's foyer area  
103 contained primarily low velocity spatter, i.e. greater than 4 mm. This shows that the blood that was  
104 lost from the victim was not the result of a stabbing or knife wound. Rather, it is consistent with  
105 Landry Brighton's statement to the police that the defendant's dog caused puncture wounds in the  
106 victim. That type of injury would result in large droplets of blood.

107 Another key component of the crime scene investigation is the location of the blood  
108 spatters and whether those patterns are consistent with a bleeding assailant. Patterns may provide  
109 vital information about the movements and actions of the perpetrator or victim during the events  
110 in question. In this instance, large droplets of the victim's blood were observed by the front door  
111 of Landry Brighton's home. This suggests that the victim may have been exiting the house, after  
112 receiving puncture wounds from Landry Brighton's dog. The Investigation report is silent as to  
113 whether there was a clear track of blood outside Landry Brighton's residence near the door or  
114 along the sidewalk. Either there were no bloodstains to report or the investigation failed to examine  
115 the outside perimeter for bloodstains.

116 The wounds of the victim can tell a story too. The injuries sustained by the victim, as  
117 described in the autopsy report, are consistent with the low velocity bloodstain spatter found at the  
118 scene. The autopsy report notes that Gianna had puncture wounds on his hands and forearms, as  
119 well as a crush injury to the ulna of his right forearm. Those injuries are consistent with dog bites.  
120 The measurement of those puncture wounds also is consistent with bites by a large dog.

121 Mr. Gianna's body did show some signs of knife wounds. Let's talk first about the elephant  
122 in the room – the slashed throat. Undeniably, Mr. Gianna had his throat slashed, sometime between  
123 the dog attack and when his body was located on Wednesday, September 1, 2019. A slashed throat  
124 would have caused blood spatter in an arc pattern, which is common in stabbings because there is  
125 arterial damage, such as severed carotids, where pressurized blood spurts from the still-beating

126 heart. Furthermore, death is not instant when the throat is slashed. So, blood-spurting could occur  
127 for several minutes, spewing a significant amount of blood. No such evidence of the kind was  
128 found at Landry Brighton's home.

129 Second, the autopsy report notes seven superficial cuts on Mr. Gianna's hands and arms,  
130 none of which would have been life threatening. One cut is on the heel of the palm of the right  
131 hand, and there are five small cuts across the top of his fingers on the right side. On the left side  
132 he has one small cut on his forearm. All of those cuts appear to be self-inflicted. This evidence is  
133 consistent also with Landry Brighton's description of the events on the night of September 7, 2019.  
134 Landry Brighton stated that Gianna used a switchblade and made repeated attempts to stab Landry  
135 Brighton's dog. The physical evidence shows that those cuts are the result of Gianna injuring  
136 himself in the process. When there is a struggle during a violent attack with a knife, the person  
137 with the knife can sustain injuries from that knife. During an attack with multiple stabbing  
138 attempts, it is difficult, if not impossible, for the person using the knife to control each action. A  
139 folding knife without a locking blade, such as the one in this case, can fold across the hand of the  
140 person holding the knife. Such an event would typically cause a guillotine-like knife-edge wound,  
141 either across the outer surfaces of the fingers or across the wrist or the heel of the palm. With  
142 regard to the cut on his left forearm, that is also typical of a self-inflicted wound while attacking  
143 someone or something else. When someone wields a knife in one hand and tries to restrain a victim,  
144 in this case a dog, with the other hand, he can suffer a stab wound on the back of the hand, or  
145 fingers, or on the arm of the free hand, resulting from the stabbing action in the direction of the  
146 dog. Each of the cuts is relatively small and not deep, consistent with the use of a small blade. The  
147 coroner was unable to match up Gianna's cuts on his hands and arm to the switchblade used for  
148 two reasons: (1) the switchblade was never located, and (2) the body's subsequent dump in the  
149 lake water and decomposition over three days altered the shape of the incisions.

150 Establishing the cause of death for a body found in water is one of the most challenging  
151 tasks in forensic science. Submerged bodies frequently show post-mortem injuries, which may be  
152 confusing, even to the experienced observer. Post-mortem changes can be relatively unpredictable  
153 and can significantly vary, even during a short time interval, such as that elapsing from the  
154 recovery of the body to the start of the external examination or autopsy.

155 A knife wound's appearance may be useful to indicate the type of weapon, the shape and  
156 relative size of the weapon used, and how the weapon was used. Knives with single cutting edges  
157 such as kitchen knives cause wounds that have a clearly pointed edge, with the opposite edge being  
158 squared off ('boat shaped' defect). However, cheaper domestic 'kitchen' knives tended to bend and  
159 break on impact. A short, thin bladed stiff knife requires less force, and therefore less depth to the  
160 wound. In this case, the knife that slashed Gianna's throat was extremely sharp and precise. It  
161 required little effort to cut his throat. His throat was sliced before he ever knew it.

162 Detective Murphy Dennis concludes that the victim's neck wound in this case was the  
163 result of a large sized knife, such as a chef's knife, similar to the knives owned by Landry Brighton.  
164 Such conclusions are unfounded. Wound appearance is unreliable to make a conclusive  
165 determination about the dimensions of a knife involved in a slashing death. First, as mentioned  
166 earlier, the victim's body was submerged in water, and decomposition over three days altered the  
167 shape of the incision. Second, where the blade has entered the skin at an oblique angle, the length  
168 of the entry slit may be longer than expected. Third, knives are rarely pushed into the body and

169 withdrawn at exactly the same angle, and the resulting cut will appear larger than the actual size  
170 of the weapon. Also, rocking movements of the knife during an assault distorts the appearances of  
171 the wound, and the resultant defect is often much larger than the actual size of the blade.

172 Re-approximation of the gaping wound should have been performed in this case, but was  
173 not. A “gaping” wound is difficult to determine if the angles are sharp or blunt. Re-approximation  
174 of the wound edges allows one to determine that the upper angle is blunt, whereas the lower angle  
175 is sharp. Re-approximation of the margins can occur by simply holding the margins together; for  
176 photography, using clear tape over the wound or superglue to bind the subcutaneous tissues  
177 together.

178 The evidence suggests that Gianna’s fatal wound to the neck occurred from the back, and  
179 not the front. This evidence contradicts the prosecution’s theory that Gianna and Landry Brighton  
180 struggled during an argument and fight over the death of Landry Brighton’s dog. A cutthroat  
181 wound inflicted from the front, while uncommon, would show several swipes or slashes and short  
182 injuries, rather than one long continuous motion. A slash of the throat that is smooth and  
183 continuous could occur from the front if the victim is completely subdued or knocked out.  
184 However, the long continuous wound is generally typical of a wound inflicted from the back or if  
185 the victim has been subdued. Most homicidal cutthroat injuries are inflicted from behind the  
186 victim, and the head is pulled back to expose the throat, and the knife is then drawn across it. The  
187 knife is drawn across the neck, by a right-handed person, from left to right, starting high and ending  
188 low. The homicidal cutthroat injuries inflicted from behind are usually longer. They usually start  
189 below the ear, run obliquely downward and medially, then straight across the midline of the neck,  
190 and end on the opposite side of the neck, lower than the point of origination Therefore, in this case,  
191 the neck incision was compatible with a cut throat from behind by a right-handed person.

192 Presumably, Landry Brighton’s motive to murder Lou Gianna would have been  
193 emotionally driven, with the harassment and abuse, and the execution by Gianna of his/her dog.  
194 This case, however, has no evidence of emotionally driven injuries. Emotionally motivated killings  
195 show evidence of multiple, rapid stabs that are typically uniformly deep stabs. Evidence in this  
196 case shows no jagged edges, no movement.

197 For the forensic analyst, what is not present is equally as important as what is present. In  
198 this case, there are several unexplained absences of evidence one would expect to find to establish  
199 Landry Brighton as the perpetrator of Gianna’s death. The lack of trace evidence in this case is  
200 glaring. For example, there is no trace evidence of blood splatters on any clothing that Landry  
201 Brighton allegedly would have worn when Gianna was murdered. The very nature of many  
202 homicidal sharp force injury cases usually requires close contact between the killer and the victim.  
203 As such, trace evidence on the victim's clothing would be expected. More specifically, cast-off  
204 blood spatter consistent with medium-velocity impact spatter would be found on the alleged  
205 killer’s clothing or body. In this case, there is no evidence of clothing of Landry Brighton  
206 containing bloodstains.

207 I am particularly critical of the police investigation in this matter, and the inaccurate  
208 conclusions that have been drawn from sloppy, incomplete work. There also is no evidence of  
209 hairs, fibers, or blood present in places one would expect. For example, Jules Timmons claims  
210 he/she observed Landry Brighton taking what appeared to be a dead body rolled up in a rug placed

211 inside Landry Brighton's vehicle. Yet, there is no blood matching Gianna that was found in Landry  
212 Brighton's vehicle. There are no fibers from Gianna's clothing found in Landry Brighton's vehicle  
213 or Landry Brighton's boat located at Diamond Lake. Similarly, there were no rug fibers from  
214 Landry Brighton's home that was found on Gianna's body. Even the knives owned by Landry  
215 Brighton showed no blood stains of the victim. No fingerprint analysis was performed on the rope  
216 used to submerge Lou Gianna's body. And no investigation was performed to identify tire tracks,  
217 if any, that may have been left at Diamond Lake.

218           After reviewing all of the evidence, as well as the absence of key evidence, and based upon  
219 my experience as a forensic analyst consultant, it is my expert opinion, to a reasonable degree of  
220 certainty, that Landry Brighton did not murder Lou Gianna.

*I affirm under penalty of perjury that the foregoing is true and correct to the best of my belief  
and knowledge.*

/s/ Rory Middleton

**United States Marshal Service  
Witness Security Program  
Memorandum of Understanding**

**I agree to the following:**

- (A)**  
to testify in and provide information to all appropriate law enforcement officials concerning all appropriate proceedings;
- (B)**  
not to commit any crime;
- (C)**  
to take all necessary steps to avoid detection by others of the facts concerning the protection provided;
- (D)**  
to comply with legal obligations and civil judgments against me;
- (E)**  
to cooperate with all reasonable requests of officers and employees of the Government who are providing protection;
- (F)**  
to designate another person to act as agent for the service of process;
- (G)**  
to make a sworn statement of all outstanding legal obligations, including obligations concerning child custody and visitation;
- (H)**  
to disclose any probation or parole responsibilities, and if on probation or parole under State law, to consent to Federal supervision; and
- (I)**  
to regularly inform the appropriate program official of my activities and current address.

<u>Location #</u>	<u>Dates</u>	<u>Reason for Relocation</u>
1	04/12 – 06/12	Lou ordered new suit from Hot Springs tailor for delivery
2	06/12 – 06/13	Spotted in casino by old acquaintance
3	06/13 – 12/13	Relatives contacted; Informant tip of hitman zeroed in
4	12/13 – 4/14	Lou boasting to new co-workers of Mafia ties
5	4/14 – 07/16	Newspaper picture of Lou with winning lottery ticket
6	07/16 - 09/19	Witness deceased

<b>Osage County Sheriff Department</b>		<b>Investigation Report</b>	
<b>Criminal Investigations Division</b>			
<b>Detective Bureau</b>			
Case # <i>09I30115-19</i>		Prepared by: <i>Detective J. Dennis</i>	
Date of Investigation <i>09/10/19</i>	Time <i>19:30</i>		
Location of Incident/Street Address <i>12150 Muscadine Drive</i>	City <i>Quartz Pointe</i>	County <i>Osage</i>	
Type of Incident/Crime/Description of events <i>Missing Person</i>			
Persons Involved (full and complete name known)			
Missing Person: Lou Andrews DOB: <i>09/17/77</i> Male 5'10" 170 lbs			
Vehicle Information N/A	Make/Model/Year/Color/Style/etc. N/A	License # N/A	State N/A
Investigation Report			
<p>09/10/19 19:30 - Called to the residence of Lou Andrews. Son/Daughter Kelly Andrews (KA) reports that his/her father (Lou Andrews (LA) has been missing for three days.</p> <p>LA is in good health, physically and mentally.</p> <p>CG states not unusual for LG to be absent for a day or two, but LA's vehicles remain in the garage. KA states no other form of transportation</p> <p>KA states no suspicious or unusual events or circumstances recently.</p> <p>KA reports that LG last seen at 19:00 on Sat. 9/07/19 going to Landry Brighton (LB) (neighbor) house regarding continuing problems with LB's canine and LA's plan to take canine to be euthanized. LA confrontational and brought switchblade</p> <p>09/10/19 19:52 Attempted to talk to neighbor LB. No answer at house. Follow-up later.</p>			

**Osage County Sheriff Department  
Criminal Investigations Division  
Detective Bureau**

**Supplemental Investigation Report**

Case # 09130115-19

Prepared by: M. Dennis

Date of Initial Investigation 09/10/19

Location of Incident/Street Address

12150 Muscadine Drive

Ashore near lake

City

Quartz Pointe

Diamond Lake

County

Osage

Type of Incident/Crime/Description of events Homicide

Victim – Lou Gianna a/k/a Lou Andrews (deceased)

Supplemental Investigation Report

09/11/19 11:00 Corpse washed ashore; appears to be Lou Gianna (LG) aka Lou Andrews. Field observations, body has begun some decomposition, Slashed throat. Cutthroat wound is elongated suggesting large knife used. Some deep wounds to right hand, and left forearm. No identification on body. \$650 cash located on decedent. Rope wrapped haphazardly around feet of LG appears to have been hastily tied. Haphazard; sloppy. Rope unraveled. Likely tied to cement block. Ropes did not keep body submerged. No obvious tire tracks at lake property. No discernable footprints. Unable to obtain any trace evidence, such as fibers from decedent's body and clothing due to water submersion of the body. Body bagged and delivered to Coroner.

09/11/19 12:45 Informed Charlie Gianna (CG) aka Kelly Andrews that father is deceased and that body was dumped at Diamond Lake. CG states that the Madden mafia family killed LG. CG had observed suspicious strangers hanging around the neighborhood

09/11/19 1:30 Interviewed Landry Brighton (neighbor). On 9/07/19, LG barged into LB house threatens to kill pet. LG lunges toward canine, who attacks LG. Canine bites LG several times on the hand and forearm. LG kills pet with multiple stabbings. LG received puncture wounds on hand. LG leaves and LB never sees LG again. LB uses area rug to roll up deceased pet, describes dragging it to put in back of vehicle. Buried canine on property near place of business. Discards rug at landfill because saturated with blood.

09/11/19 3:15 LB grants access to house and car. Multiple knives located. Several large blades, may be consistent with wound. No trace blood evidence on knives. Use luminol to determine whether blood stains present, and if so pattern. Luminol reveals some small bloodstain spatters on walls in foyer and low velocity bloodstain droplets on floor by door. Large blood droplets at Landry Brighton house – size 6 mm  
Bloodstain samples taken to determine if it is human or canine blood and to run DNA testing. Examine clothing owned by LB – none has trace evidence of blood from victim. No trace evidence located in vehicle.

09/11/19 LB grants access to exhume body of pet located on property of Cutting Edge Company. Physical examination of canine. Initial observation – canine is wrapped in blanket and laid with care in makeshift grave. Canine had multiple stab wounds, appear to be from a small blade. Samples taken to confirm DNA of blood and tissue in dog's canines.

09/11/19 Obtain statement from neighbor across street at 12151 Muscadine. J. Timmons is eyewitness to rolled rug being put in back of vehicle on night of LG's disappearance

09/19/19 – lab results returned. Confirmed human blood for bloodstain near LB front door; matches DNA of LG. Bloodstain spatter pattern on wall in foyer tests positive for DNA match. Blood and tissue in LB's pet's teeth also contains matching DNA for LG.

09/19/19 – Autopsy report – confirms death by knife wound to neck. Additional wounds noted on hand and arm. Blunt blow to head present but not cause of death. See autopsy report for further findings.

**OSAGE COUNTY AUTOPSY REPORT**

<b>Name:</b> Gianna, Lou  aka Andrews, Lou	<b>Date of Birth:</b> 9/17/77
Height – 5/10  Weight 170	<b>Sex:</b> Male
<b>Date of Death:</b> 09/7/19 -09/8/19	<b>Body Identified by:</b> 09/11/16 decedent’s son/daughter; DNA testing on 9/19/19
<b>Case #</b> 09130115-19	<b>Investigative Agency:</b> Osage County Sheriff’s Department

**EXTERNAL EXAMINATION:**

The autopsy is begun at 9:00 A.M. on September 1, 2019.

- 1) Incised cut throat injury of size 17x2 cm present over anterior part of neck in midline above the level of thyroid cartilage and cavity deep. Margins are sharp and clean cut.

Dissection discloses that the wound path is through the skin, the subcutaneous tissue, and the sternocleidomastoid muscle with hemorrhage along the wound path and transection of the left internal jugular vein, with dark red-purple hemorrhage in the adjacent subcutaneous tissue and fascia. The direction of the pathway is upward and slightly front to back for a distance of approximately 4 inches where it exits, post-auricular, in a 2 inch in length gaping stab/incised wound which has undulating or wavy borders, but not serrated.

- 2) Incised wound of size 0.4x0.1 cm present over right thumb palmer aspect of proximal aspect.
- 3.) The back of the right hand has multiple avulsed and oblique incisions and lacerations, mostly incisions, ranging from 1.5-3.2 cm long. All are superficial, linear incised wound involving only the skin.
- 4.) The left distal forearm has an incised wound of 3 x 5 cm surface area with abrasions and superficial incisions. Just proximal to that and more medial are two (2) parallel, linear, thin abrasions.

**INTERNAL EXAMINATION:**

On dissection of neck skin, soft tissue, muscles including platysma and sternocleidomastoid on both sides were cut, larynx at third tracheal ring, esophagus, and deeply situated carotid sheath jugular veins and carotid arteries on both sides of neck were sharply cut. Dried dark red colored blood was seen in lumen of trachea.

Abdominal wall was intact and no free fluid in peritoneal cavity noted. Internal organs were intact and pale. Spine and spinal cord was intact with no injuries. Skull shows evidence of blunt trauma. No fractures, superficial only, and not cause of death. Brain and dura was intact, brain was soft and edematous. Thoracic wall was intact with no rib fracture, both lungs were intact, pale and edematous. Heart was normal in size and shape and no abnormality was detected.

Aside from the slash wounds, there are no other internal traumatic injuries

HEAD--CENTRAL NERVOUS SYSTEM: Not available. Putrefaction of body and all organs.

**SKELETAL SYSTEM:** Unremarkable. Decomposition or mummification of the outer tissues covering less than one half of the skeleton. Hair follicles and nails have not been destroyed.

**RESPIRATORY SYSTEM--THROAT STRUCTURES:** Not available. Putrefaction of body and all organs.

**GASTROINTESTINAL SYSTEM:** Not available. Putrefaction of body and all organs.

**URINARY SYSTEM:** Not available. Putrefaction of body and all organs.

**TOXICOLOGY:** A sample of hair follicles, fingernails, and toenails are submitted for toxicological analysis.

**SEROLOGY:** Blood specimen is submitted for DNA analysis; blood and tissue found in canine's teeth are also submitted for DNA analysis

### **LABORATORY DATA**

Toxicology: Unremarkable

Serology: DNA confirmed match with decedent in two samples: 1. blood sample located on premises of defendant and 2. Sample collected from canines draw

**EVIDENCE COLLECTED:** Samples of hair follicles, finger nails, and toe nails

**Manner of Death:** Homicide

**Immediate Cause of Death:** At autopsy, a deep, oblique, long incised injury was found on the front of the neck. There were no hesitant or defense injuries. The cause of death was cut throat. The findings were compatible with a homicidal cut throat by a right-handed person from behind after head being restrained firmly. The left end of the injury started below the ear at upper third of the neck and deepened gradually with severance of the left carotid artery. The right sided end of the injury was at the mid third of the neck with a tail abrasion This sharp force injury of the neck is fatal, associated with transection of the left internal jugular vein.

**Time of Death:** Between 19:00 on 9/7/19 and 06:00 on 09/8/19. Exact time undetermined. Due to decomposition and submersion of body

*/s/Louis Pohl, M.D.*  
Osage County Coroner's Office  
09/19/19

**CURRICULUM VITAE**  
**of**  
**RORY MIDDLETON**

***Education:***

**George Washington University**, Washington, D.C.

Master of Science Degree in Crime Scene Investigation and High Technology Crime Investigation  
2001

**Michigan State University**, East Lansing, MI

Bachelor of Science Degree, Dual Major: Chemistry & Criminalistics  
1988

***Position:***

**Forensic Analysis Consultants**

Chief Forensic Scientist and Lead Consultant in Forensic Testing  
33 W. Monroe Street  
St. Louis, MO  
2012 – present

Forensic expert in many high profile forensic cases, including fiber evidence, bloodstain pattern analysis, and crime scene search and processing

***Prior Positions:***

Department of Pathology State University of New York Binghamton, New York	Autopsy Assistant	2001-2002
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Department of Pathology St. Francis Hospital Wichita, Kansas	Chief Chemist Blood Bank Supervisor	2002-2004
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Department of Pathology Boca Raton Community Hospital Boca Raton, Florida	Forensic Scientist	2004-2008
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Department of Pathology University of Chicago Chicago, IL	Supervisor of Forensic Laboratory	2008-2012
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***Memberships and Positions:***

The American Academy of Forensic Sciences: 2010 – present

The International Association of Bloodstain Pattern Analysts: 2010 – present  
Consultant, National Criminal Justice Commission: 2008 – 2010  
President, American Society of Criminology: 2006 – 2008

***Licenses and Certifications:***

Licensed as Medical Technologist with the American Society of Clinical Pathologists Board of Registry.

Certified as Competent Forensic Expert in the Discipline of Bloodstain Pattern Interpretation by the Institute on the Physical Significance of Human Bloodstain Evidence, a division of the Laboratory of Forensic Science

Elected a Distinguished Member of the International Association of Bloodstain Pattern Analysts, 2004.

***Selected Publications and Presentations:***

Bloodstain Pattern Analysis with an Introduction to Crime Scene Reconstruction, Journal of Forensic Sciences

Interpretation of Knife Wound Trauma in Bone, American Academy of Forensic Sciences

Bloodspatter Patterns: Their Use in Reconstructing Crime Scenes presented at Eastern Analytical Symposium & Exposition

Bloodstain Pattern Analysis as a Reconstruction Tool at 2nd Annual Forensic Science Symposium

Basic Bloodstain Pattern Analysis Workshop, Division of Criminal Justice Services and New York State Police Forensic Investigation Center

Practical Homicide Investigation: Tactics, Procedures, and Forensic Techniques, AAFS, New Orleans, LA

Courtroom Testimony Workshop, International Association of Bloodstain Pattern Analysts