

State of Texoma v. Luka Angelo

**2022 DAVID POST HIGH SCHOOL
MOCK TRIAL CASE**



TABLE OF CONTENTS

CASE BACKGROUND	2
DISCLAIMER.....	2
STIPULATIONS	3
INDICTMENT.....	4
PROSECUTION WITNESSES.....	5
Jordan BECKER, SECURITY GUARD.....	5
Sam DOLAN, ENGINEER	11
AVIS Rogaliner, FBI AGENT.....	16
DEFENSE WITNESSES.....	22
Luka Angelo, DEFENDANT.....	22
Kennedy KINCAID, MEMBER, U.S. HOUSE OF REPRESENTATIVES.....	28
Ollie PAXTON, ENGINEER & DINER OWNER.....	34
EXHIBITS	40
EXHIBIT 1: DIAGRAM OF David Presa Dam	40
EXHIBIT 2: MAP OF AREA SURROUNDING David Presa Dam.....	41
EXHIBIT 3: Ollie PAXTON’S DAM DIAGRAM	42
EXHIBIT 4: DAMAGED PIPE FROM David Presa Dam BREACH.....	43
EXHIBIT 5: David Presa Dam BID SUMMARY	44
EXHIBIT 6: HAND-WRITTEN THREAT NOTE	45
EXHIBIT 7: FACEBOOK POSTS FROM Luka Angelo.....	46
EXHIBIT 8: Save Our Streams MISSION STATEMENT.....	47
EXHIBIT 9: LIST OF NAMES	48
EXHIBIT 10: INVENTORY LIST	49
JURY INSTRUCTIONS	53
INSTRUCTION No. 1	53
INSTRUCTION No. 2	53
INSTRUCTION No. 3	54
INSTRUCTION No. 4	54
INSTRUCTION No. 5	54
INSTRUCTION No. 6	54
INSTRUCTION No. 7	55
INSTRUCTION No. 8	55
INSTRUCTION No. 9	55

CASE BACKGROUND

In November 2010, the Army Corps of Engineers sought bids for the design and construction of the David Presa Dam in the Rio Grande, above the city of Zapata in the State of Texoma. Zapata is a small city of 15,000 people known for bass fishing and recreational parks. In January 2012, the winning bid was awarded to the engineering firm, Dolan and Associates.

In June 2012, Luka Angelo, a local conservationist and river guide, opposed to the construction of the dam, formed a non-profit organization called Save Our Streams (SOS). Luka spent years working in both the community and the courts to stop the construction of the David Presa Dam. Luka's efforts were unsuccessful, and the dam's construction began in May of 2016.

Four years later, the construction of the David Presa Dam was near completion. But, in the early morning hours of June 20, 2020, the dam burst, resulting in 9,000 head of cattle deaths and extensive property damage in Zapata. Luka Angelo has been charged with Sabotage in connection with the dam's destruction.

DISCLAIMER

This case is a work of fiction. The names, characters, businesses, organizations, places, events, and incidents herein are (mostly) the product of the authors' very vivid imaginations.

STIPULATIONS

- 1) Zapata is a city of 15,000 people located in the state of Texoma.
- 2) Exhibits 1, 2, 3 are not drawn to scale.
- 3) Exhibit 7 has been verified to be Facebook posts created by Luka Angelo.
- 4) This court is the proper jurisdiction and venue for this case.
- 5) All parties have agreed to the jury instructions.
- 6) All exhibits included in the case materials are authentic and accurate representations of the items they depict, and the proper chain of custody with regard to the exhibits has been maintained. All parties must use the proper procedures for admitting exhibits into evidence, and all exhibits are subject to objection except as to their authenticity.
- 7) All witnesses made the statements attributed to them.
- 8) The signatures and signature representations (items marked with /s/) on the witness statements and all other documents, including exhibits, are authentic. No challenges based on the authenticity of a witnesses' signed document will be considered.
- 9) The dates of witness statements are not relevant and are not included. No challenges based on the dates of the witness statements will be considered. All statements were taken after the alleged incidents but before trial. Each witness was given an opportunity to update or amend their statement shortly before trial, and no changes were made.
- 10) Each witness can be portrayed by a student of either gender. Any instance where a witness is referred to as only "him" or "her" or only "he" or "she" is inadvertent.
- 11) It is anticipated that the trial time will not permit all the exhibits provided in the following materials. Each party should select and use only exhibits that best support and illustrate that party's theory of the case.
- 12) Exhibit 3 was inadvertently marked as Zapata Dam but is, in fact, David Presa Dam.
- 13) The two documents referred to in Avis Rogaliner's witness statement, lines 90 – 96, are Exhibits 3 and 9.
- 14) The search warrant secured and executed by Avis Rogaliner was legal.

INDICTMENT

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MONIDA

THE STATE OF TEXOMA)	
)	
Plaintiff)	
)	Case No. IDMT2022
vs.)	
)	INDICTMENT
Luka Angelo)	
)	
Defendant)	

The Grand Jury charges:

COUNT ONE

On or about June 20, 2020, in the District of Texoma, Defendant Luka Angelo committed the offense of Sabotage with Terroristic Intent in violation of 18 U.S.C. § 2332j by detonating an explosive in, into, or against an infrastructure facility located within the United States, to wit: the David Presa Dam, with the intent to influence the policy of a government by intimidation or coercion or to cause extensive destruction to the facility, where such destruction resulted in major economic loss.

/s/
Jem Trotter
Assistant United States Attorney
District of Texoma

PROSECUTION WITNESSES

Jordan BECKER, SECURITY GUARD

My name is Jordan Becker. I'm a retired 55-year-old former police officer from Chicago. I currently live in Zapata, and I've lived here for about six years. I'm originally from Carmel, Indiana, a suburb of Indianapolis. I grew up in Carmel and played basketball in high school, then got a B.A. in English from DePauw University in Greencastle, Indiana. In college, I made friends with several people from Chicago, so after I graduated, I decided to move north to the big city.

After a few years of waiting tables, I decided I wanted to explore a career in law enforcement. I was recruited by the Chicago Police Department and enrolled in training through the CPD Education and Training Division. The training lasted a little more than 900 hours. We were trained in all aspects of policing, including firearms, control tactics, physical training, terrorism awareness, and scenario-based training. After training, I took and passed the Illinois State Peace Officer's Exam.

I started out as a beat cop in the 1st Precinct in 1989. The first precinct is in the heart of downtown Chicago, and we saw all sorts of crime—theft, robbery, assault, murder, drugs—you name it. In 1994 I was appointed to the Special Operations Section. We were CPD's main gang-fighting force. We received additional training with non-standard weapons and anti-gang policing tactics. Our mission was to root out the gang and drug-related violence in some of the highest crime areas of the city.

Yes, I know of the Section's reputation for violence and corruption, but I wasn't aware of any of my fellow officers' in-dealings with the gangs, and I would've reported them if I'd had any idea. Anyway, I was transferred back to the 1st precinct in 2001 before the Section went really crooked.

In 2013 I was injured on the job. I was chasing a robbery suspect on foot down Michigan Avenue. He ducked into an alley, and I followed. It was nighttime, and I couldn't see anything. Suddenly, I heard a loud bang and felt a burning sensation in my shoulder. The perp shot me! Luckily, my partner was right there with me and was able to subdue the suspect without anyone else getting hurt.

The bullet made a mess of my right shoulder. I had three surgeries over the next year but never fully recovered my right arm. In 2014, at the young age of 49, I hung up my badge and retired from the police force.

Soon after I retired, I moved to Zapata. My grandfather used to live there, and every time I would visit him, he would take me fishing a few times when I was a kid, and I loved the contrast between Zapata and Chicago. I'd spent most of my life in the big city, and it was incredibly refreshing to experience nature for a

change. That's what I liked about Zapata—it was calm, quiet, friendly, no violent crime—everything Chicago wasn't. I still want to fish, and I like to hike along the river with my dogs.

I tried to do the traditional retirement thing of sleeping in and bugging my spouse around the house, but that grew old quickly. She's a writer, and while the change of pace from Chicago was an excellent inspiration for their writing, having me around all the time was not, apparently. If I'm honest, I was a little bored, too. It was 2017, I think, and one of my fishing buddies told me his brother worked for Galey Construction Company and that the company was hiring security guards. I figured that was something I could do to get out of the house for a bit, so I applied.

I was hired after one interview—at the interview, actually. The folks at Galey seemed pretty impressed by my background as a police officer. They really didn't give me much training on the security risks particular to a dam, but then they really didn't need to. On my first day, they showed me around the dam complex and told me about the job. There's a list in the security office of all the things you're supposed to do on your shift, so really, it wasn't difficult. I had plenty of time to catch up on my reading while there.

The main part of the job is sitting in the office watching the cameras. There are a bunch of cameras around the dam complex. There's a camera on each gate so you can see who's coming or going. There are cameras on all the important buildings like the powerhouse and the valve house. Some buildings don't have cameras, like the maintenance shop or the security office. There are a couple of cameras looking out on the dam itself, but it's hard to see anything in those cameras because of the distance and the water spray from the dam.

So, anyway, on my shift, I spend most of the time sitting in the office watching the cameras. Sometimes people come to the gate and need to be let in. There's a button that opens and closes the gate from the security office, but it's been finicky the past year or so, and sometimes you have to go out to the gates and manually unlock it. There's a golf cart for that, which is nice. Lately, I've been working the night shift, so there aren't many people that need to be let in or out. Sometimes we'll get a late-night part delivery, but that's about it.

In addition to watching the cameras, we patrol the complex at night. The idea is to check every door and gate in the complex to make sure it's locked. If it's not locked, lock it, and figure out why it's not locked. I usually take the golf cart for part of my rounds and walk the rest. My only equipment when I go on rounds is a set of keys and a big flashlight. No weapons of any kind, not that I'd need any. We're told not to engage trespassers if we find any but instead to call the police. Whenever I've found trespassers, I've never called the police. I've seen the police around here and, well, let's say I'm not impressed.

Most of the people I catch where they shouldn't be are high school kids climbing fences or going around the fence upriver and hiking up to the dam complex. They aren't really a problem. I've never seen anyone try to

damage anything. A couple of times, there's been graffiti on a building or two, but not on my watches. I'm mostly worried about someone getting hurt. The generators produce massive amounts of electricity, and if a kid got to poking around where he shouldn't, it could go really bad. Then there are the dams themselves. Since it's not designed for public access, there aren't the normal railings and safety features you'd find elsewhere. At night, the dam's not particularly well-lit.

Perhaps more troublesome is the wildlife. Deer and antelope will sometimes get trapped inside the fences, and then it's up to us to get them out. We've got a bunch of gophers that live around here, and sometimes they cause problems too. I've rolled my ankle more than once, stepping in a gopher hole. But it's nothing like back in Chicago. These problems here are minor in comparison.

The biggest problem I've encountered isn't really a security problem at all. A few months after I started working at the dam, large deliveries of lumber started arriving. I think they were using the lumber to build the concrete forms before they poured the concrete. The thing is, there seemed to be a lot more lumber being delivered that was being used on the forms. I didn't think much of it until I overheard a conversation between a couple of the workmen—something about the “extra” lumber that would be “picked up” later. I suspected that someone might be running a scam by ordering extra materials and then stealing them from the job site. I didn't have any hard evidence, so I didn't tell Galey about it, but I did tell Kennedy Kincaid. I figured that Kennedy, being a member of Congress who I just happened to know from around town, might be able to investigate further. I don't know if anything came of it.

Yes, I know Luka Angelo. I knew about Luka before I started working at the Dam. Luka runs some sort of outfitting operation that brings a bunch of rowdy people to town to go rafting. The type of people I sometimes had to clean up after when I was a cop. I guess many of them are ok, and I understand a person's got to make a living, but I moved here for peace and quiet, you know?

Anyway, when I started at the dam, they told me about Luka's “special arrangement” to access dam property that was otherwise closed to the public. Luka's workshop was next to the river, and apparently, it couldn't be moved when the dam got built. Seems like a whole lot of trouble to me, and I think the dam got the short end of the stick on that compromise. But it's not my call, and I've got to accommodate Luka. Luka wouldn't come to every shift I worked. I worked the night shift, so sometimes, I would go a week or two without seeing Luka. On average, though, I'd say I see Luka once or twice a week. For the most part, my interactions with Luka were friendly enough. Luka would usually wave and say “hello” through the windows if I was working when Luka came by. We didn't have long conversations, but we at least exchanged pleasantries.

Although, now that I think about it, shortly before the dam collapsed, Luka began acting weird. For weeks or so leading up to it, I didn't get a wave or even a smile when Luka came by. About a week, maybe a week

and a half before the dam blew up, I saw Luka walking around by the outlet pipes at the base of the dam. I'd never seen Luka there before, and there was no reason for them to be there. I was up on the road and called down to Luka because that area is off-limits. I guess I was too far away because Luka

didn't hear me. I also remember one night, probably the night before the dam broke, or maybe one night before that, I tried to stop Luka to say hello and make sure everything was O.K. Luka was gruff and dismissive: "I'm fine, just really busy. Get out of the way."

I was working the night the dam broke. It was June 20, I think. I remember the day pretty well because it was an atypical shift. Usually, nothing happens, but on the 20th my shift started at 4:00 pm, and I got there about 10 minutes early, as I usually do. Everything was quiet as I did my first rounds somewhere between 4:30 pm and 5:00 pm. Around 9:00 pm Luka showed up at the gate. I recognized Luka in the blue Toyota pickup truck on the camera in the security office, so I pressed the button to open the gates. It's a very distinct blue. I think Luka or someone else painted it because I've never seen that color blue on any other Toyota.

Luka drove into the dam complex, and I closed the gate. As Luka drove past the security office, I got a glance of the bed of the pickup. There was a tarp covering most of it, but the tarp was turned up on the driver's side at the rear. I saw three or four propane tanks, some steel tubing, and some tubs of what I think was black powder. It didn't really seem out of the ordinary to me. Luka showing up was a normal, regular occurrence, and I didn't put much thought into it. Luka drove down the road from the gate, then down the dirt road to the shop on the bank of the river. After Luka turned onto the road leading down to the river, I couldn't see the truck on the cameras anymore—the cameras in that area only cover the dam itself. Once Luka was off-camera, I went back to more important business; reading. At that time, I was reading *The Last Days of Night* by Graham Moore. It's a good book; you should give it a try.

It got dark after 9:30 pm that night. I went to do my second round about an hour after it got dark, so maybe it got dark around 10:00 pm. There are a few exterior flood lights on the dam complex, but by and large, it's pretty dark at night. After I checked the buildings near the security office, I went to check the dam and the powerhouse. I saw Luka's truck parked at the top of the access road leading to Luka's shop. It looked like the truck was running because the taillights were on, but the headlights were off. The truck was positioned sort of half-in and half-out of the light from a pole about fifteen feet away. The cab was in the light, but the bed was in the dark.

As I got closer, Luka came around from the far side of the truck carrying a large burlap sack that had something apparently heavy in it. Luka also had a welding mask on their head, tilted up. Once I was close enough, so I didn't have to shout, I asked Luka if I could help. Luka said, "no, thanks," so I continued my rounds. I checked the dam and the powerhouse, then headed back to the office. As I passed the truck on my way back, I

didn't see Luka.

I didn't think much of this interaction with Luka at the time. I hadn't seen anything like that before, but Luka's a little weird, to begin with, so sacks, welding helmets, whatever, seemed like par for the courses. Luka wasn't damaging the dam complex, so I didn't really care what they were doing.

The dam burst a little before midnight. I was still outside, at the end of doing my rounds. I was doing the final check on the doors to the machine shop when I heard a loud noise, like a crash or a boom or something. I'm not really sure what it was. The ground started to rumble and shake. I saw some of the light poles near the dam swaying and ran over to see what was going on.

I stopped before I got there as I watched the dam collapse. I ran back up the road to higher ground near the security office to avoid the water and debris. I didn't see Luka. I hoped Luka had made it out and would be waiting at the gate or somewhere else safe. In any case, there was nothing I could do—the dams were collapsing before my eyes. I called my supervisor to let her know what was happening.

About 10 minutes later, I saw Luka's truck driving up the road from the direction of the shop. Luka's truck looked beat up. It was covered in dirt and mud. Seemed reasonable to me at the time since the dam had just collapsed. I ran into the road and waved Luka down to ask what had happened. Luka said the dams failed and the surge of water behind it nearly ripped the shop into the river. Luka said they had tried to rescue the shop with the truck, which is how it got so dirty. Looking back, that doesn't make much sense. That truck couldn't pull a building, particularly one that was being swept away by the river. On top of that, I don't remember hearing that the investigation found any evidence of the shop being swept away. Luka didn't get out of the truck to talk to me. They looked frazzled and seemed anxious to leave. I went inside the office to open the gate and let Luka leave. I assumed police or investigators or whoever would get in touch with Luka when they needed to. As Luka drove away, I noticed that the tarp was folded up in the bed of the truck, which looked to be empty. Luka was acting suspiciously that night. Like I said, normally, Luka was friendly by not that night. I could see Luka was sweating, too, but it wasn't a particularly hot night. Luka clearly didn't want to talk to me, and Luka's explanation about the shop and the truck doesn't make any sense. I've talked to the investigators for months, and believe me, they're good. They know what they're doing. I agree with their conclusions that the dam collapsed because of sabotage, and the saboteur is Luka Angelo.

WITNESS ADDENDUM

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

/s/

Jordan Becker

Sam DOLAN, ENGINEER

My name is Sam Dolan. I grew up in the farming community of Green River, Utah, where my family owned a large farm on the banks of the Green River. Early on in my life, I learned how important water resources and irrigation are to the health of small communities. As my Dad always said, recreation is nice, but rivers must always be controlled and maintained as the lifeblood of any farming community.

After graduating from Green River High School as Class Valedictorian, I attended the Massachusetts Institute of Technology on a full-ride scholarship. From the time I was a little kid, I had been interested in building things with my own hands, including irrigation pumps and piping systems on the farm. I even invented my own pressure testing system using an old electric air pump instead of water to test the irrigation piping for leaks. After closing all the irrigation valves, I hooked up the air pump to the intake valves on the irrigation system to check for leaks. My system saved my family so much time and money compared to pressure testing with water; Dad bought me a new bike!

Studying engineering at MIT was a dream come true. I earned dual engineering degrees from MIT in Structural Engineering and Water Resources. After graduating with honors from MIT, I wanted to go back home to Utah, so I attended the University of Utah, where I earned both a Master's Degree and a Ph.D. in Structural Engineering and Water Resources. I even won an engineering award for my Ph.D. thesis on the feasibility and mechanics of using air pressure to stress hydraulic test systems.

After completing the Ph.D., I decided to stay in Salt Lake City and went to work at one of the most prestigious engineering firms in Utah, SRC Engineering. During my tenure at SRC Engineering, I worked on several large-scale dam projects in the Pacific Northwest and became familiar with the process of designing and constructing dams at the largest scales. Unfortunately, the construction of these dam projects was already underway, and the design and construction plan still called for old-fashioned water pressure testing of the internal dam piping. My air pressure system testing was considered to be new and untested technology. The senior engineers on these projects did not want to change from their antiquated use of water pressure testing despite my suggestion.

Designing and overseeing the construction of large-scale dam projects is an extraordinarily complex engineering challenge. Over the years, many dams have failed due to inadequate design, testing, and construction in addition to the cost of the design and construction of a large-scale dam project, which can run into the hundreds of millions if not billions of dollars, compliance with the complex regulations governing dam construction and safety practices can add tens of millions of dollars to the price tag. Engineers have to live with the reality that government construction projects almost always go to the lowest bidders. For these reasons,

engineers are always looking for ways to cut costs in order to streamline the design and construction process.

Based on my education and experience with the engineering and construction of dams while at SRC Engineers, I learned that the construction and testing of the primary service spillway system on a dam was one of the most expensive and time-consuming parts of any dam construction project. When it comes to dam construction, time really is money. Every day that can be saved during the construction process leads to cost savings of tens of thousands of dollars. The primary service spillway system is comprised of the gateway and the primary spillway piping and is the most critical and expensive hydraulic structure of the dam. The system must be designed and constructed so that it will pass both normal and flood level flows in a manner that protects and supports the structural integrity of the dam. The primary service spillway provides for continuous or staged releases from the reservoir and acts to prevent significant damage and possibly catastrophic failure of the dam. Primary service spillway systems must be designed and sized to safely pass floods waters at least equal to the maximum flood levels at the site of the dam based on historical records. Testing of the system is the most hazardous and time-consuming part of dam construction. Even under the most rigorous construction practices, latent defects in the materials have caused the catastrophic failure of several large-scale dam projects in the testing phase.

In late 2010, I learned that the Army Corps of Engineers was seeking bids from regional engineering firms for the design and construction oversight of the David Presa Dam, which was to be built in the Rio Grande Canyon above Zapata. I was very excited by this project and saw it as my opportunity to open my own engineering firm. I moved to Zapata and opened Dolan and Associates in a modest office on the edge of town. I was aware that Ollie Paxton of Paxton Environmental Engineering had been practicing in the area for quite some time but had heard that they were getting close to retirement. It was not until after I submitted my bid that I learned that Paxton Environmental Engineering submitted its own bid for the engineering, design, and construction oversight for the David Presa Dam.

The Army Corps of Engineers' process for awarding the engineering and construction oversight contracts for the David Presa Dam included choosing five finalists and allowing them each one hour to make in-person presentations before a board of experienced dam engineers at a public meeting. Both Dolan and Associates and Paxton Environmental Engineering were chosen as finalists and given the opportunities to make presentations before the board and the public. Each of the finalists was allowed to observe the other presentations so they could answer questions from the board members about the differences between the plans.

I sat through the presentation by Ollie Paxton and was quite surprised by the location of the dam in their proposal. Paxton's proposal for building the dam included siting the dam more than five miles upstream from my proposed location of Zapata on the Rio Grande. Due to the high canyon walls and the dense bedrock surrounding

the canyon at Zapata, this location was clearly the most ideal site for a dam in the whole valley. Based on the narrow span between the canyon walls and the bedrock, hundreds of thousands of dollars in materials such as concrete and rockfill would be saved by building at the Zapata site compared to other sites on the river.

The location of the dam proposed by Paxton Environmental Engineering seemed to make little sense from an engineering perspective. The canyon at the Rio Grande on the site proposed by Paxton was wide and shallow and was surrounded on each side by very soft sedimentary canyon walls. The Paxton Engineering Environmental site would have required the construction of a dam with a span of almost three times the site at Zapata. This site would have required the purchase of thousands of tons of additional concrete for the dam and the transport of vast truckloads of rock and fill to shore up the canyon walls to be transported up the canyon. By building the David Presa Dam at Zapata, the Army Corps of Engineers was able to save hundreds of thousands of dollars as opposed to the upstream location proposed in the Paxton Environmental Engineering plans.

I was quite shocked when Paxton interrupted my presentation by shouting that my proposal would kill the local recreation and put them out of business. As I left the presentation, I saw a group of persons, including who I later learned was Luka Angelo, outside protesting the dam construction.

In January 2012, the Army Corp of Engineers announced that Dolan and Associates had won the design and construction oversight contract to build the David Presa Dam at Zapata. I was not surprised that the Army Corps of Engineers awarded the contract to Dolan and Associates. Not only did my proposal include the vast cost savings of building the dam at the Zapata site, but it also included the plan to conduct the final stress test of the primary service spillway system using air pressure.

Compared to using conventional water pressure techniques requiring several weeks if not months of ongoing testing of the primary service spillway system, the use of air pressure to conduct the stress test would shorten the time from weeks to two days. Instead of filling the system with water and checking for leaks over the course of several weeks, the gateway and all outlet valves on the system would be closed, and the intake valve would be hooked up to a massive industrial air pump capable of charging the system to and even beyond the water pressure the system would face during actual operation. After all, pressure is pressure!

In order to minimize the danger of closing the gateway and allowing water to build up behind the dam prior to final testing, my plan called for the stress test of the primary service spillway system to be completed during low water flows in the fall. Because the stress testing time would be reduced from 96 weeks to two days, the stress testing can usually be done most safely during that time of year and would result in tens of thousands of dollars in cost savings. These savings were in addition to the hundreds of thousands of dollars saved by building the dam at Zapata and not the location further upstream proposed by Paxton Environmental Engineering.

In fact, the only thing that surprised me when Dolan and Associates were awarded the contract was the fact that the protester Luka Angelo was given permission to travel in and around the Zapata dam site to get to their raft workshop. I knew, however, that the construction company awarded the contract for the construction of the dam, Galey Construction Company, would hire good security to protect the dam throughout the construction process, so I didn't complain when I would see Luka on the site during construction.

After four years of construction, the David Presa Dam was near completion in the late spring of 2020. The reason construction was wrapping up in the spring of 2020 and not the fall of 2019, as originally planned, was because we had to re-fabricate the spillway piping system midway through construction when we realized the pipes needed to be thicker. The pressure testing of the system was the final and most critical step in the construction of the dam. This pressure testing can lead to catastrophic failure of the spillway system and, potentially, even the dam itself if the system is not constructed properly.

Because there had been substantial cost overruns due to not completing the construction of the dam in the fall of 2019 as originally planned, it was now even more critical to complete the stress test of the system as quickly as possible. While this wasn't ideal given the higher-than-normal rainfall that spring, I had been present throughout the installation of the system by Galey Construction and was confident that the system could still be safely tested even during the spring run-off season. Because of the dangerous nature of the testing at this phase of the dam construction, every Army Corps of Engineers contract requires that they receive at least seven days' notice before the stress test is conducted. The Army Corps of Engineers then publishes safety warnings notifying the people living in surrounding communities not to approach the dam area while the stress test is underway.

In order to complete the stress test, we were using pressurized air to generate pressures equal to the enormous water pressures generated when the spillway system is operating at full capacity during the spring run-off. In order to pressure test the system and ensure that the entire system could withstand the enormous pressures that would be placed on it, the primary and auxiliary gateways had already been closed. The closing of the gateways at that time of year naturally caused the reservoir to quickly fill to near capacity. The risk of having this much water in the reservoir during the stress test we deemed acceptable because the stress test would be completed so quickly.

After the gateways were closed, the system was pressurized with air, and the entire system was inspected and monitored constantly to make sure that no leaks or failures were detected. Around 10:00 p.m. on the second day of the testing, the stress test was going so well that I felt confident that I could leave the site. By that time, the Galey Construction foreman and I had been inspecting the system continuously for almost 48 hours without a single indication of a leak or defect in the system. Before leaving, I set the time control

mechanism on the massive compressor charging the system to turn off at midnight. While I was setting the timer, the foreman checked the propane level in the tank to make sure there was enough propane to power the compressor for at least another 3-4 hours. We then asked Jordan Becker, the security guard on duty, to keep an eye on things and left the site.

I first learned that the dam suffered a catastrophic failure when I received an urgent call from Jordan Becker at around 2:00 that morning. Jordan told me that almost the entire dam had been washed away after I left the site. The collapse of the dam resulted in the deaths of 9,000 head of cattle and did untold damage to property in the surrounding area. When all is said and done, the cost to fix all this damage could top \$25 million. This whole thing has really shaken the entire community to its core.

As the lead engineer, I was part of the extensive investigation conducted by the Army Corp of Engineers, which concluded that the dam breach was caused by a catastrophic failure in the primary service spillway piping system. Although the gateways and spillway piping system were destroyed and the debris was buried under millions of tons of rock and debris, we did uncover one pipe that appeared to have damage that could only have been caused by an explosion. This evidence and computer reconstructions of the collapse clearly indicated that the failure of the dam began with an explosion at the spillway piping system. Based on the successful stress testing of the spillway piping system prior to the collapse of the dam, the failure was not due to defects in the testing or the system itself. It is my opinion, therefore, that the catastrophic failure of the dam could only have been caused by an explosive device placed on the spillway piping.

WITNESS ADDENDUM

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

/s/
Sam Dolan

AVIS Rogaliner, FBI AGENT

My name is Avis Rogaliner. I'm 27 years old. I attended the United States Military Academy at West Point, where I graduated at the top of my class. After graduating, I worked for the Virginia State Police for four years. During my time with the VSP, I attended the National Criminal Justice Command College at the University of Virginia, where I earned a certificate in Criminal Justice. Because of my background, I was always interested in one day joining the FBI. That dream came true when I was 26 y.o., right after I got my CJ certificate from UVA. Sorry for all the acronyms...they are hard to avoid after my years at West Point and in law enforcement.

Back to the facts. I have been with the FBI for about one year. The case against Luka Angelo was my first solo, undercover assignment. I had previously worked on some general investigations relating to white-collar crimes (tax fraud, etc.) and spent a brief stint training and collaborating with ATF agents--ATF is the acronym for Alcohol, Tobacco, and Firearms. My time working with the ATF increased my interest in domestic terrorism because a lot of the ATF cases involve connections to terrorist activities. This experience honed my training regarding such activities and, frankly, reinforced my instincts about what does and doesn't "look right" about certain terrorist behaviors. In addition, my general FBI training and my stint with the ATF also helped me develop a profile for the typical domestic terrorist. Common characteristics shared by individuals who engage in domestic terrorism include: (1) individuals between 18 and 25 y.o.; (2) single, no children; (3) no close ties to the community; (4) membership in a relevant organization; (5) feelings of anger, alienation, or disenfranchisement; (6) perceived feelings of injustice; (7) friends sympathetic to "the cause"; and (8) believing that current political involvement does not give them the power to effect change. These characteristics, my training, and my instincts ultimately led me to conclude suspect Angelo bombed the dam in the act of domestic terrorism. The following summary details the reasons I reached this conclusion.

I will start at the beginning concerning my investigation of suspect Angelo. My supervising agent briefed me about suspect Angelo in April 2018. What we knew at the time was that, on January 25, 2012, the Army Corps of Engineers announced a dam would be built in Zapata, in the Rio Grande Canyon. In June 2012, suspect Angelo formed Save Our Streams, aka SOS. Suspect Angelo formed SOS because they were opposed to the dam. Suspect Angelo tried to stop the dam from being built, but their efforts were obviously unsuccessful because Galey Construction started building in May 2016. After that, the FBI received intelligence that resistance to the dam was escalating to a whole new level and that things could get dangerous. That intelligence was based on a handwritten note threatening to bomb the dam if construction didn't cease immediately. The note was posted on a Facebook page created using the SOS name, although it wasn't clear that suspect Angelo created the page. In any event, Facebook shut the page down because of the note and provided the FBI with information that ultimately helped

our agents track down the author of the note to a man in jail in Nevada named Joey Juniper. Juniper said he was an avid sportsman who supported suspect Angelo's efforts to stop the construction of the dam. He said he attended a few SOS meetings when he was recreating in Monida and saw suspect Angelo speak, but they never met suspect Angelo personally. Juniper would not confirm or deny whether he was responsible for the Facebook page itself. Either way, we were skeptical about his claim to not know suspect Angelo, especially given his admitted connection to SOS. Plus, he was in jail for disturbing the peace in Nevada--apparently for participating in some unrelated protest there--so there was no doubt that suspect Angelo's activities were right up his alley. Plus, my instincts told me there was more to the story than he was sharing. That's where my undercover assignment came into play. I needed to infiltrate SOS.

The undercover assignment plan. My supervising agent and I decided that I would work undercover as a server at a local diner in Zapata called the River Bend Diner, owned by Ollie Paxton. We chose the RBD server ruse because that's where suspect Angelo held their SOS meetings. Now, as I mentioned, we knew suspect Angelo was not the individual who made the initial threat that led to my undercover assignment, but it didn't take long for me to discover that they were a threat nonetheless. And that discovery came early on during my undercover operation. My instincts about them kicked in after overhearing comments they made at the first SOS meeting held while I was working at the RBD, which took place on 5 September 2018, right after Labor Day, about four months after I started working at RBD. To say that the meeting

was spirited would be an understatement. Suspect Angelo was fired up. I heard them tell the meeting attendees that they had just been to their accountant since it was near the end of the summer rafting season, and they learned how much money their river raft guide business had lost and would continue to lose, because of the dam construction. Suspect Angelo also said, "This may just be the end of my business. It will go bankrupt if I can't keep the same volume of customers after the dam is complete." I then heard suspect Angelo yell: "The courts may not have agreed with me that this dam should not have been built, but there are other ways to win this battle." That was the break I needed because I hadn't collected much evidence up to that point, which is normal during the early stages of an investigation when you're trying to learn and play the undercover role you have been assigned, including gaining the trust of those around you. But, I didn't need my instincts to know that suspect Angelo's statement was a sign of trouble and to confirm that my undercover assignment put me in the right place to put a stop to it. But, no good investigation ends with just one incriminating statement. I continued to work the investigation, focusing most of my attention on suspect Angelo gave their clear disdain for the dam, their explicit statement suggesting an intent to destroy the dam even if they couldn't do it legally through the court system, and their connection to Joey Juniper, the criminal in jail in Nevada.

The second SOS meeting I witnessed was calmer than the first. It happened in December 2018. In fact, I

would barely call it an SOS meeting. It seemed like the SOS had lost some steam in Zapata. The only people there to support suspect Angelo and the SOS cause were Ollie Paxton, the owner of RBD and SOS board member, and Kennedy Kincaid, who also opposed the dam. It seemed like a secret meeting based on the people in attendance and the amount of whispering going on. The whispering struck me as odd because the RBD was dead since it was the Sunday before Christmas, so there was nobody around to overhear the conversation other than me. At least no one other than me after I got that “dine and ditch” customer out of there. In case you don’t know, “dine and ditch” means eating and trying to leave without paying. I ended up tackling the customer who tried to leave without paying that day because she was the only one interfering with my surveillance of the meeting, and I probably got a little overzealous, but I don’t think it blew my cover. It just showed Ollie how much I cared about their business.

By the December meeting, we were all on friendly terms, and I had even voiced my support for suspect Angelo’s SOS gang, so it’s unlikely they wouldn’t want me to overhear legitimate plans for SOS. It’s far more likely that they just didn’t want me to hear that they were starting to put together a plan to bomb the dam. In hindsight, that’s exactly what I think they were doing.

More secret meetings. Over the next five months, I saw suspect Angelo, Paxton, and Kincaid have lunches together at RBD on numerous occasions. In fact, Ollie told me they had a standing arrangement to meet on the 20th of every month from January through May 2019 and to make sure I had a table available for them every month on that date between 6:00 p.m. and 8:00 p.m. I was unable to overhear any of their conversations, but I got the sense they were planning something. I saw them making notes, looking at photographs and diagrams of the dam under construction from various angles, and writing a list of names. I tried to check on the table several times to see what I could hear or get a better view, but I couldn’t because they would stop talking or cover stuff up when I approached. But, as luck would have it, I saw one of the documents and one of the diagrams slip off the table onto the floor one of the times when I went over to refill their coffee. None of them noticed, and I collected them as soon as they left. The diagram was of the exact place in the dam where it was determined that the breach that destroyed the dams occurred. The document was the list of names, which included the name Joey Juniper the criminal from Nevada, and nine other people. I looked into the backgrounds of the nine other people. None of them had criminal backgrounds, but all of them had supported SOS in some way.

The meetings slowed down again between June and September 2019, likely because this is the peak rafting season for suspect Angelo’s business. Although the dam was still being constructed, suspect Angelo was still able to make their business work. I heard it wasn’t as successful as it was before the dam construction; at least that’s what I assumed based on suspect Angelo’s post-Labor Day tirade in 2018. But, it appeared to keep her busy enough to suspend her meetings at RBD, or they found somewhere more private to have her meetings.

Paxton told me they thought suspect Angelo had finally accepted the dam would be built and was focusing all their energy on her business and trying to think of new business opportunities to explore. Paxton seemed genuine, but my instincts told me otherwise.

Although I didn't witness any SOS meetings or "secret" meetings at RBD during the summer of 2019, Kincaid was there a few times with some of their government cronies. On one of those occasions, I heard Kincaid talking about how they had information about all the cost-cutting measures that were taken to get the dam built, from subpar contractors to shoddy construction materials. Kincaid told their cronies that they made public records request for the bids and the construction contracts and that "every job went to the lowest bidder." I had not heard that before, and I wasn't sure if they were making it up just because they were opposed to the dam's construction. It seemed like Kincaid would say anything to give the dam bad press, especially given their connection to suspect Angelo and their involvement in the secret meetings. Since I didn't have any other evidence to support Kincaid's single statement about the poor construction work, I concluded it was not necessary to pursue it. Plus, poor construction isn't what I investigate. I investigated potential crimes, and I had evidence that there was a conspiracy underway to destroy the dam and that conspiracy was led by suspect Angelo. To that end, I followed suspect Angelo on a few occasions and saw them wandering around the dam construction site. I even saw them take a few photographs. I didn't want to get so close that I would blow my cover, so I am not sure what the photographs were of, but my instincts tell me they were trying to decide on the best location to set the explosive.

Because there was not a lot happening at the RBD during the summer of 2019, I decided to go on one of suspect Angelo's guided raft trips. I had to reschedule a few times because it had been raining a lot, but I finally got a trip on the calendar. Suspect Angelo is really good at what they do. They definitely know a lot about the area and the river, probably because they grew up in this part of the state. It was very educational. I was hoping they would make some statements about the dam during the excursion that would be helpful in my investigation, but they didn't other than to note it was being built and to explain how they had to change their river trips as a result. They definitely did a fairly good job covering their tracks in that setting. The out-of-towners on the raft trip with me would have never suspected that they opposed the dam. Suspect Angelo is actually pretty likable as long as you don't get in the way of their business ventures.

The final stages of the investigation. As the summer rafting season in 2019 started to wind down, the dam construction started advancing more quickly, which fired SOS back up again. The SOS supporters and suspect Angelo seemed to be getting more desperate and started meeting again regularly. Like the secret meetings earlier in the year, the SOS held meetings on the 20th of every month starting 20 October 2019 through 20 May 2020. The sessions were basically all the same. Suspect Angelo would lead the group discussions about what, if anything,

could be done to stop the dam construction this far in the processor to sue the people who were building it to get money damages for the impact to recreation and wildlife in the area. There was a lot of talk about lawsuits, but the only thing notable I heard suspect Angelo state was, "I still may have something up my sleeve. I just need some time and to make a few more connections." At the 20 April 2020 meeting, I heard suspect Angelo say she was going south for a few days to meet someone who might help. They didn't say specifically where they were going, but Nevada is definitely south of Zapata. I also first met with Security Guard Becker in April 2020. They told me that they occasionally saw suspect Angelo accessing the dam during the evening hours. They said they never saw anything fishy about it and didn't make much of it, so I didn't either.

The 20 May 2020 SOS meeting was more of the same, but I suspect Angelo seemed a lot edgier. They were definitely at the end of their rope. When they came into the RBD that day, I asked how they were, and they just looked at me and didn't answer, which was unusual. They also kept running their hands through their hair and would only respond to questions with short answers. The dam was almost complete, and no lawyer would file a lawsuit on behalf of SOS or anyone else. A lawyer attended that meeting and advised the group that a lawsuit could only be filed if and when the dam actually harmed the area. In response, suspect Angelo said: "Obviously, only the crooked politicians and businessmen get their way. The system is rigged!"

On 15 June 2020, suspect Angelo posted on Facebook that the SOS meeting scheduled for June 20th needed to be canceled because they had a conflict. I don't think it's a coincidence that the dam burst on 20 June 2020. I believe in instincts, but not coincidences and my instincts were right about suspect Angelo and they met many of the criteria for a domestic terrorist based on the profile I built. And the evidence supported my conclusion. After the explosion, we got a search warrant for suspect Angelo's house, workshop, and truck. We found some incriminating pieces of evidence there, including black powder and dynamite. It's all on the inventory sheet if you want the complete list.

I also arrested suspect Angelo. Although they didn't meet all of the criteria for a domestic terrorist, given their age and ties to the Zapata, the profile fit. Suspect Angelo was the founding member of SOS, a clearly relevant organization with domestic terrorism ties and plans, and they had clearly become increasingly angry and felt like a victim because of their failed attempts at stopping the construction of the dam. So, they took matters into their own hands and found a different way to put an end to it. And, there was plenty of evidence they were guilty in addition to my profile of them. Besides the items found in suspect Angelo's house and truck, which I believe linked her to the explosion when I arrested suspect Angelo, they smelled like propane. Based on my training and experience with the ATF, I know exactly what propane smells like, and it linked suspect Angelo to the propane torch that was found near the scene of the crime. I read suspect Angelo Miranda warnings when I arrested them, but they refused to talk and asked for a lawyer.

Even though suspect Angelo would not talk to me following their arrest, I heard they said they were using black powder to clear tree stumps. In my opinion, based on my experience with the ATF, that's an excessive method for clearing stumps and was likely a cover story for what happened at the dam. Plus, my recollection is that ATF regulations prohibit possession of more than 50 pounds of black powder by an individual, which would be more than enough for clearing stumps. If suspect Angelo ever possessed more than that, they're lying about using it for clearing stumps.

WITNESS ADDENDUM

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

/s/
Agent Avis Rogaliner

DEFENSE WITNESSES

Luka Angelo, DEFENDANT

My name is Luka Angelo. I am sixty years old and was born and raised in Zapata. My family owns a successful cattle operation in the Zapata area that my great-grandfather built in the early years of the last century. Although my grandfather and father went into the “family business,” my interests lay elsewhere--the Rio Grande.

My interest in river rafting began in the summer of 1972, the pretty with the first Olympics to include a whitewater sporting event. I remember sitting before the television rapt, watching competitors navigating a whitewater slalom course in canoes. It was incredible! When my father told me that people had been doing similar things for years on the Rio Grande, I pleaded with him to take me. He eventually relented, and I have been in love with whitewater sports and the Rio Grande ever since.

Throughout high school, I spent as much time on the river as I could. I learned the ins and outs of whitewater rafting from a handful of old-timers who got their start on surplus army rafts after the Second World War. Those old-timers even taught me traditional river navigation techniques using bull-boats and dugout canoes.

In addition to river navigation, the old-timers also taught me to respect the Rio Grande and its natural surroundings. In 1977, some rich out-of-staters wanted to build homes along the river. Those old-timers did not like the idea of anyone spoiling the river’s natural beauty. All told, they got me and about two hundred people to show up at the next county planning and zoning board meeting to oppose any construction along the river. Ultimately, no new construction was approved.

By the end of high school, I did not want to follow my father into the family business. I wanted a job that would keep me on the river as much as possible. So, after working for my father and saving for about a year, I started Monida River Adventures, a whitewater rafting outfitter based on the Rio Grande. This gave me a job from which I could both enjoy and protect the river. For example, I organized a letter-writing campaign to stop the county from increasing the number of permits for fishing outfitters on the Rio Grande during the early eighties.

For the next decade, I built Monida River Adventures into a profitable business. Then, in 1993, a Washington lumber outfit came town to harvest lumber on public land near the river. I quickly organized a protest. When the local paper interviewed me, I warned the lumber company that I would “put their operation to the ax” before they would touch a single tree. In the end, the lumber company abandoned the proposed harvest

after fifteen other like-minded individuals and I handcuffed ourselves to some of the timber harvesting equipment. Unfortunately, I had to plead guilty to misdemeanor trespass to avoid felony charges for allegedly conspiring to sabotage the lumber equipment.

As more time passed, the Rio Grande obtained a reputation as the best whitewater rafting destination in the Pacific Northwest--mostly due to the younger guides I trained taking stories of the Coho with them to other parts of the United States. In 2008, Zapata was selected to be the site of the World Whitewater Kayak Championships. Monida River Adventures really took off after that. Over the next two years, my clientele more than doubled. That put me on pace to retire within the next seven years, but my fortunes quickly turned.

In early 2010, I learned the Army Corps of Engineers wanted to dam the Rio Grande. My friend, Ollie Paxton, had submitted a bid. they told me that their bid would put the dam approximately five miles north of Zapata, where it would minimally affect my rafting business and the environment. they also told me where and when the final presentations for the bidding process would be. I suspect Ollie told me this because they knew I would organize a protest, which might increase their chances of winning as they thought their bid was the most environmentally friendly.

I organized a hundred or so local conservationists, sportsmen, and farmers who opposed the dam. We gathered outside the building where the final presentations were held. We chanted, marched in the parking lot, and held up signs and banners. We even surrounded the vehicle of one of the engineers judging the proposals as she was trying to leave. We let her know how we felt!

When the Army Corps of Engineers announced the plan to construct the dam in 2012, I was shocked. To make matters worse, Zapata was the designated dam site! Building the dam there would ruin both a natural wonder of the Rio Grande and my rafting business all at once. I asked Ollie why their bid was lost, and they said it was all about money. Building the dam at Zapata would save millions in construction costs. Additionally, Ollie suspected that the company with the winning bid, Dolan and Associates, was planning to cut corners in the actual construction. There was no other explanation for their low-ball bid.

I realized that stopping the dam was going to take everything I had. First, I needed to organize all those opposing the dam project, so I started "Save Our Streams," also known as "S.O.R." The group started with just me, Ollie, and a few other locals. Ollie let us hold meetings in their restaurant, the River Bend Diner. Once SOS got rolling, we tried to get the media to report on some of the negative effects the dam would have on tourism and agricultural irrigation. Although the local media ran a story or two, no national publications would come near us.

After getting little attention from the media, we took the fight into the courts. In 2014, S.O.R. sued the

government and the Army Corps of Engineers. What a joke that turned out to be! After more than a year of litigation, the court dismissed the case because S.O.R. had not suffered any actual or imminent harm. What good are the courts if they will step in only when someone is about to be harmed?

For the next two years, I steadily grew the membership of S.O.R. Generally, the new members were good people. Although we did attract a few sovereign-citizen, anti-government nut jobs, they never stayed long. Those types always seemed to advocate violent resistance. I would always tell them that S.O.R. would use only peaceful forms of resistance. They usually would disappear after that. However, one of those guys posted something threatening on S.O.R.'s Facebook page, which resulted in the page being shut down. That hardly seemed fair. We did not post the threat, but S.O.R. was punished anyway.

In 2016, things really got serious. That's when Dolan and Associate's contractor, Galey Construction, began constructing the dam. The loss of Zapata really hurt Monida River Adventures' profits. The silver lining to this was that I had an injury that would support a lawsuit. This time I sued not only the government and Army Corps of Engineers but also Dolan and Associates. Unfortunately, this lawsuit was as big a joke as my first one.

After another year of litigation, the defendants offered to settle. In exchange for dropping my lawsuit, they offered me the right to pass through the dam site to access my workshop. I decided to take the offer as the media had largely ignored the lawsuit, and I knew the courts would not protect the environment nor provide me justice.

As the dam neared completion in 2018, Monida River Adventures was in dire financial straits. In September, my accountant told me that Monida River Adventures was hemorrhaging money. This really shook me up. I had built Monida River Adventures from nothing nearly forty years ago, but now I was in real danger of losing it!

I started losing hope that the dam could be stopped. Then I got a lucky break. While crossing through the dam site, I overheard some of the workers discussing their "golden goose." I neither recognized the workers nor knew what part of the project they were working on. But their conversation suggested that they overcharged for some of the internal piping for the dam. If this was true, it might be enough to sway public opinion against the dam. I told Ollie about what I heard, and they did not seem surprised one bit. They were convinced that Dolan and Associates were awarded the project because they underbid everyone else by millions. My theory was that, because the initial bid for the dam was so low, the scammers thought nobody would look closely at a million or two of cost overruns to see if they were legitimate. I was convinced that revealing this scam would kill the dam. I just needed some hard evidence!

In May of 2019, I contacted the office of my local Congressman, Kennedy Kincaid, about what I called

the “dam scam.” I was pleasantly surprised when they agreed to meet me. Ollie and I met Kennedy at Ollie’s diner. Kennedy supported a further investigation into potential corruption in the dam project, so we developed a plan. Ollie identified the most promising places to look for overcharging or material theft. I snooped around the dam site trying to gather evidence (e.g., photographs) of shoddy workmanship, substandard building materials, etc. From their position on the congressional subcommittee overseeing the dam project, Kennedy reviewed copies of the bids, contracts, expenditures, and other financial documentation for the construction of the dam. Unfortunately, I found no direct evidence of corruption. This was particularly disheartening as I scaled back SOS meetings to facilitate the investigation.

However, during the final meeting of the dam scam group, Ollie revealed a bombshell. While discussing whether we had enough evidence of corruption to pique the media’s interest, Ollie revealed that Dolan and Associates were going to use some crazy air-pressure test on the dam. Apparently, most people pressure test dams slowly with water. Dolan and Associates, however, were going to test quickly using air. According to Ollie, this method ran a greater risk of blowing out the system. I thought that this might be something that might garner media attention and hurt the dam’s progress. I just had to find someone willing to report it.

By the fall of 2019, with the dam scam investigation winding down and the rafting season over, I ramped up S.O.R. once again. Unfortunately, despite growing concern among members due to the dam’s impending completion, there were no fresh ideas on what could be done in response. I brought in another lawyer, but she said that we had little chance of bringing a successful lawsuit. I let her know what I thought about that! In the end, we could not find a lawyer willing to bring another lawsuit. I think they were all too scared of the government.

By spring of 2020, I thought I had made a connection with a reporter out of Salt Lake City who was willing to report on Dolan’s crazy air pressure test. I met him through an internet message board, but he would not give his real name. He said he would reveal his identity once we met in person. However, when I went to meet him, he didn’t show up and didn’t respond to any more of my phone calls or emails -another bit of government intimidation.

By May of 2020, my financial situation forced me into some tough choices. Monida River Adventures had such a bad season the previous year that I needed to expand the family cattle operation to make up the lost revenue. Unfortunately, the cattleman I had running the operation told me this would require clearing some of my family’s pristine property in the valley to make room for the expanded herd. To save money, I decided to clear the land myself by hand. My grandfather and father had cleared similar land by hand, clearing stumps with black powder charges and dynamite. I still had some of the dynamite they used in my workshop. Unfortunately, it was too old to be useable, so I got my hands on some black powder and improvised some charges. There weren’t that

many trees on the property, and my father had taught me how to make the black powder charges when I was a kid. Unfortunately, I was busy prepping the land for the expanded herd that I had to cancel the June S.O.R. meeting.

Thus, began June 2020--the worst month of my life. I was burning the candle at both ends throughout the entire month. I helped with the expanded herd guided rafting trips, and I needed to finish installing a chain-link fence around my workshop. The only time I had to install the fence was after dark. Then, the rafting trips I had scheduled for the 18th of June turned out to be a complete disaster. It was a group of college kids from Washington. They were partiers and decided to bring some marijuana into Monida along with them. Generally, I am pretty live and let live with that sort of stuff. However, they were so rowdy that they ended up damaging two of my rafts. Then I got into a physical altercation with one of the kids when I asked him to pay for the damage. As they left, I decided to let the sheriff know what they had in their cars. I also let the sheriff know that "someone needed to teach them a lesson."

The first opportunity I had to repair my damaged rafts was on the 20th of June. I loaded some of my repair equipment into my truck and headed to the workshop. I had hoped to arrive around 8:00 to take advantage of the summer daylight, but because of all the rain, the roads were dicey, and my truck got stuck in the mud. So, I didn't get to the dam until a little after 9:30 p.m.

When I got to my workshop, I finished up some metal fabrication for the chain-link fence. When I finished that, I noticed the bag with my propane torch and other equipment for repairing my rafts had fallen out of my truck. In my haste, I must have neglected to fully close and latch my tailgate. I jumped in my truck, drove back down the access road, and found the bag at the head of the access road. I ran into the night security guard again, and they asked if I needed help. I said I was fine. When I checked the bag, the propane torch was gone. I groped around in the darkness for a few minutes and managed to find it. Then I went back to my shop and started repairing my rafts.

I finished the repairs shortly before midnight and started heading for home. When I got near to my truck, I heard what I thought was a crash - that metal-on-metal sound you hear when two cars collide. But then I noticed that the ground started shaking and I knew right away it must be something with the dam. All the cheap materials and corner-cutting were leading to a catastrophe! Although I was upstream from the dam, I wanted to get out of dodge for my own safety. As I was driving to the main gate, I heard a huge roar. I assume it must have been the dam failing. When I got back to the main construction site, I bumped into the night security guard. They looked like they had seen a ghost, which is not surprising considering what had just occurred. It probably was a sight, too. Anyway, they let me out the front gate, and I went home, thanking my lucky stars for being alive and hoping that nobody was hurt. I didn't bother calling emergency services. I figured they knew what happened,

and I did not have any more useful information to contribute than the night security guard would.

Nothing happened for the next few weeks. Then out of the blue, a bunch of FBI agents showed up at my house. They turned my house and workshop upside-down. They took bags of stuff and told me not to leave town. I am still not sure of everything they took. But I do know that they took the old dynamite and empty bags of black powder I had leftover from blasting stumps. A couple of days later, one of the FBI agents came back and arrested me. I recognized the one in charge as a waiter/waitress who had worked at Ollie's diner. I think their name was Avis, like the car rental company. Apparently, they had been spying on me for a while. Avis said I was being charged with bombing the dam! I went without a fight, but I didn't say a word to them when they tried to interview me later. They asked me about the old dynamite and empty bags of black powder in my shop. I just told them I wanted a lawyer. The courts may be rigged, but they are not going to make me the scapegoat for their failed dam scam without a fight!

WITNESS ADDENDUM

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

/s/
Luka Angelo

Kennedy KINCAID, MEMBER, U.S. HOUSE OF REPRESENTATIVES

My name is Kennedy Kincaid. I'm 37 years old, and I am currently one of the United States Representatives for the state of Montana. I ran, have governed, and have been re-elected as an independent legislator. I don't belong to any political party, and I'm not beholden to anyone. I take my marching orders from the people I represent in Montana, not from party officials. I know that's uncommon these days, but it works for me, and it works for the people I represent. I was first elected in 2010, and after winning re-election in 2020, I'm now in my 6th term as a representative.

As a member of Congress, I've focused on two main areas. First, I've worked hard on the preservation of wild spaces so that everyone can enjoy them. I'm a product of the west, and recreating in the outdoors is something I'm extremely passionate about. I think it's important to protect wildlands for the public so they will be accessible for generations.

Second, I'm a proponent of human growth and development, specifically business and construction. I think people prosper the most when they are unhindered and can innovate and provide for their neighbors without government regulation. To that end, I've worked to relax regulations across the board, specifically when it comes to building projects. Builders know how to build better than government bureaucrats. Builders come from the same places that I work so hard to protect. They love natural spaces as much as anyone, and they've got an incentive to protect them because they are building in their own hometowns. Builders don't need the government telling them where and how to build. Anyway, I know this isn't a campaign event, so I'll step down from my soapbox.

I grew up in Zapata. I ran track for Zapata High School. I believe my senior year was the last year the track team made it to state. You can take what you want from that fact. Growing up, I loved exploring nature. My friends and I rode our bikes everywhere. One of our favorite places was Zapata. There was a path we could ride our bikes up to get to the top of the canyon and look down over the falls. Often, you'd see kayaks or rafts trying to make it through. Most didn't make it through without getting wet. World-class rapids, those. When there weren't kayakers coming through, we'd toss rocks down into the water. The trick was to make a splash big enough to see. With all the whitewater, that was tough. You could also get down near the water. We didn't really swim there because the water was so turbulent, but there were great opportunities for rock climbing along the canyon walls. I've got many good memories of that place.

Anyway, after high school, I moved to Missoula for four years to attend the University of Montana. I majored in business with a minor in forestry. I moved back to Zapata after college to work at the family business: Kincaid Real Estate. My first year back, I studied for and received my real estate license.

My mom and her brother opened Kincaid Real Estate before I was born. My parents, sister, uncle, 33, and two cousins work there. It's a pretty good business, and I'd say we're the top real estate firm in Zapata. The company sells all kinds of real estate—single-family homes, multifamily, commercial, agricultural—you name it, we've sold it. While I was there, I focused mostly on single-family homes. "Selling dreams," I called it. The population of Zapata was increasing, and they're really weren't enough houses to satisfy the demand. Selling houses was easy, and they were often going for above the asking price. Makes for a nice commission.

Selling dreams is how I met Sam Dolan. Dolan wanted to buy a house upon moving to Zapata, and I was the real estate agent picked for the job. I thought Dolan was rude and overly demanding. I'm used to rude people in my line of work, but Sam took the cake. Calling me at all hours of the night, telling me my suggestions of questions to ask, and offers to make were stupid. I don't know why Sam continued to use me as an agent. It didn't seem like we had the best relationship.

I've known Luka since the mid-2000s. As I said, I enjoy the outdoors, and I've taken several rafting trips with Luka, both on the Rio Grande (although not recently, since the dam was built) and other rivers in the region. I would consider Luka, a friend, but then I consider most people in Zapata a friend. It's a small place, and we've got to stick together. Luka's always been polite, kind, and adventurous, like me.

I know about Save Our Streams. Luka started SOS about the same time as I was running for Congress, and I supported the effort. Conservation is important to me, and conservation is one of the main missions of SOS. It's ludicrous to think SOS is a violent terrorist organization. That's just not what they, or Luka, for that matter, are about. It does good work and puts on good events. Some of the events I know SOS has put on include workshops teaching kids rafting safety, organized stream cleanups for the small creeks and streams that often get forgotten, and an annual summer BBQ. Usually, the BBQ features an inflatable raft filled with water where the kids bob for apples. Great time.

I've even been to a few SOS meetings. At the first one, I went to Luka spoke about the group's mission. I still remember Luka saying, "SOS's goal is exactly what the name says. Our streams, our rivers are under attack, and we must fight to save them." Luka was big on preserving waterways for "current and future generations." A rallying cry often heard at the meetings was "make your voices heard."

SOS supports my candidacy, too. I'm proud to have received an endorsement and campaign donations from them. I don't think it's fair to say I'm biased toward a particular group because they gave me a campaign donation. As someone who represents all of Monida, I receive campaign donations from people and organizations across the state. I've even received a donation or two from Dolan & Associates in the past. No matter who donates, it doesn't mean I've been "bought" by them. I listen to everyone I represent, regardless of

whether they donate to my campaign or not.

I am intimately familiar with the David Presa Dam. In fact, the dam is one of the main reasons I decided to run for office. When I heard that the Army Corps of Engineers was soliciting bids to build a dam on the Rio Grande, I'll admit I was upset. I don't think the dam was good for anything. Sure, it generates power, but there are plenty of other, better-suited places to generate hydroelectric power. And what about wind? We didn't hear any proposals for a wind farm instead of a dam.

Building a dam on the Rio Grande was terrible for those of us that recreate there. That trail I mentioned that went up to the top of the cliff above Zapata? That's gone now. Part of the "Dam Complex" that's closed to the public. You can't hike around the area anymore because so much of that land is now owned by the dam. And worst of all, they destroyed Zapata when they built the dam. I'd never been through it in a kayak, but I was working up the courage and always thought I would like one day.

The dam was also bad for Zapata. I don't think it created more than half a dozen permanent jobs. Aside from the natural landscape, the land that the dam takes up would have been perfect for housing. While the dam itself is in the canyon, the dam complex spreads on either side up above the cliffs. Those would've made great lots. You could've built beautiful homes up there, with great views of the falls. It could've attracted higher-income residents to the area, too.

It's no secret that I was not a fan of the dam project from the beginning. But it wasn't until I got to Washington that I realized what a disaster the project really was. By the time I took office in January 2011, the bids had come in. Nothing more had been done because the project was tied up in litigation. Some of the bids were seriously deficient, and with the lawsuits surrounding the dam, I knew things weren't going to go smoothly. Because the dam is in Monida, I was assigned a seat on the committee overseeing the dam project. As a member of the committee, I was able to see all the bid documents, plans, construction reports, budgets, and other documents relating to the project. Let me tell you, the whole thing was a mess from the get-go. It was destined for catastrophic failure.

Many firms submitted bids to build the dam, and two of the firms were located in Zapata: Dolan & Associates and Paxton Environmental Engineering. That's how these large, heavy construction projects are typically structured. You have a project owner who, here, was the Army Corps of Engineers. The owner contracts with an engineering firm to design the dam and hire building contractors, obtain materials and supplies, etc. The Dolan and Paxton bids were vastly different. In my work as a congressperson, I've seen a lot of bids—both for dams and other heavy civil construction projects. I'm familiar with what goes into them and the difference between a good bid and a bad one. The main thing is cost. Projects are expensive. If one bid is significantly lower

than others, you know that the company will use sub-par materials, cut corners in construction, or cause significant spending beyond the budget.

Even to me, a non-engineer, it was obvious that the Paxton bid was much better. The biggest thing for me is that Paxton proposed building the dam in a different location—one that would not have required the destruction of Zapata or surrounding housing potential.

Over the past few years, I've learned just how inferior the Dolan bid actually was. The main structure of the dam is concrete. There's no one way to make concrete—there are hundreds of recipes, each specialized for a different application. I've learned quite a bit about concrete as a congressperson. We've had engineers come in to teach us about concrete and what makes a particular recipe suited for a particular purpose. Based on my experience, I think the mix of concrete Dolan specified for the project was better suited to warmer climates. It didn't necessarily have the same strength to withstand winter freezing. The moisture content of the pour was too low, and so the concrete wouldn't cure correctly in the Monida weather. There was also much discussion among the congressional committee about the proposed structure. Because Dolan's proposal placed the dam in the canyon over Zapata, it relied on the surrounding rock for most of its structural integrity. There weren't any geological reports in the record indicating whether that rock was solid enough for the job. Typically you'd see Geotech reports in a bid like this. Dolan claimed they had done the research, but I never saw evidence of that.

There were minor things that stood out to me as red flags, too. For example, the pipes that Dolan specified to carry water underground were a full inch thinner than the pipes Paxton specified. Dolan specified only about 60% of the amount of rebar that Paxton specified. Rebar is used inside concrete structures to add strength and stability. It's a critical part of the structural integrity of any concrete building. Given that Dolan's concrete recipe wasn't the best for the climate, the lower amount of rebar specified made me incredibly nervous about the strength of the dam Dolan would build. Compared to other bids I've seen for other projects, Dolan's bid proposed a very weak structure.

There were also issues with the location. You know my personal opposition to the chosen location, but I set that aside when I became a congressperson. As a member of the oversight committee, it was clear to me that the location was a terrible choice. It was much harder to access than Paxton's proposed site and required the destruction of a couple of hiking trails to build a road to the site. The worksite itself was dangerous. The narrow canyon walls didn't allow much space for maneuvering the large construction equipment, and the high cliffs were perilous for the workers. It's a miracle no one was killed or seriously injured in the construction.

I think it's obvious why Dolan's bid was chosen, despite the clear issue with it: money. Dolan's bid was approximately 30% cheaper than Paxton's. Sam was up to their same old games of undercutting the competition.

Dolan was able to offer such a cheap bid because of the interior design and materials. Of course, this is a government project, so, as is typical, the project went to the lowest bidder. That happened to be Sam Dolan. I was strongly opposed to Dolan's bid, and it didn't have anything to do with my personal history with Sam. I thought it was clearly an inferior design that would cause problems down the road. But, money talks, and Dolan's proposal was cheaper. I was outvoted by the committee, and the project was awarded to Dolan & Associates in 2012.

The problems continued after Dolan was awarded the bid and began construction. I saw construction reports prepared by the Army Corps of Engineers that described several problems with the construction. One report explained that the concrete wasn't being given enough time to cure before the forms were removed. Before they pour the concrete, they build big wood and metal structures called "forms" that hold the concrete in a particular shape until it dries and holds that shape on its own. Different types of concrete require different amounts of time to cure before the forms are removed. According to the report, on this project, the forms were removed too early, which apparently can cause cracking and structural damage.

Another report talked about the depth that pipes were laid. Some of the water that goes through the dam travels through pipes that are laid underground. The pipes must be a certain distance underground to function safely and correctly, and one report I read seemed to suggest the pipes weren't buried deep enough. I don't know if that ever got fixed.

The long and short of it is that Dolan's proposal produced a sub-standard final product. This dam was built on a less-than-ideal location, using subpar materials and improper construction techniques. It was only a matter of time before something like this happened. That was one of the arguments made in the lawsuits surrounding the dam construction. Not only did the people not want it, but it was also dangerous! As the lawsuits progressed and the bid documents came in, SOS and other groups obtained the proposals and argued to the courts that they were all insufficient. Now, I was not directly part of those lawsuits, and I don't know exactly what was said there, but I do know they were right about Dolan's bid. I think Paxton's bid was stronger, but because Ollie's bid was more expensive, the government wouldn't give it a second look.

It was no surprise to me when the project costs began to exceed the budget as construction got underway. I went to talk to Sam about it, and Sam said the problem was the cost of materials—apparently, materials were more expensive than Dolan & Associates anticipated. I never figured out if that was true, mainly because after I spoke with Sam, security guard Jordan Becker approached me to tell me a rumor about a scam going on. Jordan said that Sam was ordering extra materials, such as rebar, cement, bolts, and metal plates, and some unknown people were sneaking onto the construction site to steal the extras. That was the true reason for the cost overrun. Jordan hadn't seen any of this directly, meaning that any theft must have occurred outside Jordan's shift. Jordan

suspected Sam knew about the thefts.

I asked Jordan to keep an eye out and pass any more information along to me. I didn't immediately inform the police or the congressional committee about what Jordan told me because I wanted to investigate it myself first to take Sam down. Ultimately, my investigation led nowhere because the dam ended up collapsing before I made any progress.

Look, no one blew up the dam. It failed because it was poorly designed and poorly built. Every step of the way, from bidding to completion, corners were cut. Luka was opposed to the dam, but so were many other people. It's obviously a tragedy, what happened. Property damage is already north of a billion dollars. But this tragedy was caused by government stinginess and shoddy construction, not some homemade bomb. Luka should be thanked for fighting against this dam, which turned out to be terrible for Zapata, not charged with terrorism.

WITNESS ADDENDUM

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

/s/

Representative Kennedy Kincaid

Ollie PAXTON, ENGINEER & DINER OWNER

When newcomers ask who the best engineer in town is, I say it's me, Ollie Paxton. I know whenever I say that locals here in Zapata remind me that as a teenager, I placed second behind Sam Dolan when our two high schools went head-to-head in a Monida versus Utah science competition. But it was rigged--I'm fairly sure one of the judges was one of Sam's relatives. I clearly had a better science project, and I'll never forgive Sam for cheating and cutting corners just to get a win.

Why am I smart? Well, for one thing, I don't need modeling software to check buildings for problems before they're built. I just look at the blueprints and use my brain. While getting my degree in civil engineering with a focus on environmental engineering and design from Stanford University, I surprised professors with my ability to predict--with one-hundred-percent accuracy--what the results of computer modeling software would be just by designing the building in my head and letting it sit in the back of my minds for a couple of days. Of course, the professors always had me drudge through and actually design the building in AutoCAD to double-check my work (AutoCAD is engineer-approved computer software for designing buildings and simulating the structural stresses caused by forces such as wind or water). But this took weeks, and sometimes months, to do. I never really understood why the professors had me do it--I could get the same results within days using my brain. I did the same thing while getting my master's degree in environmental engineering from the University of California, Berkeley. My professors begged me to stay and get a Ph.D., but I said no. When you're at my caliber of thinking, there's no need to get one.

19 After I graduated, I went to work for a top engineering firm in California. After about a month of working on a two-billion-dollar skyscraper, it became evident that they refused to recognize my brilliance (the senior engineer couldn't deal with the fact that I was always right), so I left and decided to start my own engineering firm. I didn't have any capital, so I had to come home to Zapata and work out of my parent's basement for a while. I established Paxton Environmental Engineering, PLLC, and built up a clientele. But because Zapata is a small community, there isn't much engineering work to do, and I had to supplement my income by starting a restaurant called River Bend Diner. I do my engineering work in a spare room in the back of the diner. I've designed and managed the construction of forty-five homes, three businesses (including my diner), and one bridge in the past thirty years. Oh, and about a hundred custom dog houses--when you're in a small community, you've got to do something to pay the bills!

Given that I've only had small engineering projects, you can imagine my excitement when the Army Corps of Engineers announced in 2010 that they wanted bids for a dam in Zapata. With a job that big, I could retire early. That, and being an environmental engineer, I wanted to make sure the dam was in a spot that wouldn't ruin Zapata's wonderfully diverse ecosystem.

Acting through Paxton Environmental Engineering, I submitted a proposal for designing a dam and overseeing construction. For the dam's location, I chose a spot on the Rio Grande about five miles upstream of Zapata. The dam would be wider than normal but low enough for a fish ladder, which allows fish to go upstream and bypass the dam. As a bonus, building the dam at this location would mean that the local river rafting business could continue, which was owned by my longtime friend, Luka Angelo.

After submitting the proposal, I gave Luka a brief description of my plans. Luka seemed pretty excited by the green energy that could be produced, so I told Luka when I would present my proposal to the Army Corps of Engineers panel. I figured Luka would like to see the full extent of my plans, including the fish ladder I had planned.

Then, I found out that Sam had swooped in, formed a new engineering firm in Zapata called Dolan and Associates, and submitted a competing proposal for the dam. Because both our firms were among the five finalists being considered for the project, I got a copy of Sam's plans. When I saw Sam propose using a new air pressure testing system, I laughed—who in their right mind would use air instead of water for testing a dam? Sure, you could reach the same pressure level with air, but air and water aren't the same when it comes to compressibility. Water is incompressible, while air is very compressible. This means compressed air stores a lot more potential energy than water when the pressure levels are equal. At the pressure that Sam planned on using, the energy from the compressed air is comparable to a large mechanical spring. This makes it dangerous if a fracture appears during testing—the compressed air will continue to stress the pipes while the air dissipates through the fracture, causing the fracture to rupture further. Water, on the other hand, loses pressure almost instantaneously because it's not compressible. So, if a fracture appears, the water's stored energy dissipates almost immediately, and the fracture doesn't get worse. For this reason, air testing is a much more dangerous way to stress test pipes.

If instead of a stress test, Sam wanted to check for leaks using air, then the accepted engineering standard is to use air at low pressure, which will give you the same results as a water test with a much higher pressure. For instance, air pressure at 30–50 lbs./sq. inch is just as effective as water pressurized at 150 lbs./sq. inch when you're checking for leaks. It's just as effective because the viscosity of air is eighty-nine times less than that of water, and unlike water, air doesn't have any surface tension. This means it's easier for air to go through cracks than water, so you don't need to pressurize the air nearly as much to get the same results. Because of these obvious problems, I thought there was no way the Army Corps of Engineers would adopt Sam's plan.

Another thing that annoyed me was that Sam planned on doing the pressure test in two days instead of two months. Probably another of Sam's corner-cutting moves to save costs. There is a good reason why the typical water test takes several months. You never know if there are faults in the concrete. If there are, it's a better idea to gradually increase the water flow, checking for leaks every hour. Then, if something goes wrong, you can stop

increasing the water flow before the stress rises to structural failure. By slamming the pressure on fast, as Sam would do with the air system, you won't notice the leaks before it's too late. And if the pipes in a service spillway blow, the whole dam can go down. It's much better to go slow, which is why water testing is the standard engineering practice in the industry.

And, I have to say, as an environmental engineer, I was offended by the lack of plans for a fish ladder. Sam's dam was too tall. While this provides more electrical power output, a fish ladder simply isn't feasible after a certain height--the fish get exhausted if they have to jump up too many pools on a fish ladder.

Despite the fact that I pointed out all these problems with Sam's proposal during my presentation to the Army Corps of Engineers panel, Dolan and Associates was awarded the contract. The reason given was that their plan was cheaper by thirty percent, and their planned dam could give forty percent more power. But as I told Luka, the reason it was cheaper was probably that Dolan and Associates chose poor-quality concrete and cut every corner they could. And I'm sure Sam cheated again--it's the only way Sam ever beats me. Sam probably did something like hire a lobbyist to wine and dine the engineer judges on the panel.

Now, my friend Luka has a lot of experience protesting. I've never joined Luka in the past, but I was hopping mad. I took up Luka's offer in 2012 for a seat on the board of directors for the newly-formed Save Our Streams (SOS). We held monthly meetings at my diner. Luka did a good job of getting responsible members. For instance, Kennedy Kinkaid, a member of Congress, joined SOS. Kennedy had inside information and confirmed my suspicions that Sam was using poor quality materials and craftsmanship. This just fueled my desire to stop the dam using any legal means possible. Luka was very clear, though, that we weren't to use violent measures and would give me a stern look any time I joked about sabotaging the dam.

Years went by as SOS tried litigation and the media. Nothing worked. Then, in 2018, Luka learned that a subcontractor was overcharging on piping materials. We were excited to expose the subcontractor but had to keep things on the down-low to keep the element of surprise. We had to whisper at some meetings--because of my involvement with SOS, I needed more help at the diner and had just hired a new server, Avis Rogaliner. We didn't know if Avis was connected to any of the subcontractors. That, and Avis seemed awfully eager to clean up after each meeting ended--one time, we accidentally left some documents behind, and when we went back to get them, they were gone. Avis mentioned seeing them but thought the documents weren't important and so had shredded them immediately. At the time, I thought this was odd and it made me not quite trust Avis completely.

Not that we thought Avis was a bad person or anything--in fact, Avis was one of my best employees. Avis has an infallible gut instinct. I swear Avis could tell, from the moment a customer walked in, whether a customer was going to leave without paying. Avis caught several of them and made them cough up the dough. It was great! Well, except for the time Avis tackled one of them--it seemed a little overzealous and it hurt my

business because the other customers who saw the tackling incident never ate again at my diner. Looking back, it should've clued me in that Avis was a government spy, as we found out later.

At one of our SOS meetings, held at the end of the summer of 2019, it finally clicked in my head--if subcontractors were using suboptimal piping, this would make Sam's air pressure testing system even more dangerous. I let Luka and the group know my concern and that we should broadcast this information to the public--I'd even prepared a diagram showing the weak stress points of the service spillway piping. Luka volunteered to handle the PR side of things and so I gave Luka the diagram. But I never saw anything about the dangers of the dam in the news. Luka may have just been too distracted-- the rafting business was tanking and I could tell Luka wasn't sleeping well.

Ultimately, we failed to stop construction on the dam. I was surprised to learn that Sam planned on pressure testing the service spillway in June of 2020. The rainfall that spring was much higher than predicted--in fact, it was the highest it's been in years. Sam was probably in too much of a hurry and didn't double-check what the actual rainfall had been. Under the Army Corps of Engineers regulations, dams have to be built to account for the highest rainfall within the past 100 years. Sam, to save money, wouldn't have designed the dam with any higher number than required by law. So, when the dam burst on June 20th, I was only marginally surprised--served Sam right for skimping on materials and cheating! The Army Corps of Engineers should've taken my proposal.

I don't know why they keep blaming Luka for the collapse of the dam. I've known Luka for years, and in my opinion, Luka is a peaceful and law-abiding person. After all, Luka is an environmentalist. When the dam broke, the released water destroyed about a thousand acres of forest, ripping up trees and carrying off the rich topsoil. Why would Luka want that?

When I heard they'd put Luka in jail, I decided to help out my friend and find out the true reason for why the dam had failed. I followed my normal method. First, I built a model of the dam in my brain, based on how I remember it looking in the days before it burst. Next, I factored in what I could recall of the air pressure system. And, I did what Sam probably forgot to do while designing the dam--I added in the stress from the unusually high rainfall that year. I didn't even have to wait the normal two days to get results back from my brain. Within half an hour, my brain told me that the dam had burst under those conditions, with the rupture starting at the service spillway.

I was excited by what I found, but I've learned that people rarely realize how smart I am and won't take my word for it; at least, some past clients got nervous when I told them I'd designed their project only in my mind. So, I spent a couple of months designing a 3D model of the David Presa Dam using my AutoCAD program. I used the blueprints that I got from Dolan and Associates in 2010 during the proposal process, which is

standard engineering protocol. I doubt they made many changes to the design once it was adopted--a single change to a complicated project like this costs about ten thousand dollars in engineering fees, and Sam is all about cutting corners to save money. Then I started the computer simulation of the air pressure system. It takes hours to complete, and it was late, so I went home to go to bed.

When I woke up and came back to the diner, the simulation had finished. The AutoCAD program results showed that the model dam hadn't collapsed. I was stunned--AutoCAD had always agreed with my brain in the past. I figured I must've input something wrong for the design, so I started double-checking my work. I found some minor errors but then suddenly realized I'd left out the unusually high rainfall. I re-ran the same model dam I'd used the night before, but this time added the right level of rainfall based on the historical weather reports from the local station. I had to wait all day for the simulations to run, but, sure enough, when it got done, the AutoCAD program results showed that the dam had ruptured, starting at the service spillway. I had my answer, and my brain had been vindicated once again.

After I shut down my computer, I remembered that I'd forgotten to factor in the cheaper and poorer quality materials that Kennedy told me were used. I figured I didn't need to run another simulation because AutoCAD already showed that the dam would burst even with normal materials. All adding the weaker materials would do is make it more likely that AutoCAD would show that the model dam would collapse. I read in the newspaper that the prosecutor thinks that Luka planted a homemade bomb in the dam. When I saw that, I fired up my AutoCAD program again, pulled up the 3D dam model I'd created, and inputted the forces from the type of homemade bomb that the FBI thinks Luka used. I ran two simulations, one with the bomb detonating on the road on top of the dam and one at the base. Both simulations showed the bomb wouldn't have caused even a fracture. In other words, there's no way a small bomb like that could cause the catastrophic failure of the dam.

Based on my education and experience, and after applying both my brain and engineering approved AutoCAD program, it is my professional opinion that Sam Dolan failed to design the dam to handle the unprecedented amount of rainfall Zapata had in the spring of 2020 and that this, combined with the extra stress caused by the air pressure testing, caused the service spillway to rupture, which led to the structural failure of the dam. It's silly to think that a simple homemade bomb could have caused a catastrophic failure like this. Luka's innocent.

WITNESS ADDENDUM

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

/s/
Ollie Paxton

Exhibits

Exhibit 1: Diagram of David Presa Dam

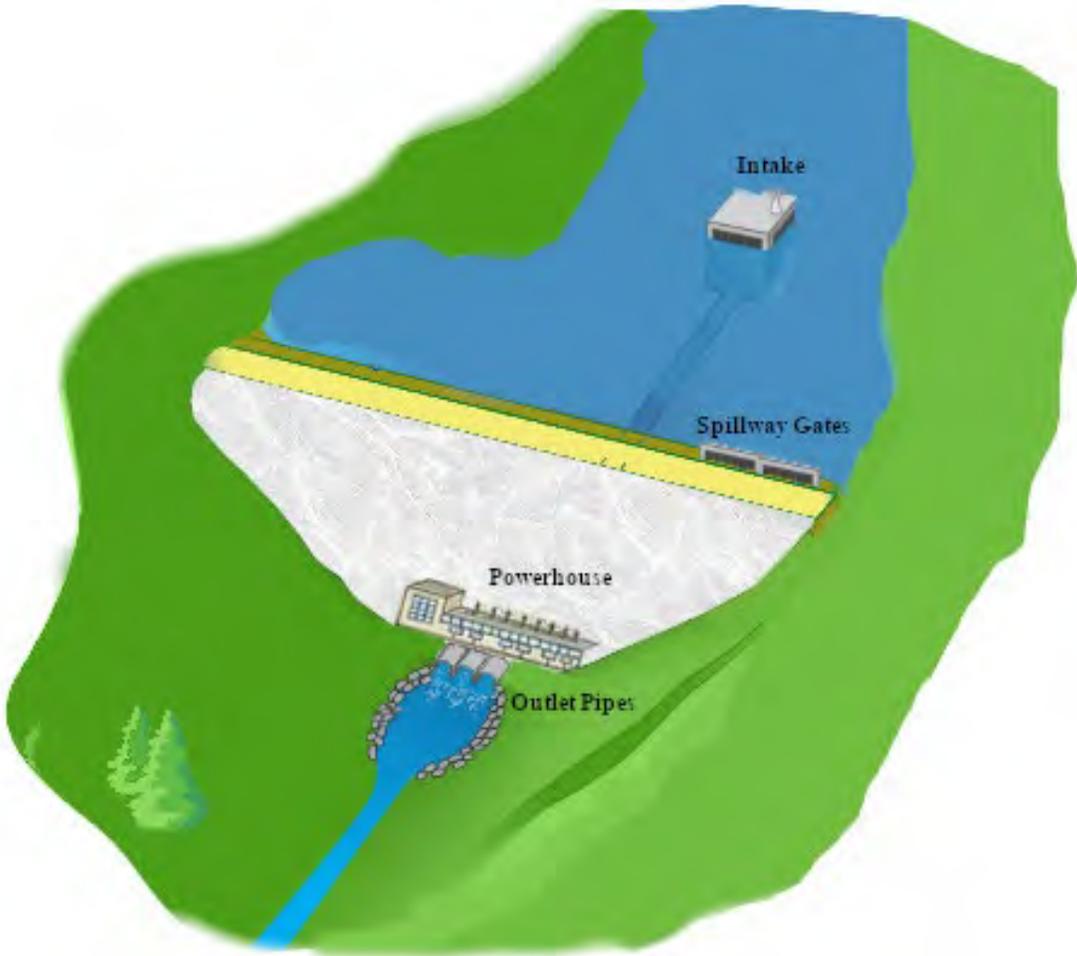


Exhibit 2: Map of Area Surrounding David Presa Dam

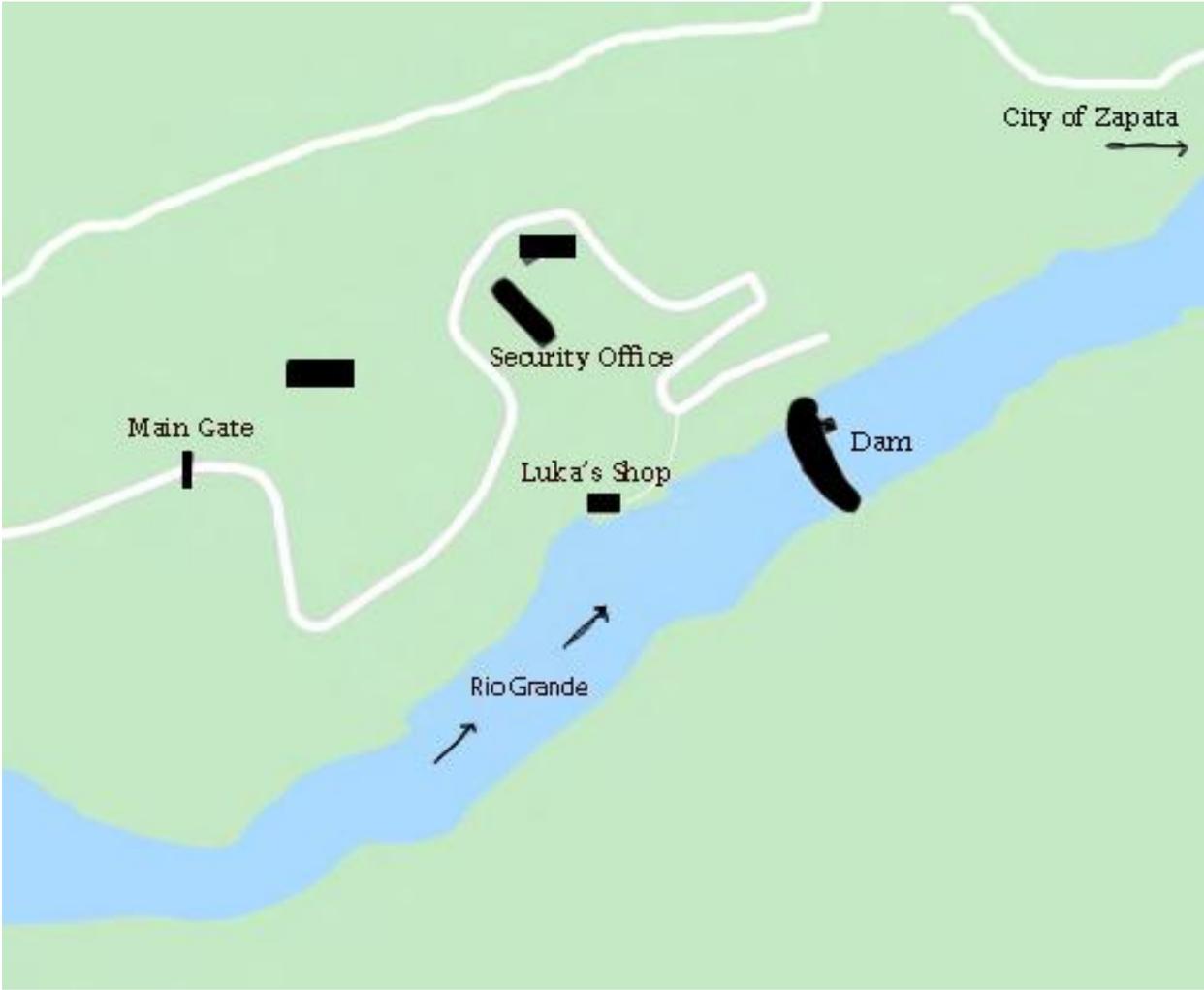


Exhibit 3: Ollie Paxton's Dam Diagram

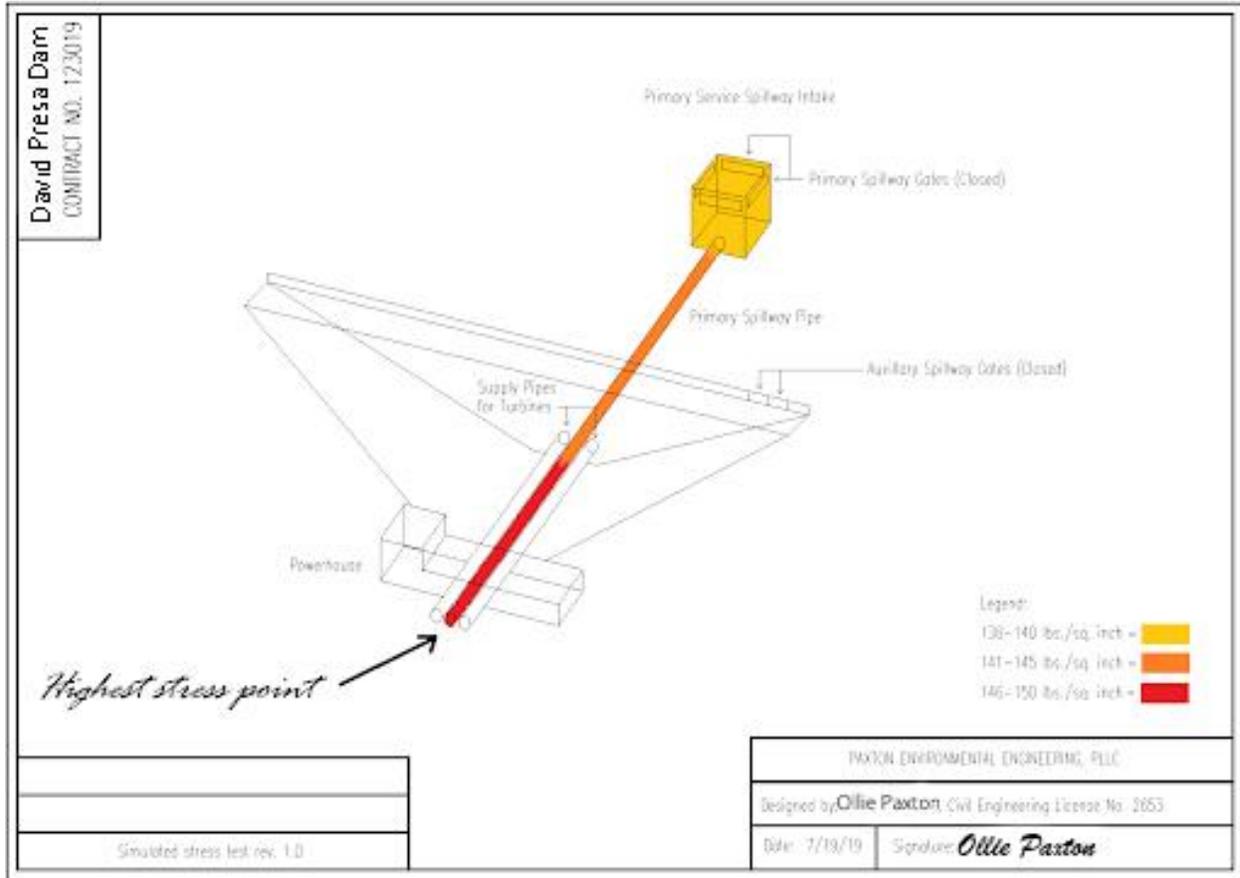


Exhibit 4: Damaged Pipe from David Presta Dam Breach



Exhibit 5: David Presta Dam Bid Summary

 <p>US Army Corps of Engineers</p>		BID SUMMARY			
City of Tablerock Department of Public Works Contract Administration 5700 Colfax Ave. 5. Zapata, Texas 78076		DATE: Thursday, October 15, 2012 CONTRACT NO.: 123019			
Engineer's Estimate: \$4 Million		PROJECT NAME: David Presta Dam			
Prequalification Required: 1E(4) \$4.5 Million		PROJECT MANAGER: Charles Bamberger			
Number of Addenda: 2		<u>Bids</u>			
Bidders:	T. Gladwell Construction, Inc.	Dolan & Associates	DKC Heavy Civil Constructors	Paxton Environmental Engineering	Castle Builders, Inc.
Bid Guarantee Submitted	✓	✓	✓	✓	✓
Addenda Acknowledged	✓	✓	✓	✓	✓
Diversity Form	✓	✓	✓	✓	✓
Goal Commitment	✓	✓	✓	✓	✓
Base Bid:					
Add Alternates:					
Total Bid Amount	\$4,602,100.01	\$3,472,498.52	\$4,315,023.45	\$4,275,633.33	\$4,028,975.21
Bid Rank	5	1	4	3	2

Exhibit 6: Hand-Written Threat Note

JUNE 1, 2016

DEAR DESTROYERS OF THE ENVIRONMENT:

YOU ARE OFFICIALLY ON NOTICE

THAT YOU HAVE EXACTLY ONE

WEEK TO CEASE BUILDING THE

DAM. WE HAVE

TRIED ALL REASONABLE AND

LAWFUL MEASURES FOR YOU TO

SEE THE ERROR OF YOUR WAYS

BUT YOU HAVE FAILED TO DO SO.

YOU HAVE LEFT US NO CHOICE.

THE DESTROYER MUST BE DESTROYED.

— THE RESISTANCE

Exhibit 7: Facebook Posts from Luka Angelo

 Save our Streams is with Luka Edelman
June 30, 2012 2:13 pm • 🌐

Come join us! Protect our natural resources at all costs!



Save Our Streams
- SOS -

  27

21 Comments 10 Shares

 Like

 Share

View more 17 Comments



Write a comment...



 Save our Streams is with Luka Edelman
February 20, 2016 09:32 am • 🌐

We will destroy the destroyers of the environment!



Save Our Streams
- SOS -

   12

13 Comments 3 Shares

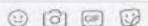
 Like

 Share

View more 7 Comments



Write a comment...



 Save our Streams is with Luka Edelman
March 12, 2020 11:53 pm • 🌐

Enough is enough! The Triple Falls Dam project lacks transparency and reeks of corruption. It's time we blow the whole thing up and hold our government accountable.



Save Our Streams
- SOS -

  62

37 Comments 20 Shares

 Like

 Share

View more 17 Comments



Write a comment...



Exhibit 8: Save Our Streams Mission Statement



MISSION

Save Our Stream's mission is to preserve natural systems on which all life depends. Guided by science and economics, we find practical and lasting solutions to the most serious environmental problems. We think globally and act locally.

We welcome, value, and rely on a diversity of people, cultural experiences, and perspectives. We learn from one another. Through our campaigning, we create solutions that promote environmental sustainability rooted in social justice.

METHOD

We utilize peaceful protests and creative communication to expose environmental problems and promote solutions that are essential to a green and peaceful future. We bear witness to environmental destruction in a peaceful, non-violent manner. We use non-violent confrontation to raise the level and quality of public debate. In exposing threats to the environment and finding solutions we have no permanent allies or adversaries. We ensure our financial independence from political or commercial interests.

Save Our Streams | Luka Edelman, Founder | PO Box 952, Tablerock, Florida 83878 | +1-255-143-7725

Exhibit 9: List of Names

Supporters

→ Ollie

→ Kincaid

J. Juniper

Sam Stone

Karen - maybe - seems erratic -
not sure we need that.

John Jacobson - rancher

Susan Shepherd - river guide

Lannie Phillips

* Tina Tomlinson - developer

Exhibit 10: Inventory List

SEARCH INVENTORY LIST
TABLEROCK POLICE DEPARTMENT

Case: State v. Edelman

Suspect Name: Luka Edelman

Location(s) Searched: Suspect Edelman's House, Workshop, Vehicle

Lead Investigator: Avis Learner, FBI

ITEM NO.	Item Description	Location Found
1	Black powder	House
2	Black powder	Workshop
3	Black powder residue	Vehicle
4	Dynamite	House
5	Propane	Vehicle
6	Matches	House
7	Matches	Workshop
8	Save Our Streams propaganda (flyers)	House
9	Save Our Streams propaganda (flyers)	Vehicle
10	Save Our Streams propaganda (blank petition)	Vehicle
11	Steel pipes	Workshop
12	Nails	Workshop
13	Nails	House
14	Picture of Tablerock Dam	Vehicle
15		
16		
17		
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30		

NOTE: The foregoing inventory list only includes items *collected* pursuant to the identified search areas. Items with no apparent evidentiary value were not collected and are not listed.

JURY INSTRUCTIONS

INSTRUCTION NO. 1

The jury's duty is to determine the facts, to apply the law set forth in the instructions to those facts, and in this way to decide the case. The jury must follow the court's instructions regardless of any juror's own opinion about what the law is or should be, or what either side may state the law to be. The law requires that you're the jury's decision be made solely upon the evidence. Neither sympathy nor prejudice should influence the jury's deliberations. The evidence the jury may consider consists of the testimony of the witnesses, the exhibits offered and received, and any stipulated or admitted facts.

Certain things you have heard or seen are NOT evidence, including:

- 1) Arguments and statements by lawyers. The lawyers are not witnesses. What they say in their opening statements, closing arguments, and at other times is included to help you interpret the evidence, but it is not evidence. If the facts as you remember them differ from the way the lawyers have stated them, follow your memory;
- 2) Testimony that has been excluded or stricken, or which you have been instructed to disregard.

If the judge sustains an objection to a question or to an exhibit, the witness may not answer the question or the exhibit may not be considered. Do not attempt to guess what the answer might have been or what the exhibit might have shown. The law does not require the jury to believe all the evidence. As the sole judges of the facts, the jury must determine what evidence it believes and what weight to attach to it.

The jury's job is to think about the testimony of each witness and decide how much to believe of what he or she had to say.

INSTRUCTION NO. 2

Under our law and system of justice, a defendant is presumed to be innocent. The presumption of innocence means two things. First, the Government has the burden of proving the Defendant guilty. The Government has that burden throughout the trial. Second, the Government must prove the alleged crime beyond a reasonable doubt. Reasonable doubt is not a mere possible or imaginary doubt. It is a doubt based on reason and common sense. It may arise from a careful and impartial consideration of all the evidence, or from lack of evidence. If after considering all the evidence the jury has a reasonable doubt about the Defendant's guilt, the jury must find the Defendant not guilty.

2022 David Post Mock Trial Case - - Final: January 10, 2022

INSTRUCTION NO. 3

The subject of penalty or punishment must not in any way affect the jury's verdict. Penalty or punishment is solely the judge's responsibility.

INSTRUCTION NO. 4

As members of the jury, it is your duty to decide what the facts are and to apply the law to the facts. You are to decide the facts from the evidence presented in the case.

The evidence you are to consider consists of:

- 1) Sworn testimony of witnesses;
- 2) Exhibits that have been admitted.

INSTRUCTION NO. 5

It is alleged that the crimes charged were committed "on or about" a certain date. If you find the crime was committed, the proof need not show that it was committed on that precise date.

INSTRUCTION NO. 6

It is a federal crime for anyone to unlawfully deliver, place, discharge, or detonate an explosive in, into, or against a state or government infrastructure facility with terroristic intent. Defendant, Luka Angelo, can be found guilty of this crime only if the Government proves each of the following beyond a reasonable doubt:

- 1) On or about the 20th day of June 2020,

- 2) in the District of Monida,
- 3) Defendant, Luka Angelo, detonated an explosive
- 4) in, into, or against an infrastructure facility
- 5) with the intent to:
 - a) cause extensive destruction of the facility, where such destruction results in or are likely to result in major economic loss; or
 - b) influence the policy of a government by intimidation or coercion.

If any of the above has not been proven beyond a reasonable doubt, you must find Defendant not guilty. If each of the above has been proven beyond a reasonable doubt, then you must find Defendant guilty.

INSTRUCTION NO. 7

“Explosive” means gunpowders, powders used for blasting, all forms of high explosives (including dynamite), blasting materials, fuses (but not electric circuit breakers), detonators, and other detonating agents, smokeless powders, chemical compounds, mechanical mixtures, or devices that contain any oxidizing and combustible units, or other ingredients, in such proportions, quantities, or packing that ignition by fire, by friction, by concussion, by percussion, or by the detonation of the compound, mixture, or device or any part thereof may cause an explosion.

INSTRUCTION NO. 8

“Infrastructure facility” means any publicly or privately owned facility designed to provide or intended to distribute services for the benefit of the public, such as water, sewage, energy, fuel, or communications.

INSTRUCTION NO. 9

“Major economic loss” means any monetary loss in excess of \$100,000 resulting from the defendant’s criminal conduct.