

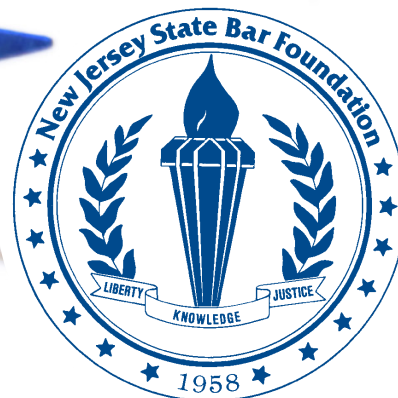


VINCENT J. APRUZZESE

MOCK TRIAL COMPETITION

2011–2012 HIGH SCHOOL WORKBOOK

Sponsored by the New Jersey State Bar Foundation
in Cooperation with New Jersey's County Bar Associations



Celebrating 30 Years of Service
to the Educational Community

ATTENTION TEACHER-COACHES

CASE CLARIFICATIONS

We do not send mock trial case clarifications or updates by mail. It will be your responsibility to check our website, www.njsbf.org, periodically for possible updates or corrections.

CODE OF CONDUCT

Teacher- and attorney-coaches, students, parents and observers are expected to abide by the provisions of the competition's Code of Conduct. See Part I of this workbook for details.

UPDATES

1. See Code of Conduct regarding dissemination of telecommunication reproduction of any portion of this competition.
2. See R.5:1-1 regarding publishing to the jury.

BEHAVIOR OF CONTESTANTS, JURORS AND OBSERVERS

Students and adults who participate in the New Jersey State Bar Foundation's High School Mock Trial Competition are expected to comport themselves properly in and out of the courtroom. Students and observers must respect their surroundings. Contestants and observers must (a) remove their litter from courtrooms and other areas and place trash in receptacles; (b) refrain from entering sections of the courthouses or other facilities where they are not authorized to be such as judges' chambers, conference rooms, offices, etc.; (c) refrain from using or removing property belonging to the courthouses or other facilities; (d) refrain from tampering with sound systems and (e) leave the courtrooms, jury rooms, restrooms, and common areas of the courthouses or other facilities in good order. Failure to do so may result in sanctions, including, but not limited to, the team's immediate disqualification from the competition.

Vincent J. Apruzzese
2011-2012 High School Mock Trial Competition
Sponsored by the New Jersey State Bar Foundation

OFFICIAL ENTRY FORM

In order to enter the competition, you must complete this Official Entry Form. All entries must be received no later than October 28, 2011. Please type or print clearly.

Name of School _____

School Address _____

_____ Zip _____

County in which School Is Located _____

Name of Teacher-Coach _____

Area Code, Telephone Number and Ext. (work) _____ (home) _____

School Fax Number _____ Date Submitted _____

E-mail Address _____

Please check the following where applicable:

- I need a lawyer-coach.
- I already have a lawyer-coach. His/her name is: _____
- This is my first year coaching mock trial.
- This is the school's first year of participation in mock trial.
- We are mock trial "veterans."
- Other (please explain): _____

Please return this completed entry form to: Sheila Boro, High School Mock Trial Competition, New Jersey State Bar Foundation, New Jersey Law Center, One Constitution Square, New Brunswick, NJ 08901-1520. Fax number: 732-828-0034.

Please Note: You must complete and return this form to the State Bar Foundation in order to enter the competition. Please keep a copy for your records.

Mock Trial Competition

Statement of Goals

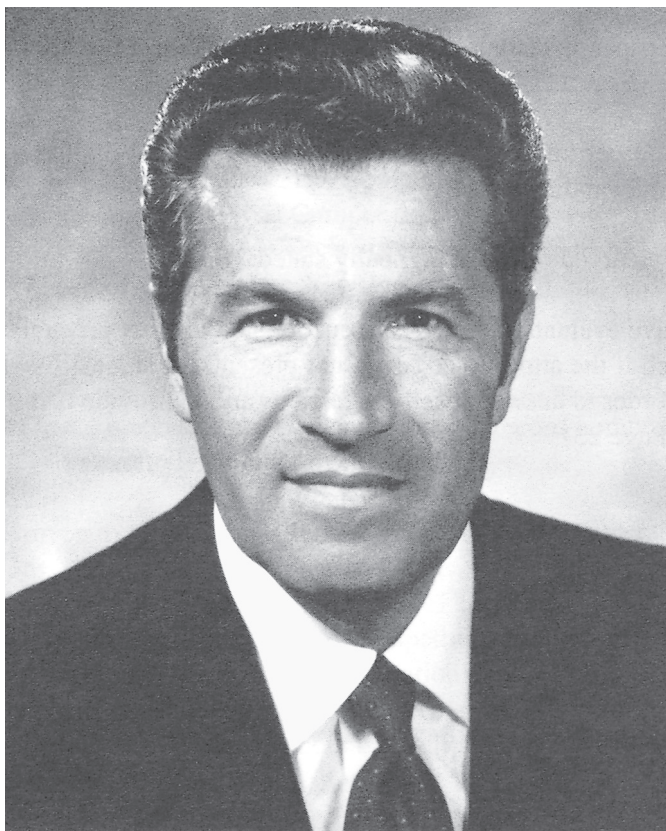
To increase comprehension of the historical, ethical and philosophical basis of the American system of justice.

To demystify the operation of the law, court procedures and the legal system.

To help students increase basic life and leadership skills such as listening, speaking, writing, reading and analyzing.

To heighten appreciation for academic studies and promote positive scholastic achievements.

To bring law to life for students through active preparation for and participation in the competitions. The goal is not to win for the sake of winning, but to learn and understand the meaning of good citizenship in a democracy vis-a-vis our system of law and justice. In this sense, all the students who participate will be winners.



Vincent J. Apruzzese, Esq.

In recognition of his many years of service, the New Jersey State Bar Foundation named its Mock Trial Competition in honor of Vincent J. Apruzzese, Esq. in 1991. Mr. Apruzzese is a past president of the New Jersey State Bar Association. He led the drive to build the New Jersey Law Center, served as the first chairman of the New Jersey State Bar Foundation, and was chair of the Foundation's Public Education Committee for several years. This competition is a fitting tribute to his leadership, indefatigable spirit and insight in implementing free law-related education programs for the public and particularly for young people.

VINCENT J. APRUZZESE

MOCK TRIAL

COMPETITION

Dear Educator:

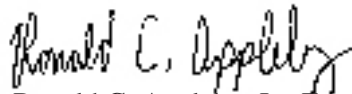
The New Jersey State Bar Foundation's Mock Trial Competition, now in its 30th year, is one of the nation's foremost contests of its kind for high school students. Our Mock Trial Competition has won many national awards for excellence in educational programming.

We thank you, the educators, and your students for your strong support and interest in the Mock Trial Competition. Last year 232 teams registered statewide. We look forward to working with you again in the year ahead.

The New Jersey State Bar Foundation's Mock Trial Competition is made possible by a network of support and cooperation from New Jersey's 21 County Bar Associations. County bar volunteers coordinate trials at the local levels and devote countless hours each year to bring this exciting educational program to students throughout the state. Volunteer attorneys from the counties will assist you and your team in preparing for the competition. This program is made possible through funding from the IOLTA Fund of the Bar of New Jersey.

We hope you'll join us in this classic educational event.

Sincerely,



Ronald C. Appleby, Jr., Esq.
Chair, Mock Trial Committee

VINCENT J. APRUZZESE
**MOCK TRIAL
COMPETITION**

*Sponsored by the New Jersey State Bar
Foundation*

FREE Mock Trial Workshop for Teachers & Attorneys

Learn how to conduct a mock trial and prepare your team for the New Jersey State Bar Foundation's 2011-2012 High School Mock Trial Competition on **Thursday, October 27, 2011** at the New Jersey Law Center in New Brunswick from **9:30 a.m. to 1:10 p.m.**

The workshop is for teachers and attorneys (county coordinators and attorney-coaches) only. Due to space limitations, we regret that we cannot accommodate students.

Teachers attending the entire workshop will receive professional development hours.

An overview of the mock trial structure, from local contests through statewide finals, will be presented. Students will enact this year's case. A mock trial judge will explain how teams will be evaluated.

The workshop is free but reservations are required. Please complete and return the form below.

Please keep a copy of this workshop form for your records. Directions follow:

From NJ Turnpike: Take Exit 9 to Route 18 North to Route 1 South. Take Route 1 South to Ryders Lane, New Brunswick (FIRST EXIT). The Law Center is the first right turn off of Ryders Lane.

From Trenton: Take Route 1 North to second Ryders Lane sign (RYDERS LANE-NEW BRUNSWICK). Ryders Lane passes over Route 1. The Law Center is the first right turn off of Ryders Lane.

For further information about directions, call 732-249-5000 or visit our website at www.njsbf.org.

Please Note: This is a registration form for the workshop only. It is **not** an entry form. You must complete an **Official Entry Form** in order to enter the competition.

HIGH SCHOOL MOCK TRIAL WORKSHOP

- Please register me/us for the free workshop on October 27, 2011. I understand that this workshop is for teachers and lawyers only, not students.

NAME(S) _____

SCHOOL OR LAW FIRM ADDRESS _____

WORK PHONE _____ HOME PHONE _____

I am a Teacher Attorney-Coach County Coordinator

Return to: Sheila Boro • New Jersey State Bar Foundation • One Constitution Square
New Brunswick, NJ 08901-1520 • Fax number: 732-828-0034

**VINCENT J. APRUZZESE
HIGH SCHOOL MOCK TRIAL COMPETITION**

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* The New Jersey State Bar Foundation gratefully acknowledges the assistance of the Mock Trial Committee and the following volunteers in preparing this year’s original case: The Hon. Marilyn C. Clark, Presiding Judge, Law Division, Criminal Part, Superior Court, Passaic County; Mock Trial Committee Chair Ronald C. Appleby, Jr., Esq. and committee members Gwendolyn Y. Alexis, Esq., Gina L. Campanella, Esq., Kathleen M. Dotoli, Esq., Paul J. Endler, Jr., Esq., James J. Gerrow, Jr., Esq., Susan R. Kaplan, Esq., W. Thomas McDonough, Jr., Esq., Edward J. Moody, and R.J. Politowski.

The Vincent J. Apruzzese High School Mock Trial Competition is sponsored by the New Jersey State Bar Foundation and is funded by the IOLTA Fund of the Bar of New Jersey.

PART I
CODE OF CONDUCT
For Participants in the
Vincent J. Apruzzese High School Mock Trial Competition

Please review the following revised code carefully. It is the teacher-coach's responsibility to obtain all required signatures.

OVERALL PURPOSE AND SPIRIT OF THE COMPETITION

The Vincent J. Apruzzese High School Mock Trial Competition ("Mock Trial Competition") has been created for the purpose of stimulating and encouraging a deeper understanding and appreciation of the American legal system by high school students. Because of the competition's experiential educational format, learning derives from various sources and results from both articulated and unarticulated messages. The students learn proper comportment from each other, their teacher-coaches, their attorney-coaches, the volunteer mock trial judges and their parents and other guest-observers in the courtroom. Given the multifarious sources of student learning in the Mock Trial Competition, this Code of Conduct interprets "Participants" to include not only the students, but all of those who have the potential to influence student learning. In keeping with this interpretation, "Extensions" of this Code of Conduct must be executed by the team members, the teacher-coach and the attorney-coach. **In addition, each teacher-coach is required to provide parents and other guest-observers with copies of this Code of Conduct.**

SPECIFIC GOALS OF THE MOCK TRIAL COMPETITION

All Participants shall in manner and in deed do their parts in helping the Mock Trial Competition achieve the following specific goals:

- Promote cooperation, academic integrity, honesty and fair play among students.
- Promote good sportsmanship and respect for others in both victory and defeat. Participants must also demonstrate respect for County Mock Trial Coordinators, mock trial personnel, mock trial judges and other volunteers who make this competition possible.
- Promote good faith adherence to the Mock Trial Competition rules and procedures.
- Improve proficiency in speaking, listening, reading, reasoning and analytical skills.
- Promote respect for the judicial system and instill a notion of proper courtroom decorum. This includes respect for the courthouse and other venues where mock trials take place.
- Promote congeniality and open communication between the educational and legal communities.

SPECIFICALLY PROHIBITED NEGATIVE BEHAVIORS

Although not exhaustive, the following list contains behaviors that are directly opposed to the goals and objectives of the Mock Trial Competition and which, if engaged in, will constitute grounds for such disciplinary action as the County Coordinator at the local level (or Mock Trial Committee at state regional, semi-final and final levels) deems appropriate given the circumstances:

- Failure of the teacher-coach (a) to familiarize all parents and guest-observers with the contents of this Code of Conduct, or (b) to submit Extensions of this Code of Conduct executed by the team members, teacher-coach, and attorney-coach to the County Coordinator prior to the first round of competition.
- Use of communications technology (audio recording, visual recording, telephone, text-messaging by telephone, BlackBerry, laptop or other telecommunications device) by a team member (a) to communicate with any member of its team during an ongoing mock trial round, or (b) to record or in any way memorialize any portion of a round of the competition in which the team is not a participant.

- Acceptance of an audiotape, videotape, DVD recording, CD recording, or other transcription of the performance of another team in a round that the recipient did not participate in, even if the recipient has not viewed the material, listened to the recording or read the transcript.
- Plagiarism by any member of a team or any team's use of material plagiarized by its teacher-coach, its attorney-coach, or by the parents or guest-observers of team members.
- Direct verbal or written communication outside of the courtroom with a volunteer mock trial judge by any team, its teacher-coach, its attorney-coach or the parents or guest-observers of team members, except as permitted after the trial for the teacher- or lawyer-coach under R.5:3-6.

ACCOUNTABILITY FOR AND CONSEQUENCES OF ENGAGING IN PROHIBITED CONDUCT

All Participants, including parents and guest-observers, must adhere to the rules and procedures of the Mock Trial Competition and this Code of Conduct (which includes by this reference the Extensions signed by the student teams, teacher-coaches and attorney-coaches). Failure to abide by the Mock Trial Code of Conduct is sufficient grounds for disqualification and dismissal of the team with which the offender(s) is directly or indirectly connected at the sole discretion of the County Coordinator at the local level or the Mock Trial Committee at the state regional, semi-final and final levels.

EXTENSION OF CODE OF CONDUCT

To Be Signed by Teacher-Coach Participants in the Vincent J. Apruzzese High School Mock Trial Competition

I have read and fully commit myself to the overall purpose and spirit of the Mock Trial Competition. Moreover, I endorse the specific goals of the Mock Trial Competition as set forth in the Code of Conduct and agree not to engage in or condone any of the negative behaviors set forth therein. I execute this Extension of said Code of Conduct in my role as teacher-coach, hereby agreeing to focus attention on the educational value of the Mock Trial Competition.

I agree to act as an adult role model for my students and to discourage willful violations of the rules. I will instruct my students as to proper procedure and decorum and will assist them in understanding and abiding by the competition rules and procedures as well as adhering to the spirit of this Code of Conduct. By action and by deed, I will teach my students the importance of treating others with respect and courtesy. In my interaction with other teacher-coaches, attorney-coaches, mock trial judges, county mock trial coordinators, other volunteers and mock trial personnel, I will set an example that my students can follow.

I understand that I have the following responsibilities for which I, alone, am accountable:

- Training students to fulfill the role of jurors and bringing a sufficient number of student jurors to each round of competition.
- Circulating the Code of Conduct to all parents and guest-observers in advance of their attending any of the rounds of competition.

I agree that I will not disseminate any reproduction of any portion of this competition without the express written consent of each student and the parent/guardian of each, as well as the permission or consent of the student's own coach, whose images may be captured on film or other telecommunications technology. I will not post any images from this competition on Facebook, MySpace, Twitter or any other social networking site without the permission as set forth above. I will not encourage or permit anyone else to do so, and will report same if it happens. I further agree that any violation of this rule subjects me to removal from the competition and places my entire team in jeopardy of being severely penalized for my actions.

I agree to act as a role model by carrying out my responsibilities as a teacher, never forgetting that I am representing the educational system in addition to coaching high school students as their mock trial advisor. Thus, I will zealously encourage fair play and promote conduct and behavior that is in keeping both with proper courtroom decorum and the spirit of the Mock Trial Competition. I will discourage skirting the rules and engaging in obstructionist behavior that interferes with the orderly flow of courtroom procedures. I agree to inculcate the highest standards of the education profession by discouraging a culture of win-at-any-cost and by promoting a spirit of willing compliance with the rules of the competition and the ethical guidelines provided by this Code of Conduct.

Date: _____

Teacher-Coach

School

EXTENSION OF CODE OF CONDUCT

To Be Signed by Attorney-Coach Participants in the Vincent J. Apruzzese High School Mock Trial Competition

I have read and fully commit myself to the overall purpose and spirit of the Mock Trial Competition. Moreover, I endorse the specific goals of the Mock Trial Competition as set forth in the Code of Conduct and agree not to engage in or condone any of the negative behaviors set forth therein. I execute this Extension of said Code of Conduct in my role as attorney-coach, hereby agreeing to abide by the rules and procedures of the Mock Trial Competition and to uphold the highest standards of the legal profession.

I agree to act as a role model of our honorable profession by carrying out my responsibilities as an officer of the court, never forgetting that I am representing the judicial system in addition to coaching high school students as their mock trial advisor. Thus, I will zealously encourage fair play and promote conduct and behavior that is in keeping both with proper courtroom decorum and the spirit of the Mock Trial Competition. I will discourage skirting the rules and engaging in obstructionist behavior that interferes with the orderly flow of courtroom procedures. I agree to inculcate the highest standards of the legal profession by discouraging a culture of win-at-any-cost and by promoting a spirit of willing compliance with the rules of the competition and the ethical guidelines provided by this Code of Conduct.

I agree that I will not disseminate any reproduction of any portion of this competition without the express written consent of each student and the parent/guardian of each, as well as the permission or consent of the student's own coach, whose images may be captured on film or other telecommunications technology. I will not post any images from this competition on Facebook, MySpace, Twitter or any other social networking site without the permission as set forth above. I will not encourage or permit anyone else to do so, and will report same if it happens. I further agree that any violation of this rule subjects me to removal from the competition and places my entire team in jeopardy of being severely penalized for my actions.

Date: _____

Attorney at Law, State of New Jersey

School

EXTENSION OF CODE OF CONDUCT

To Be Signed by Student Team Member Participants in the Vincent J. Apruzzese High School Mock Trial Competition

As a Team Member/Juror of _____ High School, I state that I have read and fully commit myself to the overall purpose and spirit of the Mock Trial Competition. Moreover, I endorse the specific goals of the Mock Trial Competition as set forth in the Code of Conduct and agree not to engage in or condone any of the negative behaviors set forth therein. I execute this Extension of said Code of Conduct as a condition of participation in the Mock Trial Competition and hereby promise to compete with the highest standards of comportment, showing respect for my fellow students, opponents, judges, attorney-coaches, teacher-coaches, county mock trial coordinators and mock trial personnel.

I agree to accept both defeat and success with dignity and restraint. I promise to avoid all tactics that I know are wrong or in violation of the rules. I make a commitment to comply with the rules of the competition in spirit and in practice. I will not plagiarize or accept plagiarized material. I will not use telecommunications technology to circumvent the rules or to gain unfair advantage. I understand that use of telecommunications technology in the courtroom by any Participant (with the exception of permissible videotaping by participating teams per R.2:5-3) seeking to gain advantage for a team subjects that team to the risk of disciplinary action, which could result in an expulsion of the team from the competition or in the lesser penalty of a score reduction.

I agree that I will not disseminate any reproduction of any portion of this competition without the express written consent of each student and the parent/guardian of each, as well as the permission or consent of the student's own coach, whose images may be captured on film or other telecommunications technology. I will not post any images from this competition on Facebook, MySpace, Twitter or any other social networking site without the permission as set forth above. I will not encourage or permit anyone else to do so, and will report same if it happens. I further agree that any violation of this rule subjects me to removal from the competition and places my entire team in jeopardy of being severely penalized for my actions.

By signing below, I agree to vigorously uphold the Code of Conduct of the Mock Trial Competition:

Date: _____	_____
Date: _____	_____
Date: _____	_____
Date: _____	_____
Date: _____	_____
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Date: _____	_____
Date: _____	_____

PART II RULES OF GENERAL APPLICATION

RULE 2:1 APPLICABILITY, SCOPE, CONSTRUCTION AND CITATION OF RULES

2:1-1 APPLICABILITY; SCOPE

The Vincent J. Apruzzese Mock Trial Competition is governed by these simplified rules of procedure and evidence. Additional rules regarding the competition and its procedures are contained throughout this workbook. Please read the entire workbook carefully. **Other rules of procedure or evidence may not be raised.**

2:1-2 CONSTRUCTION

These rules shall be construed to secure a just determination, simplicity in procedure, and fairness in administration of the competition.

2:1-3 CITATION

Attorneys should be prepared to cite the specific rule number upon which an objection is based if requested to do so by judges.

RULE 2:2 GENERAL CONTEST FORMAT

2:2-1 LOCAL COMPETITIONS

Each team must compete in at least two trials, switching sides for the second trial. If there are an uneven number of teams in the initial two trials, the County Mock Trial Coordinator has the discretion to ask teams to volunteer to play both sides at the same time or to randomly assign team(s) to do so. Contestants must be prepared to field both sides simultaneously if necessary. If a team does not have enough members to play both sides at once, the teacher-coach must notify the County Mock Trial Coordinator in advance.

In the event of an emergency, last-minute cancellation by a team, or failure of a team to appear, which may create an uneven number of teams competing, the County Mock Trial Coordinator shall designate one team to field both sides.

After each team has had an opportunity to play both sides, the County Mock Trial Coordinator may elect to utilize a single-elimination or other format. The County Mock Trial Coordinator has the authority to configure local contest schedules. The County Mock Trial Coordinator will determine which teams advance based upon win/loss record and point scores. In a configuration where teams play only two rounds initially, a team with two losses should not advance and a team with two wins should advance. Where three rounds of competition are initially scheduled, a team with three losses should not advance and a team with three wins should advance.

If a team has questions about the local competition, the teacher-coach should contact the County Mock Trial Coordinator. Names and phone numbers of County Mock Trial Coordinators are posted on our website, www.njsbf.org.

2:2-2 DATES AND TIMES; FAILURE TO APPEAR

Local contest dates and times will be determined by county coordinators. **Failure to appear on the dates specified by the County Mock Trial Coordinator will result in forfeiture.** The county coordinator works very hard to arrange contest schedules, and teams should make every effort to participate in the local contest once they have entered. Last-minute cancellations create scheduling difficulties for everyone.

2:2-3 POSTPONEMENTS

Postponements may be made only by the county coordinator.

2:2-4 CHANGES TO RULES AND PROCEDURES

No rule or procedure may be changed after the 30th day preceding the first contest.

2:2-5 OFFICIAL REPRESENTATIVE OF EACH TEAM

The official representative of a mock trial team is the teacher-coach, not students, lawyer-coaches or others. All communications regarding a team must be made by and through the teacher-coach as official team representative. **Communications received from students will not be answered.** See R.2:14-15.

2:2-6 WORKBOOKS

Workbooks may be photocopied as necessary, and permission to photocopy a workbook is hereby granted. Please download the workbook from the Foundation's website, www.njsbf.org.

RULE 2:3 TEAMS

2:3-1 TEAM MEMBERS

A competing team in any given round shall consist of no more than TEN (10) students—two (2) attorneys, three (3) witnesses and alternates—plus the teacher-coach. A school may enter ONE (1) team only. For any single trial, a team must consist of two (2) attorneys and three (3) witnesses. The competition is open to New Jersey high schools only.

2:3-2 IDENTIFICATION OF TEAMS

Teams will be identified by I.D. numbers, not high school names, and teams should not bring materials, such as notebooks, T-shirts, school newspapers, etc., that would identify their schools. Guests of each team should similarly be requested to refrain from wearing or bringing items to contests that would identify the schools with which they are affiliated. Contestants are not permitted to identify their school or the opposing team's school to the judges.

2:3-3 STUDENT JURIES

Each team should bring SIX (6) student jurors to each competition. Team members may serve as jurors in rounds in which their team is not playing, and jurors may serve as team members in rounds in which they are not serving as jurors. A student should not serve as a juror on a trial in which his or her school is participating unless there are extenuating circumstances. Rules pertaining to student jurors are set forth infra at R. 2:4.

RULE 2:4 STUDENT JURIES

2:4-1 PURPOSE OF STUDENT JURIES

The purpose is to provide students with a better understanding of the duties and responsibilities of jurors and to enable more students to participate in the competition.

2:4-2 JURY CHARGE

Because of time restraints, actual procedures for selection and "charge" of jurors will not be followed. Juries will render their decision based upon a simplified charge and upon the factual testimony they have heard during the course of the trial. (The charge to the jury is the final address by the judge to the jury before the verdict, in which the judge sums up the case and instructs the jury as to the rules of law which apply to its various issues and which they must observe.) The judge will not read the charge to the jury. Jurors are expected to be familiar with the contents of the jury charge.

2:4-3 JURY VERDICT

Student juries will be required to render a verdict based upon the merits of the case and applicable law. They will **not** at any time determine which team wins or advances to the next round. That decision will be made by the judges only. Jurors will neither score team performances nor will their verdicts or performances as jurors be scored.

2:4-4 PROHIBITIONS

Jurors are not allowed to take notes or use recording devices.

2:4-5 PROCEDURES

In all competitions, the jurors from losing teams will be released, except for the runners-up. In each phase, jurors from first runner-up teams will be eligible to act as jurors in the final competition on the local or regional level. The runners-up from the state semi-final competition will be eligible to serve as jurors in the final statewide championship round at the New Jersey Law Center.

In the statewide championship round, the jurors of winning teams will not participate, unless the runner-up team is not available. The runner-up team in the semi-finals will be requested to provide jurors for the championship round.

Jurors should proceed immediately to the courtroom in which the trial they are assigned to will be conducted and shall seat themselves in the jury box. Jurors will only be triers of the facts. Their decisions will not affect which team wins.

At the conclusion of the trial, jurors will be allotted 15 minutes maximum to deliberate the facts and render a decision concerning those facts. Student jurors shall be responsible for electing a spokesperson from among the jury to advise the judge of the jury's verdict when the trial reconvenes. The spokesperson must briefly summarize the reasons for their verdict. Generally, jurors are requested to arrive at an unanimous decision.

Jurors are requested to take into consideration only the facts that are presented to them without considering testimony which may have been presented in a previous trial in which they acted as jurors.

RULE 2:5 GENERAL PROCEDURE FOR TRIALS

2:5-1 DETERMINATION OF SIDES — STATE LEVEL

Determination of which team will be prosecution/plaintiff and which team will be defense at the state level, which includes regionals, regional finals and state semi-finals as well as the final round, will be made by drawing lots a few minutes before each trial begins. However, if the same two teams have previously met in the statewide semi-finals and have both qualified for the statewide finals, the teams must switch sides in the championship round. At the regionals, teams that are eligible to advance to the next round will switch sides if possible. Where it is impossible for both teams to switch sides, a drawing of lots must be used to determine assignments in the next round.

2:5-2 DETERMINATION OF SIDES — LOCAL/COUNTY LEVEL

At the local/county level, sides for the initial round of competition may be preassigned at the discretion of the County Mock Trial Coordinator. Contestants in any subsequent round of a competition should automatically switch sides in the case for the next round (provided that they are eligible to advance to the next round). Where it is impossible for both teams to switch sides, a drawing of lots must be used to determine assignments in the subsequent round.

2:5-3 OBSERVATION OF TRIALS BY NON-PARTICIPANTS

Teams are permitted to observe mock trial contests, even if they are not participating in those contests. Note-taking by observers during competitions is permissible. Teams that are not participating in a round shall not audiotape or videotape or use any other technological means to obtain auditory or visual information. Only participating teams will be allowed to videotape or audiotape mock trial contests. Each school will be allowed to designate one official videotaper/audiotaper. Experience has demonstrated that careful preparation has more impact on the quality of presentation and the final result than last-minute changes based on the above.

RULE 2:6 PREPARATION OF MOCK TRIAL CONTESTS

2:6-1 MEETINGS WITH ASSIGNED ATTORNEYS

All teams are to work with their assigned attorneys in preparing their cases. It is recommended that teams meet with their lawyer-advisers at least six times prior to the contest. See Part VI for suggestions regarding the attorney-adviser's role in helping a team prepare for the competition.

2:6-2 DRESS REHEARSALS

All teams are required to conduct one full trial enactment (dress rehearsal) with attorney-advisers in attendance based on the case prior to the first round of the competition. Additional sessions devoted to the attorneys' questioning of individual witnesses are also recommended.

RULE 2:7 DECISIONS

The judge(s) will render a decision based on the quality of the students' performance in the case and the best team presentation. The judges have been instructed to rate the performance of all witnesses and attorneys on the team. (See Performance Rating Sheet.)

Judges will provide qualitative evaluations only, based on the categories in the rating sheet. Numerical scores will **not** be released. The purpose of this procedure is to re-emphasize the educational goals of the competition. Judges will provide evaluations and announce the winning team before the jury delivers its verdict. The jury verdict is not significant in the judges' evaluation.

Contestants may, as always, discuss their trials with judges after each contest if time permits. However, contestants are prohibited from contacting competition judges directly to complain about competition results. See Rule 2:14 and Rule 2:15.

The student jury will decide on the merits of the legal case and the applicable law. This decision of guilt or innocence in a criminal case, or finding in favor of the plaintiff or defendant in a civil case, does **not** determine which team wins or advances to the next round.

The decisions of the judges are final.

RULE 2:8 SCORING PERFORMANCES

While all possible measures are taken to encourage consistency in scoring, not all mock trial judges evaluate the performance of students identically. Even with rules and evaluation criteria for guidance, the competition reflects the subjective quality present in all human activities.

Please review the score sheet at the back of this workbook very carefully.

RULE 2:9 TIME LIMITS

The following time limits will be in effect:

Opening Statements—4 minutes for each side

Direct Examination—6 minutes for each witness

Cross-Examination—7 minutes for each witness

Closing Statements—8 minutes for each side

Every effort shall be made to respect these time limits. County coordinators are encouraged to appoint bailiffs to keep time. Bailiffs will also be appointed at the regional, statewide semi-final and statewide final levels. Bailiffs will keep time, and their decisions regarding timekeeping are final. Challenges to timekeeping will not be considered. Timekeepers may issue one-minute warnings verbally or through the use of a card or hand signals. When time is up, judge(s) must halt the trial. Regarding objections, the clock will be stopped.

Re-direct and re-cross (optional, to be used at the discretion of the team)—After cross-examination, additional questions may be asked by the direct-examining attorney, but questions must be limited to matters raised by the attorney on cross-examination. Likewise, additional questions may be asked by the cross-examining attorney on re-cross, but such questions must be limited to matters raised on re-direct examination and should avoid repetition. **One minute will be allowed for re-direct and re-cross respectively. Judges should not deduct points if a team decides not to re-direct or re-cross.** (See R. 5: 4-16.)

RULE 2:10 REGIONAL COMPETITION

To reach the statewide finals, a team will have to compete in a two-part regional competition. Winning teams from each county qualify for the first stage of the regionals, consisting of two, single-elimination trials. Winners of the first stage will return for regional playoffs. Winners of the regional playoffs qualify for the statewide semi-finals. Winning semi-finalists will be eligible to compete in the statewide finals. If there is a tie score, the judge(s) will make the final determination based on overall team performance.

Please take note of all of the following contest dates before entering the competition in order to make sure your team can attend.

The New Jersey State Bar Foundation will be responsible for coordinating the regional competitions. **All regionals will be conducted at the New Jersey Law Center in New Brunswick as follows: Central—February 6, 2012; South—February 7, 2012; and North—February 9, 2012. Regional playoffs will be held on February 29, 2012.** Please reserve these dates. Inability to attend will result in forfeiture.

To find out which regional your county belongs in, please call 732-937-7519 or e-mail sboro@njsbf.org.

RULE 2:11 SEMI-FINALS

Regional finals winners are eligible to compete in the statewide semi-finals scheduled for **March 20, 2012** at the New Jersey Law Center in New Brunswick. Please reserve this date. Inability to attend will result in forfeiture.

RULE 2:12 STATEWIDE FINALS

The winners of the semi-finals are eligible to compete in the statewide championship round scheduled for **March 22, 2012** at the New Jersey Law Center in New Brunswick. This date is final; please arrange your schedule accordingly. Inability of finalist teams to attend will result in forfeiture. This will be a single-elimination round. The judges' decision will be final.

2:13 STUDENT ILLNESS POLICY

In the event that one or more members of a team cannot compete due to illness, another member or members of that team may substitute for them. The substitutes must be team members who are not already playing in that round. In addition, jurors may serve as substitutes unless they are already serving as jurors in a round. One attorney cannot play the roles of both attorneys in any given round. Likewise, one witness cannot play the roles of other witnesses in the same round. A student-lawyer cannot play the role of a witness in the same round nor can a witness play the role of a lawyer in the same round. If a contestant becomes ill while a trial is in progress, judge(s) may grant a 15-minute recess. During that time, the teacher-coach may arrange for another team member or juror to continue in place of the ill student. The team with the ill student and their teacher-coach and attorney-coach may communicate about the ill student and his or her replacement during the emergency recess. If the ill student cannot continue to compete, and a substitution cannot be made, the team must forfeit the round. It is recommended that teacher-coaches prepare “understudies” in case of illness.

2:14 COMPLAINT PROCEDURE

No one shall contact any competition judge to complain about competition results. **Only teacher- or attorney-coaches are authorized to communicate about questions, problems, comments or complaints about contests. Communications received from students will not be answered.** Students should discuss issues or concerns with their teacher-coaches. Complaints about county competitions must be submitted in writing, via e-mail, fax or regular mail, to your County Mock Trial Coordinator. Names and addresses of the County Mock Trial Coordinators will be posted on the New Jersey State Bar Foundation’s website, www.njsbf.org. Please remember that, as stated in R. 2:7, the decisions of the judges are final. Any complaints regarding the behavior or violation of the Mock Trial Rules by a student are to be directed to the county coordinator, or to the teacher-coach for the offending student’s team, by the teacher-coach of the team.

2:15 QUESTIONS REGARDING CASE OR RULES

Contestants who have questions about the mock trial case and/or rules should submit them through their teacher- or attorney-coaches. Teacher- or attorney-coaches should e-mail or fax their questions to Sheila Boro, director of mock trial programs, at sboro@njsbf.org or fax to 732-828-0034. **Communications received from students will not be answered.** Please identify yourself, your school, whether you are the teacher-or attorney-coach, and provide a daytime phone number.

PART III

HINTS ON PREPARING FOR A MOCK TRIAL COMPETITION

The following tips have been developed from previous experiences in training a mock trial team.

All students should read the entire set of materials and discuss the information/procedures and rules used in the mock trial contest.

The facts of the case, witnesses' testimony, and the points for each side in the case then should be examined and discussed. Key information should be listed as discussion proceeds so that it can be referred to at some later time.

All team roles in the case should be assigned and practiced.

Credibility of witnesses is very important to a team's presentation of its case. As a result, students acting as witnesses need to really "get into" their roles and attempt to think like the persons they are playing. Students who are witnesses should read over their statements (affidavits) many times and have other members of the team or their class ask them questions about the facts until they know them cold.

Student team members have primary responsibility for deciding what possible questions should be asked of each witness on direct and cross-examination. Questions for each witness should be written down and/or recorded.

The best teams generally have students prepare their own questions, with the teacher-coach and attorney-adviser giving the team continual feedback and assistance on the assignment as it is completed. Based on the experience of these practice sessions, attorneys should revise their questions, and witnesses should restudy the parts of their witness statements where they are weak.

Opening and closing statements should also be written out by team members. Legal and/or non-legal language should be avoided where its meaning is not completely understood by attorneys and witnesses.

Closing statements should not be totally composed before trial, as they are supposed to highlight the important developments for the prosecution or plaintiff and the defense which have occurred during the trial. The more relaxed and informal such statements are, the more effective they are likely to be. Students should be prepared for interruptions by judges who like to question the attorneys, especially during closing argument.

As a team gets closer to the first round of the contest, the competition requires that it conduct at least one complete trial as a kind of "dress rehearsal." All formalities should be followed and notes taken by the teacher-coach and students concerning how the team's presentation might be improved. A team's attorney-adviser should be invited to attend this session and comment on the enactment.

The ability of a team to adapt to different situations is often a key part in a mock trial enactment since each judge—or lawyer acting as a judge—has his or her own way of doing things. Since the proceedings or conduct of the trial often depend in no small part on the judge who presides, student attorneys and other team members should be prepared to adapt to judicial rulings and requests, even if they appear contrary to outlined contest procedures and rules.

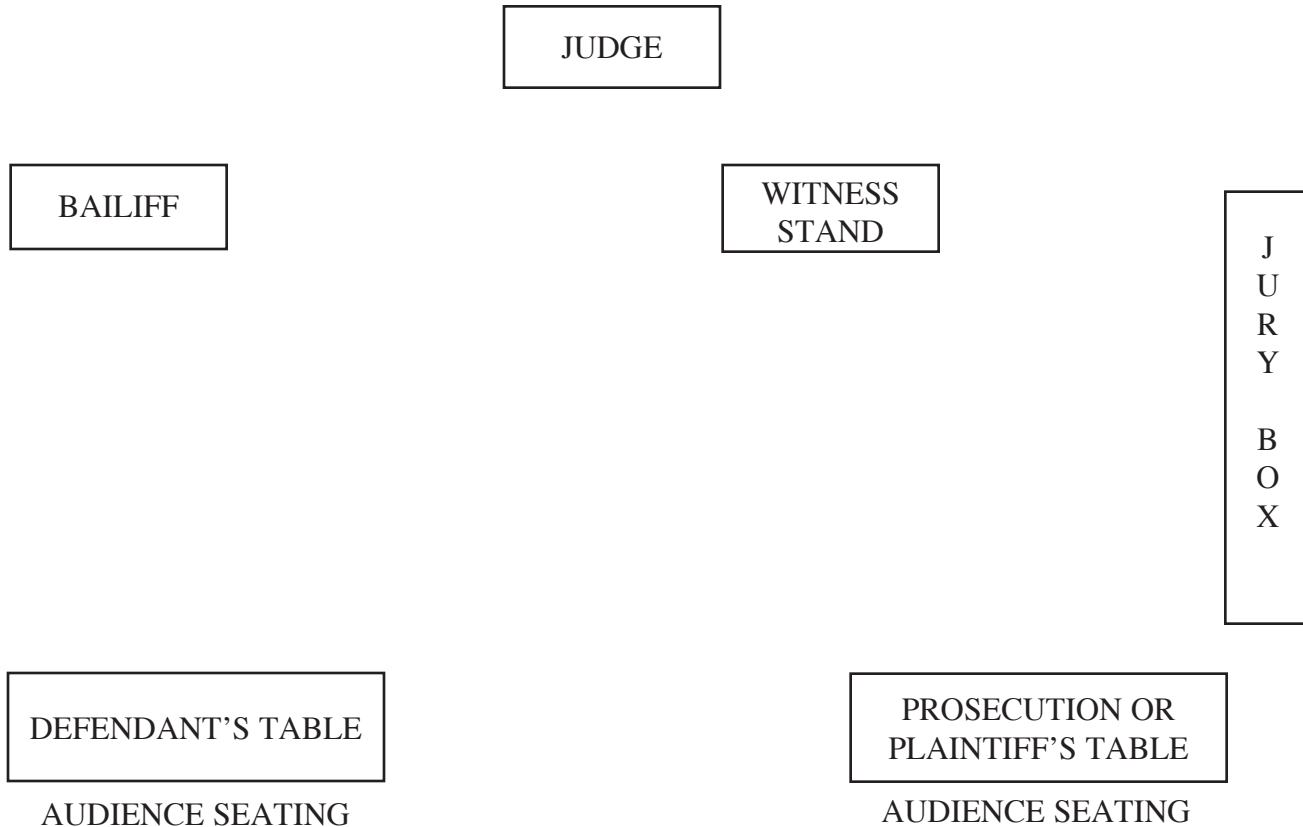
Some of the things most difficult for team members to learn to do are:

- (a) To decide which are the most important points to prove their side of the case and to make sure such proof takes place;
- (b) To tell clearly what they intend to prove in an opening statement and to argue effectively in their closing statement that the facts and evidence presented have proven their case;
- (c) To follow the formality of court, e.g., standing up when the judge enters; or when addressing the judge, to call the judge “your honor,” etc.;
- (d) To phrase questions on direct examination that are not leading (carefully review the rules and watch for this type of questioning in practice sessions);
- (e) Not to ask so many questions on cross-examinations that well-made points are lost. When a witness has been contradicted or otherwise discredited, student attorneys tend to ask additional questions which often lessen the impact of points previously made. (Stop — recognize what questions are likely to require answers that will make good points for your side. Rely on the use of these questions. Avoid pointless questions!)
- (f) To think quickly on their feet when a witness gives an unexpected answer, an attorney asks unexpected questions, or a judge throws questions at the attorney or witness. (Practice sessions will help prepare for this.)

PART IV TRIAL PROCEDURES

Before participating in a mock trial, it is important to be familiar with the physical setting of the courtroom as well as with the events that generally take place during the exercise and the order in which they occur.

COURTROOM LAYOUT



PARTICIPANTS

The Judge(s)
The Attorneys
Prosecutor–Defendant (Criminal Case)
Plaintiff–Defendant (Civil Case)

The Witnesses
Prosecutor–Defendant (Criminal Case)
Plaintiff–Defendant (Civil Case)

STEPS IN MOCK TRIALS

The Opening of the Court

Either the clerk of the Court or the judge will call the Court to order.

When the judge enters, all participants should remain standing until the judge is seated.

The case will be announced, i.e., “The Court will now hear the case of _____ v. _____ .”

The judge will then ask the attorneys for each side if they are ready.

Appearances

Opening Statements to the Jury

(1) Prosecution (in criminal case)/Plaintiff (in civil case)

The prosecutor in a criminal case (or plaintiff's attorney in a civil case) summarizes the evidence which will be presented to prove the case.

(2) Defendant (in criminal or civil case)

The defendant's attorney in a criminal or civil case summarizes the evidence which will be presented to rebut the case the prosecution or plaintiff's attorney has made.

Direct Examination by Prosecution or Plaintiff's Attorney

The prosecutor(s) or plaintiff's attorney(s) conduct direct examination (questioning) of each of their own witnesses. At this time, testimony and other evidence to prove the prosecution's or plaintiff's case will be presented. The purpose of direct examination is to allow the witness to narrate the facts in support of the case. Direct examination is limited by the scope of the affidavits and/or the exhibits contained in this workbook.

NOTE: The attorneys for both sides, on both direct and cross-examination, should remember that their **only function is to ask questions which elicit the most important facts of the case**; attorneys themselves may not testify or give evidence, and they must avoid phrasing questions in a way that might violate this rule.

Cross-Examination by Defendant's Attorney

After the attorney for the prosecution or plaintiff has completed questioning each witness, the judge then allows the other party (i.e., defense attorney) to cross-examine the witness. The cross-examiner seeks to clarify or cast doubt upon the testimony of opposing witnesses. Inconsistency in stories, bias, and other damaging facts may be pointed out through cross-examination.

Direct Examination by Defendant's Attorneys

Direct examination of each defense witness follows the same pattern as the preceding which describes the process for prosecution's/plaintiff's witnesses.

Cross-Examination by Prosecution or Plaintiff's Attorneys

Cross-examination of each defense witness follows the same pattern as the step above for cross-examination by the defense.

Closing Arguments to the Jury

(1) Defense

The closing statement for the defense is essentially the same as for the prosecution/plaintiff. Counsel for the defense reviews the evidence as presented, indicates how the evidence does not satisfy the elements of the charge or claim, stresses the facts favorable to the defense and asks for a finding (verdict) of not guilty (criminal case) or judgment for the defense (civil case). The defense will give its closing argument first, followed by the prosecution/plaintiff, as done in real trials.

(2) Prosecution or Plaintiff

A closing statement is a review of the evidence presented. It should indicate how the evidence has satisfied the elements of the case, and ask for a finding (verdict) of guilty (criminal case).

THE JUDGE'S ROLE

The judge is the person who presides over the trial to ensure that the parties' rights are protected, and that the attorneys follow the rules of evidence and trial procedure. In trials held without a jury, the judge also has the function of determining the facts of the case and rendering a judgment. (The student jurors will render a verdict, but will not determine which team wins. That will be decided by the judges.)

At all levels of the competition, a panel of two judges will judge the contests wherever possible. This may include two judges, sitting or retired, one judge and one lawyer, or two lawyers. If, for any reason, only one judge is available for any given contest, the contest shall proceed with one judge.

THE STAFF'S ROLE

Staff of the New Jersey State Bar Foundation attend the regional, semi-final and final contests in order to handle room and luncheon arrangements. **Please do not ask staffers to get involved in the competition proceedings. Student team members are responsible for pointing out infractions, if any, to judge(s). The judge(s) will then decide.** (See Part V for further details, particularly the section dealing with objections.)

PART V

SIMPLIFIED RULES OF PROCEDURE AND EVIDENCE

RULE 5:1 GENERAL PROCEDURE DURING TRIALS

5:1-1 USE OF EXHIBITS

The use of evidentiary or demonstrative exhibits not contained in this Mock Trial Workbook is not permitted. Use of props, visual and illustrative aids, other than what is specified in this workbook, is prohibited. Case materials cannot be enlarged unless specifically stated. It is assumed that once an exhibit has been put into evidence, it has been published to the jury. As such, copies of the exhibits shall not be distributed to the jury.

5:1-2 STATEMENT OF FACTS AND STIPULATIONS

The Statement of Facts, if provided, and any additional stipulations may not be disputed. The Statement of Facts is not admissible as an exhibit.

5:1-3 MOTIONS

No motions of any kind are allowed. For example, defense cannot make a motion to dismiss after the prosecution has rested its case. Motion for directed verdict is also prohibited.

5:1-4 VOIR DIRE

Voir dire, the preliminary examination of a witness or juror to determine his or her competency to give or hear evidence, is prohibited.

5:1-5 COURTROOM DECORUM

Usual rules of courtroom decorum apply to all participants. Appropriate, neat appearance is required.

RULE 5:2 OBJECTIONS

5:2-1 IN GENERAL

Procedural objections and objections to evidence are restricted to those in the Mock Trial Workbook. Other objections found in the New Jersey and Federal Rules of Evidence are not permitted. All objections, except those relating to openings or closings, shall be raised immediately by the appropriate attorney. When an objection is made, each side will usually have at least one fair opportunity to argue the objection before the presiding judge rules. Sidebars are not permitted. Competitors shall refrain from interrupting an adversary during opening statements or closing arguments. (See Rule 5:2-6.)

5:2-2 TIME FOR OBJECTIONS

A student attorney can object any time that the opposing team has violated the rules of evidence or has violated the rules or procedures of the Mock Trial Competition. **IMPORTANT:** Only student attorneys may object to any violations they believe have occurred, and they must object directly to the judge during the trial at the time of the violation, except as set forth in Rule 5:2-6.

5:2-3 LIMITATION ON OBJECTIONS

Objections made after the trial has concluded cannot be addressed. NJSBF staff members cannot object on your behalf. Please do not ask staffers to intervene in the competition.

5:2-4 MANNER OF OBJECTIONS

The attorney wishing to object should stand up and do so at the time of the violation, except as set forth in Rule 5:2-6. When an objection is made, the judge will ask the reason for it. Then the judge will turn to the attorney who asked the question, and that attorney usually will have a chance to explain why the objection should not be accepted (“sustained”) by the judge. The judge will then decide whether a question or answer must be disregarded because it has violated a rule of evidence or mock trial procedure (“objection sustained”) or whether to allow the question or answer to remain on the trial record (“objection overruled”). When objecting to a competition rule or procedural violation, student attorneys should be prepared to refer to the appropriate rule number in this workbook if requested to do so by judges. All objections should be made succinctly, with the reason for the objection publicly stated.

5:2-5 FORM OF OBJECTIONS

Following are some examples of the standard forms of evidentiary objections allowed in the Mock Trial Competition. However, counsel need not parrot the exact words of the provided forms.

Irrelevant evidence: “I object, your Honor. This testimony is irrelevant to the facts of the case.”

Leading question: “Objection. Counsel is leading the witness.” (Remember, this is only objectionable when done on direct examination.)

Unfair extrapolation: “Objection. The witness’ testimony is ‘unfair extrapolation’ in violation of R.5:4-6 in that it goes beyond the witness’ statement/deposition or any reasonable inference to be drawn therefrom.”

Improper character testimony: “Objection. The witness’ character or reputation has not been put in issue.”

Hearsay: “Objection. Counsel’s question/the witness’ answer is based on hearsay.” (If the witness makes a hearsay statement, the attorney should also say, “and I ask that the jury be directed to disregard the statement.”)

Opinion: “Objection. Counsel is asking the witness to give an opinion.”

Lack of personal knowledge: “Objection. The witness has no personal knowledge that would enable him/her to answer this question.”

Speculation: “Objection. The question calls for speculation on the part of the witness.”

Non-responsive answer: “Objection. The answer is not responsive.”

Compound question: “Objection. Counsel is asking the witness a compound question.”

Mischaracterization of testimony: “Objection. Counsel is mischaracterizing the witness’s testimony.”

Assuming facts not in evidence: “Objection. Counsel’s question (or closing argument) assumes facts which are not in evidence.”

Lack of proper foundation: “Objection. Counsel has not laid a proper foundation for the question (or for admission of an exhibit).

Narrative answer: “Objection. Counsel’s question calls for a narrative answer.”

Conclusion of law improperly called for by the question: “Objection. Counsel is calling for the witness to make a conclusion of law.”

Argumentative question: “Objection. Counsel’s question is argumentative.”

While there is no limit on the number of objections attorneys may raise, teams should be aware that judges may assess scoring penalties for objections which are frivolous.

5:2-6 OBJECTIONS TO OPENINGS AND CLOSINGS

The presiding judge may interrupt an attorney’s opening or closing statement to ask questions. However, attorneys may not interrupt or object during the opposition’s opening or closing, but must raise any objections to openings or closings immediately after the opposing attorney concludes. The presiding judge will then rule on the objections and instruct the jury as may be necessary.

RULE 5:3 PROCEDURE REGARDING ATTORNEYS

5:3-1 MANDATORY ATTORNEY PARTICIPATION IN EXAMINATIONS

Each attorney shall conduct the examination of three witnesses (1 direct and 2 cross-examinations or 2 direct and 1 cross-examination).

5:3-2 ATTORNEY OPENINGS/CLOSINGS

Each team must present an opening statement and closing argument. An attorney for a team presenting the opening statement may not make the closing argument. An attorney is not permitted to advise the jury of facts in opening for which there is no good faith basis in the Mock Trial Workbook materials. In closing argument, an attorney is not permitted to comment on evidence that was not presented or evidence which was excluded by the presiding judge. In an opening or closing, an attorney is allowed to make arguments from a fair extrapolation of the facts in the Mock

Trial Workbook. “Fair extrapolation” refers to an inference that can be reasonably made from the facts stated in the Mock Trial Workbook or from testimony adduced during the course of the trial. The defendant’s attorney shall make the first closing statement, followed by the prosecuting/plaintiff attorney. No rebuttal statements are permitted. Students should be prepared for interruptions by judges who may question the attorneys during closing argument.

5:3-3 DESIGNATION OF ATTORNEY PERMITTED TO OBJECT

Only one attorney may address any one witness. The attorney who will examine or cross-examine the witness is the only attorney who may make an objection. Likewise, only the attorney who will open may object to the opposition’s opening statement and only the lawyer who will close may object to the opposition’s closing.

5:3-4 USE OF NOTES BY ATTORNEYS

Attorneys are permitted to use notes in presenting their cases.

5:3-5 COMMUNICATION BETWEEN AND AMONG TEAM MEMBERS AND OTHERS

A. During a trial, law instructors, coaches, and all other observers may not talk to, signal or otherwise communicate, in any manner whatsoever, with or, in any way, coach or attempt to coach any members of the team.

B. No team member shall seek to communicate, verbally, non-verbally or in writing, with any witness who is in the act of testifying.

C. Only the two participating student-attorneys may communicate with each other during the five-minute pre-summation recess.

Failure to comply with the aforementioned shall be considered a violation of the mock trial rules. Should any team member participating in that round observe any conduct which is in violation of this rule, s/he shall immediately and unobtrusively bring the alleged violation to the attention of the appropriate student attorney. The student attorney, at his/her discretion, may then object to the presiding judges. Any such objection must be made at the time the violation is noted, and in the case of Section B above, prior to the witness leaving the witness stand.

The judge(s) shall immediately make an inquiry into the matter and may deduct one or more points at their discretion. The deduction may come from the score of the witness, the attorney(s), and/or the overall team score.

5:3-6 COMMUNICATION WITH JUDGES

No one affiliated with a competing team is permitted to have any contact with competition judges before or during the competition. Only student-attorneys and student-witnesses may communicate with the judges during a trial. After a trial has concluded, judges may meet privately with the attorney-coach, or teacher-coach if the attorney-coach is not present, for at least five minutes in order to answer specific questions and to provide additional evaluation of students’ performances.

RULE 5:4 WITNESS TESTIMONY

5:4-1 FACTS RELIED UPON FOR TESTIMONY

Each witness is bound by the facts contained in his/her own witness statement, the facts contained in the Statement of Facts, if provided, and the necessary documentation provided in the competition workbook. A witness is not bound by facts contained in other witness statements.

5:4-2 WITNESS’ PHYSICAL APPEARANCE

A witness’ physical appearance in the case is as he or she appears in the trial enactment.

5:4-3 WITNESS’ GENDER

Contestants cannot change the gender of witnesses as provided in the case unless it is indicated that a witness can be male or female. Male or female contestants, however, may play the roles of any witnesses.

5:4-4 REQUIRED EXAMINATION OF WITNESSES

Each team of attorneys must engage in either the direct examination or cross-examination of each witness. Direct examination is limited by the scope of the affidavits and/or the exhibits contained in the workbook.

5:4-5 DIRECT EXAMINATION

On direct examination, each witness is bound by the facts contained in his/her own witness statement, the Statement of Facts, if present, and/or any necessary documentation provided in the workbook relevant to his/her testimony. A witness is not bound by facts contained in other witness statements. On direct examination, a witness is not permitted to quote from the witness statement of another witness. Fair extrapolation, as defined in R. 5:4-6, is permitted.

5:4-6 FAIR EXTRAPOLATION

A witness who is testifying may use fair extrapolations from his or her own statement. “Fair extrapolation” refers to an inference that can be reasonably made from the facts stated in the witness statement of the testifying witness. A witness who is testifying on direct examination, in responding to questions of counsel, may utilize the reasonable and logical inferences from his or her own statement. Testimony which is unsupported by the facts in a witness’ own statement and/or intended solely for the purpose of materially strengthening his or her team’s position, is “unfair extrapolation” and is in violation of the rules and spirit of the competition. If a witness invents an answer which is favorable to his or her side, but not fair extrapolation, the opposition may object; the judge will decide whether to allow the testimony. An exception to this rule can occur when an attorney on cross-examination asks a question, the answer to which is not included in the witness statement. The witness is then free to “create” an answer.

5:4-7 CROSS-EXAMINATION

On cross-examination, a witness is permitted to invent an answer which is not included in his/her witness statement only as permitted by R.5:4-6. If that answer is inconsistent with any other evidence, including statements of that witness, the Statement of Facts, or any other stipulations, the cross-examining attorney may impeach or object as may be appropriate. For example, he or she may object to an answer as being non-responsive.

5:4-8 IMPEACHMENT

On cross-examination, the attorney may want to show the court that the witness should not be believed. This is called impeaching the witness. A witness may be impeached by showing that he or she has given a prior statement that differs from his or her trial testimony, that he or she has some interest in the outcome of the case, that he or she has a bias for or against any other party or person, that he or she has some other motivation to either lie or be untruthful, or that he or she is simply mistaken as to what he or she has seen or heard.

5:4-9 USE OF NOTES BY WITNESSES

Witnesses are not permitted to use notes while testifying during the trial.

5:4-10 REQUIRED WITNESSES

All three witnesses for each side must testify. Teams may not call another team’s witnesses.

5:4-11 SEQUESTERING WITNESSES

Sequestering witnesses is not permitted.

5:4-12 LEADING QUESTIONS

Leading questions are not permitted on direct examination or re-direct examination. However, leading questions are permitted on cross-examination and re-cross-examination.

In direct examination, attorneys call and question witnesses. Witnesses may not be asked leading questions by the attorney who calls them. A leading question is one that suggests to the witness the answer desired by the examiner, and often suggests a “yes” or “no” answer. Direct questions generally are phrased to evoke a set of facts from the witness.

Example of a direct question: “Mr. Hudson, when did you meet June Harris?”

Example of a leading question: “Mr. Hudson, isn’t it true that you first met June Harris on April 14, 1981?”

In cross-examination, attorneys question the other side’s witnesses. An attorney may ask leading questions when cross-examining the opponent’s witnesses. Questions tending to evoke a narrative answer should be avoided (these usually begin with “how,” “why” or “explain”).

5:4-13 NARRATIVE QUESTIONS

Narrative questions (questions that call for a narrative answer) and narrative answers are generally not permitted.

While the purpose of direct examination is to get the witness to tell a story, the questions must ask for specific information. The questions should not be so broad that the witness is allowed to wander or narrate a whole story.

Example of a narrative question: “Mr. Hudson, what went wrong with your marriage?”

Narrative answers: At times, a direct question may be appropriate, but the witness’ answer may go beyond the facts for which the question asked.

5:4-14 SCOPE OF DIRECT EXAMINATION

Direct examination may cover all facts relevant to the case of which the witness has firsthand knowledge. It is limited by the scope of the witness statements and/or the exhibits in this workbook. Any factual areas examined on direct examination may be subject to cross-examination.

5:4-15 SCOPE OF CROSS-EXAMINATION

The scope of cross-examination shall not be limited to the scope of the direct examination, but may inquire into any relevant facts or matters contained in the witness’ statement, including all reasonable inferences that can be drawn from those facts and matters. Opposing counsel may also inquire into any omissions from the witness’ statement that are otherwise material and admissible and/or into any issue potentially affecting the credibility of the witness.

5:4-16 SCOPE OF RE-DIRECT AND RE-CROSS EXAMINATION

After cross-examination, additional questions may be asked by the direct-examining attorney, but questions must be limited to matters raised by the opposing attorney on cross-examination. Likewise, additional questions may be asked by the cross-examining attorney on re-cross, but such questions must be limited to matters raised on re-direct.

Re-direct and re-cross are optional, to be used at the discretion of the team. One minute will be allowed for re-direct and re-cross respectively. Judges should not deduct points if a team decides not to re-direct or re-cross.

RULE 5:5 EVIDENCE RULES

5:5-1 CHARACTER EVIDENCE

Evidence about the character of a party may not be introduced unless the person’s character is an issue in the case.

5:5-2 OPINION TESTIMONY

A. No witness may give an opinion about how the case should be decided. This is called the “ultimate issue”question. In addition, witnesses may not give testimony in the form of an opinion unless it fits within one of the exceptions below.

B. A lay (non-expert) witness may offer testimony in the form of opinions or inferences if those opinions or inferences are (1) rationally based upon the perception of the witness and (2) helpful to a clear understanding

of the witness' testimony or the determination of a fact in issue.

- C. A lay witness may offer testimony in the form of an opinion based on the common experience of laypersons in the community and of which the witness has firsthand knowledge.
- D. An expert witness may offer testimony in the form of an opinion only if the subject matter is within the expert's area of expertise.

Certain witnesses who have special knowledge or qualifications may be qualified as "experts." An expert must be qualified by the attorney for the party for which the expert is testifying; this means that before an expert can be asked an expert opinion, the questioning attorney must bring out the expert's qualifications and experience. A witness may not testify to any matter of which the witness has no personal knowledge.

Example: If Mrs. Davis was not present at the scene of an intersectional collision between a Ford Explorer and a bus, she could not say, "The bus went through the red light."

5:5-3 HEARSAY

Hearsay is defined as any evidence of a statement made by someone *who is not a witness in the case* which is offered to prove the truth of a fact, a piece of evidence or any witness' testimony. A witness is not permitted on direct examination to quote from the witness statement of another witness.

Example: Mrs. Mills is testifying. Her witness statement contains the following statement: "Mr. Hudson told me he was at the scene of the crime." This is inadmissible hearsay (if offered to prove that Mr. Hudson was at the scene of the crime) unless Mr. Hudson is also a witness in the case. If Mr. Hudson is a witness in the case, then the statement is not hearsay.

Example: Mrs. Mills is testifying. Mr. Hudson is a witness in the case. His witness statement contains the following statement: "I heard Mrs. Harris threaten my son." There is no reference in the witness statement of Mrs. Mills about Mr. Hudson hearing Mrs. Harris threaten his son. Mrs. Mills may *not* testify that "Mr. Hudson said that Mrs. Harris threatened his son." The statement is not contained in the witness statement of Mrs. Mills. Such testimony is inadmissible hearsay and also violates the mock trial rule that prohibits a witness on direct examination from quoting from the witness statement of another witness.

The following are exceptions to the hearsay rule:

5:5-4 HEARSAY EXCEPTION—ADMISSION AGAINST INTEREST

Hearsay may be admissible if it was said by a party in the case and contains evidence which goes against that party's interest (e.g., in a murder case, the defendant told someone he committed the murder).

5:5-5 HEARSAY EXCEPTION—STATE OF MIND

Hearsay may be admissible if it consists of evidence of what someone said which describes that particular person's state of mind at the time it was being said.

5:5-6 HEARSAY EXCEPTION—RELIED UPON BY EXPERT

Hearsay may be admissible if it was relied upon by an expert witness and forms the basis for the expert's opinion.

5:5-7 RELEVANT EVIDENCE

Only relevant testimony and evidence may be presented. Relevant evidence is that which tends to make a fact which is important to the case more or less probable than the fact would be without the evidence.

5:5-8 EXCLUDABLE RELEVANT EVIDENCE

Relevant evidence may be excluded at the discretion of the presiding judge if it is unfairly prejudicial, may confuse the issue, or is a waste of time.

RULE 5:6 INTRODUCTION OF PHYSICAL EVIDENCE

5:6-1 PRE-TRIAL CONFERENCE

Physical evidence must be relevant to the case and the attorney must be prepared to define its use on that basis. In an actual trial an attorney introduces a physical object or document for identification and/or use as evidence during the trial. **For the purposes of this mock trial competition, there will be a pre-trial conference, lasting no more than five minutes, in which both prosecution's/plaintiff's and defendant's attorneys get together to present pre-marked exhibits for identification before trial.**

The purpose of the pre-trial procedure is to avoid eroding into each team's time limitations during the trial and to help students understand that attorneys, while they are adversaries, can also work cooperatively to benefit their clients. During this pre-trial, students should introduce themselves and the roles they will play. Remember to give the judges scoresheets with the names of the students at this time. See "Important Notice" preceding scoresheets for details.

5:6-2 ADMISSIBILITY

The statements of witnesses, whether in affidavit or deposition format, are not admissible into evidence, but may be used during cross-examination for impeachment purposes. All other exhibits in the problem may be admitted (without objection) by any party wishing to utilize them.

After the exhibits have been agreed upon, the attorneys may ask witnesses about the documents.

For example, an attorney may show a letter (already agreed upon as an exhibit by both sides) to a witness. "Mr. Davis, do you recognize this document which is marked Plaintiff's P1 for identification?" (The witness should say yes and identify the document.)

At this point the attorney may proceed to ask the witness a series of questions about P1.

If the attorney wishes to place the document into evidence, say, "Your Honor, I offer this letter for admission into evidence as Plaintiff's P1 and ask the court to so admit it."

Get a ruling from the court on admission and hand the document to the judge.

Bringing physical evidence to the trial, e.g., a weapon in the case of a murder trial, is prohibited unless otherwise indicated. It is sufficient to rely upon the documents provided in this workbook for exhibits. Use of props, visual and illustrative aids, other than what is specified in this workbook, is prohibited. See R. 5:1-1.

PART VI GUIDELINES FOR ATTORNEY TEAM ADVISERS

The rules of evidence governing trial practice have been modified and simplified for the purposes of this mock trial competition (see Part V of this packet.) Other more complex rules are **not** to be raised during the trial enactment.

Team members cannot contradict the witness statement sheets for the case (see Part VIII of this packet) nor introduce any evidence that is not included in this packet of materials.

ALL WITNESSES MUST TAKE THE STAND.

The decision of the judge(s) in any mock trial enactment determines which team advances. This decision is to be based on the quality of the students' performance.

The preparation phase of the contest is intended to be a cooperative effort among students, teacher-coach and attorney-adviser. **Remember:** The official representative of a mock trial team is the teacher-coach, **not** students, lawyer-coaches or others. All communications regarding a mock trial team will be made by and through the teacher-coach as official team representative.

When assisting students, attorney-advisers should avoid use of highly complicated legal terminology unless such terminology is pertinent to the comprehension of the case.

Attorneys should not “script” or prepare the cases for the students. As part of the educational goals of the competition, students are expected to read, study and analyze the case. Attorney-coaches may then help students to refine their strategy.

The first session with a student team should be devoted to the following tasks:

- answering questions which students may have concerning general trial practices;
- explaining the reasons for the sequence of events/procedures in a trial;
- listening to the students' approach to the assigned case; and
- discussing general strategies as well as raising key questions regarding the enactment.

A second and subsequent session with students should center on the development of proper questioning techniques by the student attorneys and sound testimony by the witnesses. Here an attorney can **best** serve as constructive observer and critic-teacher, i.e., listening, suggesting, demonstrating to the team.

Courtroom Visit—In order to provide a “real life” look at a trial, attorney-coaches should consider arranging, through the local courthouse, a courtroom visit for their team(s).

GENERAL GUIDELINES TO PRESENTATIONS FOR JUDGES

Under contest rules, student-attorneys are allowed to use notes in presenting their cases; witnesses may **not** use notes in testifying.

Attorneys and witnesses may neither contradict the witness statement sheets for the case nor introduce any evidence that is not included in this packet of materials.

Only **one** opening and closing statement is allowed.

Except for opening the court, general procedural instructions, rulings on objections, etc., it is best to keep judicial involvement/participation to a minimum during the trial enactment.

Each attorney (two for each side) shall conduct the examination of three witnesses. See R.5:3-1.

The rules of evidence governing trial practice have been modified and simplified for the purposes of this mock trial competition (See Part V of this packet). They are to govern proceedings. Other more complex rules are **not** to be raised during the trial enactment.

Witness statements may be used by attorneys to “refresh” a witness’ memory and/or impeach the witness’ testimony in court.

Attorneys have been asked to keep their presentations within the following guidelines: Opening Statements—4 minutes; Closing Statements—8 minutes; Direct Examination—6 minutes/witness; and Cross-Examination—7 minutes/witness. Regarding objections, the clock will stop. One minute will be allowed for re-direct and re-cross respectively. See rule 2:9 on “Time Limits” for details. Judges should **not** deduct points if a team decides not to re-direct or re-cross.

The decision of the judge(s) determines which team advances and which team is eliminated.

In the event of a tie score, the judge(s) shall make a final determination based on overall team performance. Judges may award an additional point to the team with the better overall team performance in order to break a tie. See Part IX for details.

Judges may include in their rating of overall team performance an evaluation of civility and compliance with the Code of Conduct in this workbook as well as compliance with mock trial rules.

If a team fails to adhere to the established guidelines/rules set forth for the competition, a judge may (depending upon the circumstances of the violation) lessen his/her rating of that team.

The student jury will render the verdict. The judge will decide which team wins. The judge should explain that these two decisions are separate. Winning the verdict does not necessarily mean that the team has won the competition.

Better understanding is promoted among students and teachers if the judge(s) in a mock trial takes a few minutes following the enactment to explain his/her decision(s) regarding the teams’ presentation. Judges will provide a qualitative evaluation of each team’s performance. They will not release numerical scores. Judges may also offer their opinions regarding the legal merits of the case after the student jury has rendered a verdict. Judges are also encouraged to meet privately with the attorney-coach, or teacher-coach if the attorney-coach is not present, for at least five minutes after the contest has concluded in order to answer specific questions and to provide additional evaluation of students’ performances.

The judges’ decisions are final.

PART VII MOCK TRIAL VIDEOTAPE LOAN PROGRAM

In order to help as many teachers and students as possible participate in the Mock Trial Competition, the Foundation will lend a 65-minute videotape to contestants. The videotape, which is available in one-half inch VHS and DVD, was taped at the New Jersey Law Center in 1995. The Mock Trial Instructional Videotape or DVD may be borrowed for a period of two weeks, after which time it must be returned.

You may also purchase this videotape or DVD at cost plus postage and handling. If you would like to purchase a copy, send your request with a check or money order in the amount of \$10 payable to the New Jersey State Bar Foundation (address follows on the next page).

The following videotapes of the 1998 and 2001 National High School Mock Trial Championships and DVDs of the 2007–2009 American Mock Trial Invitational Finals are available for loan only:

“1998 National High School Mock Trial Championship Final Round”—In this final round of the 1998 National High School Mock Trial Championship conducted in Albuquerque, New Mexico, on May 9, New Jersey’s 1997-98 statewide championship team, Cherry Hill High School East of Camden County, defeated Guam for the national title. The Cherry Hill High School East team represented the defendant in this criminal trial dealing with homicide. Please note that the national rules differ from those of the Vincent J. Apruzzese High School Mock Trial Competition. (2 hours, available in videotape only)

“2001 National High School Mock Trial Championship Final Round”—On May 12, in the final round of the 2001 National High School Mock Trial Championship in Omaha, Nebraska, Iowa narrowly defeated New Jersey’s 2000–2001 statewide championship team, Montclair High School of Essex County. In the 2001 national case, high school senior Chris Hall is charged with possession of methamphetamine, a controlled substance. Hall maintains that rival Taylor Jennings, a student who is in competition with Hall for senior class valedictorian, planted the drugs in his/her backpack. Please note that the national rules differ from those of the Vincent J. Apruzzese High School Mock Trial Competition. (3 hours, 31 minutes, available in videotape only)

“2007 American Mock Trial Invitational (AMTI) Final Round”—On May 4, Family Christian Academy of Tennessee defeated University Preparatory Academy of Washington State at the New Jersey Law Center in New Brunswick. The case deals with aggravated manslaughter and death by vehicular homicide. Photo montage of our group trip to the Ellis Island Immigration Museum is also included. Please note that AMTI rules differ from those of the Vincent J. Apruzzese High School Mock Trial Competition. (2 hours, available in DVD only)

“2008 American Mock Trial Invitational (AMTI) Final Round”—On May 20, D.H. Hickman High School of Missouri defeated Gray Stone Day of North Carolina at the Mecklenburg County Courthouse in Charlotte, NC. In this case, Bailey Kissner, who was a young, up-and-coming amateur golfer, is suing Polk Hospital, a private psychiatric facility, for negligence in allowing Martin Dutcher to be released from 24-hour supervised care without ensuring he no longer posed a threat to himself or others. Dutcher assaulted Kissner in a road rage incident, then later Dutcher took his own life. Kissner seeks monetary damages for pain and suffering and pecuniary losses arising from the assault and battery. The trial will determine issues of liability and damages. Please note that the AMTI rules differ from those of the Vincent J. Apruzzese High School Mock Trial Competition. (1 hour, 49 minutes, available in DVD only).

“2009 American Mock Trial Invitational (AMTI) Final Round”—On May 19, Menlo School of California defeated Victory Christian Center School of North Carolina at the Middlesex County Courthouse in New Brunswick, NJ. In this case, a teenager severely burned in a fire in a barn illegally converted to a casino, sues the owner of the barn. The owner claims no knowledge of the use to which renters put the barn. AMTI rules differ from those of the Vincent J. Apruzzese High School Mock Trial Competition. (101 minutes, available in DVD only)

To borrow a mock trial videotape or DVD, send your request to:

**High School Mock Trial Video/DVD, New Jersey State Bar Foundation,
One Constitution Square, New Brunswick, NJ 08901-1520**

Please enclose a \$50 security deposit for each videotape or DVD you want to borrow. This will be returned to you when you return the videotape(s) or DVD(s). **Videotapes and DVDs must be returned via insured U.S. mail, certified mail or UPS so that shipments may be tracked.** Orders will be filled on a first-come, first-served basis. **We cannot fill orders over the phone. Specify which videotape(s) or DVD(s) you want.**

Please handle with care as we have only a limited number. **A fee will be assessed in the event borrowed tapes or DVDs are not returned or are damaged.** Thank you for your cooperation.

PART VIII

State of New Jersey v. Pat Hopper

STATEMENT OF FACTS

In the spring semester of 2010, alleged victim Lauren/Laurence Willson was a math teacher at Metropolitan High School, and defendant Pat Hopper was an 18-year-old student in his/her senior year. Pat Hopper was enrolled in one of Lauren/Laurence Willson's math classes.

Meanwhile, in the wider world, Ben Bommer, a native of the nation of Davonia, was arrested on a plane about to take off from the Boise, Idaho International Airport. He was charged with having a bomb hidden in his hat, and of attempting to blow up a plane with it when alert passengers foiled his plan. This event fanned the flames of nativist sentiment against Davonian immigrants.

One of those speaking out against Davonian immigrants was Jack/Jackie Whistler, a blogger outspoken in his/her opinion that Davonians in the United States should return to Davonia, and who exhorted his/her followers to take action to accomplish this aim.

One of the people who had contact with Whistler was Pat Hopper. Whistler provided Hopper with the means to enter Willson's residence, where Lauren/Laurence and spouse Sydney Willson proudly displayed a Davonian Star.

Defendant Hopper was caught by police near the Willson home after Sydney Willson encountered Hopper inside and called 911. Hopper does not deny the fact that s/he entered the Willson residence. What s/he asserts, however, is that s/he merely entered to place his/her math test (which s/he intentionally did not hand in at the end of the exam period) together with other students' tests that Lauren/Laurence Willson had at the Willson home.

Several days after the break-in, Sydney Willson informed police of just discovering that the family's Davonian Star and a valuable watch and ring were missing from the home. Accordingly, Hopper is facing charges of burglary, theft, attempted theft and bias theft. A lesser-included offense of criminal trespass is also charged.

Hopper's act was thrust in the public spotlight when Whistler shot Lauren/Laurence Willson a few weeks later on July 4, 2010. Lauren/Laurence Willson remains in a coma. Whistler faces attempted murder charges in that case. S/he is a State's witness in the Hopper case, and will testify with a use-immunity agreement, so that nothing Whistler says may be used against him/her. S/he is charged as an accomplice to Hopper in that case.

Exhibits

1. Hate Crimes Statistics chart
2. Whistler's Facebook page
3. Chris Chanco's police report (This police report is being proffered as Joint Exhibit 1. However, police reports are rarely submitted into evidence. Chanco's police report cannot be placed in evidence. This is an exception to R.5:6-2 regarding admission into evidence.)

Stipulations

1. Witnesses may be male or female.
2. All witness statements and reports are deemed to be sworn and signed. If asked, a witness must acknowledge swearing an oath or certifying to the contents of the document on the date indicated therein, and also to signing the document.
3. Costumes, make-up and "props" are prohibited.

4. The trial judge shall dispense with the reading of the jury charge, and it shall be stipulated that all jurors are familiar with its contents.
5. It is stipulated that Detective Sergeant Alex Wright is an expert in hate groups and bias intimidation and bias acts.

The prosecution witnesses follow:

Sydney Willson

Jack/Jackie Whistler

Detective Sergeant Alex Wright

The defense will call as witnesses:

Pat Hopper

Former Police Officer Chris Chanco

Jamie Ringer

All characters, institutions, events and other facts contained herein are fictitious and not intended to represent any individual, group or nationality, living or dead. The Davonian Star is fictitious and is not intended to represent any national or other type of symbol. The “facts” presented in this case were created for the purpose of teaching mock trial skills and not for any other purpose.

Prosecutor of Metro County
10 Metropolitan Avenue
Metropolitan, NJ 07000
Attorney for the State of New Jersey

**SUPERIOR COURT OF NEW JERSEY
LAW DIVISION – METRO
COUNTY - CRIMINAL**

THE STATE OF NEW JERSEY

v.

Indictment No. 10-11-00110

PAT HOPPER

BURGLARY (THIRD DEGREE)
MOCK TRIAL STATUTE 2C:18-2(a)

CRIMINAL TRESPASS (FOURTH DEGREE)
MOCK TRIAL STATUTE 2C:18-3

ATTEMPTED THEFT/THEFT (THIRD DEGREE)
MOCK TRIAL STATUTE 2C:20-3(a) and 2C:5-1

BIAS THEFT/ATTEMPTED THEFT (SECOND DEGREE)
MOCK TRIAL STATUTES 2C:20-3(a), 2C:5-1 and 2C:16-1(a)(1)

The Grand Jurors of the of the State of New Jersey, for the County of Metro, upon their oaths present that:

COUNT ONE

That on or about the 11th day of June, 2010, in the City of Metropolitan, in the County of Metro, in this State, the above named defendant, PAT HOPPER, committed the offense of Burglary when PAT HOPPER purposely entered the residence of Lauren/Laurence and Sydney Willson without license or permission with the purpose to commit an offense therein.

COUNT TWO

That on or about the 11th day of June, 2010, in the City of Metropolitan, in the County of Metro, in this State, the above named defendant, PAT HOPPER, committed the offense of Criminal Trespass when PAT HOPPER purposely entered the residence of Lauren/Laurence and Sydney Willson without license or permission.

COUNT THREE

That on or about the 11th day of June, 2010, in the City of Metropolitan, in the County of Metro, in this State, the above named defendant, PAT HOPPER, committed or attempted to commit the offense of theft of movable property belonging to Lauren/Laurence and/or Sydney Willson with a value of \$500.00 or more.

COUNT FOUR

That on or about the 11th day of June, 2010, in the City of Metropolitan, in the County of Metro, in this State, the above named defendant, PAT HOPPER, committed the offense of Bias Theft when PAT HOPPER purposely committed or attempted to commit the offense of theft of movable property belonging to Lauren/Laurence and/or Sydney Willson, with the purpose to intimidate Lauren/Laurence Willson and/or members of the Davonian people because of their national origin.

Dated: November 25, 2010

Henry Monarch
Henry Monarch
COUNTY PROSECUTOR

ENDORSED:

Dan Carman
Dan Carman
FOREPERSON

JURY CHARGE

Ladies and gentlemen, now that you have heard the evidence and the arguments of counsel, it is my duty to instruct you as to the law applicable to this case. It is your duty as jurors to follow the law as I now instruct you and to apply that law to the facts as you find them from the evidence you have heard. You, as jurors, are charged with the duty to be the fact-finders in this case. You must consider the evidence, weigh and sift it, and reach a decision as to what the facts of this case are from among the versions of the evidence presented by the parties. I must caution you not to isolate any single instruction alone as stating the whole of “the law.” Rather, you must consider all my instructions together as stating the law you must apply.

It is not your responsibility to be concerned with the wisdom or correctness of any rule of law about which I charge you. Regardless of any personal opinion you may have as to what you think the law ought to be, it is a violation of your sworn duty as jurors to base your verdict on any view of the law other than that which I give you in these instructions.

It is further your sworn duty to consider in an impartial and unbiased manner all the evidence which has been presented in order to determine the facts from the evidence you have heard, and then to apply the law as I state it to reach your verdict. Your decision in this case is to be based only on the evidence which you have heard and seen presented during this trial. The evidence in the case consists of the sworn testimony of the witnesses that have been presented and the exhibits that have been marked into evidence. You are free to judge the credibility (that is, the believability) of each witness as he or she testified and to weigh that testimony accordingly.

You jurors are the sole judges of any witness’s credibility and of the weight that his or her testimony deserves. By that I mean that you may choose to believe or to disbelieve a witness’s testimony. You may be guided in your determination of believability by your everyday experience in making judgments about people. For example, you may consider the appearance and conduct of each witness, the manner in which the witness testified, the nature of the testimony given, or the weight of the evidence and testimony contrary to that witness’s testimony. You should pay careful attention to all the testimony given, the manner in which it was given, and the circumstances under which it was given. You may also consider a witness’s intelligence, motive, state of mind, and his or her demeanor and manner as he or she testified. You may also consider the witness’s ability to observe the matters as to which he or she testified, and whether he or she impressed you as having an accurate recollection of those matters. You may also consider whether your potential verdict will directly or indirectly benefit the witness in a way that may affect his or her testimony. Finally, you may consider the fact that a given witness’s testimony is supported or contradicted by other testimony or evidence.

Any inconsistency or discrepancy in the testimony of a witness, or between the testimony of different witnesses, may not be significant. Two or more persons witnessing an incident or a transaction may see or hear it somewhat differently; such innocent mis-recollection or failure of recollection is not an uncommon experience. In weighing the effect of any discrepancy, you should consider whether the discrepancy pertains to a matter of importance or to an unimportant detail, whether the discrepancy results from innocent error or from intentional falsehood, and whether the discrepancy accords with a reasonable or logical sequence to the testimony.

When making your judgment, which is yours alone to make, you may give the testimony of each witness as much or as little weight as you may think it deserves, including no weight at all.

A witness may be discredited or “impeached” by contradictory evidence, by showing that he or she testified falsely concerning a material matter, or by evidence that at some other time the witness has said or done something, or has failed to say or do something, which is inconsistent with the witness’s present testimony. If you believe that any witness has been so impeached, then it is your exclusive responsibility to give the testimony of that witness such credibility or weight, if any, as you may think it deserves.

If a witness is shown knowingly to have testified falsely concerning any material matter, you have a right to distrust such witness’s testimony in other particulars, and you may reject all the testimony of that witness or give it such credibility as you may think it deserves.

The term “credible evidence” means evidence that, in the light of reason and common sense, is worthy of belief. In order to be believed, testimony should not only come from credible witnesses, but it also must be credible in itself.

The evidence also includes all of the exhibits which have been received into evidence. You are free to attach whatever weight to such evidence as you feel is appropriate.

During your deliberations in the jury room as you consider the evidence you have seen and heard presented in the trial, you are permitted to draw reasonable inferences from the facts you find, based on your own experiences. What is an inference? An inference is a deduction or conclusion which your reason and common sense leads you to draw from the facts which have been provided to you. This does not mean, however, that you may consider something which has not been presented in evidence. Anything you may have seen or heard outside the courtroom is not evidence and must be entirely disregarded.

Furthermore, as I have instructed you throughout the trial, any information as to which an objection was made and sustained, or which I ordered to be stricken from the record, must, likewise, be entirely disregarded. It is not evidence in this case, and it would violate your sworn duty as a juror to consider such information as evidence.

Also, you should keep in mind that during the course of the trial I may have instructed you that some evidence is admitted for a limited purpose only. When I have instructed you that an item of evidence has been admitted for a limited purpose, you must consider it only for that limited purpose and for no other purpose.

The statements and arguments made by the attorneys during the trial are also not evidence. The attorneys are not witnesses. Any statements made by them when questioning a witness which suggested the existence of a fact are not evidence. Similarly, the opening statements and closing arguments which each attorney made to you in the course of the trial are not evidence.

The matter now before you for your deliberation and verdict is a criminal matter. Under the laws of the State of New Jersey, the defendant, Pat Hopper, is presumed to be innocent unless and until the State has proven his/her guilt “beyond a reasonable doubt.” The burden of proving guilt is upon the State. This burden never shifts to the defense. No burden of proof is imposed upon the defendant. Unless the State has proven beyond a reasonable doubt each and every element of the crime charged, this defendant is entitled to a verdict of “not guilty.” Each count must be considered by you separately.

Reasonable doubt is an honest and reasonable uncertainty as to the guilt of this defendant existing in your minds after you have given full, fair and impartial consideration to all of the evidence.

You, as jurors, should find the facts from the evidence adduced during the trial. Evidence may be either direct or circumstantial. Direct evidence means evidence that directly proves a fact, without an inference, and which in itself, if true, conclusively establishes that fact. On the other hand, circumstantial evidence means evidence that proves a fact from which an inference of the existence of another fact may be drawn.

An inference is a deduction of fact that may logically and reasonably be drawn from another fact or group of facts established by the evidence.

It is not necessary that facts be proved by direct evidence. They may be proved by circumstantial evidence or by a combination of direct and circumstantial evidence. Both direct and circumstantial evidence are acceptable as a means of proof. Indeed, in many cases, circumstantial evidence may be more certain, satisfying and persuasive than direct evidence.

In any event, both circumstantial and direct evidence should be scrutinized and evaluated carefully. A conviction may be based on circumstantial evidence alone or in combination with direct evidence, provided, of course, that it convinces you of a defendant’s guilt beyond a reasonable doubt.

Conversely, if circumstantial evidence gives rise to a reasonable doubt in your minds as to the defendant’s guilt, then the defendant must be found not guilty.

A simple illustration may be helpful. Let us assume that we want to prove that it snowed during the night. Let us assume that someone went to sleep after looking outside, and seeing it snow, while another person in the same house did not look outside until the next morning. One way to prove that it snowed is by direct evidence. The person who observed the snow coming down would testify that he or she observed snow falling during the night. Circumstantial evidence, on the other hand, would be testimony of the other person, indicating that there was no snow on the ground before the witness went to sleep and that when he or she arose in the morning, it was not snowing, but the ground was snow covered.

The former directly goes to prove that fact that snow fell during the night while the latter establishes facts from which the inference that it snowed during the night can be drawn.

As a general rule, witnesses can testify only as to facts known by them. This rule ordinarily does not permit the opinion of a witness to be received as evidence. However, an exception to this rule exists in the case of an expert witness who may give his/her opinion as to any matter in which he/she is versed which is material to the case. In legal terminology, an expert witness is a witness who has some special knowledge, skill, experience or training that is not possessed by the ordinary juror and who thus may be able to provide assistance to the jury in understanding the evidence presented and determining the facts in this case.

It is always within the special function of the jury to determine whether the facts on which the answer or testimony of an expert is based actually exist. The value or weight of the opinion of the expert is dependent upon, and is no stronger than, the facts on which it is based. In other words, the probative value of the opinion will depend upon whether from all of the evidence in the case, you find that those facts are true. You may, in fact, determine from the evidence in the case that the facts that form the basis of the opinion are true, are not true, or are true in part only, and, in light of such findings, you should decide what effect such determination has upon the weight to be given to the opinion of the expert. Your acceptance or rejection of the expert opinion will depend, therefore, to some extent on your findings as to the truth of the facts relied upon.

The ultimate determination of whether or not the State has proven defendant's guilt beyond a reasonable doubt is to be made only by the jury.

Count one of the indictment charges the defendant with committing the crime of burglary. Mock Trial Statute 2C:18-2(a), insofar as it is applicable to this case, reads as follows:

A person is guilty of burglary if, with purpose to commit an offense therein the person:

- (1) Enters a structure, or a separately secured or occupied portion thereof, unless the structure was at the time open to the public or the person is licensed or privileged to enter; or
- (2) Surreptitiously remains in a structure or a separately secured or occupied portion thereof knowing that (he/she) is not licensed or privileged to do so.

Specifically, the defendant in this case is charged with entering the Willson home with the purpose to commit an offense. I must therefore explain to you, first, what constitutes burglary under the law and second, what constitutes an offense.

In order for you to find the defendant guilty of burglary, the State must prove beyond a reasonable doubt the following elements:

1. that the defendant entered the structure known as 65 Newton Avenue in the City of Metropolitan without permission; or
2. that the defendant did so with the purpose to commit an offense therein. In this case, the State alleges that the defendant had the purpose to commit the offense of theft. I will be defining the term "theft" when I explain the elements of counts three and four herein. The definition of theft is the same for counts one, three and four.

Purpose is a condition of the mind which cannot be seen and can only be determined by inferences from conduct, words or acts. A state of mind is rarely susceptible of direct proof, but must ordinarily be inferred from the facts. Therefore, it is not necessary, members of the jury, that witnesses be produced to testify that an accused said (he/she) acted purposely when (he/she) engaged in a particular act. (His/her) state of mind may be gathered from (his/her) acts and (his/her) conduct, and from all (he/she) said and did at the particular time and place, and from all of the surrounding circumstances.

If you find that the State has proved the crime charged and each of its elements beyond a reasonable doubt, then you must find the defendant guilty.

If you find that the State has failed to prove any element beyond a reasonable doubt, then you must find the defendant not guilty.

Count two of the indictment in this case charges the defendant with criminal trespass. The statute on which the indictment is based, Mock Trial Statute 2C:18-3, reads in pertinent part as follows:

A person commits an offense if, knowing that (he/she) is not licensed or privileged to do so, (he/she) enters or surreptitiously remains in any structure or separately secured or occupied portion thereof.

In order for defendant to be convicted of this offense, the State must prove the following elements beyond a reasonable doubt:

1. that the defendant entered into the Willson home at 65 Newton Avenue in the City of Metropolitan, and
2. that the defendant did so knowing that (he/she) had no right or permission to enter therein.

“Knowing” under this statute means that defendant was aware that (he/she) was not licensed or privileged to enter in the residence of Lauren/Laurence and Sydney Willson, or that defendant was aware of the high probability that (he/she) was not so licensed or privileged.

Count three of the indictment charges defendant with theft by unlawful taking or disposition of movable property or attempting to commit theft of the same.

The statutes upon which the indictment is based, Mock Trial Statutes 2C:20-3(a) and 2C:5-1, provide in pertinent part that: A person is guilty of theft if he [or she] unlawfully takes, or exercises unlawful control over, movable property of another with purpose to deprive him [or her] thereof.

The State must prove each of the following elements beyond a reasonable doubt:

1. that defendant knowingly took or unlawfully exercised control over movable property or purposely attempted to do so;
2. that the movable property was property of another;
3. that defendant’s purpose was to deprive the other person of the movable property.

The first element which the State must prove beyond a reasonable doubt is that defendant knowingly took or exercised unlawful control over movable property or purposely attempted to do so. Property means anything of value, including tangible and intangible personal property.

Movable property means property the location of which can be changed, including things growing on, affixed to, or found in land, or documents, although the rights represented thereby have no physical location. For comparison purposes, “immovable property” is all other property.

Defendant must knowingly take or exercise unlawful control over movable property or purposely attempt to do so. A person acts knowingly with respect to the nature of his/her conduct or the attendant circumstances if he/she is aware that his/

her conduct is of that nature, or that such circumstances exist, or he/she is aware of a high probability of their existence. A person acts knowingly with respect to a result of his/her conduct if he/she is aware that it is practically certain that his/her conduct will cause such a result. "Knowing," "with knowledge," or equivalent terms have the same meaning. Knowingly is a state of mind and cannot be seen and can only be determined by inference from conduct, words or acts. Therefore, it is not necessary that witnesses be produced by the State to testify that a defendant said that he/she knowingly did something. His/her knowledge may be gathered from his/her acts and his/her conduct and from all he/she said and did at the particular time and place and from all the surrounding circumstances reflected in the testimony [and evidence adduced at trial].

The law provides that a person is guilty of an attempt to commit a crime if the person:

- (a) Purposely engages in conduct which would constitute the crime if the attendant circumstances were as a reasonable person would believe them to be;
- (b) Purposely does or omits to do anything which, under the circumstances as a reasonable person would believe them to be, is an act or omission constituting a substantial step in the course of conduct planned to culminate in (his/her) commission of the crime.

I note that I am also explaining the concept of attempt in count four herein. The definition of attempt applies equally in counts three and four.

In this case, the State alleges that the movable property taken or attempted to be taken, or over which control was unlawfully exercised, is the following: an antique watch, a ring and a Davonian Star.

It should be noted that the definition of "movable property" is broad, including the kind of property which has no real location. The State need not prove that the property was carried out of the place in which it was kept, but only that it was moved or taken from its original location or that defendant exercised unlawful control over it, whether or not he/she was able to actually move or remove the property.

The second element that the State must prove beyond a reasonable doubt is that the movable property is property of another. The term property of another is broadly defined so as to include services and intangibles, anything of value. Anything of value is defined as any direct or indirect gain or advantage to any person.

The third element which the State must prove beyond a reasonable doubt is that defendant's purpose was to deprive the other person of the movable property. For the purpose of this statute, the term "deprive" specifically means: (1) to withhold or cause to be withheld property of another permanently or for so extended a period as to appropriate a substantial portion of its economic value, or with purpose to restore only upon payment of reward or other compensation; or (2) to dispose or cause disposal of the property so as to make it unlikely that the owner will recover it.

Again, a person acts purposely with respect to the nature of his/her conduct or a result thereof if it is his/her conscious object to engage in conduct of that nature or to cause such a result. A person acts purposely with respect to attendant circumstances if he/she believes or hopes that they exist. A person acts purposely if he/she acts with design, with a specific intent, with a particular object or purpose, or if he/she means to do what he/she does.

Since the value of the movable property determines the degree or severity of the crime, the State must prove its value beyond a reasonable doubt. If you find defendant guilty of theft or attempted theft, then you must indicate the value of the property.

The State must prove the value of the property beyond a reasonable doubt. If you find the defendant guilty of the offense of theft or attempted theft, then you must indicate whether you find the amount of value of the property involved:

- (2) exceeds \$500.00, but is less than \$75,000.00;
- (3) is at least \$200.00, but does not exceed \$500.00; or
- (4) is less than \$200.00.

Value means the fair market value of the property at the time and place of the alleged theft. Fair market value is the price that a buyer would be willing to pay and a seller would be willing to accept if both parties were aware of all the relevant surrounding circumstances and neither party were under any compulsion to buy or sell.

The State has the burden of proving the fair market value of the property involved. This means that the State must prove beyond a reasonable doubt that the property is worth what the State claims.

If you find that the amounts involved were taken in thefts or attempted thefts committed pursuant to one scheme or course of conduct, the amounts may be added together to form a single total amount, whether stolen from one person or several persons.

In count four of the indictment Pat Hopper is charged with bias intimidation. This indictment is based on Mock Trial Statutes 2C:20-3(a), 2C:5-1 and 2C:16-1(a)(1):

A person is guilty of the crime of bias intimidation if he or she commits or attempts to commit a theft with a purpose to intimidate an individual or group of individuals because of national origin.

For you to find Pat Hopper guilty of bias intimidation, the State must prove each of the following elements beyond a reasonable doubt:

1. that Pat Hopper committed or attempted to commit the crime of theft;
2. that Pat Hopper committed or attempted to commit the crime of burglary with the purpose of intimidating Lauren/Laurence Willson because of national origin.

The first element that the State must prove beyond a reasonable doubt is that Pat Hopper committed or attempted to commit the offense of theft. Here, Pat Hopper is charged with committing or attempting to commit a theft of property belonging to Lauren/Laurence and/or Sydney Willson on June 11, 2010 at their home at 65 Newton Avenue in the City of Metropolitan.

The indictment charges that the defendant committed the crime of theft. If you find that the State has failed to prove beyond a reasonable doubt that the crime of theft was committed, then you should consider whether an attempt to commit the crime of bias theft has been established. Note that you are to consider the crime of bias theft even if you do not find that the movable property taken had a threshold value of at least \$200.00, or exceeding \$500.00.

The law provides that a person is guilty of an attempt to commit a crime if the person:

- (a) Purposely engages in conduct which would constitute the crime if the attendant circumstances were as a reasonable person would believe them to be;
- (b) Purposely does or omits to do anything which, under the circumstances as a reasonable person would believe them to be, is an act or omission constituting a substantial step in the course of conduct planned to culminate in (his/her) commission of the crime.

Thus, in order to find the defendant guilty of a criminal attempt, the State must prove two elements beyond a reasonable doubt:

The first element is that the defendant acted purposely.

The second element is that the defendant purposely did or omitted to do anything, which, under the circumstances as a reasonable person would believe them to be, is an act or omission that is a substantial step in the course of conduct planned to culminate in (his/her) commission of the crime. However, the step taken must strongly show the defendant's criminal purpose. That is, the step taken must be substantial and not just a very remote preparatory act, and must show that the accused has a firmness of criminal purpose.

If the accused purposely engaged in conduct that would constitute the crime of theft had the facts been as a reasonable person would have believed them to be, you should consider that conduct as evidence of guilt of attempt to commit theft. It does not matter that the defendant failed to accomplish (his/her) intended result because the facts were not as a reasonable person would have believed them to be; it is no defense that the defendant could not succeed in reaching (his/her) intended result because of circumstances unknown to (him/her).

However, there cannot be an attempt to commit a crime unless the attempt, if completed, would have constituted the crime.

If you find that the State has proven each of these elements beyond a reasonable doubt, then you must find the defendant guilty of an attempt to commit theft. However, if you find that the State failed to prove any of these elements beyond a reasonable doubt, then you must find the defendant not guilty of an attempt to commit theft.

Each offense in this indictment should be considered by you separately.

The next element that the State must prove beyond a reasonable doubt is that Pat Hopper committed or attempted to commit a theft with the purpose to intimidate an individual or group of individuals because of national origin or ethnicity. To “intimidate” means to put another person in fear.

A person acts purposely with respect to the nature of his/her conduct or a result of his/her conduct if it is the person’s conscious object to engage in conduct of that nature or to cause such a result. A person acts purposely if he/she means to act in a certain way or to cause a certain result. A person acts purposely with respect to attendant circumstances if the person is aware of the existence of such circumstances or believes or hopes that they exist.

Purpose refers to a condition of the mind. It cannot be seen. Often, it can be determined only by inferences from conduct, words or acts. It is not necessary, therefore, for the State to produce witnesses to testify that Pat Hopper stated, for example, that his/her purpose was to intimidate the victim because of the victim’s national origin. It is within your power to find that proof of a state of mind has been furnished beyond a reasonable doubt by inference which may arise from the nature of the acts and the surrounding circumstances. Pat Hopper’s conduct and everything done or said by him/her preceding, connected with, and immediately succeeding the commission of the underlying crime are among the circumstances to be considered.

In considering Pat Hopper’s state of mind, you may, if you wish, draw a permissive inference. If the State has presented proof that Lauren/Laurence Willson was selected by Pat Hopper, or by another person acting in concert with Pat Hopper, as a target because of his/her national origin, you may, if you choose to do so, infer that Pat Hopper acted with the purpose to intimidate Lauren/Laurence Willson or a group of individuals because of national origin.

An inference is a deduction of fact which may be drawn logically and reasonably from another fact or group of facts established by the evidence. Whether or not the inference relating to Pat Hopper’s state of mind should be drawn is for you to decide, using your own common sense, knowledge, and everyday experience, after you consider whether it is probable, logical, and reasonable to draw such an inference. As judge of the facts, you decide whether the facts and circumstances reflected in the evidence support any inference; you are always free to draw, or to reject, any inference.

If you decide to draw this particular inference as to the purpose of Pat Hopper, weigh it in connection with all other evidence that you have seen and heard. Drawing an inference does not change the burden of proof imposed upon the State; the State must prove each element of each offense beyond a reasonable doubt.

It is not a defense to this charge that the defendant was mistaken as to the national origin of the victim.

If the State has proven each of these elements beyond a reasonable doubt, you must find Pat Hopper guilty. On the other hand, if the State has failed to prove any of these elements beyond a reasonable doubt, you must find Pat Hopper not guilty.

That completes my instructions and you may now retire to deliberate. Thank you.

AFFIDAVIT OF SYDNEY WILLSON

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3 My name is Sydney Willson. I am the spouse of Lauren/Laurence Willson, who taught math at Metropolitan High
4 School until the end of the last school year. As Lauren/Laurence and I became victims of incredibly intense bigotry dem-
5 onstrated by certain elements of American society, we have been attempting to depart the United States and return to our
6 homeland of Davonia.

7 I make this Affidavit in support of Lauren's/Laurence's and my complaint against Defendant Pat Hopper for tres-
8 passing, burglary, theft and bias intimidation. I have limited hope and no expectation that American courts will give us true
9 justice, as the evermore virulent collective mindset in the United States seems to have concluded that Davonians such as
10 ourselves are not worthy of respect and the protection and enforcement of the laws, which should treat us like anyone else.

11 On the evening of June 11, 2010, I was at home alone. Lauren/Laurence had gone out to attend a social meeting
12 of members of our local Davonian community. Although we lived in Metropolitan for many years, Lauren/Laurence is
13 still very close with friends from Davonia. Recently, our tight-knit community had been up in arms over the treatment
14 of a fellow Davonian native, Ben Bommer, who was accused of trying to blow up a plane with a bomb hidden in his
15 hat. He was immediately branded a terrorist by a group of raging hatemongers, led by Jack/Jackie Whistler. Whistler
16 had taken to blogging regularly about the evils of Davonians and even went so far as to create a Facebook page called
17 "DavoniansShouldGoBackWhereTheyBelong...OrElse."

18 Whistler was vicious in his/her attacks on us, even mocking in videos what s/he claimed was our "fake accents,"
19 which were intentionally adopted by us, Whistler said, to mask our anti-American sympathies. This was so unjustified; I
20 learned from a language class I took here that our accent is very similar to that of some remote northwestern United States
21 areas and certain Canadian regions.

22 Lauren/Laurence, always loyal to his/her Davonian roots, had joined the rallies that had sprung up in support of
23 Bommer. S/he had even become vocal, speaking at the microphone several times and criticizing the American justice
24 system. These rallies only got Whistler angrier; s/he continued to use his/her blog to incite people to protest in front of
25 Davonian-owned homes, ours included. S/he even posted our addresses, taking advantage of his/her access as a local realtor
26 to town property records.

27 Lauren/Laurence supported Bommer because s/he didn't see how a Davonian charged with so serious a crime could
28 possibly get a fair trial in the United States. Lauren wanted him to be returned to face trial in Davonia. That absolutely
29 enraged Whistler and s/he urged people to physically attack Lauren/Laurence, slash the tires of his/her car, burn down our
30 house, and even steal the gold Davonian Star that we held so dearly and kept in our home.

31 It all became too much for us. We were forced to put our home on the market so we could return to our homeland.
32 A "For Sale" sign went up and a lock box with the key to our home went on the door so realtors could show the house to
33 potential buyers.

34 In any event, on the night of June 11, I had just gotten out of the shower when I heard a noise coming from inside
35 the house. Certain that Whistler or his/her followers had come to carry out their threats, I dialed 911 from my bedroom.
36 Then I tiptoed out and immediately came upon Hopper, outside our second-floor library, in the hallway. Although I later
37 learned that Hopper was one of Lauren's/Laurence's math students, I didn't know that at the time. I had no idea how a
38 young person, who appeared to be the age of a student, or anyone else could gain access to our house. I was extremely
39 frightened. The look on Hopper's face seemed to change from being startled to being scared to becoming enraged. We
40 stared at each other for what seemed like an eternity. Hopper was the first to speak, asking where Lauren/Laurence was.
41 I said that Lauren/Laurence was out; Hopper stood there for several seconds, seeming to decide what to do and then left
42 quickly, descending our steps and letting him/herself out the front door of our home.

43 I do not think it was a coincidence that a few weeks later Whistler shot Lauren/Laurence, who remains in a coma,
44 with a legally purchased handgun. It was days before I was thinking clearly and found myself in Lauren's/Laurence's
45 library. I realized that we had been burglarized. Our jewelry was taken from where it was hidden, and our precious
46 Davonian Star was taken from the wall. I know that Pat Hopper must have taken it. We never have guests in that room.
47 I thought I'd been so clever, hiding our treasures in the library and not in the bedroom where a burglar would assume to
48 look. In any event, I filed a claim for over \$10,000 with our insurance company. The gold watch that belonged to my dear
49 Davonian great grandparents, which is irreplaceable, would have sold for at least \$3,000. A platinum ring that I purchased
50 as a gift for my spouse about 10 years ago had a value of \$4,000. I lost the receipt. The Davonian Star was handcrafted
51 and I am sure would sell for \$3,000.

52 Thinking back, I then remembered that Hopper had been carrying a bulging backpack the night s/he had been in
53 our home. I regretted not cooperating with the police officer, who had come to my home after my 911 call. I am certain that
54 Hopper had stolen our jewelry and the star; s/he was clearly one of the horrible bigots who were responsible for the harm

55 that came to Lauren/Laurence.

56 As I began taking sole responsibility for managing our troubled lives, I learned that our house was what the realtors
57 called “under water,” meaning that we owed more on the mortgage than the house was worth. Lauren/Laurence had not
58 told me this. Our financial situation was desperate.

59 I’ve been told that Hopper totally denies stealing our jewelry and the Davonian Star and that s/he claims that s/he
60 came to our home to secretly turn in his/her math exam. Hopper’s story was that he/she was worried about losing a college
61 scholarship by flunking Lauren’s/Laurence’s math class. That was a real risk, as I learned from looking through Lauren’s/
62 Laurence’s records; even with a perfect score in that exam, Hopper could not have passed the class. Lauren/Laurence was
63 always so disgusted by the lazy attitudes of American students toward math and science. Lauren/Laurence thought America
64 was losing its competitive position in the world due to the failure of American students to truly apply themselves.

65 Besides, Hopper didn’t have any paper in his/her hands when I saw him/her – just a backpack full of our jewelry
66 and the Davonian Star, none of which has been recovered.

67 Finally, I have made no secret of the fact that I have filed a lawsuit against Whistler for his/her vicious, outrageous
68 conduct, which obviously incited Hopper to enter our home and do us harm.

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74 Sworn to and subscribed before me, this 22 day of July, 2010.

75 Phyllis Levine

76 Phyllis Levine

77 Notary Public

Sydney Willson

Sydney Willson

AFFIDAVIT OF JACK/JACKIE WHISTLER

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3 My name is Jack/Jackie Whistler. I run a blog where I discuss American-Davonian issues and a Facebook page:
4 “DavoniansShouldGoBackToDavoniaWhereTheyBelong...OrElse.” The focus of both of these websites, as well as the
5 “Davonians Go Home” movement they promote, is to keep our country safe. Davonians are almost indistinguishable from
6 Americans, making it impossible to know if they are loyal to the United States or to their native Davonia. If you’re going
7 to act American, you should become American – or leave. The Hat People should have to pledge their allegiance to this
8 country by becoming citizens and denouncing their Davonian citizenship. That is why I felt it was important to start point-
9 ing out Davonians who live in this country but are not yet citizens. If they are not a threat against this country, why not
10 become citizens?

11 I remember when I first heard about Lauren/Laurence Willson teaching our children that attacks on this country
12 should not be punished in this country. S/he argued that even though the Hat Bomber committed a pro-Davonian crime
13 in this country, s/he should face “justice” in Davonia. I simply felt that if Willson believed so strongly that the Davonian
14 justice system is superior to the United States’ justice system, perhaps s/he should go back to Davonia.

15 I work as a real estate agent and I had access to the lock box code for Willson’s house. I posted Willson’s address
16 and the code to the lock box as part of a contest for my followers to see who could get their hands on Willson’s Davonian
17 Star first. Hopper was one of the first to contact me and volunteer for the assignment. I gave Hopper the information and
18 told him/her what the Davonian Star looked like, and that it should be hanging somewhere prominent in the home. Now
19 that I think about it, Hopper did not seem very interested in the Davonian Star and, I remember this distinctly because it
20 was so odd, s/he actually hung up on me before I finished describing what the star looked like. I just assumed, like any
21 true fan, s/he was already aware of what the star looked like and did not need further description.

22 Hopper called me late at night on June 11, 2010 to tell me that s/he made it into the home and got the star, but s/
23 he was frightened when Willson’s spouse showed up in the house and called 911. S/he just kept saying that there wasn’t
24 enough time and now s/he would never graduate. I’m not sure what Hopper meant when s/he said there wasn’t enough
25 time since s/he also told me that s/he got the star.

26 Several weeks after Hopper went into the Willson home, I came across Lauren/Laurence Willson myself. S/he
27 was at yet another Davonian rally bashing the American justice system. I was enraged to hear Willson preaching against a
28 justice system that s/he was now trying to use to prosecute a young, loyal American such as Hopper with his/her whole life
29 ahead of him/her. Someone in the crowd, I don’t know who, raised his/her arm and waved a Davonian Star back and forth.
30 The crowd started chanting, “Burn it, smash it!” Willson saw the star and yelled, “That’s my star, the one stolen from my
31 home!” S/he ran furiously at the individual holding the star. I thought I was preventing someone from attack when I shot
32 Willson with my gun. I did not mean for all of this to go as far as it did, and I truly hope Willson recovers soon.

33 It is true that I have pled guilty to attempted murder. Since Lauren/Laurence Willson could have died at any time, I
34 was potentially facing murder one. This way, the max I can get from the judge is a prison term of 15 years with 85 percent
35 parole ineligibility (that is, I could only get out after serving nearly 13 years of the sentence). As part of the deal, I also
36 had to plead guilty to burglary and theft as an accomplice to Pat Hopper. Part of the plea deal was to “testify truthfully”
37 against Pat Hopper. So here I am, I have nothing to hide. I am proud of my vocal but peaceful stand against the Davonians.
38 Pat should be proud, too!

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41 Jack/Jackie Whistler
42 Jack/Jackie Whistler
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46 Sworn to and subscribed before me, this 7 day of December, 2010.

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48 Judy Mason Pitt
49 Judy Mason Pitt
50 Notary Public

55 and continued violence by minorities against members of their own race produces a good number of hate crimes.

56 In June of 2010, our Unit received a request for assistance from the Metropolitan Police Department in the inves-
57 tigation of a possible crime of bias intimidation. Ironically, this crime dovetailed with another crime of bias intimidation
58 that our Office and Unit were investigating, the shooting of a local schoolteacher Lauren/Laurence Willson by Jack/Jackie
59 Whistler. Whistler is a well-known anti-Davonian blogger. Lauren/Laurence Willson is a former Davonian national.
60 Our Unit has been monitoring this website since its creation shortly after the infamous Davonian Hat Bomber case.
61 Subsequently, as a result of our investigation, Jack/Jackie Whistler entered a guilty plea to the attempted murder of Lauren/
62 Laurence Willson and to accomplice liability in the burglary and theft of the Willson residence by Pat Hopper.

63 One of the items taken from the home, according to Sydney Willson, Lauren's/Laurence's spouse, was a Davonian
64 Star. The Davonian Star is an octogram, representing the eight provinces that comprise this country. It is the national sym-
65 bol of Davonia and is the centerpiece of their national flag.

66 It was the request for assistance by the Metropolitan Police Department and some postings on the
67 "DavoniansShouldGoBackToDavoniaWhereTheyBelong...OrElse" Facebook page of Jack/Jackie Whistler that led us to
68 investigate the association between Pat Hopper and Whistler. During the course of our investigation, we obtained commu-
69 nication data warrants for the cell phone records of both parties which disclosed two calls from Pat Hopper to Jack/Jackie
70 Whistler on June 11, 2010. One call took place in the early afternoon and the other in the evening. The first call was from
71 Pat Hopper to Jack/Jackie Whistler at 2:13 p.m. and lasted 4 minutes. The second was from Whistler to Hopper at 6:25
72 p.m. and lasted 2 minutes. The records round up to the higher number of minutes, so I cannot tell you to the second how
73 long the conversations were.

74 Pursuant to a search warrant, Pat Hopper's computer was seized and examined by analysts at the State Regional
75 Computer Forensic Laboratory established by the FBI. That analysis and information obtained by subpoena and communi-
76 cations data warrant from Goosearch.com and Facebook, the social website network, revealed that Pat Hopper had queried
77 a number of websites about Davonians. Additionally, the records reveal that Pat Hopper posted responses to Jack/Jackie
78 Whistler's anti-Davonian blog. One of Hopper's responses reads as follows: "The Davonians judge us and look down on
79 us. They display Davonian flags instead of American flags. I say America first!"

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Detective Sergeant Alex Wright
Detective Sergeant Alex Wright

88 Sworn to and subscribed before me, this 22 day of December, 2010.

89

90 *Sandra Stanicki*

91 Sandra Stanicki

92 Notary Public

AFFIDAVIT OF PAT HOPPER

1
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3 I am Pat Hopper. I am in some trouble now with the police because they think I stole some jewelry and a Davonian
4 Star from my math teacher's house. I was told by my lawyer that I don't have to give a statement, but against his/her
5 advice, I think I have to do this to clear my name and let everyone know I am not a thief. I don't want that label to follow
6 me for the rest of my life.

7 I am not a good student. I struggle with math, English, science and social studies. I am one of those kids who is
8 never sure they are going to pass to the next grade at the end of the school year. I probably should have been left back in
9 first or second grade so I could catch up in reading and math. Now I'm just too far behind. I wish I could do better, but I
10 just can't seem to concentrate long enough on any of my subjects to do even satisfactory work.

11 I am, however, an awesome basketball player, and that's not just me talking. Ask Jamie Ringer, the coach who
12 scouted me this year. When I play basketball and think about the ball swooshing through the net, I am totally focused. I
13 see the players on the court like characters in a video game that I can completely control with my own actions. I can play
14 offense, defense, free throw like nobody else on the high school level, and I can play for hours. I feel the same excitement
15 at the end of a game as I do at the beginning. My school counselor tells me that criminal trespass is a lower charge that
16 won't ruin my chance for the basketball scholarship I was promised, but burglary or theft would. And my lawyer says that
17 if I get hit with the bias charge, the only place where I'll be shooting hoops is in prison. Basketball is my future and the
18 only way I can go to college.

19 Maybe that explains why I showed up at Mr. and Mrs. Willson's house that night. I had just sat for a math test and
20 as usual, I couldn't really answer any of the problems. I felt I would fail and that meant losing my scholarship. I started to
21 freak out because a few months before that, I found out I was going to get a basketball scholarship to college that included
22 room and board. They were also going to set me up in classes to help me with reading and math with just me and a couple
23 of other players who needed help. Do you understand what an opportunity that would be for me? Maybe college would
24 fix the years of bad study habits and lack of motivation I had in school all this time. Maybe they could help me learn so I
25 don't feel so out of it all the time.

26 So I didn't answer any of the questions. Instead, I pocketed the blank test and didn't turn anything in at the end of
27 the period. My plan was to do the test at my own pace after school, looking up the equations and formulas in my textbook
28 so I would get all the right answers. Then, I would go to the Willson's house and just place the finished test in Mr./Mrs.
29 Willson's pile of unmarked tests. No big deal.

30 I knew that Lauren/Laurence Willson, my teacher, always said s/he liked to grade students' tests at home in the
31 library late at night with music and a glass of ardu, a Davonian drink made with yogurt and honey. Davonians like a lot
32 of food that I think is disgusting. Sounds gross but whatever. Anyway, my teacher would say s/he liked the view of the
33 backyard from the second floor. I knew from some of my classmates that this person, Whistler, had an axe to grind against
34 Davonians and the Willsons in particular because of their nationality and their defense of the Hat Bomber. Some of my
35 classmates would joke about breaking into the Willsons' house, saying they had the code to some lock box that they got
36 from Whistler.

37 I checked out Whistler's Facebook page. Sure enough, there was the lock box code. I called Whistler to find out
38 how to enter the code, but I don't remember telling him/her why I needed it. Whistler was so busy congratulating me "for
39 having the courage to get things done," I don't think I got a word in edgewise. Something about a star was mentioned, but
40 I just had my mind on getting into that house and leaving my test with the right answers. I only had a short time to do this
41 so I hung up.

42 Later that day, I went to the Willsons' house. It looked dark, so I thought no one was home. I entered the code
43 I got from Whistler. It worked the first time. I walked into the house and went up the stairs and found the library right
44 away. I took my test from my backpack and put it in the pile with the others. They were right there on the desk. Then I
45 heard someone downstairs. It dawned on me then that this was the stupidest, most messed up thing I had ever done. I had
46 to get to get out of the house fast.

47 One problem. As I was leaving, I saw Sydney Willson standing in the hallway. I was so embarrassed and scared.
48 The look on his/her face is one I will never forget. I didn't know whether to run, cover my face, push him/her away, or
49 jump out a window. I decided to just tell him/her I was looking for Mr./Mrs. Willson. I didn't say anything else. And
50 then I just walked out the door.

51 That's when I met Officer Chanco. I guess Mr./Mrs. Willson called the police when I was upstairs so s/he was
52 already there by the time I was leaving. S/he asked me some questions, arrested me for trespassing, and then released me
53 on my own recognizance.

54 I later heard that Mr./Mrs. Willson accused me of stealing over \$10,000 in jewelry and their Davonian Star while

55 I was in the house that night. I swear I did not steal anything! In fact, I think that the Willsons put in a bogus insurance
56 claim to get a little money out of their insurance company before they left the United States. I know for a fact they were
57 having money troubles because while I was in the library, I saw all sorts of collection notices and payment demand letters
58 on Mr./Mrs. Willson's desk.

59 And by the way, I never called Whistler after I left the Willson's house. I left my cell phone in the school gym
60 locker room earlier in the day and luckily found it where I left it the next day. We only had that one conversation earlier
61 in the day about the lock box. S/he's really crazy if s/he thinks I was acting like one of his/her idiotic robots, ready to do
62 whatever s/he says.

63 I have nothing against Davonians and nothing against the Willsons. I hope Mr./Mrs. Willson gets better soon, and
64 that the Willsons sell their house and are able to return to Davonia soon.

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Pat Hopper

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Pat Hopper

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72 Sworn to and subscribed before me, this 28 day of July, 2010.

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74 George Scribner

75 George Scribner

76 Notary Public

1 **AFFIDAVIT OF CHRIS CHANCO**

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3 My name is Chris Chanco. I was previously employed by the Metropolitan Police Department and had been for a
4 number of years prior to the date of the incident involving Pat Follower. On June 11, 2010 I was on patrol in my assigned
5 police vehicle when I received the call from our dispatcher that there was a 911 call reporting a trespasser at the home of
6 Sydney and Lauren/Laurence Wilson. As I responded to the call, I recall passing someone who I believed to be Pat Hopper
7 within a block or two of the crime scene. S/he was wearing a sweatshirt with the Metropolitan High School colors, and
8 being a fan of local basketball, I thought that I had seen Hopper at the high school playing ball. S/he appeared to be car-
9 rying a backpack and was talking on a cell phone, and also was acting in a somewhat nervous manner.

10 Due to the circumstances involving the 911 call and the defendant being so close to the Willson home, I asked him/
11 her to come to the scene while I did a preliminary investigation. I was advised by Sydney Wilson that s/he was alone in
12 the house that evening and the defendant was found in the house. Sydney had no idea how the defendant got in the house,
13 but believed that s/he startled the defendant when they came across each other. Sydney was somewhat reluctant to provide
14 any more details of the events leading up to the 911 call.

15 As I was trained to do, I conducted an investigation including an examination of all doors and windows to deter-
16 mine if there had been any evidence of forced entry. All windows and doors appeared to be secure. None of the windows
17 were broken and there were no scratches around the door locks, which are sometimes an indication that a pick or other
18 burglary tool was used. I noted that there was a realtor’s lock box on the front step railing.

19 Upon completion of my initial investigation, I next spoke with the defendant after giving him/her a proper Miranda
20 warning. Pat Hopper initially refused to give a statement. I advised the defendant that s/he was being charged with trespass,
21 which would be a fourth degree offense. I also advised the defendant that if s/he admitted to being in the house without
22 permission, I would make sure that s/he was released on his/her own recognizance, meaning that s/he would not be placed
23 in jail and then would not have to post bail. Defendant thought about this for a short period of time and then advised that s/
24 he did in fact enter the home without permission. I was advised that the defendant had used the key which s/he had gotten
25 from the realtor’s lock box outside the home. S/he obtained the combination to the box from an unidentified “friend.”

26 I had represented to the defendant that I would recommend an ROR (release on recognizance), so I called the
27 municipal court judge who was “on call” that evening and explained the facts. The judge was amenable to my recommen-
28 dation that defendant be released ROR. The only charge which I had probable cause to issue that evening was for trespass.
29 As the defendant admitted the allegations, there was no need for further questioning of the defendant. Sydney Wilson had
30 not advised of any theft, threat or any other actions taken by the defendant which would have given rise to any additional
31 charges. I did not ask the defendant as to why s/he entered the house as it was not pertinent to the charges brought against
32 him/her.

33 Subsequent to the events of that evening, I learned that this case had taken on a certain “air” in the media. I subse-
34 quently resigned from the police force. My failure to ask the defendant about the reasons s/he was in the house that evening
35 had been the subject of quite a bit of discussion in and amongst members of the force. The “political” tone of this case was
36 really starting to bother me and before it went any further, I decided that it was time for me to move on to another career.
37 My investigation included an admission by the defendant that s/he entered the house without permission. There were no
38 other charges I could issue against the defendant at that time so I concluded my investigation. It really was that simple.
39
40

41 Chris Chanco
42 Chris Chanco

43
44
45 Sworn to and subscribed before me, this 20 day of December, 2010.

46
47
48 Alice Andrews
49 Alice Andrews
50 Notary Public

AFFIDAVIT OF JAMIE RINGER

1
2
3 My name is Jamie Ringer. I am 33 years old. I have been asked to detail who I am and how I came to be involved
4 in this case. I know that everything I say is being recorded so that it can be transcribed. I am responsible for all of my
5 words in this affidavit. Most people involved in basketball around here know my name, or at least have heard my name
6 before. Unfortunately, this is not my first time having to do something like this, and I know that it would all come out if I
7 am asked to testify at trial, but I need to give some background before I get into all that.

8 Currently I am the basketball coach at Metropolitan University. I have been at Metropolitan University for the past
9 3 years, serving as its men's/women's basketball coach and chief fundraising coordinator for the university's two basketball
10 programs. It's also my alma mater. I have been quite successful in bringing the basketball programs from utter obscurity
11 to some of the finest in the Mid-Atlantic region. Yeah, sure, we might not get the national players, but we usually have a
12 chance with the really good local players. I have come to know the difference between a great player and a really good
13 player. I've also gotten the knack for finding the "diamonds in the rough," the kids that can slip through the cracks, who
14 could become great players. When I find one of those kids or one that might fit that profile, I have a tendency to go after
15 that kid hard. I don't want someone from the big programs swooping in at the last minute and offering these kids something
16 that I can't.

17 I've always been around basketball. I guess it was in my blood growing up in Indiana. My dad used to drill me
18 all the time. He was one of those old-school coaches with the crew cut who didn't allow weakness in his kids. I even
19 remember doing basketball drills after Thanksgiving dinner my junior and senior years of high school. All of the other
20 kids were hanging out with family and friends while I was out doing lay-up drills for hours. I mean, it sounds like I resent
21 it, but actually I recognized when I got to college that those drills allowed me to be a step ahead of my teammates. I went
22 to college here in New Jersey. I thought these college kids had no idea how to take the extra step necessary to become the
23 best at something, not like we did back in Hoosierland. I try to instill the same discipline in my student-athletes.

24 After graduating from college, I tried the pro game for a while, a few years. It didn't work out, maybe for a variety
25 of reasons. Anyway, I came home and became a graduate assistant at my alma mater. While coaching, I was able to go
26 back to get my degree in Sports Management. I always wanted to coach at some level, preferably college, and knew that
27 this was the fastest way to get into it. After spending four years at my alma mater, I was named head coach at New Jersey
28 State, a small Division III school. It was the perfect opportunity to get my feet wet and to build something from scratch.
29 I never thought that I would be at NJS for long, maybe a few years until one of the bigger schools came calling.

30 I was really successful at NJS. I mean "we" were successful at NJS. Sorry, but I have a habit of doing that. We
31 went from a 0-20 season the year before I got there to a berth in the Division III playoffs within 3 years. I recruited my butt
32 off...excuse me...really hard for those three years. I was able to land one of those kids that could take over games. He/
33 she was phenomenal. We also developed one of those relationships that went beyond just player-coach. All of my players
34 knew that they could come to me with their problems, but this kid was special. Or so I thought.

35 Unbeknownst to me, I was also creating some enemies both outside and inside the team. I had pushed my players
36 hard, and most of the kids reacted to it positively. I wouldn't name-call or anything like that, but I did try to push them
37 to another level. Some kids would take this the wrong way and start to sulk. But at the same time, we were winning, so
38 I thought they should just get over it. During the run-up to the playoffs during my fourth year, we had begun to go into a
39 funk. We lost to some teams that we had no business losing to. I learned from my dad that the best way to get out of a rut
40 is to push even harder. During the 3rd quarter of a game that would decide if I made the conference tourney, we fell behind
41 by double-digits. I called a time-out to really rail into my team. As my star player came to the bench, I grabbed his/her
42 jersey to bring him/her closer to me. I was going to tell him/her to stop playing so tentatively, to be more selfish. He/she
43 lost his/her balance as I tugged him/her, and he/she fell to the ground. Now this was way before Youtube or Friendbook
44 or any of those things, but my manager was taping the game for scouting. On the video it looked like I struck the player.
45 I didn't. The player even said at the time that it was no big deal. It was all over the news, even on ESPN.

46 The people that hated me used it to get rid of me. They said that I made the school look bad. They turned my
47 star player against me, and he/she held a press conference saying that I was really hard on him/her and that I had done this
48 before. I mean, this was all a lie! The school made a deal with me...if I went quietly, they would not have charges brought
49 up against me. If I tried to fight the allegations, and put the school through a public process, they would hammer me hard.
50 I decided to just walk away, maybe find another job so that I would be able to resurrect my career. I was fired two days
51 later.

52 The next few years were tough. I went from a young coach "on the rise" in the basketball community to a criminal
53 in the minds of the public. My old coach from college was able to get me a volunteer assistant basketball job at my alma
54 mater. His/her two assistants were at the school as long as he/she was, so it had to be as a volunteer. Coach always knew

55 that I was a good person. He/she had been at the college for 30 plus years, and really didn't care about how this might be
56 seen. He/she was willing to take a chance on me. At that point, I realized that I needed to work even harder to get back
57 to where I was. I was put in charge of fundraising after my first year. Coach was old-school, and didn't like how college
58 sports were all about money. Over the course of two years, I was able to bring in a lot of money to the programs. When
59 Coach announced his retirement, he/she really put in a good word for me. I was given the job, but was only given a con-
60 tract on a year-to-year basis. I guess they saw it as a no-lose situation. If I was able to bring the programs to prominence,
61 they had me to thank. If I didn't, they could get rid of me without much thought. I was willing to gamble on my abilities
62 to bring talent in.

63 All this brings me to being here today. I was able to turn the program, just like at NJS, into a solid contender for
64 the playoffs. I have been looking for that one player to really turn the program into the best in the Mid-Atlantic region. Pat
65 Hopper might be that player. He/she came to my attention at the beginning of his/her senior season. I went to a game to
66 recruit another player, but Hopper just took the game over. I couldn't take my eyes off him/her. After the game, I asked
67 his/her coach where Hopper was going to college. I couldn't believe it when I was told that Hopper wasn't being heav-
68 ily recruited. At that point, I had one focus: get Hopper to Metropolitan University. I did everything within NCAA rules
69 to make sure that I got Hopper to commit. I texted, emailed, went to his/her school, sent mailers, and really developed a
70 relationship with him/her. I was pumped when Hopper told me that he/she was going to come to Metropolitan University.

71 Things started to get a little weird with Hopper towards the end of his/her fourth quarter of senior year. As with all
72 recruits, I check in periodically with them and their guidance departments to make sure that all things are on the up-and-up
73 for the NCAA Clearinghouse. Now I knew that his/her grades weren't the best, but I didn't think that there'd be a chance
74 that he/she was in trouble. Hopper showed up at my office one day, right before graduation, to let me know that there was
75 an issue with math class. I was aware that this meeting was against NCAA regulations about contact with a recruit, but I
76 thought my guidance was more important than some antiquated rule. He/she said that this math exam would make or break
77 graduation for him/her. I tried to calm him/her down and get to the bottom of the story. Hopper said that he/she did not
78 turn in his/her math exam. He/she was insistent that he/she would fail for the year. He/she kept saying how this was going
79 to ruin the rest of his/her life. I knew that Hopper didn't come from money, and that a scholarship or grant would be the
80 only way that he/she would be able to go to college.

81 I tried to tell Hopper that one test would not make or break his/her whole life. I told him/her that we should just
82 let the whole thing play out, and then see what we needed to, or could, do. When he/she left the office, it looked to me
83 that he/she was stable. He/she made no mention of breaking in to his/her teacher's house, although he/she did say that the
84 teacher couldn't "relate" to the kids in high school. I didn't ask what that meant, but I assumed that the teacher was some
85 old man/woman, or maybe a person like my own dad. Thinking back, I think that was the only mention of the teacher in
86 the whole conversation. He/she made no mention of doing anything irrational.

87 After getting caught, obviously Hopper was someone that the university did not want to have as a part of the pro-
88 gram. I held a meeting with my AD to let him know that I would be sticking by Hopper. I mean, if I got a second chance,
89 I believe Hopper should as well. I told my AD, and I'm telling you now, that Hopper never once made mention of having
90 anti-Davonian feelings. I had many conversations with him/her that showed me that Hopper was a good kid. I don't have
91 any kids of my own, and I never will, but I could see Hopper being like me. He's/she's the sort of kid that is misunderstood
92 by people that don't really know him/her.

93 After all of this hit the news, I was made aware that Jack/Jackie Whistler was involved. I've dealt with him/her
94 before. He/she was one of the people calling for me to be fired years ago after my player lost his/her balance. I'd never
95 read any of his/her bogs or blogs or whatever you call them. Quite honestly, I don't know how to read any of those things.
96 People just always made me aware of his/her rants and that it got personal. To this day, I don't know why Whistler had
97 it in for me. I wasn't pro-Davonian...to be honest I don't care if a kid is Davonian or any nationality or religion. If a kid
98 can play basketball, I want him/her on my team. Take that however you want to take it.

99 I'm not sure how this will all play out. I'm sure that after all of this hubbub about hate crimes and such dies down,
100 Hopper will have to go to some prep school to get his/her academics in order. I'm fine with that...we've got a young team
101 who will be just coming into their own when Hopper gets done with all this. I'll wait for him/her.

102
103 Jamie Ringer
104 Jamie Ringer

105 Sworn to and subscribed before me, this 29 day of July, 2010.

106
107 Barbara King
108 Barbara King
109 Notary Public

STATE'S EXHIBIT S1

*MetFact Associates
One Research Trail
Metropolitan, New Jersey*

HATE CRIME STATISTICS: 2005-2009 Metro County, New Jersey

Disclaimer: Collection was made under the provisions of the Uniform Crime Reporting program. Usage of these statistics requires a differentiation between *incidents* and actual *prosecutable offenses*. Although these statistics are based on FBI reports, a variance may exist. The victims in each bias motivation may be a business, an institution, or society as a whole. Reporting does not allow for specific location designation. Law enforcement typically uses 25 location designations.

Number of Incidents

Bias Motivation	2005	2006	2007	2008	2009
Race	4	5	7	7	8
Ethnicity	5	6	8	9	10
Sexual Orientation	4	4	3	2	1
Religion	3	2	3	2	2
Disability	2	1	0	1	0

Percentage of Increase/Decrease - (Using 2005 as the Base Year)

Bias Motivation	2006	2007	2008	2009
Race	+25%	+75%	+75%	+100%
Ethnicity	+20%	+60%	+80%	+100%
Sexual Orientation	N/C	-25%	-50%	-75%
Religion	-33%	N/C	-33%	-33%
Disability	-50%	-100%	-50%	-100%

Percentage of Increase/Decrease - (Based on Each Preceding Year)

Bias Motivation	2005 - 2006	2006 - 2007	2007 - 2008	2008 - 2009
Race	+25%	+40%	0%	+14%
Ethnicity	+20%	+33%	+13%	+11%
Sexual Orientation	N/C	-25%	-33%	-50%
Religion	-33%	+33%	-33%	N/C
Disability	-50%	-100%	+100%	-100%

STATE'S EXHIBIT S2

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Looking forward to the 4th... We need everyone out there!!!

Wall Info Photos

Tell the Davonians to Go Home

Time Sunday, July 4, 2010
9:00 a.m.

Location Metro County Court House Annex

Created by [The Whistler](#)

More Info They're doing it again!!! The Davonians are holding a rally to spread their lies!!! We CANNOT let them!!! You've heard me for years, yet there are people who are deaf to the cause! These people need to go home! The last few counter rallies have been so successful...let's make this one even better!!! We're close to getting our point across to the masses!

Share: **Post** [Link](#) [Photo](#) [Video](#)

Write Something...



The Whistler
Success...details will emerge!!!!
June 12 at 1:09 a.m. - Like - Comment
👍 DCat and 17 other people like this.



The Whistler
We Need You!!!!
June 11 at 3:05 p.m. - Like - Comment



HS BBaller
When will THEY learn??? Soon maybe????
June 11 at 3:00 p.m. - Like - Comment



DCat
lol...gotcha...will be done...
June 9 at 11:03 a.m. - Like - Comment
👍 3 people like this.



The Whistler
1 less than 20...4 more than 10...3 less than 6...sale sign on Newton
June 8 at 11:59 p.m. - Like - Comment
👍 HS BBaller and 4 others like this.



LoPerry
Can't make it to the rally...when ya gonna post the #s????
June 6 at 4:17 p.m. - Like - Comment

Older Posts

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Companies will pay you to install the panels!!! Learn more by clicking above!!!

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Settle disputes the old-fashioned way. Sue them! Click for more details!!!

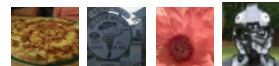
Earn More Money!



Earn extra cash by proofreading websites...lots of companies in the Metropolitan area are looking for help!



54 Attending [See All](#)



13 Not Attending [View](#)



164 Awaiting Reply [View](#)



JOINT EXHIBIT 1

Metropolitan Police Department

Arrest Report: # 6733-10

Weather: Clear

Date: June 11, 2010

Time: 18:25

Victim: Sydney Willson

Address: 65 Newton Avenue, Metropolitan

Entry: Front Door

Weapons: None reported or found

Injury: None Reported

Stolen Property: None Reported

Offense: Trespass/Residential

Forced entry: No

Damage: None Reported

Suspect: Pat Hopper

Age: 18

Address: 123 Main Street, Metropolitan

Identifying Marks: No scars or tattoos

Aliases: None Known

Prior Arrests: None

Narrative: On June 11, 2010, at 18:37 p.m., I was dispatched by Metropolitan Police Dispatch to a call of a break-in at 65 Newton Avenue. As I approached, I saw someone wearing a varsity Metropolitan High School jacket walking on the sidewalk near 65 Newton Avenue, away from the scene of the break-in call. As I pulled up to him/her, I recognized him/her as Pat Hopper, who I knew from watching Metropolitan High School basketball games, as Hopper plays for the team. I asked Hopper to turn around and walk to 65 Newton Avenue, where I could interview him/her as to what s/he might have seen. S/he agreed.

Upon arrival, I saw that that was no sign of disturbance. At the doorway, I saw no evidence of forced entry – no pry marks, no broken glass. The lock was intact. Around the door handle was a box suspended by a yoke, so that the box was locked to the handle. I recognized the box as a lock box commonly used by realtors to allow other real estate agents to show homes to prospective buyers. The box was closed. I later ascertained that the key was left inside, after the owner called the real estate agent and got the code for opening the box.

I knocked and owner Sydney Willson responded and let me in. S/he appeared shaken but otherwise acted normal. S/he recounted that s/he was alone in the house, heard a noise after exiting the shower, and called police from the master bedroom, where the door was closed to the hallway. S/he then entered the hallway and encountered a young woman/man he/she did not recognize. The woman/man then asked where his/her spouse, Lauren/Laurence, was. Mr. /Mrs. Willson responded that his/her spouse was not at home, whereupon the intruder left, exiting the home through the front door. S/he said that s/he knew of nothing having been taken from the home. I did an inspection of the first floor, where entry would most likely have been made, and saw no sign of disturbance. Sydney Willson explained that Lauren/Laurence is a teacher at Metropolitan High School.

I then looked outside and saw Pat Hopper standing on the sidewalk outside of the home. I met him/her on the porch, and asked him/her if s/he had passed the residence while walking. S/he said that s/he had. I asked if s/he had seen anything suspicious at the residence while passing by. Before s/he could respond, I heard Sydney Willson, from inside the doorway, exclaim: "That's him/her!"

I then moved to the stairway to block Pat Hopper's means of exit. I Mirandized him/her and asked what had really happened. S/he initially was unresponsive to my questions. I advised Hopper that s/he was being charged with trespass, which would be a fourth degree offense. After some hesitation, s/he admitted to entering the home. I asked how entry was made, and Hopper explained that s/he had used the key which s/he had gotten from the realtor's lock box outside the home. S/he obtained the combination to the box from an unidentified "friend," and repeatedly refused to name the person who allegedly gave him/her the code. Having been previously assigned to the high school a few years earlier, I am familiar with the pranks and dares that students carry out. The varsity basketball team players in particular used to make these dares of each other. After securing him/her in handcuffs, I placed Hopper in my squad car and took him/her to police headquarters for booking.

Chris Chanco

Chris Chanco

June 11, 2010

PART IX

EXPLANATION OF PERFORMANCE RATINGS USED ON MOCK TRIAL COMPETITION SCORESHEETS

Participants will be rated in the categories listed in the scoresheet on a scale of 1–10 (with 10 being the highest). The judge(s) will score student performance in each category, not the legal merits of the case. Each category must be evaluated separately. **Fractional points are not to be awarded.**

One team must be awarded more total points than the other. **There are no ties.** The tiebreaker category is overall team performance. In the event of a tie score, the judge(s) shall make a final determination based on overall team performance. While this category must be rated as are all other categories, judges may award an additional point to the team with the better overall team performance in order to break a tie. This category is designed to measure whether the team stayed within established time limits, followed mock trial rules and procedures and demonstrated excellent teamwork. See Part VI for more information.

All post-trial evaluations by the judge(s) will be qualitative. Numerical scores will not be released. The purpose is to re-emphasize the educational goals of the competition. Judges may discourage invention by deducting points, at their discretion, for non-responsive answers.

EVALUATIVE CRITERIA

OPENING AND CLOSING STATEMENTS

Poor to Below Average—1–4

Disorganized presentation. Inadequate preparation. Communication lacks clarity or is ineffective. Lacks depth in terms of knowledge of task and materials.

Average—5–6

Communication is clear and understandable, but could be stronger in fluency and persuasiveness. Makes some of the main points for the team's case. Partially successful in attaining objectives.

Very Good—7–8

Fluent, persuasive, clear and understandable. Confident delivery. Very good organization of material and thought. Makes the most of the main points for the team's case. Successful in attaining objectives.

Excellent—9–10

Thinks well on feet. Thorough understanding of issues and very persuasive on all the main points. Exhibits mastery of case and materials. Clearly outlines team's case or position. Closing incorporated examples from actual trial. Demonstrated elements of spontaneity, not entirely based on prepared text (especially relevant to the closing).

ATTORNEYS—DIRECT EXAMINATION

Poor to Below Average—1–4

Some leading questions; some narrative questions. Ineffective in asking straightforward questions. Does not bring out key information for team's side of case. Lack of adequate preparation. Fails to observe proper courtroom decorum. Lack of poise, poor interaction with witnesses. Improper phrasing and rephrasing of questions. Lack of adequate knowledge of mock trial rules of evidence and the case.

Average—5–6

Generally proper phrasing of questions. Fairly effective in asking straightforward questions and eliciting information for team's side. Generally appropriate response to objections. Adequate use of objections on cross. Observes proper courtroom decorum. Good interaction with witnesses.

Very Good—7–8

Questions are properly phrased. Effective in asking straightforward questions and eliciting information for team's side. Correct responses to objections. Good use of objections during cross-examination. Throughout questioning attorney made appropriate use of time. Poised, articulate and confident delivery.

Excellent—9–10

Very effective in asking straightforward questions and eliciting information. Ability to think fast on his/her feet. Can sort out essential from nonessential and use time effectively to accomplish major objectives. Clear understanding of fact, issues, and law. Superior qualities of fluency and clarity. Excellent in response to objections. Excellent in use of objections in cross-examination. Observed rules of competition at all times.

ATTORNEYS—CROSS-EXAMINATION

Poor to Below Average—1-4

Improperly phrased or ineffective questioning. Inability to effectively rephrase questions. Inappropriate or ineffective objections to direct examination of witnesses he/she crossed. Illogical, unsure of self. Performance lacks depth in terms of knowledge of task and materials. Difficulty in performing outside of script.

Average—5-6

Some skill in utilizing leading questions. Generally proper rephrasing of questions. Some proper objections to direct examination; some missed objections. Can perform outside of script, but with less confidence than when using script. Grasps major aspects of case but does not convey mastery.

Very Good—7-8

Demonstrates skills in utilizing leading questions in most instances. Good rephrasing of questions. Effective objections to direct examination. Demonstrated good understanding of trial procedures, rules of evidence, and issues. Shows poise, good preparation; articulate and confident delivery. Exposed contradictions in testimony and weakened other side's case.

Excellent—9-10

Creative, organized and convincing presentation. Demonstrates skill in utilizing leading questions. Proper rephrasing of questions. Very effective use of objections to direct examination. Very effectively exposed contradictions in testimony and weakened other side's case. Able to think fast on his/her feet. Deals confidently and appropriately with difficult witness(es). Ability to proceed without reading from prepared script.

WITNESSES—DIRECT

Poor to Below Average—1-4

Responses are not thorough. Does not get into role effectively. Characterization not believable. Inadequate preparation. Fails to abide by mock trial rules.

Average—5-6

Responses show only adequate preparation. Characterization adequate, but not always believable. Good but uninspiring performance.

Very Good—7-8

Responses show good preparation. Good characterization; realistic; stays in role. Convincing and persuasive testimony. Demonstrates understanding of mock trial rules.

Excellent—9-10

Knowledgeable about case facts and theory of team's case. Very effective in responding to questions. Poised and confident. Very articulate and persuasive in role. Excellent characterization and convincing testimony. Demonstrates mastery of mock trial rules.

WITNESSES—CROSS

Poor to Below Average—1-4

Unable to field questions with confidence and poise. Lacks ability to think fast on his /her feet. Lacks credibility. Deliberately evasive and non-responsive.

Average—5-6

Maintains confidence and poise, but has difficulty fielding questions effectively and in maintaining credibility.

Very Good—7-8

Able to respond well to questions posed. Well-prepared. Maintains credibility for the most part.

Excellent—9-10

Excellent responses to questions. Skillful in thinking fast on his/her feet. Able to field questions with confidence and poise. Highly credible in role.

IMPORTANT NOTICE

Teams must enter the names of the students and roles they are playing **on the score sheet** and submit same to the judge during the pre-trial conference. Prepare one sheet for the prosecution/plaintiff and one for the defense. Permission is granted to enlarge the score sheet on a photocopier if necessary in order to include this information. **Please type or print clearly.**

2011-2012 VINCENT J. APRUZZESE MOCK TRIAL COMPETITION Score Sheet

Prosecution/Plaintiff: _____ Defendant: _____
(Team Code) (Team Code)

Date: _____ **Competition Level:** _____ **Round:** _____

On a scale of 1 to 10 rate the Prosecution/Plaintiff and Defendant in the categories below.

DO NOT USE FRACTIONS.

<u>Poor</u>	<u>Average</u>	<u>Excellent</u>							
1	2	3	4	5	6	7	8	9	10

	PROSECUTION/PLAINTIFF		DEFENDANT			
	Name	Score	Name	Score		
Opening Statements						
Prosecution/Plaintiff's First Witness						
Witness Performance – Direct Examination:						
Witness Performance – Cross Examination:						
Attorney – Direct Examination:						
Attorney – Cross Examination:						
Prosecution/Plaintiff's Second Witness						
Witness Performance – Direct Examination:						
Witness Performance – Cross Examination:						
Attorney – Direct Examination:						
Attorney – Cross Examination:						
Prosecution/Plaintiff's Third Witness						
Witness Performance – Direct Examination:						
Witness Performance – Cross Examination:						
Attorney – Direct Examination:						
Attorney – Cross Examination:						
Column Subtotals:						

(Continued on next page.)

2011-2012 VINCENT J. APRUZZESE MOCK TRIAL COMPETITION Score Sheet

Prosecution/Plaintiff: _____ Defendant: _____
(Team Code) (Team Code)

Date: _____ **Competition Level:** _____ **Round:** _____

On a scale of 1 to 10 rate the Prosecution/Plaintiff and Defendant in the categories below.

DO NOT USE FRACTIONS.

Poor	Average	Excellent							
1	2	3	4	5	6	7	8	9	10

	PROSECUTION/PLAINTIFF		DEFENDANT	
	Name	Score	Name	Score
Defense's First Witness				
Witness Performance – Direct Examination:				
Witness Performance – Cross Examination:				
Attorney – Direct Examination:				
Attorney – Cross Examination:				
Defense's Second Witness				
Witness Performance – Direct Examination:				
Witness Performance – Cross Examination:				
Attorney – Direct Examination:				
Attorney – Cross Examination:				
Defense's Third Witness				
Witness Performance – Direct Examination:				
Witness Performance – Cross Examination:				
Attorney – Direct Examination:				
Attorney – Cross Examination:				
Closing Arguments				
Overall Team Performance				
Column Subtotals:				
Subtotals from preceding page				
Column Totals				

Please advise county or state coordinator of scores before critique.

Judge(s) Signature(s)

WINNER (P or D)

HONOR ROLL

PAST MOCK TRIAL COMPETITION WINNERS

1982–83	Voorhees High School Hunterdon County	2000–01	Montclair High School Essex County
1983–84	Middlesex High School Middlesex County	2001–02	High Point Regional High School Sussex County
1984–85	Holy Spirit High School Atlantic County	2002–03	Mainland Regional High School Atlantic County
1985–86	Cherry Hill High School West Camden County	2003–04	Kittatinny Regional High School Sussex County
1986–87	St. Mary High School Bergen County	2004–05	Torah Academy Bergen County
1987–88	Kittatinny Regional High School Sussex County	2005–06	Montclair High School Essex County
1988–89	Cherry Hill High School East Camden County	2006	Middle Township High School Cape May County, American Mock Invitational, Second Place
1989–90	Cherry Hill High School East Camden County	2006–07	Middle Township High School Cape May County
1990–91	Bergen Catholic High School Bergen County <i>(Winners of State and National Competitions)</i>	2007-08	Crossway Homelearners Atlantic County
1991–92	Atlantic City High School Atlantic County	2008	Crossway Homelearners Atlantic County, American Mock Invitational, Fourth Place
1992–93	Atlantic City High School Atlantic County	2008-2009	Mainland Regional High School Atlantic County
1993–94	Don Bosco Preparatory High School Bergen County	2009-2010	West Morris Mendham High School Morris County
1994–95	Hunterdon Central High School Hunterdon County	2010-2011	Middle Township High School Cape May County
1995–96	Lower Cape May Regional High School Cape May County		
1996–97	Kittatinny Regional High School Sussex County		
1997–98	Cherry Hill High School East Camden County <i>(Winners of State and National Competitions)</i>		
1998–99	Hunterdon Central High School Hunterdon County		
1999–00	Bergen Catholic High School Bergen County		

PAST MOCK TRIAL CASES

Year	Case	Topic
1982–83	<i>St. Clair v. St. Clair</i>	Child custody
1983–84	<i>Vickers v. Hearst</i>	Host liability when serving alcohol
1984–85	<i>Hudson v. Daily Metropolis</i>	Freedom of press
1985–86	<i>State v. Percy Snodgrass</i>	Murder trial
1986–87	<i>Vincent Taylor v. Lance Memorial</i>	Male nurse claims sex discrimination
1987–88	<i>Barr v. Zuff</i>	Employment discrimination relating to AIDS
1988–89	<i>State v. Martha Monroe</i>	Battered Woman Syndrome
1989–90	<i>Elyse Roberts v. City of Metropolitan</i>	Sexual harassment in the workplace
1990–91	<i>State v. Diane Lynch</i>	Prosecution of mother for death of “cocaine baby”
1991–92	<i>Chris M. v. Dr. Terry Preece and Metropolitan School District</i>	Educational malpractice
1992–93	<i>State of New Jersey v. Jan Stover</i>	Hate crime
1993–94	<i>In the Matter of the Estate of Daniel Nugent</i>	Will contest
1994–95	<i>United States of America v. Luis Cosme-Sanchez</i>	Drug smuggling
1995–96	<i>Oliver Yanov and Annette Yanov v. Judy Williams and Kevin Williams</i>	Adoption
1996–97	<i>State of New Jersey v. Pat Peterson</i>	Fraternity hazing
1997–98	<i>Fran Wilkins v. Metropolitan School District</i>	Negligence
1998–99	<i>Brennan v. New Jersey Interscholastic Athletic Association</i>	Student is barred from playing baseball due to alleged performance-enhancing device
1999–00	<i>State of New Jersey v. Daniel Gunnet</i>	Student is charged with aggravated manslaughter and death by vehicular homicide
2000–01	<i>Betty Groom v. Metropolitan College and H.B. Williams</i>	Wrongful death suit involving a college junior who died at a campus rock concert

2001–02	<i>State v. Pat Petrecca</i>	Road rage
2002–03	<i>Melendino v. Cornwall</i>	Student is injured in fire in illegal casino
2003–04	<i>State v. Mel Perfect</i>	An honor student is charged with felony murder, conspiracy to commit burglary and conspiracy to commit computer theft
2004–05	<i>Farrow v. Simon</i>	Bullying
2005–06	<i>State v. Dagger</i>	Murder of reality TV show host
2006–07	<i>Fectious v. Tagen Burgers, LLC</i>	Food safety
2007–08	<i>State of New Jersey v. Avery Fisher</i>	Performance-enhancing drugs
2008–09	<i>AARCI v. Dillon Matthews</i>	Illegal downloading of music files
2009–2010	<i>State of New Jersey v. Loren Perry</i>	Kidnapping of a child
2010–2011	<i>Jordan Pederson v. J.E. Moody</i>	Distracted driving/walking



New Jersey State Bar Foundation
New Jersey Law Center
One Constitution Square
New Brunswick, NJ 08901-1520
1-800-FREE LAW
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