

B. STATE V. PERRY

Synopsis and Witness List

Upset that gangs have been infesting her area, selling drugs and causing violence, Mary Lou Henderson called the police to report them. Some drug dealers were arrested and the neighborhood became a little safer. Then one day while she and her family were asleep in their small home, someone apparently threw a firebomb into the window. This caused the house to catch fire and Mrs. Henderson along with her daughter to die in the fire. Her husband was pulled out by a man who ran in and saw Mr. Henderson in the foyer where he was reading the paper. Mr. Henderson tried to get back in to save his wife and child, but the house was too engulfed in flames.

Franklin Perry, believed to be a member of a local street gang, was one of two men seen running from the scene of the fire and is charged with the murder of Mrs. Henderson and her daughter.

Witnesses for the State

1. Detective Paul Vogel
2. Raymond Henderson
3. Able Morris
4. Fire Marshall Christopher Lewis

Witnesses for the Defense:

1. Annie May Smith
2. Maxine Perry
3. Arson expert Charles Gilliam

Note- Were this a real case, there would be many sound reasons arguing against the defendant's taking the stand on his own behalf. Therefore, this case scenario was prepared with the assumption that the defendant will not take the witness stand.

Death certificates for Mary Lou Henderson and one for Alissa Henderson were prepared by the county coroner. The cause of death in each case was smoke inhalation. Both sides have stipulated to the admissibility of the certificate and to the cause of death.

Pursuant to a motion filed by his lawyer, the case against Michael Reed has been severed.

Each side may prepare a diagram of the Henderson house consistent with the facts.

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STATE OF CONFUSION COUNTY OF YORK INDICTMENT FORM

COUNT 1

The Grand Jury in and for the County of York, State of Confusion hereby charges Franklin Perry with the crime of Murder in the First Degree in that on March 12, 2007, acting in concert with another, he intentionally took the life of Mary Lou Henderson by setting fire to her house when she was inside the dwelling.

COUNT 2

The Grand Jury in and for the County of York, State of Confusion hereby charges Franklin Perry with the crime of Murder in the First Degree in that on March 12, 2007, acting in concert with another, he intentionally took the life of Alissa Henderson by setting fire to her house when she was inside the dwelling.

COUNT 3

The Grand Jury in and for the County of York, State of Confusion hereby charges Franklin Perry with the crime of Attempted Murder in the First Degree in that on March 12, 2007, he attempted to take the life of Raymond Henderson by setting fire to his house when he was inside the dwelling.

COUNT 4

The Grand Jury in and for the County of York, State of Confusion hereby charges Franklin Perry with the crime of Arson in the First Degree in that on March 12, 2007, he willfully set fire to a dwelling house, to wit, 123 Elm Street, York, Confusion.

COUNT 5

The Grand Jury in and for the County of York, State of Confusion hereby charges Franklin Perry with the crime of Arson in the First Degree in that on March 12, 2007, he willfully set a fire in which a person or persons, to wit Mary Lou Henderson and Alissa Henderson, lost their lives.

Signed

Elizabeth Eddy

Forewoman

Dated: April 10, 2007

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APPLICABLE STATUTES FROM THE PENAL LAW OF THE STATE OF CONFUSION

SECTION 2-112

A person commits the crime of Murder in the First Degree when he or she intentionally takes the life of another.

SECTION 6-111

A person commits the crime of Arson in the First Degree when he or she knowingly sets fire to a dwelling house.

SECTION 6-112

A person commits the crime of Arson in the First Degree when he or she knowingly sets a fire in which a person or persons lose their lives.

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Summary of Grand Jury Testimony of Detective Paul Vogel

I was assigned the Henderson arson/murder case on the day of the fire because I had been investigating a previous complaint that Mr. Henderson made concerning threats against he and his wife. Two weeks earlier on February 27th, Mr. Henderson came to the police station and told me that since he and his wife had started calling the police when they saw drug deals taking place (about 6 months before the fire), they had been receiving anonymous telephone threats. Also he'd seen groups of gang members wearing dark gray colors hanging around near his house. Usually they would whisper with each other and then smirk or make faces when they saw him or his wife. The city had placed signs up in high crime areas encouraging the residents to report drug deals they observed, so I took these threats especially seriously.

On Feb. 27th Mr. Henderson told me that as he was leaving his house with his wife earlier that day, he noticed two of the men whom he'd seen hanging around the house previously there again. At this time, he saw the smaller of the two men point at his wife and make a slashing gesture across his throat with his finger while the taller one smiled. After hearing from Mr. Henderson, I collected the mug shots of all the locals who had been associated with the Flippis. The Flippis are a street gang, originally from the west coast, which had started to infiltrate Random City. Their color is dark gray and they are known for dealing drugs and eliminating anyone who gets in their way.

Mr. Henderson looked at about 20 pictures, all of which showed the suspects standing against a height measurement wall at the police station. He picked out 4 people he'd seen hanging around his house a lot and particularly identified Michael Reed (5'7") as the man who made the threat and Franklin Perry (6'2") as the one who Henderson thought was with Reed and smiled at the threatening gesture. The other two identified were Henry Miller (5'6") and Len Carew (5'11"). I then went to Reed's house and questioned him. Reed denied making any gesture. I warned Reed about staying away from the Hendersons, but felt there was insufficient evidence to make an arrest. I never questioned Perry because I figured he'd just deny it as well.

On the day of the fire, March 12th, the police station telephone operator forwarded to me an anonymous call. The caller just said, "Look at Franklin Perry and Mike Reed for the fire" and then he hung up. I could not identify the voice other than that it was male. As a result of the fire, Mary Lou Henderson and her daughter Alissa were killed. Raymond Henderson was pulled out of his burning house by a heroic passerby,

Shortly thereafter, I spoke with Abel Morris, the man who rescued Mr. Henderson from the fire scene. He told me when he got to the fire, right before he entered the house, he saw two men running away from the area. His description of the two men basically was that one was about 6', the other shorter, and both were wearing dark gray jackets. I showed him the photos of the 4 gang members Mr. Henderson identified on Feb. 27th. Morris positively identified Perry from his face and the fact he was wearing the dark gray gang colors in the photo just as he was on the night of the fire and indicated Reed

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was about the same size as the other man he saw. Morris didn't notice anything in their hands when he saw them running from the fire.

Late that day I received a call from the office of the Fire Marshall that because of their determination that a glass window had been shattered by a thrown object and the indications showing that a flammable liquid had been introduced to the scene, they had determined the fire had been deliberately set.

On March 15th I obtained an arrest warrant and a search warrant for Perry, Reed and their homes. In Perry's house at 1247 Greentree Lane, I found a can partially filled with gasoline and a dark gray jacket in the suspect's bedroom closet. Both were arrested that same day. Perry has no scar under his right eye, but he does have a light brown oval mole there.

April 6, 2007

ADDITIONAL MATERIAL RELATED TO DETECTIVE VOGEL

Detective Vogel compiled a police report on the fire which contained all that is above in his testimony before the grand jury. Additionally, in his police report, he wrote the following:

After they were arrested, I informed both suspects of their Miranda rights. Reed declined to say anything. Perry voluntarily waived his rights and told me that he was home with his mother that night. He admitted to having friends among the Flippis but not being a member himself. He bought the dark gray jacket because he liked how it looks. Perry admitted occasionally being around the Henderson's home but said that was just where he and his friends liked to hang out. He denied ever making any kind of threats to the Hendersons. Perry claimed he bought the can of gasoline for a lawnmower that he would periodically borrow from a neighbor to mow his mother's lawn. He had no record of the purchase, nor were we ever able to find the neighbor Perry alluded to. Additionally, beer bottles were found in the basement which were of similar green color to the remains of the glass bottle found near the sofa in the Henderson living room after the fire.

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Summary of Grand Jury testimony of Raymond Henderson

It was about 11 p.m. on the night of March 12, 2007. I had been downstairs since about 9:30 p.m. reading the newspaper and smoking a cigarette. My wife and daughter were upstairs in bed. Suddenly I heard something that sounded like a glass breaking, sort of like a rock was being thrown through it. Then immediately I saw flames from the kitchen. I got up and started to go up the stairs when the flames or the smoke hit me and I fell over. I was still awake but couldn't move. I'm not sure how much time later I felt an arm around my neck dragging me out. I got outside, breathed deep and felt better until I realized what was happening. I started to run back in but people held me and screamed at me that the flames were too intense. My wife and daughter never made it out. I am very grateful to Mr. Morris, the man who saved my life, but am devastated that no one could get to my wife or daughter.

Mary Lou was a wonderful woman. She was sick of all the drugs and gangs in our area. So she put up posters telling them to move on or else she'd call the police. They laughed and ripped down the posters. So ML began calling the police when she saw deals going on outside our window. Arrests were made. Slowly the area was getting better. About once or twice a month we would get warnings or threats to have ML stop. She sloughed them off. I saw kids with gang colors outside our house a lot, particularly the dark gray of the Flippis.

On Feb. 27th two of them were outside my house when one made a threatening gesture as ML and I left the house. He ran his finger across his throat in a slashing manner. I'd had enough at that point so I went to the police station and identified the picture of the man who made the threat. For some reason, the detective said he didn't have enough evidence to make an arrest. He told me he warned the guy who made the threat in strong words and hoped that would be the end of it. I knew it wouldn't and wonder if my wife would be alive today if the detective had done something in February.

The two men who were arrested are two I have seen many times outside our house whispering and smirking, and the shorter one (Reed) is the one who gave us the slash across the throat sign. I picked their photos out of an array I was shown on Feb. 27th. I saw them again at the preliminary hearing held a few days ago and pointed to them when I was on the witness stand. I did not see them near my house when I came home from work at 8:30 p.m. that night.

I am sad and angry about what happened and feel terrible that I couldn't protect my family from these gang members.

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Summary of Grand Jury Testimony of Able Morris

On March 12th at about 11 p.m. I was outside this house looking through a trash can for whatever I could find. At that time I was homeless and yes I drank some. I heard something that sounded like glass shattering, then an almost immediate explosion and shortly after that I saw flames from inside the house. Two guys wearing dark gray jackets were running away. Both were black men but most everyone who lives around there is black. One was light skinned, something easily over 6'tall. I saw his face as he ran past the streetlight. He had a scar near his right eye I think. The other was shorter and had darker skin, probably 5'6"-5'9'. He was stocky but I really didn't see his face good.

I climbed through a window that was just about gone to see if I could help. This guy was lying on the floor not far from the steps. I put my arm around him and pretty much dragged him out the door. By time I got outside, the house was totally burning up. He tried to go back in to save his wife and kid he said, but I and a couple of others stopped him. He would have been killed.

Shortly after the fire, the police showed me photos. I picked out one guy who looked like the taller guy I saw running. I couldn't identify anyone else. I was told the man I picked was Franklin Perry. Later I saw the shorter guy the police arrested. I couldn't tell if it was the guy I saw running but he was about the same height and build.

I got a medal at City Hall for what I done. And some guy who wouldn't give his name is paying my rent for a year at some place the city got me into. Also they got me a good job handing out equipment at the city parks which I still hold..

April 6, 2007

METRO FIRE DEPARTMENT**FIRE INVESTIGATION REPORT**

Address:	123 Elm St.	Date of Incident:3/12/07
Occupant:	Raymond Henderson	Incident Number: 24873
Dispatch Time:2306	Arrival Time: 2309	Under Control Time:0034
Fire Cause:	Arson	Structure Type:2 story t.h.

Fire incident:

On March 12, 2007 at 2305 hrs. a fire was reported at 123 Elm Street. Mrs. Clayton who resides across the street at 124 Elm Street reported a fire on the porch area to 911. The dwelling was an end of group brick townhouse approximately 75' x 150'. The weather was warm and humid.

Fire Department initial information:

First units arrived at 2309 hrs, and had fire on the front covered porch and heavy fire in the interior of the 1st floor. Heavy smoke and fire conditions were observed on the 2nd floor front. Heavy smoke conditions were observed from the rear of the structure. The first fire crews made entry to the structure through front after knocking fire down on porch. A second crew made entry to rear. Forcible entry was made to a secured door in the rear but crews could not recall if front door was secured or not. Extinguishment was made with some effort due to fire flaring up when water was applied. During a search and rescue operation 2 female victims were discovered. One was in the second floor rear master bedroom, the second in a smaller bedroom on the same floor. The victims were removed and resuscitation was attempted but both victims were pronounced dead by medic crews on the scene.

Interviews and statements:

Occupant: Mr. Henderson stated he was reading the newspaper, drinking a glass of scotch and smoking a cigarette at 11 p.m. while sitting on his couch in the living room .He thinks it was the only cigarette he had that night. As he was smoking and reading the newspaper, he was startled by the sound of glass breaking. He went to investigate the breaking glass and was confronted by heat and smoke. He saw a glow coming from the stair area and flames in the kitchen. At this point he was overcome by the flames or the smoke. The next thing he remembered was being dragged from his house by an arm around his neck.

Witness: Able Morris was outside the Henderson home when he heard a glass shatter. He then heard an explosion and saw flames coming from the house. Morris says he saw two men wearing dark gray jackets. He ran into the house and pulled Mr. Henderson, who was semi-conscious at the time, out from the first floor of the house.

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1st Firefighter at the front door: Firefighter Fix stated that he attacked the fire on the porch and extinguished it with little effort. He made entry through the front door by kicking it open. He did not recall if the door was locked although it did open easily, and he did not try to open it before kicking it in. Heavy fire conditions were encountered in the living room to the right of the front door and also the stairs directly in front of the door. Entry was made to the second floor and a female victim was discovered on the bed in a rear master bedroom. A second female was discovered in a smaller bedroom adjacent to the master. Both were removed by dragging them to the exterior for medical treatment.

Suspect: Lives approximately $\frac{3}{4}$ mile from Mr. Henderson's residence. He was identified by Abel Morris as the taller of the two men running from the fire scene. A search warrant was obtained to search Mr. Perry's home. Within the house a partially filled gas can was recovered from the closet in Mr. Perry's bedroom. He stated that he bought some gas that from the local convenience store and paid cash. He claimed he was going to use the gas to operate a lawnmower he sometimes borrowed from a neighbor. That story could never be confirmed by the police. He denied being at the Henderson house and had no knowledge of the fire. Additionally, beer bottles, similar in color to green glass found near the couch of the Henderson home, was located in Perry's house.

Autopsy of female victims: Cause of death was smoke inhalation with 55% carbon monoxide in the blood of both victims.

Investigation of the fire: An investigation of the scene began on the exterior of 123 Elm Street. The investigation revealed a 2 story brick over wood frame, end of group townhouse. There was extensive damage to the front porch, first floor front windows and the second floor front windows. The two side windows on the right of the structure also showed damage, but were not as extensive as the front. The rear of the structure showed limited fire and heat damage from the kitchen window on the right and the dining room window to the left. The second floor rear windows displayed smoke damage only. The front porch was examined and revealed the heaviest damage to the area was in front of the door. A low burn pattern was observed on the doorsill consistent with a flammable liquid being poured in that area. Moving to the interior, the living room was to the right and the stairs leading to the second floor were straight ahead. Both areas sustained severe damage. The living room contained a polyurethane couch under the front windows, a polyurethane chair under the side window, and an entertainment center with a TV and a stereo on the wall across from the couch. The couch was totally consumed with only the springs remaining. The chair along the sidewall

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was damaged with the burn patterns indicating the fire originated to the front and middle of the floor. The floor was covered with carpeting that also extended up the stairs. Melted glass was found under the front window indicating a rapidly spreading fire along with broken glass fragments. Also a melted and broken green glass bottle was discovered on the floor to the right of the couch. This could have possibly been used to deliver the flammable liquid. It is similar to the ones found in Mr. Perry's house. A coffee table located in front of the couch was totally consumed. The floor in this area revealed deep char in a linear pattern indicating a flammable liquid pour between the couch and the coffee table. The pattern extended to the front door and stair area. The remaining rooms of the first floor sustained heat and smoke damage with the patterns indicating the fire originated in the living room. The stairs leading to the first floor were examined. The carpeted stairs sustained severe damage and was partially consumed on the left side and burn patterns were consistent with an intense rapid spread of the fire to the second floor due to that liquid. The living room was determined to be the location of the fire's origin. The second floor was examined and revealed heavy fire damage to the front two bedrooms and bathroom. The master bedroom to the rear sustained smoke and minor heat damage. This was due to the fact that the door was closed limiting the exposure. This room was in disarray probably due to the rescue efforts of the fire department. It is the investigator's opinion that the fire was intentionally started by the introduction of a flammable liquid being introduced into the living room most likely by some sort of Molotov cocktail.

Basis for the opinion:

1. The rapid spread of the fire is consistent with a flammable liquid.
2. The difficulty in extinguishing the fire.
3. The broken and melted window glass.
4. The broken and melted glass bottle next to the couch.
5. The rapid spread of the fire to the second floor.

Additional basis for opinion:

1. Suspect seen running from the scene
2. Similar beer bottles found in his home
3. Partially filled gasoline container found in home.
4. Lack of a plausible alibi for Mr. Perry

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FIRE INVESTIGATION REPORT

Evidence removed and examined: Evidence was taken from the following locations to be tested: 1. Sample of the floor taken in the area of the coffee table for flammable liquid trace. 2. The glass bottle taken for flammable liquid trace and fingerprints.

Results of the tests: No flammable liquids consistent with gasoline were found, although a lesser trace indicative of glue or rubber was found in the living room sample. No fingerprints could be found on the bottle due to the condition of the bottle (soot, heat and water damage). **Note:** Negative results for the flammable liquid could be due to the large amount of water being applied resulting in the flammable liquid being diluted or washed away.

Conclusion: Based on the fact that the fire was determined to be arson, an arrest warrant was issued for Mr. Perry charging him with first-degree arson and homicide due to death of Mrs. Henderson and her daughter.

SIGNED-Christopher Lewis
Deputy Fire Marshall
York County, Confusion

*Mr. Lewis graduated from York County Community College in 1996. After graduation, he joined the York County Fire Dept. and 7 years later was assigned to the office of the Fire Marshall. He took the State of Confusion course for learning about the origins and spreads of fires. Since 2003 he has investigated the causes of suspicious fires, numbering approximately 50. In 2006 he was promoted to Deputy Fire Marshall. He has taken two course since becoming a fire marshall that relate to the methods for investigating the origins and spreads of fires. He has testified in 4 trials as an expert witness, all in York County.

Prepared By: Christopher Lewis, Deputy Fire Marshall

Date:

March 29,
2007

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Statement of Annie Smith

My name is Annie Smith and I live at 424 Holmes Drive in Random City. I am a teacher at Random Elementary School. I didn't know the Hendersons, but I feel terrible about what happened to them. Still if Mrs. Henderson hadn't been such a busybody, she'd probably be alive today and things wouldn't be so crazy in the neighborhood.

When I heard that the Perry boy was arrested for the fire, I went to see Elizabeth Perry, his mother. I have known Elizabeth Perry for about 5 years, but we're not close friends or anything. I told Elizabeth that I'd heard two other boys talking about taking care of Mrs. Henderson. It was about 3 weeks before the fire. I was waiting on line at the Spral-Mart and these two teenage boys were behind me talking softly. I heard one say that they needed to take care of that lady who was bringing all the cops into the neighborhood. I didn't really get a good look at them and don't remember if they were wearing gang colors. But I know the Perry boy and he wasn't one of them. Elizabeth said she was relieved to hear this, and that she knew Franklin had nothing to do with the fire because he was home with her at the time.

I didn't call the police because I didn't think much of it. I thought they were just a bunch of stupid teenagers mouthing off. Yes I know Elizabeth Perry, but I sure wouldn't lie for her or her son.

Signed
Annie Smith
May 14th, 2007

*statement given to Eileen Moore, investigator for the defense

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Statement of Maxine Perry

My name is Maxine Perry and I live at 1247 Greentree Lane with my 18 year old son Franklin Perry. Franklin is basically a good boy but sometimes gets involved in things when he hangs around some tough kids. As far as I know, he's not a member of any gang. I lay down rules for him in order to reduce his risks of getting into trouble.

I am a nurse at St. Raymond's Hospital and I regularly work the day shift from 8:00 a.m. to 4:00 p.m... Franklin is a senior at Millard Fillmore High School. One of the rules I enforce in our house is that he be home by 11 p.m. on school nights.

On March 12th, I was in my home getting ready to go to bed at 11p.m. I watch the news every night and then go to sleep, usually around 11:30. Franklin always says good night to me at 11, just before the news starts, and he did so on the night of the 12th as well. He stayed about 10 minutes and watched the news with me that night as he usually does. He was wearing those same stupid boxers he always does to bed. I didn't see him again after 11:10, but I did hear the music playing in his room before he came to see me at 11 and until I fell asleep after 11:30.

I remember that night because the next day was when I heard about that terrible fire that killed the woman and her daughter. I heard about it that morning on the news and remember thinking how glad I was that Franklin was home with me when the fire was supposed to have happened. Anything can happen if a kid is on the street these days.

Our house is about a 15 minute walk from where the fire took place.

I feel very sorry for Mr. Henderson because of what happened to his family, but I know for a fact that Franklin had nothing to do with it because he was home with me at that time. I am a church going woman and regard it as a sin to lie.

Signed

Maxine Perry

May 23rd, 2007

statement given to Eileen Moore, investigator for the defense

FIRE EXAMINATION REPORT

Client Franklin Perry	Case Number: 2145
Insure	Date Assigned: 5/23/07

Background: This investigator was asked by the lawyer for Franklin Perry to review reports regarding a fire that occurred on March 12, 2007 and to conduct an examination of the structure located at 123 Elm Street. The fire was reported at 2300 hours by a neighbor across the street. Local fire units were dispatched and extinguished the fire without incident. 2 female residents were discovered unconscious and were pronounced dead at the scene. Mr. Perry was charged with setting the fire by the local fire marshal and police.

Examination of the structure: June 11, 2007 this investigator conducted an origin and cause examination of the dwelling at 123 Elm Street. The dwelling is a wood frame with a brick façade. The structure was approximately 75' x 150' and was an end of group townhouse. The dwelling had been boarded up by the insurance company and was secured since the fire.

Conducting a systematic examination, an **exterior examination** was conducted. There was heavy charring of the windows and doorframe on the front with decreasing damage to the side window and rear windows. It was concluded that the most severe damage occurred in the front portion of the structure and is consistent with the fire marshal's report.

Then the **interior** was examined starting with the kitchen located on the first floor rear and proceeded to examine the first floor going in a clockwise direction and moving systematically from areas of lesser damage to areas of more damage. The kitchen had received smoke and heat damage. Demarcation lines were noted on the walls approximately 4' off the floor. There was some heat blistering to objects located near the ceiling. Proceeding to the adjacent dining room the damage was noticeably more significant. The furniture displayed charring on the top sides indicating the heat was above the items. The lines of demarcation are lower than the kitchen indicating the fire traveled from the dining room to the kitchen. The living room where the damage was considerable was examined next.

Based on the extensive amount of damage (more than the dining room or kitchen) the living room was determined to be the **area of origin**. The furnishings in the room consisted of a couch along the front wall, under the windows, a chair along the side wall, and an entertainment center along an interior wall in front of the couch. The fire had completely destroyed the couch with only portions of the wooden frame and springs remaining. The chair had lesser damage with the burn

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patterns indicating the fire originated from the couch. A closer examination of the couch indicated that there was deeper charring, indicating a longer burn time, on the right side closest to the front door. Both the couch and the chair were made of polyurethane foam, a material that has a high heat release (how much heat is released from a material overtime), and when heated, will liquefy and run and pool similar to a flammable liquid pour. This would account for the “pour patterns” stated in the fire marshal’s report.

CFG INVESTIGATIONS FIRE EXAMINATION REPORT

Client	Case Number:
Insure	Date Assigned:

Looking more closely at the area of the couch it appears based on burn patterns the **point of origin** was within the couch between the cushions near the front exterior door. There was also glass similar to the thickness of an ashtray found in the debris of the couch, which would support a theory that there has been smoking while sitting on the couch.

Ignition sequence: The occupant stated to the fire marshal that he had been sitting in the living room reading a newspaper, drinking a scotch and smoking a cigarette. A dropped cigarette would need to be insulated to produce sufficient amount of heat to produce a flaming combustion. This process takes time, usually 1 hour to 2 hours, which is consistent with when the fire was discovered. Once there is ignition of the couch the foam material would begin to burn and melt dripping and pooling onto the floor igniting the carpet and the floor. The fire progressed from the side closest to the front door along the couch intensifying and releasing more heat. The heat would radiant to other combustibles in the room. As more heat is produced the combustible objects reach their ignition temperature and begin to ignite creating the event called **flashover**. This brings the room to full involvement and creates burn patterns similar to the introduction of a flammable liquid. Because of wear patterns in the carpet created by traffic the patterns would appear linear. During flashover the fire consumes much of the oxygen and needs to find oxygen to sustain combustion. With the front door being in close proximity to the fire it would quickly burn under the front door creating burn outside where oxygen is plentiful. Flashover would also cause windows to break and melt allowing the fire to vent to the exterior, limiting fire damage to rest of the first floor (dining room, kitchen). This would account for the breaking glass the occupant heard. Glass melts at 1100°F and full room involvement can reach that temperature and greater. The intense burning to the stairs is due to the configuration. The stairs would act as a chimney drawing the fire up to the second level charring and burning through the stairs’ combustible treads and risers. The burns may be more pronounced on the steps because of

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the narrow construction creating radiant feedback to the combustibles. There were places observed in the living room and the stairs where samples were taken. These samples should be negative due to the fact no ignitable liquids were used.

CFG INVESTIGATIONS FIRE EXAMINATION REPORT

Client	Case Number:
Insure	Date Assigned:

Conclusions: First and foremost in any prosecution is to establish the origin and cause of the fire before initiating an arrest. In this case that was not done. The fire marshal relied on interpretations of indicators that have been taught, which constituted arson. These indicators were:

1. Burning under a door indicates a flammable liquid fire.
2. Low burning to the floor indicates a flammable liquid.
3. Rapidly progressing fire indicates a flammable liquid fire.
4. Melting of glass indicates a hot fire.

In fact, these indicators are indicators routinely found in post-flashover fires as well as ones caused by a flammable liquid.

Fire cause opinion: Based on the burn patterns and the fact that the owner is a smoker a discarded cigarette was the most plausible scenario as to the cause of the fire. This fire is being listed as **accidental**.

SIGNED-Charles Gilliam
June 18th, 2007

*Charles Gilliam is a graduate of Confusion State University. From 1986 until 2004, he served in the Delphi County, Confusion Fire Dept. He worked his way up through the department until he became Fire Marshall for the county in 1999. He retired after 5 years in that position to open a private consulting firm, CFG

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Investigations, specializing in the causes of fires. He stays current by taking numerous courses and attending programs on the origins and causes of fires. Additionally, he has taught in many such programs. He as been recognized as an expert in the origins and causes of fires by courts in Confusion and other states as well.

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