

Coryell found guilty on two counts

By STEPHANIE DeCAMP
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An Oberlin man was found guilty of second-degree, nonpremeditated murder and aggravated battery Wednesday morning following a week of testimony in Decatur County District Court.

Charges of aggravated burglary and an alternate charge of felony murder had been dismissed Monday by Judge Preston Pratt, who ruled that the state had not shown enough evidence to prove them.

The jury also apparently decided that the defense hadn't shown enough evidence for them to prove a "voluntary intoxication" argument that basically said Mr. Coryell was too drunk at the time of the murder to know what he was doing.

After the verdict was read, the jury resumed deliberation on aggravating factors in the case, then decided to approve what is known as "upward departure" from state sentencing guidelines, which means that Judge Pratt can sentence Coryell for more

Herald reporter held in contempt of court



DeCamp

Oberlin Herald reporter Stephanie DeCamp was found in contempt of court last Wednesday for taking photographs of the Cook and Coryell families after the verdict was read in the Dylan Coryell murder trial.

Judge Preston Pratt dismissed the contempt charge when she deleted the photos about an hour later.

Miss DeCamp said that she had been mistaken about the rules regarding photography in the courtroom, and apologized to the families.

"I was given strict rules that I had to adhere to for

photography during the trial," she said. "I thought that I could take pictures in the hallway after court was adjourned and the trial over, but that was not the case. I apologize if I hurt anyone's feelings, and promise to be more careful in the future."

Miss DeCamp was given a list at the beginning of the trial of witnesses she was not allowed to photograph, and was also under instructions to not take pictures of the jury or outside of the courtroom.

that the state had failed to prove beyond a reasonable doubt that Coryell had thought or planned out the shooting beforehand.

"I think there has been ample evidence," Mr. Barrett told the court, "that... the intent of all three of the men that night was that a fight would occur... One thing that remains through all of this testimony is that they wanted a fist fight."

Nicole Romine, an assistant attorney general who prosecuted the case, argued that the jury had heard evidence of how Mr. Cook died, that Coryell was the one holding the gun and that the gun had to be loaded and cocked and the trigger pulled for it to fire.

"Whoever had action on that gun," she said, "had to complete three acts in order to discharge it."

Furthermore, she argued that the jury had heard ample evidence that there were grudges against Mr. Cook, and had seen with their own eyes that he had been shot (See MAN on Page 6A)

than the usual prison time.

Sentencing was scheduled for 10 a.m. Monday, June 17, at the Decatur County Courthouse, and his bond was revoked until then.

With the upward departure, Judge Pratt will consider two factors when deciding the

sentence: First, that Airman Corey Cook was killed while he slept and second, that the shot was fired knowing that it could kill both Cook and Sarah Campbell, who lay in bed with the victim.

Coryell had been on trial since last Monday in the shooting death of Mr. Cook in

the early morning hours of Oct. 16, 2011. The prosecution rested its case Monday morning, and defense attorney Justin Barrett requested dismissal of all the charges against Coryell.

On the first charge of premeditated murder in the first degree, Mr. Barrett argued

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Annual candy hunt egg-citing

HELPING HIM REACH some hard-to-get candy, Audra Duncan assisted Rustin Bailey (above) while he was searching for sweets and eggs last Tuesday at the Cedar Living Center. The Easter Bunny made an early visit to the center this year so that kids like Tucker Scott and mom Kristin Stragey (right) could get in on the chocolatey fun.

- Herald staff photos by Stephanie DeCamp



Rain helps wheat, brings on weeds

By STEPHANIE DeCAMP
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Spring is here, but the wheat crop is not out of the woods yet - in fact, it's about to start getting into the weeds.

Right now, the plants are in the stage between emerging from the ground and jointing, when the heads begin to appear and grow, said Keith VanSkike, an agronomist with the Norton County office of Twin Creeks Extension.

"A lot for the wheat just hasn't emerged very well," he said, "so if we can keep this happening, it will help out quite a bit."

"Wheat's probably not covering the ground very good, so there will be some weed problems coming in. Farmers should pay attention to that. Anytime the wheat is slow to

emerge, the weeds will be invasive, and they're really set to take over this time of year."

The rain over the weekend ranged from small traces to about .2 of an inch of moisture, said David Thede, a meteorologist with the National Weather Service in Goodland.

"The wheat is still going to be protected from cold temperatures," Mr. VanSkike said. "Any good moisture we can get is very valuable, especially with the smaller seedlings we have now. Along with some nice sunny days, it could definitely turn things around here. Anytime we can get water and save it, with some good growing days around, that's good."

"The mean temperature for March was 37.1 degrees, and that ranks as being the 20th coldest March on

record," said Mary Knapp, state climatologist at Kansas State University. "You should note that last March averaged 48.9 degrees, and it was the third warmest (on record)."

"On the moisture side of things, Oberlin was on the drier side, and saw .69 of an inch of moisture in March, and that includes the melted snow. So it's been drier than it was last March, but that's offset by the fact that it was much cooler than last March, so that moisture has had a better chance of actually making it into the ground instead of evaporating."

April, she said, is slated to be a little wetter than usual, but only a little.

"The big concern now is that the wheat is starting to green up," she said, "so we really don't want any

super cold temperatures to cause damage to the wheat as it begins to joint. It's much less tolerant of cold temperatures as it moves into that stage."

"It's just starting to get caught up and green up," Mr. VanSkike agreed. "I was surprised at how green some of the fields have gotten, but it's still pretty sparse. It's going to be quite a bit behind. Typically by the 15th of April, it's starting to joint up, but it won't happen that soon this year. But you never know; it can move pretty fast when it needs to."

Paper held for election

This week's issue of *The Oberlin Herald* has been delayed by a day to include election results for Oberlin, Dresden, Jennings and the Oberlin School Board. This should delay your delivery

one day. Papers will be at newsstands on Wednesday and in the mail in Decatur County on Thursday. If you experience delivery problems, call our office at (785) 475-2206.



State argued intention, premeditation of murder

By STEPHANIE DeCAMP
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After the defense rested its case in the trial of Dylan Coryell, calling only three witnesses, the jury found the defendant guilty of second-degree murder and aggravated battery last Wednesday after closing argument by the state and the defense.

Assistant Attorney General Nicole Romine of Goodland argued the state's case. Each side was given an hour to make to final arguments, and Ms. Romine elected to divide her time into two sets, 45 minutes before and 15 minutes after defense attorney Justin Barrett's argument.

The prosecution's argument

"You've been sitting here for about 5 1/2 days now," Ms. Romine began, "listening to a lot of evidence, looking at a lot of photos and reviewing a lot of evidence. And when you sit in one place for that long, you start thinking that what you're looking at is something really complicated, but what this case breaks down to is something actually very simple.

"There's really only one unknown here, and that's what makes this case simple. And the unknown is what was the mental state and intentions of Dylan Coryell when that shotgun was discharged.... The reason this case is simple is that it starts and ends with Dylan Coryell's statement to (KBI Agent Mark) Kendrick. Whether you believe it or not will determine what you convict the defendant of."

While reviewing the taped interview, Ms. Romine urged the jury to watch Mr. Coryell's demeanor as well as his words, and to use their "common sense"—a phrase invoked by both attorneys throughout the trial.

"The first thing you need to determine is whether or not Dylan killed Corey, and there are multiple pieces of evidence that you can rely on....

"First, you know that Dylan told Agent Kendrick that he was holding the gun that discharged into the bedroom. You also know that within moments after the shooting, he tells the (911) dispatcher that 'he did it.'"

The 911 call

With that Ms. Romine played the audio recording of the 911 phone call that Mr. Coryell made that night:

Coryell: (While phone is ringing) "Goddamnit, Goddamnit, Goddamnit. I'm going to prison. I'm going to f***** prison. I know I am. Get your f***** phone out and call 911!"

Dispatcher: "Dispatch, this is Deb."

Coryell: "We need an ambulance."

Dispatch: "OK, and this is? Who is this?"

Coryell: "This is Dylan Coryell. (to someone else) How far east are we?"

Dispatch: "Are you on the Dresden Road? I have Ryan McEvoy on the other line. Is this the same situation? What happened?"

Coryell: "It was a bad accident."

Dispatch: "How many people?"

Coryell: "Two."

Dispatch: "Two are hurt? (no response) OK I will get them out there; I have Ryan on the other line and he is giving me directions."

Coryell: (unintelligible mumbles) I did it, oh my god, oh my god.

Dispatch: "Dylan? I have Ryan giving me directions."

Coryell: "Lead them here. Lead them here. I did it, oh my god, oh my god..."

"In that phone call," Ms. Romine said, "you hear Sarah Campbell screaming. You also hear Dylan Coryell expressing a lot of concern about what the consequences of the shooting are going to be, and the statement from him that 'I did it.'"

Within moments after that phone call, he has a (conversation) with Sarah Campbell, and again, he takes responsibility for being the one that's holding the shotgun when it's fired."

Why it was intentional

"The next thing the state needs to prove beyond a reasonable doubt is that he intentionally did so," said Ms. Romine. "And there are a lot of things that you can rely on in making the conclusion that this was an intentional killing.... First off, you have (firearms expert) David Wright. He walked through exactly how that shotgun operates...."

Both Ryan McEvoy and Danyl Jeffrey said that the gun was not loaded when it was taken into the house, she added; that it could only fire one shot at a time and that it was stored separately from the ammunition. Everett Urban also testified that he checked the gun, she said,



DYLAN CORYELL WATCHED video of his own interrogation the night that Corey Cook was murdered on Friday, March 22. His and Everett Urban's interrogations were both shown to the jury. — Herald staff photo by Stephanie DeCamp

and that it was unloaded.

Mr. Urban testified that Dylan had been handling the gun numerous times, Ms. Romine said.

"I think most importantly here," she said, "is Everett and Killian (Dellere) testified that they never loaded that gun, they didn't cock it, and they didn't throw it to Dylan. Even Dylan says that Everett Urban never threw him that gun, but rather some mystery man did, a description that he is unable to elaborate on to Agent Kendrick...."

"And finally, ask yourself, 'How did this all accidentally happen, and hit Corey Cook squarely in the left side of his head, only grazing Sarah Campbell, while they're both in bed sleeping closely next to one another?'"

Why it was premeditated

"Speaking of time, let's talk about the 15-minute drive that Dylan had over to the McEvoy's to fume over his frustrations with this crazy drama that's going on with him, Corey and Sarah, and how it was being influenced by quite frankly, a lot of people that were looking for drama that night...."

"Keep in mind, upon entering that house, he saw the aggravating sight of Sarah Campbell in bed with Corey...."

"At first, Sarah Campbell hides the relationship she's having with Dylan from Corey, but when he returns on leave from the Air Force, she tells him about the relationship, there's a brief break-up, and they get back together. After the breakup, you hear evidence that now, things have switched—Corey's in the loop about what's happened with Dylan, but now Dylan, and all his friends, think Sarah is done with Corey...."

"Things are apparently so serious between Dylan Coryell and Sarah Campbell that there are even discussions about Dylan allowing Sarah to move not only herself into his home, but her child. All these cover stories and complicated drama is exposed hours before the shooting, when Keithen Fortin and Dylan see Sarah

at Ryan McEvoy's house.

The text messages

"Something that is particularly helpful in understanding the mental state of Dylan Coryell that night is the text messages in this case. First off, it's true that Dylan only texted Corey two times. But if defense implication is true here that Dylan doesn't care what's going on with Sarah, why is he sending anything to Corey?...."

"Something else significant in this exchange here is Dylan's responses when he's being ignored: 'You're not even going to talk to me anymore, huh? Well all right, your loss. You've been ignoring me all day, I don't know what's going on. Won't you just talk to me so I know what's going on? I can't read your mind'...."

"You also have some statements that he made to other people that night, one, (Dylan) made a statement to Cameron Weishapl, that he was in the mood to kill, and you hear from Keithen Fortin describing Dylan's mood that night as 'intense.' You also heard Killian telling Todd Cook that he heard Coryell say that he was 'going to put an end to this' shortly before the shooting.... There are other people that night that had their own reasons to be mad at Corey Cook — Everett Urban, Killian Dellere included—but Dylan had his own reasons. And in the interview, he's the one downplaying those reasons...."

"With anger in his heart"

"There's only one logical conclusion in this case, and that is what happened in that bedroom was not an accident. It happened at the hands of Dylan Coryell, and he killed Corey Cook with anger in his heart, with the intent to kill him and with premeditation.

"And with all of that, the state would submit that is proof beyond a reasonable doubt that Dylan Coryell is not only guilty of the aggravated battery of Sarah Campbell, but the intentional premeditated murder of Corey Cook."

Defense said prosecution couldn't prove its case

By STEPHANIE DeCAMP
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Defense attorney Justin Barrett made an impassioned speech last Tuesday on the behalf of Dylan Coryell, who stood charged with premeditated, first-degree murder and aggravated battery in the shooting death of Airman Corey Cook on Oct. 16, 2011.

The case is simple, Mr. Barrett said — the prosecution had not proved beyond a reasonable doubt that Mr. Coryell had sneaked into the home of Ryan McEvoy that night with the intention of murdering Mr. Cook and harming Sarah Campbell. There were many things that could have happened.

Who had the motive?

"The state wants you to believe that there was an intentional killing," Mr. Barrett said, "and that Mr. Coryell premeditated it.... And that after stewing about this for the entire afternoon and into the evening hours, surrounded by this environment of hate and fueling of animosity, it was done. But certain things should become evident."

Mr. Barrett then said that there was clear animosity among all of the central players, as was seen in the text messages, but it wasn't between Mr. Coryell and the others. It was between (Everett and Jordan) Urban and the others, most notably, between Mr. Urban and Mr. Cook.

"The only messages indicating how Mr. Coryell felt indicate quite the contrary," he said. "They indicate, 'Make sure Keithen's outside so there's not going to be a fight.' Those are not threats of, 'make sure he's outside so I don't have to come in and kick Corey's butt.' Those are, 'let's avoid a fight by making sure he's outside'...."

"And I want to remind you that the only thing that had been discussed up until that point was a fist fight.... When you use your common sense and experiences, there's not just one logical conclusion like (Ms. Romine) would like you to believe. It would seem that.... it's wide open how many conclusions are possible...."

"She uses words like 'mystery man' and 'who is this mystery individual?' But those are not Dylan's words. Dylan's words were, 'I don't know; somebody threw me a gun, and it went off.'"

Tunnel vision

Mr. Barrett talked about a taped interview between Special Agent Mark Kendrick and Mr. Coryell from that night. In it, Mr. Kendrick tells Dylan many times that what he's saying doesn't make sense, because if he caught a gun that was thrown to him, he would have to turn around for it to go off in the direction of Mr. Cook. However, Mr. Barrett said, Mr. Kendrick had not been to the scene at this point, and didn't know that it was possible, which, Mr. Barrett said, indicates that Agent Kendrick had already made up his mind who was guilty.

Mr. Barrett then referred to testimony of the defense's independent expert, Gene Getzen, who had said that DNA tests could have been done on the shotgun on the trigger and hammer pull without disturbing the process by which the state tests for fingerprints. However, Mr. Barrett said, Agent Kendrick didn't think that was necessary.

Furthermore, Mr. Barrett said, the state could have tested the glass gun cabinet doors for fingerprints. There was also never a gunshot residue test (to prove who fired or didn't fire the gun), he said, again because the agents didn't think it was necessary.

"Nobody even considered the possibility that Dylan was telling them what really happened," he said. "They had their man; case closed."

Mr. Barrett said that there is no dispute that the shotgun that killed Corey Cook was in working order that night, or that it had to be loaded and cocked in order to go off. What he argued was that so many things could have happened to and around that gun that it was impossible to figure out what actually did happen.

Everett Urban

"Dylan told Jordan Urban, in regard to Sarah Campbell, 'Well, as long as she's happy.' The motive isn't there. I'll tell you who the motive is there for, though—Everett Urban. The motive is there in spades. Mr. Cook called Mr. Urban's wife a whore. Mr. Cook refused to listen to his pleas to stop communicating with his wife.

"If that wasn't enough, he takes the low blow. Corey tells him, 'I'm going to leave a sawed-off shotgun in your pickup with a note that says 'Don't miss this time'.... And on top of all that, he arranges to have a fight, to go mix it up, to go settle these differences for the night, and (Mr. Cook) didn't even show...."

Mr. Barrett then reminded the jury that Mr. Cook had previously punched Killian Dellere, the one who talked Urban and Coryell into going out to Mr. McEvoy's house to confront Mr. Cook....

"I don't want to fight, but I will if I have to," Mr. Barrett quoted from Mr. Coryell's text messages. "Mr. Coryell is the voice of reason when Everett says, 'Let's go crash their party; I'm going to kick his ass.' (But Dylan says) 'Let's just wait and see.'"

Where the stories diverge

"According to Everett," Mr. Barrett said, "and this is where the stories really start to diverge because we've got so many different versions of it from Everett. In his initial statement... he says, 'I had turned away, was walking toward the front door and heard a shot... I don't know if he was aiming or pointing; I didn't see it.'"

But at the end of the videotaped interview, Mr. Barrett argued, when Mr. Urban was again asked where he was at the time of the shooting, he said he was in front of Killian. Then two days later, he said that he remembered the gun in the hallway, and took it away from Mr. Coryell. He also said that he turned at the front door and saw Dylan with the gun. The problem with this, Mr. Barrett said, is that Mr. Urban couldn't have seen Dylan with the gun if he had actually been standing by the front door.

"Listen to the words (Everett) chooses," Mr. Barrett said. "He was 'scared his finger prints were going to be on the murder weapon.' Two days after he gave his complete rendition of what he remembered happening, it suddenly comes to his mind, 'Maybe my prints will be on the murder weapon, I should call

and explain that.' That should seem fishy to you."

The night in question

Mr. Coryell has never changed his story, Mr. Barrett said. "It has always been, 'I don't know.'"

Dylan called 911 twice, Mr. Barrett noted, while Everett didn't call at all. Mr. Dellere urged Dylan to come back to the house at one point when he was walking down the drive, talking of killing himself or going to prison. And he came back. These are not the things that a guilty person does, he argued.

"What you heard on the 911 calls... those are not statements of pride, of 'I just committed a premeditated murder, I got away with it, I did this, I did that.' They're realizations of, 'Oh my god, somebody got hit. Oh my god, there's a tragic accident, and I'm responsible in some way.' That's what's really going on there."

And this is assuming that Mr. Coryell remembered the events accurately, he added. When Mr. Coryell's blood alcohol level was finally tested at 6:30 that morning — five hours after the shooting — it was still twice the legal limit for driving.

At the end of the initial interviews, Mr. Barrett said, Agent Kendrick asked both men if they had any more questions. Mr. Urban said nothing, but Mr. Coryell did — he asked if Corey was OK.

On top of that, Mr. Barrett argued, the only print that was found on the gun belonged to Killian.

"It's not our burden to prove who threw the gun," he said. "It's not the defense's burden; it's the state's burden. The state has the burden to prove that he is guilty beyond a reasonable doubt of the crimes with which he is charged...."

"And as the judge will instruct you, you are to consider with caution the testimony of accomplice witnesses. There's a reason you have to consider with caution what they say. They've still got a stake in the outcome. They can still be charged with their actions, but haven't been. They haven't been charged with a crime at all.

"So when you look at this, in total, consider how this investigation took place, and how from the very beginning, tunnel vision started to occur. Physical evidence was cast aside, the version of events from Mr. Coryell was completely disregarded...."

"The evidence contradicts itself. Maybe the gun was still loaded when they came in, maybe the gun was loaded by Everett, maybe the gun was loaded by Killian. Maybe the gun was even loaded by Corey. We don't know, and we won't know, because the investigation wasn't done...."

"You're going to have all of those possibilities when you go back into the jury room. You're going to have first degree premeditated, you're going to have the lesser included offenses of second degree intentional and second degree reckless, voluntary manslaughter, involuntary manslaughter — but there's another one, at the bottom of that sheet. It doesn't say it on that sheet, but it's there.

"There is another final possibility: Sometimes accidents happen."

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