



“It shall be the primary duty of all prosecuting attorneys ... not to convict, but to see that justice is done.”  
 Art. 2.01, Texas Code of Criminal Procedure

# ‘I’ve been shot!’ Or maybe not

The tangled tale of a Montgomery County woman who called 911 saying she had been shot by an intruder—but investigation revealed that the crime scene had been staged. How investigators and prosecutors got to the truth.

It is every person’s worst nightmare. Someone breaks into your house and shoots you, and you call the police asking for help while blood and the smell of gunfire fills the room. Police respond with the full force of law enforcement to save a life and capture a villain.

But what if there is no villain? What if there was no break-in?

The Montgomery County Sheriff’s Office recently grappled with these questions when a woman, Alison Lawrence, reported that a masked man had entered her home, wrestled with her for a gun, and shot her before fleeing the scene. Finding the truth took serious investigation and staged crime scene analysis.

When most people think about staged crime scenes, they think about a criminal trying to cover up a murder, either by making it look like a suicide or an accident. However, providing false information about how a crime scene formed is also staging. When a serious crime is reported in Montgomery County, we roll out the cavalry without delay or hesitation. Seconds can be the difference between life and death. So when this towering

response is elicited based on a lie, a sacred trust is broken. And when this woman refused to accept responsibility for lying to police about her injury, we felt it was important to try the case.

### Alison Lawrence claims a break-in

On Saturday March 15, 2014, during the noon hour in a quiet Montgomery County neighborhood, Alison Lawrence said she was shot by a black male wearing a black mask and a black jacket. She said the intruder came in through a back door, took nothing, and attempted no other crime before he ran away—he even left the gun behind. When officers arrived on the scene, it was clear that she had been shot in the arm, as blood covered the floor. A jammed gun, a live round, and an empty cartridge littered the living room.

The first officer on scene cleared the house and organized a small army of other officers to scan the neighborhood for witnesses, evidence, and any lead that would bring the daytime attacker to justice. In the house, they found blood smeared on the floor down the hall towards the bed-



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## *'I've been shot!' Or maybe not (cont'd)*

rooms; it could be traced back to a black leather jacket with a hole in the arm—it too was covered in blood and bits of flesh. The jacket was behind a couch facing the kitchen. On the floor behind the couch laid a 40-caliber Glock handgun with a live round jammed in the slide and two rounds missing from the magazine. A live round was found nearby and a fired cartridge casing was also found within feet of the bloody jacket. In the master bedroom closet there was an open gun case where the Glock had been stored. There was nothing missing from the house. There was no sign of forced entry. The couch was unmoved. The lamp by the bloody jacket wasn't tipped over. The remote control to the TV was still on a chair in the assailant's only path of exit. A dog kennel in that path was undisturbed. The intruder made no attempt to take the gun. Only one shot appeared to be fired. Neighbors heard nothing and saw no one.

One of the most interesting pieces of evidence was on the back patio just outside the door Lawrence claimed the intruder used to make his escape. Really, it was an interesting *lack* of evidence. It had just rained that day and the ground was wet. When the first officer entered the home, he noticed that his shoes left wet footprints on the floor. The officer's footprints showed something very important: An intruder would have also left footprints. The backyard was muddy in many places, and just over the back door was an awning, which covered a patch of the concrete patio, leaving it dry. Surely

if the intruder had entered through the back door as Lawrence claimed, he would have left some footprints there or at least some muddy marks through the sloppy backyard. But there was nothing. No muddy marks, no wet footprints on the patio, no wet spots in the kitchen or the living room. He had vanished like a ghost.

After analysis of the crime scene, photos, blood spatter, and Lawrence's statements over the course of nearly a week, Montgomery County Sheriff's Office detectives concluded that there was no masked man. Rather, Alison was home with her 11-year-old child, she had been drinking that morning, and she accidentally shot herself. She had made up the story about the intruder.

### **Crime scene staging**

Crime scene staging falls into one of three categories. The first two, primary staging and secondary staging, deal with the offenders' behavior and motivation. (The third, tertiary scene alteration, is carried out by someone other than the offender and is not intended to misdirect a police investigation. An example was the first officer to enter the house who left wet footprints on the floor. He altered the crime scene but not with any criminal purpose.)

Primary staging is defined as "an intentional and purposeful altering or changing of physical evidence or other aspects of the crime scene, and/or providing false information to the police relative to the incident,

with specific criminal intent to misdirect or divert a police investigation away from the true facts and circumstances of the crime."<sup>1</sup> Lawrence engaged in primary staging when she provided false information about how she was shot.

(In secondary staging, the scene alteration is performed strictly for the offender's benefit, not to misdirect the police investigation. Common examples of secondary staging are depersonalization, body posing, and symbolic or ritualistic actions. This is the kind of stuff that you see in serial killer cases or masochistic rituals. We definitely weren't dealing with that.)

Primary staging can be further broken down into two sub-categories: premeditated and ad hoc. A premeditated staged scene is pre-planned by the offender and designed to focus the investigation on fabricated evidence to disguise the nature of the crime. Lawrence probably hadn't planned on shooting herself that day and didn't have enough time to fabricate any physical evidence, so we ruled out premeditated staging.

Rather, Lawrence engaged in ad hoc staging, which is an intentional effort to misdirect police without any preplanning. She accidentally shot herself in the arm and for some reason felt like she needed to cover it up. At first we didn't know why. Ad hoc staging typically results from an offender trying to cover up criminal acts, omissions, or negligent activity by providing an alternate explana-

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tion for what really happened. The offender's intent is to divert attention away from herself and onto someone else, usually to prevent criminal charges or avoid disgracing family, friends, and the community.<sup>2</sup>

Ad hoc staged crime scenes usually heighten investigators' suspicions because the offender's testimonial evidence contradicts physical evidence on the scene. When confronted with the inconsistencies, the offender may try to provide additional explanations that weren't previously mentioned or claim that she can't remember the details. Most often the offender will cast herself in the best light to gain favor with investigators. Lawrence would eventually engage in nearly all of these behaviors.

In both ad hoc and premeditated staging, offenders may report a scenario or explanation that vilifies someone else based on perceived police and societal prejudices and offender stereotyping.<sup>3</sup> Lawrence had done this when she claimed the intruder was a black male in a black mask and a black jacket.

When primary staging occurs and the reported offense was actually committed by the victim, that person is not usually charged with offenses such as filing a false report or tampering with evidence. Oftentimes the offender suffers from some sort of mental illness or is looking to gain the attention of a particular audience, although statistical data on the number of staged scenes is limited because of investigating agencies' failure to file such cases or the local prosecutor's rejection of such cases.

Knowing all this, we still had a citizen who was shot in the arm, and

we couldn't explain how it happened. Lawrence's arm was missing some skin and flesh from a grazing bullet wound, but there were no bullet holes in the wall and no holes in the ceiling or furniture. Officers searched the house for hours after the initial call looking for the bullet and came up with nothing. They needed to talk to Lawrence again and get a full statement, so two homicide detectives headed to the hospital.

### **Lawrence's statements**

Lawrence was questioned more extensively at the hospital. Detectives were hoping that her answers would clear up the picture, but the more she talked, the hazier the story became. She let officers know she was drinking wine that morning. She told detectives that she thought she saw something in the kitchen, and she ran to her bedroom where her child was asleep, opened a safe, took out her Glock, and placed in the loaded magazine. She said she made it to the back of the couch (near the kitchen) when she racked the slide, ejecting a live round. The masked man charged her and they were both standing when the gun went off, ripping through her jacket and arm.

But this story didn't make any sense. How did she have time to run through the house, open a safe, place in a magazine, and chamber a round without this intruder chasing her? And because nothing in the house was disturbed, what exactly was he doing that whole time in the kitchen? She had no answers to these questions. It all happened so fast, she said. And the harder the questions

got, the faster she said it happened.

Detectives asked for the assistance of Crime Scene Investigators Celestina Rossi and Weldon Richards. They scheduled a visit to the house (accompanied by Lawrence) to look for the missing bullet. Below, Rossi offers her perspective in her own words.

### **In CSI Celestina Rossi's words**

To diagnose a crime scene as staged, we have to bring all our tools to the table. From experience on the street to scientific forensic education, it all plays an important role. Television and movies have created an influx in forensic degree programs at the university level.<sup>4</sup> There is a misconception that once you graduate from college you can immediately be a crime scene investigator (CSI). But the Montgomery County Sheriff's Office hires only sworn peace officers with a minimum requirement of two years' patrol experience as CSIs. The two-year minimum is essential because of the invaluable experience gained from responding to dispatched calls for service as a first responder. Investigating calls of burglaries, robberies, alarms, and thefts prepare you for identifying and collecting evidence on scenes of homicides, robberies, and home invasions.

When you are the responding patrol officer, all the evidence is pristine. (CSI arrives after emergency services, first responders, and any other personnel have already left and potentially cross-contaminated the forensic evidence.) Every encounter a patrol officer experiences can be placed in his mental filing cabinet as

his “training and experience.” That way, when he encounters staged crime scenes, he gets the sense that something is wrong or different, even if he can’t put his finger on exactly how. Most of the officers who responded to the Alison Lawrence scene had this feeling. When they spent hours and hours searching the house for the bullet that went through her arm and couldn’t find it, I got that feeling too.

As a crime scene investigator, on occasion I talk to the homeowner/victim/witness when trying to recreate what happened at a crime scene. At Lawrence’s house, I asked her to explain the position she was in when she was shot, and the story she told this time was drastically different from what she had told the other officers at the hospital. She was no longer confronting the intruder or being tackled from a standing position. Instead, she was crouched down with her rear on the floor and her back and shoulders against the back of the couch. She held the gun against her chest in her right hand, and her left hand was crossed in front. (She was holding the gun like a little girl carrying books to school.) The gun was pointing toward her left shoulder (where she was injured). As she did so, I could visualize the trajectory of the shot. I looked down at the floor where I was standing and could see damage to the carpet. I placed my hand on the top of the carpet and could feel a hard rock-like bump between the carpet and the concrete slab. When I pulled the carpet away from the wall, I saw the bullet and jacketing. I felt relieved that I could recover the key piece of evidence the detectives

asked me to find. When we found this bullet, we could understand what happened when the gun was fired and match it to physical evidence. It proved that there was no intruder attacking Lawrence when the gun went off and discredited the rest of her original story.

Lawrence admitted—as she was crouched behind the couch to demonstrate her stance when she was shot—that the dog startled her, and that was the reason the gun went off. I figured that would be the end of my involvement, but Lawrence didn’t accept responsibility even then, and prosecutor Brian Foley (my co-writer on this article) later called me as a witness to testify and reenact the findings in front of the jury.

There is a symbiotic relationship between the investigating agency, the district attorney’s office, and the court system. If one part of the relationship fails, justice is jeopardized. The district attorney’s office can’t prosecute a case it doesn’t receive; this includes cases like filing a false report, even if addiction or mental disorders are an underlying factor in the case. It also requires the investigators to educate the prosecutors on the results of the crime scene reconstruction. For instance, if the prosecutors do not have a working knowledge of bloodstain pattern analysis or shooting incident reconstruction, they may not identify or value the importance of such evidence as it relates to a case. The complexity of forensic disciplines often requires weeks of preparation and meetings to ensure that the witness is prepared for her testimony and the prosecutor is versed enough in the discipline

that he can re-direct the witness if necessary. If there is a disconnect between the prosecutor and the investigative team, it can affect the outcome of the trial. Jurors may not understand the evidence and may dismiss its relevance to the case.

But we had multiple meetings about this case over the course of a few months, and it paid off in trial. The jury even talked with me after the trial for over an hour because they were so interested in crime scene investigation techniques. Most of all I am thankful that our ADAs treated the case with the same seriousness as we did during the investigation.

### **The trial: Prosecutor Brian Foley’s perspective**

The day after finding what we called the “bullet of truth,” Lawrence was confronted again with the implausibility of her story. Officers needed to know if it was possible she was making it up or even just mistaken. If her story as she’d told it were true, a very dangerous person brazen enough to attack a woman in her own home at noon on a Saturday was still out there. If not, the investigation was drawing valuable time from multiple homicide detectives. But she wouldn’t admit that she made it up. She clung to her story that she saw someone in the kitchen who had broken into her home.

The punishment range was only a Class B misdemeanor, but the seriousness of the investigation was on par with a first-degree felony. When all plea bargaining was rejected (we had offered six months deferred adjudication and a \$500 fine), we started mapping out the process of

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proving the negative, that this burglary and aggravated assault hadn't really happened. We treated the case like a murder where the physical evidence told a tale different from the defendant's statements. (We started referring to it as "the reverse murder" case.) Our most helpful strategies were acting out the events and highlighting the changes in Lawrence's story on large courtroom notepads. The 911 call was our first piece of evidence at trial.

## The 911 call

"9-1-1—do you need police, fire, or ambulance?" the operator rattled off in a mechanical but urgent tone. There was no response. A second went by and she asked again, "9-1-1?" After another second, she repeated, "9-1-1?" The operator's tone dropped to bored and annoyed.

Lawrence finally said, "Um ... I've been shot." She didn't sound frantic or scared. The words came out as slow as molasses.

"OK, let me get EMS on the line with us, ma'am—one moment." The 911 operator kicked back into urgency and a new operator asked, "Caller, what is the address of your emergency?"

"Um ... I've been shot." The molasses in Lawrence's voice was pouring a little faster.

"OK, what is your address, ma'am?"

"Um ... [Lawrence gives her address]."

Lawrence would go on to tell the operator that someone came into her house, she tried to shoot him, the two of them struggled, he grabbed her, and he shot her in the arm. Operators asked her to describe the

suspect—what was his race?

"Oh God, um ... " Here the molasses stopped running all together. The operator prompts, "White, black, Hispanic?"

"Um ... black male, black mask, black jacket." As we listened to the call in court, you could almost picture Lawrence looking around the living room at nearby objects to fill in the details of the pretend intruder. Later, officers found her black jacket on scene with a bullet hole.

## Acting out the action

An important strategy for success was physically demonstrating the action for the jury in court. I had CSI Rossi play the part of the defendant, and I played the part of the phantom felon. We tried out each version of the defendant's various statements and the only one that made any sense with the physical evidence was the one that ended in finding the bullet of truth. Even the jammed gun pointed to the final version (with Lawrence pulling the trigger). Glocks tend to jam when they are not firmly held in place. The weapon fired the chambered round and the slide was unable to properly feed the next bullet into place because she was holding it sideways and loose.

The defense had asked for a motion in limine on any mention of how much manpower and money had been wasted on investigating the case, but proving the basic elements of the investigation required nearly 20 witnesses and three days of trial. The jury ended up coming to the same conclusions that we had. When they found Alison Lawrence guilty, their job was over. They all shuffled

into the courtroom to see what she had to say in punishment, and Lawrence took no responsibility. I asked how much wine she had that day and she said, "Two cups." I asked her to show me how big the cups were, and she spread her hands almost a foot apart! She received the probation she had looked to avoid and the alcohol rehabilitation she obviously needed. We did not request restitution for the lengthy investigation because it would've crippled her otherwise innocent family.

We were satisfied with the verdict. In the end we believe she lied because she was home alone with her child, she was intoxicated and had been startled by something, and she went to the other room to get her gun and check out whatever startled her. She racked the Glock, which already had a round in the chamber (it was then ejected onto the floor). She then crouched down behind the couch and accidentally shot herself. She likely lied because she was embarrassed or scared that she would get in trouble for handling a gun while she was intoxicated and discharging it in a neighborhood.

## Conclusion

The thing we were most thankful for in this case was the dedicated work of law enforcement at every stage. It was humbling to see how selfless and swift first responders can be. It was an honor to see how they would stand up for you, me, or any of us—so it was important to stand up for them. Police and district attorneys seem to be attacked on all sides whether by media, the defense, or those we apprehend. It is hard

# Creeped out by invasive visual recording

Even seasoned prosecutors might get the willies with these types of crimes. Here's how Dallas County prosecutors secured a guilty plea for a voyeur who installed cameras in public bathrooms across DFW.

enough to help those members of the community that really need assistance.

This case mattered because every member of the community is put at risk when the forces of good are delayed and distracted by a false report. Innocent people can be put in harm's way when citizens lie to police about something so important. (Just imagine if someone had been jogging down the road in a black hooded rain jacket matching the description of an armed and dangerous shooter!) Police and prosecutors feel the sting of being lied to on a daily basis. It's usually frustrating, it's frequently dangerous, and it's always wrong. This time it was a crime. ❄

## Endnotes

<sup>1</sup> Chancellor, A. S.; Graham Sr. G. D. Staged Crime Scenes: Crime Scene Clues to Suspect Misdirection of the Investigation. *Inv. Sci. J.* 2014 6 (1), 21.

<sup>2</sup> *Id.* at 22.

<sup>3</sup> *Id.* at 25, 28.

<sup>4</sup> At Texas A&M University in College Station, you can graduate with a Forensic and Investigative Sciences (FIVS) Bachelor's Degree. In 2007, one person graduated from this program and in 2016 spring semester, there were 25 graduates. For the 2016 fall semester, there are currently 131 full-time students enrolled in the program.

As prosecutors, we view the world through lenses different from those of "normal people." We see images of homicides, hear horrific accounts of abuse, and review cases of different crimes daily, and we become somewhat immune to the horror we deal with every day. Yet each time I get a case where the defendant filmed someone without her consent for his own sexual gratification, I am creeped out by the twisted intrusion.

When I first reviewed the case of Andrew Boden, I realized we had a prolific voyeur. With cases in both Dallas and Tarrant Counties, police detectives in Irving and Grapevine did an excellent job of putting together a case so we could hold Boden accountable for his extreme violations of privacy. The goal of this article is to discuss this particular case, the general hurdles to investigating and prosecuting these offenses, considerations in punishment, and my recommendations for some needed changes in the law related to these offenses.

## Irving investigation

My case began with the Irving Police Department's investigation of cameras found in the bathroom of a Corner Bakery on August 8, 2013. The corporate office reported that an employee at an Irving restaurant found a camera in a coat hook when a customer complained that her purse fell off the coat hook. The manager was surprised because he did not think the bathrooms had coat hooks. Once he looked at the coat hook on the floor, he realized that it con-



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tained a camera. He found a similar camera in the other bathroom. He notified his boss, who notified his supervisor. That person took out the memory card and played the video. He observed approximately 10 videos in five minutes of people going to the bathroom. He then went to the Irving Police Station and turned the evidence over to Officer Sean Bissinger, who started an investigation.

I think anyone in law enforcement will cringe at that recount of the civilians' handling of the evi-

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