

STIPULATIONS

**People v. Connie Cutter
2010 CR 0012**

It is stipulated by and between the parties that:

First: If called to testify, Wallace Beaumont would testify that he has a PhD in Fine Arts from Yale University (1965), and has been a collector, broker, and appraiser of collectibles for more than 40 years, and that he is considered to be the foremost expert in the value of collectibles in general and stuffed animals in particular, in the world; and, that after a careful examination of the stuffed animal JAMBLAS St. Bernard Dog, with the identification tag "1 of 2000," he concludes the fair market value of this collectible in June 2009 was at least \$3,200.00 and possibly as high as \$5,000. In Mr. Beaumont's expert opinion, this appraisal is within the generally accepted fair market value within the collectible community.

Second: The ink that was taken from the wall in the offices of the Lake Kennedy Federation, room 302, 53 W. Johnson Blvd., Marshall City, on June 24, 2009, during the investigation of a break-in of those premises, is chemically identical to the ink in the pen seized from the premises of Connie Cutter, 5446 N. Lombard, Marshall City, on July 7, 2009, i.e., the ink is Carmine [red] from Chartpak Crimson P-82 (43). This pen is available in art supply stores nationally and in Marshall City. There is no way to determine whether the ink on the wall came from any particular Chartpak Carmine P-82 marker.

Third: That the conviction record showing that one Donnie Thompson was convicted of the offense of misdemeanor Retail Theft (under \$150), in violation of Marshall Criminal Code Section 14A-1(a) on July 4, 2007, is that of the prosecution's witness, Donnie Thompson, and shall be treated as if it were a certified copy of the original record of conviction.

Fourth: If called to testify, Officer Bryce Clack (Star #1958) would testify that he executed a warrant to search the premises of the single family dwelling belonging to Connie and Casey Cutter on July 7, 2009, commencing at 9:30 a.m., and concluding at 1045 a.m., and that he found one item of stolen property named in the warrant, to wit, a JAMBLAS collectible stuffed animal (dog), bearing a white circular 2½ inch ID tag reading "1 of 2000," and that this item was found partially hidden on the floor of a closet located on the second floor of those premises. The premises on the second floor were sketched by Sgt. John Stroth, and that sketch truly and accurately

depicts the location of the closet and the seized Jamblas collectible. A copy of that sketch is attached to this report.

Fifth: If called to testify, Officer Warren Taylor (Star #1961) would testify that he accompanied Officer Bryce Clack (Star #1958) in executing the warrant to search the premises of the single family dwelling belonging to Connie and Casey Cutter on July 7, 2009, commencing at 9:30 a.m., and concluding at 1045 a.m., and that he discovered a red marker on the desk in the study on the second floor, the marker being one identified as Chartpak, Crimson, P-82 (43), which matches the type of marker used in the vandalism of Lake Kennedy Federation premises, 53 W. Johnson Blvd, Marshall City (where the Cutters both work) on June 23 or 24, 2009, according to a lab report which officer Taylor had seen while reviewing those files on July 6, 2009. Accordingly, the officer had probable cause to believe that this marker was evidence, that there was no time to try to obtain an additional warrant, and accordingly he seized and inventoried this item. Officer Taylor further would testify that the attached sketch of the floor plan of the second floor at 5446 N. Lombard, Marshall City, made by Sgt. John Stroth truly and accurately depicts the location of the study and the desk and the marker he seized on July 7, 2009.