



2024-2025

Oklahoma High School Mock Trial Program

State of Winchester v. Jules Chapelle

Written by:

*Judge Lyle Strom High School Mock Trial, Nebraska State Bar Foundation
and adapted by OBA Mock Trial Committee*

At her brother's vaping party to which she was not invited, Dickie, who suffers from asthma, is found next to a vaping device having difficulty breathing. During the ambulance ride to the hospital, her condition worsens, and she dies at the hospital. The prosecution claims that Jules purchased the vaping devices and provided them to people at the party knowing that at least some of the devices contained intoxicating substances and that his guests would use the devices to become intoxicated. Jules is charged with manslaughter, the unintentional death of Dickie Chapelle while in the commission of an unlawful act, i.e., knowingly giving to any person any substance which will induce an intoxicated condition when the offerer or deliverer knows or has reason to know that such compound is intended for use to induce such condition. To this charge, Jules has entered a plea of not guilty.



**OKLAHOMA
BAR FOUNDATION**
Law. Education. Justice.

IN THE DISTRICT COURT OF TRAVIS COUNTY, STATE OF WINCHESTER

STATE OF WINCHESTER,	)	Case ID: CR23-8273
Plaintiff,)	
)	
vs.	)	Information
)	
JULES CHAPELLE,	)	Ct. 1: Manslaughter
Defendant.	)	28-305; 28-420; 28-105

I, Thomas K. Nomrah, Deputy Travis County Attorney by authority of the State of Winchester, give information that on or about the 25th day of May 2023, in Travis County in the State of Winchester, Jules Chapelle did then and there unlawfully, willfully, knowingly, and wrongfully commit the crime of:


COUNT 1: MANSLAUGHTER by causing the death of another, Dickie Chapelle, unintentionally, while in the commission of an unlawful act, to-wit: Jules Chapelle did knowingly sell or offer for sale, deliver or give to any person any compound, liquid or chemical or any other substance which will induce an intoxicated condition as defined in section 28-419, when the seller, offerer or deliverer knows or has reason to know that such compound is intended for use to induce such condition, contrary to the form of the statutes in such cases made and provided and against the peace and dignity of the State of Winchester.

STATE OF WINCHESTER, Plaintiff

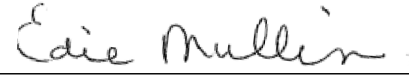
Susan M. Sizab,
Chief Travis County Attorney

By 
Thomas K. Nomrah, #31320
Deputy Travis County Attorney

Thomas K. Nomrah, Deputy Travis County Attorney, being sworn according to law, says that the facts stated in his foregoing information are true, as he verily believes.

By 
Thomas K. Nomrah, #31320
Deputy Travis County Attorney Sworn and

Subscribed to before me this 17th day of March 2024.


Edie Mullin
Deputy Clerk of the District Court

WITNESS LIST:

Jules Chapelle

Nik Quarkian

Albert/Alberta Hayes

Dallas Perkins

William/Willa Hunter

D. Leigh Roth

Richie Valens

Karen Flowers

Kristi Egger

Stanton Beeler

Mark Richardson

Lyle Strom

Cameron Guenzel

Stephanie Hupp

Doris Huffman

Maggie Killeen

Zachary Gooch

Marie Tharp

Susan Bazis

IN THE DISTRICT COURT OF TRAVIS COUNTY, STATE OF WINCHESTER

STATE OF WINCHESTER,	)	Case ID: CR23-8273
Plaintiff,)	
)	
vs.	)	Honorable Michele Beeler
	)	Presiding Judge
JULES CHAPELLE,)	
Defendant.)	

Witnesses, Exhibits and Stipulations

Witnesses for Plaintiff

- 1: Officer Dallas Perkins
- 2: Nik Quarkian
- 3: Dr. William/Willa Hunter

Witnesses for the Defendant

- 1: Jules Chapelle
- 2: Al Hayes
- 3: D. Leigh Roth

Exhibits

- | | |
|------------------------|---|
| 1. Floor Plan | 7. Plea Agreement |
| 2. Bowl of vaping pens | 8. Lung Pictures |
| 3. Crime Lab Report | 9. Toxicology Report Chart |
| 4. Miranda Form | 10. Garden Gnome |
| 5. Police Report | 11. EMT report |
| 6. Proffer Letter | 12: Winchester Department of Health protocols |

Stipulations

Both sides stipulate to the following:

- 1. All exhibits included in the case are authentic and accurate in all respects. No objections to the authenticity of the exhibits will be entertained.
- 2. In arguing legal issues, the parties may rely upon the legal authorities provided below and upon the jury instructions provided with this case.
- 3. The lab report from the Winchester State Criminalistics Laboratory is admissible without further foundation. No hearsay or confrontation objection to this exhibit should be sustained.
- 4. In Winchester, the prosecution is referred to as the plaintiff.
- 5. **This is a work of fiction.** Names, characters, law, businesses, places, occupational characteristics, events and incidents are either the product of the Case Committee members' imagination or are intended to be used in a fictitious manner. Any resemblance to actual persons, living or dead, or actual events is purely coincidental.
- 6. All witnesses are fictional and written so that they may be played by any student regardless of gender. Students are to complete the team roster and designate the preferred pronoun to be used in connection with themselves or the witnesses they will be portraying.
- 7. All witnesses must testify.
- 8. There is no issue of jurisdiction or venue.

Legal Statutes:

§ 28-105. Felonies; classification of penalties; sentences; where served; eligibility for probation

(1) For purposes of the Winchester Criminal Code and any statute passed by the Legislature after the date of passage of the code, felonies are divided into ten classes which are distinguished from one another by the following penalties which are authorized upon conviction:

Class I felony	Death
Class IA felony	Life imprisonment
Class IB felony	Maximum-life imprisonment Minimum-twenty years imprisonment
Class IC felony	Maximum-fifty years imprisonment Mandatory minimum-five years imprisonment
Class ID felony	Maximum-fifty years imprisonment Mandatory minimum-three years imprisonment
Class II felony	Maximum-fifty years imprisonment Minimum-one year imprisonment
Class IIA felony	Maximum-twenty years imprisonment Minimum-none
Class III felony	Maximum-four years imprisonment and two years post-release supervision or twenty-five thousand dollars fine, or both Minimum-none for imprisonment and nine months post-release supervision if imprisonment is imposed
Class IIIA felony	Maximum-three years imprisonment and eighteen months post-release supervision or ten thousand dollars fine, or both Minimum-none for imprisonment and nine months post-release supervision if imprisonment is imposed

Class IV felony

Maximum-two years imprisonment and twelve months post-release supervision or ten thousand dollars fine, or both

Minimum-none for imprisonment and none for post-release supervision

(2) All sentences for maximum terms of imprisonment for one year or more for felonies shall be served in institutions under the jurisdiction of the Department of Correctional Services. All sentences for maximum terms of imprisonment of less than one year shall be served in the county jail.

(3) Nothing in this section shall limit the authority granted in sections 29-2221 and 29-2222 to increase sentences for habitual criminals.

(4) A person convicted of a felony for which a mandatory minimum sentence is prescribed shall not be eligible for probation.

§ 28-305. Manslaughter; penalty

(1) A person commits manslaughter if he or she kills another without malice upon a sudden quarrel or causes the death of another unintentionally while in the commission of an unlawful act.

(2) Manslaughter is a Class IIA felony.

§ 28-419. Inhaling or drinking certain intoxicating substances; unlawful

No person shall breathe, inhale, or drink any compound, liquid, or chemical containing acetate, acetone, benzene, butyl alcohol, cyclohexanone, ethyl acetate, ethyl alcohol, ethylene dichloride, ethylene trichloride, hexane, isopropanol, isopropyl alcohol, methyl alcohol, methyl cellosolve acetate, methyl ethyl ketone, methyl isobutyl ketone, pentachlorophenol, petroleum ether, toluene, toluol, trichloroethane, trichloroethylene, or any other substance for the purpose of inducing a condition of intoxication, stupefaction, depression, giddiness, paralysis, inebriation, excitement, or irrational behavior, or in any manner changing, distorting, or disturbing the auditory, visual, mental, or nervous processes. For the purposes of sections 28-419 to 28-424, any such condition so induced shall be deemed an intoxicated condition.

§ 28-420. Selling or offering for sale certain compounds; use knowledge of seller; unlawful

No person shall knowingly sell or offer for sale, deliver, or give to any person any compound, liquid or chemical or any other substance which will induce an intoxicated condition as defined in section 28-419, when the seller, offerer, or deliverer knows or has reason to know that such a compound is intended for use to induce such condition.

§ 28-424. Violations; penalty

Any person who violates any provision of section 28-419, 28-420, 28-422, or 28-423 shall be guilty of a Class III misdemeanor.

Jury Instructions

Instruction No. 1

Members of the jury, now that you have heard all the evidence and the arguments of counsel, it is my duty to instruct you in the law.

A. The law does not permit me to comment on the evidence, and I have not intentionally done so. If it appears to you that I have commented on the evidence, during either the trial or the giving of these instructions, you must disregard such comment entirely. You must not interpret any of my statements, actions, or rulings or any of the inflections of my voice as reflecting an opinion as to how this case should be decided.

B. It is my duty to tell you what the law is. It is your duty to decide what the facts are and to apply the law to those facts. In determining what the facts are you must rely solely upon the evidence in this trial and the general knowledge that everyone has. You must disregard your personal knowledge of any other specific fact.

C. You must apply the law in these instructions, even if you believe that the law is or should be different. Not one of these instructions contains all the law applicable to this case. You must consider each instruction in light of all the others. The law demands of you a just verdict. You must not indulge in any speculation, guess, or conjecture. You must not allow sympathy or prejudice to influence your verdict.

D. In arguing their clients' case, attorneys may draw legitimate deductions and inferences from the evidence. The attorneys have a duty to make all objections they deem proper. Do not be influenced by any objection.

E. During this trial I have ruled on objections to certain evidence. You must not concern yourselves with the reasons for such rulings since they are controlled by rules of law. You must not speculate as to possible answers to questions I did not permit to be answered; you must not consider the fact that objections to evidence were overruled. You must disregard all evidence ordered stricken.

Instruction No. 2

As I told you at the beginning of the trial, this is a criminal case in which the State of Winchester has filed an information charging Jules Chapelle with manslaughter. The fact that the state has filed this charge is not evidence of anything. The charge is simply an accusation against Jules Chapelle, nothing more.

Jules Chapelle has pleaded not guilty to the charge. Jules Chapelle is presumed to be innocent. This presumption of innocence is evidence in favor of Jules Chapelle and continues throughout the trial unless and until s/he is proven guilty beyond a reasonable doubt.

Instruction No. 3

Jules Chapelle has been charged with one crime. Depending on the evidence, you may return one of two possible verdicts. You may find Jules Chapelle (1) Not Guilty; or (2) Guilty.

A. ELEMENTS

In order to convict Jules Chapelle of manslaughter the State must prove by evidence beyond a reasonable doubt each and all of the following elements:

- (1) That Jules Chapelle *proximately* caused the death of Dickie Chapelle and
- (2) That Jules Chapelle did so unintentionally while in the commission of an unlawful act as set forth in Instruction # 4 below; and
- (3) That Jules Chapelle did so on or about May 25, 2023, in Travis County, Winchester.

B. EFFECT OF FINDINGS

If you decide the State proved each element of the charge of manslaughter beyond a reasonable doubt, you must find Jules Chapelle guilty of manslaughter. Otherwise, you must find Jules Chapelle not guilty of manslaughter.

The burden of proof is always on the State to prove beyond a reasonable doubt the material elements of the crime charged, and this burden never shifts.

Instruction No. 4.

In order for the State to prove that Jules Chapelle was in the commission of an unlawful act, the State must prove beyond a reasonable doubt each and every one of the following:

- (1) That Jules Chapelle (a) knowingly sold, delivered, or gave to another person (b) any compound, liquid or chemical or any substance which will induce an intoxicated condition as defined in Winchester Rev. Stat. § 28-419; and
- (2) That at the time Jules Chapelle did so s/he knew or should have known that the substance was intended to produce such a condition; and
- (3) That Jules Chapelle did so on or about May 25, 2023, in Travis County, Winchester.

The elements described in paragraph (1) of this instruction define a single offense. Therefore, you need not agree unanimously on whether Jules Chapelle sold a substance, delivered a substance, or gave a substance to another person nor need you unanimously agree on what that substance was, so long as you are unanimous that the State has proven both of these elements beyond a reasonable doubt.

The burden of proof is always on the State to prove beyond a reasonable doubt the material elements of the crime charged, and this burden never shifts.

Instruction No. 5

Proximate cause is a cause that produces a result in a natural and continuous sequence, and without which the result would not have occurred.

The negligence of a victim or third person is not a defense to a prosecution for manslaughter while in the commission of an unlawful act unless such negligence is the sole proximate cause of the death. Such negligence, if it exists, may be considered on the issue of whether the conduct of the accused was a proximate cause of the death.

Instruction No. 6

The term “knowingly” used in Instruction No. 4, (1) means that the State must prove beyond a reasonable doubt that Jules Chapelle actually knew s/he sold, gave or delivered to another person any compound, liquid or chemical or any substance which will induce an intoxicated condition.

In determining whether the prosecution has proven that Jules Chapelle was knowingly selling or offering for sale, delivering, or giving something, you must focus on his or her actual state of mind at that time.

The phrase “knows or has reason to know” used in Instruction No 4, (2) permits conviction only if the State proves beyond a reasonable doubt that Jules Chapelle actually knew or if a reasonable person considering the information known by Jules Chapelle would have known the substance was intended by the manufacturer, by Jules Chapelle or by a consumer to be used to induce intoxication.

In determining whether the prosecution has proven that Jules Chapelle knew or whether s/he had reason to know that the substance was intended for use to induce intoxication, you may consider all the facts and circumstances known to Jules Chapelle even if the inference concerning intended use was not drawn by Jules Chapelle.

The burden of proof is always on the State to prove beyond a reasonable doubt the material elements of the crime charged, and this burden never shifts.

Instruction No. 7

A reasonable doubt is one based upon reason and common sense after careful and impartial consideration of all the evidence. Proof beyond a reasonable doubt is proof so convincing that you would rely upon it without hesitation in the more serious and important transactions of life. However, proof beyond a reasonable doubt does not mean proof beyond all possible doubt.

Instruction No. 8

There has been evidence that Jules Chapelle made a statement to a law enforcement officer. You may rely upon any such statement only if you decide beyond a reasonable doubt:

(1) that Jules Chapelle made the statement;

(2) that Jules Chapelle understood what s/he was saying; and

(3) that the statement was freely and voluntarily made under all the circumstances surrounding its making. If you decide that the State did not prove these three things beyond a reasonable doubt, then you must disregard any such statement even if you think it is true.

Instruction No. 9

There are two kinds of evidence, direct and circumstantial.

Direct evidence is either physical evidence of a fact or testimony by someone who has first-hand knowledge of a fact by means of his or her senses. Circumstantial evidence is evidence of a fact from which another fact logically can be inferred.

A fact may be proved by direct evidence alone; by circumstantial evidence alone; or by a combination of the two.

Instruction No. 10

The evidence from which you are to find the facts consists of the following:

1. The testimony of the witnesses;
2. The exhibits received in evidence; and
3. Any facts that have been stipulated – that is, formally agreed to by the parties.

The following things are not evidence:

1. Statements, arguments, and questions of the lawyers for the state and Jules Chapelle;
2. Objections to questions;
3. Any testimony I told you to disregard; and
4. Anything you may have seen or heard about this case outside the courtroom.

Instruction No. 11

A witness who has special knowledge, skill, experience, training, or education in a particular area may testify as an expert in that area. You determine what weight, if any, to give to an expert's testimony just as you do with the testimony of any other witness. You should consider the expert's credibility as a witness, the expert's qualifications as an expert, the sources of the expert's information, and the reasons given for any opinions expressed by the expert.

Instruction No. 12

You are the sole judges of the credibility of the witnesses and the weight to be given to their testimony. In determining this, you may consider the following:

1. The conduct and demeanor of the witness while testifying;
2. The sources of information, including the opportunity for seeing and knowing the things about which the witness testified;
3. The ability of the witness to remember and to communicate accurately;
4. The reasonableness or unreasonableness of the testimony of the witness;
5. The interest or lack of interest of the witness in the result of this case;
6. The apparent fairness or bias of the witness;
7. Any previous statement or conduct of the witness that is consistent or inconsistent with the testimony of the witness at this trial; and
8. Any other evidence that affects the credibility of the witness or that tends to support or contradict the testimony of the witness.

Instruction No. 13

Your duty is to decide whether Jules Chapelle is guilty or not guilty of the crime charged. My duty is to decide what happens to Jules Chapelle if you reach a guilty verdict. You must make your decision without considering what might happen to Jules Chapelle.

Instruction No. 14

This case is now ready to be submitted to you for your consideration. Any verdict you reach must be unanimous.

When you get to the jury room, the first thing you must do is to select one of you to be the presiding juror, the person who will preside over your deliberations. It is the job of the presiding juror to see that a verdict is fairly reached and that each juror has a chance to speak fully and freely on the issues in this case.

As I said to you at the beginning of the trial, it is your duty to determine what the facts are. You must approach this task with open minds – consulting with one another, freely and honestly exchanging your views concerning this case, and respectfully considering the views of the other jurors. Do not hesitate to re-examine your own views and to change your mind if you are persuaded that you should; however, do not surrender your honest conviction as to the weight or effect of the evidence solely because of the opinion of the other jurors or for the mere purpose of returning a verdict.

If you do not agree on a verdict by 5:00 p.m., you may separate and return for further deliberation at 9:00 a.m. on the next working day. If you do separate, then, during the time that you are separate, you are not allowed to discuss this case with anyone, even another juror and are not to do any independent investigation regarding this case.

You may discuss this case only when you are in the jury room. Otherwise, you may not discuss it with anyone, even another juror.

One verdict form has been prepared for you and you will have it in the jury room. You are to complete the form and return it.

IN THE DISTRICT COURT OF TRAVIS COUNTY, STATE OF WINCHESTER

STATE OF WINCHESTER,	)	Case ID: CR23-8273
Plaintiff,)	
)	
vs.	)	Honorable Michele Beeler
	)	Presiding Judge
JULES CHAPELLE,)	
Defendant.)	

Count I.

We the jury, being duly impaneled in the above captioned matter, do hereby find the defendant, Jules Chapelle,

Not Guilty Guilty

of the charge of manslaughter as set forth in Count I of the Information.

Date

Jury Foreperson

IN THE DISTRICT COURT OF TRAVIS COUNTY, STATE OF WINCHESTER

STATE OF WINCHESTER,	)	Case ID: CR23-8273
Plaintiff,)	
vs.	)	Honorable Michele Beeler
	)	Presiding Judge
JULES CHAPELLE,)	
Defendant.)	

Witness Statement of Officer Dallas Perkins

1 My name is Dallas Perkins. My friends call me Tex. For the last twenty years I have been
2 employed by the Wheatville Police Department. I always get mistaken for my sibling Dylan
3 Perkins. Dylan is a few years older than me and is a Sheriff for Travis County. Dylan is always
4 recognized for an old case at the Crane River Theatre. I get asked why I didn't become a
5 Sheriff...but I didn't want to be under Dylan's shadow.

6 Plus, I'm busy with my family. I'm married and my spouse Taylor is a chef at Prairie Plate, which is
7 a local and unique farm to table restaurant out on the ole Branched Oak Road. Taylor is busy
8 creating "season inspired" food from local producers and businesses. Taylor is always up for a
9 road trip to check out the latest products. In fact, we just got back from Hartington (great dairy
10 store up there!). Our next trip is to Mitchell so we can load up on some produce from Farm Girl
11 Fresh Market, plus I want to do some hiking in the Wildcat Hills.

12 Taylor and I have two kids ages 12 and 14. Harrison, my oldest, loves to play tennis and is
13 planning on trying out for the high school team. Marlowe, the youngest, participates in
14 competitive dance. I had no idea what I was getting into with dance, but she loves it, and if she is
15 happy so am I! My Mom teaches social studies and government at Wheatville High, so she gets to
16 see Harrison about every day. Wheatville is a great place to raise kids and Taylor and I are
17 dedicated to keeping it that way. The other family member is a fur baby named Reese. She is a
18 5-year-old boxer that has a lot of spunk.

19 Well, anyway, I've rotated through just about every unit within the department from Family
20 Crimes, Narcotics, Homicide, White Collar - you name it. I am proud of the job I do each and
21 every day to keep the community safe. I've lived in Wheatville all my life. I graduated from
22 Wheatville High and went on to earn a degree in Criminal Justice from the Winchester University.

23 On the night of May 25, 2023, I was back on regular patrol duty in the SW quadrant of the city
24 when I heard dispatch sending a medical unit to 1832 Otoe Street. It is standard policy in
25 Wheatville for an Officer to go to the scene of all emergencies. Not all Police departments do
26 that. But you can't tell whether there is criminal activity afoot just from a 911 call. Besides, a
27 police presence can help give paramedics the space they need when attending to an injury. In no
28 event could it hurt. Since I was only a few blocks away when the call went out just after 9:00 p.m.
29 and I responded. The paramedics had not yet arrived. As I got to the house, I noticed two things
30 - first the front door was open and there were a number of people quickly leaving as I was
31 arriving. Second in the driveway was the sweetest red 1982 Corvette I had ever seen. I notice
32 cars. I think that's from growing up with my dad and working with him at his garage as a kid.
33 When I got to the door, I was directed to a main floor hallway, Exhibit #1, where I saw a young
34 woman who I later learned was Dickie Chapelle. She appeared to me to be in respiratory
35 distress. There were a couple of other people near her trying to comfort her. I asked who called

36 911 and a person got up from beside her admitted making the call. That person identified
37 her/himself as Al Hayes. Al was on the way to the basement when Al saw Dickie slouched against
38 the wall having trouble breathing. Dickie handed me a vape pen which s/he said was next to
39 Dickie when s/he found her. I asked if s/he knew where that came from and if there were others.
40 Dickie said to look on the table in the kitchen, Exhibit #2. The paramedics arrived and I got out
41 of the way and asked the few people who remained to do the same.

42
43 Teachers and police officers are not paid nearly what they deserve so twice a month, on
44 weekends, I moonlight at Wheatville General Hospital (WGH) to earn a few extra dollars for the
45 family. That's the hospital in town with the trauma unit. In the past couple of years, more times
46 than I can count, in fact, the emergency room has treated someone in acute distress after vaping.
47 Nine times out of ten it has been a young person the age of the kids I saw at Otoe Street on May
48 25th, 2023. I've seen firsthand what that stuff can do to a person and it's not pretty. As far as
49 I'm concerned vaping is the latest scourge to hit our youth. Originally marketed as a "safe"
50 alternative to cigarettes, manufacturers have come out with all kinds of flavors. I'm not stupid.
51 You wouldn't do that except to attract kids. If that weren't bad enough, though, people are
52 putting all kinds of things in vape cartridges and vape tanks, particularly in those sold on the
53 black market - Marijuana, K-2, Spice, Flakka and more. Not only will those substances produce a
54 high, but they also can contain some dangerous chemicals. I'm not sure anyone really knows
55 what's in the cartridges of a vaping pen. I've come to the conclusion, based on my experience,
56 education, and training, that vaping is dangerous and sometimes deadly. In keeping with my vow
57 to serve and protect, I will do what I can to get the word out so that someday maybe these
58 products can be banned. And if you think I sound like a crusader, you would be too, if you had
59 two kids approaching young adulthood. In the meantime, we need to do what we can to minimize
60 their use. In Winchester, marijuana continues to be illegal, as well as other synthetic alternatives.

61 Al told me that s/he was at the house with a friend who was invited by Jules Chapelle to a
62 vaping party while Jule's parents were away for the Memorial Day weekend. He said that
63 Jules and Dickie were siblings. It must have been other party goers I saw leaving the house when
64 I arrived. Hayes said s/he was there because another friend wanted to go and it would give
65 a chance to show off Lucille. When I asked who Lucille was, Hayes told me that was the
66 1982 Corvette I saw in the driveway. Like I said - I notice cars. I like cars, but it's just goofy to
67 name them.

68 I was concerned that what might be in the vape pens had caused Dickie Chapelle's acute
69 respiratory distress and that the medical folks would need to know what they contained to
70 properly treat her. Also, I didn't want anyone else to become sick. So, I took the remaining vape
71 pens and vape cartridges from the kitchen table. I told Jules I wanted to talk briefly to explain
72 what I had done and why, but also to deliver a little lecture on the dangers of vaping but if s/he
73 wanted to accompany Dickie to the hospital it could wait. Jules said no s/he'd "seen this show before"
74 and would go get Dickie upon discharge.

75 I would describe Jules's demeanor when speaking to me as mellow. Jules told me that at the last-
76 minute s/he decided to have Memorial Day party and invite some old high school classmates who
77 were home for the summer. Jules said the friends weren't drinkers but enjoyed vaping from time
78 to time. Jules thought it would "fun" to have a variety of flavors of vape cartridges to try. Jules
79 didn't go to any of the local vape shops for supplies, but instead bought the cartridges from an
80 acquaintance, Nik Quarkian. This is exactly what the purveyors of this poison want kids to do.
81 I let Jules know what I thought of vaping and its dangers and hoped Jules and the friends
82 would find a safer way to relax and unwind.

83 I had heard of Quarkian. Rumor around the station had it that on the day of the party Quarkian
84 had been the subject of an ongoing investigation by our Narcotics Division. Seems Quarkian has
85 been a source for a variety of controlled substances in Wheatville for quite some time. Quarkian
86 has been suspected of dealing drugs since his/her high school days but, remarkably, s/he has never
87 been arrested or convicted of anything more than possession of Marijuana (Under an Ounce) for
88 which s/he got off scot-free. Rumor in the Department was that her/his arrest on some pretty serious
89 charges was imminent.

90 After delivering my lecture to Jules, I drove to the hospital to deliver the vape cartridges to the
91 medical personnel and learned that Dickie Chapelle's condition deteriorated on the way to ER
92 and that she died. I can put 2 and 2 together. The cartridges I had collected may now be
93 evidence of a serious crime. With permission from my Captain, I sent them to the crime lab for
94 analysis.

95 After the lab report came back, Exhibit #3, confirming my suspicions, I asked Jules Chapelle if
96 s/he would be willing to speak with me again. Jules agreed to come to the station. I told
97 Jules that I suspected the cartridges s/he bought contained an illegal substance and because
98 of that I wanted to read him/her his/her Miranda rights before we talked. I did that using the
99 standard departmental form, Exhibit #4, Jules both verbally and in writing waived his/her rights
100 and answered my questions. Basically, Jules told me the same thing s/he'd said when I talked to
101 her/him briefly on May 25th. Jules said s/he explained to Quarkian that s/he was going to
102 have a vape party with a few friends and asked if s/he could give him/her a good deal on some
103 cartridges. Jules was especially interested in trying some different flavors. Jules denied knowing
104 that the cartridges contained anything illegal or intended to produce a state of intoxication. I
105 didn't believe that last part and we had a dead body, so I arrested him/her on suspicion of
106 manslaughter. I also asked one of our detectives to follow up with Quarkian.

107 Per department policy, so that information is available department wide and important details
108 can be retrieved if memory fails, I wrote a report before my shift ended the night of May 25,
109 2023. It is attached as Exhibit #5.

WITNESS ADDENDUM

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

Signed,

Dallas Perkins

IN THE DISTRICT COURT OF TRAVIS COUNTY, STATE OF WINCHESTER

STATE OF WINCHESTER,	)	Case ID: CR23-8273
Plaintiff,)	
)	
vs.	)	Honorable Michele Beeler
	)	Presiding Judge
JULES CHAPELLE,)	
Defendant.)	

Witness Statement of Nik Quarkian

1 My name is Nik Quarkian, but my friends call me “Quark.” I am 21 years old and am a senior at
2 Winchester University, double majoring in psychology and business, with an emphasis in
3 marketing. I live at 2503 Hollyhock Drive in Wheatville. My parents own Major Tom’s Ground
4 Control, yeah it is a Landscape service in Wheatville. My parents are huge David Bowie fans
5 and thought it would be a funny name. Oh, I have a little sister named Syd and she a freshman
6 at McConaughy University studying political science. She is super smart and is planning on going
7 to Law School. I’m glad we’ll have an attorney in the family.

8 Growing up I was responsible for mowing several yards in the neighborhood until I was old
9 enough to drive a company truck. I also tried to help my parents with marketing...not just an ad
10 in the newspaper...really who reads that any ways? I started their WallSpace page when I was
11 10 and we also have active SnappyGab, Chirpie, and Prontogram pages. We have a new
12 BabBalie page too. Watching my parents try and do the dances is hilarious!

13 Simply said, I am an entrepreneur. A businessperson. I am not a sucker, and I do not expect you
14 to be one, either. I give a fair price for my wares, however, if you want something a little special,
15 something more rare, a little more zing, then you’d best expect to pay more. It will be worth
16 it. I’m known for my quality goods. Maybe it was the #2 pencil and blue book that you used to
17 need for some of those old-school teachers’ exams and you were too dumb to remember until you
18 got to school and the test was in 5 minutes. Then you would come running to me to fix your
19 problem. Or maybe you needed a pick-me-up after lunch, while you were digesting the glop the
20 lunch lady plopped on your tray (I was in the parking lot in my cherry red Mustang GT eating the
21 food I had delivered by Chow-wow), so you’d come to me for your 5-hour energy shot that you
22 didn’t plan ahead and buy on your own. My markup price was well worth it to you, and I never
23 charged anything that the market wouldn’t allow. Didn’t want to price myself out of business. I
24 tried to keep my fellow students well-supplied in an assortment of mostly legal amenities -
25 cigarettes, gum, energy drinks, vape pens and paraphernalia, school supplies, class notes and
26 tests I acquired from a variety of sources. The occasional joint - off school grounds, of course -
27 but it’s not like marijuana should be illegal, anyway. After my two citations in high school for
28 possession of very minor amounts of marijuana, which my parents’ lawyer got dismissed for me
29 when I agreed to do volunteer work for the school, I decided to stop selling marijuana until it was
30 legal in this state. Which can’t be soon enough. We are so backward here. At least I can sell
31 CBD products. That’s some consolation. Maybe soon I will start adding my own flavors and essential
32 oils to market to that type of consumer.

33 I am familiar with Jules and Dickie Chapelle. They both were customers of mine in high school, but
34 I can’t say that I hung out with them much. Of course, Dickie was quite a bit younger than me, but
35 her health issues were well-known. When an ambulance comes to the school for a student who
36 has an asthma attack, you know it’s a bad situation, and it’s something you definitely remember. I

37 sold vape supplies to Jules in high school, and I sampled my inventory so I could hit my clients up
38 with what they wanted. Who wants to buy a product from someone who has never tried it,
39 themselves? People may have thought I used a lot, but I'm not stupid. I educated myself on the risks
40 and stopped using when I had sufficient clientele. I prefer money to an addiction. That allowed
41 me to store up quite the inventory in my parents' climate-controlled storage unit at Major Tom's,
42 which I had been selling to people like Jules until the bulk of it was unfortunately seized by the
43 cops.

44 Jules contacted me on May 25, 2023, while I was working. I remember it because I was right in
45 the middle of coming up with the summer ad campaign for Major Tom's. Jules asked me for a
46 variety of vaping pens and cartridges for a party that night. "Give me the works; whatever you've
47 got; something special," Jules said. Although I had the supplies there on the grounds, my parents
48 didn't know I was storing vape items in the storage unit (I told them I had old textbooks and school
49 papers in the boxes. Sure, I lied, but they have their business, and I have mine). So, I agreed to meet
50 at their house on Otoe Street in Wheatville after Jules got off work at the Liberty Pool. I found what
51 Jules wanted - 10 different flavors -s/he gave me a list, which included some of the hard-to-get ones,
52 but, luckily, I had them, and 5 new pens. Jules had some spare pens from before. When Jules told me
53 to get "the works; something special" I assumed s/he wanted something with a little something added,
54 so I wasn't limited in my choices. Some sellers are known for adding K-2 and THC and other ingredients
55 and some don't, so I just made sure to get Jules the flavors and didn't really think about additives.
56 My supply is about 50/50 with and without additives, and Jules bought all types from me before
57 and didn't seem to mind, so I knew there were no holds barred. When the transaction occurred
58 (and it WAS at their house. I am not so stupid as to deliver the goods to a public place like a pool;
59 that's just looking for trouble), I told Jules that I got all the flavors s/he wanted and that some had a little
60 extra added for kick. S/he didn't object, and the price I charged included the late notice and was more
61 than the price for just plain vape items. Jules didn't seem to mind about the price - s/he was just happy
62 to get the flavors s/he wanted. After I gave the pens and cartridges to Jules, Jules put them in a
63 bowl on the kitchen table. I really only saw the kitchen and living room area. If I recall Jules'
64 exact words, Jules said, "This party will be a blast, thanks to you!" I didn't see Dickie there, but her
65 gray Nissan Leaf was outside, so I assume she was somewhere around. Jules should have known
66 to keep their stash away from Dickie. Besides, everyone knows people with asthma, especially
67 as bad as Dickie's, should stay away from smoking and vaping. Caveat emptor, I always say.
68 It means buyer beware, in case you don't know Latin. And Jules knew better. This is a tragic
69 situation, but it was not my fault.

70 So, you can imagine my surprise when I was contacted at work by a cop, who said they were sent
71 by Deputy Perkins (Pesky Perkins, we all call him/her), a couple days after Dickie's death. Sure, I
72 heard about her death. Everyone in town did, but I wasn't there and had no idea what
73 happened. How dumb of Jules to let Dickie even BE at the party. Everyone knows kids will try
74 anything and, you have to admit, some of those flavors smell and taste pretty good. Anyway, the
75 cop caught me off guard, as I really had nothing to do with Dickie's death. Yes, I lied at first
76 when s/he asked me if I knew anything about the vaping additives. What would you do? The
77 cop threatened to take me to jail if I didn't talk to them and charge me with several counts of
78 delivery of a controlled substance and manslaughter. So that first day, I told the cop I sold to
79 Jules, but denied knowing anything about anything being added. I shouldn't have talked to any
80 cop in the first place, because, when the lab report came back, the cops arrested me anyway.
81 After my parents bonded me out of jail, and were they mad, my lawyer told me that
82 the cops and the County Attorney wanted me to do a proffer interview and it would be my
83 chance to come clean, I availed myself of that opportunity. Exhibit #6 is the Proffer Letter I
84 signed. During the interview, I told the cops who my sources were - mostly I bought large
85 quantities when the flavors were still legal - and let them search the storage unit. As I said, they

86 greatly decreased my inventory, and a lot of my legal items haven't been returned yet. Who
87 knows if I will be able to sell any of it when I get it back? I also told the cops what flavors Jules
88 asked for, what I sold, and what ones probably contained additives, like THC and K-2. They saw
89 I told the truth, because when they compared what I told them to the lab results and what I had in
90 my inventory, it all matched up. Exhibit #2 shows some of the pens and cartridges I sold to Jules
91 on May 25, 2023. Like I said, it's too bad that Dickie died, but the fault is not mine - it is Jules' fault.
92 I got in enough trouble with all this mess, as I got charged with aiding and abetting manslaughter
93 AND delivering a controlled substance and have to plead to an attempted possession with intent
94 to deliver charge. A felony. The plea agreement is in Exhibit #7. Also, I have to wait until after I
95 testify in this case to get the offer and plead. I sure hope I get probation and then get the
96 conviction set aside later, or this will really damage my ability to find a job. That's really all I
97 have to say.

WITNESS ADDENDUM

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

Signed,



IN THE DISTRICT COURT OF TRAVIS COUNTY, STATE OF WINCHESTER

STATE OF WINCHESTER,	)	Case ID: CR23-8273
Plaintiff,)	
)	
vs.	)	Honorable Michele Beeler
	)	Presiding Judge
JULES CHAPELLE,)	
Defendant.)	

Witness Statement of Dr. William/Willa J. Hunter

1 My name is Dr. William/Willa J. Hunter. I am a board-certified Forensic Pathologist practicing at the
2 Wheatville Health Sciences Center in Wheatville, Winchester. I live at 2201 Wilderness Crest. I am
3 currently single, as this line of work requires that I devote a fair amount of time... I did find an injured
4 baby red fox or kit abandoned in my yard and have since raised it by hand. I had to apply for a
5 special Captive Wildlife Permit in order for Antonio to live with me. Antonio is named for the founding
6 father of forensic pathology – Antonio Benivieni.

7 I'm an avid foodie and spent several weeks at the Florence Culinary School in Florence, Italy, several weeks
8 ago. It was a once in a lifetime opportunity and I learned how to make a pasta fresca (homemade pasta)
9 with a meat sauce, mushroom crostini and gelato....*squisito!* Plus, I'm quite the music aficionado with regard
10 to jazz music. A favorite of mine is Trombone Shorty – Troy Andrews, of course Louis Armstrong, Billie
11 Holiday, Dizzy Gillespie, John Coltrane, Ella Fitzgerald, Nat King Cole, and Jelly Roll Morton. Well, enough
12 about that.

13 I earned a Bachelor of Arts degree in biology with a minor in chemistry as well as a Master of Science
14 degree in zoology from Southern Illinois University in 1996 and 1998, respectively. I earned my osteopathic
15 medical degree from the Texas College of Osteopathic Medicine in Fort Worth, Texas in 2002. Afterward, I
16 completed residency training in Anatomic Pathology at Ball Memorial Hospital in Muncie, Indiana in 2004,
17 fellowship training in Neuropathology at Indiana University School of Medicine in Indianapolis in 2006, and
18 fellowship training in Forensic Pathology at the Cuyahoga County Medical Examiner's Office in Cleveland,
19 Ohio in 2008.

20 In 2009, I joined the staff at the Office of Chief Medical Examiner in Lincoln, Nebraska, where my primary
21 duties were as medical examiner for the state of Nebraska. In 2019, I moved to Wheatville, Winchester,
22 and became a consultant forensic pathologist with the State of Winchester's Office of the Chief Medical
23 Examiner and serve as a coroner's physician and forensic pathologist for Travis County, Winchester.

24 Over the course of my tenure, I have been called as a witness by the State to testify on 26 separate
25 occasions. I have never been called as a witness by the defense in my career.

26 Pathology is a study that focuses on the cause and resulting changes brought about by diseases or injuries.
27 The pathology field is a scientific area of study, as results found in the discipline are determined by
28 examining various tissue, fluid, and/or organ samples. These tests, which require forensic laboratories, may
29 have several applications in preventing, diagnosing, and treating a wide variety of diseases. Any type of
30 disease or field of medicine may be relevant to pathology, including cancer, oncology, molecular biology,

31 urology, tumors, gynecology, pediatrics, hematology, birth injuries, liver disease, hepatitis, lymphoma,
32 Hodgkin's disease, language disorders, infectious diseases, and other areas of focus. My field, Forensic
33 Pathology, is a sub-specialty of pathology that investigates and certifies death, depending on the jurisdiction.

34 Cause of Death

35 Simply stated, the cause of death is why a person has died. An example would be: Acute Myocardial
36 infarction, and yet another example would be a stab wound to the chest. Unfortunately, such a simple
37 concept is not well understood by a large proportion of certifiers (primary care physicians, emergency room
38 physicians). Hence it is not uncommon to encounter death certificate signed as: cardiac arrest or respiratory
39 arrest. These examples are not causes of death, but mechanistic terminal events that at the end of our days
40 all of us are going to have. Some of the consequences of certifying deaths in this manner is that stakeholders
41 trying to interpret the death certificate may get confused and come to the conclusion that the patient died of
42 a "heart attack". When the actual chain of medical events that led to death have little or nothing to do with
43 a cardiac death.

44 With respect to Ms. Chapelle's death, I concluded, to a reasonable degree of medical certainty that the
45 most likely cause of death was asphyxiation. This conclusion is based on my review of the case history
46 obtained from Ms. Chappell's available medical records, the information reported to me by local law
47 enforcement, on-scene paramedics and attending physicians, as well as my forensic examination of Ms.
48 Chapelle's corpse at my office.

49 Mechanism of Death

50 The mechanism of death is the physiological derangement due to the cause that results in the death. For
51 example, hemorrhage in the case of a stab wound. Another example would be bleeding in the abdominal
52 cavity that arose from ruptured esophageal varices. In both cases, the bleeding is the mechanism of death. In
53 the latter instance, the chain of medical events started with liver cirrhosis induced by hepatitis C. That in turn
54 induced increased pressure in the vessels of the liver, which caused the veins of the esophagus to dilate,
55 rupture and bleed.

56 The importance of the mechanism and the underlying cause or causes of death cannot be overstated. It is
57 often a concept that tends to confuse a lot of the stakeholders in a case.

58 In this case, I concluded that the most likely mechanism of death was lung inflammation induced by the
59 inhalation of Vitamin E Acetate, a controlled substance under Winchester law. Vitamin E Acetate caused rapid
60 inflammation in Ms. Chapelle's lungs, which reduced and eliminated her ability to capture necessary oxygen,
61 and was ultimately mortally suffocated. This phenomenon is known medically as lipoid pneumonia. Lipoid
62 pneumonia is a rare form of pneumonia which was initially described to be caused by inhalation or
63 aspiration of fatty substances.

64 Chain of Events

65 There are several issues that come into play when one looks for an explanation of death. Most importantly,
66 forensic pathology focuses on the initial event that created the resulting cascade of medical issues and
67 unpackages their consequences. Such an inquiry accounts for patient comorbidities and other environmental
68 factors that could have contributed to the death at issue. The chain of events findings are generally aimed at
69 putting the pieces of the puzzle together after review of the case file, historical medical records and accounts
70 from people involved.

71 An example would be a patient dying of sepsis (systemic infection). Some of the questions that need to be
72 elucidated are, among others, where did the infection originate from? What organs are involved? Is there an
73 underlying condition that contributed to the development of such an event?

74 In Ms. Chapelle's case, Paramedics on scene report finding Ms. Chapelle sitting tripod in a hallway between
75 a dining room and basement stairs at the local residence. At that time, Ms. Chapelle presented CAOx4. Ms.
76 Chapelle reported that she was at a party at her home and engaged in recreational vaping. Ms. Chapelle
77 reported a history of asthma, mild persistent, but could not produce an inhaler because she had not renewed
78 her prescription. Ms. Chapelle also reported that her last asthma event was more than one year ago.

79 Initial vitals read as follows: 133/72, HR: 96, RR: 24, SpO2: 95%. Paramedics undertook transporting Ms.
80 Chapelle to the nearest treatment facility. No obvious trauma was noted, Ms. Chapelle denied fever, chills,
81 fatigue, vision changes, dental or throat pain. No rashes or bruising was noted and Ms. Chapelle denied any
82 cough, dyspnea, hemoptysis, chest pain, palpitation, edema or wheezing. No other abnormalities were
83 initially observed or reported.

84 The circumstances escalated quickly while Ms. Chapelle was in the care of paramedics and enroute to a
85 treatment facility. During transport, Ms. Chapelle reported increased anxiety, grabbed a paramedic's arm
86 to make a statement about her sibling not providing her the vape device and that the sibling knew about
87 her asthma. Ms. Chapelle began coughing with wet secretions, ultimately became unresponsive with a
88 slowing pulse registering 47 bpm.

89 According to paramedic reports, Ms. Chapelle was placed on BVM at 16RR on 100% Oxygen at 9:18 p.m.
90 At that time, Ms. Chapelle was no longer breathing but a pulse was present. Ms. Chapelle was intubated via
91 a manual laryngoscope and placed on ETCO2 monitor <50. The BVM was increased to 20RR on 100%
92 Oxygen. Paramedics continued to transport to the emergency room using lights and sirens. Ms. Chapelle's
93 lung sounds reassessed and presented crackles in bases. Ms. Chapelle became unconscious without drug
94 therapy; her peripheral capillary beds were noted to be slightly cyanotic at this time. Upon arrival,
95 paramedics unloaded Ms. Chapelle via a stretcher and moved her to a bed. Ms. Chapelle was pronounced
96 dead at 9:47 p.m.

97 Narrative

98 The fact of the matter is vaping is an inherently dangerous activity that presents severe health risk. While it
99 is still widely debated which particular component of vape liquid is the cause of illness, vitamin E acetate,
100 specifically, has been identified as a potential culprit in vape-related illnesses. *The New York Times* recently
101 reported an analysis of lung fluid samples from 29 patients with vaping-related illnesses (including two who
102 died), and the analysis suggests that vitamin E acetate is a "very strong culprit" in causing lung injuries. The
103 lung fluid samples were collected from patients across the United States so that these findings may have
104 implications nationwide. Moreover, Dr. Anne Schuchat, principal deputy director of the CDC, explained, "For
105 the first time, we have detected a potential toxin of concern, vitamin E acetate, from biological samples from
106 patients... The analysis provided evidence of vitamin E acetate at the primary site of injury in the lungs."¹
107 Vitamin E acetate is sticky, giving it the ability to remain in the lungs.

108
109 The evidence on how vitamin E acetate affects the lungs of vape users is notable because vitamin E acetate
110 has been acknowledged as a majorly harmful chemical that may be contributing to vape-related illnesses
111 and deaths. Lung scans have revealed different outlines of lung parenchyma suggesting possible different
112 processes in injury. One pattern points to lipoid pneumonia which can occur with lipid containing ingredients
113 or oils aerosolized into the airways causing inflammation and compromised function.² The respiratory
114 epithelium has a complicated network of extracellular membranes essential for breathing and survival.

115 Surfactant membranes form a stable monolayer at the air-liquid interface, reducing the surface tension at the
116 air-liquid interface, therefore stabilizing the lung against collapse and helping lungs expand. Oil in the lung
117 interferes with this ordered/disordered lipid phase coexistence in lung surfactant with alterations in phase
118 coexistence.³

119 Inhalation of Vitamin E Acetate interferes with normal lung function. In cases where patients have a history
120 of chronic asthma, the presence of Vitamin E Acetate in the lungs causes patients to present with status
121 asthmaticus necessitating veno-venous extracorporeal membrane oxygenation (VV-ECMO).

122 I noted each of these factors in my examination of Ms. Chapelle. See Exhibit #8 where the images show the
123 severe lipoid pneumonia present in Ms. Chapelle's lungs as well as baseline for healthy lung imagery.

124 The toxicology report received from the state crime lab as part of my assessment also bears my conclusions
125 out. The toxicological analysis of Mr. Chapelle's bronchoalveolar-lavage fluid bears these conclusions
126 out. His/her medical history and toxicology screen established a negative respiratory viral panel, negative
127 influenza rapid test, and negative results on testing for other clinically indicated respiratory infectious
128 diseases. Prevailing peer-reviewed research indicates that electronic-cigarette, or vaping, product use—
129 associated lung injury (EVALI) is best detected through analysis of harmful substances in bronchoalveolar-
130 lavage (BAL) fluid obtained from patients presenting with EVALI. The CDC has put primary emphasis on the
131 analysis of BAL fluid because this approach could detect harmful substances at the presumed site of the lung
132 injury. Mainstream practice dictates that a patient is deemed to present with EVALI under the circumstances
133 in Exhibit #9.

134 Ms. Chapelle's presentation history, the radiologically documented condition of his/her lungs and the
135 toxicological confirmation of a negative respiratory viral panel, negative influenza rapid test, and negative
136 results on testing for other clinically indicated respiratory infectious diseases, coupled with my conclusion that
137 acute asthma could not produce the rapid results experienced all support the conclusion that Ms. Chapelle's
138 likely mechanism of death was lung inflammation induced by the inhalation of Vitamin E Acetate – lipoid
139 pneumonia.

WITNESS ADDENDUM

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

Signed, _____



¹ Vaping illnesses are linked to vitamin E acetate. [Nov;2019 ;<https://www.nytimes.com/2019/11/08/health/vaping-illness-cdc.html>] 2019 :0.

² Cases of vaping-related lung illness surge, 3rd death reported in Indiana. [Dec;2019];<https://wtvr.com/2019/09/06/cases-of-vaping-related-lung-illness-surge-3rd-death-reported-in-indiana/> 2019

³ Modulated phases of phospholipid bilayers induced by tocopherols. Kamal MA, Raghunathan VA. Biochim Biophys Acta. 2012;1818:2486–249

IN THE DISTRICT COURT OF TRAVIS COUNTY, STATE OF WINCHESTER

STATE OF WINCHESTER,) Case ID: CR23-8273
Plaintiff,)
)
vs.) Honorable Michele Beeler
) Presiding Judge
JULES CHAPELLE,)
Defendant.)

Witness Statement of Jules Chapelle

1 They got this all wrong. My little sister, Dickie died, but it was not my fault. This is a nightmare. I was just
2 having a party and my little sister snuck in.

3 My name is Jules Chapelle. I live at both 1832 Otoe Street, Jim’s house, and 7581 Sandhills Circle, Sue’s
4 house. I am 22 years old and I’m going into my senior year in college at Winchester University. I’m
5 majoring in social media marketing. I should graduate next May, if we get all this straightened out.

6 My parents are Jim and Sue. They got divorced when I was 10 years old. They both live in Wheatville.
7 When they first got divorced, we followed a really strict schedule, but now that we are all older, we just
8 come and go as we want.

9 I guess I should start back at the beginning. I’m the 4th out of 5 kids. When we were growing up, we
10 never got to do anything fun because Dickie had asthma. We couldn’t do anything active or outside or
11 hike or go anywhere. It used to be so annoying, but now I would give anything to have Dickie back.

12 My older 3 siblings are out of the house and living their own lives. Scott is married and a banker in Platte
13 City. Mark is an electrical engineer, and he lives in Sandhills Central with his English bulldog, Snivelus that
14 he calls “Snivvie”. Rebecca does something for an insurance company. She told me, but it is boring and I
15 stopped listening. She still lives here in Wheatville, but she has two little kids, so she is never around.

16 I came home for the summer to work as a lifeguard at the Liberty Bell Pool and save money by living at
17 home. The problem is that I want to live with Sue, because that is where my room is, but she keeps trying to
18 give me rules. I’m old enough to be living on my own, and I do during the school year, but when I’m home
19 she doesn’t allow me to do anything fun. I can’t have friends over. Of course, I didn’t want to have friends
20 over because Dickie was always hanging around and wanting to tag along. Sue would always tell me that
21 I had to be a good example for Dickie. Dickie was 3 years younger than me and just finished her first year
22 at Meadowlark Community College, so she was definitely still living at home.

23 One of the things my parents always harped on me about was vaping. I don’t drink alcohol or smoke
24 cigarettes, but I do vape, occasionally. Sue used to smoke cigarettes, but after my grandpa died of lung
25 cancer after smoking for 50 years, my mom decided she was going to quit, and she did. Cold turkey. Well,
26 when I was in high school one of my friends, Nik Quarkian, was vaping. It was grape and actually smelled
27 like candy, so I decided to try it. I liked it. I didn’t do it often, but it was a fun thing to do with some of my
28 friends. It didn’t smell like cigarettes, there were tasty flavors, so I didn’t think it was that big of a deal. I
29 didn’t find out until way later that there was actually nicotine in vaping. Who knew?

30 When I went to Winchester University, Quark was there too. By then, Quark had started smoking marijuana
31 and dabbling in drug use. I was not interested in any of that and I didn't see Quark that often after that.
32 When I came home for the summer, I heard that Quark was able to get vaping pens at a discount. I didn't
33 know how and I didn't ask, but I figure if I could save a few bucks, I would just contact Quark.

34 The Liberty Bell Pool opened on Memorial Weekend. Jim was gone for the weekend on a work trip.
35 Between my other lifeguard friends and high school classmates that were also home for the summer, I
36 thought it would be fun to have a vaping party at Jim's house. There were a bunch of flavors that I hadn't
37 tried before, so I contacted Quark for 10 different vaping flavors. Now that most of the fun flavors have
38 been banned by the federal government, you can't get them in a store anyway, so Quark was my only
39 choice. We got melon, mint, grape, strawberry, bubble gum, cotton candy, tropical mango, blueberry,
40 pink lemonade and vanilla.

41 I had about 15 people come over to Jim's house after the pool closed. I put the garden gnome that we got
42 Jim for Father's Day by the mailbox so my friends knew where the party was. Jim thinks it's a bit tacky, but I
43 think it is hilarious. . . a gnome on a toilet. . . easy way to let people know where you live! Al Hayes was
44 there. Quark had met me in the pool parking lot, so s/he didn't come to the house at all. I told Dickie that
45 she was not invited and told her to go to a friend's house. She didn't like that and threatened me that if I
46 didn't let her stay that she would tell Jim and Sue about the party and I would be in trouble. So I let her
47 stay. I didn't watch her at all, in fact I was trying to get away from her and have my own fun.

48 I was in the living room sitting on the couch with some of my old high school friends, Marty, Emmett, and
49 Lorraine, when I suddenly heard Al yell from the hallway and call 911. Initially I was mad at Al for calling
50 911, because I thought it was just another asthma attack and I didn't want the ambulance to be called,
51 because this had happened so many times before and I knew the ambulance was expensive, and I would
52 be in trouble with my parents, and the police always come with the ambulance, so that would for sure be
53 the end of the party.

54 By the time I found out Dickie tried the vaping pen, it was too late. I knew that Dickie had an inhaler with
55 her all the time, so I scrambled to find it. I found it, but it was empty. Since we weren't at Jim's very often, I
56 guess it was a spare that was empty.

57 After the Paramedics arrived, I thought Dickie was going to be just fine. I didn't think it was necessary to go
58 to the hospital with Dickie. I needed to call Jim and Sue and figure out what to tell them.

59 I talked to Officer Perkins for a few minutes about the vaping party. S/he kept trying to lecture me about
60 the dangers of vaping. Like I wanted to hear that.

61 I have seen Exhibit #1. Yes, that is an accurate depiction of the house plan. I was in the living room when
62 Dickie collapsed in the hallway.

63 I have seen Exhibit #2. Yes, that is an accurate photo of the vaping pens that I got from Quarkian.

64 I have seen Exhibit #10. Yes, that is an accurate photo of Jim's garden gnome.

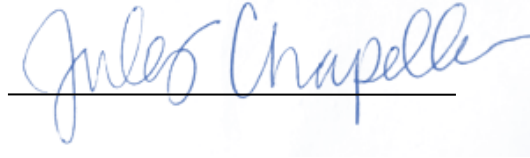
65 Yes, I hosted a vaping party and I know now that it was a bad idea, but I did not do anything to
66 intentionally cause anyone to be hurt from it and definitely not to die from it. It was just a party. First, I
67 didn't know that Dickie even wanted to try vaping, much less that she did. Second, I did NOT know that
68 Quarkian had laced any of the vaping pens. I just asked for flavors, not that. Third, Dickie should have
69 had her inhaler with her and this wouldn't have happened. Yeah, Officer Perkins read me my rights. See
70 Exhibit #4.

71 This is a such nightmare, but it's not my fault.

WITNESS ADDENDUM

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

Signed,

A handwritten signature in blue ink that reads "Jules Chapelle". The signature is written in a cursive style and is positioned above a solid black horizontal line.

IN THE DISTRICT COURT OF TRAVIS COUNTY, STATE OF WINCHESTER

STATE OF WINCHESTER,) Case ID: CR23-8273
Plaintiff,)
)
vs.) Honorable Michele Beeler
) Presiding Judge
JULES CHAPELLE,)
Defendant.)

Witness Statement of Al Hayes

1 That night was C-R-A-Z-Y! Trust me, I've been to epic get togethers in my time, but this was a horse of a
2 different color. I was in the military so there is not much I cannot handle, but nothing went according to plan
3 the night of Saturday May 25, 2023. I thought I was just going to some small, low-key get-together with
4 friends. I thought I might show off my sweet ride to some of my former classmates that haven't had the
5 opportunity to experience my pride and joy, Lucille! That's the name I've lovingly given my 1982 Camaro
6 (yeah, it's a classic!). Any power car like mine can only come in red, the most powerful color. Most of my
7 friends just call it Beastmode! Who am I to disagree? I even belong to a Corvette Car Club that meets at least
8 once a month. Unfortunately, Lucille never got a chance to shine that night. The town was deprived of hearing
9 Beastmode thundering down Main Street. But that is not important. I cannot even imagine what Jules went
10 through that night. And now to be charged with your own sibling's death? That seems super unfair.

11 My name is Albert/Allison Hayes, but everyone just calls me "Al." I am 21 years old and work as an assistant
12 manager at the local Shenaniganz Restaurant. It is the most respected restaurant in town, and it's not close. I
13 skipped the college scene, opting for a two-year enlistment in the Army instead. I was honorably discharged
14 a year ago. I'm thinking about starting some online college courses, but I shot up through the ranks at
15 Shenaniganz so fast in the last year, I have to see where this goes. Gas for Lucille doesn't pay for itself! I'm
16 already the youngest assistant manager Shenaniganz has ever had. Give me another year or two, and I'm
17 thinking I will probably run the place (I pretty much already do). Lucille will be looking at some pretty
18 impressive upgrades when that happens!

19 I was one grade behind Jules in high school. We used to run in the same circle of friends. We were never
20 best friends. Jules just wasn't into the car scene like my best friends and me. Back then you could find me
21 cruising the square in Estelle. Estelle was my 1996 Chevy Beretta and the precursor to Lucille. Jules drove a
22 Lumina, the blandest car in existence. But hey, at least it was a Chevy, right? Jules and I still hung out on a
23 regular basis. Once Jules left for college at Winchester University, we only saw each other a couple of times
24 the next year over the holidays or a couple of long weekend breaks. I did not see Jules at all during the two
25 years I was in the Army. I took my military training seriously and did not make it home much during that time.
26 I became a bit of a fitness nut during my service. I shed some of that excess weight I packed on my senior
27 year of high school. I cannot remember if Jules and I hung out together after my discharge before the night
28 Dickie died. I know Jules came into the restaurant once or twice and we briefly said hi. It seemed like college
29 was going well and graduation was on the horizon.

30 I did not know Dickie as well as I knew Jules. She was a quiet kid, three years behind me in high school. I do
31 not remember her having much of a social life. Talk about two apples that fell on opposite sides of the tree! I
32 will just come out and say it, Dickie was a nerd in high school. She drove a silver metallic Nissan Leaf for
33 crying out loud. Who does that? I remember Jules complaining about Dickie all the time back in school. There
34 always was a feeling of playing second-fiddle to Dickie with their parents. Jules talked about how their

35 parents bent over backwards to take care of Dickie, often at Jules' expense. Sure, there was a lot of
36 complaining, but to me it seemed to me like ordinary sibling rivalry stuff. I am a middle child myself and can
37 relate to feeling a little bitter about getting lost between the golden-child first born and the can-do-no-
38 wrong baby of the family. I never read anything more into Jules' comments than that. If you ask me, Jules just
39 needed an outlet. Maybe if the Lumina would have been traded in for a Corvette there would not have been
40 as much complaining about Dickie. Owning a classic Corvette is a game-changer. You really find yourself
41 when you are in the driver's seat of a classic muscle car like that!

42 I will never forget the night Dickie died. I was not even supposed to be there. Shenanigans usually cannot
43 function without me on weekends. I got a call from my manager around noon that day telling me he
44 inadvertently overstaffed us that evening, and I could have the night off if I wanted. Well, I just put some
45 sweet new RTX Black Widow wheels on Lucille, so this seemed like a great opportunity to show her off. I
46 called a friend to see if she wanted to meet up. She said Jules already invited her over for a little get
47 together with some friends. Totally AWESOME! A bunch of friends ready to gawk at Lucille's new rims! I
48 suggested I come pick her up and we make our way to Jules' place. She knows all about Lucille, so she
49 enthusiastically said yes.

50 I picked my friend up and drove us to Jules' place. When we got there, Jules answered the door. I said I
51 hope it was okay that I tagged along. Jules gave me a big hug, told me it was great to see me, and invited
52 me in. That was the same Jules I had known from high school. I was surprised Jules did not notice my car right
53 out in front. Oh well, I assumed I would have the chance to show Lucille off a little later.

54 A group of us, including Jules, settled into the couches in the living room catching up on old times. I noticed
55 Dickie walk past a couple of times while we were sitting there. Every time Dickie surfaced, it caused an
56 eyeroll from Jules. Dickie came out of the kitchen with a beer at one point. That really set Jules off. I heard
57 Jules tell Dickie "you aren't even old enough to drink" and "it is bad enough you are crashing my party, now
58 you are drinking MY beer at a party where almost no one is drinking" Jules' verbal assault must have
59 worked, because Dickie put the beer back and wandered off into another room.

60 I remember the vaping pens being at the party. One was with us in the living room, but Jules said there were
61 "other ones with different flavors floating around here somewhere." See Exhibit #2. I am not a smoker. I
62 think tobacco poisons the body and I have a physique to maintain. The same thing with drugs. I'm not about
63 to engage in illegal behavior when I have so much going for me. I was surprised when Jules told me there
64 was no tobacco in vape pens. When the pen was handed to me, I asked Jules what was in it. Jules responded
65 by telling me it was just a flavored vape cartridge and then chuckled a little bit. I asked what was so funny,
66 and Jules told me the cartridges came from Nik Quarkian because they were cheaper and there were more
67 flavors to choose from, then added "but with Nik you never know." I knew that was a reference to Quark's
68 reputation for having marijuana and few other drugs available.

69 I saw Jules and several other friends use the vape pen before it came to me. They seemed totally fine and
70 never said it was anything but a regular cartridge. I used the vape pen two or three times that night and
71 everything seemed fine. I had never smoked anything before that night, so I do not have a great basis to
72 compare. I remember feeling pretty relaxed before all of the commotion, but I guess that is what I expected
73 after a beer and a little vaping. I only used the one vape pen. We never switched out the cartridge, so I
74 don't know about the other cartridges Jules got from Quarkian.

75 When I was sitting around with Jules and that group, I kept nudging everyone to head outside so I could
76 finally show off Lucille. For whatever reason no one seemed interested. Jules even made a quip about me
77 being overly infatuated with my car. It is not my fault I was born with good taste. I retorted "well, it is about
78 a thousand times better than a Lumina!" Nailed it.

79 At that point, I figured it was time to see who else was hanging around the house. I left the living room and
80 was going to make my way down to the basement where I thought others were hanging out. It was a ranch-
81 style house. I think Dickie's bedroom was in the basement, but I never actually made it downstairs. I went past
82 the kitchen and turned into the hallway that led to the basement stairs at the end of the hallway. As soon as I
83 got to the hallway, I saw Dickie sitting on the floor kind of slouched against the wall. She was laying against
84 the wall halfway between the bathroom door and the basement stairs. See Exhibit #1. I asked what was
85 wrong, but Dickie was having trouble responding. It looked like she was struggling to breathe. My military
86 training kicked in and I began assessing the emergency situation.

87 The labored breathing and pale look told me Dickie needed medical attention. I immediately called 911. I
88 then yelled for Jules, who came in from the other room with several others. I told Jules I called 911 and Jules
89 seemed upset I did that. Jules then picked up a vape pen that had been sitting next to Dickie and kind of
90 stared at it. "It's just another asthma attack" Jules said. Jules then asked Dickie where the inhaler was. Dickie
91 kind of choked out "Didn't. . . get. . . prescription. . . filled." Jules looked a little more concerned after that.

92 I could hear some murmuring by the other people gathering in the hallway. Everyone soon realized
93 emergency responders were on their way. Then you could hear sirens off in the distance. About half of the
94 people at the party ran out the door. Talk about having your priorities in the wrong place. Dickie is on the
95 floor struggling to breathe, and I assumed these people were worried about being at a party where a
96 couple of minors might have had a beer. One of my friends later told me it was not the drinking that freaked
97 them out, it was the vape pens. I still do not understand what that was all about.

98 Jules stayed with Dickie the entire time until the paramedics arrived. It seemed like forever, but in reality it
99 took about ten minutes for the paramedics to arrive at the house. I stayed close by Dickie and Jules the whole
100 time. Jules eventually handed me the vape pen that had been sitting next to Dickie before the EMTs arrived.
101 Officer Perkins arrived shortly after that. Officer Perkins asked me a few questions about how I found Dickie.
102 I also handed the vape pen Dickie had used to Officer Perkins. I do not remember Officer Perkins asking me
103 anything else about the vape pens or where they came from. I was told I did not need to stick around.

104 On my way out the door, I saw the police officer start collecting up the other vape pens in the house. It
105 looked like whatever party-goers were left in the house quickly made their way to the exit when they saw
106 the officer doing that. I hopped in Lucille and headed home. That was enough excitement for me that
107 evening. I did not find out until the next day that Dickie died. I never would have guessed things were that
108 dire when I saw them take her away.

109 I cannot imagine being in Jules shoes now. First losing your sister, then being blamed for her death. I do not
110 believe Jules intended to cause anyone harm that night. It was just supposed to be a party for friends to
111 relax a little on the weekend. No one could have predicted the tragic events of that night. If only everyone
112 had taken my advice and come out a looked at Lucille. Maybe Dickie would not have even tried vaping.

WITNESS ADDENDUM

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

Signed,



IN THE DISTRICT COURT OF TRAVIS COUNTY, STATE OF WINCHESTER

STATE OF WINCHESTER,	)	Case ID: CR23-8273
Plaintiff,)	
)	
vs.	)	Honorable Michele Beeler
	)	Presiding Judge
JULES CHAPELLE,)	
Defendant.)	

Witness Statement of D. Leigh Roth

1 My name is D. Leigh Roth, but people call just call me Leigh. I am employed by Winchester Regional
2 Ambulance Services, Inc., as a paramedic.

3 I was born in 1985 and raised in Imperial, Winchester. My parents had a love for Van Halen and therefore
4 my namesake. I graduated from high school there in 2002. Immediately after high school, I joined the Army,
5 where I was trained as a medic at Fort Sam Houston. Fort Sam Houston is home to the United States Army
6 Institute of Surgical Research Burn Center, so we received special training and experience dealing with burn
7 victims. After 9/11, I served two tours in Afghanistan and one in Iraq. I returned to Winchester in 2008,
8 moved to Wheatville and completed my civilian paramedic certification. I have worked as a paramedic
9 ever since. Which is also ironic, since David Lee Roth was an EMT...small world!

10 Oh, yeah, I live at 2516 Devonshire Court and have a charcoal and white Siberian Husky named Andro,
11 which is means warrior in Greek. Ole Andro loves to run and we go on a 3 mile run almost every morning.
12 He is a playful dog and the only down side is that he does howl....but hey, don't all dogs bark and howl at
13 times? When I'm not working I like to camp, teach an outdoor skills class – cooking, pioneering, orienteering,
14 totem-chip (knife and ax safety) and fire safety. I don't play chess that often, however, at one time I was a
15 competitive player in rated events.

16 Anyway, I work as a paramedic, which means I am in the rear of a Winchester Ambulance Services
17 ambulance. My job includes responding to emergency calls within the region which includes Travis
18 County. I work two twenty-four hour shifts per week, 8:00 a.m. Wednesdays through 8:00 a.m. Thursdays
19 and 8:00 a.m. Saturdays through 8:00 a.m. Sundays. If a call overlaps the end of a shift, naturally I stay until
20 the call is completed.

21 There are three ambulances which service our region. Generally, we are able to travel our coverage area in
22 a matter of minutes. We cover more than 2,500 square miles. Ideally, we respond within 5-10 minutes. We
23 are set up this way to reduce risk to crews for travel and to reduce poor patient outcomes. There are several
24 areas we cannot reach quickly. Fortunately, the hospital is located at a central location, making it quickly
25 accessible from any direction.

26 Because I have so much experience, I am usually assigned to Unit 1 which is generally prepositioned in the
27 Wheatville/Travis area since it is the busiest of the three sectors. The other member of unit 1, Marie
28 Tharp, drives and assists. To fill my off time, I pick up occasional 8-hour shifts at the Travis Regional
29 Medical Center Emergency Department.

30 It is true that towards the end of a 24-hour shift, all of us become tired. I do not drink coffee or pop, nor do I
31 supplement my energy with caffeine. I also do not drink those energy drinks, which I believe contain too much
32 sugar and caffeine. Caffeine can raise your blood pressure and heart rate. It can cause anxiety and
33 insomnia. Energy drinks can increase the risk of heart disease. Too much sugar increases the risk of weight

34 gain and diabetes. I exercise regularly, sleep before each shift. Truthfully, many of my shifts are stop and
35 start, go-go-go or sit and wait, so there is not a regular pattern during any particular shift.

36 On this occasion, we were thirteen hours into the shift. I was listening to *Jump* by Van Halen. We had had just
37 one call before this one during the entire shift. That call was a very minor car accident, where the patient,
38 abbreviated "Pt" in my reports, seemed to be more concerned with documenting her lack of fault for causing
39 the accident than about her injuries. She was not transported.

40 On Saturday, May 25, 2023, at 21:05, which is 9:05 p.m. regular time, our unit received a dispatch to the
41 1832 Otoe Street, in Wheatville, concerning a person having breathing difficulties. I recognized the
42 address. I know the occupants of this house because I had been to this address on a call before. That, too,
43 was a respiratory situation. That time Dickie Chapelle had self-medicated using her inhaler prior to our
44 arrival and the issue was clearly resolved and she was not transported.

45 We have tiers describing the severity for emergency calls, ranging from obviously non-life threatening
46 events, such as a non-complex greenstick fracture or a first degree burn, all the way to potentially life-
47 threatening events, such as emergent cardiac arrests. Respiratory events, commonly referred to as breathing
48 difficulty episodes fall in between low and high. They are potentially very serious. They can be as simple as
49 hyperventilation caused by stress and as serious as imminently life-threatening severe asthma attacks or other
50 airway obstruction events.

51 We were, fortunately, prepositioned approximately four miles from the scene, at the Square Donut Hole
52 parking lot. Bad choice of parking spot for people who watch their diet. However, they have a big parking
53 lot and are centrally located within our catchment area.

54 We responded immediately and arrived on scene at 21:10:50. Upon arrival, there were a few people
55 standing around outside waiving to us. I did not run; haste makes waste as they say. Nevertheless, on my
56 way in, I tripped over a garden gnome – Exhibit #10. I sprang up right away, and it didn't significantly
57 delay me. Protocol requires that I take very little with me beyond my kit. I am responsible for immediate
58 assessment, triage, scene management, and especially patient care. Marie Tharp, our driver, followed
59 immediately after with additional gear as needed.

60 As I said, there were some people around and a number of people were leaving the scene. Some of those
61 present appeared to be unsettled. Several people directed me to the hallway between the kitchen and the
62 basement stairs, where I observed the patient to be sitting tripod. I immediately assessed the patient and the
63 scene. Patient was breathing on her own, but with obvious difficulty. Patient reported using a recreational
64 vaping device. Patient reported Asthma but denied having her inhaler present. Patient did not manifest odor
65 or other indications of alcohol consumption. I determined a need for immediate transport to the ER. My
66 initial assessment did not note other trauma. My other observations are detailed in my incident report. I have
67 reviewed that report - Exhibit #11 and it is a true and accurate copy of the report I submitted concerning
68 this incident.

69 Patient was placed on oxygen and assisted onto the stretcher. Patient was placed on cardiac monitoring.
70 Patient was moved to the ambulance via stretcher. Patient reported being very anxious even with the
71 assistance of oxygen. Once in the ambulance, Patient was started on albuterol and appeared to tolerate this
72 well. I also initiated an IV. Shortly after we departed from the scene, Patient began to cough, her respiration
73 slowed and she started to be less responsive. During this sudden deterioration of her condition, Patient
74 appeared to suffer a significant increase in anxiety.

75 Patient grabbed my arm and said that Jules did not give her the vape device. Patient reported that Jules
76 knew all about her asthma. Her last words were, "I guess it was bound to happen." Some patients magnify
77 symptoms and proclaim 'impending doom' conditions. Some patients deny how serious their situation is to the
78 bitter end. It's hard to explain where a patient may be at any time on the scale from denial to exaggeration.

79 There is a general sense of acceptance between the two extremes. We are taught to inherently trust people.
80 Most take this with a heaping scoop of prejudice. I stray away from stating with certainty the legitimacy of
81 their statements. More of one of those damned either way situations.

82 Almost immediately after her remark, Patient's condition deteriorated further. Patient was placed on a
83 breathing mask. When Patient stopped voluntary respiration, intubation was started. Simultaneously, our
84 ambulance increased speed, flashing lights were already in use and now our siren was implemented.
85 Telephone contact with the ER staff informed them we were inbound and what the patient's status
86 was. I continued to reassess the Patient. Patient was unconscious. Stridor and crackles in bases were observed.

87 Why am I being asked to repeat what I set out in my report? Once a patient is delivered to an ER and my
88 incident report is submitted, my work is done.

89 CAOx4 refers to an assessment tool measuring whether the patient is oriented to self, date and time, place
90 and event. Some paramedics ask only three levels, I use 4. WNL refers to 'within normal limits.'

91 Patient was clearly deteriorating rapidly. Upon arrival, Patient was delivered on the stretcher to the ER. I
92 cleared the call and returned to service.

93 What do you mean 'How do I feel about this call?'

94 Unfortunately, I have seen many cases like this one. It is remarkable what people will inhale. As to my
95 psychological stress: at any time after an incident, we can request a CID (critical incident debriefing). These
96 are open discussion groups, anyone in the department is welcome to join. Crew involved with an incident and
97 several senior staff are required. There is usually a senior staff member assigned to lead these debriefings.
98 Departments may request one with their staff after a perceived Critical Incident. However, the truth is we
99 don't receive 'formal' stress training. We learn to cope, we ask our co-workers for tips, and hopefully we
100 reach out before poor outcomes. Although the patient in this situation expired, I did not ask for a CID and the
101 Department did not insist on one. Perhaps they did not know there would be litigation.

102 As with every other call, when I complete my report, I review the protocol. This call was handled according to
103 protocol. I have reviewed Exhibit #12 which is the Winchester Department of Health protocols for paramedic
104 function. Could I have done things differently? Sure. I could have been more aggressive from the beginning. I
105 could have taken time to examine the scene further. I could and perhaps should have asked if any of the
106 other people at this party manifested any similar symptoms. The loss of a young adult is difficult to accept;
107 however, I doubt if these steps would have influenced the outcome here.

WITNESS ADDENDUM

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

Signed,

A handwritten signature in cursive script that reads "Dr. Leigh Roth". The signature is written in black ink on a white background. Below the signature, there is a horizontal line, likely representing a printed name or a signature strip.

Exhibit #1

Floor Plan

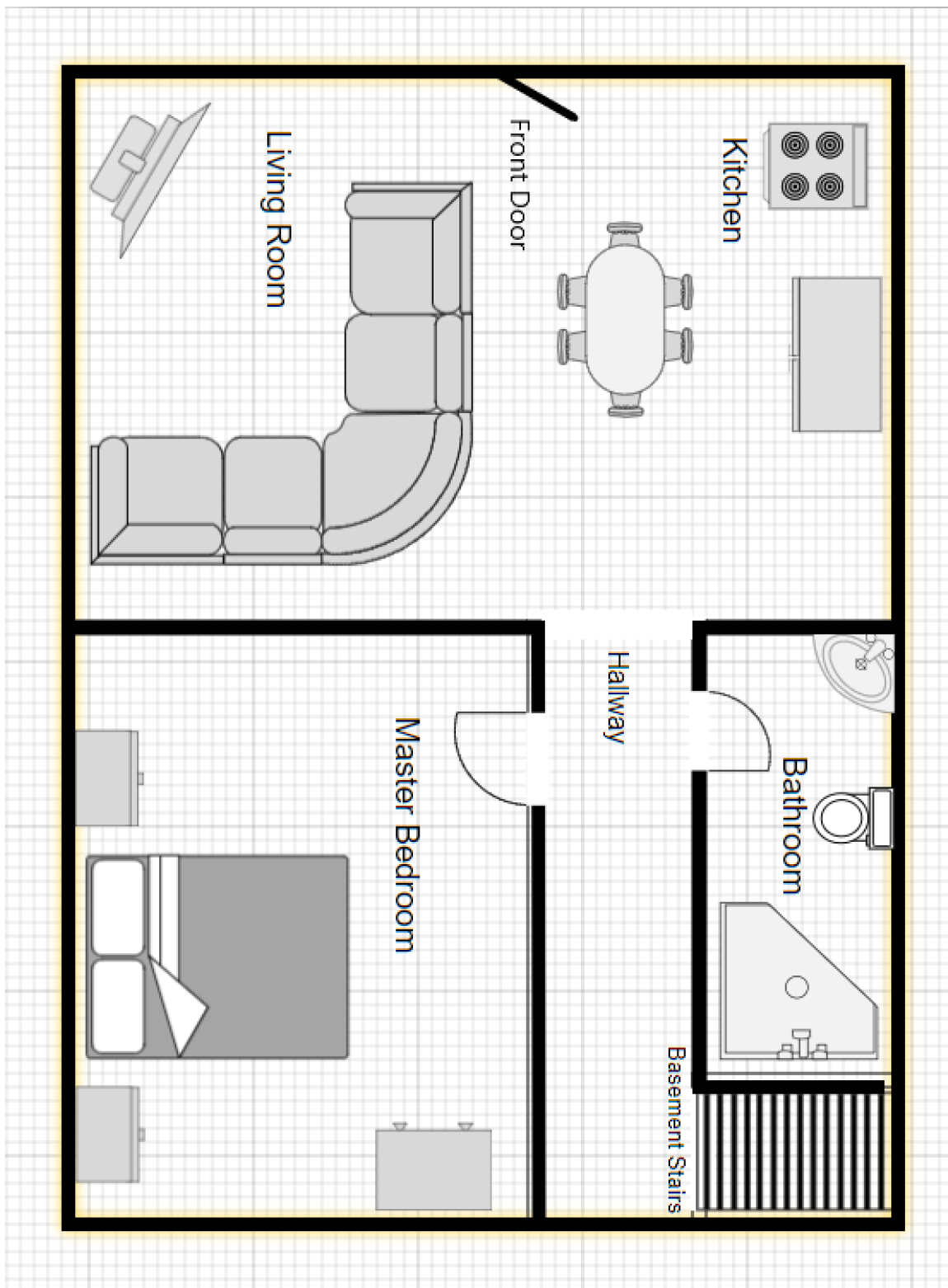


Exhibit #2

Vaping Products



Exhibit #3

Crime Lab report

**WINCHESTER STATE PATROL
CRIMINALISTICS**

635 South 14th St. Ste 120 | Wheatville, Winchester 68002

LABORATORY REPORT

LAB#:	NSBF1963
DATE:	MAY 30, 2023
SUBMITTING AGENCY:	WHEATVILLE POLICE DEPARTMENT
TO:	TRAVIS COUNTY ATTORNEYS OFFICE
REGARDING:	J. CHAPELLE
EXAMINATION:	CONTROLLED SUBSTANCES

EVIDENCE RECEIVED:

One sealed brown paper bag with property report containing:

A. One plastic evidence bag containing:

- 1: Twenty-three (23) vaping sticks
- 2: Nine (9) flavored vaping refill cartridges.

RESULTS OF EXAMINATION:

Item A1 and A2 revealed six (6) vape sticks and four (4) vape refill cartridges contained THC, concentration of cannabinoid(s) not determined, Schedule II*

Item A1 and A2 confirmed six (6) vape sticks and four (4) vape refill cartridges contained Vitamin E, concentration not determined

*Drug class schedule(s) in accordance with 28-405 R.R. S.

Sincerely,



M. Curie
Forensic Drug Chemist
Criminalistics Laboratory

A NATIONALLY ACCREDITED LAW ENFORCEMENT AGENCY
An Equal Opportunity/Affirmative Action Employer

Exhibit #4

Miranda Form



Case number:	635-8273
Date of Report:	May 31, 2023

Miranda Warning and Waiver

Location: Wheatville Police Department	Interviewee Name and DOB: Jules Chapelle, 20 years old
Date: 05/13/2023	Time: 14:30
Officer: Dallas Perkins	Witness: Niki Wright

You have the right to remain silent.
Do you understand this right? Yes No

Anything you say can and probably will be used against you in a court of law.
Do you understand? Yes No

You have the right to speak with a lawyer and have that lawyer be present with you during questioning.
Do you understand? Yes No

If you cannot afford to hire a lawyer, one will be appointed for you.
Do you understand? Yes No

You may answer any questions but are not required to answer any of my questions. You may invoke these rights and stop this interview at any time.
Do you understand? Yes No

WAIVER OF RIGHTS

By signing this waiver, you agree that you have read this form (or had it read to me); that you understand the rights as I have explained them to you; that you are willing to make a statement and to answer questions; that you do not want to have a lawyer at this time; that no promises or threats have been made against me and that no pressure or coercion or any kind has been used against me.


Interviewee Signature

Exhibit #5

Police Report

WHEATVILLE POLICE DEPARTMENT
TO SERVE AND PROTECT

Case Number: 635-8273
Date of Report: May25,2023

Wheatville Police Officer Offense/Incident

Report Status: <input type="checkbox"/> OFFENSE <input checked="" type="checkbox"/> INCIDENT If Offense then <input type="checkbox"/> Felony or <input type="checkbox"/> Misdemeanor							
Reporting Officer and Badge #: Dallas Perkins, #1932				Date & Time of Offense/Incident: 05 - 25 - 2023; 23:05			
Name of Person who Reported Offense/Incident: Albert/Alberta Hayes				For all people on report, use the following codes: V = Victim W= Witness Ex: Sam Smith (V) reported that... S = Suspect			
Address and/or Location of Offense/Incident: 1832 Otoe Street, Wheatville							
Reporting Officers Summary of Offense/Incident							
<p>While on patrol this officer overheard medical being dispatched to above location. This officer arrived approximately 21:08 and was directed to interior hallway on first floor of residence. This officer observed young adult female, sitting on the floor against the wall in respiratory distress. Medical had not yet arrived. This officer spoke with Albert/Alberta Hayes (W) who identified themselves as the person who had made the 911 call. This officer learned there was a vape party in progress and the victim had been vaping (W) handed this officer a vape device that s/he said s/he found next to victim. (W) told this officer that other vape devices were on the kitchen table. When medical arrived, this officer cleared the immediate area of any party goers to give medical room to work. This officer also removed the vape devices from the kitchen table so they could be analyzed along with the one given to this officer by (W). This officer was told by (W) that the party was being given by Jules Chapelle (S), sibling of the victim. This officer located (S) who confirmed the information given by (W). This officer inquired where (S) got the vape devices. (S) told this officer they came from Nik Quirkian. This officer left 1832 Otoe Street at approximately 21:30 to go to ER to deliver vape devices to the medical staff for analysis. When this officer arrived s/he was informed that the victim's condition had deteriorated precipitously while in route to ER and that she had succumbed. This officer then returned to the station at 21:50 and tagged the vape devices into property.</p> <p>I hereby attest that the following report is an accurate representation of what was reported to me and my own personal observations of the offense/incident scene.</p> <p style="text-align: right;"><i>Dallas Perkins</i> Signature of Reporting Officer</p>							
Suspect Information							
Name, if known: Jules Chapelle	Gender: Male/Female	Age: 20	Height: 5' 10"	Weight: 165 lbs	Hair: brown	Eyes: brown	
Was an arrest made? (Ched. One) <input type="checkbox"/> Yes or <input checked="" type="checkbox"/> No		Suspects last known location: At their home					

Exhibit #6

Proffer letter

EVAN P. HUFFMAN
TRAVIS COUNTY ATTORNEY

SUSAN M. SIZAB
CHIEF DEPUTY COUNTY ATTORNEY

THOMAS K. NOMRAH
DEPUTY COUNTY ATTORNEY

1122 S. 9th Street. | Wheatville, Winchester 68011 | Phone (402) 475-1042 | Fax (402) 475-7106

May 30, 2023

Nik Quarkian
c/o Margaret J. Todd
Travis County Public Defender 2920
Prairie Rd. #120
Wheatville, Winchester 68011

RE: State v. *Nik Quarkian*

Dear Mr./Ms. Nik Quarkian

You have indicated that you are interested in pursuing negotiations to arrive at a plea agreement regarding the criminal charges you are now facing in Travis County in the above referenced cases. The State is also interested in pursuing this matter to arrive at an equitable resolution. The following procedure is necessary to place the State in a position to adequately evaluate whether or not entering into such an agreement is in its best interest. It has been proposed that you meet with investigating agents for the purpose of an "off-the-record" discussion or proffer. The State is willing to consider such an "off-the-record" discussion or proffer in formulating an appropriate resolution to the case. Specifically, it is necessary for the investigators to assess the degree of assistance you can give them in on-going investigations.

In order to assure that there are no misunderstandings concerning the "off-the-record" discussion or proffer, I am writing to clarify the ground rules for any "off-the-record" discussion or proffer.

First, no statements made or other information provided by you during the "off-the-record" discussion or proffer will be used against you in the State's case-in-chief, as the basis for additional charges, or for sentencing purposes. This does not include any statements made or information provided by you prior to or subsequent to the "off-the-record" discussion(s) or proffer interview(s) conducted pursuant to this agreement.

Second, the State may make derivative use of and may pursue any investigative leads suggested by any statements made by or other information provided by you. This provision is necessary in order to *eliminate* the necessity for a *Kastigar* Hearing. *Kastigar v. United States*, 406 U.S. 441 (1972). A *Kastigar* hearing would require the State to prove that the evidence it would introduce at trial was derived from a legitimate source wholly independent of any statements made by or other information provided by you during the "off-the-record" discussion or proffer.

Third, in the event that you testify or present evidence materially different from any statement made or other information provided during the "off-the-record" discussion or proffer, any statements made or other information provided by you may be used against you. This provision is necessary in order to assure that you do not abuse the opportunity for an "off-the-record" discussion or proffer, do not make materially false statements to a Governmental agency, and do not commit perjury when testifying.

Fourth, the State may have an obligation under certain circumstances to provide such statements to defense counsel representing client parties about whom such statements are made.

Fifth, after the completion of the "off-the-record" discussion or proffer, the State's unilateral evaluation of your case will be undertaken in good faith.

Finally, you must agree to submit to a polygraph examination(s) by a government polygraphist in order to ensure your full cooperation with the investigation and disclosure of information.

After reviewing this agreement with your attorney, please sign this letter where indicated below. Once signed, please return the original to me and retain a copy for your files. I will then make arrangements for the proffer interview.

Sincerely,



Thomas K. Nomrah
Deputy Travis County Attorney

I understand the terms and conditions of this letter and agree to be bound by them.

JUN 03 2023

DATE

JUN 03 2023

DATE



Nik Quarkian



Margaret J. Todd

Exhibit #7

Plea Agreement

EVAN P. HUFFMAN
TRAVIS COUNTY ATTORNEY

SUSAN M. SIZAB
CHIEF DEPUTY COUNTY ATTORNEY

THOMAS K. NOMRAH
DEPUTY COUNTY ATTORNEY

1122 S. 9th Street. | Wheatville, Winchester 68011 | Phone (402) 475-1042 | Fax (402) 475-7106

May 30, 2023

Nik Quarkian
c/o Margaret J. Todd
1122 S. 9th St
Wheatville, OK 68011

Dear Nik Quarkian:

Based upon your representations that: (1) You are willing to cooperate with the State in the investigation into illegal activities involving controlled substances and other matters, and (2) The representation you made to law enforcement agents are true to the best of your knowledge, the Office of the Travis County Attorney will enter into an agreement with you on the following conditions:

1. You shall truthfully disclose all information regarding your activities and those of others in all matters about which the Office of the Travis County Attorney inquires of you and accompany law enforcement agents of the State of Winchester to any location in order to accomplish that purpose, and for other purposes, including, but not limited to conducting undercover work. Further, you shall truthfully testify, if subpoenaed, at any trial or other court proceedings regarding any matters about which the Office of the Travis County Attorney may request your testimony. You must answer all questions and must not withhold any information. You must neither attempt to protect any person or entity through false information or omission, or falsely implicate any person or entity. You must furnish any documents or anything else including passwords in your custody or possession or under your control that are relevant to the investigation. Further, you shall, if requested, wear a microphone and transmitter and attempt to obtain incriminating evidence against other people by, among other methods, making controlled purchases of controlled substances, and controlled transactions relating to merchandise provided or stolen. You must also make yourself available for interview by attorneys and law enforcement officers of the State of Winchester upon request and reasonable notice. You must provide current contact information to Wheatville/Travis County Narcotics Unit and maintain regular contact as directed by them (but no less than weekly). A claim that the Narcotics Unit did not contact you will not be sufficient to reinstate this agreement if it is terminated for non-cooperation.

2. If subpoenaed, you shall, at all times, give complete, truthful and accurate information and testimony. Should it be judged by the Office of the Travis County Attorney, in its sole discretion, that you have given false, incomplete, or misleading testimony or information or have otherwise violated any provision of this agreement, you shall thereafter be subject to prosecution for any state or federal criminal violation of which either office has knowledge, including, but not limited to, perjury and obstruction of justice. Any such prosecutions may be premised upon any information, statements, or testimony provided by you and such information deduced and derived therefrom. You expressly waive your objection to use of any such statements, testimony or information to which you may otherwise be entitled to object in any federal or state prosecution now or at any time in the future.

3(a). You agree to waive and hereby waive any and all rights to a speedy trial, both the Constitutional and statutory right, and understand and agree that sentencing may be delayed until the cooperation phase of this agreement has been completed. You stipulate that such a delay is in your best interest, is in the interest of justice, and constitutes full and sufficient grounds for the Court to find that any delay in the judicial process is excluded time in computing your right to a speedy trial under the sixth and fourteenth amendment of the U.S. Constitution and under Winchester Rev. Stat. § 29-1207 (Reissue Revised Statute 1997). This waiver is necessary, so the Court will have the benefit of all relevant information regarding your cooperation at time of sentencing.

3(b). If your case is currently in County Court, you agree to waive your right to a preliminary hearing and have the case bound over to the District Court at the next scheduled hearing. You further agree to waive your right to a jury trial at the first scheduled jury docket call. In the event this agreement is terminated for any reason, your right to jury trial may not be reinvoled. Once waived, a judge would be the finder of fact in any subsequent trial.

4. In exchange for your cooperation as set forth in this agreement, the Office of the Travis County Attorney agrees not to prosecute you for those statements and acts of criminal conduct committed by you and reported by you to officers of the Winchester State Patrol/ Wheatville Travis County Drug Task Force or any other law enforcement officers during a proffer interview(s). This agreement does no limit in any way the right or ability of the Office of the Travis County Attorney to investigate or prosecute crimes occurring outside the scope of this agreement, in the event you breach this agreement.

5(a). You shall not violate any local, state or federal law during the pendency of this agreement. Any law violation, with the exception of speeding or parking tickets, committed by you will constitute a breach of this agreement and may result in the revocation of the entire agreement or any of its terms. You or your attorney shall notify the Office of the Travis County Attorney within 48 hours if you are questioned, charged, or convicted for any law violation.

5(b). If you violate any term or condition of this agreement, in any respect, the entire agreement will be deemed to have been breached and may be rendered null and void by the Office of the Travis County Attorney. You understand, however, that the State may elect to proceed with your guilty plea and sentencing. This decision shall be in the sole discretion of the Office of Travis County Attorney. If you do breach this agreement, you face the following possible consequences: (1) All testimony and other information you have provided at any time may and will be used against you in any prosecution or proceeding; (2) the Office of the Travis County Attorney will be entitled to reinstate previously dismissed charges and/or pursue additional charges against you and to use any information obtained directly or indirectly from you in those additional prosecutions; and (3) the Office of the Travis County Attorney will be released from any obligations, agreements or restrictions imposed upon it under this agreement. Should it be judged by the Travis County Attorney or his/her designate, in his/her sole discretion, that you have given false, incomplete, or misleading testimony or information, have committed a crime, or have otherwise violated any provision of this agreement, you shall be considered to have violated this agreement and shall be subject to prosecution for any federal, state, or local criminal violation of which the office has knowledge, including, but not limited to, perjury, obstruction of justice, and any crime(s) which this agreement otherwise anticipated would be dismissed or not prosecuted.

5(c). Any dismissal of counts or agreement to forego filing charges is conditional upon final resolution of this matter. If this agreement is revoked or your conviction is ultimately overturned, the Office of the Travis County Attorney retains the right to reinstate previously dismissed counts and file charges which were not filed because of this agreement. Dismissed counts may be reinstated and uncharged offenses may be filed if: (1) the agreement is revoked; or (2) you successfully challenge your conviction through a final order in any appeal, cross appeal, habeas corpus action or other post conviction relief matter. A final order is an order not subject to further review or an order which no party challenges. The Office of the Travis County Attorney may reinstate any dismissed counts or file any uncharged offenses within 90 days of the filing date of the final order. You waive all statute of limitations or other objections or defenses you may have related to the timing or timeliness of the filing or prosecution of charges referred to in this paragraph.

5(d). In addition to criminal prosecution purposes, the Office of the Travis County Attorney can use against you any disclosure(s) you have made pursuant to this agreement in any civil proceeding or for any sentencing purpose. Nothing contained in this agreement shall in any manner limit your civil liability which may otherwise be found to exist, or in any manner limit or prevent the State of Winchester from pursuing against you any applicable civil remedy, including but not limited to remedies regarding asset forfeiture or taxation.

6. This agreement is limited to the Office of the Travis County Attorney, and cannot bind any other federal, state or local prosecuting authorities although your cooperation will be brought to the attention of other prosecuting authorities or any sentencing judge if so requested.

7. In addition to your cooperation as set forth in the above-numbered paragraphs, you agree to the State will amend the Information from a Class 2A Felony, possession of marijuana with the intent to deliver, to a Class 3A Felony, attempted possession of marijuana with the intent to deliver, and will dismiss the Information alleging aiding and abetting manslaughter, a Class 2A Felony in District Court. You further agree that you are not eligible for the Travis County Adult Drug Court Program and any application thereto constitutes a breach of this agreement.

8. This agreement is limited to those statements and acts of criminal conduct committed by you and known of by the Office of the Travis County Attorney as of the date of this agreement and does not limit in any way the right or ability of the Office of the Travis County Attorney to investigate or prosecute crimes occurring outside the scope of this agreement.


9. No promises, agreements, or conditions have been entered into other than those set forth in this letter and none will be entered into unless in writing and signed by all parties.

10. This agreement will become effective upon your signing of it thereby stating your agreement to all terms and conditions therein. This agreement may be withdrawn at any time prior to acceptance by you. Acceptance is deemed to occur when this document has been signed by you and your attorney and has been received by the Office of the Travis County Attorney. If this agreement has not been received back from you properly executed on or before June 6, 2023, this proposed plea agreement is automatically withdrawn.

11. You hereby agree not to disclose, directly or indirectly, the negotiations for nor the terms of this agreement to any other person until you have testified in open court, without the written consent of the Travis County Attorney. The Office of the Travis County Attorney may disclose this agreement and anything which you say as it sees fit.

JUN 03 2023

Date


Nik Quarkian

JUN 03 2023

Date


Margaret J. Todd
Defense Counsel

JUN 04 2023

Date


Thomas K. Nomrah
Deputy Travis County Attorney

12. Upon request by the Office of the Travis County Attorney, you will submit to polygraph examinations. In the event you are called upon by that office to submit to a polygraph examination and you deceive, mislead or lie, you will be afforded an opportunity to review and explain the deceptive responses. If the totality of circumstances convinces the Office of the Travis County Attorney that your statement is not complete and truthful, you will be so informed and any and all obligation imposed on the Office of the Travis County Attorney by this agreement may be rendered null and void at their discretion, and the consequences to you otherwise set out above in this agreement will apply.

JUN 03 2023

Date


Nik Quarkian

JUN 03 2023

Date


Margaret J. Todd
Defense Counsel

JUN 04 2023

Date

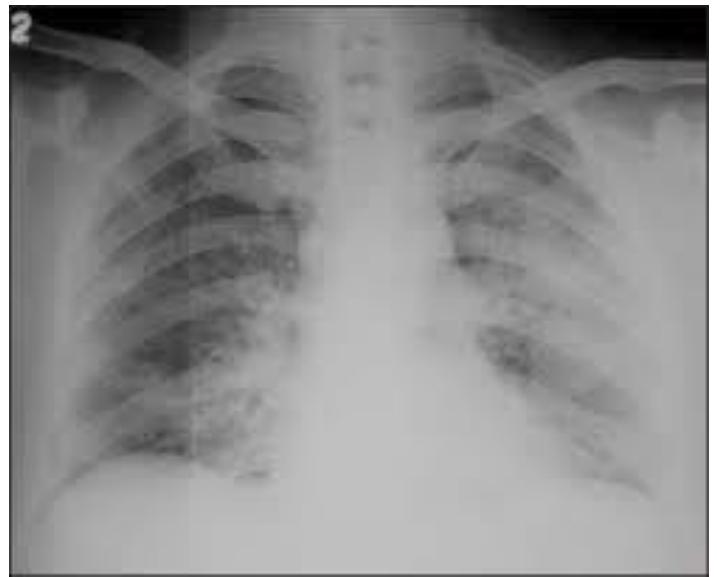
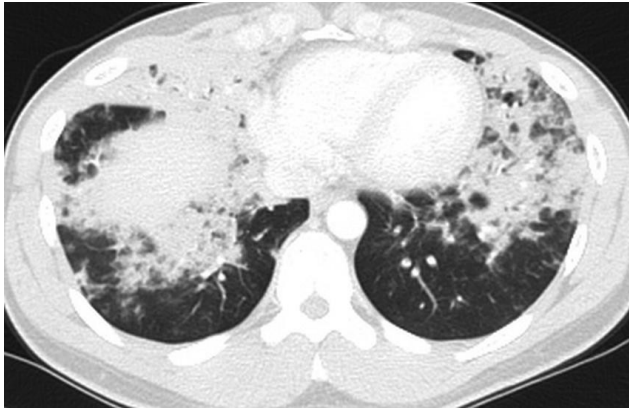

Thomas K. Nomrah
Deputy Travis County Attorney

Exhibit #8

Lung Images

The following images show the severe lipoid pneumonia present in Dickie Chapelle's lungs as well as baseline for healthy lung imagery:

Ms. Chapelle's lung images:



Baseline "Normal" Lung Images for subject of like age as Ms. Chapelle.

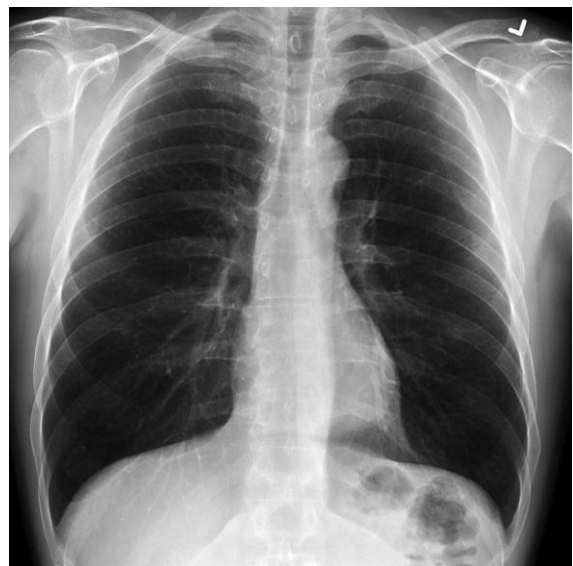


Exhibit #9

Chart from Toxicology Report

Confirmed Case	Probable Case
Use of e-cigarette (“vaping”) or dabbing† during the 90 days before symptom onset <i>AND</i>	Use of e-cigarette (“vaping”) or dabbing† during the 90 days before symptom onset <i>AND</i>
Presence of pulmonary infiltrate, such as opacities, on chest radiography or ground-glass opacities on chest computed tomography <i>AND</i>	Presence of pulmonary infiltrate, such as opacities, on chest radiography or ground-glass opacities on chest computed tomography <i>AND</i>
A negative respiratory viral panel <i>AND</i> A negative influenza PCR or rapid test, if local epidemiology supports influenza testing <i>AND</i> Negative results on testing for all other clinically indicated respiratory infectious diseases (e.g., urine antigen for <i>Streptococcus pneumoniae</i> and legionella species, sputum culture in the presence of productive cough, bronchoalveolar-lavage culture if performed, blood culture, and HIV-related opportunistic respiratory infections if appropriate) <i>AND</i>	Presence of infection identified on culture or PCR, but clinical team determines that this infection is not the sole cause of the underlying lung injury <i>OR</i> the minimum criteria to rule out pulmonary infection are not met (or testing not performed) and clinical team determines that this infection is not the sole cause of the underlying lung injury <i>AND</i>
No evidence in medical record of alternative plausible diagnoses (e.g., cardiac, rheumatologic, or neoplastic process)	No evidence in medical record of alternative plausible diagnoses (e.g., cardiac, rheumatologic, or neoplastic process).

FN: Blount BC, Karwowski MP, Shields PG, et al. Vitamin E Acetate in Bronchoalveolar-Lavage Fluid Associated with EVALI. N Engl J Med. 2020;382(8):697–705. <https://doi.org/10.1056/NEJMoa1916433>.

Exhibit #10

Gnome



Exhibit #11

EMT Report

Patient Name: Dickie Chapelle

PREHOSPITAL CARE REPORT-

WINCHESTER PATIENT INFORMATION

Name: Dickie Chapelle	Age: 19 years	D.O.B.: 5/24/2004
Address: 1832 Otoe Street Wheatville, WI 68002	Gender: Female	Race:
	Weight: 54.4 kg/12Dlb	

CLOSEST RELATIVE/GUARDIAN

Name: Jules Chapelle	Relationship: Sibling
Address: 1832 Otoe Street Wheatville, WI 68002	

PROVIDER IMPRESSION

Primary Impression: Respiratory Distress/Asthma
Secondary Impression: Anxiety

Narrative

Dispatch: On 5/25/2023 at 21:05:30, Unit 1 dispatched emergent to a local residence for a report of 19 y/o with difficulty breathing. En-route: 21:06:05

Arrival on scene: 21:10:50, contact the Pt 21:12:15 sitting tripod in the hallway between dining room and basement stairs. Pt is CAOx4. Pt states she was at a party at her father's residence. Pt states she engaged in recreational vaping. Pt reports no knowledge if device was tainted. Pt states she has Asthma, mild persistent, however Pt does not have her inhaler with her as she failed to renew her prescription. Initial vitals: BP: 133/72, HR: 96, RR: 24, SpO2: 95%. Clear signs of a party involving a variety of vaping devices, no alcohol present. Pt to be transported nearest facility.

Pt assessment: No obvious trauma noted.

ROS:

General: Denies fever, chills, or fatigue;

EENT: Denies any vision changes, dental or throat pains;

Skin: Denies rashes or bruising;

Respiratory: Denies cough, dyspnea, hemoptysis, or wheezing; States uses albuterol inhaler as needed, last event over a year ago.

Cardiac: Denies chest pain, palpitations, or edema;

GI: Denies abnormality;

GU: Denies abnormality;

Neuro: Denies paresthesias, ataxia, dizziness/lightheadedness, seizures;

Psych: Denies depression, SI/HI.

Patient Name: Dickie Chapelle

PE:

General: 19 y/o well-appearing female in NAD;

Eyes: Slightly sluggish to light

HENT: Atraumatic, WNL;

Neck: WNL;

Cardiac: No murmur, gallop, or S3 or S4

Lungs: Slight wheezing in bases, elevated RR;

ABD: WNL;

Neuro: All fields intact without weakness;

Skin: Warm, pink, dry

Pt denies any sexual contact.

TRANSPORT: Pt is placed on 8LPM supplemental oxygen via NRB mask. Pt is assisted to the stretcher where they are positioned high fowlers. Pt is moved to the ambulance via stretcher. 21:18:40 Pt is placed on portable cardiac monitoring, Sinus Rhythm without ectopy. 20ga IV placed L-AC. Pt stated with oxygen she still feels very anxious. Pt is started on a Nebulized Albuterol treatment (2.5mg albuterol). Pt continues treatment without change. Depart to Closest facility. 21:20:45

21:25:50 Pt reports increased anxiety. Pt grabbed R/P's (Reporting Paramedic) arm and said that Jules did not give her the vape device. Pt reported that Jules knew all about her asthma. Pt begins to cough with wet secretions. Stridor, Pt RR slows < 8/min. 21:29:40 Pt becomes unresponsive, slowing pulse, HR: 47, slowing RR. Pt is placed on BVM at 16RR on 100% oxygen.

21:31:40 Pt no longer breathing, pulse present. Intubation started. 7.0 ETT placed via a manual laryngoscope. Pt placed on ETCO2 monitor <50. BVM placed on ETT, 20RR on 100% Oxygen. Pt transported emergent (lights and sirens) to ER. Lung sounds reassessed, crackles in bases. Pt remains unconscious without drug therapy. Peripheral capillary beds noted to be slightly cyanotic at this time. Arrive at ER. 21:39:00 Pt unloaded via stretcher from the ambulance. Pt moved via slide board to ED bed.

22:00:00 Return to Service.

Past Medical History

Patient Medications

Medication	Dosage	Route
Albuterol	PRN	

Medication Allergies: No Known Drug Allergy

Environmental/Food Allergies: No known allergies

Patient Name: Dickie Chapelle

Medical History

Medical History: Asthma, mild persistent **Pregnancy:** No
Advance Directive: None

Assessment Summary

Detailed Findings

Skin 21:12:15 Warm, dry
21:34:00 Cyanotic
Mental Status 21:12:15 CAOx4, Oriented event, person, time, place
21:26:15 Increased anxiety
21:29:40 Unresponsive
Neurological 21:12:15 Strength - Normal; Gait - Normal;
Speech - Slight impairment
Chest/Lungs 21:12:15 Wheezing - Expiratory- Left
Wheezing Expiratory - Right
21:34:20 Wheezing in bases
Heart No murmur, no gallop, no 53, no 54
Abdomen WNL

Patient Condition

Complaint Type (Primary)	Complaint	Duration
	Difficulty Breathing	1 hour

Alcohol/Drug Use: Vaping Device
Primary Symptoms: Dyspnea **Other Symptoms:** Anxiety
Date/Time of Onset: 5/25/23, 21:04:20

Patient Transport/Positioning

Patient Moved to Ambulance: Stretcher
Patient Position in Transport: Fowlers

Activities

Medications

Time	Crew	Medication	Route	Dosage	Response
21:18:40	R/P	Oxygen	NRB Mask	8 LPM	Unchanged

Patient Name: Dickie Chapelle

21:19:10 R/P Albuterol Nebulizer 2.5 mg Unchanged

Procedures

Time	Crew	Procedure	Location	Attempts	Response
21:18:00	R/P	IV insertion	Antecubital -Left	1	Unchanged
21:18:00	R/P	3 lead ECG Includes 4/5		1	Unchanged
21:31:40	R/P	Intubation w/ ET tube		1	Improved

Vitals

Time	BP	Limb/Pulse	Rhythm	RR	Effort	SpO2	Qual	BG	GCS	Pain	Stroke	RTS	PTA
12:15	133/72	96	Regular	24	WNL	95	Room			0			No
18:40													No
28:00				8	Shallow								No

Time	BP	Limb/Pulse	Rhythm	RR	Effort	SpO2	Qual	BG	GCS	Pain	Stroke	RTS	PTA
29:00		47	Mechanically Assisted (BVM, CPAP, etc) RR 16										No
34:00			Mechanically Assisted (BVM, CPAP, etc) RR 20										No

Call Type/Location/Disposition

Complaint Reported	Disposition: Patient treated,
by Dispatch: Difficulty Breathing	transported by EMS Unit
Resp. Mode: Emergent (Immediate Response)	Mode: Emergent
Urgency: Immediate	Destination: WAR-Mac ER
Response: 911 Response	Dest. Determination: Closest
Address: 1832 Otoe St.	Response Delay: None
Wheatville, NE	Transport Delay: None

Hospital Team Activations

Destination Team Pre-Arrival Alert	Date/Time
Yes, Dyspnea, intubation	May 25, 2023/21:34:40

Patient Name: Dickie Chapelle

Response Times

PSAP: N/A
Call: 21:04:20
Unit Disp: 21:05:30
Enroute: 21:06:05
At Scene: 21:10:50
At Patient: 21:12:15
In Squad: 21:18:40
Depart: 21:20:45
Arrive Dest: 21:39:00
In Service: 22:00:00

Unit Personnel

Crew Member	Certification	Role
D. Leigh Roth	Paramedic	Primary Patient Caregiver at Scene Primary Patient Caregiver during Transport
Marie Tharp	EMT	Driver - Response; Driver - Transport; Other Caregiver at Scene

Additional Information

Patient deceased in ER

Exhibit #12

Winchester Dept of Health protocols

172 Winchester Admin. Code, ch. 11, § 009(009.05) PRACTICES AND PROCEDURES FOR LICENSED OUT-OF- HOSPITAL EMERGENCY CARE PROVIDERS

009.05 Paramedic Practice and Procedures

The Paramedic is an allied health professional whose primary focus is to provide advanced emergency medical care for critical and emergent patients who access the emergency medical system. This individual possesses the complex knowledge and skills necessary to provide patient care and transportation under medical oversight.

11-009.05A A Paramedic while functioning as a member or employee of a licensed advanced life support emergency medical service with the approval of the service's physician medical director or as determined by the medical staff of the hospital or by the governing authority of the health clinic, and under physician medical director approved written protocol may perform all the practices and procedures of an Emergency Medical Responder, Emergency Medical Technician, Advanced Emergency Medical Technician, and Emergency Medical Technician-Intermediate as defined in 172 NAC 11-009. In addition this care includes;

1. Integration of scene and patient assessment findings with knowledge of epidemiology and pathophysiology to:
 - a. Form a field impression;
 - b. Develop differential diagnoses; and
 - c. Formulate and as needed modify a treatment plan;
2. A comprehensive patient primary assessment, secondary assessment, reassessments, evaluation of body systems, body functions, and anatomic regions as appropriate for the patient's illness and/or injury, life span development, special needs, and cultural differences. Also treats or adjust treatments based on assessment findings. This includes:
 - a. Therapeutic communication;
 - b. History taking techniques;
 - c. Auscultation;
 - d. Inspection;
 - e. Palpation;
 - f. Percussion;
 - g. Use of Otoscope and Ophthalmoscope;
 - h. Analysis of Blood Chemistry results;
 - i. Monitor invasive blood pressure;
 - j. Monitor body temperature using an esophageal probe;
 - k. Use of electronic and non-electronic devices to determine the presences, absence, and /or the amount of gas(es) in inhaled or exhaled breath;
 - l. Use of noninvasive electronic patient monitoring devices;
 - m. Use of electronic and non-electronic devices to monitor airway and or breathing volumes and pressures;
 - n. Interpretation of:
 - (1) Single and multiple lead electrocardiograms;
 - (2) Numerical results, positive/negative results, waveform and/or graphs generated by the devices defined in 172 NAC 11-006.05A2 k through m; and
 - (3) Monitor but not establish arterial access lines; and
 - o. Use of glucose monitor; and
3. Provide patient care as appropriate for the patient's illness and/or injury and life span development. This care may include:

- a. Insertion and removal of advanced airway adjuncts including:
 - (1) Devices and/or methods utilizing a non-visualized insertion technique; and
 - (2) Devices and/or methods requiring a visualized insertion technique;
- b. Perform emergency cricothyrotomy established by:
 - (1) Surgical technique; or
 - (2) Percutaneous technique;
- c. Perform pharmacological assisted intubation including:
 - (1) Use of sedative pharmacological agents; and/or
 - (2) Use of paralytic pharmacological agents;
- d. Visualized removal foreign body airway obstructions;
- e. Suctioning of the visualized and non-visualized advanced airway adjuncts;
- f. Suctioning using special ports or lumens which are part of a non-visualized advanced airway for temporary gastric suctioning;
- g. Placement of nasal and oral gastric tubes;
- h. Placement of esophageal probe for body temperature monitoring;
- i. Use of devices that solely or in conjunction another device assist with or ventilate a patient including:
 - (1) Automatic transport ventilator;
 - (2) Impedance Threshold Device in Both Cardiac Arrest and Non Cardiac Arrest Patients;
 - (3) Continuous positive airway pressure (CPAP);
 - (4) Bi-level positive airway pressure (BiPAP);
 - (5) Positive end expiratory pressure (PEEP);
 - (6) Peak inspiratory pressure (PIP); and
 - (7) Blending with room air or compressed air to a desired percent of inspired oxygen;
- j. Supplemental oxygen administration by all devices;
- k. Decompression of a tension pneumothorax;
- l. Therapeutic electrical therapy:
 - (1) Manual Defibrillation;
 - (2) Cardioversion; and
 - (3) External Pacing;
- m. Intravenous therapy including:
 - (1) Establish peripheral intravenous access;
 - (2) Establish intravenous access through external jugular vein;
 - (3) Access, maintain, and/or monitor but not establish central intravenous lines;
 - (4) Monitoring established intravenous access site;
 - (5) Administer and monitor medicated and non-medicated intravenous fluids;
 - (6) Adjust intravenous fluid administration rate;
 - (7) Discontinue intravenous therapy; and
 - (8) Use of electronic and non-electronic devices to control rate of administration;
- n. Intraosseous therapy including:
 - (1) Establishing intraosseous access;
 - (2) Monitoring an established intraosseous access site;
 - (3) Administer and monitor through intraosseous site medicated and non-medicated intravenous fluids;
 - (4) Adjust fluid administration rate;
 - (5) Discontinue intraosseous therapy; and
 - (6) Use of electronic and non-electronic devices to control rate of administration;
- o. Venipuncture;
- p. Medication administration by injection, bolus, or infusion by parenteral routes including:
 - (1) Intradermal;
 - (2) Subcutaneous;
 - (3) Intramuscular;
 - (4) Intravenous; and

(5) Intraosseous;

q. Medication administration absorbed through percutaneous routes:

(1) Sublingual, buccal;

(2) Topical;

(3) Eyes;

(4) Ears;

(5) Nose;

(6) Lungs;

(7) Enteral routes;

(8) Oral;

(9) Gastric; and

(10) Rectal;

r. Administration of:

(1) Physician Medical Director approved medications;

(2) On line medical control ordered medications;

(3) Physician ordered medications specific to the patient; and

(4) Mid-level Practitioner ordered medications specific to the patient; and

s. Administration of blood and blood products.