

The Florida High School Mock Trial Official Competition Packet

**State of Florida
v.
Jesse Woodson**

Version 1.2 February 8, 2012

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FLORIDA
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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

The city of Pikesville, Florida, has been having a difficult time lately. The economic downturn has caused many residents to lose their jobs and has resulted in a dramatic rise in crime. In many neighborhoods, there has been a rise in the number of groups of young people who spend most of their time together, outside on the streets.

One such group has formed near Powell Avenue. The group refers to itself as the Pirates, taking the name of the local community college sports team. Most of the Pirates attend the same school, Paul Laurence Dunbar High School. An 18-year-old named Jesse Woodson sometimes associates with this group.

In the past nine months, many home burglaries have occurred in Pikesville. The fact pattern is nearly identical in each case. The burglar or burglars enter through a window in the middle of the night and steal the prescription medication found in the bathroom and kitchen. The police have investigated the burglaries extensively, but no arrests have been made.

Angel Sterling recently moved with Angel's mother to Pikesville from Nebraska. They live with Angel's maternal grandparents. Angel has had a difficult time adjusting to the new home, especially with making friends at Dunbar High School. The Pirates and Angel have had problems with each other right from the start, and Angel has complained to school officials about the Pirates. Sydney Campbell, the vice principal, has spoken to the Pirates about the situation.

Angel spends most of the time on the computer to keep in touch with friends from Nebraska and to meet new friends online. S/He likes to use Buddylink, an instant messenger service, and FacePlace, a popular social networking site. S/He has also spoken with Campbell about his/her adjustment to Pikesville.

On February 21, 2011, Angel was up late talking online when s/he discovered two people wearing ski masks in his/her grandparent's bathroom. The two were rifling through the medicine cabinet and tossing pills into a backpack. Surprised, one of the intruders dropped the bag and spilled its contents onto the ground. The other grabbed Angel's hair and whispered menacingly to Angel, "If you ever tell anyone about this, you'll get a brick to the head." The two then ran out the front door. When the police investigated, they found a student identification card belonging to Madison Jackson lying on the bathroom floor.

The police interviewed Madison at school the next day, February 22. Madison denied all charges, and the police eventually let Madison return to class. When Madison entered the classroom, Madison's teacher Chris Draper believed that Madison made a threat against Angel. Because of Madison's alleged threat against Angel, Madison was suspended from school on February 23 for one week.

Beginning the afternoon of February 22, Angel began to receive a string of messages through Buddylink from unrecognized users. Some messages accused him/her of being a snitch and others threatened to harm him/her. Angel blocked each person, but the messages continued to flood in from new accounts. Angel also discovered that a FacePlace page had been set up titled "Clip Angel's Wings." Jesse Woodson appeared as the name of the person who set up the page. The page contained postings from other students whose names Angel recognized as members of the Pirates.

Angel's mother made him/her delete all of his/her Internet profiles and abstain from Internet usage. She also decided to keep Angel out of school for a while until the situation calmed down. During the next few weeks,

Angel's mother retrieved all of his/her homework from school, but Angel was still in such emotional distress that s/he barely completed any assignments, and his/her grades plummeted.

On Friday, March 11, Angel's mother made Angel return to school for a half-day. Angel left school at noon after Chris Draper's computer class. Draper escorted Angel to the entrance of the school. When the pair opened the door, they saw Jesse Woodson leaning against a brick building across the street. Jesse walked off when Draper approached, and Angel left to go home.

Angel was later discovered at 1 p.m., lying in an alleyway next to a run-down apartment building. The alleyway is located between the school and Angel's home. Angel had suffered a major injury to the back of the head. The alleyway had several red bricks lying on the ground. A brick was lying a few inches from Angel's head with congealed blood and hair on one of the corners.

At the hospital, Angel's mother told the police about the online messages against Angel. The investigating officer, Detective Cooper, went to interview Jesse Woodson later that day. During the interview Detective Cooper saw red dust under Jesse's fingernails and shirt and took samples. The police later traced the Internet messages to a computer in Dunbar High School.

Angel suffered a concussion, and the wound required 16 stitches to close. Angel also slipped into unconsciousness and remained that way for two days. When Angel awoke, s/he said the last thing s/he remembered was a voice say "Gotcha now!" Angel said the voice sounded like Jesse Woodson's voice.

Jesse was arrested and charged with aggravated battery in violation of section 784.045, Florida Statutes. Jesse was also charged with violating section 784.049, Florida Statutes, the recently enacted Anti-Cyberbullying Act, which makes it a crime to bully or harass a person through electronic means.

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

STATE OF FLORIDA,

Prosecution,

v.

Case No. 11-0011-H

JESSE WOODSON,

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 Scott County, Florida, the above-named Defendant committed the following crimes.

COUNT 1

On or about March 11, 2011, in violation of section 784.045, Florida Statutes, Jesse Woodson committed an Aggravated Battery upon Angel Sterling by intentionally striking Angel Sterling with a brick in the back of his/her head, causing great bodily harm, and during the commission of the crime, Jesse Woodson carried or had in his possession a brick, which constitutes a deadly weapon.

COUNT 2

Between February 22 and March 11, Jesse Woodson committed Cyberbullying in violation of section 784.049, Florida Statutes by transmitting, sending, and/or posting communications by electronic means – namely, the popular internet sites FacePlace and Buddylink – with the purpose to frighten, coerce, intimidate, threaten, abuse, harass, or alarm Angel Sterling, and in furtherance of severe, repeated, or hostile behavior

toward Angel Sterling.

Gabriel S. Slaten

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

WITNESS LIST

Prosecution:

1. Angel Sterling
2. Dr. Sam Holloway
3. Chris Draper

Defense:

1. Jesse Woodson
2. Madison Jackson
3. Dr. Brook Crane

*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:

- A. A diagram of the area around Powell Avenue.
- B. A diagram of Angel Sterling's injury.
- C. Narrative from Detective Cooper's police report.
- D. Printout from the FacePlace page set up by Jesse Woodson.
- E. Blackwatch log from February 22, 2011.
- F. Printout from Angel Sterling's Buddylink Message Page

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. The contents of the Blackwatch log are accurate.
8. The building next to the alleyway where Sterling was found was undergoing extensive repairs and was uninhabited.
9. Dr. Holloway and Dr. Crane 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.
10. The narrative from Detective Cooper's police report is a true and accurate recitation of the narrative from the actual police report prepared on March 18, 2011. The parties have stipulated that, because Detective Cooper is unavailable for trial, the prosecution can admit the narrative into evidence as an exhibit through Dr. Holloway, as a police department employee who reviewed and is otherwise familiar with the report. However, the parties reserve any and all objections that may apply to certain portions of the narrative to the extent those portions would be objectionable if Detective Cooper were testifying to the information himself, live and on the witness stand. In that regard, the parties may argue that the narrative should be admitted by the judge only after certain redactions are made. The judge is free to accept or reject such arguments. If the judge agrees that certain redactions should be made, the redactions will be deemed to have been made constructively.
11. Both doctors reviewed and analyzed all relevant reports.
12. The absence of lab reports may not be questioned.
13. The absence of photographs may not be questioned.
14. All physical evidence and witnesses not provided for in the case are unavailable and their availability may not be questioned.
15. The diagram of the area around Powell Avenue is an accurate diagram of the area, and the diagram of Angel Sterling's injury is an accurate diagram of the injury. Neither party can challenge the authenticity of the exhibits.

16. The blood and hair sample taken from the brick belong to Angel Sterling. There can be no challenge to chain of custody regarding these samples or any other forensic evidence.
17. Beyond what's stated in the witness statements, there was no other forensic evidence found in this case.
18. All witness statements were taken in April 2011.
19. Physical descriptions of the victim, the defendant and of the witnesses are accurate and may not be questioned.
20. Jesse Woodson is right-handed and Madison Jackson is left-handed.
21. Angel Sterling did not respond to any of the messages posted on Buddylink or FacePlace.
22. Jesse Woodson filed a pretrial motion challenging the constitutionality of section 784.049, Florida Statutes. The trial court denied the motion. No rearguing of the pretrial motion is permitted.

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

STATE OF FLORIDA,

Prosecution,

v.

Case No. 11-0011-H

JESSE WOODSON,

Defendant.

SWORN STATEMENT OF ANGEL STERLING

1 My name is Angel Sterling. I am 15 years old and I live with my mother and
2 grandparents on 288 Gilmore Avenue, one block south of Powell Avenue. I've lived there since
3 November 2010, when my mother and I moved from Nebraska. I am now a freshman attending
4 Paul Laurence Dunbar High School.

5 It's been difficult for me to adjust to Pikesville and make new friends. For some reason,
6 the other kids at school started picking on me immediately. My old school wasn't like this at all.
7 Everyone was friendly and knew each other. Here the kids make fun of how I talk and the words
8 I use. I sometimes feel like being intelligent is viewed as a negative personality trait. When I
9 transferred, Vice Principal Campbell offered to give me an orientation of the school before
10 starting classes, which he said was standard procedure for new students and helps with their
11 adjustment to DHS. My mom said that wasn't necessary. Looking back, I wonder if that would
12 have helped, but doubt it.

13 The bullying is done by the Pirates. They're a group of troublemakers at school, and I'm
14 their favorite target. They like to punch me in the shoulder when I'm carrying my books and to
15 slam me into the lockers. The ringleader of the group is Jesse Woodson. Jesse is older and works
16 with the school computer club run by Chris Draper, one of my teachers. Jesse will hang around

17 outside the school sometimes on other days, waiting for the Pirates to get out of school I guess. I
18 have made complaints about them. Jesse has come up to me a few times and told me to quit
19 making trouble for Madison Jackson and the rest of the Pirates, as if it was my fault.

20 Another problem for me is living in Pikesville. It is completely different from Nebraska.
21 We didn't have to lock our doors in Nebraska, but there's no telling what might happen to you in
22 Pikesville. There are muggings and even murders. Shortly after I arrived, my grandparents told
23 me that a lot of apartments and homes were being broken into.

24 I was getting by, however, and things had started to get better until the burglary at our
25 home. I've always been a good student and had no trouble fitting in academically. I was getting
26 straight A's in all my classes. Chris Draper even wanted me to join the computer club, but there
27 was no way I would ever join with Jesse around.

28 Chris Draper and Vice Principal Campbell talk to me every so often to see how things are
29 going. They started to talk to me in early December. They told me I needed to find a social group
30 at the school and wanted me to join the computer club to meet new friends. I told them that I'm
31 fine with my online friends.

32 I spend a lot of my time on the computer chatting with my old friends. I use the site
33 FacePlace. It allows you to create a personal profile listing your likes and interests. You can also
34 write public or private messages to people on your friends' list. I also use Buddylink, for instant
35 messaging. I probably spend around five or six hours a night on average talking online. My mom
36 doesn't like it much, but I really feel that my online friends are the only ones who understand me.

37 In mid-December, I was called into Campbell's office about the Pirates. I guess Draper
38 saw the Pirates messing with me. I told Campbell that the Pirates make fun of me and where I'm
39 from, call me a "freak," "nerd," and "loser," and even push me around in the hallway. Campbell

40 promised to speak to the Pirates and said that Campbell's office was always open if I had any
41 problems. I don't know what Campbell said to the Pirates, but it seemed to work for a while.

42 On the night of February 21, I was up late chatting to a new friend from Australia. I heard
43 noise coming from the bathroom. It was late, and my mom and grandparents were both asleep.
44 Curious about the noise, I went to the bathroom and turned on the light. I saw two people
45 wearing ski masks standing in my bathroom. They had a backpack open and were tossing my
46 grandfather's medicine into it. I know I surprised them because they dropped the bag when I
47 turned the light on. Everything in the bag spilled onto the floor. One of them started tossing
48 things back in the bag, but the other one grabbed my hair. The one that had my hair said, "If you
49 ever tell anyone about this, you'll get a brick to the head." The voice was muffled by the ski
50 mask, but it sounded like Jesse Woodson. The two then ran out the front door.

51 I was quite scared. I didn't sleep that night and instead waited on the couch. When my
52 mother woke up, she saw the mess in the bathroom and called the police. My mom kept me from
53 school that day to help calm me down. I didn't say who I thought the two people in the bathroom
54 were, because I didn't want to have the Pirates really come down on me. But if you ask me, I
55 think Jesse and Madison had something to do with the burglary.

56 That afternoon on Buddylink, I started to accept messages from new people, who turned
57 out not to be friends. I guess the Pirates found out I'm a Buddylink user from computer lab. I'm
58 always forgetting to log out of my account. I have seen Madison, Jesse, and other Pirates in the
59 computer lab before. When I see them, I leave immediately.

60 The messages were scary. They called me a "dirty snitch," and one of the messages by
61 someone named "Jolly Roger" said, "U know wut u deserve? A brick to the back of the head and
62 I have 1 with ur name on it." This sounded like something Jesse would say, and I was terrified. I

63 remember getting that message around 4:00 p.m. A classmate had told me a story once about
64 Jesse hitting another kid with a brick, so I knew Jesse was serious. I also discovered that the
65 Pirates had a page on FacePlace about me. It was called "Clip Angel's Wings," and Jesse had
66 created it. Every page lists the page's creator. A lot of nasty things were written there. One
67 comment from Jesse said, "Someone should teach that kid a lesson. Anyone got a brick? LOL!"
68 And then Madison posted that PLDHS would be better off without me.

69 I still didn't want to say anything, but I figured that since I never told about the robbery
70 but was being blamed anyway, there was no reason to keep it to myself. On February 25, I told
71 my mom about the messages, and she freaked out. She talked to Campbell on the phone, told
72 about the messages, said that I wouldn't be going to school until this all blew over, and that I
73 would have to quit all my online accounts for the time being.

74 It was a terrible time. I was stuck inside the house all day and all night and couldn't talk
75 to anyone else. I didn't know what the Pirates were thinking and getting ready to do to me either.
76 I got real sick and would throw up and have other stomach problems. I wasn't able to focus on
77 my homework and did very poorly for myself.

78 I think the drop in my grades is what made my mom decide it was time for me to go back
79 to school. She made me go to school for a half-day on a Friday as a test, just to test the water, so
80 to speak. That was March 11. It wasn't as bad as I thought it would be, but I was still pretty
81 scared. I got nasty looks, but no one tried to attack me. At lunchtime, which is at noon at my
82 school, I waited in Chris Draper's room until the halls had cleared. Draper then led me to the
83 main enhance of the school. When the door opened, I immediately saw Jesse Woodson waiting
84 across the street. I don't know how Jesse knew I'd be there, but there was Jesse, waiting for me.
85 Jesse walked off when Draper approached, but I was still terrified.

86 It normally only takes me five minutes to get home, but I wanted to let Jesse get far
87 enough ahead in case Jesse decided to wait for me. I ducked into a convenience store. I looked
88 through a bunch of magazines to buy time, and I must have been in there about 20 minutes or so
89 before leaving. As I continued back home, I kept looking for Jesse. I felt like I was an animal
90 being stalked.

91 There's an alleyway on Powell Avenue that cuts over to my street. I've never gone down
92 it because of the crime in this city, but when I peered down and saw that it that it was empty, I
93 decided to risk it. I must have only gotten about ten steps in when I heard a voice behind me say,
94 "Gotcha now!" It sounded just like Jesse Woodson's voice. I wasn't able to do anything—not turn
95 around, not run, not even yell—before something hard struck the back of my head, and
96 everything went black.

97 The next thing I remember is waking up in the hospital with a massive headache and my
98 head wrapped in bandages. I've never seen my mom cry as much as when I woke up. I had a
99 concussion and 16 stitches in my head. I had even been sleeping for two days! When the police
100 came, I told them everything I could remember. The Pirates already think I'm a snitch, so
101 whatever. Detective Cooper sat down with me and asked me questions. He showed me a
102 diagram of the area around Powell Avenue, and I confirmed where certain things were located.
103 The police arrested Jesse Woodson later that day. I say good riddance.

104

Angel Sterling

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

STATE OF FLORIDA,

Prosecution,

v.

Case No. 11-0011-H

JESSE WOODSON,

Defendant.

_____ /

SWORN STATEMENT OF DR. SAM HOLLOWAY

1 My name is Sam Holloway. I'm 50 years old and a forensic pathologist with Pikesville
2 Police Department. I've been in this field for 19 years. I received my medical degree from the
3 University of Sunnylands and a B.A. in forensic science from the University of Pikesville,
4 graduating summa cum laude. In addition, I've kept up with the latest advancements in forensic
5 science by continually reviewing forensic science journals and attending conferences. I have
6 testified as an expert witness in more than 60 trials.

7 I was asked to analyze the Sterling case. I began by speaking with Detective Cooper and
8 then examining the police reports on the incident, the medical reports, and photographs of Angel
9 Sterling's injuries. I examined the brick found at the scene believed to be the attack weapon, and
10 I chemically analyzed suspicious materials found on a suspect's body and clothing.

11 From the reports, it is clear that Angel had a deep laceration about 2 inches above and 2
12 inches behind the left ear. The wound was approximately a quarter-inch at its deepest point. The
13 wound proceeded along a downward straight line for approximately two and half inches. An

14 artist-rendered diagram of Angel's injury was prepared, which I confirmed was consistent with
15 the photographs.

16 The injury was highly suggestive of blunt force trauma from an object with straight edge.
17 Blunt force trauma can cause loss of memory. The amnesia can be either anterograde (the
18 inability to create new memories after the trauma), retrograde (the inability to recall events that
19 took place before the trauma), or both. Post-traumatic amnesia may sometimes occur
20 immediately following a traumatic head injury. The victim may be confused and unable to
21 remember events. Anterograde amnesia may lead the victim to a partial or complete incapacity
22 to recall the recent past, while memories from before the trauma remain intact. Retrograde
23 amnesia may lead the victim to a partial or complete incapacity to recall events that occurred
24 before the trauma. Angel shows no evidence of either form of amnesia. Of most importance in
25 this case is Angel's memory of the voice before being struck with the brick. Angel remembers
26 the past and remembers being struck with something hard in the head in addition to recalling
27 hearing a voice immediately prior to the trauma. It does not appear from the medical reports that
28 Angel suffers from retrograde amnesia.

29 The brick was a standard-size red house brick. It was eight inches long, four inches wide,
30 two and one-quarter inches deep and weighed just less than six pounds. There was a patch of
31 dried blood on one of the corners with a visible strand of hair. It was the only blood on the whole
32 brick. I took samples of the blood and hair from the brick and compared them to samples taken
33 from the victim. The DNA of the blood and the hair both matched the samples taken from Angel
34 Sterling. The chances a match happening randomly are about one in 7,000. I concluded that the
35 brick was indeed the instrument of the assault. I also tested the brick for fingerprints but was

36 unable to find anything. This is not surprising as the surface of a brick is usually, but not always,
37 too porous and irregular for a fingerprint to be discernible.

38 I chemically tested the composition of the brick. The results showed that the particular
39 brick was a concrete mix that had been coated with calcium silicate. Coating bricks helps protect
40 from the weather and outside forces. Calcium silicate is an extremely common choice as a brick
41 coating. A second brick given to me by Detective Cooper was also coated in calcium silicate and
42 made of concrete.

43 I also tested the dust samples Detective Cooper provided to me. The samples consisted of
44 a reddish powder found on the defendant's fingernails and shirt. Each sample was revealed to be
45 calcium silicate residue. I concluded that the samples were consistent with the coating on the
46 assault weapon. This evidence is consistent with the theory that the chemical composition of the
47 red dust taken from Jesse Woodson's clothing matches the chemical composition of the brick that
48 caused Angel Sterling's injuries.

49 I've read Dr. Crane's report and disagree with a number of Crane's conclusions. Crane
50 believes that the victim's injuries were caused by a left-handed attacker or the brick may have
51 fallen from a nearby building. I believe these theories to be inaccurate. The theory that the
52 attacker was left-handed rests on two major assumptions. First, it relies on the idea that the
53 attacker struck from directly behind Angel. If the attacker was positioned more toward the side,
54 or Angel happened to have turned at the last moment, the hypothesis has almost no standing.
55 And second, it rests on the assumption that the attack was caused by a swing. If the brick was
56 thrown, the same false assumptions apply. The brick would have just as likely struck the right or
57 left side of Angel's head regardless of which hand the assailant threw from.

58 My opinion is that the evidence is consistent with the theory that the assailant approached
59 Angel Sterling from behind in the alleyway and either swung the brick into or threw the brick at
60 Angel's head, striking Angel and causing Angel's injuries. The velocity of a swung brick or of a
61 brick thrown from a short distance would be close to the same and would cause similar injuries.

62 Dr. Crane does not offer any proof that the victim's injuries were caused by a falling
63 brick. The odds are much against the chance of a brick falling from a building at the very
64 moment Angel was passing by. Such an event is not impossible, but statistically improbable.

65 *Dr. Sam Holloway*

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

STATE OF FLORIDA,

Prosecution,

v.

Case No. 11-0011-H

JESSE WOODSON,

Defendant.

_____ /

SWORN STATEMENT OF CHRIS DRAPER

1 My name is Chris Draper. I'm 33 and I teach math and computers at Paul Laurence
2 Dunbar High School. I graduated from Freemont University with a dual degree in mathematics
3 and computer science and then went on to get my master's in education from Cortez University.

4 I've been at Dunbar for seven years now. I've really enjoyed my time there though things
5 have gotten more difficult in recent years. A lot of the students' parents have lost their jobs, and
6 that kind of thing will always affect their children. The students are acting up more, and the
7 number of detentions and suspensions has increased. Bullying has also become quite prevalent. I
8 take bullying seriously and try to make sure my classroom is a safe environment for all students,
9 but it's impossible to catch everything. I'm happy the state legislature stepped up with that anti-
10 cyberbullying law that was passed recently.

11 Angel Sterling joined my class earlier this school year and right from the start had trouble
12 fitting in. Some kids in school call themselves the Pirates and try to act tough. In mid-December,
13 I observed the Pirates making fun of Angel's family, where Angel came from, and the fact that
14 Angel was smart. I sent these students to see Campbell.

15 I was concerned about Angel, so I reached out to Angel's mother. She told me Angel
16 was having a tough time all around. She said that Angel didn't like living in a city and was
17 constantly anxious about something bad happening. She also said that Angel was spending
18 several hours a night on the computer, sometimes as much as seven or eight hours. This
19 concerned me greatly, because it sounded like Angel had not made any friends at Dunbar, which
20 could negatively affect Angel's adjustment to our school.

21 When I talked with Angel, it was clear to me that Angel was having problems living in
22 Pikesville. Angel expressed a fear that he "could be robbed or murdered at anytime." I tried to
23 provide social alternatives to Angel. I suggested that Angel join the school's computer club
24 because he was gifted with computers and math and was easily one of my top students, but also
25 because it would provide the opportunity to meet new friends. But Angel told me, "What's the
26 point? The Internet is all I have. I'd be lost without it." All I could do was advise Angel's mother
27 to seek counseling and try and interest Angel in other activities.

28 Jesse Woodson used to be a student of mine. I've always thought Jesse was pretty much a
29 good kid. When Jesse applied for an internship with our computer lab, I was happy. Jesse has
30 always been something of a natural when it comes to computers. Jesse comes in three days a
31 week to help me with the after-school computer club and shows up now and again at other times
32 to use the computer lab.

33 The school computer lab adjoins my main room. Except for when I conduct my computer
34 class twice each day, the room is open to anyone in the school, provided they respect the
35 equipment. The computers are all monitored by a software program called Blackwatch, which
36 makes sure the students aren't looking up inappropriate material. Social networking sites like

37 FacePlace had been previously allowed, but after this whole incident they've been added to the
38 banned sites list.

39 Blackwatch requires the students to log in with a personal access code created for each
40 student. The code is good throughout that student's time at Dunbar and expires on graduation.
41 When Jesse began the internship, I created an access code to use the school's computers. When
42 students stop using the computer they're supposed to log out. The computer also logs out
43 automatically after being idle for half an hour. The students routinely forget to log out, and since
44 so many students go in and out of the lab all the time, the automatic logouts aren't always
45 activated. Often students are using a computer that might be logged in under a different student's
46 access code.

47 One day in late February, the police interrupted my class. They had found Madison
48 Jackson's school identification card at the scene of a burglary the night before. The police spoke
49 to Madison, but no arrest was made. When Madison returned to class, I heard Madison tell a
50 classmate, "Angel snitched on me and now I'm going to have to hunt that little rat down after
51 school." I immediately sent Madison to Sydney Campbell's office. I'm not sure what happened,
52 but I did see Madison in computer club after school. Jesse was helping the students with their
53 projects. I assumed that the vice principal gave Madison a warning, but I learned the next day
54 that Madison was suspended from school for a week.

55 I also learned from Campbell that Angel would be out of school for an extended amount
56 of time, and I should drop off all my assignments in the main office for Angel's mother. When
57 Angel's assignments were returned to me, I was shocked by how bad they were. Angel's work
58 had fallen off considerably, with most of the work receiving D's or even F's.

59 Vice Principal Campbell also informed me that Angel's mom had told Campbell that
60 Jesse was connected to the Pirates. Campbell told me that we should tell Jesse not to work at
61 school until this was all sorted out. I told Jesse not to come to the computer class for the time
62 being. Jesse stormed off, mumbled something under his breath about Angel, and appeared to be
63 very angry.

64 I was relieved to see Angel finally back in school in mid-March, even though Angel
65 looked tired and nervous. At lunchtime, Angel asked to wait in my classroom for a few minutes
66 and then for me to walk Angel to the main door. When I escorted Angel out, I opened the main
67 door and saw Jesse Woodson leaning against a brick building on the other side of the parking lot.
68 I think Angel saw Jesse too because Angel looked scared. Jesse was carrying something. I'm not
69 sure what it was, but it was red. I don't remember what Jesse was wearing. I started to walk
70 toward Jesse, but I was distracted by another student, and when I turned around I saw Jesse walk
71 east down Payson Avenue. I encouraged Angel to come to class just to be cautious, but Angel
72 insisted on going home and waited a few moments before walking off in the same direction. I
73 heard later that day that Angel had been attacked on the way home with a brick and that Jesse
74 Woodson was a suspect.

75 The day after the incident, I received a request from Pikesville Police Department for the
76 Blackwatch log from February 22 and the master login code. The request stated that the
77 information was needed in the investigation of the attack on Angel Sterling. At the time, I had no
78 idea what the computers had to do with the attack on Angel.

79

Chris Draper

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

STATE OF FLORIDA,

Prosecution,

v.

Case No. 11-0011-H

JESSE WOODSON,

Defendant.

_____ /

SWORN STATEMENT OF JESSE WOODSON

1 My name is Jesse Woodson. I'm 18 years old and live at 445 Gilmore Avenue. I attended
2 high school for a year, but decided it wasn't for me and got my GED instead. I attend a local
3 junior college part-time. I worked at a grocery store for a while and then at a restaurant, but both
4 jobs were cut back. Until recently, I had an internship working as an assistant in a computer club
5 after school from 3:00-4:00 at my old high school, Dunbar, a few times a week. I spend the rest
6 of my time now helping out at home and taking care of my little sister Harriet who is 14 and in
7 ninth grade at Dunbar.

8 People think I'm a troublemaker, but I've only really been in trouble once. A few years
9 ago this boy kept bugging my sister Harriet, even after I told him to stop. One day, I saw him
10 push her to the ground and hit her. Without really thinking, I grabbed a brick and threw it at him.
11 I only meant to scare him, but the brick hit him in the chest. The cops arrested me, but I was
12 never charged.

13 Because I'm at Harriet's school a lot, I get to be like a parent or mentor to a lot of the
14 students, including a group called the Pirates. I give them advice and help them out in a way no
15 one ever did for me. They even call me the "Captain," and I really like how that sounds. One of
16 the things I do for the Pirates and other kids is teach them all about computers. I never did well
17 in school, but I've always understood how to use computers. Everyone is always coming up to
18 me with questions and asking for help with making their homework and projects look better. I
19 really like making fake websites and messing around with the designs. I'm also really into
20 graphic design on the computer. I often leave my school assigned access code logged in so I can
21 teach the students about a new program I found or an interesting website.

22 So one day in early December, the Pirates came up to me and said that this kid named
23 Angel Sterling was causing problems for them and even got some of them in trouble. I didn't
24 know what was going on. A lot of my friends were having problems with Angel so I spoke to
25 Angel myself a few times to make sure Angel didn't cross the line. Angel told me one time that
26 he hated living in Pikesville and said, "I'll do anything to get back to Nebraska." I think Angel is
27 trying to get attention by stirring up drama.

28 Then in February, Angel tried to frame Madison for all those burglaries happening
29 around town. Madison didn't get arrested, but got suspended from school instead. The same day
30 that Madison's suspension began (February 23), Chris Draper tells me not to come around to the
31 computer club anymore. A lot of the Pirates wanted to beat Angel up, but the last thing I wanted
32 was for any of them to end up in juvenile detention. Madison in particular was really upset, and I
33 was worried Madison might do something without thinking it through.

34 On February 22, I decided to set up a page on FacePlace. FacePlace is a social
35 networking site where friends can post messages to each other and discuss topics in forums

36 called threads. I thought that if the Pirates had a place to go and vent about Angel, then maybe it
37 would calm them down. I gave it a provocative title to get them to sign up and soon everyone
38 was on there talking about what they'd like to see happen to Angel.

39 I even said some things too, like how someone should teach the angel a lesson and
40 posted, "Someone should teach that kid a lesson. Anyone got a brick? LOL!" I was just kidding,
41 though. My friends tease me about my previous incident with a brick, so it would be kind of like
42 an inside joke. It was pretty stupid given how things turned out. Someone must have taken things
43 too seriously and ended up going after Angel with a real brick. All I know is I had nothing to do
44 with it.

45 I was at the club on the day the Buddylink messages were sent, but I did not send Angel
46 any messages. I used to use Buddylink, but now I find it a little juvenile. Although I don't use
47 Buddylink, I often show students how to use it. I do not have an active Buddylink account.

48 The day Angel got hurt started out as a pretty typical one for me. I woke Harriet up and
49 made her breakfast while she got ready. I walked her to school, and I came back home, stopping
50 first at the grocery store for a few things. I watched TV and cleaned up the place. At some point,
51 I got a call from Madison to ask me what I was up to that night. Madison had pretended to be
52 sick and wasn't in school that day. We talked about seeing a movie later, but we didn't know
53 what was playing.

54 I saw Harriet's lunch box on the counter. She often forgets to bring her backpack or lunch
55 or even her homework to school. It seems like I'm constantly at school bringing her things she
56 leaves at home. On that day, she forgot her lunch for the hundredth time this year. Good thing
57 my schedule is flexible, and I'm often free during the day so I can drop things off for her at

58 school. On that day, I walked to the school around noon to deliver Harriet her lunch and wait for
59 her to come out and get it.

60 The lunchbox is red and made of plastic. Harriet was late coming out that day.
61 Sometimes she skips lunch and just reads in the library. I started to think that's what was going
62 on, but I just waited across from the school to make sure, leaning up against a wall while I
63 waited. I saw Chris Draper and Angel open the door, and Draper immediately started coming my
64 way. There was something in Draper's look, like I was in trouble or something. A lot of adults
65 give me that look even though I'm not doing anything wrong. Who needs it? Draper had even
66 yelled at me just a few weeks before. I was tired of it all. I turned and walked away before
67 Draper could say anything.

68 I was back home just a few minutes when Madison called again about the movies that
69 were playing. That call must have been between 12:15 and 12:30. We decided to see *The*
70 *Martian Dragon*, a movie about the kid and his time-traveling dragon from outer space. I also
71 told Madison about what happened outside the school. Madison was interested in hearing that
72 Angel was back around. Madison even said, "So Angel's finally in the open again." After that, I
73 ate Harriet's lunch myself so as not to waste it, and then I took a nap on the couch.

74 Detective Cooper woke me up a few hours later. The officer wanted to know where I had
75 been that day and what I was doing. The officer asked if I knew anything about an assault on
76 Angel Sterling. I told the officer the truth, which was that I knew nothing about it. The detective
77 was really interested in dust under my fingernails and on my shirt. It had rubbed off from the
78 brick wall I was leaning against. You get that stuff on you so often around here that you stop
79 noticing it. The detective left, and I thought that the whole thing would drop since I hadn't done
80 anything. But a couple of days later, they came back and arrested me. To make matters worse,

81 the school has fired me permanently from my position. I never touched Angel, and all I want is
82 to get back home and take care of my friends and family again.

83

Jesse Woodson

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

STATE OF FLORIDA,

Prosecution,

v.

Case No. 11-0011-H

JESSE WOODSON,

Defendant.

_____ /

SWORN STATEMENT OF MADISON JACKSON

1 My name is Madison Jackson. I'm 16 years old and in the tenth grade at Paul Laurence
2 Dunbar High School. People like to call me "Mad Jack" because they think I'm crazy. I'm not
3 really crazy though: I've just got style.

4 I belong to the Powell Avenue Pirates, a bunch of friends from Dunbar. We've gotten an
5 unfair reputation, all of us Pirates. We're just friends looking out for one another.

6 Jesse Woodson has an undeserved reputation too. Jesse has never actually done anything
7 physical except that one time when someone went after Jesse's little sister Harriet. Jesse is
8 protective of Harriet and walks her to and from school every day. I have also seen Jesse bring
9 Harriet her lunch in a silly red lunch box that we make fun of all the time. Jesse is really smart
10 too, especially with computers. Jesse is great at making web pages and graphic designing. Jesse
11 also knows computer programs and teaches us all about them in computer club. Some students
12 use Buddylink, but I don't have an account. I don't understand why anyone would use Buddylink;
13 I prefer to call my friends. I did not send Angel a Buddylink message.

14 Angel Sterling moved to town last winter. I knew Angel was going to be a problem right
15 from the start. Angel has no respect for anyone and doesn't understand how to make it in
16 Pikesville. Angel likes to show off in class and will smirk when other students don't know the
17 answers to questions. I've said some things to Angel about it, but Angel just mocked me. One
18 time after we were in the same group for an assignment, Angel looked at me and said "Good job
19 this time. I'm impressed that you knew the answer." It was really snide. All of us Pirates feel the
20 same way. We don't want anything to do with Angel, and we make that feeling known.

21 I wouldn't call any of it bullying, but even if it was, it's not like it was ever serious. Angel
22 did rat on us about it anyway, and Draper sent us to the vice principal's office. Campbell warned
23 us to leave Angel alone and gave us detention. Campbell also said we would be suspended if the
24 bullying continued. I don't understand what the big deal was. If you ask me, I would say that
25 Angel is really sensitive.

26 I thought everything was cool, but in late February, I got called into the vice principal's
27 office again. The police were there, and they wanted to talk about a break-in at Angel's house.
28 They seemed to think I had something to do with it. I thought they were crazy. I've never been
29 near that house. They had my school identification card, but I don't know how or where they got
30 it. I had lost that card weeks earlier. It had been in my bag at school, but it just vanished one day.
31 At the end of the interview, the police just let me go back to class, because they had nothing.

32 I really couldn't believe what was happening. I figured that Angel was trying to get back
33 at me for the cold shoulder, but the whole mess was so unbelievable. I was worried about what
34 would happen if Angel kept on making up stories. Angel is this star student and everyone thinks
35 I'm a thug, who are adults going to believe in the end?

36 So the incident made me really mad. I told the other Pirates and Jesse about it all that
37 night and they were pretty mad too. We all got together and started this burn page about Angel
38 on FacePlace. I knew that Angel liked to use those sites too, and I was hoping Angel would see
39 the posts and regret making up stories about me. We all just wrote down what we thought of
40 Angel and things we'd like to do to Angel. It was just talk, and we never were going to act on it. I
41 mean if you did act on it after writing it all down first, you'd have to be some kind of moron,
42 right? Everyone was involved and said things, everyone in the Pirates that is. I think it had an
43 effect. When I came to school the next day, I found out I was suspended for a week. Draper
44 thought I said something about Angel after I got back from the cops, but I swear I didn't. Later
45 the Pirates told me Angel stopped coming to school.

46 The day Angel got hurt I was at home sick. My parents work days so I had to spend the
47 time home alone. I called Jesse on the phone at about 12:15, and we talked about seeing a movie
48 that night if I was feeling better. Jesse told me that Angel was back in school. Jesse had seen
49 Angel while going to drop off Harriet's lunch. By that point, neither of us cared about Angel at
50 all, and we discussed other things instead. That night, the other Pirates told me that Angel had
51 been hit with a brick while walking home and that the cops were looking at Jesse.

52 I think this whole thing is a bunch of crap. I know Jesse, and Jesse's not cold enough to
53 do this to Angel or anybody. Jesse would have to be personally provoked first. And just because
54 Angel got hit with a brick, it does not mean Jesse did it. That is crazy. The whole city is made
55 out of those bricks so anyone could have done it. And everyone said mean things about Angel on
56 the computer, including myself, to be completely honest. The cops just want to pin it on Jesse
57 because that's the easiest thing to do.

58 And now I recently found out that the school is suspending me for four weeks because
59 they found out about the FacePlace page and the things I said about Angel. This is all just
60 unbelievable.

61

Madison Jackson

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

STATE OF FLORIDA,

Prosecution,

v.

Case No. 11-0011-H

JESSE WOODSON,

Defendant.

_____ /

SWORN STATEMENT OF DR. BROOK CRANE

1 My name is Dr. Brook Crane. I am 55 years old, and I am currently the head of the
2 Forensic Science Department at Wilshire University where I oversee the department and teach
3 toxicology and other subjects. I received my undergraduate degree in biochemistry and forensic
4 science from Hearst University and my M.D. from Rose University. I completed my residency
5 and fellowship in Forensic Pathology at Rose Medical Center. I worked as a forensic pathologist
6 for over 20 years with the New York Police Department before returning to academia. I have
7 published in numerous journals and co-wrote the current textbook used at Wilshire University
8 and other leading forensic science programs. I am also currently serving my second term as a
9 vice president in the Academy of American Forensic Sciences. I have testified at more than 70
10 trials as an expert witness.

11 I was contacted by the defense and agreed to take this case pro bono. I reviewed all the
12 case materials, including witness statements, the stipulated facts, and the police and medical
13 reports. I have come to the opinion, based on several reasons, that the evidence does not strongly
14 support a conclusion that Jesse Woodson assaulted Angel Sterling.

15 The first reason is that the wound suffered by Angel suggests an attack by a left-handed
16 assailant, and Jesse Woodson is right-handed. If we assume for the moment that the brick was
17 swung and not thrown, several key facts support this idea. First, the laceration was on the left
18 side of the back of Angel's head. Next, the laceration was deepest at the top, suggesting that that
19 the top was the initial point of impact. Finally, the laceration proceeded downward on a
20 relatively straight line.

21 The most natural way people swing objects is with their dominant hand. For instance, a
22 right-handed attacker would swing from the right. The most natural target for a right-handed
23 attacker would be the right side of Angel's head. A right-handed attacker could have directed the
24 swing to hit the left side of Angel's head, but in that case the swing would not have felt as
25 natural, and would likely not have been as powerful. The wound would have some angle to it as
26 the arm retracted back to the right. None of this is visible in Angel's wound. The wound is much
27 more consistent with an assault from a left-handed attacker attacking from behind the victim.

28 If the brick were thrown, the wound is also more likely to have been caused by a left-
29 hander, for similar reasons. It is also possible the brick was not thrown at all, but fell. With
30 gravity as the only applicable force, a falling brick from almost any height could easily have
31 gained enough speed to cause Angel's injuries. That apartment in the alleyway was dilapidated
32 and undergoing renovation at the time of the incident, making it more likely than normal that a
33 brick could fall of its own accord, or caused by the vibration from a truck passing nearby. Indeed
34 the police detective who secured the crime scene stated that many bricks were lying on the
35 ground in the alleyway. My opinion is that the evidence does not allow one to conclusively rule
36 out the theory that a brick fell from the building and accidentally struck Angel.

37 Another issue we must consider is memory reliability. The victim in this case received a
38 severe blow to the head causing loss of consciousness (LOC). Such a trauma could have serious
39 effects on the brain, including visual impairment, loss of hearing, or irregular short-term
40 memory. Irregular short-term memory loss means the victim may have trouble accurately
41 recalling recent events immediately before or after the trauma. The injury could also cause the
42 victim not to remember his or her name, where he or she is, or even the date. There are two types
43 of amnesia: retrograde amnesia (loss of memories that were formed shortly before the injury) and
44 anterograde amnesia (problems with creating new memories after the injury has taken place).
45 Given the severe injury to Angel's head, that Angel was unconscious for two days, and Angel's
46 heightened fear of being attacked, it is likely that Angel's memory of the voice before the attack
47 is not a real memory at all, but a created memory of something that did not occur.

48 Finally, I don't place much faith in the test results of the powder on Jesse's shirt and
49 fingernails. Calcium silicate was commonly used to coat the bricks that make up the buildings of
50 Pikesville. There is no way to trace that powder to a specific brick. It could have come from any
51 brick in the city.

52 There is no scenario that can be conclusively be eliminated by the evidence, but my
53 opinion is that the most likely scenario is that the brick fell from above and struck Angel Sterling
54 by accident. The next most likely scenario is that the brick was swung into Angel's head, and as I
55 stated earlier, if this was the case, the assailant was almost certainly left-handed. The least likely
56 scenario is that the brick was thrown. My opinion is that the evidence does not support the theory
57 that a right-handed assailant struck Angel Sterling from behind.

58 *Dr. Brook Crane*

EXHIBIT A

Diagram of Area Around Powell Avenue

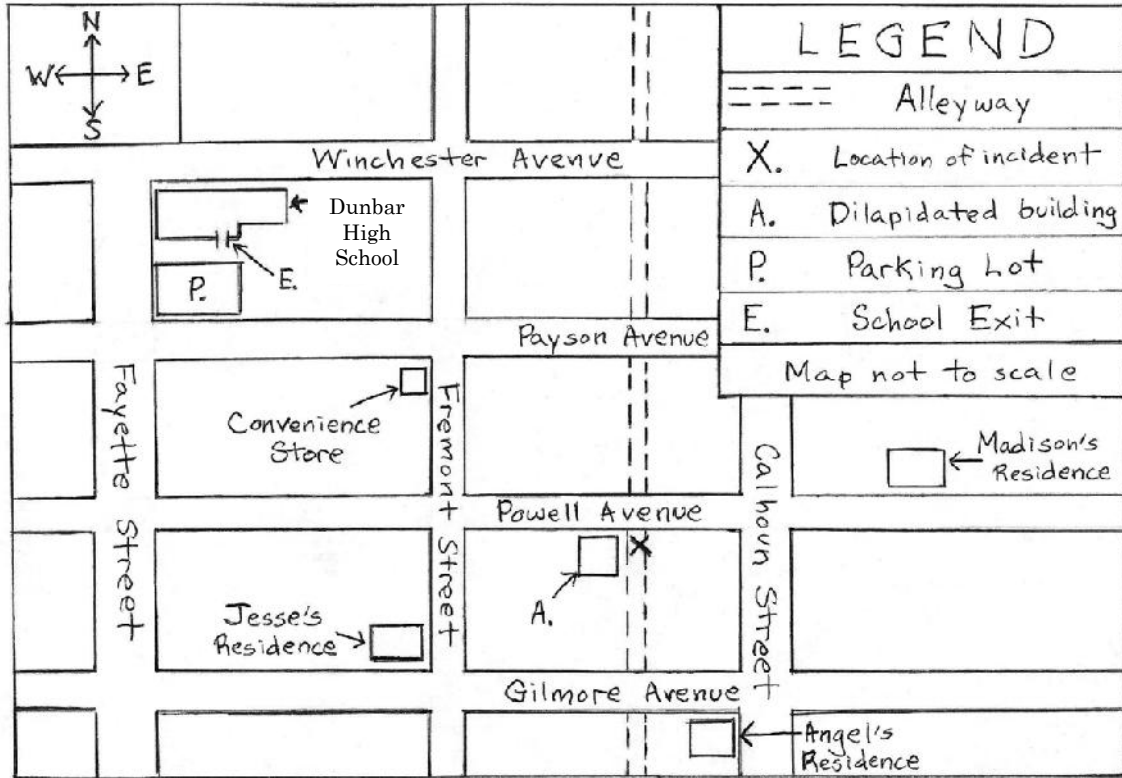


EXHIBIT B
Diagram of Angel Sterling's Injury

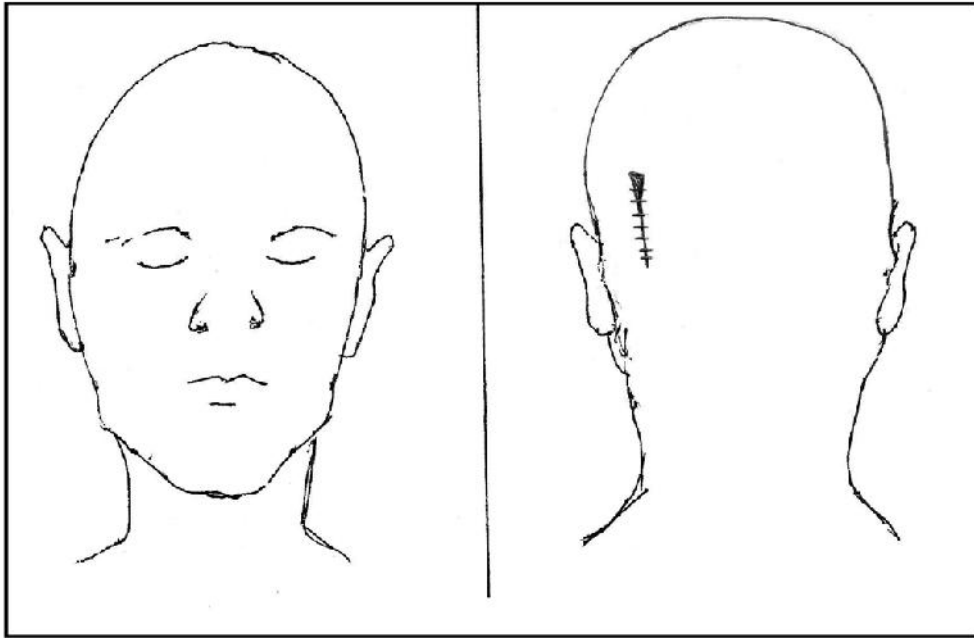


EXHIBIT C

Narrative from Police Report by Detective Frankie Cooper dated March 18, 2011

On March 11, 2011, I received a call about a possible attempted murder. I was in transit when the call came in, so I arrived before the ambulance. The victim was a 15-year-old student named Angel Sterling who had been hit in the head. The incident occurred in an open-ended alleyway between 135 Powell Avenue and 137 Powell Avenue. The victim was located near the entrance of the alleyway from Powell Avenue. The victim was found face down with the victim's feet directed toward Powell Avenue. I saw a fairly severe wound on the back of the victim's head. Angel was breathing but nonresponsive. The paramedics came and moved Angel onto a stretcher. I began examining the crime scene.

The alleyway had several red bricks lying around. One brick was 19 inches from the left side of where the victim's head had been. Upon examining the brick, I noted it was spattered with a brownish red substance. Based on my training and experience, I concluded that the substance was most likely blood. The blood contained strands of hair. I obtained samples of both the blood and the hair and marked the brick as evidence. Based on my discovery of the brick and the positioning of the body, I formed the opinion that the victim was struck from behind in the head with the brick with considerable force.

The building at 135 Powell Avenue was a brick apartment building. The building's bricks were the same red color as the brick located near the victim. I circled the building and discovered that it was fairly dilapidated and currently undergoing renovation. The main door was secured with a steel chain and a deadbolt lock that was intact. On the other side of the building, part of the wall had caved in. I seized a loose brick from the wall for comparison to the bricks in the alleyway.

I then proceeded to Pikesville Hospital. I learned from the doctor's report that Angel had suffered a deep laceration to the back left side of the head that required 16 stitches to close. The injury had also caused a concussion, and Angel was still unconscious.

I met with Mrs. Rosa Sterling, the mother of the victim, Angel Sterling. Mrs. Sterling informed me that Angel had been receiving threats from a group of students at Angel's High school called the Pirates. Mrs. Sterling told me that the Pirates had accosted Angel at school and through online programs like FacePlace and Buddylink. She said the abuse had intensified after their home was broken into. It had gotten so bad that Angel had been kept out of school for several weeks and only had returned that very day.

Mrs. Sterling told me that the leader of the group was a kid named Jesse Woodson and that Jesse had specifically threatened to strike Angel with a brick.

After finishing at the hospital, I proceeded to the Woodson residence. Jesse denied knowing anything about the incident. Jesse was wearing a white shirt. During the interview, I noticed a red dust-like substance on both sides of the shirt near the hips. The same substance was also clearly visible under Jesse's fingernails. I obtained samples from both the shirt and the fingernails for further testing by our forensics lab and ended the interview.

That same day, I also investigated other possible suspects, including the Pirates. I found no evidence linking them to the assault.

The next day I began to investigate the electronic messages received on the victim's computer through the instant messaging service Buddylink. The specific message was from a user named "Jolly Roger" and said, "U know wut u deserve? A brick to the back of the head and I have 1 with ur name on it." Like other instant messaging services, Buddylink allows users to create a unique profile and then directly connect to other available users. Each user has a specific list of friends to easily access. A user can, however, also use a search engine to find any user regardless of whether they are friends or not.

When users send messages through Buddylink, each computer links their IP addresses, and a record of the message is stored on each computer. It's similar to how phone tracing works. I used a tracing program on Angel's computer to discover that the message in question came from a computer at Paul Dunbar High School.

Through my investigation, I discovered the school uses a software program called Blackwatch, which I'm very familiar with. Blackwatch supervises Internet content for children. It also requires anyone who wishes to use the computer to log in. Blackwatch keeps a record of all logins stored in the database on the computer. That database is completely inaccessible to all users except the one who has the master user login. In this case, the computer teacher, Chris Draper, had the master login. I requested the logs, all access codes, and the master user login from Chris Draper. I used it to retrieve the Blackwatch log and discovered that when the computer sent the message to Angel's computer (3:45 p.m.), Jesse Woodson's access code was logged in to that computer.

Two days after being hit on the head, Angel Sterling regained consciousness. I asked Angel what had occurred in the alleyway, and Angel told me that right before blacking out, a voice from behind shouted, "Gotcha now." Angel believed the voice to be Jesse Woodson's.

Later that day, I received the forensics lab report. The hair and blood on the brick found at the scene did come from Angel Sterling. Furthermore, the brick was coated with a material called calcium silicate, which can easily rub off on contact with the brick. The samples I collected from Jesse Woodson's shirt and fingernails were both shown to be calcium silicate.

Based on all the available evidence I had probable cause to arrest Jesse Woodson for the assault of Angel Sterling, and I arrested Jesse Woodson that evening.

Detective Frankie Cooper

FacePlace

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Clip Angel's Wings

Group

Post a Note!

New Note:

Kris Mathers: Do you think everyone from where ever this kid came from is such a nasty rat? We should put a dead rat in Angel's locker as a welcome back present...if that pansy ever has the guts to come back.

March 10, 2011.6:26pm

Madison Jackson: Probably. Should go back to where they came from.

Tanya Smith: We could make a fake FacePlace profile to make Angel think some hottie is trying to hook up with Angel – then when it gets all intimate we can print flyers and put it all over school. LOL.

March 8, 2011.7:14am

Riley Adams: Hahaha omg Tanya that would be so funny.

Peyton Simpson: Angel is SOOOOO weird and such a stuck up little b****– always thinking they're better than everyone else. Sry - not all of us are dating our textbooks like you.

March 5, 2011.7:26am



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About this Group:

This group is all about a DHS student who's mouth is always running to teachers and principals. Feel free to sound off about this little snitch!

126 Members

Creator:

Jesse Woodson

Created on:

February 22, 2011

Warren Peters: Still 2 scared 2 come to school I guess.
February 26, 2011.12:06am

Comment

Warren Peters: Aw poor little baby – had to stay home cause they were scuuuured. Little punk can't even show around school. Good – stay home. No one wants u here.
February 25, 2011.3:15pm

Comment

Madison Jackson: DHS would be better off without a nothing like Angel. Your life at DHS is over.
February 24, 2011.10:47pm

Comment

Martina Sanders: HARSH!

Jesse Woodson: Haha.

Amy Jacobs: Angel is suuuuuuch a loser. I think Mikey said it best – Angels a freak.

Melissa Grayson: Bahahaha it was soooo funny today. Angel tripped + dropped all kinds of books and papers on the floor and everyone was just staring and cracking up. What a dork! Wish you had seen it Mad Jack – u would have died laughing. Miss u – how long you out 4?
February 24, 2011.4:21pm

Comment

Madison Jackson: Little jerk got me kicked out for a week. Miss u 2.

Madison Jackson: 4 real? Angel's not coming to school? Hahaha perfect. What a wimp.

Riley Adams: I know right? Wimp's not even the right word. I made a move on Angel as a joke and Angel didn't even know what to think.

Madison Jackson: Angel told the whole world I was part of that robbery – that loser needs to pay. Chubby nerd like that should never have been born.

February 23, 2011.5:47pm

Comment

Jesse Woodson: Someone should really teach that kid a lesson. Anyone got a brick? LOL!

Tanya Smith: Hahaha. Ur so funny Captain

Danny Livingston: That sux Mad Jack!

Marcus Walker: U now we got ur back

Ally Patel: Oh no Maddy! What a bigmouth. Nvr liked that kid.

Tucker Landings: That kids in trble now...

Mikey Fernandez: Someone finally made a FacePlace page about this little freak – 2 funny.

February 22, 2011.4:45pm

Comment

Jesse Woodson: U guys needed somewhere to vent about that kid. Ur welcome – LOL.

Blackwatch

Computer and Internet Access Monitoring Systems

Computer Access Log

22 February 2011

Master Login: C. Draper

Authorization Code: 56901810

User ID (PAC): WoodsonJ

Registered to: Jesse Woodson

Authorization Code: 45492962

Log in: 1535

Log out: 1625 (Automatic – time out)

User ID (PAC): PrichardM

Registered to: Morgan Prichard

Authorization Code: 65299642

Log in: 1500

Log out: 1515 (Manual)

User ID (PAC): FernandezM

Registered to: Michael Fernandez

Authorization Code: 51889292

Log in: 1442

Log out: 1455 (Manual)

User ID (PAC): NanceP

Registered to: Peter Nance

Authorization Code: 51884812

Log in: 1245

Log out: 1350 (Automatic – time out)

User ID (PAC): BushellC

Registered to: Carlton Bushell

Authorization Code: 29949842

Log in: 1203

Log out: 1241 (Automatic – time out)

User ID (PAC): BurkeH
Registered to: Harrison Burke
Authorization Code: 65618185
Log in: 1102
Log out: 1151 (Manual)

User ID (PAC): SterlingA
Registered to: Angel Sterling
Authorization Code: 89784156
Log in: 0945
Log out: 1042 (Automatic – time out)

User ID (PAC): BlackN
Registered to: Nicole Black
Authorization Code: 14151561
Log in: 0909
Log out: 0953 (Automatic – time out)

User ID (PAC): MarksT
Registered to: Toby Marks
Authorization Code: 51516266
Log in: 0801
Log out: 0814 (Manual)

User ID (PAC): MichaelsP
Registered to: Patricia Michaels
Authorization Code: 78594631
Log in: 0736
Log out: 0755 (Manual)

BUDDYLINK

HOME

PROFILE

MESSAGES

SETTINGS

SEARCH



V Logged In as:

NBAngel

> FRIENDS (148)

V Conversations

- JollyRoger
- Huskers422 AWAY
- GmaString
- JTB4U AWAY
- MadJax AWAY
- KGM1
- DHSLAX34

GmaStling says: Hey honey! How are you?

Message sent at 2:21pm – 02.22.11
NBAngel is AWAY
NBAngel has returned at 5:31pm

NBAngel says: Hey Gma – doing okay. Trying to keep busy – study, study, study.

Message sent at 5:33pm – 02.22.10

SEND

JollyRoger says: Ur such a nark. Every1 hates u. U know wut u deserve? A brick to the back of ur head and I got 1 with ur name on it.

Message sent at 3:52pm – 02.22.11
NBAngel is AWAY
NBAngel has returned at 5:31pm

SEND

KGM1 says: Not only are you a stuck up loser w/no life, but now u r nothing but a little attention whore. Go back where u came from.

Message sent at 4:57pm – 02.22.11
NBAngel is AWAY
NBAngel has returned at 5:31pm

SEND

DHSLAX34 says: You're nothing but a dirty snitch. If I were you Angel, I would keep an eye on my wings - you pimple faced freak.

Message sent at 2:33pm – 02.22.11
NBAngel is AWAY
NBAngel has returned at 5:31pm

SEND

APPLICABLE STATUTES

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](#).

Florida Statute § 784.049: Cyberbullying¹

(a) As used in this section:

(1) “Communication” means the electronic communication of information of a person's choosing between or among points specified by the person without change in the form or content of the information as sent and received; and

(2) “Electronic means” means any textual, visual, written, or oral communication of any kind made through the use of a computer online service, Internet service, telephone, or any other means of electronic communication, including without limitation to a local bulletin board service, an Internet chat room, electronic mail, a social networking site, or an online messaging service.

(b) A person commits the offense of cyberbullying if:

(1) He or she transmits, sends, or posts a communication by electronic means with the purpose to frighten, coerce, intimidate, threaten, abuse, harass, or alarm another person; and

(2) The transmission was in furtherance of severe, repeated, or hostile behavior toward the other person.

(c) The offense of cyberbullying may be prosecuted in the county where the defendant was located when he or she transmitted, sent, or posted a communication by electronic means, in the county where the communication by electronic means was received by the person, or in the county where the person targeted by the electronic communications resides.

(d) Cyberbullying is a Class B misdemeanor.

¹ This is a fictional Florida statute.

Florida Statute § 1006.149: Antibullying policies²

(a) The Legislature finds that every public school student in this state has the right to receive his or her public education in a public school educational environment that is reasonably free from substantial intimidation, harassment, or harm or threat of harm by another student.

(b) As used in this section:

- (1) “Attribute” means an actual or perceived personal characteristic including without limitation race, color, religion, ancestry, national origin, socioeconomic status, academic status, disability, gender, gender identity, physical appearance, health condition, or sexual orientation;
- (2) “Bullying” means the intentional harassment, intimidation, humiliation, ridicule, defamation, or threat or incitement of violence by a student against another student or public school employee by a written, verbal, electronic, or physical act that may address an attribute of the other student, public school employee, or person with whom the other student or public school employee is associated and that causes or creates actual or reasonably foreseeable:
 - (A) Physical harm to a public school employee or student or damage to the public school employee's or student's property;
 - (B) Substantial interference with a student's education or with a public school employee's role in education;
 - (C) A hostile educational environment for one (1) or more students or public school employees due to the severity, persistence, or pervasiveness of the act; or
 - (D) Substantial disruption of the orderly operation of the school or educational environment;
- (3) “Electronic act” means without limitation a communication or image transmitted by means of an electronic device, including without limitation a telephone, wireless phone or other wireless communications device, computer, or pager;
- (4) “Harassment” means a pattern of unwelcome verbal or physical conduct relating to another person's constitutionally or statutorily protected status that causes, or reasonably should be expected to cause, substantial interference with the other's performance in the school environment; and
- (5) “Substantial disruption” means without limitation that any one (1) or more of the following occur as a result of the bullying:

² This is a fictional Florida statute.

- (A) Necessary cessation of instruction or educational activities;
- (B) Inability of students or educational staff to focus on learning or function as an educational unit because of a hostile environment;
- (C) Severe or repetitive disciplinary measures are needed in the classroom or during educational activities; or
- (D) Exhibition of other behaviors by students or educational staff that substantially interfere with the learning environment.

(c) Bullying of a public school student or a public school employee is prohibited.

(d) A school principal or his or her designee who receives a credible report or complaint of bullying shall promptly investigate the complaint or report and make a record of the investigation and any action taken as a result of the investigation.

(e)(1) The board of directors of every school district shall adopt policies to prevent bullying.

(2) The policies shall:

- (A)(i) Clearly define conduct that constitutes bullying.
- (ii) The definition shall include without limitation the definition contained in subsection (a) of this section;

(B) Prohibit bullying:

(i) While in school, on school equipment or property, in school vehicles, on school buses, at designated school bus stops, at school-sponsored activities, at school-sanctioned events; or

(ii)(a) By an electronic act that results in the substantial disruption of the orderly operation of the school or educational environment.

(b) This section shall apply to an electronic act whether or not the electronic act originated on school property or with school equipment, if the electronic act is directed specifically at students or school personnel and maliciously intended for the purpose of disrupting school and has a high likelihood of succeeding in that purpose;

(j) This section is not intended to:

(1) Restrict a public school district from adopting and implementing policies against bullying or school violence or policies to promote civility and student dignity that are more inclusive than the antibullying policies required under this section; or

(2) Unconstitutionally restrict protected rights of freedom of speech, freedom of religious exercise, or freedom of assembly.

JURY INSTRUCTIONS

AGGRAVATED BATTERY

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

1. JESSE WOODSON intentionally touched or struck ANGEL STERLING against his/her will, or intentionally caused bodily harm to ANGEL STERLING,

and
2. JESSE WOODSON, in committing the battery, intentionally or knowingly caused great bodily harm, permanent disability, or permanent disfigurement to ANGEL STERLING, 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.

CYBERBULLYING

To prove the crime of Cyberbullying, the State must prove the following two elements beyond a reasonable doubt.

1. JESSE WOODSON transmitted, sent, or posted a communication by electronic means with the purpose to frighten, coerce, intimidate, threaten, abuse, harass, or alarm ANGEL STERLING,

and
2. JESSE WOODSON’S transmissions were in furtherance of severe, repeated, or hostile behavior toward ANGEL STERLING.

“Communication” means the electronic communication of information of a person's choosing between or among points specified by the person without change in the form or content of the information as sent and received.

“Electronic means” means any textual, visual, written, or oral communication of any kind made through the use of a computer online service, Internet service, telephone, or any other means of electronic communication, including without limitation to a local bulletin board service, an Internet chat room, electronic mail, a social networking site, or an online messaging service.

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."