

The Florida High School Mock Trial Official Competition Packet

State of Florida

v.

Regan Buschell

Version 1.3 March 1, 2013

Adapted with Permission from the Constitutional Rights Foundation

601 Kingsley Drive

Los Angeles, California 90005

Phone: 213-487-5590 Website: www.crf-usa.org

Special thanks to J. Scott Slater of Hill Ward Henderson and the Mock Trial Subcommittee of the Florida Bar Law Related Education Committee for their contributions to the development of this year's case materials.

Permission to reprint this packet is granted for educational use only.

Any relationship of any character to an actual person, either living or dead, is completely coincidental and unintended.



With funding from

- ❖ American Board of Trial Advocates
- ❖ Orange County Bar Foundation
- ❖ The Florida Bar Foundation

The Florida Law Related Education Association, Inc.

E . L . R . E . A
FLORIDA
LAW RELATED EDUCATION ASSOCIATION, INC.

2930 Kerry Forest Parkway, Suite 202

Tallahassee, Florida 32309

Office (850) 386-8223 • Fax (850) 386-8292

E-mail: ECrowe@flrea.org • Web site: <http://www.flrea.org>

TABLE OF CONTENTS

I.	Trial Overview	4
II.	Code of Ethical Conduct	5
III.	2012 Mock Trial Case	
	A. Case Summary	6
	B. Information (Charging Document)	8
	C. Witness, Exhibit Lists	10
	D. Stipulations	11
	E. Witness Affidavits	
	<u>For the Prosecution</u>	
	1. Detective Kennedy Shephard	13
	2. Devin Lin	18
	3. Dr. Marion Schwartz	22
	<u>For the Defendant</u>	
	1. A.G. Prout	26
	2. Dr. Jim/Jen Sharp	30
	3. Regan Buschell.....	33
	E. Exhibit List	
	1. A: Map of the Woolly Wizard Festival and Campgrounds	38
	2. B: Diagram of Becca Ables stab wound.....	39
	3. C: Laboratory Report for Becca Ables.....	40
	4. D: Cell phone log of Becca Ables	41
	5. E: Honor Code complaint against Regan Buschell	43
	6. F: Totalink Account of Becca Ables.....	45
	F. Applicable Statutes.....	46
	G. Jury Instructions	48
IV.	Rules of the State Competition	
	Rule I: Team Composition/Presentation	52
	Rule II: The Case.....	53
	Rule III: Trial Presentation	53
	Rule IV: Student Attorneys.....	54
	Rule V: Swearing of Witnesses	55
	Rule VI: Case Materials.....	55
	Rule VII: Trial Communication	55
	Rule VIII: Trial Start Time.....	55
	Rule IX: Conduct/Attire.....	56
	Rule X: Videotaping/Photography	56
	Rule XI: Witnesses	56

Rule XII: Jury Trial	56
Rule XIII: Viewing a Trial	56
Rule XIV: Decisions	56
Rule XV: Time Limits.....	57
Rule XVI: Judging.....	58
Rule XVII: Dispute Settlement	59
Rule XVIII: Reporting a Rules Violation Outside the Bar	60
Rule XIX: Score Sheets/Ballot	60
Rule XX: State Competition Power Matching/Seeding Model	60
Rule XXI: Completion of Score Sheet	61
Rule XXII: State Competition Team Advancement	61
Rule XXIII: Effect of a Bye/Default	62
Rule XXIV: Eligibility.....	62
Rule XXV: State Competition Awards	62
Rule XXVI: Interpretation of State Competition Rules	63
Rule XXVII: Circuit Competition	63
V. Simplified Rules of Evidence and Procedure	
A. Witness Examination/Questioning.....	64
B. Objections	69
C. Trial Motions	77
D. Attorney Demeanor.....	77
VI. Guidelines for Teacher and Attorney Coaches	78
VII. Guidelines for Judges	
A. Score Sheet/Ballot.....	80
B. Explanation of Ratings Used on Score Sheet	81
VIII. Ballots and Forms	
A. Presiding Judge Ballot	82
B. Most Effective Attorney Award Ballot.....	83
C. Most Effective Witness Award Ballot	84
D. Legal Professionalism Award Ballot	85
E. Complaint Form	86
F. Team Dispute Form	87
G. Team Roster Form	88
IX. Professionalism.....	89
X. Oath of Admission to The Florida Bar	90

TRIAL OVERVIEW

- I. The presiding judge will ask each side if they are ready for trial. Team rosters/roles should be presented to the judges.
- II. Presiding judge announces that all witnesses are assumed to be sworn.
- III. Opening Statements - no objections allowed; however, after each opening has concluded, the opposing counsel may raise his/her hand to be recognized and state that if they could have objected they would have objected to. The presiding judge does **not** need to rule on this. No rebuttals allowed.
- IV. Cases presented. See Rule XV for the trial sequence and time limitations.
- V. Closing Statements - no objections allowed; however, after each closing statement has concluded, the opposing counsel may raise his/her hand to be recognized and state that if they could have objected - they would have objected to...The presiding judge does **not** need to rule on this. An optional rebuttal (up to 1 minute) reserved in advance will be permitted for the Prosecution.
- VI. No jury instructions need to be read at the conclusion of the trial.

Judges should complete score sheets **before** debriefing. This is crucial and ensures completed score sheets.
- VII. If a material rules violation is entered, scoring judges should exit the courtroom but stay in the vicinity. The presiding judge will follow the rules for this type of dispute. Scoring judges will return to the courtroom to determine if the presiding judge feels the dispute may be considered in scoring. Specific forms are needed. See Rule XVII - DISPUTE SETTLEMENT.
- VIII. Critique (One team exits the courtroom during the critiques). **JUDGES DO NOT ANNOUNCE SCORES OR PERFORMANCE DECISIONS!**
- IX. **ALL DECISIONS OF THE JUDGES ARE FINAL.** Debrief/Critique ONLY.

CODE OF ETHICAL CONDUCT

The purpose of the Florida High School Mock Trial Competition is to stimulate and encourage a deeper understanding and appreciation of the American legal system by providing students the opportunity to participate actively in the legal process. The education of young people is the primary goal of the mock trial program. Healthy competition helps to achieve this goal. Other important objectives include improving proficiency in speaking; listening, reading, and reasoning skills; promoting effective communication and cooperation between the educational and legal communities; providing an opportunity to compete in an academic setting; and promoting tolerance, professionalism, and cooperation among young people of diverse interests and abilities.

As a means of diligent application of the Florida High School Mock Trial Competition's Rules of the Competition, the Mock Trial Advisory/Policy Committee has adopted the following Code of Ethical Conduct for all participants.

1. Team members promise to compete with the highest standards of ethics, showing respect for their fellow team members, opponents, judges, evaluators, attorney coaches, teacher coaches, and mock trial personnel. All competitors will focus on accepting defeat and success with dignity and restraint. Trials will be conducted honestly, fairly, and with the utmost civility. Members will avoid all tactics they know are wrong or in violation of the rules, including the use of unfair extrapolations. Members will not willfully violate the rules of the competition in spirit or in practice.
2. Teacher coaches agree to focus attention on the educational value of the Mock Trial Competition. They shall discourage willful violations of the rules. Teachers will instruct students as to proper procedure and decorum and will assist their students in understanding and abiding by the competition's rules and this Code of Ethical Conduct.
3. Attorney coaches agree to uphold the highest standards of the legal profession and will zealously encourage fair play. They will promote conduct and decorum in accordance with the competition's rules and this Code of Ethical Conduct. Attorney coaches are reminded that they are in a position of authority and thus serve as positive role models for the students.
4. All participants (including observers) are bound by all sections of this code and agree to abide by the provisions. Teams are responsible for insuring that all observers are aware of the code. Students, teacher coaches, and attorney coaches will be required to sign a copy of this code. This signature will serve as evidence of knowledge and agreement to the provisions of the code. Teams will receive scores on ethical conduct during each round.
5. Staff and Mock Trial Advisory Committee members agree to uphold the rules and procedures of the Florida High School Mock Trial Competition while promoting ethical conduct and the educational values of the program.

CASE SUMMARY

Wheeler University is a small liberal arts college located in Emerald City, Florida, 50 miles from Emerald Preserve. It is nationally renowned for its political science department and attracts students who want a close-knit community where professors know every student.

Wheeler has a strict honor code. Students who intentionally passed off another's work as their own or allow others to use their work would receive an automatic fail in the course in question and possible expulsion. Expulsion would be determined on a case-by-case basis. The Student Judicial Affairs Council (SJAC) governs student misconduct and only accepts complaints on Mondays. All people filing a complaint must appear in person and have their complaint in writing.

Regan Buschell and Becca Ables were seniors studying political science at Wheeler and had been friends since childhood. Both grew up in Emerald Heights, a neighborhood in Emerald City. Regan came from a politically prominent and wealthy family. Regan's grandfather, a Wheeler alumnus, created a trust that gave Regan \$20 million if Regan graduated from Wheeler in four years, with at least a 3.5 grade point average. If Regan did not satisfy this condition, the entire \$20 million would go to charity. By senior year, Regan was on track to graduate within four years but was barely maintaining a 3.5. Failing a course would drop Regan's GPA below 3.5.

As freshmen in the 2007–2008 school year, Regan and Becca studied together constantly. Later that year Regan had become friends with another freshman, A.G. Prout. Once freshman year ended, Regan moved out of the dorms and into an apartment with A.G. Becca stayed in the dorms. In her senior year, Becca became friends with Devin Lin. Kai Mauer was a resident assistant (RA) in Wheeler University's Hayes dormitory when Regan, Becca, and A.G. lived there.

On Monday, April 25, the four finalists for the Lyon Prize were posted on a bulletin board in the political science department at Wheeler. The Lyon Prize is a prize given each year to one graduating Wheeler University student. The prize is a one-year public policy fellowship with a \$50,000 stipend. The winner must have an outstanding academic record and exceptional integrity. Both Regan and Becca were finalists for the award.

The weekend of April 29, 2011, the Woolly Wizard music festival was held for the first time in Emerald Preserve. The annual music festival features dozens of bands and is held in different locations around the nation. The festival draws thousands of people and features several concert stages. Vendors are dispersed throughout the festival. Melting Point was the headline band and performed on April 29 from 10:00 p.m.–12:00 a.m.

At the festival, people parked their vehicles at a large campground and set up campsites. Right next to the campground were chemical toilets and makeshift showers. The campground was about a 10-minute walk from the outskirts of the festival and was connected to the festival area by the North Road and the South Road. Both roads were lit by banks of lights. These roads

served as the only paths between the festival and campground. As with festivals of this nature, alcohol, drugs, fights, and assaults are common.

On Friday, April 29, Devin and Becca headed to the festival and so did Regan and A.G. Regan and A.G. arrived at their campsite at 6:00 p.m. They spent about 20 minutes setting up their equipment. From TotaLink, Regan saw that Becca had “checked in” at Shark’s Organic Brewery on the outskirts of the festival. The “check-in” feature provides a detailed map and directions to the location the friend has check into. Regan and A.G. left the campsite and walked to the festival. Once they arrived, Regan and Becca had a confrontation in and near Shark’s Brewery.

Two hours later, Devin discovered Becca severely injured from a stab wound near her car on the north side of the campground. Becca’s sweater was soaked in blood. Devin called 911, and Detective Kennedy Shephard arrived around 11:45 p.m. along with the paramedics. The paramedics were able to find a pulse, but determined Becca was unconscious and had lost a large amount of blood. The detective secured the crime scene and called the department’s forensics unit. Detective Shephard took a statement from Devin at the scene.

On the morning of April 30, Dr. Marion Schwartz conducted a medical examination of Becca and found that she suffered from severe blood loss and a perforated lung causing oxygen flow to the brain to be curtailed resulting in limited brain function. Injuries were determined to be caused by a single stab wound to her thoracic cavity, consistent with that from a knife with a jagged edge. Detective Shephard interviewed several witnesses. Based on these interviews and further test results from Dr. Schwartz, Detective Shephard was granted an arrest warrant for Regan Buschell. The detective arrested Regan in front of Regan’s parent’s home.

**IN THE CIRCUIT COURT OF THE TWENTY FIRST JUDICIAL CIRCUIT
IN AND FOR EMERALD COUNTY, FLORIDA
CRIMINAL DIVISION**

STATE OF FLORIDA,

Prosecution,

v.

Case No. 11-0011-H

REGAN BUSCHELL,

Defendant.

_____ /

INFORMATION

In the name of and by the authority of the State of Florida:

W. George Tate, State Attorney for the Twenty-First Judicial Circuit of the State of Florida, charges that in Emerald County, Florida, the above-named Defendant committed the following crimes.

COUNT I

1. On or about April 29, 2011, Defendant intentionally and unlawfully threatened by word or act to commit violence upon Becca Ables.
2. When threatening Ms. Ables, Defendant had the apparent ability to carry out this violence.
3. By, among other things, threatening Ms. Ables with a knife, Defendant committed an act which created a well-founded fear in Ms. Ables that such violence was imminent.
4. The knife used by Defendant in the assault of Ms. Ables was a deadly weapon.
5. Defendant's actions constitute aggravated assault in violation of section 784.021, Florida Statutes.

COUNT 2

6. On or about April 29, 2011, Defendant actually and intentionally touched and struck Becca Ables against her will.

7. In doing so, Defendant intentionally or knowingly caused great bodily harm, permanent disability, or permanent disfigurement to Ms. Ables by using a deadly weapon (a knife).

8. Defendant's actions constitute aggravated battery in violation of section 784.045, Florida Statutes.

Gabriel S. Slaten

Gabriel S. Slaten
Assistant State Attorney
STATE OF FLORIDA
EMERALD COUNTY
W. GEORGE TATE, STATE ATTORNEY
TWENTY-FIRST JUDICIAL CIRCUIT

WITNESS LIST

Prosecution:

1. Detective Kennedy Shephard
2. Devin Lin
3. Dr. Marion Schwartz

Defense:

1. A.G. Prout
2. Dr. Jim/Jen Sharp
3. Regan Buschell

*Each team must call all three witnesses for their respective party.

**Witnesses may be male or female.

EXHIBIT LIST

Only the following physical evidence may be introduced at trial:

1. Exhibit A: Map of the Wooly Wizard Festival and Campgrounds
2. Exhibit B: Diagram of Becca Ables stab wound
3. Exhibit C: Laboratory Report for Becca Ables
4. Exhibit D: Cell phone log of Becca Ables
5. Exhibit E: Honor code complaint against Regan Buschell
6. Exhibit F: Totalink Account of Becca Ables

STIPULATIONS

Stipulations shall be considered part of the record. Prosecution and defense stipulate to the following:

1. Florida High School Mock Trial Rules of Evidence and Procedure apply.
2. All of the exhibits referred to above are authentic and accurate copies of the documents. No objections as to the authenticity of the exhibits may be made. Exhibits may still be objectionable under the Florida High School Mock Trial Rules of Evidence and will require a proper foundation for admission.
3. All witness statements were given under oath.
4. All charging documents were signed by the proper parties.
5. Jurisdiction and venue are proper.
6. The arrest warrant was based on sufficient probable cause and properly issued.
7. Dr. Sharp and Dr. Schwartz are qualified expert witnesses and can testify to each other's statements and relevant information they would have reasonable knowledge of from other witness statements.
8. Both doctors reviewed and analyzed all relevant reports.
9. All physical evidence and witnesses not provided for in the case are unavailable and their availability may not be questioned.
10. The 27 people arrested at the festival were investigated and ultimately found not be involved with the assault of Becca Ables.
11. Beyond what is stated in the witness statements, there was no other forensic evidence found in this case.
12. All witness statements were taken in a timely manner and during the month of May 2011.
13. The victim and all witnesses are right-handed.
14. As a result of her injuries, Becca Ables suffered a perforated lung and massive blood loss. Becca has been unresponsive and remains in a comatose state with limited brain activity. She is unavailable as a witness at trial, and her unavailability may not be challenged.
15. Regan Buschell was also charged with violating Florida's concealed carry statute, because he was found with a handgun on his possession when arrested by Detective

Shepard. Regan challenged the constitutionality of the statute in a pre-trial motion, but the motion was denied. The charge for violating the concealed carry statute is not being tried in this case. Only the two counts in the Information provided herein are being tried. The admissibility at this trial of Regan's possession of a handgun at the time of his arrest, and the criminal charge associated with same, is left to the discretion of the trial judge and his or her application of the rules of evidence.

16. Regan's grandfather is no longer living and died during Regan's freshman year at Wheeler University. There should be no questioning regarding Regan's grandfather's death.
17. All exhibits provided were gathered by Detective Kennedy Shepard in his/her investigation.
18. Exhibit B, the diagram of Becca Ables' stab wound, was prepared by Dr. Marion Schwartz.

**IN THE CIRCUIT COURT OF THE TWENTY FIRST JUDICIAL CIRCUIT
IN AND FOR EMERALD COUNTY, FLORIDA
CRIMINAL DIVISION**

STATE OF FLORIDA,

Prosecution,

v.

Case No. 11-0011-H

REGAN BUSCHELL,

Defendant.

_____ /

SWORN STATEMENT OF DETECTIVE KENNEDY SHEPHARD

1 My name is Kennedy Shephard. I am 37 years old and a detective with the Emerald City
2 Police Department. I have been a police officer for 14 years and a detective for five years. As
3 soon as I graduated from high school, I enrolled in the Emerald Police Academy where I learned
4 to secure crime scenes, interrogate suspects, question witnesses, and conduct investigations. To
5 become a detective, I took more advanced courses and received additional training in all these
6 areas.

7 On April 29, 2011, I worked undercover at the Wooly Wizard music festival. I am
8 familiar with the layout of the festival and campground area. On Friday, April 29, 2011 at 11:34
9 p.m., I received a call from dispatch that a girl in the campground area was seriously injured. I
10 drove to the scene with the paramedics and arrived at 11:45 p.m.

11 As soon as we arrived, I saw the body of a female lying on the ground next to a blue two-
12 door Honda. The victim had on a gray “Wheeler U” pullover sweater that was soaked in blood
13 and torn in the chest area. The paramedics were able to find a pulse, but she had suffered severe
14 blood loss and was not responding to external stimulus.

15 I called our department’s forensics unit. I briefly surveyed the scene and did not locate
16 any witnesses other than Devin Lin, who had discovered the body and made the 911 call. I
17 secured the crime scene and began to question Devin. Devin was pretty shaken up but appeared
18 clear-headed. According to Devin, the victim was Becca Ables, a 21-year-old political science
19 student at Wheeler University and Devin’s best friend.

20 According to Devin, Becca had been having problems with a fellow student named
21 Regan Buschell. I didn't know Regan but recognized the last name. The Buschells are a
22 prominent political family in Florida. Devin told me that Becca had been planning to go to
23 Student Judicial Affairs Council on Monday, May 2, to report Regan for plagiarism.

24 According to Devin, Regan had been pestering Becca before and during the festival to get her
25 not to report the plagiarism. Devin witnessed a confrontation between Regan and Becca at the
26 festival. According to Devin, Becca tried to leave but Regan followed her, grabbed her shoulder,
27 and shouted at her. Devin said that Regan was wearing an expensive-looking bright blue shirt
28 with long sleeves and khaki shorts. Additionally, Devin saw someone at the festival who looked
29 like Regan heading on the North Road toward the campground, the same direction as Becca, on
30 Friday around 9:50 p.m. after the confrontation between Becca and Regan took place.

31 I interviewed Devin for about 40 minutes, I then thoroughly searched the camping
32 grounds but I did not recover any evidence. I also interviewed several people in the immediate
33 area, but no one saw or heard anything. I ruled out robbery as a possible cause of the attack,
34 because Becca's cell phone, money, and credit cards were still on her person.

35 I continued my investigation Saturday morning. At 10:00 a.m., I received a call from the
36 medical examiner on the case, Dr. Marion Schwartz. The medical examiner's conclusion was
37 that this was an intentional assault and the cause of the injuries was a stab wound resulting in a
38 perforated lung and massive blood loss. Becca has been unresponsive and remains in a comatose
39 state with limited brain activity. Dr. Schwartz estimated Becca sustained her injuries between
40 10:00 pm. and 11:30 p.m. Friday, April 29. Dr. Schwartz also reported that bright blue fibers
41 were found on Becca's shirt and sweater.

42 Next I went to Regan's apartment to interview Regan. Regan was not there, but Regan's
43 roommate, A.G. was. I interviewed A.G., who told me that Regan stood to gain \$20 million from
44 a trust fund, but only if Regan graduated from Wheeler in four years, with a GPA of 3.5 or
45 above. From my interview with A.G., I also learned that Regan told A.G. that Regan's vehicle
46 had been broken into and that Regan was missing several things including a large Borland 550
47 folding knife. A.G. explained that Regan always took that knife on camping trips and had it at
48 the festival. A.G. did not know where Regan was at the festival between 9:45 p.m. and 11:15
49 p.m. A.G. said that at the festival Regan was wearing a limited-edition, long-sleeved bright blue

50 shirt designed by guest designer Kool for Ochio Grosso. Ochio Grosso is a specialty store where
51 Regan liked to shop.

52 According to A.G., at 10:45 p.m., Regan texted that they needed to leave the festival.
53 A.G. arrived back at the campsite at about 11:15 p.m. A.G. noticed that Regan had changed into
54 a sweatshirt and jeans and had taken down their campsite. A.G. said that Regan exclaimed that a
55 mini-stove, food, and Regan's camping knife had been stolen. Regan drove A.G. back to their
56 apartment, dropped A.G. off, and then went to Regan's parents' home in Emerald Heights.

57 On the evening of April 30, I arrived at the Buschell home in Emerald Heights and
58 interviewed Regan. Regan was very cooperative but didn't seem too distraught by Becca's
59 assault. I asked Regan to tell me about the confrontation with Becca at the festival. Regan
60 explained that there wasn't an argument and that they were only shouting because the music was
61 really loud. Regan explained that they had a misunderstanding about the Lyon prize. After
62 talking to Becca, Regan spent 30 minutes visiting stages on the southeast corner of the festival.
63 Regan then used the South Road and returned to the campsite around 10:45 p.m., discovered
64 camping stuff missing from the SUV (which included a camping knife), and then texted A.G.
65 that it was time to leave. Regan said the SUV must have been left unlocked. Regan never filed a
66 police report.

67 Regan offered to let me search the family home and the SUV, which I did. I did not
68 recover a knife or bloody clothes. I asked Regan if I could see the clothes Regan had worn prior
69 to returning to the campsite Friday evening. Regan claimed the clothes were filthy and Regan
70 had placed them in a plastic bag and thrown it out in the trash with other unwanted clothes. I
71 asked to see the trashcan and Regan pointed to the trashcans on the curb. I examined the
72 trashcans, but they were empty. In Emerald Heights trash is picked up on Tuesdays and
73 Saturdays. I checked with sanitation and confirmed the trash had been collected that morning. I
74 also learned the trash truck had already disposed of its contents and that its contents had been
75 incinerated.

76 I spoke with Regan's housekeeper and she confirmed that Regan threw out clothes and
77 bought a new wardrobe at least twice a year. I questioned Regan about the SUV — the latest
78 edition of the luxury Canyonero. Regan said that it had been detailed (both interior and exterior)
79 earlier that day. Regan explained that after the trip, the SUV was filthy from all the dust in the

80 desert. Regan let our forensics team go through the SUV that evening, but they didn't find
81 anything. During my interview with Regan, I noted that Regan is right-handed.

82 Since the knife and shirt were unavailable I decided to secure similar items for the
83 medical examiner to use when making comparisons to the forensics evidence. On Sunday, May
84 1, I bought a Borland 550 knife and a long-sleeved bright blue shirt from Ochio Grosso that
85 matched A.G.'s description. Then I went by A.G.'s apartment to see if they looked like Regan's
86 items. A.G. confirmed that the knife was the same model and that the shirt was the same style. I
87 dropped by Dr. Schwartz's office with the camping knife and shirt and requested a test of the
88 knife against Becca's wound and the shirt against the fibers found on Becca's sweater.

89 I gave the knife and shirt I had purchased to Dr. Schwartz for analysis. Dr. Schwartz
90 called me later that day and reported that the wounds were consistent with those that were caused
91 by the Borland 550 knife and the fibers from the Ochio Grosso shirt matched the fibers found on
92 Becca's sweater and shirt.

93 Around that time, a teaching assistant at Wheeler named Kai Mauer showed up at the
94 station and described having an odd conversation with Regan in reference to the honor code on
95 Thursday. Mauer stated that Regan asked a lot of questions about the honor code and the process
96 for complaints being made through the school honor council. When Mauer asked Regan if
97 someone was going to accuse Regan of cheating, Regan said, "Believe me, no one's going to
98 come forward."

99 Based on my investigation and forensics reports, I was granted an arrest warrant for
100 Regan Buschell. I arrested Regan at Regan's parent's home that same day. When I arrested
101 Regan, I found a loaded .22 caliber handgun in Regan's jacket pocket that Regan claimed to
102 carry for protection. Regan admitted to not having a permit to carry a concealed weapon.

103 Not too long after Regan was arrested, a young person named Sasha Fain came forward
104 claiming Regan was innocent. Sasha stated that Regan was not a violent person and also placed
105 Regan at the southeast corner of the festival around just before 10:00 p.m. Sasha did attest to
106 drinking that night and was not precisely sure of the time Sasha saw Regan. In my professional
107 opinion, Sasha's statement was not consistent with the facts I garnered from other witnesses. I
108 noted them but they did not weigh against the probable cause I had to arrest Regan on Sunday,
109 May 1.

110 I eventually learned that five thousand people attended the festival and there were 27
111 arrests made over the course of the weekend for car break-ins, fights, assaults, drug possession
112 and sales.

Detective Kennedy Shephard

**IN THE CIRCUIT COURT OF THE TWENTY FIRST JUDICIAL CIRCUIT
IN AND FOR EMERALD COUNTY, FLORIDA
CRIMINAL DIVISION**

STATE OF FLORIDA,

Prosecution,

v.

Case No. 11-0011-H

REGAN BUSCHELL,

Defendant.

_____ /

SWORN STATEMENT OF DEVIN LIN

1 My name is Devin Lin. I am 21-years-old and a senior at Wheeler University. I am
2 majoring in political science just like my best friend, Becca. When I first came to Wheeler, I
3 planned to study English literature because I've always loved the subject, but I decided to change
4 my major once I met Becca and heard her discuss politics.

5 At the beginning of my junior year, I moved into the Hayes dormitory because I wanted
6 to be around students who were serious about school. Students in Hayes work really hard. I've
7 never been into partying. I don't drink alcohol or use drugs. That stuff just isn't fun to me.

8 I was really lucky to meet Becca. She lived on the same floor in Hayes. She was a year
9 ahead of me, but we became good friends really fast. She was really friendly and liked all the
10 same music, movies, television shows, and stuff like that, but the main thing we bonded over was
11 school. Becca loved school. She worked really hard senior year because she had her heart set on
12 getting the Lyon Prize. I always saw her working on her essay. The winner had to have an
13 outstanding academic record and exceptional integrity. There was no one smarter or more honest
14 than Becca. I knew she would get it.

15 I knew Becca better than anyone else, but I never understood why she was friends with
16 Regan Buschell. I know they grew up together, but she was too good for Regan. Regan's a rich,
17 selfish, lazy kid. Regan was supposed to be her best friend but often ditched her once they got to
18 college to be friends with A.G. Prout, an even bigger loser.

19

20 I am surprised Regan even enjoyed being friends with Becca. Regan seemed to love
21 hanging out with losers. Regan played on this intramural basketball team with A.G. and seemed
22 like get along pretty well with this person named Sasha who sometimes tagged along with all of
23 us at parties. Sasha never passed on a drink when the opportunity presented itself. I never had
24 anything against Sasha, or A.G. for that matter, but I figured they didn't like me at all because I
25 don't drink or do drugs. Sasha and A.G. probably thought I was too stuck up.

26 Becca would cry sometimes and tell me about how Regan started using drugs once Regan
27 started hanging out with A.G. Even after Becca and I became best friends, we'd go to parties
28 where I saw Regan and A.G. popping pills. Becca didn't drink that much after I came into her
29 life. She knew I didn't like it.

30 Regan was a bad influence. I remember during second semester of my junior year, Becca
31 and I were taking this campaign strategies course that was just impossible. I guess Regan had
32 taken the same course because one night Regan e-mailed Becca: "A.G. got an A with this paper
33 last year. I used the same paper and got an A. Just be sure to make changes so it doesn't look
34 exactly the same. See paper attached. Best, Regan." I was with Becca when she received Regan's
35 e-mail, and I saw her respond to Regan that she wasn't going to risk her chances at the Lyon
36 Prize.

37 Becca always talked about how much she wanted the Lyon Prize. Becca really needed the
38 money and the fellowship would help her reach her career goals. At the beginning of fall
39 semester in 2010, I was present when Becca asked Regan if Regan was going to compete for the
40 prize. Regan clearly said to Becca, "I am not going for that prize. I don't need it." It was the most
41 down-to-earth thing I ever heard Regan say. Several times after that, I was present when Regan
42 told Becca, "I am sure you'll get it." Becca told me how relieved she was that she wouldn't have
43 to compete against Regan, who was well-connected politically.

44 On Monday, April 25, I went to meet with a professor in the political science department
45 when I saw a posting on a bulletin board listing the four finalists for the Lyon Prize. I saw
46 Becca's name and also Regan's name. Later that day, I told Becca that she was a finalist, but so
47 was Regan. As soon as I told Becca, she burst into tears and shouted that Regan was a fraud for
48 going behind her back and that she was going to start treating Regan how Regan treated her. I
49 hated for her to find out that way, but it was about time she opened her eyes. She couldn't
50 believe that Regan had betrayed her, but I could. That's the kind of person Regan is.

51 On April 27th, Becca and I went to a coffee shop and ran into A.G. Becca walked right up
52 to A.G. and just let in — she said she was sick of dealing with Regan and A.G. and that she was
53 going to the Student Judicial Affairs Council with proof that Regan had submitted A.G.’s work.
54 A.G. grabbed Becca, but I pulled A.G.’s hands off. Becca and I left before A.G. could do
55 anything else.

56 That night, Becca showed me the complaint she had started. She attached to it a printout
57 of the e-mail that Regan had sent her at the beginning of the semester.

58 On Wednesday and Thursday, Regan was desperate to talk to Becca. From Becca’s caller
59 ID, I saw Regan had texted and called her. I recognized Regan’s number. Regan even e-mailed
60 her. Becca got the e-mails on her phone and showed them to me. It was the same e-mail address
61 as the plagiarized paper. I never saw Becca respond.

62 Becca and I drove to the festival on Friday. I didn’t really want to go, but Becca really
63 liked the band Melting Point, the headliner. As her best friend, I was supportive. We took her
64 Honda, left for Emerald Preserve a little before 5 p.m., and arrived in about an hour. We parked
65 in the campsite right by the North Road and walked to the festival.

66 At the festival, we walked around and checked out different performers. Becca suggested
67 we eat something and get a drink so we went to this bar called Shark’s. Around 9:30, I noticed
68 Regan approaching us. Becca immediately turned her back to Regan. Regan started yelling at
69 her, “You can’t do this to me without hearing me out!” Regan seemed livid. Becca politely asked
70 Regan to leave her alone, but Regan repeatedly shouted, “You can’t do this to me!” Becca
71 ignored Regan and told me she was going to get her sweater from her car. She said she would
72 text so we could watch Melting Point. I remember she had on a gray Wheeler U. shirt and jeans,
73 and I had on a white T-shirt and jeans. Regan was wearing an expensive looking long-sleeved
74 bright blue shirt and khaki shorts, and A.G. had on a black shirt and khaki shorts.

75 Regan ran after her and forced her to turn around by grabbing her shoulder. Regan
76 seemed furious and just kept yelling. I couldn’t hear what either of them said, but it looked like
77 Regan was pleading with her. I am sure Regan tried to persuade her not to report his plagiarism.
78 Becca must have been fed up and walked away towards the North Road. I headed over to the
79 main stage like most of the people at the festival, but decided to get a soda before Melting Point
80 started to play.

81 I saw Regan again that night. I am sure it was Regan. I was standing in line to get my
82 drink at a vendor in the north area of the festival when I saw someone enter the North Road
83 toward the campground. I only briefly saw the right side of the person's face, but it was well lit
84 by the lights along the road and the person was only about 30 feet away. The person was the
85 same height as Regan and had the same build. The person had on a bright-blue shirt and some
86 khaki shorts. I didn't like how Regan had talked to Becca and wanted to talk to Regan about it,
87 like a good friend would do. I yelled Regan's name but the person didn't turn around and just
88 kept walking along the North Road. The person was walking quickly. This was at about 9:50 -
89 10:00p.m. I was sober - I never use drugs and I don't drink alcohol.

90 At 11:00, I noticed Becca still hadn't texted me, so I texted her to ask if she was OK. I
91 texted her exactly where I was so she could come find me. She didn't respond, so at 11:10 I
92 headed to the campsite. It took me twice as long to get there because I had to work my way
93 through the crowd. Around 11:30, I found her on the ground. There was blood all over her. It
94 was horrible. I didn't touch Becca's body or anything else because I didn't want to mess up any
95 possible evidence. I was in shock but managed to call 911. Not too long after, this detective and
96 paramedics showed up. I told the detective everything that had happened between Regan and
97 Becca, and I described what Regan looked like.

98 I admit I used to be jealous of Becca's relationship with Regan. But that doesn't change
99 what I saw or what I know to be true – it was Regan who did this to Becca.

Devin Lin

**IN THE CIRCUIT COURT OF THE TWENTY FIRST JUDICIAL CIRCUIT
IN AND FOR EMERALD COUNTY, FLORIDA
CRIMINAL DIVISION**

STATE OF FLORIDA,

Prosecution,

v.

Case No. 11-0011-H

REGAN BUSCHELL,

Defendant.

_____ /

SWORN STATEMENT OF DR. MARION SCHWARTZ

1 My name is Marion Schwartz. I am 61 years old and the chief medical examiner for
2 Emerald City. I received my undergraduate degree in forensic science and medical degree from
3 Wheeler University. I completed my residency at Emerald City Hospital where I worked with
4 pathologists and criminalists. After my residency, I obtained a position with the Coroner's Office
5 where I have worked for the past 32 years. I have been published in numerous medical journals
6 on subjects including wound and fiber comparison, and I am the current president of the
7 Academy of Forensic Scientists. I have also testified in over 100 murder and assault/battery trials
8 throughout my career with the Coroner's Office.

9 As chief medical examiner, it is my responsibility to testify in any trial where I conducted
10 the exam, as I did in this case. I personally conducted all tests. In preparation for this trial, I
11 reviewed all case materials, including witness statements, stipulated facts, and official police and
12 medical reports.

13 I examined Becca Ables on April 30, 2011. Becca is 5 feet 2 inches and 112 pounds. I
14 reviewed the toxicology and blood alcohol tests administered on Becca by the hospital upon
15 arrival at approximately 12:30a.m. She tested negative for drugs, but with a BAC of .08
16 approximately an hour to an hour and a half after the attack, I concluded at the time of the
17 incident, she had a blood alcohol content of approximately 0.11 percent. Given her size, this
18 means that she ingested about four drinks within about an hour of the stabbing. She may have
19 ingested more, but that would have been over an hour before her injuries were sustained.

20 From what I have concluded, her wounds were intentionally inflicted in the course of the
21 assault. In my professional opinion, Becca sustained a vertical knife wound to her thoracic
22 cavity. Vertical wounds are more consistent with assault. The wound was 6 inches above and 2
23 inches to the right of Becca's navel, in her chest area. In stabbings, victims are rarely in a static,
24 anatomical position. So a wound at the upper part of the right side of the chest traveling
25 downward does not necessarily mean the attacker was taller or positioned above the victim,
26 using a downward blow. The victim may well have been crouching and the knife entering on a
27 horizontal plane relative to the floor. The direction of the wound can only be determined relative
28 to the body. This is based on the appearance of the skin around the wound and the track in the
29 deep tissues. I could not determine the height of Becca's attacker, but the knife had been thrust
30 from right to left indicating a right-handed attacker.

31 I found a few gray fibers in the wound that matched the fibers from the pullover she
32 wore. I also retrieved several bright blue fibers from the outside of Becca's sweater and on the
33 front of her shirt. I determined that the fibers were American Pima cotton, which is typically
34 found in expensive shirts. These fibers were located approximately 3 inches to the right and 4
35 inches above Becca's navel. This location is consistent with being transferred if the attacker
36 leaned in to stab Becca. A long-sleeved shirt would have increased the ease with which the
37 attacker could have transferred the fibers. I preserved the fibers for later analysis.

38 The bottom of the wound was jagged and the top was smooth. The wound was 3.4 inches
39 long and approximately 4 inches deep. Surrounding the outside of the wound was bruising.
40 Knives that have a handle guard or hilt can bruise the skin around the wound if the entire blade
41 of the knife is driven into the body. The presence of the hilt mark indicates that the blade of the
42 weapon was about four inches. Knives often have double-sided hilts. Folding knives rarely have
43 a hilt, but those that do almost always have a single-sided hilt. Becca's bruise was consistent
44 with that of a knife with a single-sided hilt.

45 The knife punctured her lung but did not hit her heart or any major arteries. The knife
46 was withdrawn at an angle. Combined with the knife's serrated edge, the withdrawal increased
47 the size of the wound. Once the knife was removed, Becca began bleeding. This caused her to
48 lose consciousness. Considering the alcohol already in her system, the loss of consciousness
49 would have been nearly instantaneous. Had the knife been left in the wound or had Becca been
50 sober, she might have been able to remain conscious until help arrived, but breathing

51 complications brought on by her punctured lung, the size of the wound, and her level of
52 intoxication resulted in massive blood loss and lack of oxygen flow to the brain. All things
53 considered, she is very lucky to be alive, albeit unresponsive.

54 It is important to note that stab wounds can be made with minimal force. The important
55 factor is the sharpness of the tip of the blade because once it has penetrated the clothing and skin,
56 surprisingly little force is needed to create a deep knife wound. The knife did not pass through
57 any bone.

58 I would expect some blood to have transferred to the attacker when the knife was
59 removed. Generally, it would be extremely unlikely that Becca's attacker could have inflicted
60 such a severe wound without having a significant amount of her blood transferred. However,
61 alcohol weakens the heart's ability to pump blood and Becca's shirt and sweater soaked up much
62 of the blood. The attacker likely had some of Becca's blood transferred, but not a great amount.

63 I did not find any wounds on Becca's arms or hands consistent with her raising her hands
64 to shield her body or reach for the knife. When victims have little time to react, they do not incur
65 defensive wounds. I did not think that is what happened in Becca's case since she was stabbed
66 from the front. The angle of the entrance and exit wound rule out an attack from any other
67 position. Typically, a stab wound from the front and an absence of defensive wounds means the
68 victim's guard was down.

69 I also did not find traces of QuickDry-Spray inside the wound. I am aware that Dr. Sharp
70 has used this lack of evidence to rule out Regan's knife as the weapon because Regan had earlier
71 cleaned the knife with QuickDry-Spray. This product creates a thin film that clings to the blade
72 and does not wash off easily, so transfer would only have been possible, not certain. I also tested
73 Becca's shirt and sweater but did not find any traces of QuickDry-Spray.

74 On Sunday, the detective came to my office with a new Borland 550 Serrated Folding
75 Knife and a long-sleeved bright-blue shirt made of American Pima cotton. The detective asked
76 me to test the knife against Becca's wound and the fibers against the shirt. For the knife, I
77 conducted an experiment by stabbing a large piece of flesh-like silicone with the Borland 550. I
78 examined the imprint and compared it to Becca's wound. Both cuts showed intricate, virtually
79 identical serration patterns, were the same shape and size, and had the same hilt mark
80 surrounding the wound. In my opinion, the Borland 550 was a match for the weapon that injured
81 Becca. The fibers from the shirt the detective gave me, made by Ochio Grosso, also matched the

82 fibers I found on Becca's sweater and shirt. At the end of the day, I notified the detective of my
83 findings.

84 It is my professional opinion that Becca was stabbed once with a knife consistent with the
85 Borland 550. Based on the amount of blood lost and the time it would take to cause cerebral
86 damage, I estimate the victim was stabbed between 10:00 p.m. and 11:30 p.m. on Friday, April
87 29. The blue fibers found on her sweater and shirt support the conclusion that her attacker was
88 wearing a bright blue shirt made of American Pima cotton, which likely had some of Becca's
89 blood transferred to it during the stabbing.

Dr. Marion Schwartz

**IN THE CIRCUIT COURT OF THE TWENTY FIRST JUDICIAL CIRCUIT
IN AND FOR EMERALD COUNTY, FLORIDA
CRIMINAL DIVISION**

STATE OF FLORIDA,

Prosecution,

v.

Case No. 11-0011-H

REGAN BUSCHELL,

Defendant.

_____ /

SWORN STATEMENT OF A.G. PROUT

1 My name is A.G. Prout. I am 22 years old. I graduated from Wheeler University last
2 spring with a BA degree in literature and minor in political science. I'm working at a small
3 publishing firm editing manuscripts.

4 I am from the Northeast. I decided to go to Wheeler to enjoy the Florida coastline. The
5 only dormitory I didn't want to get placed in was Hayes, but that is where I ended up. At first, I
6 thought it was going to be horrible. The students studied non-stop, and I don't think our RA, Kai
7 Mauer, liked me very much. But I hit it off with Regan Buschell right away – we had fun
8 hanging out, playing basketball, and partying together. Regan's childhood friend Becca Ables
9 also went to Wheeler and lived in Hayes. She didn't seem like much of a partier, but we got
10 along just fine. I think she was upset when Regan and I got an apartment together after first year,
11 but she never said anything about it. We all partied together and hung out.

12 Regan definitely partied a lot during senior year. During first semester Regan asked to
13 use a paper I had submitted for this campaign strategies course. I told Regan no. My computer at
14 home wasn't password protected, so Regan could have gone on my computer to get a copy of my
15 paper.

16 Around this time, Becca became friends with someone a year below us named Devin Lin.
17 Like a lot of college students, Regan and I drank alcohol. Sometimes we took drugs, too. I am
18 not proud of it. Becca drank but didn't ever use drugs. Devin didn't drink or use drugs but made

19 snide remarks whenever any of us did. I thought it was strange for Devin to hang around with us
20 because Devin never appeared to have any fun at all.

21 Devin was obsessed with Becca and resented Regan's friendship with her. When Regan
22 and I would meet up with Becca on campus, Devin always seemed to appear out of nowhere and
23 make some excuse to get Becca away from us. I tried not to pay too much attention because it
24 felt too much like a high school drama. I was around Devin and Regan enough to know Devin
25 didn't like Regan. Devin called Regan a "druggie" and a "loser" many times to Regan's face.
26 Since Becca was Regan's friend, Regan never responded. Regan has an even temper.

27 In March, Regan and I found out that The Woolly Wizard music festival would be held on
28 April 29 to May 1 in the Emerald Preserve. We bought tickets. Regan said Becca was coming
29 but would drive separately. Of course, anywhere Becca went, Devin went. Neither of us wanted
30 to ride with Devin.

31 I remember I ran into Becca and Devin at University Coffee Shop on April 27. Becca
32 made a beeline for me like some lunatic and started shouting that she was going to get Regan and
33 me kicked out of school. She said she was going to prove to SJAC that Regan used my paper for
34 a class. I didn't know what was going on — I never let Regan use my paper. But before I could
35 say anything she grabbed her things and took off. I never touched anybody.

36 When I told Regan what happened, Regan seemed very worried about failing the
37 campaign strategies course and possibly getting kicked out of school. I tried to calm Regan down
38 — I told Regan there was no way the school would kick out a Buschell. At worst, Regan would
39 fail a class but Regan's life was set. That's when Regan told me about the trust fund. Regan's
40 grandfather was going to give Regan \$20 million but only if Regan graduated from Wheeler in
41 four years and had a GPA of at least 3.5. Regan said failing that class or getting kicked out of
42 Wheeler would mean all the money would go to charity.

43 On Friday, April 29, Regan contacted me about going to the festival. I was surprised,
44 given how bothered Regan seemed by my encounter with Becca, but Regan said we should get
45 away from campus and all the drama. At the festival, we could all just be friends again.

46 On the way to the festival we stopped so Regan could buy camping gear. Then we drove
47 in Regan's SUV to the festival. We arrived around 6:00 p.m. and parked at a campsite to set up
48 our tent. Shortly after we arrived, I started drinking beer. I thought Regan wanted to party since
49 Regan suggested we go to the festival and have a good time, but Regan didn't drink anything.

50 Regan was wearing a limited-edition long-sleeved bright blue shirt, designed by Kool, a guest
51 designer for Ochio Grosso. Regan was also wearing khaki shorts. I had on a black sweater and
52 jeans.

53 Regan said we should set up our tents and head to the festival. I saw Regan using a knife
54 to cut tags off our equipment and then use QuickDry spray to clean the knife. I have seen the
55 knife before; it was a gift from his uncle. I didn't see what happened to the knife after Regan
56 cleaned it. When we walked over to the festival area, Regan still refused to drink. I had a few
57 more beers as we walked around and watched different performances, but I got bored with the
58 whole situation. Why were we even at the festival if Regan didn't want to party?

59 Around 9:30 p.m., we spotted Becca by this bar, Shark's Organic Brewery. Becca had on
60 a gray Wheeler U. shirt and jeans and was standing by Devin, who I think had on a white T-shirt
61 and jeans. Becca turned around to face the bar as soon as she saw Regan. Regan asked to talk to
62 her. Regan said she shouldn't go to the SJAC without hearing Regan out first. Becca turned
63 around and shouted, "You did this to yourself! Now leave me alone!" She turned back around
64 and downed her drink. Regan basically said the same thing to her again. Regan was shouting, but
65 so was Becca. Everyone had to since it was so loud. After a minute or two, Becca left and
66 walked past Regan.

67 Regan ran after Becca and casually put a hand on her shoulder. She turned around, and I
68 could see them talking. I don't know what Regan said, but Becca appeared to calm down. Devin
69 must have disappeared at about this time, because I didn't see Devin anywhere. When Regan and
70 Becca finished talking, Becca walked away. Regan came back to the bar and said, "I need some
71 time to think. Check your phone—I'll text later." Regan took off, and I went to go see Melting
72 Point play. Not long after that, around 10:00 p.m., I think I saw Regan by the third and main
73 stages, at the southeast corner of the festival area. I'm pretty sure of it. And I'm not the only
74 one. While I was walking over to the main stage, I ran into my friend Sasha who, always with a
75 drink in hand, said he thought he saw Regan walking over by the same area I thought I saw
76 Regan – by the third and main stages. Sasha wanted to know why Regan looked so down and I
77 said that Regan had a lot on his mind. This was just before 10:00 p.m., when Melting Point
78 started to play.

79 About a quarter to 11 p.m., Regan had texted me to come back to the campsite so we
80 could leave. I headed over using the South Road about 15 minutes later and got to the campsite

81 around 11:15 p.m. When I got there Regan had taken everything down and had changed clothes.
82 I've put away a campsite before and I know how much work it can be — so I believe Regan just
83 got dirty and changed clothes. Regan also said some of our stuff had been stolen, like the mini-
84 stove, food, and Regan's Borland knife. Regan was visibly angry about the knife, too, saying,
85 "It's expensive, and now some jerk took it." Regan drove me back to our apartment and then
86 mentioned heading to Emerald Heights to crash at home. I've been to Regan's house and I'd take
87 that place over our apartment any day.

88 I heard on the news that Becca was stabbed. What happened is horrible, but Regan did
89 not do it. I know Regan cares about Becca and would never have done anything to hurt her.
90 Regan's a partier but definitely not a violent person. I've played basketball with Regan when
91 people got pretty heated and start arguing and fighting, and Regan always told people to calm
92 down and that it was just a game. Even at parties when people were drunk and belligerent, Regan
93 always had a way of talking sense into people. There is no way Regan did this.

94 I told all of this to the detective. I also confirmed that the knife and shirt the detective
95 showed me were the same model and style that Regan owned.

A.G. Prout

**IN THE CIRCUIT COURT OF THE TWENTY FIRST JUDICIAL CIRCUIT
IN AND FOR EMERALD COUNTY, FLORIDA
CRIMINAL DIVISION**

STATE OF FLORIDA,

Prosecution,

v.

Case No. 11-0011-H

REGAN BUSCHELL,

Defendant.

_____ /

SWORN STATEMENT OF DR. JIM/JEN SHARP

1 My name is Jim/Jen Sharp. I am 50 years old and the chief of emergency care at Emerald
2 City Hospital. I studied biology as an undergraduate at Western University and obtained my
3 medical degree from Highland Medical College. I did my residency at Emerald City Hospital in
4 the Intensive Care Unit. I have been practicing medicine for 24 years. As chief of emergency
5 care, I oversee the hospital's emergency room.

6 My responsibilities are both clinical and administrative. I treat the most serious injuries
7 that come into our hospital. Such injuries are usually gunshot and stab wounds. Throughout my
8 career, I have treated hundreds of stab wounds. I have also testified as an expert in about 50
9 trials.

10 In reaching my conclusions in this case, I relied on all the case materials, including
11 witness statements, stipulated facts, and official police and medical reports. I was contacted by
12 the defense and took this case at my normal flat fee for felony cases of \$3,500, plus expenses.
13 The forensic evidence in this case provides only weak support for the conclusion that Regan
14 Buschell assaulted and injured Becca Ables.

15 The primary problem is the evidence surrounding the knife. Although the examiner, Dr.
16 Marion Schwartz, found that Becca's wound was caused by a knife with a serrated blade of four
17 inches or so, there is no way of knowing much more about the knife. Countless knife
18 manufacturers make knives with serrated blades of four inches, so Regan's model knife matching
19 the wound tells us little. There was nothing distinct about the hilt mark, and even looking at the

20 wound, blade, and serration pattern, the examiner could not rule out a sufficient number of
21 knives with adequate certainty. Becca's wound being consistent with Regan's knife does not
22 indicate much, especially when the examiner only tested one brand of knife. In other words,
23 many other knives probably could have inflicted the same wound. The examiner's conclusion
24 that the attacker was right-handed isn't exactly "smoking gun" evidence. Regan is right-handed,
25 but so is about 75 to 95 percent of the global population.

26 The knife the examiner tested was a brand-new model. According to Regan's statement,
27 Regan's knife was a few years old, and Regan regularly brought it on camping trips. Regular use
28 would have caused wear on the blade. A new knife matching Becca's wound decreases the
29 likelihood that Becca was stabbed with Regan's worn knife. Testing a brand-new model of
30 Regan's knife is an inadequate substitute for testing Regan's knife. For instance, the serration
31 pattern of Regan's knife may very well have differed from a new model due to wear and tear
32 over time.

33 The examiner did not find any traces of foreign materials inside the wound. Regan was
34 seen cleaning the knife with QuickDry-Spray, which dries on contact and leaves a thin film to
35 prevent the blade from rusting. This film should have been removed, at least partially, by the
36 blood and flesh in the Becca's chest cavity, if not also by the sweater and shirt. Had Regan's
37 knife been used in the attack, I would certainly expect to find traces of QuickDry-Spray in
38 Becca's wound.

39 The lack of defensive wounds indicates little, if anything. Given Becca's level of
40 intoxication, she easily could have been attacked from the front and had such a slowed response
41 time that she could not raise her arms fast enough to try to defend herself.

42 The examiner never tested the shirt Regan was wearing that night, so we do not know
43 where those fibers came from, only that they were bright blue American Pima cotton. Thousands
44 of people were at the festival when Becca was attacked. Many of them could have had shirts
45 made of that same material.

46 Even assuming the fibers came from Regan's Ochio Grosso shirt, the evidence does not
47 support the conclusion that those fibers must have been transferred during the fatal attack. These
48 fibers could have been transferred to Becca's shirt when Regan touched Becca's shoulder and
49 then onto Becca's sweater as she pulled the sweater over her shirt. Or the fibers could have been

50 transferred on another day when Becca came into contact with Regan when Regan was wearing
51 the shirt.

52 Another problem of the examiners testimony concerns the transfer of blood. The
53 prosecution argues that significant amounts of blood would have been transferred to the attacker.
54 If that is correct, the forensic team would have found traces of blood in the SUV due to contact
55 from the defendant or the clothing. It is my opinion however, that the clothing Becca was
56 wearing would have prevented blood from splattering onto her attacker.

57 It is my professional opinion that the forensic evidence is inconsistent with Regan being
58 the attacker. The examiner cannot conclude with any reasonable certainty that Regan's knife
59 caused Becca's injuries. Moreover, the examiner cannot say whether the fibers on Becca's
60 sweater and shirt came from Regan's shirt, nor can the examiner discount the likelihood that they
61 were transferred before Becca was attacked. There is an explanation for each piece of evidence
62 the examiner found and some evidence is not even strong enough to circumstantially support the
63 conclusion that Regan assaulted and injured Becca.

Dr. Jim/Jen Sharp _____

**IN THE CIRCUIT COURT OF THE TWENTY FIRST JUDICIAL CIRCUIT
IN AND FOR EMERALD COUNTY, FLORIDA
CRIMINAL DIVISION**

STATE OF FLORIDA,

Prosecution,

v.

Case No. 11-0011-H

REGAN BUSCHELL,

Defendant.

_____ /

SWORN STATEMENT OF REGAN BUSCHELL

1 My name is Regan Buschell. I am 22 years old. I attended Wheeler University for almost
2 four years but got arrested during second semester of my senior year and have been in jail ever
3 since. So, I went to college but I am not yet a college graduate.

4 Most people recognize me by my last name. My family has been in politics forever. Both
5 my father and grandfather attended Wheeler, and my grandfather was a U.S. senator. They had
6 high expectations. I've always wanted to just have fun but my family wouldn't hear it. When I
7 got accepted to Wheeler, my grandfather even established a trust in his will that established a
8 trust fund for me that gave me \$20 million on the condition that I graduate from Wheeler in four
9 years with at least a 3.5 GPA. He wrote in a clause that said I wouldn't get anything and all \$20
10 million would go to charity if I didn't satisfy the conditions of the trust. He wanted me to go to
11 Wheeler and I did.

12 I first met Becca Ables when we were kids. We grew up together in Emerald Heights. My
13 parents adored Becca. They encouraged me to hang out with her because they thought she would
14 be a good influence, and they were right. I think I am pretty smart, but she was definitely
15 smarter. She never got into trouble, either. In high school, all we did was study and compete on
16 different teams, like the debate team. I did it because it made my family proud, but I could tell
17 that Becca really enjoyed it. I considered her my best friend.

18

19 When we both got accepted to Wheeler, we decided to live on the same dormitory floor. Becca
20 researched the dorms and insisted we live in Hayes. That's where the studious kids lived. I
21 wanted to be with my friend, so I agreed. In freshman year, I met A.G. Prout. A.G. is a lot of fun,
22 the type of person you want to go through college with.

23 After I met A.G., I started enjoying college and stopped studying as much. It wasn't like I
24 stopped studying completely — I just didn't study every weeknight like Becca did. Sometimes, I
25 wondered if Becca had a problem with A.G. I know A.G. can rub some people the wrong way.
26 Becca never said anything about it. Even after I moved out of the dorms, we still talked and
27 partied together most weekends. I figured she knew I was just enjoying being away from the
28 pressure of my parents and that I'd always consider her my best friend.

29 In senior year, she started hanging out with Devin Lin. I did not understand Devin. Devin
30 fixated on Becca. Devin always talked about what great friends they were and about how much
31 they studied. At first, I thought Devin did it to bother me, but it didn't take long for me to realize
32 that Devin believed it. Everything Becca liked, Devin liked. If Becca said she had seen a good
33 movie, Devin would see it the very next day.

34 Sometimes I brought around Sasha Fain, a member of the co-ed intramural basketball
35 team with me. When Sasha would hang out with us after games or at parties, Becca seemed to
36 get along with Sasha just fine. Devin didn't like Sasha, and told me so. I think it was because
37 Becca got along with Sasha. As a matter of fact, Devin did not like me, either. I can think of
38 many times that Devin called me a "loser" to my face. I tried not to let it bother me. Some people
39 are just hostile.

40 By senior year, my parents were hounding me for not making straight A's. To them, an
41 A- or B+ was unacceptable. I didn't realize at the time how stupid this was, but I submitted an
42 edited version of a paper A.G. wrote for the same course. A.G. didn't seem happy when I asked,
43 but I was in a jam. A.G. helped me out. Becca took the same class next semester and complained
44 it was too hard. I e-mailed her: "A.G. got an A with this paper last year. I used the same paper
45 and got an A. Just be sure to make changes so it doesn't look exactly the same. See paper
46 attached. Best, Regan." I was just trying to help, but Becca said she wasn't going to jeopardize
47 her chance at the Lyon Prize.

48 I didn't know what the Lyon Prize was so I looked it up on the university's website. I
49 didn't care about the money but I applied because it seemed like the type of thing that would

50 keep my parents off my back. In high school, Becca and I both went after the same things often.
51 Sometimes I won and sometimes she won. I didn't really think Becca would mind this time. I
52 was wrong.

53 In March, A.G. and I found out that The Wooly Wizard music festival would take place
54 at the end of April in Emerald Preserve. We bought tickets, and I asked Becca to join us. She
55 said she would, but that Devin was coming, too. I insisted she and Devin drive separately. I
56 couldn't imagine an hour-long car ride with Devin.

57 On Tuesday, April 26, I got an e-mail from the school that I was one of four finalists for
58 the Lyon Prize. I saw that Becca was also one of the students. I was happy because the chances
59 were good that at least one of us would get it. I spent that night and the next day at home with
60 my family telling them about the prize.

61 I returned to my apartment on Wednesday. A.G. told me Becca went nuts in some coffee
62 shop and said she was going to get A.G. and me kicked out of school by showing that e-mail I
63 sent her to the Student Judicial Affairs Council and pictures of us using drugs. A.G. seemed
64 really upset about possibly failing that course and getting kicked out of school because Becca
65 was mad at me. Of course, I was afraid of failing that course and maybe even getting kicked out
66 of school, too. A.G. didn't understand why either mattered to me, so I explained the situation
67 with my trust fund. If I failed one course, my GPA would drop below 3.5 and I would not
68 graduate from Wheeler within four years as required by the trust.

69 I texted Becca on Wednesday and Thursday to see why she was so mad at me, but she
70 didn't answer. I didn't know if she had her phone off and was in the library, so I also e-mailed
71 her. She didn't respond. I jumped on Totalink and from Becca's status updates saw that that she
72 still planned to attend the festival that weekend. We had already planned to go, so I decided to go
73 and look for her to see if I could fix whatever was wrong.

74 I talked to my former RA, Kai Mauer, I had at Hayes about SJAC. I wanted to know what
75 my options were as far as what the university might do. I asked some general questions about
76 how students filed complaints through SJAC. Kai told me that all complaints of student
77 misconduct must be made in person to SJAC on a Monday. SJAC requires complaints to be in
78 writing and does not accept complaints submitted via e-mail or by anyone other than the person
79 who has firsthand knowledge. I asked whether the school would fail students and consider

80 expulsion for just one violation. Kai explained that SJAC was serious about cracking down on
81 plagiarism, which did make me nervous.

82 On Friday, April 29, A.G. and I got some camping stuff and packed up my SUV and
83 drove to the festival. We arrived around 6 p.m. and parked at the campsite. Shortly after we
84 arrived, A.G. starting drinking. I wasn't interested — I needed to talk to Becca to figure out what
85 was going on and wanted to have a clear head if I saw her.

86 We set up our tents and headed to the festival. I used my knife to cut off tags from my
87 camping equipment and then used Quick Dry Spray, an anti-rust spray, to clean the blade. It's a
88 Borland 550 Serrated Folding Knife. My uncle gave it to me as a present in 2007 when I entered
89 Wheeler. I always took good care of it. When I was done setting-up camp I put my knife back in
90 my SUV. We took the South Road to the festival. When we got there, we walked around and
91 watched a couple of bands.

92 I checked Totalink on my phone sometime after 9 p.m. and saw Becca had just "checked
93 in" at Shark's Organic Brewery. A little while later, A.G. and I went there. I noticed Becca
94 standing by Devin. I hoped she wasn't drunk, so that we could talk. She turned away from me to
95 face the bar as soon as she saw A.G. and me. I told her "You can't do this to me without hearing
96 me out." Music was blasting so I had to raise my voice.

97 Becca turned around and shouted, "You did this to yourself! Now leave me alone!" She
98 turned her back to me again. I asked, "How could you do this to me?" She just said something to
99 Devin about texting later and then walked past me. I ran after her and tapped her once on the
100 shoulder. She stopped, and I asked her what I had done. The music and crowd were so loud that
101 we both had to lean close to each other to be heard. She told me I was sneaky and went behind
102 her back to steal the Lyon Prize. I apologized and said I didn't think she would care since we had
103 competed against each other for years. I immediately offered to withdraw my application. I had
104 dealt with my parents hounding me for years. The prize wouldn't fix that and losing Becca's
105 friendship wasn't worth it. She said she'd think about it and walked away. I felt somewhat
106 relieved.

107 I walked back to the bar and told A.G. I wanted to think about things. I felt like being
108 alone for a while. I walked around for a half-hour, from about 9:50 p.m. to 10:20 p.m. or so. I
109 hung out around the concerts on the southeast end of the festival, and then I took the South Road
110 back to the campground and arrived at our campsite around 10:45 p.m. I was never near the

111 north road during the festival. When I arrived at the campsite I found our mini-stove, cans of
112 food, and my knife missing. I felt like an idiot; I must have left the SUV doors unlocked. I
113 thought about reporting it, but what good would that do if I had left the doors unlocked? I was
114 mad at whoever stole the stuff and was mad at myself, too. I texted A.G. it was time to head
115 home.

116 I took down our campsite while waiting for A.G. to come back. My clothes were filthy
117 once I was finished, so I changed them. I put all my dirty clothes in a plastic bag (like I always
118 do when I travel) and placed it into my duffle bag. A.G. arrived about 10 minutes later and we
119 took off shortly afterwards. When we got back to the city, I dropped off A.G. at our apartment
120 and went to my parents' house to relax. The last couple of days had been really difficult.

121 Early the next morning, I saw on the news that Becca was found stabbed in the campsite
122 and was in the hospital unresponsive. I spent hours alone in my room, crying. I took care of some
123 chores but just spent most of the day at home. I threw out some clothes I was tired of, including
124 all the clothes I brought with me to the festival. Even though the blue long-sleeved shirt was a
125 limited edition, designed by guest designer Kool, I didn't want any reminders of the festival. I
126 just planned to get new clothes from Ochio Grosso. I've shopped there for years.

127 I also saw my SUV was spattered with dirt and mud from the festival campground. I
128 can't stand dirt, so I got my SUV detailed, both the interior and exterior, just to distract myself.

129 On Saturday, a detective named Shephard came to my parents' house to ask me questions
130 about Becca. I explained what happened at the festival and even let the detective search my
131 house and SUV. Of course, the detective didn't find anything, and neither did the forensics team
132 I let comb through my SUV. It seemed pretty clear the detective thought I had done it, but I was
133 still in shock from the news. I was arrested Sunday evening. Now I know why people say always
134 ask for a lawyer.

135 Detective Shephard found a .22 loaded handgun in my pocket when I was arrested. I
136 carried it for protection. I didn't have a permit to carry it around with me but I tried to get one
137 legally. I did everything I was supposed to: I showed the Sheriff's Department all the threats on
138 my life I had gotten in the mail and took a handgun safety course. They didn't care though. They
139 never give out permits.

Regan Buschell

EXHIBIT A

Map of the Woolly Wizard Festival and Campgrounds

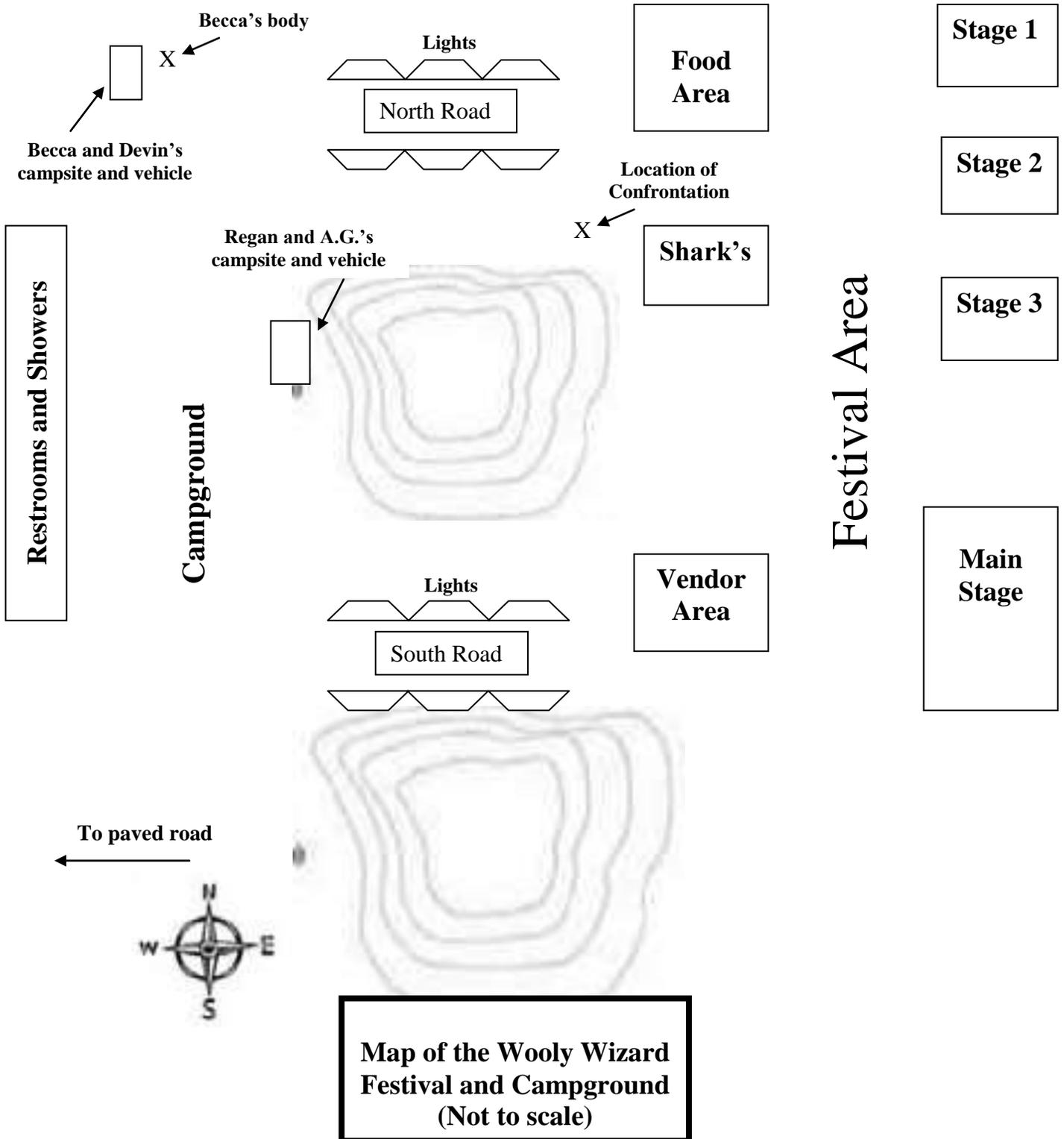


EXHIBIT B

Diagram of Becca Ables' stab wound

**Single puncture
wound from knife.**

**3.4" long
4" deep**

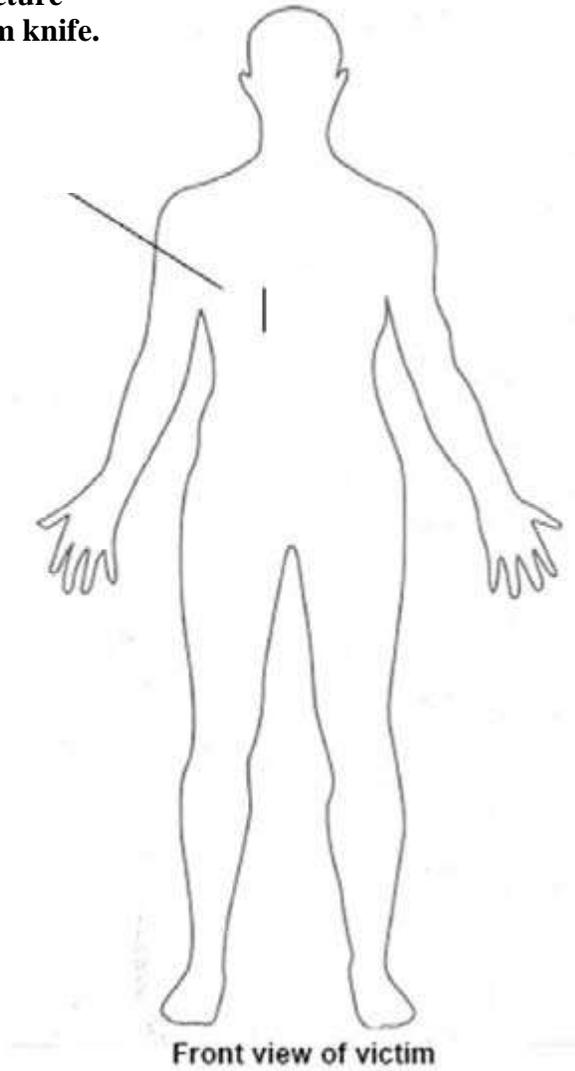


EXHIBIT C

Laboratory Report – Becca Ables

WELLSTON GENERAL HOSPITAL LABORATORY REPORT

EMERALD CITY, FLORIDA

NAME: ABLES Tox # 2011-01234 AGE: 21 years

BLOOD ALCOHOL:0.08

BLOOD DRUG SCREEN:

Amphetamines:	Negative
Antidepressants:	Negative
Barbiturates:	Negative
Benzodiazepines:	Negative
Cannabinoids (THC):	Negative
Cocaine/Metabolites:	Negative
Lidocaine:	Negative
Methadone:	Negative
Non-Opiate Narcotic Analgesic:	Negative
Opiates:	Negative
Phencyclidine:	Negative
Phenothiazines:	Negative
Propoxyphene:	Negative
Acetaminophen:	Negative
Salicylates:	Negative
Oxycodone:	Negative

Requested by: Dr. Edith Smith

Date/Time: 04/30/2011 12:21 AM

Received in Lab by: John L. Carter

Date/Time: 04/30/2011 12:28 AM

Report by: Dr. Chuck Campbell

Date/Time: 04/30/2011 12:46 AM

RUSH for E.R.

EXHIBIT D

Cell phone log of Becca Ables

Page 1 of 2

Connect Wireless**Cell Phone Log – Week of April 25****Owner: Becca Ables****Phone Number: 555-985-9955****Status: Active**

<u>Date</u>	<u>Time</u>	<u>Place</u>	<u>Number</u>	<u>Minutes</u>	<u>Contact Name</u>
04/25/11	9:06a	INCMG	555-985-9775	5	UNAVIL
04/25/11	11:41a	OTGING	222-311-4589	15	LIN, D.
04/25/11	6:41p	INCMG	555-985-4222		ABLES, G.
04/26/11	10:06a	INCMG	222-311-4589	15	LIN, D.
04/26/11	5:55p	OTGING	555-985-4222		ABLES, G.
04/26/11	11:15p	INCMG	222-311-4589	15	LIN, D.
04/27/11	9:11a	OTGING	555-946-2754	9	ABLES, T.
04/27/11	10:44a	OTGING	222-311-4589	15	LIN, D.
04/27/11	11:41a	INCMG	555-946-2754	9	ABLES, T.
04/27/11	12:17p	INCMG	555-986-2222	1	BUSCHELL, R.
04/27/11	1:15p	INCMG	555-986-2222	1	BUSCHELL, R.
04/27/11	1:56p	INCMG	555-986-2222	1	BUSCHELL, R.
04/27/11	2:42p	INCMG	555-986-2222	1	BUSCHELL, R.
04/28/11	3:00p	INCMG	555-986-2222	1	BUSCHELL, R.
04/28/11	3:55p	INCMG	555-986-2222	1	BUSCHELL, R.
04/28/11	4:16p	INCMG	555-986-2222	1	BUSCHELL, R.
04/28/11	6:01p	INCMG	555-986-2222	1	BUSCHELL, R.
04/28/11	9:15p	INCMG	555-986-2222	1	BUSCHELL, R.
04/28/11	8:44a	OTGING	555-946-2754	9	ABLES, T.
04/29/11	3:30p	OTGING	222-311-4589	15	LIN, D.
04/29/11	4:55p	INCMG	222-311-4589	15	LIN, D.

EXHIBIT D

Cell phone log of Becca Ables

Page 2 of 2

Connect Wireless**Cell Phone Log – Text Roll – April 27-29, 2011****Owner: Becca Ables****Phone Number: 555-985-9955****Status: Active**

Date	Time	Number	Contact	Msg
04/26/11	9:31a	222-311-4589	LIN, D.	Are you better today?
04/26/11	8:15p	555-985-4222	ABLES, G.	Congrats darlin'!
04/27/11	12:20p	555-986-2222	BUSCHELL, R.	Call me plz
04/27/11	1:18p	555-986-2222	BUSCHELL, R.	Becs, need to talk to u. U don't understand what is going on.
04/27/11	2:00p	555-986-2222	BUSCHELL, R.	Come on Becs. Quit ignoring me. We were best friends. Plz call me.
04/28/11	2:56p	555-986-2222	BUSCHELL, R.	CALL ME
04/28/11	3:45p	222-311-4589	LIN, D.	Still want to go on Friday?
04/29/11	9:18a	222-311-4589	LIN, D.	I'll be ready at 5ish to go.
04/29/11	10:44a	555-946-2754	ABLES, T.	Great work honey! Fingers crossed – we know you will get it!
04/29/11	11:15a	996-855-8666	SMITH, R	Congrats on the Lyon nom! Awesome!
04/29/11	4:55p	222-311-4589	LIN, D.	I'll be down in a sec! Just called you.
04/29/11	11:01	222-311-4589	LIN, D.	Where are you?
04/29/11	11:09	222-311-4589	LIN, D.	Becca, I'm really worried. Call me.

EXHIBIT E

Honor code complaint against Regan Buschell

Page 1 of 2

Becca Ables
Hayes Dormitory
100 Wheeler Way
Emerald City, Florida
555-985-9955
bables@wheeler.edu

April 26, 2011

Members of the Student Judicial Affairs Council:

As a student at Wheeler University, I take my pride in my effort and dedication to my academic success. When fellow students make a mockery of my achievement and are able to achieve success through dishonesty, I feel it is my duty to report such individuals.

During the fall semester of the 2010-2011 school year, student A.G. Prout allowed fellow student and roommate Regan Buschell to submit an edited version of a paper previously turned in for credit written by Prout. This paper was then offered to me by Buschell, which I rejected as it is in clear violation of the Honor Code. As a student who wishes to excel academically with integrity, I explained that I was not willing to jeopardize my future and chance at the prestigious Lyon Prize, for which Buschell has also been recognized as a candidate. To this end I must say that it is unjust to place students who have worked hard like me on the same level as one who disregards the school Honor Code for personal and academic gain.

Attached you will find the e-mail correspondence between Buschell and myself in regards to this matter. Should you have any questions or further statements needed, please feel free to contact me.

Sincerely,

Becca Ables

Becca Ables

Attachments

E-mail correspondence between Becca Ables and Regan Buschell

EXHIBIT E

Honor code complaint against Regan Buschell

Page 2 of 2

WHEELER MAIL



Becca Ables <bables@wheeler.edu >

From: Regan Buschell <rbuschell@wheeler.edu>

Sent: October 15, 2010 10:24 PM

Subject: Hey

Attachments: Campaign_Strat.doc

Hey Beccs,

A.G. got an A with this paper last year. I used the same paper and got an A. Just be sure to make changes so it doesn't look exactly the same. See attached paper.

Best,

Regan

From: Becca Ables <bables@wheeler.edu

To: Regan Buschell <rbuschell@wheeler.edu>

Sent: October 15, 2010 10:49 PM

Subject: RE: Hey

Attachments: Campaign_Strat.doc

R –

It's not right to use someone else's paper. I'm not jeopardizing my chance at the Lyon Prize. It's too important to me. Thx.

Becca

EXHIBIT F

Screen shot of Totalink Account of Becca Ables – April 29

Totalink Keeping you totally linked to friends and events!

FRIENDS **EVENTS** **SETTINGS** **SIGN OUT**

BECS25 checked in at [Shark's Organic Brewery](#) at 9:19p. Totalink up with BECS25!

EMERALD PRESERVE AND WILDLIFE REFUGE

EMERALD ESTATES

DevLin Totalinked with BECS25 at [Shark's Organic Brewery](#)

Where else are people Totalinked ?
[Woolly Wizard Music Festival](#)

Who is there?
BProut1
DrKai
Smith58
DevLin
ReganB
NadiaPR

Friday, April 29, 2011

APPLICABLE STATUTES

Florida Statute § 784.011: Assault

(1) An “assault” is an intentional, unlawful threat by word or act to do violence to the person of another, coupled with an apparent ability to do so, and doing some act which creates a well-founded fear in such other person that such violence is imminent.

(2) Whoever commits an assault shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Florida Statute § 784.021: Aggravated assault

(1) An “aggravated assault” is an assault:

(a) With a deadly weapon without intent to kill; or

(b) With an intent to commit a felony.

(2) Whoever commits an aggravated assault shall be guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Florida Statute § 784.03: Battery; felony battery

(1)(a) The offense of battery occurs when a person:

1. Actually and intentionally touches or strikes another person against the will of the other; or

2. Intentionally causes bodily harm to another person.

(b) Except as provided in subsection (2), a person who commits battery commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(2) A person who has one prior conviction for battery, aggravated battery, or felony battery and who commits any second or subsequent battery commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. For purposes of this subsection, “conviction” means a determination of guilt that is the result of a plea or a trial, regardless of whether adjudication is withheld or a plea of nolo contendere is entered.

Florida Statute § 784.045: Aggravated battery

(1)(a) A person commits aggravated battery who, in committing battery:

1. Intentionally or knowingly causes great bodily harm, permanent disability, or permanent disfigurement; or
2. Uses a deadly weapon.

(b) A person commits aggravated battery if the person who was the victim of the battery was pregnant at the time of the offense and the offender knew or should have known that the victim was pregnant.

(2) Whoever commits aggravated battery shall be guilty of a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

JURY INSTRUCTIONS

AGGRAVATED ASSAULT

To prove the crime of Aggravated Assault, the State must prove the following two elements beyond a reasonable doubt:

1. REGAN BUSCHELL intentionally threatened BECCA ABLES by word or act to do violence to her, coupled with REGAN BUSCHELL's apparent ability to do so, and that he/she committed some act which created a well-founded fear in BECCA ABLES that such violence was imminent,

and
2. REGAN BUSCHELL, in committing the assault, used a deadly weapon without intent to kill, or with an intent to commit a felony.

The first element is the definition of assault. Regarding the second element, a weapon is a "deadly weapon" if it is used or threatened to be used in a way likely to produce death or great bodily harm.

AGGRAVATED BATTERY

To prove the crime of Aggravated Battery, the State must prove the following two elements beyond a reasonable doubt:

1. REGAN BUSCHELL intentionally touched or struck BECCA ABLES against her will, or intentionally caused bodily harm to BECCA ABLES,

and
2. REGAN BUSCHELL, in committing the battery, intentionally or knowingly caused great bodily harm, permanent disability, or permanent disfigurement to BECCA ABLES, or used a deadly weapon.

The first element is the definition of battery. Regarding the second element, a weapon is a "deadly weapon" if it is used or threatened to be used in a way likely to produce death or great bodily harm.

PLEA OF NOT GUILTY; REASONABLE DOUBT; AND BURDEN OF PROOF

The defendant has entered a plea of not guilty. This means you must presume or believe the defendant is innocent. The presumption stays with the defendant as to each material allegation in the Information through each stage of the trial unless it has been overcome by the evidence to the exclusion of and beyond a reasonable doubt.

To overcome the defendant's presumption of innocence the State has the burden of proving the crime with which the defendant is charged was committed and the defendant is the person who committed the crime.

The defendant is not required to present evidence or prove anything.

Whenever the words "reasonable doubt" are used you must consider the following:

A reasonable doubt is not a mere possible doubt, a speculative, imaginary or forced doubt. Such a doubt must not influence you to return a verdict of not guilty if you have an abiding conviction of guilt. On the other hand, if, after carefully considering, comparing and weighing all the evidence, there is not an abiding conviction of guilt, or, if, having a conviction, it is one which is not stable but one which wavers and vacillates, then the charge is not proved beyond every reasonable doubt and you must find the defendant not guilty because the doubt is reasonable.

It is to the evidence introduced in this trial, and to it alone, that you are to look for that proof.

A reasonable doubt as to the guilt of the defendant may arise from the evidence, conflict in the evidence or the lack of evidence.

If you have a reasonable doubt, you should find the defendant not guilty. If you have no reasonable doubt, you should find the defendant guilty.

WEIGHING THE EVIDENCE

It is up to you to decide what evidence is reliable. You should use your common sense in deciding which is the best evidence, and which evidence should not be relied upon in considering your verdict. You may find some of the evidence not reliable, or less reliable than other evidence.

You should consider how the witnesses acted, as well as what they said. Some things you should consider are:

1. Did the witness seem to have an opportunity to see and know the things about which the witness testified?
2. Did the witness seem to have an accurate memory?
3. Was the witness honest and straightforward in answering the attorneys' questions?
4. Did the witness have some interest in how the case should be decided?
5. Does the witness' testimony agree with the other testimony and other evidence in the case?
6. Has the witness been offered or received any money, preferred treatment, or other benefit in order to get the witness to testify?
7. Had any pressure or threat been used against the witness that affected the truth of the witness' testimony?
8. Did the witness at some other time make a statement that is inconsistent with the testimony he gave in court?

You may rely upon your own conclusion about the witness. A juror may believe or disbelieve all or any part of the evidence or the testimony of any witness.

EXPERT WITNESSES

Expert witnesses are like other witnesses, with one exception - the law permits an expert witness to give his or her opinion.

However, an expert's opinion is only reliable when given on a subject about which you believe him or her to be an expert.

Like other witnesses, you may believe or disbelieve all or any part of an expert's testimony.

RULES OF THE STATE COMPETITION

Rule I: Team Composition/Presentation

- 1) The competition is open to students currently enrolled in grades 9-12 in Florida schools. All students on a team must be enrolled in the same school in the district they are representing.
- 2) Only one team may represent a high school at any level of competition.
- 3) Teams shall consist of six to eight students including alternates to be used in any manner deemed appropriate by the teacher and coach, as long as the distribution of duties does not conflict with competition Rule IV. For each trial round, teams shall use three students as attorneys and three students as witnesses.
- 4) Students may switch roles for different rounds of trials (i.e. a student may be an attorney for the defense and a witness for the Prosecution during separate rounds).
- 5) Each team must be fully prepared to argue both sides of the case. (Plaintiff/Prosecution and Defense/Defendant) using six team members.
- 6) Students of either gender may portray the role of any witness. The competition will strive to make roles gender neutral. However, some cases will warrant a specific gender role. In such cases, students of either gender may portray the role but the gender of the witness may not change from the case as presented.
- 7) Team Roster/"Roll" Call

Copies of the Team Roster form must be completed and returned prior to arrival at the competition site. Teams should be identified by the code assigned at registration.

Before beginning a trial, teams will be asked to prepare a "Roll Call" list to identify the students participating in each round and their corresponding roles. No information identifying team origin should appear on the list.

- 8) All teacher coaches and students must attend the mandatory general assembly/orientation. Attorney coaches who accompany their team must also be present.
- 9) Immediately following the mandatory general assembly, all teachers and attorney coaches affiliated with participating Mock Trial teams must attend a Teacher and Coaches Meeting, which will include a review of the rules and power matching system.

Rule II: The Case

- 1) The case may contain any or all of the following stipulations: documents, narratives, exhibits, witness statements, etc.
- 2) The stipulations (and fact statements, if any) may not be disputed at the trial. Witness statements may not be altered.
- 3) All witnesses must be called.

Rule III: Trial Presentation

- 1) The trial proceedings will be governed by the Florida Mock Trial Simplified Rules of Evidence. Other more complex rules may not be raised at the trial. Questions or interpretations of these rules are within the discretion of the State Mock Trial Advisory Committee, whose decision is final.
- 2) 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 relevant to his/her testimony. Fair extrapolations may be allowed, provided reasonable inference may be made from the witness' statement. If, in direct examination, an attorney asks a question which calls for extrapolated information pivotal to the facts at issue, the information is subject to objection outside the scope of the problem.

If, on cross-examination, an attorney asks for unknown information, the witness may or may not respond, so long as any response is consistent with the witness' statement or affidavit and does not materially affect the witness' testimony.

Adding facts that are inconsistent with the witness statement or with the Stipulated Facts and which would be relevant with respect to any issue in the case is not permitted. Examples include, but are not limited to (a) creating a physical or mental disability, (b) giving a witness a criminal or bad record when none is suggested by the statements, (c) creating facts which give a witness standing as an expert and (d) materially changing the witness' profession, character, memory, mental or physical ability from the witness' statement by testifying to "recent changes."

- 3) If certain witnesses are stipulated to as experts, their expert qualifications may not be challenged or impeached by the opposing side. However, their testimony concerning the facts of the case may be challenged.
- 4) On direct examination, the witness is limited to the facts given. If a witness testifies in contradiction to the facts given in the witness statement, that testimony may be impeached on cross-examination by the opposition through the correct use of the affidavit. The procedure is outlined in the Rules of Evidence.

- 5) On cross-examination, no restrictions will be made on the witness or the cross-examination, except that the answer must be responsive and the witness can be impeached.

If the attorney who is cross-examining the witness asks a question, the answer to which is not contained in the stipulations or affidavit then the witness may respond to that question with any answer as long as the answer **does not contradict or materially change** the affidavit.

If the answer by the witness is contrary to the stipulations or the affidavit, the cross-examination attorney may impeach the witness.

- 6) Use of **voir dire** examination of a witness is not permitted.

Rule IV: Student Attorneys

- 1) Team members are to evenly divide their duties. During any single round, each of the three attorneys will conduct one direct and one cross; in addition, one will present the opening statements and another will present closing arguments. In other words, the attorney duties for each team will be divided as follows:
 - a) Opening Statements
 - b) Direct/Re-direct Examination of Witness #1
 - c) Direct/Re-direct Examination of Witness #2
 - d) Direct/Re-direct Examination of Witness #3
 - e) Cross/Re-cross Examination of Witness #1
 - f) Cross/Re-cross Examination of Witness #2
 - g) Cross/Re-cross Examination of Witness #3
 - h) Closing Arguments
 - i) Plaintiff's/Prosecution's optional closing rebuttal (see **Rule XV**)

Opening statements must be given by both sides at the beginning of the trial.

The attorney who will examine a particular witness on direct examination is the only person who may make the objections to the opposing attorney's questions of that witness on cross examination, and the attorney who will cross-examine a witness will be the only one permitted to make objections during the direct examination of that witness.

Each team must call the three witnesses listed in the case materials. Witnesses must be called only by their own team and examined by both sides. Witnesses may not be recalled.

- 2) Attorneys may use notes in presenting their cases. Witnesses are not permitted to use notes while testifying during the trial.
- 3) To permit judges to hear and see better, attorneys will stand during opening and closing statements, direct and cross-examinations, all objections, and **whenever addressing the presiding judge**. Students may move from the podium only with the permission of the presiding judge.

Rule V: Swearing of Witnesses

The presiding judge will indicate that all witnesses are assumed to be sworn.

Rule VI: Case Materials

Students may read other cases, materials, and articles in preparation for the mock trial. **However, students may cite only the case materials given, and they may introduce into evidence only those documents given in the official packet.** In addition, students may not use, even for demonstrative purposes, any materials that are not provided in the official packet. **The following are not permitted: props, costumes, enlargements, computers, phones, or electronic devices of any kind.**

Rule VII: Trial Communication

Instructors, alternates, and observers shall not talk to, signal, communicate with, or coach their teams during trial. This rule remains in force during any recess time that may occur. Team members within the bar area may, among themselves, communicate during the trial; however, no disruptive communication is allowed.

Non-team members, alternate team members, teachers, and coaches must remain outside the bar in the spectator section of the courtroom. **Only the six members participating in this round may sit inside the bar.**

Rule VIII: Trial Start Time

The starting time of any trial will not be delayed for longer than ten minutes unless approved by the Mock Trial Coordinator. Incomplete teams will have to begin without their other members or with alternates.

Rule IX: Conduct/Attire

All participants are expected to demonstrate proper courtroom decorum and display collegial sportsmanlike conduct. Appropriate courtroom attire is required. Adherence to the Code of Ethics is expected of all participants.

Rule X: Videotaping/Photography

Cameras and recording devices are permitted in certain courtrooms; however, the use of such equipment may not be disruptive **and must be approved in advance of the competition by The Florida Law Related Education Association, Inc.** When one team requests to videotape during a trial, the opposing team must be consulted and their permission granted prior to taping.

Rule XI: Witnesses

Witnesses are to remain in the courtroom during the entire trial.

Rule XII: Jury Trial

For purposes of the competition, students will assume this is a jury trial. The scoring judges will act as the jury. The presiding judge is the trial judge. Students should address the scoring judges and the presiding judge.

Rule XIII: Viewing a Trial

Team members, alternates, attorney coaches, teacher coaches, and any other persons directly associated with a mock trial team, except those authorized by the State Advisory Committee, are not allowed to view other teams in competition so long as their team remains in the competition. Judges should maintain order in the courtroom. If observers are disorderly, they will be asked to vacate the premises.

Rule XIV: Decisions

ALL DECISIONS OF THE JUDGES ARE FINAL.

Rule XV: Time Limits

1. A total time will be given to each side for direct, cross, re-direct, and re-cross.

The sequence and time limits are:

Opening Statements	5 minutes per side
Direct Examination and Re-direct Examination (optional)	24 minutes total per side
Cross Examination and Re-cross Examination (optional)	21 minutes total per side
Closing Argument	5 minutes per side

None of the foregoing may be waived **except the optional times**, nor the order changed.

The Plaintiff/Prosecution gives the opening statement first. The Plaintiff/Prosecution gives the closing argument first; **the Plaintiff/ Prosecution may reserve one minute or less of the closing time for a rebuttal.** Plaintiff/Prosecution must notify the judge before beginning closing argument if the rebuttal time is requested. The Plaintiff's/Prosecution's rebuttal is limited to the scope of the defense's closing argument.

Attorneys are not required to use the entire time allotted to each part of the trial. Time remaining in one part of the trial may not be transferred to another part of the trial.

2. Timing will halt during objections and responses to objections. **Timing will not halt during the admission of documentary evidence, unless there is an objection by opposing counsel.** In the interest of fairness, time extensions may be granted at the discretion of the presiding judge. All objections should be argued in open court, not at the bench. Timing will resume after the judge has ruled on the objection. Students should avoid the use of tactics to "run out the clock" during the admission of evidence. Judges will be instructed to consider this in the Team Ethics scoring category.
3. A "timekeeper" will be provided and will keep the official time of the trial. The timekeeper's role will be expanded to time the 10 minute debrief session for each side. This will help ensure that the schedule is maintained. The timekeeper will announce to the court when time has expired in each of the separate segments of the trial. Further, the timekeeper will bring a calculator to each courtroom and double check the scores of scoring judges to ensure **no ties**. Judges will be instructed **not** to tie the teams during any round. This will eliminate the issue of vote assignments during ties.

4. Teams are permitted to keep their own time. However, this will **not** be considered the official time of the trial. **Teams are not permitted to have an extra person be the timekeeper.** One of the six participants may be the timekeeper. Team timekeepers must not interfere with the trial or obstruct the view of any witness.

Rule XVI: Judging

- 1) The **presiding judge** provides a mandatory performance vote during each round/trial for the team that he or she feels gave the better performance during that round/trial.

The presiding judge does not award points to the teams. The presiding judge's score sheet is a short form on which the judge declares which team in his or her opinion exhibited the best performance.

The presiding judge **should not** announce the mandatory performance vote.

- 2) The **scoring** judges (jury) will utilize prepared score sheets to **rate** the quality of the students' **performances** in the round/trial. The judges will be instructed to rate the performance of all witnesses and attorneys on the team. Judges will **not** announce the **presentation decision**. Judges should make field notes on students' performances during the round/trial.
- 3) Judges will be instructed not to tie teams in any round/trial. In the event scores are computed by the judges and errors are found in the computations, score room staff will correct the errors and the corrected scores will be the official scores after adding the individual categories/assessments.
- 4) The team receiving the majority of the performance votes from the three judges is declared the winner of the trial/round.
- 5) To enhance the students' learning experience, the judges will be instructed to give each team an **oral critique** after their deliberation. The decision on **which team** gave the better performance will **not** be given to the participants. Students and their coaches will have the opportunity to meet informally with all the judges for 20 minutes (10 minutes per team) immediately following the round/trial. Score sheets should be completed **before** the debriefing. Debriefing sessions will be timed by the timekeepers to avoid lengthy debriefs.
- 6) **ALL DECISIONS OF THE JUDGES ARE FINAL.**
- 7) The **Team Ethics** category will score students on the standards recognized in the **Code of Ethical Conduct**.
- 8) Attorney coaches of mock trial teams that do not advance from the local competition may **not** serve as a judge in any capacity at any level of competition during the remainder of the competition year.

Teacher coaches of mock trial teams may **not** serve as judges in any capacity. Teacher coaches may serve as timekeepers if their team does not advance from their local competition.

Rule XVII: Dispute Settlement

1) Reporting a Rules Violation Inside the Bar

If any team has serious reason to believe that a **material rules violation** has occurred during a trial round, one student attorney member of the team shall communicate that a dispute exists to the presiding judge **immediately after** the trial is over and before the critique begins. The scoring judges will be excused from the courtroom, but should remain in the vicinity.

- 2) The presiding judge will ask that both teams remain in the courtroom. A dispute form shall be completed by the student attorney to record in writing the nature of the dispute. The student attorney may communicate with other student attorneys and witnesses on the team before preparing the form. No more than 3 minutes may be taken to complete the form.

At no time in this process may **team sponsors or coaches communicate or consult** with the students. Only student attorneys may invoke the dispute procedure.

3) Dispute Resolution Procedure

The presiding judge will review the written dispute and determine whether the dispute should be heard or denied. If the dispute is denied, the judge will record the reasons for this, announce her/his decision to the Court, retire to complete his/her score sheet (if applicable), and turn the dispute form in with the score sheets. If the presiding judge feels the grounds for the dispute merit a hearing, the form will be shown to opposing student counsel for their written response. After the team has recorded its response and transmitted it to the judge, the judge will ask each team to designate a spokesperson. After the spokespersons have had time (not to exceed three minutes) to prepare their arguments, the presiding judge will conduct a hearing on the dispute, providing each team's spokesperson three minutes for a presentation. The spokespersons may be questioned by the presiding judge. At no time in this process may team sponsors or coaches communicate or consult with the student attorneys. After the hearing, the presiding judge will adjourn the court and retire to consider her/his ruling on the dispute. The judge will make a final decision as to whether or not a rules violation has occurred. That decision will be recorded in writing on the dispute form. The presiding judge is **not** required to announce his/her decision to students.

4) Effect of Violation on Score

If the presiding judge determines that a substantial rules violation has occurred, the presiding judge will inform the **scoring** judges of the dispute and provide a summary of each team's argument. The scoring judges will consider the dispute before finalizing their scores. The dispute may or may not affect the final decision, but the matter will be left to the discretion of the scoring judges. All decisions of the judges are **FINAL**.

Rule XVIII: Reporting a Rules Violation Outside the Bar

1. Disputes that (a) involve people other than student team members and (b) occur outside the bar only during a trial round may be brought by teacher or attorney-coaches exclusively. Such disputes must be entered on a complaint form and turned in to the registration area. The Mock Trial State Coordinator and/or Advisory Committee will review the dispute for appropriate action, if needed. Decisions and actions of the coordinator and/or committee are **FINAL**.

Rule XIX: Score Sheets/Ballots

- a) Score sheets will be completed individually by scoring judges. The presiding judge will cast a **mandatory** performance vote, but no points for each round. Judges may **not** inform students of score sheet results.
- b) The term “ballot” will refer to the decision made by a scoring judge as to which team made the best presentation in the round. The term “score sheet” is used in reference to the form on which speaker and team points are recorded. Score sheets are to be completed individually by the scoring judges. Scoring judges are not bound by the rulings of the presiding judge. **The team that earns the highest points on an individual judge’s score sheet is the winner of that ballot.** The team that receives the majority of the three ballots wins the round. The ballot votes determine the win/loss record of the team for power-matching and ranking purposes. While the judging panel may deliberate on any special awards (i.e., Outstanding Attorney/Witness) the judging panel should not deliberate on individual scores.
- c) Individual assessment categories **including team ethics and team performance** shall be judged on a 1-10 scale **by scoring judges only**.
- d) In the event of a mathematical error in tabulation by scoring judges, score room staff will enter the **correct tabulation** of the scores.

Rule XX: State Competition Power Matching/Seeding Model

- 1) The Florida High School Mock Trial Competition uses a *power matching* system.
- 2) A random method of selection will determine the opponents in the first round. A power match system will determine opponents for all other rounds. The two schools emerging

with the strongest record from the four rounds will advance to the final round. **The first-place team will be determined by ballots from the championship round only.**

3) Power matching will provide that:

- a) Pairings for the first round will be at random.
- b) All teams are guaranteed to present each side of the case at least once.
- c) Brackets will be determined by win/loss record. Sorting within brackets will be determined in the following order: (1) win/loss record; (2) ballots; (3) total points; then (4) point spread. The team with the highest number of ballots in the bracket will be matched with the team with the lowest number of ballots in the bracket; the next highest with the next lowest, and so on until all teams are paired.
- d) If there are an odd number of teams in a bracket, the team at the bottom of that bracket will be matched with the top team from the next lower bracket.
- e) Teams will not meet the same opponent twice.
- f) To the greatest extent possible, teams will alternate side presentation in subsequent rounds. Bracket integrity in power matching will supersede alternate side presentation.

Rule XXI: Completion of Score Sheets

1. Each scoring judge shall record a number of points (1-10) for each presentation of the round/trial. At the end of the trial, each scoring judge shall total the sum of each team's individual points and place this sum in the **column totals** box. The team with the greater number of points wins that scoring judge's performance vote/ballot for that trial/round.
2. The presiding judge shall circle either Plaintiff/Prosecution or defense/defendant on his or her score sheet/ballot to indicate which team the presiding judge feels gave the better performance during the trial/round. The team that the presiding judge circles on their score sheet/ballot receives that presiding judge's performance vote/ballot for that trial/round.

Rule XXII: State Competition Team Advancement

Teams will be ranked based on the following criteria in the order listed:

- 1) Win/Loss Record – equals the number of rounds won or lost by a team.
- 2) Total Number of Ballots – equals the total number of judge's votes a team earned in preceding rounds.

- 3) Total Number of Points Accumulated in Each Round.
- 4) Point Spread Against Opponents – the point spread is the difference between the total points earned by the team whose tie is being broken less the total points of that team’s opponent in each previous round. The greatest sum of these point spreads will break the tie in favor of the team with that largest cumulative point spread.

Rule XXIII: Effect of a Bye/Default

1. A “bye” becomes necessary when an odd number of teams are present for the tournament. For the purpose of advancement and seeding, when a team draws a bye or wins by default, the winning team for that round will be given a win and the number of ballots and points equal to the average of all winning team’s ballots and points of that same round. The Mock Trial State Coordinator may, if time and space allow, arrange for a “bye round” to allow teams drawing a bye to compete against one another in order to earn a true score.
2. The Mock Trial State Coordinator has the discretion on how to handle a bye in all rounds of the tournament.

Rule XXIV: Eligibility

1. All students on a team must be enrolled in the same public or private school in the district for which they are competing.
2. Each judicial circuit may send only one team to compete in the Florida High School Mock Trial State Finals.
3. The Mock Trial State Coordinator reserves the right to enlist participation from each district and circuit.

Rule XXV: State Competition Awards

Trophies will be awarded to the top five teams. Four best witness awards and four best attorney awards will also be presented. Both the presiding judge and the scoring judges will vote on the best witness and best attorney awards. Additionally, two professionalism awards will be awarded based upon team recommendations. Student certificates and school plaques will be presented to all participants.

Rule XXVI: Interpretation of State Competition Rules

1. All rules of competition for the Florida High School Mock Trial Competition, as set forth above, are subject to the interpretation of the Advisory Committee of the Florida High School Mock Trial Competition.
2. No exceptions are permitted at the competition site unless approval has been given by the Advisory Committee prior to the competition.
3. The Advisory Committee and/or State Mock Trial Coordinator will serve as the final arbiter at the competition site.
4. The Florida High School Mock Trial Competition Advisory Committee may invite additional circuit teams to participate in the State Finals Competition if it determines, in its sole discretion, that doing so would provide for diversity within the competition, would resolve disputes at the circuit level in a fair manner, or would otherwise advance the goals of the competition and serve the students who have competed at the circuit level.

Rule XXVII: Circuit Competitions

1. The State competition power matching and seeding system is optional for use during circuit competitions.
2. Team advancement procedures will be the responsibility of circuit coordinators.
3. Circuit coordinators should contact The Florida Law Related Education Association, Inc. for approved alternate models.

SIMPLIFIED RULES OF EVIDENCE AND PROCEDURE

In American courts, elaborate rules are used to regulate the kind of proof (i.e., spoken testimony by witnesses or physical evidence) that can be used in trials. These rules are designed to ensure that both parties receive a fair hearing. Under the rules, any testimony or physical objects deemed irrelevant, incompetent, untrustworthy, or unduly prejudicial may be kept out of the trial.

If it appears that a rule of evidence is being violated, an attorney may raise an objection to the judge. Usually, the attorney stands and says, "I object, your honor," and then gives the reason for the objection. Sometimes the attorney whose questions or actions are being objected to will then explain why he or she thinks the rule was not violated. The judge then decides whether the rule has been violated and whether the testimony or physical items must be excluded from the trial.

Official rules of evidence are quite complicated. They also differ depending on the kind of court where the trial occurs. For purposes of this mock trial competition, the rules of evidence you will use have been made less complicated than those used in actual courts. The ideas behind these simplified rules are similar to actual rules of evidence.

A. Witness Examination/Questioning

1. Direct Examination

Attorneys call and question their own witnesses using direct as opposed to leading questions. Example:

Elyse Roberts is called by her attorney to explain the events leading up to her filing suit against Potomac County.

"Ms. Roberts, where do you work? How long have you worked there? Please describe your working relationship with Mr. Kevin Murphy during the first month of employment. Why did you meet with your supervisor, Fran Troy? Did you seek advice from a therapist during this time?"

Questions such as the above do not suggest the answer. Instead, they introduce a witness to a particular area of importance, leaving the witness free to relate the facts. Obviously, the witness will have been prepared to answer such questions in a particular way. But the question by its terms does not "lead" to the answer.

a. Leading Questions

A **leading question** is one that suggests the answer. It does not simply call the witness' attention to a subject. Rather, it indicates or tells the witness what the answer should be about that subject. **Leading questions** are **not** permitted on direct examination, but questions on cross-examination should be leading.

Examples:

“Mrs. Roberts, despite repeated invitations, you chose not to participate in office social functions, correct?”

“Isn't it true, that due to all the stress from work you decided to go to a therapist?”

These questions are obviously in contrast to the direct examination questions in the preceding section. **Leading questions** suggest the answer to the witness. This is **not** proper for direct examination when a party is questioning its own witness.

b. Narration

While the purpose of direct examination is to get the witness to tell a story, the questions must ask for **specific information**. The questions must not be so broad that the witness is allowed to wander or "narrate" a whole story. At times, the witness' answer to a direct question may go beyond the facts asked for by the question asked. Narrative questions are objectionable.

Example Narrative Question:

“Ms. Roberts, please tell the court about the events that contributed to your decision to sue the county.”

Narrative Answer:

“It all began the night I found out that it was the county that was dumping on my land. At first I thought it was my neighbors, but they denied having any part in the dumping. I decided to watch my vacant lot and see if I could catch the person responsible. I drove down to my lot the night of the 13th and parked in a place where I could see the lot but no one could see me...”

c. Scope of Witness Examination

Direct examination may cover all facts relevant to the case of which the witness has first-hand knowledge.

d. Character

For the purpose of this mock trial, evidence about the character of a party may not be introduced unless the person's character is an issue in the case.

i. Methods of Proving Character (Section 90.405)

1. Reputation: When evidence of the character of a person or of a trait of his/her character is admissible, proof may be made by testimony about his/her reputation.
2. Specific Instances of Conduct: When character or a trait of character of a person is an essential element of a charge, claim, or defense, proof may be made of specific instances of his/her conduct.

e. Refreshing Recollection

When a witness uses a writing or other item to refresh his/her memory while testifying, an adverse party is entitled to have such writing or other item produced at the hearing to inspect it, to cross-examine the witness thereon, and to introduce it, or in the case of writing, to introduce those portions which relate to the testimony of the witness, in evidence.

2. Cross Examination (questioning the opposing side's witnesses)

Cross-examination **should** involve leading questions. In fact, it is customary to present a witness with a proposition and ask the witness to either agree or disagree. Thus, good cross-examination calls only for a yes or no answer.

Examples:

“Mr. Roberts, in direct examination you testified that litigation was very stressful for you, correct? In fact you were so stressed that you did work at home or called in sick. Isn't this true?”

“As an assistant district attorney, you knew that trying only three cases while settling 75 cases was not a job performance your supervisor would rate highly, didn't you?”

“Thus given the stress you felt, your poor attendance at work and poor job performance, it was not unusual for your supervisor to transfer you to another Bureau, was it?”

Leading questions are permissible on cross-examination. Questions tending to evoke a narrative answer should be avoided.

a. Scope of Witness Examination

Cross-examination is not limited. Attorneys may ask questions of a particular witness that relate to matters brought out by the opposing side on direct examination of that witness, matters relating to the credibility of the witness, and additional matters otherwise admissible, that were not covered on direct examination.

b. Impeachment

On cross-examination, the attorney may want to show the court that the witness should not be believed. A witness' credibility may be impeached by showing evidence of the witness' character and conduct, prior convictions, and prior inconsistent statements. If the witness testifies differently from the information in their sworn affidavit, it may then be necessary to "impeach" the witness. That is, the attorney will want to show that the witness previously said something that contradicts the testimony on the stand.

i. Impeachment Procedure

Impeachment may be done by comparing what a witness says on the witness stand at trial to what is contained in the witness' affidavit. By pointing out the differences between what a witness now says and what the witness' affidavit says, the attorney shows that the witness has contradicted himself or herself.

ii. Who May Impeach?

Any party, including the party calling the witness, may attack the credibility of a witness by:

1. Introducing statements of the witness which are inconsistent with his/her present testimony;
2. Showing that the witness is biased;
3. Attaching the character of the witness in accordance with the state mock trial competition rules of evidence and procedure;
4. Showing a defect of capacity, ability, or opportunity in the witness to observe, remember, or recount the matters about which he/she testified; and
5. Proof by other witnesses that material facts are not as testified to by the witness being impeached.

iii. Section 90.610 Conviction of Certain Crimes as Impeachment

A party may attack the credibility of any witness, including an accused, by evidence that the witness has been convicted of a crime if the crime was punishable by death or imprisonment in excess of 1 year under the law under which he was convicted, or if the crime involved dishonesty or a false statement regardless of the punishment, with the following exceptions:

1. Evidence of any such conviction is inadmissible in a civil trial if it is so remote in time as to have no bearing on the present character of the witness.
2. Evidence of juvenile adjudications is inadmissible under this subsection.

iv. Section 90.614 Prior Statements of Witness

1. When witness is examined concerning his prior written statement or concerning an oral statement that has been reduced to writing, the court, on motion of the adverse party, shall order the statement to be shown to the witness or its contents disclosed to him.
2. Extrinsic evidence of a prior inconsistent statement by a witness is inadmissible unless the witness is first afforded an opportunity to explain or deny the prior statement and the opposing party is afforded an opportunity to interrogate him on it, or the interests of justice otherwise require. If a witness denies making or does not distinctly admit that he has made the prior inconsistent statement, extrinsic evidence of such statement is admissible. This subsection is not applicable to admissions of a party-opponent.
3. Re-direct and re-cross examination/questioning. If the credibility or reputation for truthfulness of the witness has been attacked on cross-examination, the attorney whose witness has been damaged may wish to ask several more questions. These questions should be limited to the damage the attorney thinks has been done and should be phrased so as to try to "save" the witness' truth-telling image in the eyes of the court. Re-direct examination is limited to issues raised by the attorney on cross-examination. Re-cross examinations follows re-direct examination but is limited to the issues raised on re-direct only and should avoid repetition. The presiding judge may exercise reasonable control over questioning so as to make questioning effective to ascertain truth, avoid needless waste of time, and protect witnesses from harassment.

B. Objections

An attorney can object any time the opposing attorneys have violated the rules of evidence. The attorney wishing to object should **stand up and do so at the time of the violation**. When an objection is made, the judge may ask the reason for it. Then the judge may turn to the attorney whose question or action is being objected to, and that attorney usually will have a chance to explain why the judge should not accept the objection. The judge will then decide whether a question or answer must be discarded because it has violated a rule of evidence or whether to allow the question or answer to be considered as evidence. The legal term “objection sustained” means that the judge agrees with the objection and excludes the testimony or item objected to. The legal term “objection overruled” means that the judge disagrees with the objection and allows the testimony or item to be considered as evidence.

1. Standard Objections on Direct and Cross Examination

1. **Irrelevant Evidence:** *“I object, your honor. This testimony is irrelevant to the facts of this case.”*
2. **Leading Questions:** *“Objection. Counsel is leading the witness.”* Remember, this is **only** objectionable when done on direct examination (Ref. Section A1.a).
3. **Narrative Questions and Answers:** may be objectionable (Ref. Section A1.b).
4. **Improper Character Testimony:** *“Objection. The witness’ character or reputation has not been put in issue or “Objection. Only the witness’ reputation/character for truthfulness is at issue here.”*
5. **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 statement be stricken from the record.”*
6. **Opinion:** *“Objection. Counsel is asking the witness to give an opinion.”*
7. **Lack of Personal Knowledge:** *“Objection. The witness has no personal knowledge that would enable him/her to answer this question.”*
8. **Lack of Proper Predicate:** Exhibits will not be admitted into evidence until they have been identified and shown to be authentic (unless identification and/or authenticity have been stipulated). Even after proper predicate has been laid, the exhibits may still be objectionable due to relevance, hearsay, etc.
9. **Ambiguous Questions:** An attorney shall not ask questions that are capable of being understood in two or more possible ways.
10. **Non-responsive Answer:** A witness’ answer is objectionable if it fails to respond to the question asked.

11. Argumentative Question: An attorney shall not ask a question which asks the witness to agree to a conclusion drawn by the questioner without eliciting testimony as to new facts. However, the Court may, in its discretion, allow limited use of argumentative questions on cross-examination.

12. Unfair Extrapolation/Beyond the Scope of the Statement of Facts

Attorneys shall not ask questions calling for information outside the scope of the case materials or requesting an unfair extrapolation. Unfair extrapolations are best attacked through impeachment and closing arguments and are to be dealt with in the course of the trial. A fair extrapolation is one that is neutral.

Note: Fair extrapolations may be allowed, provided reasonable inference may be made from the witness's statement. If, in direct examination, an attorney asks a question which calls for extrapolated information pivotal to the facts at issue, the information is subject to objection Outside the Scope of the Problem. If in CROSS examination, an attorney asks for unknown information, the witness may or may not respond, so long as any response is consistent with the witness' statement or affidavit and does not materially affect the witness' testimony.

13. Asked and Answered: *“Objection. Your honor, the question has already been asked and answered.”*

14. Objections Not Recognized in This Jurisdiction: An objection which is not contained in these materials shall not be considered by the Court. However, if counsel responding to the objection does not point out to the judge the application of this rule, the Court may exercise its discretion in considering such objection.

Note: Attorneys should stand during objections, examinations, and statements. No objections should be made during opening/closing statements but afterwards the attorneys may indicate what the objection would have been. The opposing counsel should raise his/her hand to be recognized by the judge and may say, “If I had been permitted to object during closing arguments, I would have objected to the opposing team’s statement that _____.” The presiding judge will not rule on this objection individually and no rebuttal from the opposing team will be heard.

15. Opinions of Witnesses

1. Expert Opinion

1. Section 90.702 Testimony by Experts

If scientific, technical, or other specialized knowledge will assist the trier of fact in understanding the evidence or in determining a fact in issue, a witness qualified as an expert by knowledge, skill, experience, training or education

may testify about it in the form of an opinion; however, the opinion is admissible only if it can be applied to evidence at trial.

2. **Section 90.703 Opinions on Ultimate Issue**

Testimony in the form of an opinion or inference otherwise admissible is not objectionable because it included an ultimate issue to be decided by the trier of fact.

3. **Section 90.704 Basis of Opinion Testimony by Experts**

The facts or data upon which an expert bases an opinion or inference may be those perceived by, or made known to, him at or before the trial. If the facts or data are of a type reasonably relied upon by experts in the subject to support the opinion expressed, the facts or data need not be admissible in evidence.

4. **Expert Opinion (additional information)**

An expert shall not express an opinion as to the guilt or innocence of the accused.

2. **Lay Opinion**

1. **Section 90.701 Opinion Testimony of Lay Witnesses**

If a witness is not testifying as an expert, his testimony about what he perceived may be in the form of inference and opinion when:

1. The witness cannot readily, and with equal accuracy and adequacy, communicate what he has perceived to the trier of fact without testifying in terms of inferences or opinions and his use of inferences or opinions will not mislead the trier of fact to the prejudice of the objecting party; and
2. The opinions and inferences do not require a special knowledge, skill, experience, or training.

2. **Lay Opinion (additional information)**

All witnesses may offer opinions based on the common experience of laypersons in the community and of which the witnesses **have first-hand knowledge**. A lay opinion may also be obtained. For example, Sandy Yu, as the personnel director, would know of other complaints of sexual harassment in the office and any formal reprimands, even though he is not an expert in sexual harassment. They may be asked questions within that range of

experience. No witness, not even an expert, may give an opinion about how the case should be decided.

The cross-examination of opinions proceeds much like the cross-examination of any witness. Questions, as indicated above, may be based upon the prior statement of the witness. Inconsistencies may be shown. In addition, the witness may be asked whether he or she has been employed by any party, to show bias or interest. Or a witness giving an opinion may be asked the limits of certainty in that opinion, as follows:

“Dr. Isaacs, please read this portion of your sworn statement to the court.”

“I have studied the records of this case, and have conducted two one-hour interviews with Elyse Roberts on March 29 and 31st. In those interviews, she described to me her family history, her work environment, the actions of her co-workers and supervisor and her resulting feelings.”

“This is your statement, is it not, Dr. Isaacs? Ms. Roberts selected you because of your expertise in sexual harassment in the workplace, correct? During your two-hour interview you were only concerned with evaluating Ms. Roberts’ working environment and not other psychological factors that may have caused her problems. Thus you really can’t say that Ms. Roberts’ difficulty on the job was only caused by the actions of Mr. Murphy, can you?”

The point of these questions is not to discredit the witness. Rather, the objective is simply to treat the witness as a responsible professional who will acknowledge the limits of her or his expertise and testimony. If the witness refuses to acknowledge those limits, the witness then is discredited.

It is always important in cross-examination to avoid arguing with the witness. It is particularly important with an expert. Thus, the cross-examination should be carefully constructed to call only for facts or to draw upon statements the witness has already made.

3. Lack of Personal Knowledge

A witness may not testify to any matter of which the witness has no personal knowledge. The legal term for testimony of which the witness has no personal knowledge is "incompetent."

16. Relevance of Testimony and Physical Objects

Generally, only relevant testimony may be presented. Relevant evidence is physical evidence and testimony that makes a fact that is important to the case more or less

probable than the fact would be without the evidence. However, if the relevant evidence is unfairly prejudicial, may confuse the issues, or is a waste of time, it may be excluded by the court. Such relevant but excludable evidence may be testimony, physical evidence, or demonstrations that have no direct bearing on the issues of the case or do not make the issues clearer.

1. **Introduction of Documents, Exhibits, Items, and Other Physical Objects Into Evidence**

There is a special procedure for introducing physical evidence during a trial. The physical evidence must be relevant to the case, and the attorney must be prepared to its use on that basis. Below are the basic steps to use when introducing a physical object or document for **identification and/or use as evidence**.

1. Show exhibit and have it marked by the judge. Say “Your Honor, I ask that this ___ be marked for identification as Prosecution’s/Defendant’s Exhibit No. ___”
2. Show the exhibit to opposing counsel for possible objection. Ask the witness to identify the exhibit. “I now hand you what is marked as Exhibit No. 1. Do you recognize this document?”
3. At this point the attorney may proceed to ask the witness a series of questions about the exhibit.
4. If the attorney wishes to place the document into evidence, say, “Your Honor, I offer this ___ marked as Prosecution’s/Defendant’s Exhibit No. 1 into evidence and ask the Court to so admit it.”

Court: *“Is there any objection?”*

Opposing Counsel: *“No, your Honor.” or “Yes, your Honor.”* (then state objection).

Court: *“Prosecution’s/Defendant’s Exhibit No. 1 is (is not) admitted.”*

NOTE: A witness may be asked questions about his/her statement without its introduction into evidence; but to read from it or submit it to the judge, it must first be admitted into evidence. Exhibits can be pre-marked.

17. **Hearsay and Exceptions to this Ruling**

1. **What is Hearsay?**

Hearsay evidence is normally excluded from a trial because it is deemed untrustworthy. “Hearsay” is a statement other than one made by the witness

testifying at the trial, offered in evidence to prove that the matter asserted in the statement is true. An example of hearsay is a witness testifying that he heard another person saying something about the facts in the case. The reason that hearsay is untrustworthy is because the opposing side has no way of testing the credibility of the out-of-court statement or the person who supposedly made the statement. Thus, for example, the following questions would be objectionable as “hearsay” if you are trying to prove that the color of the door was red:

“Mr. Edwards what color did Bob say the door was?”

This is **hearsay**. Mr. Edwards is using Bob's statement for him to prove the color of the door. Instead, Bob or someone who saw the door needs to be called to testify as to the color of the door.

2. **Reasons for Prohibiting Hearsay**

Our legal system is designed to promote the discovery of truth in a fair way. One way it seeks to accomplish this goal is by ensuring that the evidence presented in court is “reliable”; that is, we can be fairly certain the evidence is true. Hearsay evidence is said to be “unreliable” for four reasons:

1. The hearsay statement might be distorted or misinterpreted by the witness relating it in court.
2. The hearsay statement is not made in court and is not made under oath
3. The hearsay statement is not made in court, and the person who made it cannot be observed by the judge or jury (this is important because the judge or jury should be allowed to observe a witness' behavior and evaluate his/her credibility).
4. The hearsay statement is not made in court and the person who made it cannot be challenged by cross-examination.

3. **When Can Hearsay Evidence Be Admitted?**

Although hearsay is generally not admissible, there are certain out-of-court statements that are treated as not being hearsay, and there are out-of-court statements that are allowed into evidence as exceptions to the rule prohibiting hearsay.

Statements that are not hearsay are prior statements made by the **witness himself** and admissions made by a **party opponent**.

1. **Exceptions**

Hearsay is not admissible, except as provided by these rules. For purposes of this mock trial, the following exceptions to the hearsay rule will be allowed; even though the declarant is available as a witness.

1. **Spontaneous Statement**

A statement describing or explaining an event or condition made while the declarant perceived the event or condition, or immediately thereafter, except when such statement is made under circumstances that indicate its lack of trustworthiness.

2. **Excited Utterance**

A statement or excited utterance relating to a startling event or condition made while the declarant was under the stress of excitement caused by the event or condition.

3. **Medical Statements**

Statements made for the purpose of medical diagnosis or treatment by a person seeking the diagnosis, or made by an individual who has knowledge of the facts and is legally responsible for the person who is unable to communicate the facts, which statements describe medical history, past or present symptoms, pain, or sensations, or the inception or general character of the cause or external source thereof, insofar as reasonably pertinent to diagnosis or treatment.

4. **Recorded Recollection**

A memorandum or record concerning a matter about which a witness once had knowledge but now has insufficient recollection to enable the witness to testify fully and accurately, shown to have been made by the witness when the matter was fresh in his memory and to reflect that knowledge correctly. A party may read into evidence a memorandum or record when it is admitted, but no such memorandum or record is admissible as an exhibit unless offered by an adverse party.

5. **Records of a Regularly Conducted Activity**

1. A memorandum, report, record, or data compilation, in any form, of acts, events, conditions, opinion, or diagnosis, made at or near the time by, or from information transmitted by, a person with knowledge, if kept in the course of a regularly conducted business activity and if it was the regular practice of that business activity to make such memorandum, report, record, or data compilation, all as shown by testimony of the custodian or other qualified witness, unless the

sources of information or other circumstances show lack of trustworthiness. The term “business” as used in this paragraph includes a business, institution, association, profession, occupation, and calling for every kind, whether or not conducted for profit.

2. No evidence in the form of an opinion or diagnosis is admissible under paragraph (a) unless such opinion or diagnosis would otherwise be admissible if the person whose opinion is recorded were to testify to the opinion directly.

6. **Learned Treatises**

To the extent called to the attention of an expert witness upon cross examination or relied upon by the expert witness in direct examination, statements contained in public treatises, periodicals or pamphlets on a subject of history, medicine, or other science or art, established as a reliable authority by the testimony or admission of the witness, or by other expert testimony, or by judicial notice.

7. **Then Existing Mental, Emotional, or Physical Condition**

1. A statement of the declarant’s then existing state of mind, emotion, or physical sensation, including a statement of intent, plan, motive, design, mental feeling, pain, or bodily health, when such evidence is offered to:
 1. Prove the declarant’s state of mind, emotion, or physical sensation at that time or at any other time when such state is an issue in the action.
 2. Prove or explain acts of subsequent conduct of the declarant.
2. However, this subsection does not make admissible:
 1. An after-the-fact statement of memory or belief to prove the fact remembered or believed, unless such a statement relates to the execution, revocation, identification, or terms of the declarant's will.
 2. A statement made under circumstances that indicate its lack of trustworthiness.

C. Trial Motions

No trial motions are allowed except for special jury instructions as permitted in these case materials.

Examples:

Directed verdict, dismissal, acquittal, motion in limine, motion to sequester witnesses.

Exception:

Motion for Recess may only be used in emergency situations.

D. Attorney Demeanor

****See Code of Ethical Conduct**

Note: Please refer to Official Case Materials for any specific additions relative to this trial.

GUIDELINES FOR TEACHER COACHES

A. **Role of the Teacher Coach**

The teacher coach is expected to help the team members decide which students will play which parts in the mock trial and to assist the students in playing those roles. As part of the sizeable responsibility of acting as team coaches, teachers are responsible for the following areas:

1. **Rules of the Program:** All teachers and teams are expected to adhere to the rules, facts and all other materials provided in the 2009 Mock Trial Competition Case Materials. Therefore, please make sure you are familiar with the Competition rules.
2. **Role Assignments:** Team members should be strongly encouraged to select roles based on their interests and abilities and not on the basis of any gender or cultural stereotypes which might be drawn from the characterizations in the fact pattern.
3. **Team Preparation:** Attorneys will also help coach each team. Teams should prepare both sides of the case and are strongly urged to arrange and conduct preliminary mock trials with other teams prior to competing in the district and circuit competition. Preliminary trials require only one attorney or judge to act as the presiding judge, as it is not necessary to award points to the teams during these practice rounds.
4. **Education:** Education of the students is the primary goal of the Mock Trial Competition. Healthy competition helps to achieve this goal, but teachers are reminded of their responsibility to keep the competitive spirit at a reasonable level. The reality of the adversarial system is that one party wins and the other loses, and teachers should be sure to prepare their teams to be ready to accept either outcome in a mature manner. Teachers can help prepare students for either outcome by placing the highest value on excellent preparation and presentation, rather than on winning or losing the trial.
5. **Observers:** Other classes, parents, and friends of the participants are welcome to attend the trials. **However, please note that space in the courtroom is limited.** The presiding judge may ask overflow observers to leave the courtroom. All observers must be seated during the trial.
6. **Arrival Times:** Teachers are responsible for getting their teams to the assigned courtroom 15 minutes prior to the starting time of each trial.

GUIDELINES FOR ATTORNEY COACHES

1. Much as you will want to help the students, point them in the right direction, and give them the benefit of your experience, remember that the students will develop a better understanding of the case and learn more from the experience if the attorney coaches do not dominate the preparation phase of the tournament. The preparation phase of the contest is intended to be a cooperative effort of students, teacher and attorney coaches.

2. Avoid (even the appearance of) “talking down” to students and/or stifling discussion through the use of complicated “legalese.”
3. The first session with a student team should be devoted to the following tasks:
 1. Answering questions that students may have concerning general trial practices;
 2. Explaining the reasons for the sequence of events/procedures found in a trial;
 3. Listening to the students’ approach to the assigned case; and
 4. Emphasizing the key points, such as the elements to be proved, and the relevance and importance of available legal authority.
4. Subsequent sessions 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 a constructive observer and teacher...listening, suggesting and demonstrating to the team.
5. Attorney coaches **should not** prepare opening statements, closing statements, or questions for the students. Students should be encouraged to do as much of their own preparation as possible.

Florida High School Mock Trial Competition

EXPLANATION OF RATINGS USED ON THE SCORE SHEET/BALLOT

Participants will be rated in the categories on the ballot on a scale of 1-10 points (10 being the highest), according to their roles in the trial. The Scoring Judges are scoring **STUDENT PRESENTATION** in each category. The Scoring Judges are **NOT** scoring the legal merits of the case. Each category is to be evaluated separately and fractional points **ARE NOT** to be awarded. One team **MUST** be awarded more total points than the other. The team winning the majority of the ballots shall win the round.

Judging panels also may recognize outstanding individual presentations by selecting one **MOST EFFECTIVE ATTORNEY** and/or one **MOST EFFECTIVE WITNESS** per round. The decision must be representative of the majority of the panel members.

Judges may **NOT** disclose the score sheet/ballot results or the identities of the Most Effective Attorney and/or Witness to anyone other than the mock trial coordinator. Sign your score sheet/ballot before turning it over to the presiding judge on your panel. **DO NOT ANNOUNCE SCORES OR RESULTS TO THE TEAMS DURING THE CRITIQUE!**

POINT(S)	PERFORMANCE	CRITERIA FOR EVALUATING STUDENT PERFORMANCE
1-2	Not Effective	<ol style="list-style-type: none"> 1. Exhibits lack of preparation/understanding of the case materials. 2. Communication unclear, disorganized, and ineffective. 3. Unsure of self, does not think well on feet, depends heavily on notes.
3-4	Fair	<ol style="list-style-type: none"> 1. Exhibits minimal preparation/understanding of the case materials. 2. Communication minimally clear and organized, but lacking in fluency and persuasiveness. 3. Minimally self-assured, but lacks confidence under pressure.
5-6	Good	<ol style="list-style-type: none"> 1. Exhibits adequate preparation/understanding of the case materials. 2. Communications are clear and understandable, but could be stronger in fluency and persuasiveness. 3. Generally self-assured, reads from notes very little.
7-8	Excellent	<ol style="list-style-type: none"> 1. Exhibits mastery of the case materials. 2. Communication is clear, organized, fluent and persuasive. 3. Thinks well on feet, poised under pressure, does not read from notes.
9-10	Outstanding	<ol style="list-style-type: none"> 1. Superior in qualities listed for 7-8 points' performance.

Florida High School Mock Trial Competition
PRESIDING JUDGE BALLOT

Prosecution: _____ Defense: _____
(Team Code) (Team Code)

Round#: _____

Please make your decision, offer some written comments, and hand in this score sheet to the Timekeeper as soon as possible. Thank you for participating.

I. Performance Evaluation - MANDATORY

Performance Decision: In my opinion the better mock trial performance was shown
by the

PROSECUTION / DEFENSE (Circle One)

This is a team performance score based on the clarity and effectiveness of arguments presented and the professional demeanor exhibited by team members.

Note: Do not announce your performance decision.

II. Comments

Judge's Signature & Date

Florida High School Mock Trial Competition

MOST EFFECTIVE ATTORNEY FORM

(Mandatory)

This form is to be completed by **All Judges**

Date of Competition Round

Enter Team Code

Round

ATTORNEY

*I wish to award the following team
member the title of*

**MOST EFFECTIVE
ATTORNEY**

For this round:

Name of Team Member from Team Roster

*Prosecution's or Defense's Attorney
(Circle One)*

Judge's Signature

Florida High School Mock Trial Competition

MOST EFFECTIVE WITNESS FORM

(Mandatory)

This form is to be completed by **All Judges**

Date of Competition Round

Enter Team Code

Round

WITNESS

*I wish to award the following team
member the title of*

**MOST EFFECTIVE
WITNESS**

For this round:

Name of Team Member from Team Roster

*Prosecution's or Defense's Witness
(Circle One)*

Judge's Signature

Florida High School Mock Trial Competition
LEGAL PROFESSIONALISM AWARD BALLOT

Teachers: Please complete this ballot as your official recommendation for the Legal Professionalism Award. Only one entry per school will be accepted. You may wish to discuss with your students their feelings about the professionalism, spirit, and ethical conduct of other teams to aid in your decision. Please refer to the definition and quotes about professionalism.

Teams should NOT nominate themselves.

Recommendation #1: _____

Comments:

Recommendation #2: _____

Comments:

Submitted By: _____

School: _____

District: _____

Signature: _____

Two awards will be presented.

Florida High School Mock Trial Competition
TEAM DISPUTE FORM

Date: _____ Round (*Circle one*) **1 2 3 4 Final**

Prosecution: _____ Defense: _____
(Team Code) (Team Code)

TEAM LODGING DISPUTE: _____ (Enter Team Code)

Grounds for Dispute:

Initials of Team Spokesperson: _____ Time Dispute presented to Presiding Judge: _____
Hearing decision of Presiding Judge (Circle one): **GRANT / DENY** Initials of Judge: _____

Reason(s) for Denying Hearing **or** Response of Opposing Team:

Initials of Opposing Team's Spokesperson: _____

Presiding Judge's Notes from Hearing:

Decision of Presiding Judge Regarding Dispute (Circle one): **Refer to Panel/Not Refer to Panel**

Reason(s) for Presiding Judge's Decision:

This form must be returned to the Mock Trial Coordinator along with the score sheets of the Scoring Judges and the ballot of the Presiding Judge.

Signature of Presiding Judge

Florida High School Mock Trial Competition
TEAM ROSTER FORM

Each Prosecution and Defense team should complete this sheet in triplicate. Copies are to be made available to the judging panel (3 copies) before each round. The team code can be filled in after registration at the competition site.

Note: Do not place team or attorney coach or teacher coach identifying information on the forms used in competition rounds.

Please print or type

Team Code

In this round, students listed on this roster represent the:
(Circle One)

Prosecution

Defense

Names of Team Attorneys

Identify Tasks to be Presented

Names of Team Witnesses

Identify Roles to be Performed

PROFESSIONALISM

The Florida Bar's Standing Committee on Professionalism's working definition of professionalism:

Professionalism is the pursuit of practice of the highest ideals and tenets of the legal profession. It embraces far more than simply complying with the minimal standards of professional conduct. The essential ingredients of professionalism are character, competence, and commitment.

Other thoughts on professionalism:

"...To me, the essence of professionalism is a commitment to develop one's skills and to apply that responsibility to the problems at hand. Professionalism requires adherence to the highest ethical standards of conduct and willingness to subordinate narrow self-interest in pursuit of the more fundamental goal of public service. Because of the tremendous power they wield in our system, lawyers must never forget that their duty to serve their clients fairly and skillfully takes priority over the personal accumulation of wealth. At the same time, lawyers must temper bold advocacy for their clients with a sense of responsibility to the larger legal system which strives, however imperfectly, to provide justice for all."

Justice Sandra Day O'Connor

"Professionalism is no more, and no less, than conducting one's self at all times in such a manner as to demonstrate complete candor, honesty, and courtesy in all relationships with clients, associates, courts, and the general public. It is the personification of the accepted standard of conduct so long recognized and observed by able lawyers throughout history, that a lawyer's word is his bond. It encompasses the fundamental belief that a lawyer's primary obligation is to serve his or her client's interests faithfully and completely, with compensation only a secondary concern, and with ultimate justice as the final goal."

Don Jackson, former chair of the Senior Lawyer Division of the American Bar Association

OATH OF ADMISSION TO THE FLORIDA BAR

The general principles which should ever control the lawyer in the practice of the legal profession are clearly set forth in the following oath of admission to the Bar, which the lawyer is sworn on admission to obey and for the willful violation to which disbarment may be had.

"I do solemnly swear:

"I will support the Constitution of the United States and the Constitution of the State of Florida;

"I will maintain the respect due to courts of justice and judicial officers;

"I will not counsel or maintain any suit or proceedings which shall appear to me to be unjust, nor any defense except such as I believe to be honestly debatable under the law of the land;

"I will employ for the purpose of maintaining the causes confided to me such means only as are consistent with truth and honor, and will never seek to mislead the judge or jury by any artifice or false statement of fact or law;

"I will maintain the confidence and preserve inviolate the secrets of my clients, and will accept no compensation in connection with their business except from them or with their knowledge and approval;

"To opposing parties and their counsel, I pledge fairness, integrity, and civility, not only in court, but also in all written and oral communications;

"I will abstain from all offensive personality and advance no fact prejudicial to the honor or reputation of a party or witness, unless required by the justice of the cause with which I am charged;

"I will never reject, from any consideration personal to myself, the cause of the defenseless or oppressed, or delay anyone's cause for lucre or malice. So help me God."