

STATE OF TEXOMA	§	
	§	
v.	§	IN THE CRIMINAL DISTRICT COURT
	§	
PENNI STELLAR	§	OF
	§	
Defendant.	§	LANDRY COUNTY, TEXOMA
	§	

STIPULATIONS OF THE PARTIES

The parties agree and stipulate as to the following:

I.

This is a criminal trial that will be tried before a jury. The Prosecution is being made by and in the name of the State of Texoma. Penni Stellar is the Defendant. The Defendant has been charged by information with the criminal offense of public endangerment. This will be a bifurcated trial. The parties will only try the issue of guilt or innocence. Should the Defendant be found guilty, there will be a separate trial on the issue of punishment at some future date. An appropriate punishment or the range of punishment is, therefore, not at issue in this trial and is not to be argued.

II.

The Information reads as follows:

In the name and by the authority of the State of Texoma, the Criminal District Court of Petro County, in said court at said Term, do present an information that one Penni Stellar, on or about the 17th day of September, 2018, in Petro County and the State of Texoma, by means of the intentionally setting fire to the State Flag of Texoma, caused public endangerment in the County of Petro, located within the State of Texoma, against the peace and dignity of the State. Signed by A. C. Ducey, the Criminal District Attorney of Landry County, Texoma.

III.

There are no defects or infirmities in the information and none may be argued. Defendant has been properly warned of all rights, appropriate bail was set, and said bail has been posted.

Penni Stellar has invoked his right against self-incrimination and has declined to testify. No inference may be drawn from this refusal to testify. The court has both subject matter and *in personam* jurisdiction over the parties. All questions of fact are being submitted to a jury. Questions of law will be decided by the court.

IV.

All exhibits included in the case materials are authentic and are accurate copies of the originals. No objections to the authenticity of the exhibits will be entertained. The only exhibits to be used at trial are those included in the case packet. The signatures on the witness statements and on all other documents are authentic. The Addenda, if any, are signed on the day of trial, and no continuances have been granted in this case.

An exhibit which may qualify as a business record, such as reports from institutions, qualifies as a business record under the Rules of Evidence.

V.

Governor Nikki Romanov and Alex Kerensky, are to testify on behalf of the Prosecution. They may not testify for or be called on behalf of Defendant. Connie Romanov and Paulie Potemkin are to testify on behalf of Defendant. They may not testify for or be called on behalf of the Prosecution.

VI.

The Prosecution must prove the following elements beyond a reasonable doubt:

That Defendant intentionally caused danger to the public by causing persons to be in fear for their lives by:

- (1) igniting a fire in a public place, or
- (2) shouting “fire” in a public place, or
- (3) being on fire in a public place.

VII.

The following instructions will be submitted to the jury:

The occurrence in question made the subject of this prosecution is the events of September 17, 2018 in which Defendant, Penni Stellar, is alleged to have intentionally caused public endangerment by igniting a Texoma State Flag in a public place.

All persons are presumed to be innocent and no person may be convicted of an offense unless each element of the offense is proved beyond a reasonable doubt. The fact that a person has been arrested, confined or indicted for, or otherwise charged with offense gives rise to no inference of guilt at trial. The law does not require a defendant to prove his innocence or produce any evidence at all. The presumption of innocence alone is sufficient to acquit the defendant, unless the jurors are satisfied beyond a reasonable doubt of the defendant's guilt after careful and impartial consideration of the evidence.

The prosecution has the burden of proving the defendant guilty and it must do so by proving each and every element of the offense charged beyond a reasonable doubt and if it fails to do so, you must acquit the defendant. It is not required that the prosecution prove guilty beyond all possible doubt; it is required that the prosecution's proof excludes all "reasonable doubt" concerning the defendant's guilt.

A "reasonable doubt" is a doubt based on reason and common sense after a careful and impartial consideration of all the evidence in the case. It is the kind of doubt that would make a reasonable person hesitate to act in the most important of his own affairs.

Proof beyond a reasonable doubt, therefore, must be proof of such a convincing character that you would be willing to rely and act upon it without hesitation in the most important of your own affairs. In the event you have a reasonable doubt as to the defendant's guilt after considering all the evidence before you, and these instructions, you will acquit him/her and say by your verdict "Not guilty."

A person is criminally responsible if the result would not have occurred but for his conduct, operating alone or concurrently with another cause, unless the concurrent cause was clearly sufficient to produce the result and the conduct of the actor clearly insufficient.

You are instructed that the offense of Public Endangerment consists of:

TEXOMA PENAL CODE

Section 3.14159 - Public Endangerment.

- A. It is an offense to intentionally cause danger to the public by causing persons to be in fear for their lives by:
 - (1) igniting a fire in a public place, or
 - (2) shouting "fire" in a public place, or
 - (3) being on fire in a public place.

- B. An offense under this section is a Class B Misdemeanor.

VIII.

The Charge of the Court is accurate in all respects, and no objections to the Charge will be entertained.

IX.

The following issue will be submitted to the jury:

On September 17, 2018, that Defendant, by means of intentionally igniting a State Flag of Texoma, caused public endangerment while on public premises?

Answer Yes or No: _____

Respectfully submitted,

Attorney for the State

Attorney for the Defendant

STATE OF TEXOMA v. PENNI STELLAR
OCTOBER 2018

STATE'S WITNESSES

ALEX KERENSKY

My name is Alex Kerensky and I am 42 years old. I am the Colonel of the Governor's Guards, the elite unit that protects the Governor of Texoma. I have trained for this position since I was a youngster. I played *Tactics II*, *Gettysburg*, *Blitzkrieg*, and *Stalingrad* even before there were computers and never lost. I graduated from South Fork, the Military Academy of the Great State of Texoma. I was, of course, first in my class. I joined the Preobrazhensky Regiment as an ensign and worked my way up to major, at which time I was transferred by Governor Romanov to his guards. I was promptly promoted to Colonel and I have held that position for ten years.

On the date in question, I was riding in a roving patrol on the grounds of the Governor's Palace when I received a radio call of a disturbance. I immediately exited my vehicle and made my way inside the Palace. I went to the Governor Guinn Room and discovered a commotion. I was informed by the Governor's press secretary that there had been a birthday party for the Governor's eldest child, Connie, and that the highlight of the show was a performance by a supposedly famous magician, the "Magnificent Magus." Apparently this charlatan had taken the State Flag of Texoma, which was normally prominently displayed in the Guinn Room, and had burned it.

I said I would get to the bottom of this and confronted the magician, whose real name was evidently Penni Stellar. Stellar told me there were constitutional rights protecting the burning of flags which, in fact, were symbolized by the flag. Other than that, Stellar had nothing to say besides Stellar referring to me as a "pig." I reminded Stellar that if law enforcement officers were "pigs", the next time a citizen was in trouble they should call a hippie.

Realizing this was getting nowhere, I collared Stellar's assistant, one Paulie Potemkin. Potemkin started singing immediately. The subject admitted that the point of the trick was to make the flag disappear. But the subject had absolutely no idea what happened to the flag. I asked where was the State Flag of Texoma that was normally in the Guinn Room? Subject had no idea. Subject said that the assistant's job was to hold a rolled up copy of the Declaration of Independence, Stellar would light the flag, stick it into the tube, there would be a puff of smoke, and the flag disappeared. Potemkin never saw the flag after that. Potemkin continued to deny any knowledge of how the trick worked. In fact, Potemkin denied any knowledge of how any of Stellar's supposedly famous tricks worked, such as turning a pair of gloves into doves or making an orange tree grow before the eyes of an audience.

I turned Stellar and Potemkin over to the Capitol Police and that's all I remember about this disgusting incident.

NIKKI ROMANOV

My name is Nikki Romanov and I am the Governor of the Great State of Texoma, like my father, Alex III, and his father, Alex II, before me. I am serving my third term in this august office.

My eldest child is Connie Romanov who had a birthday recently. I was determined to do something significant for this birthday. I had my staff, led by my press secretary, arrange a wonderful event highlighted by the appearance of the nationally known magician, The Magnificent Magus. I had no idea what a mess this character would create.

During this party, which was celebrated in the Guinn Room, named for the famous governor Stephen "Poppy" Guinn, I was there talking to some of my significant guests. The Magnificent Magus had started his routine and I was not really paying too much attention to the performance. In fact, I was talking to Senator Yarbrow, when I noticed a shocked gasp from the crowd. I turned toward the front of the room and noticed that that crazy person had set fire to the flag of the Great State of Texoma! I was in complete shock at this desecration! I later learned he had rolled up a copy of the Declaration of Independence and burned the flag in it!

You must understand that the State Flag of Texoma is one of the great historical flags of our country. The State of Texoma adopted years ago the "Fort McHenry" flag that flew over Fort McHenry while those barbarian Redcoats were trying to tear it down with rockets and warships. But that flag proudly withstood it all and flew despite "bombs bursting in air" and the "rockets red glare." So here is this great historic flag that resisted this invading army of Royalists being destroyed by this pipsqueek of a fake magician! It was too much to bear!

I called for my Guards and ordered them to seize this swine and arrest him. This they did with alacrity. I personally would like to have seen this traitor drawn and quartered but I was informed by my press secretary that the maximum penalty for burning a flag was a fine. Unbelievable.

Later I told my Colonel of the Governor's Guards that I had seen the flag burst into flames and that was enough for me. I won't tolerate that sort of disrespect in my house!

DEFENSE WITNESSES

PAULIE POTEKIN

My name is Paulie Potemkin. I am the assistant to the world famous illusionist The Magnificent Magus. I have been with him for seven years. In that time I have assisted him in performing illusions all over the world.

He and I were honored to be invited by the press secretary of Texoma Governor Romanov to perform at the birthday party of Connie Romanov. Connie is the Governor's eldest child and

we understood that it was expected our show would be spectacular. That was not difficult - our shows are always breathtaking. The Magnificent Magus has some unbelievable illusions that no one else can perform, such as having an orange tree grow and produce oranges before the eyes of the audience. His best illusions, unfortunately cannot be performed on stage, such as the illusion where he made a submarine disappear in front of twenty divers.

One of his favorite illusions is where he takes a copy of the Bill of Rights, rolls it into a tube, takes a folded flag, inserts it in the tube, sets it on fire, and the flag bursts into flames and disappears. He does that while talking about the Constitutional freedoms enshrined in the Bill of Rights and how this document guarantees his right to burn the U.S. flag. I have no idea how this illusion is performed. I do know that I always have in our gear at least one or more U.S. flag. I have no idea where they come from. I assume the Magnificent Magus buys them. There were flags of both the U.S. and the State of Texoma in the room where we were performing but I never touched either of them. I did not notice if they were both there when the Magnificent Magus was arrested by the Governor's thugs.

This evening the illusion went as it always did. The Magnificent Magus began talking about how he loved this country and its great freedoms enshrined in the Bill of Rights. He unrolled a copy he produced, showed it to the audience, and handed it to me. My job is to roll it into a tube. The Magnificent Magus then took a flag, I assume it was a U.S. flag, folded it up, and inserted it into the tube. He then took a lighter and inserted it into the tube. Flames shot out of the tube followed by a huge puff of smoke. I then unrolled the Bill of Rights, showed that there was no flag in the tube, and the illusion was complete. I have absolutely no clue where the flag went and I don't dare ask. The Magnificent Magus is very protective about his professional trade secrets.

When the illusion was over there was, as usual, a gasp from the audience. The press secretary for the Governor stood up and screamed "Are you nuts? Did you just burn a Flag of Texoma in the Governor's Palace?" The Governor came rushing forward and confronted the Magnificent Magus. The Magnificent Magus just smiled at the Governor and refused to answer the Governor's questions about the illusion.

The press secretary pulled out his cell phone and called the Colonel of the Governor's Guard, who appeared presently. This pompous jerk demanded to know what we thought we were doing and did we know burning flags was illegal? The Magnificent Magus explained to this officious person that the Bill of Rights guaranteed his right to burn flags whenever he wanted. The Colonel then said "do you think you are some kind of know-it-all law school graduate?" The Magnificent Magus said, "no, I'm a graduate of Clown School."

The Colonel said "we'll see about that." and here we are.

CONNIE ROMANOV

My name is Connie Romanov and I am the eldest child of Nikki Romanov, the Governor of this backwater state. I recently had a birthday so the Governor couldn't let that occasion go by

without a splash. The press secretary was put in charge of having this party. I was not consulted in any way, shape, or form. The press secretary kept babbling about how she just loved magicians and the best one in the whole wide world was The Magnificent Magus. So she planned to invite him and that was that.

The “great event” arrived and I was told to clean myself up, get presentable, and try not to embarrass the Governor in front of the Elite. You know who I’m talking about - politicians, officials, and other people with their nose in the public trough. I behaved myself and dressed the part of “Offspring of a Famous Person, 2018.”

Weirdly enough, I actually liked the magic act. It was far out! This guy could do all sorts of cool stuff, like make a pair of gloves turn into a pair of doves right there in front of everybody!

The hottest part of the act was when he set fire to a Flag of Texoma. He took this old looking document - it looked like a copy of the U.S. Constitution, rolled it into a tube, and then put the flag into it, and set it on fire. The flames and smoke were a complete rush! Then he unrolled the tube and there was nothing there! Unbelievable!

But then all the stuffed shirts got into the act. The press secretary came running up and started screaming at the Magnificent Magus. She said “you just burned a flag in the Governor’s Palace.” Then she called him a “crypto-terrorist” and “jackalope desecrator” and a whole series of insulting names.

Eventually Colonel Kerensky showed up and restored some order. He had his guards arrest the Magnificent Magus because he called the Colonel a “pig.” As I always say, “if the shoe fits....”

Later I noticed that the State Flag of Texoma normally in the Guinn Room was right where it was supposed to be. I guess the Magnificent Magus must have brought his own Flag of Texoma. But I really am not sure.

This is all a complete humiliation. This was the worst birthday party of my entire life. My whole life has been ruined! I’ll never be able to face my friends in S.U.L.F.E.R. again! And it’s all the Governor’s fault! That and the rest of the Governor’s sycophants.



TITLE 4. FLAG AND SEAL, SEAT OF GOVERNMENT, AND THE STATES
CHAPTER 1. THE FLAG

4 USCS § 8

§ 8. Respect for flag

No disrespect should be shown to the flag of the United States of America; the flag should not be dipped to any person or thing. Regimental colors, State flags, and organization or institutional flags are to be dipped as a mark of honor.

- (a) The flag should never be displayed with the union down, except as a signal of dire distress in instances of extreme danger to life or property.
- (b) The flag should never touch anything beneath it, such as the ground, the floor, water, or merchandise.
- (c) The flag should never be carried flat or horizontally, but always aloft and free.
- (d) The flag should never be used as wearing apparel, bedding, or drapery. It should never be festooned, drawn back, nor up, in folds, but always allowed to fall free. Bunting of blue, white, and red, always arranged with the blue above, the white in the middle, and the red below, should be used for covering a speaker's desk, draping the front of the platform, and for decoration in general.
- (e) The flag should never be fastened, displayed, used, or stored in such a manner as to permit it to be easily torn, soiled, or damaged in any way.
- (f) The flag should never be used as a covering for a ceiling.
- (g) The flag should never have placed upon it, nor on any part of it, nor attached to it any mark, insignia, letter, word, figure, design, picture, or drawing of any nature.
- (h) The flag should never be used as a receptacle for receiving, holding, carrying, or delivering anything.
- (i) The flag should never be used for advertising purposes in any manner whatsoever. It should not be embroidered on such articles as cushions or handkerchiefs and the like, printed or otherwise impressed on paper napkins or boxes or anything that is designed for temporary use and discard. Advertising signs should not be fastened to a staff or halyard from which the flag is flown.
- (j) No part of the flag should ever be used as a costume or athletic uniform. However, a flag patch may be affixed to the uniform of military personnel, firemen, policemen, and members of patriotic organizations. The flag represents a living country and is itself considered a living thing. Therefore, the lapel flag pin being a replica, should be worn on the left lapel near the heart.
- (k) The flag, when it is in such condition that it is no longer a fitting emblem for display, should be destroyed in a dignified way, preferably by burning.

STATE OF TEXOMA

PENAL CODE

Section 3.14159 - Public Endangerment.

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