

The R. Fred Lewis

FLORIDA HIGH SCHOOL MOCK TRIAL PROGRAM

A Program of the Justice Teaching Center @ Florida Southern College

2020 Official Case Packet

State of Florida

v.

Casey Murphy

Version 1.2 November 2019

Special thanks to our case authors

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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 all judges.
- II. Presiding judge announces that all witnesses are assumed to be sworn. Ask teams if there are any preliminary matters (not motions) that need to be addressed.
- III. Opening Statements - no objections allowed; however, after each opening has concluded, the opposing counsel may stand 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. Just state so noted. No rebuttals allowed.
- IV. Cases presented. See Rule XV and others for the trial sequence and time limitations.
- V. Closing Statements - no objections allowed; however, after each closing statement has concluded, the opposing counsel may stand 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

State of Florida v. Casey Murphy

On August 20, 2018, Casey Murphy enrolled as a freshman at Southern Coastal University (“SCU”) in Palmetto County, Florida, a Top 20 public university. Murphy, 18 years old, aspired to attend SCU since his/her childhood because the Murphy family is a legacy at MCU. Murphy’s grandfather, grandmother, mother, and aunt attended SCU. Murphy’s brother, Patrick, was also entering his senior year at SCU at the time of Murphy’s enrollment.

However, Murphy’s road to enrollment was not simple. Prior to graduating from Summer Creek High School in May 2018, Murphy was waitlisted at SCU. Murphy planned to attend a local junior college starting that fall when, on August 1, 2018, Murphy received an admission letter from SCU. As a condition of enrollment, Murphy was placed on a “No Excuses” probationary status, requiring Murphy to maintain at least a 3.0 grade point average and to avoid any violations of federal and state law or the SCU Student Conduct Code.

In October 2018, Murphy was visiting his/her brother’s apartment when Murphy found a notebook with the emblem for the secret society and protest group “SCU Underground.” SCU Underground was allegedly founded in the 1940s as “SCU For Change” for selected students to promote progress and diverse ideals on campus. However, SCU administration refused to acknowledge the group as an official campus organization, so it carried on its agenda without approval. SCU Underground met occasionally in secret but spread its messages to the public using eye-catching artwork and publications (in print and, eventually, online). The group was indisputably apolitical and did not condone violence.

Murphy asked his/her brother about the notebook. In response, Patrick asked Murphy whether he/she would want to attend the organization’s next meeting as a recruit. SCU Underground met on November 7, 2018, at 11:35 p.m. at the campus’s “old student union.” During the Fall semester, SCU was undergoing significant renovations to its campus. Among them was the scheduled demolition of the student union. The new student union opened across campus during the previous summer. Murphy learned that Patrick was the group’s leader and that the group planned to protest alleged corruption within the university’s current administration.

At 12:21 a.m., SCU Police Department (“SCUPD”) Sergeant Morgan Hatfield received a call complaining of a fire at the old student union. Hatfield reported to the scene within two minutes of the call and witnessed nine students fleeing. Hatfield was able to ascertain one of those students, Casey Murphy. Hatfield immediately arrested Murphy for misdemeanor trespassing and took Murphy to the SCUPD station house on campus. According to Hatfield, Murphy confessed to starting the fire at about 9:00 a.m. during a recorded interview. Hatfield arrested Murphy for felony arson, in violation of Florida Statutes 806.01. The State charged Murphy with first-degree arson but is pursuing second-degree arson as a lesser-included offense.

Murphy now claims the fire was an electrical fire prompted by the building’s demolition and that any statement to Hatfield was coerced. The State will present the testimony of Hatfield, Fire Marshall Jess McCoy, and Taylor Young (a member of SCU Underground). Murphy’s defense

will present the testimony of Forensic Psychologist Alex Rosengarten, Murphy's friend Cal Robbins, and Murphy.

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

STATE OF FLORIDA,

Prosecution,

v.

Case No. 18-67686

CASEY MURPHY,

Defendant.

INFORMATION

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

Mickey Haller, State Attorney for the Twenty-First Judicial Circuit of the State of Florida, charges that in Palmetto County, Florida the above-named Defendant committed the following crimes.

COUNT I – ARSON FIRST DEGREE

On or about November 7, 2018, in violation of F.S. 806.01(1) (Arson in the First Degree) the Defendant, Casey Murphy willfully and unlawfully caused a fire in a structure where persons would normally be present at the time of the fire, or the contents of a structure where persons would normally be present was damaged by a fire, or a structure that the defendant knew or had reasonable grounds to believe would be occupied by a human being at the time of the fire, and the structure was damaged by the fire.

COUNT II – ARSON SECOND DEGREE

On or about November 7, 2018, in violation of F.S. 806.01(2), the Defendant willfully and unlawfully caused a fire to a structure owned by another, and that structure, as defined by F.S. 801.06(3), was damaged by the fire.

Elle Woods
Elle Woods
Elle Woods
Assistant State Attorney
STATE OF FLORIDA
PALMETTO COUNTY
MICKY HALLER, STATE ATTORNEY
TWENTY-FIRST JUDICIAL CIRCUIT

WITNESS LIST

Prosecution:

1. Morgan Hatfield
2. Fire Marshal Jess McCoy

3. Taylor Young

Defense:

1. Cal Robbins
2. Casey Murphy

3. Dr. Alex Rosengarten

*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. The parties have stipulated to the authenticity of the trial exhibits listed below. The Court will, therefore, not entertain objections to authenticity of these trial exhibits. The parties have reserved any objections to the admissibility of any of these exhibits until the trial of the above-captioned matter. The trial exhibits may be introduced by either party, subject to the Rules of Evidence and the stipulations of the parties contained in the materials.

Exhibit A: Trespass Sign

Exhibit B: Fire Department Citation with attached photo of wiring

Exhibit C: SCU Incident Report

Exhibit D: Receipt (PPR Spirits)

Exhibit E: Hallway Photo – Dabner Hall

Exhibit F: Recreational Fire Application and Permit - SCU PSEM

Exhibit G: SCUPD Confession Transcript

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 absence of photographs and video footage may not be questioned.
8. All physical evidence and witnesses not provided for in the case are unavailable and their availability may not be questioned.
9. Witnesses are assumed to be constructively sequestered during trial with the exception of party opponents and expert witnesses.
10. Neither party can challenge the authenticity of the exhibits.
11. Fire Marshal Jess McCoy and Dr. Alex Rosengarten are experts in their field. Their qualifications as experts cannot be challenged.

WITNESS STATEMENTS

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

STATE OF FLORIDA,

Prosecution,

v.

Case No. 18-67686

CASEY MURPHY,

Defendant.

_____ /

Sworn Statement of Sgt. Morgan Hatfield

1 My name is Morgan Hatfield. I am a Sergeant with the Southern Coastal University Police Department. I
2 have been with the department for over 17 years. I was initially hired by the then Assistant Provost, now
3 President, J. Jameson, as a part time officer. I grew up right here in Palmetto County, and I attended
4 SCU for two years before I left classes and joined the SCUPD. I enjoy being an SCUPD officer, normally
5 the job is pretty quiet, breaking up frat parties, and helping with football game days. I played football with
6 President Jameson's brother the first year I was enrolled at SCU, and game days are my favorite. I was on
7 duty the evening of November 7, 2018. I was at the SCUPD station house on campus monitoring the radios,
8 and preparing for a calm evening. I was also reviewing security plans for upcoming events. When students
9 hold events on campus they have to apply for permits so SCUPD knows how many officers to have nearby,
10 so we know if we need to control traffic etc. That night one of the permits I was reviewing was from SCU
11 Underground. Cal Robbins, who is known to be a part of SCU Underground, had applied for a permit to
12 hold a bonfire on West Campus on November 12, 2018, and I was reviewing the permit to see what
13 security we would need at the event. Most of the time those SCUU kids are well behaved and the events

14 they do are permitted, or just clever posters. I also know Patrick Murphy well because I know his family
15 well. Patrick's aunt and I attend SCU together, and were good friends, and I know Patrick from his SCU
16 Underground events. I am also a big lacrosse fan and I go to all of Patrick's games. Patrick's Aunt and I sit
17 together at the games when I'm not working, and we love to cheer SCU on. I know Patrick's family, so I
18 know that he is here on a lacrosse scholarship, and I've had to warn him before, when I see him doing
19 SCUU stuff, that if he messes up, he'll be kicked off the team and booted from SCU. Anyways, I was
20 reviewing those permit applications, I had decided the SCUU bonfire only needed two officers present,
21 when I got a call at 12:21 complaining of a fire at the old student union. The old student union, Dabner
22 Hall, has been closed since the end of the 2017-2018 school year, because SCU is getting new ground to
23 build a new student union. The building had had one or two small fires, and really, it was as old as the
24 campus itself, and starting to fall apart. Since the SCUPD station house is close to Dabner Hall, I was there
25 within two minutes. I was accompanied by two other officers. By the time I got there there were a dozen or
26 so students running out of the building through the quad. Since I was trying to radio the fire crews to get
27 there, I didn't stop any of them, though I'm sure one of the kids I saw was Patrick Murphy. Finally, a kid
28 ran out right in to me, and he was coughing and reeked of lighter fluid and smoke. I recognized him
29 immediately as Patrick's sibling, Casey. Like I said, Casey's Aunt and I go way back, and we keep in touch
30 on game days and through social media, so I knew Casey was a student here. Since Casey had obviously
31 come from the source of the fire I zip tied Casey's hands, said they were trespassing and made Casey sit on
32 the ground. By the time the fire crews were there Casey had been sitting for about 15 minutes and we made
33 our way to the SCUPD station. On the way I read Casey's Miranda rights and told them they were being
34 arrested for trespassing. Casey kept asking to see Patrick, but since I knew Patrick wasn't there at the

35 station, I never answered him. Casey was put in an interrogation room with a blanket and a bottle of water.
36 I looked Casey up in our SCUPD system to see if there were any hits, and saw that Casey was on “No
37 Excuses” probation. Normally there is a reason for that, so I knew that Casey must be a bad seed,
38 especially based on the stories Casey’s Aunt had told me. I told Casey what I had seen, about all the
39 evidence we had against Casey for trespassing and that people were being treated for smoke inhalation. I
40 wasn’t sure that people were actually being treated, but I heard one or two calls on my radio about calling
41 the paramedics, so I figured that might be the case. We had a nice calm conversation, just talking about
42 Dabner Hall, and what stuff Casey had in their backpack. When Casey first arrived at the station I searched
43 the backpack they had, and inside, according to my records, were two bottles of lighter fluid, a laptop, an
44 SCUU bumper sticker, a receipt for the lighter fluid and a bottle of vodka, and the broken wooden end of
45 what appeared to be a match. Casey and I discussed the appearance of these items and just around 8:45 AM
46 Casey told me they set the fire. I set up my recording device and recorded a 3-minute-long confession.
47 After that I formally arrested Casey for felony arson. At no point did I threaten Casey’s sibling or withhold
48 an attorney or food or water. Casey knew Patrick was not at the station and knew that there were restrooms,
49 blankets, and snacks available at any time. I’m so glad that Patrick is still on the lacrosse team and here at
50 SCU, he’s the star of the team and my Saturdays wouldn’t be the same if he wasn’t on the team anymore.
51 Just so you know the SCUU did hold their bonfire on November 12, 2018, and it went ahead with no

52 incidents, just gave one kid a ticket for underage drinking.

WITNESS ADDENDUM

I have reviewed this statement, and I have nothing of significance to add at this time. The material facts are true and correct.

Signed,

Sgt. Morgan Hatfield

Sgt. Morgan Hatfield

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

STATE OF FLORIDA,

Prosecution,

v.

Case No. 18-67686

CASEY MURPHY,

Defendant.

_____ /

Sworn Statement of Jess McCoy

1 My name is Jess McCoy and I am the Fire Marshal for Palmetto County. I have held this position since July
2 2016. Prior to my current position, I was a Deputy Fire Marshal in Sunshine County, Florida for eight
3 years. Prior to that, I was a firefighter for Sunshine County Fire Department for six years. As a Deputy
4 Fire Marshal, I handled inspections of commercial buildings, both new and old construction. In my current
5 position, I oversee three deputy fire marshals who handle the day-to-day inspections of buildings. I review
6 their inspections and citations as well as coordinate with other county offices whenever an issue arises that
7 is outside our purview. If there is ever an incident, such as a building fire, I am always involved in the
8 investigation along with at least one other deputy fire marshal. As a fire marshal and deputy fire marshal, I
9 have been involved in over two hundred building fire investigations. I have a Fire Inspection Certificate
10 through the Association of Fire Inspectors and have completed over sixty hours of advanced fire
11 investigation courses.

12 In regards to this incident, the Palmetto County fire department was advised of a building fire at Southern
13 Coastal University at 12:22 a.m. on November 8, 2018. An engine was on scene by 12:42 a.m. Because of
14 barricades on Dabner Hall, it took longer than normal for the department to begin controlling the fire.
15 However, the department was able to contain the fire and get it under control through water application.
16 Fortunately, the fire did not spread to any of the nearby buildings. After the fire was extinguished, the
17 department was able to confirm that no persons were inside Dabner Hall.

18 I was on scene with one of my deputies at 2:00 a.m. on November 8, 2018 in order to begin our
19 investigation. I first discussed the firefighter's response with the highest-ranking responder on scene. He
20 explained that they only used water application through the fire hose and hydrant. The fire immediately
21 came under control and he did not notice any additional spread of the fire once they began water
22 application.

23 It is my understanding that the Defendant claims this was an electrical fire; however, had this been an
24 electrical fire, I would not suspect this course of events. Because water conducts electricity, it could
25 potentially give a severe electrical shock to the firefighter handling the fire hose. It could even make the
26 fire worse as the electricity can spread through the water being applied to other parts of the building or
27 igniting other flammable objects nearby. In general, an electrical fire cannot be extinguished quickly with
28 water and needs to be extinguished with non-conductive chemicals. However, it is possible to extinguish an
29 electrical fire with water – just risky and ill advised. If you tried to extinguish an electrical fire with just

30 water, it would likely increase the size of the fire first and that did not happen here. In this case, the
31 firefighters reported only using water hoses to extinguish the fire. They also reported that the water hoses
32 worked effectively from the beginning and the fire was completely extinguished within the expected
33 time frame for a fire that size.

34 Upon my investigation of the building, I determined that the area of origin of the fire was a classroom on
35 the second floor which was designated as 2C. The fire had spread throughout the entire room. I was able to
36 determine that the point of origin was the east wall of this classroom. On this wall was a blackboard. In the
37 center of the wall and four inches under the blackboard was a power outlet which had the burnt remains of
38 a projector and a laptop on the floor next to it. On the floor of 2C, I also found lighter fluid residue. The
39 residue covered a surface area of about two square feet and was located about six feet from the east wall.
40 On the other side of the east wall was a maintenance closet. The maintenance closet could be accessed in
41 the hallway through a door that was marked "Private." All four walls of the maintenance closet were also
42 burned in a similar fashion as 2C. Inside the maintenance closet was exposed circuitry that was very poorly
43 set up and appeared overloaded. Even though much of it had burned in the fire, I could tell that this
44 circuitry was not up to code. Although I was able to determine that the point of origin was the shared wall
45 of 2C and the maintenance closet, I was unable to determine which side of the wall the fire started.

46 During my investigation, I also researched the history of the building. The old student union was built in
47 1945. In the mid-1980s, the entire electrical system was overhauled and was up to code for that time. In
48 2012, the Palmetto County Fire Marshal issued a citation against SCU for "overloaded circuits" and

49 suggested three additional circuits to be added to the building. I was able to locate two permits, one in 2014
50 and 2015, in which one additional circuit was added in each of those years. It does not appear that a third
51 circuit was ever added as suggested by the Fire Marshal but no additional fines were ever issued.
52 Additionally, through a public records request to SCU, I was able to locate an internal incident report of a
53 small fire on February 8, 2018. The fire occurred on the 2nd floor of Dabner Hall. According to the incident
54 report, the fire was promptly extinguished with a nearby fire extinguisher and the fire department was not
55 summoned.

56 Dabner Hall was closed in the summer of 2018 when the new student union opened. However, the building
57 continued to run air conditioning and many appliances that had been left in the building. From my
58 discussions with campus personnel, prior to the building closing, there had been over two hundred
59 computers, two large servers, and two dozen televisions that were constantly using power from the
60 building. After the new student union opened, all of these items were moved out of the old student union.
61 Therefore, the amount of strain on the electrical system was much less on the night in question than it was
62 before the summer of 2018. It is very unlikely that a fire would result from electrical overload in these
63 circumstances.

64 After a thorough investigation of the building, my discussion with the responding firefighters, and my
65 research of the history of the building, it is my opinion that this was not an electrical fire and that the fire

66 was man-made.

WITNESS ADDENDUM

I have reviewed this statement, and I have nothing of significance to add at this time. The material facts are true and correct.

Signed,

Fire Marshal Jess McCoy

Fire Marshal Jess McCoy

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

STATE OF FLORIDA,

Prosecution,

v.

Case No. 18-67686

CASEY MURPHY,

Defendant.

_____ /

Sworn Statement of Taylor Young

1 My name is Taylor Young. I am 20 years old and a student at Southern Coastal University. I used to be on
2 the school's swim team and was a member of SCU Underground, until Casey ruined everything.

3 I joined SCU Underground the same year as Casey's brother. We moved up the ranks together, from grunt
4 work, like getting flyers printed or hanging banners, to the very top of the organization. Last year, when it
5 came time to decide on Underground's new "leader," it was down to the two of us. Patrick won in a secret
6 ballot, but I didn't have any hard feelings about it. We agreed before the vote that we would work together
7 as a team, so I volunteered to be his right-hand man.

8 Then Patrick and Casey took things too far. Early last year, the university announced it would renovate the
9 campus. But "renovation" really meant gentrification. The school purchased some of the last small
10 businesses that surrounded the campus, as well as some low-income housing, from a land developer that
11 has not been identified. The university president then announced he would build a brand-new student
12 union, condemn the old student union, Dabner Hall, and, in place of the old student union, erect some huge
13 tribute to his father (the first university president). He had some excuse involving the location of the old
14 building and electrical problems. The president then hired a bigwig contractor who everyone suspected was

15 the land developer that sold the university the land to expand the campus.

16 I still don't understand all the details, but Patrick was convinced it was corruption. I also used to be in
17 student government, and I know the contractor that ended up receiving the job was not the lowest or best
18 bid. Patrick asked his friends, some official reporters and unofficial "journalists," to investigate the story,
19 but they all came up empty. Patrick brought the issue to Underground in August 2018. We started holding
20 our meetings in Dabner Hall at that point. I knew it was trespassing, but it wasn't anything we hadn't done
21 before to maintain secrecy. Everyone was hesitant to act on Patrick's agenda because it was the first time,
22 in this history of Underground, that someone wanted to take on the administration personally rather than on
23 an issue pertaining to social change and progress. Patrick asked the group if they would support a public
24 protest from SCU Underground if he found underclass recruits to manage and execute it. We all agreed to
25 that. I didn't want my name and reputation on the line if anyone was able to trace it back to us. I don't
26 think that anyone did.

27 At the November meeting, Patrick showed up with Casey. Casey proposed setting a fire in the old student
28 union. Casey said if he made it look like an electrical fire then the police would be forced to investigate
29 whether there was any reason to close the building in the first place. Plus, the building was abandoned, so
30 no one would be hurt. Patrick objected and proposed a bonfire. Casey then pulled out lighter fluid. I left at
31 that point with a lot of the other students who were there. Before I could even get outside, I smelt smoke.

32 Once I was outside, I saw the fire start to grow. Then I heard sirens. It all happened very quickly, but the
33 last thing I clearly remember was getting tackled by a university police officer, Officer Higgins. He
34 immediately recognized me and took me to the station. It was about 1:30 a.m. when I saw Higgins again. I
35 was waiting for 45 minutes in complete silence in a holding room until that point. That was terrifying, and I
36 started talking to myself to stay awake. Higgins read me my *Miranda* rights, but I had nothing to hide. He
37 told me that if I told the truth then I wouldn't be held responsible for the fire. Higgins also said that he
38 would protect me if this had anything to do with Underground. I knew if it came out that I was in
39 Underground, I could kiss my spot in student government and the swim team goodbye. I told him what
40 Casey did, but I guess I got very excited because, when I told him the story originally, I embellished and
41 said I saw Casey also take out matches in the classroom at Dabner. That wasn't true, but everything else
42 was. My interview ended at about 3:45 a.m.

43 A state prosecutor then came to the room and told me he would reduce the charge from felony burglary to
44 misdemeanor trespass if I cooperated with the state. I corrected my story at that point, and he still let me
45 take the deal. I pleaded guilty to trespass and haven't been sentenced yet. I am facing up to 60 days in jail.
46 The prosecutor hasn't promised me anything about my sentence, but he keeps telling me that cooperators
47 don't go to jail. As I expected, I was kicked off the swim team and student government. SCU Underground
48 disbanded, although I keep hearing rumors that some members are coming together to protect Casey. I'm
49 just happy the school will still let me graduate.

WITNESS ADDENDUM

I have reviewed this statement, and I have nothing of significance to add at this time. The material facts are true and correct.

Signed,

Taylor Young

Taylor Young

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

STATE OF FLORIDA,

Prosecution,

v.

Case No. 18-67686

CASEY MURPHY,

Defendant.

Sworn Statement of Cal Robbins

1 My name is Cal Robbins and I am a junior at Southern Coastal University. I'm a political science major and
2 on SCU's mock trial team. I was there the night the fire started in Dabner Hall and I don't believe that
3 Casey Murphy started the fire.

4 I have been a part of SCU Underground since my freshman year. I know Patrick Murphy very well,
5 he recruited me to SCU Underground when he was a sophomore. I had met Casey Murphy a few t
6 times at Patrick's dorm room and in passing at Patrick's lacrosse games. The night before the fire, I
7 was hanging out with Casey and Patrick in Patrick's dorm room. Patrick had already told Casey ab
8 about SCU Underground and Casey was asking me lots of questions about it. Casey was very
9 excited about the organization, especially in light of learning about our plans to protest the
10 corruption within SCU's administration. Casey seemed quite bitter about the administration, for a
11 new freshman. But, Casey told me about his "No Excuses" probationary status and how he felt he s

12 shouldn't have been waitlisted. I guess that was why he was a little more apt to join in on protesting
13 the administration than most freshmen. I told Casey that we were planning a bonfire on November
14 12th. In fact, I had just received the permit for the fire the day before on November 5th. Casey told
15 me this was an awesome idea to attract attention to our group and our cause. I left Patrick's dorm
16 that night and told Casey I would see him tomorrow at his first SCU Underground meeting.

17 On November 7th, I met Casey, Patrick, Taylor Young, and about a dozen members at Dabner Hall.
18 We met in classroom 2C on the second floor. That classroom is always unlocked. We had a spirited
19 discussion about the corruption within the administration. We eventually stopped gossiping and got
20 down to business. We discussed plans for the bonfire and I told the group that I had obtained the
21 permit and we were going to be allowed to start the bonfire at 8:00 p.m. on the 12th. Casey got re
22 ally excited and unzipped his backpack. He showed us two bottles of lighter fluid and said "this
23 should send a message" with a grin. I could tell he was trying to impress us with his initiative.

24 We began talking about posting flyers for the next couple of days around campus. A few of the
25 members had been working on messages and designs for the flyers as well as for signs that we
26 would display at the bonfire. One of the members had brought a small projector and hooked it up to
27 his laptop to show some of the designs on the classroom wall. I do recall him having difficulty
28 getting the projector plugged into the wall below the blackboard. It initially kept turning on and off,
29 but Casey was able to get the plug to stay in far enough to keep the projector powered on. Although
30 the plug was still sticking out halfway from the outlet.

31 There were some arguments over what our overall message should be and how to get our point

32 across. Also, whether some of the messages on the signs went a little too far or were in poor taste.
33 Also Patrick's ideas for signs were, I guess you could say, harsh. Some of the ideas really went after
34 the President personally. Taylor got upset because he didn't want our message about administration
35 corruption to get lost in some of the more extreme language and images being proposed.

36 We had been debating sign designs for about 10 minutes when Taylor got too upset and left.

37 About a minute later, I started to smell smoke. I looked back and saw the wall smoking around the
38 blackboard and yelled "Fire!" There were small flames along the bottom center of the wall and
39 within seconds those flames grew and were engulfing the entire wall. The flames started right
40 around the outlet where the projector was plugged in. We didn't have time to try and unplug the
41 projector or anything, so we just ran out. I've never seen a fire accelerate that fast. I don't remember
42 where Casey was when the smoke started but I believe he was behind me, close to the outlet.

43 As we were running down the hall, I saw Casey turn back. I yelled, "What are you doing?" and he
44 said he was going to go back in to get his backpack because it had his laptop and lighter fluid. I kept
45 running down the stairs and out of the building. I waited outside but never saw Casey come out.

46 After the fire department arrived and put out the fire, they confirmed that no one was inside. I was

47 I was really worried about Casey but I figured he had run out and gotten as far away as possible.

48 Although I know that Casey didn't start the fire, I knew he didn't want to be caught trespassing

49 because of his probationary status at school. It wasn't until around 8 am that I learned that Casey had

50 been arrested by SCU police.

WITNESS ADDENDUM

I have reviewed this statement, and I have nothing of significance to add at this time. The material facts are true and correct.

Signed,

Cal Robbins

Cal Robbins

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

STATE OF FLORIDA,

Prosecution,

v.

Case No. 18-67686

CASEY MURPHY,

Defendant.

Sworn Statement of Casey Murphy

1 My name is Casey Murphy. I am 18 years old and a freshman at Southern Coastal University. I
2 graduated from Summer Creek High School in 2018. After getting off the waitlist a week before
3 school started, I started the fall of 2018 at SCU. Because I got in off the waitlist so close to the start
4 of school, I am on a “No Excuses” probationary status. That means I have to keep a 3.0 GPA, take
5 at least 13 credits each semester, and I can’t violate the SCU student code of conduct, or break any
6 laws. I was so excited to get in to SCU because everyone in my family goes to SCU. My
7 grandparents, my mom, and my aunt all went there, and I grew up going to SCU football games.
8 My older brother Patrick is a senior at SCU. Patrick is super involved at SCU. A few weeks after the
9 year started, I was hanging out in my brother’s apartment when I found a notebook that said “SCU
10 Underground”. Patrick explained to me that this was a cool underground club that worked to spread
11 progress and diverse ideas on the SCU campus. Apparently, it used to be called SCU For Change.
12 My grandparents were even in it in the 1940s when it was founded. We have all been a part of the
13 organization, and Patrick told me I would be a shoe in for the organization if I wanted to be
14 recruited. SCU Underground wasn’t an official group organization. They did cool underground

15 publications and rogue murals to spread their ideas. Before the next SCU Underground meeting,
16 Patrick, who is high up in the organization told me that the school was looking to spread out into an
17 old low-income neighborhood near the campus. The President was going to build a tribute to his
18 own father and some of the details Patrick told me sounded really shady, like the contractor donated
19 all this money to the basketball team, and the student newspaper reported that SCU wouldn't say
20 who they bought the land from for the new student union they were building. Patrick and Cal
21 told me they had planned a bonfire to protest on November 12th, 2018. The next SCU Underground
22 meeting was November 7, 2018. Because they aren't an official group, and can't reserve rooms etc.,
23 SCUU met that night in the old student union. Since there was a new student union, the old one, D
24 Dabner Hall was closed but there were still entrances you could get into and the buildings still had
25 lights and power. On my way to the meeting, I stopped at the store and bought some lighter fluid to
26 bring to the meeting. I wanted to show that I was going to be a good recruit, willing to help out the
27 SCUU, etc. Since Patrick had told me about the bonfire, I knew we would need a lot of lighter fluid
28 to get it big enough to attract attention to our message, so I figured I'd be ahead of the game and do t
29 that. I also bought a big bottle of alcohol, since Patrick was over 21, I figured some of the older
30 SCUU kids would want to drink. When I got to the meeting there were about 15 people there, and
31 we all talked about the bonfire to be held the next week. I showed everyone the lighter fluid I had
32 bought. I think the older kids were impressed at my initiative. I showed them because they were buy
33 one get one at the store, a great deal! Taylor was there, and he did not like the idea of attacking the
34 President's plan with the bonfire. Patrick later told me that it was because Taylor has a President's
35 Scholarship, given by the President's dad, and he didn't want to lose it. He was angry at everything
36 Patrick suggested and left the room. Someone brought a projector that was showing some of the
37 messages we were going to paint on placards during the bonfire, and I'm sure that is what caused t
38 the fire. It took a long time to get plugged in and working, and I finally got it to stay on when I
39 plugged it in. Right after Taylor left the room, the classroom wall behind the old blackboard turned

40 black and started smoking. We all ran out as soon as we saw the smoke. Patrick went straight out of
41 the building, along with most of the people. I went out but ran right back into the classroom to get
42 my backpack since I realized it had all of my class notes, laptop and the lighter fluid. I didn't want it
43 to explode. When I got to the classroom, my backpack had been trampled by everyone leaving and
44 the lighter fluid bottle had been squished and leaked out. I grabbed my bag and ran out, but got lost
45 on the way out, since it was my first time in the building. When I finally found an exit that wasn't
46 chained shut, the fire was really going. As soon as I stepped out, someone grabbed me and threw
47 me to the ground. Now I know it was Officer Hatfield. He picked me up and radioed for the fire
48 crews to come. Hatfield then zip tied my hands together and read me my Miranda rights. He told
49 me I was under arrest for trespassing, since Dabner Hall had no trespassing notices posted because
50 of the construction. By the time Hatfield got me to the SCUPD station across campus it was about
51 12:40 a.m. I was coughing from all of the smoke and soaked in the leaking lighter fluid. I kept
52 asking to see Patrick and asking if everyone was okay. Hatfield wouldn't answer me he just looked
53 at my wallet, found my ID, looked me up in the system and kept telling me, "you're screwed Casey,
54 you're screwed, say goodbye to SCU". I guess he could see that I was on probation because Hatfield
55 kept telling me I needed to pack my bags and head back to Summer Creek. Hatfield left me alone in
56 the interrogation room for the first 90 minutes we were at the police station. It was in the middle of
57 the night, so I was tired and hungry when I got there. Hatfield first saw me in the
58 interrogation room at about 2:30 a.m. I immediately asked if I could use the restroom. Hatfield told
59 me that I wasn't going to be there long enough to use the bathroom. Hatfield apologized to me for
60 the wait and that everything would be over soon if I "just told the truth." Hatfield emphasized his
61 relationship with my family (he knew my aunt), that they were "good people who deserved the
62 truth," that "good people can make mistakes," and that it would be worse to live with lying than
63 doing something "really bad as a mistake." Hatfield then read me my *Miranda* rights and asked if
64 there was anything I wanted to get off my chest. I verbally waived *Miranda* and told Hatfield about

65 SCU Underground and the electrical fire in the old student union. I mentioned Patrick during my
66 explanation, but Hatfield immediately responded that he/she didn't want to hear about Patrick. At
67 about 3:50 a.m., a woman entered the interrogation room to get Hatfield. Hatfield returned 45
68 minutes later. I asked again to use the bathroom, and Hatfield had an officer escort me to the
69 restroom in complete silence. When I returned, Hatfield told me it was time to "clear my
70 conscience." Hatfield told me that a student at the meeting saw me take out lighter fluid and start
71 spraying it in the classroom before lighting a match. Hatfield told me that I was lucky that no one
72 died, and no one who was injured would die if I just admitted to starting the fire. At that point, I
73 began crying. I asked if I was allowed to call my parents. Hatfield told me no. We went through this
74 cycle for a few more hours. At one point, probably after sunrise, Hatfield brought up Patrick.
75 Hatfield said Patrick would be charged for the fire if I didn't confess and that I couldn't do that to
76 him. Around 8:45 AM I started to get delirious and faint, I was so tired and hungry and I smelled
77 like smoke and lighter fluid so I was getting light headed. I told Hatfield if he let me get a shower
78 and sleep, I would confess. At 8:58 AM Hatfield started a tape recorder and I said that I had brought
79 the lighter fluid to light the student union on fire to protest the new building. Of course, I didn't
80 mean it! I was exhausted and Hatfield told me if I confessed, he'd let Patrick go. I didn't know that
81 Patrick was safe and sound at his apartment, calling everywhere looking for me. After my recorded
82 confession I was officially arrested for felony arson. Once Hatfield said that I realized I should
83 probably call an attorney, so I did that. I know that I didn't set the fire, and once I had a few hours
84 sleep I told Hatfield that my confession was a lie, he told me that was too bad. Talking more with
85 my attorney and the other SCUU kids, I think it was the projector that we plugged in that started the
86 fire. It was a super cheap knock off that someone had bought online, and I know that that must
87 have been what started the fire. I only confessed because I was worried about my brother, and
88 worried that I'd get kicked off campus right when I was starting. The Murphy's have been at SCU
89 so long, I would never do anything to hurt the buildings on campus or hurt its students. SCU means

90 everything to me, I would never have set a fire.

WITNESS ADDENDUM

I have reviewed this statement, and I have nothing of significance to add at this time. The material facts are true
and correct.

Signed,

Casey Murphy

Casey Murphy

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

STATE OF FLORIDA,

Prosecution,

v.

Case No. 18-67686

CASEY MURPHY,

Defendant.

Sworn Statement of Dr. Alex Rosengarten

1 My name is Alex Rosengarten, and I am 57 years old. I am a forensic psychologist. I earned my
2 Bachelor's degrees in Criminal Justice and Psychology from North Florida University, my Master's degree
3 in Psychology from New York University, and my Ph.D. in Clinical Psychology from the University of
4 Miami. For the last 10 years, I have been recognized as a Fellow for the American Academy of Forensic
5 Psychology.

6 I have managed my own practice since 1999. About 30 percent of my practice is clinical. I provide
7 long-term psychological care for patients diagnosed with mental infirmities ranging from anxiety to
8 schizophrenia. But the majority of my practice is forensic – the intersection of criminal law and
9 psychology. I was working toward my Master's degree in New York during the prosecution of the Central
10 Park Five. That was my first exposure to the area of coerced confessions, and that area of my research
11 never subsided.

12 In fact, I am now a nationally renowned expert on confessions. I have testified for both the defense and
13 prosecution in more than 100 cases concerning *Miranda* rights and coerced confessions. I am hired to
14 testify at hearings on motions to suppress and at trials. Sometimes my testimony is excluded because a
15 particular jurisdiction's law did not allow me to testify about the intricacies in this area, but my expertise
16 has never been successfully challenged. I would guess about 30 percent of my forensic practice over the
17 last 20 years was testifying for the prosecution, but I haven't testified or worked on a case for the

18 prosecution in the last 8 or 9 years.

19 I was hired in this case by Casey Murphy's family immediately after Casey's arrest in this case. Casey
20 complained to them that his/her confession was coerced and false. There's a difference between the two.
21 Think of coerced like "involuntary." Something may be true, but that doesn't mean the police have the
22 right to beat it out of you, physically or mentally. Then there's a false confession. The literature used to
23 refer to false confessions as a "phenomenon," but it happens more than you would think. I can explain
24 what a "false confession" is, but I can't testify to whether a confession is false because that's a matter of
25 fact, not psychology. I'm not there when the crime is committed, and I am no better situated than a police
26 officer to tell if someone is lying. There are many reasons a person would give a false confession, for
27 instance they would want to protect someone they love. Or they just want to get out of an interrogation
28 room. Instead, I focus on the personal and environmental factors that contribute to the likelihood of a
29 coerced confession.

30 The first step in my evaluation was to meet with Casey. Casey's parents told Casey the meeting was for
31 clinical purposes – to do a psychological evaluation for his/her well-being. I learned from Casey that
32 he/she was an above-average student in high school, but he/she dedicated a lot of time to studying. Casey
33 doesn't have a lot of close friends because he/she describes him/herself as "socially awkward." Casey said
34 he/she doesn't like confrontation. Patrick Murphy is Casey's brother, best friend, and idol. Casey
35 explained that Casey wanted to go to Southern Coastal University because he/she is a "legacy" there, but
36 also to be close to Patrick. Casey accepted the university's probationary offer for admission because he/she
37 knew Patrick would keep him/her on the straight and narrow. It appeared to me after this initial evaluation
38 that Casey has undiagnosed, and therefore untreated, generalized anxiety, but a more routine treatment
39 program would be necessary to formally diagnose Casey.

40 I then turned to the forensic testing. I first administered an IQ test. For a college student, I was surprised
41 to learn that Casey had an average IQ of 99. I would have expected higher, but the test results could be the
42 result of his/her anxiety. Some easier questions were skipped or missed.

43 I then performed a test called the Gudjonsson Suggestibility Scales (the "GSS"). This test is designed to
44 measure a person's interrogative suggestibility, or how likely they are to defer to an authority figure such as

45 a police officer. The person is told it is simply a memory test. I read a short story that includes 40 facts
46 about a British woman on vacation in Spain who is robbed. I immediately ask the person to tell me
47 everything they recall about the story. I wait about an hour, then I ask again what the person can recall.
48 After that, I ask the person 20 questions about the story. Fifteen of those questions are leading or
49 misleading questions, some of which have nothing to do with the story. For example, I suggest facts that
50 were not in the initial story, such as the color of a rain jacket or whether the woman's keys were taken.
51 These questions are intended to measure how much the person gives in to the leading questions, or
52 "yields." The average person yields 4.6 times. Finally, I tell the person in a firm voice that he or she made
53 a number of errors and ask the questions again. I measure yield again, which averages 5.6 times at this
54 stage, and "shift." "Shift" measures how much a person changes their right or wrong answer. The average
55 shift is 2.9 times for those 20 questions.

56 Overall, Casey yielded 10 times during the first set of questions and 11 times during the second set of
57 questions. Casey shifted her answer 15 times between the first and second set. Casey's total suggestibility
58 score is 25. That's in the 99th percentile of suggestibility. I can't say that's dispositive, or that a person
59 with such a score would always be suggestible to an authority figure, but it is certainly a primary basis for
60 my opinion in this case.

61 The last part of my evaluation was to listen to Casey's narrative about his/her interrogation. The
62 interrogation was not recorded until Casey ultimately gave his/her "confession." It was apparent to me
63 from Casey's explanation that Sgt. Hatfield utilized the Reid Technique, which is an inherently suggestive
64 method of interrogation because it assumes the suspect is lying. Sgt. Hatfield also contaminated the
65 interrogation when he/she told Casey about Taylor Young's statement, which it turned out Sgt. Hatfield
66 exaggerated without correction. Additionally, the fact that Sgt. Hatfield threatened to go after Patrick
67 Murphy for the fire if Casey did not confess is problematic. At that point, Sgt. Hatfield knew he/she was
68 not going to arrest Patrick Murphy for the fire, so it was not only a lie, but it was intended to manipulate
69 Casey based on his/her relationship with Patrick. This is called a "false choice." Finally, the conditions of
70 the interrogation suggest coercion. Casey was denied water and sleep, he/she was cornered in the
71 interrogation room for a majority of the night, and the interrogation lasted more than 8 hours from the time
72 Casey was in custody.

73 Based on my education and professional experience, it is my opinion that the combination of Casey's

74 personal characteristics and the environment of the interrogation conducted by Sgt. Hatfield made
75 Casey more suggestible than an average person at the time that he/she confessed. Therefore, Casey
76 was more likely at that time to give a coerced confession.

77 I was paid \$7,500 for my evaluation, and I will be paid \$500/hour for my trial testimony (including
78 preparation).

WITNESS ADDENDUM

I have reviewed this statement, and I have nothing of significance to add at this time. The material facts are true and correct.

Signed,

Dr. Alex Rosengarten

Dr. Alex Rosengarten

EXHIBITS

Exhibit A: Trespass Sign

Exhibit B: Fire Department Citation with attached photo of wiring

Exhibit C: SCU Incident Report

Exhibit D: Receipt (PPR Spirits)

Exhibit E: Hallway Photo – Dabner Hall

Exhibit F: Recreational Fire Application/Permit - SCU PSEM

Exhibit G: SCUPD Confession Transcript



FIRE DEPARTMENT CITATION

Ref. Sec. F.S. 633.202

65768
Citation No.

Palmetto
County

Name of Responsible Person: Southern Coastal University

Street: 863 Lake Street City: Palmetto State: FL Zip: 34220

Said property is also known or may be further described as: Dabner Hall

Known as the owner, lessee, agent, occupant, or operator of the property described herein and being responsible for compliance with the FLORIDA FIRE CODE as it relates thereto, notice is hereby given to the person who's name is inscribed above, as follows:

On the 12 day of September, 20 12, Otis Casey

a Certified Fire Safety Inspector, Certified No. 16375889, did inspect the property

Street: 863 Lake Street City: Palmetto State: FL Zip: 34220

Said property is also known or may be further described as: Dabner Hall

It was found there is reason to believe that the FLORIDA FIRE CODE (FFC), an ORDER ISSUED BY THE STATE FIRE MARSHAL (FM Order), or a section of the FLORIDA ADMINISTRATIVE CODE (FAC) or FLORIDA BUILDING CODE (FBC) has been violated as described below and, therefore, pursuant to, it is PROPOSED that a civil penalty, if any, be assessed against you for each such violation, as indicated:

1. FFC Section or FM Order No. violated: FBC 505.7
Description of Violation: overloaded circuits / not enough circuits to handle the electrical load

2. FFC Section or FM Order No. violated:
Description of Violation:

WHEREFORE, by reason of the premises and pursuant to the authority vested in my by virtue of my office under Chapter 633 Section 104 of Florida Statutes, you are hereby ORDERED to abate the violation(s) set forth by taking the following corrective measures within 100 days:

Three (3) additional circuits need to be added to Dabner Hall to effectively handle the electrical load

Marshall Miller
Deputy Fire Marshal


Signature

29039
Badge Number

9-19-12
Date

Exhibit B – Fire Department Citation with Attached Photo of Writing – Page 2 of 2

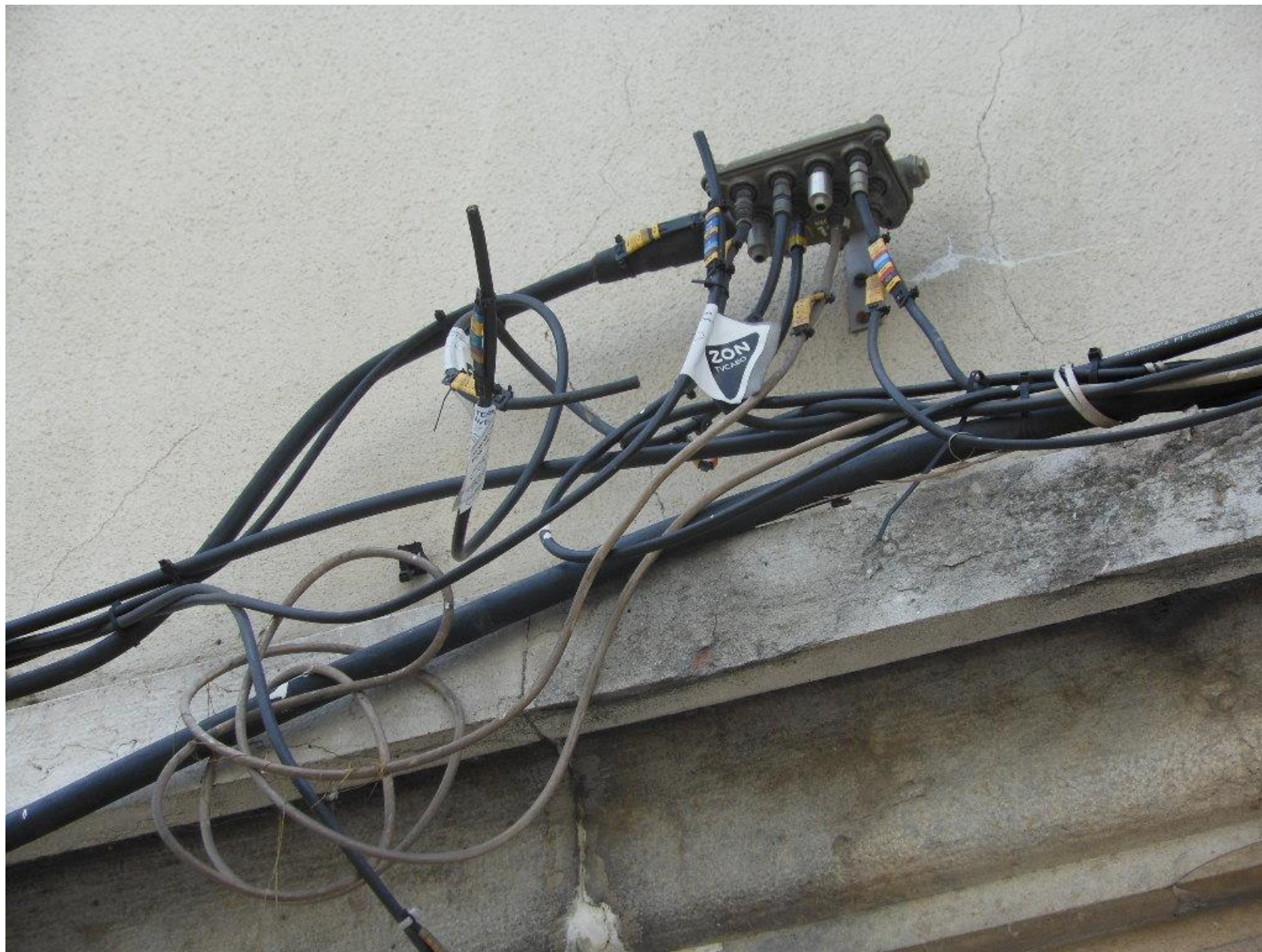


Exhibit C – SCU INCIDENT REPORT

Southern Coastal University Incident Report

Reported By: Kenneth Mars Date of Report: Feb. 8, 2018
Title / Role: Maint. Supervisor Incident No.: 86379

INTERNAL INCIDENT INFORMATION

Incident Type: Fire Date of Incident: Feb 8 2018
Location: Dabner Hall
City: Palmetto State: Fl Zip Code: 34220
Specific Area of Location (if applicable): 2nd Floor

Incident Description
small fire on internal electrical circuit
resolved with fire extinguisher on premises


Name/Role/Contact of Parties Involved
1: Maintenance supervisor Kenneth Mars
2: _____
3: _____

Police Report Filed? No Precinct: _____
Reporting Officer: _____ Phone: _____

Follow Up Action:
None

VP Operations VP Operations
Name: Richard Smith Signature: [Signature] Date: Feb. 8, 2018

Exhibit D – Receipt (PPR Spirits)


PPR Liquor Fine Wine and Spirits

PPR #97 - Palmetto
123 PARK ROAD
PALMETTO, FL 34222

Store: 97 Register: 1
Date: 11/7/18 Time: 7:36 PM
Ticket: 35083
Cashier: 23592

Item	Qty	Price	Amount
Vodka 39205	1	14.99	14.99
Lighter Fluid 38590	2	2.76	5.52
PROMO Buy One Get One			- 2.76
Subtotal			17.75
Tax 6%			1.07
Total			18.82
Paid Cash			20.00
Change			1.18

PPR Liquor Fine Wine and Spirits

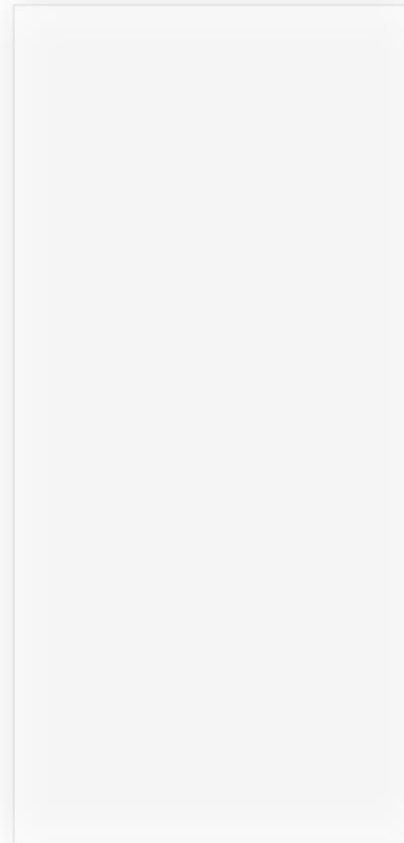
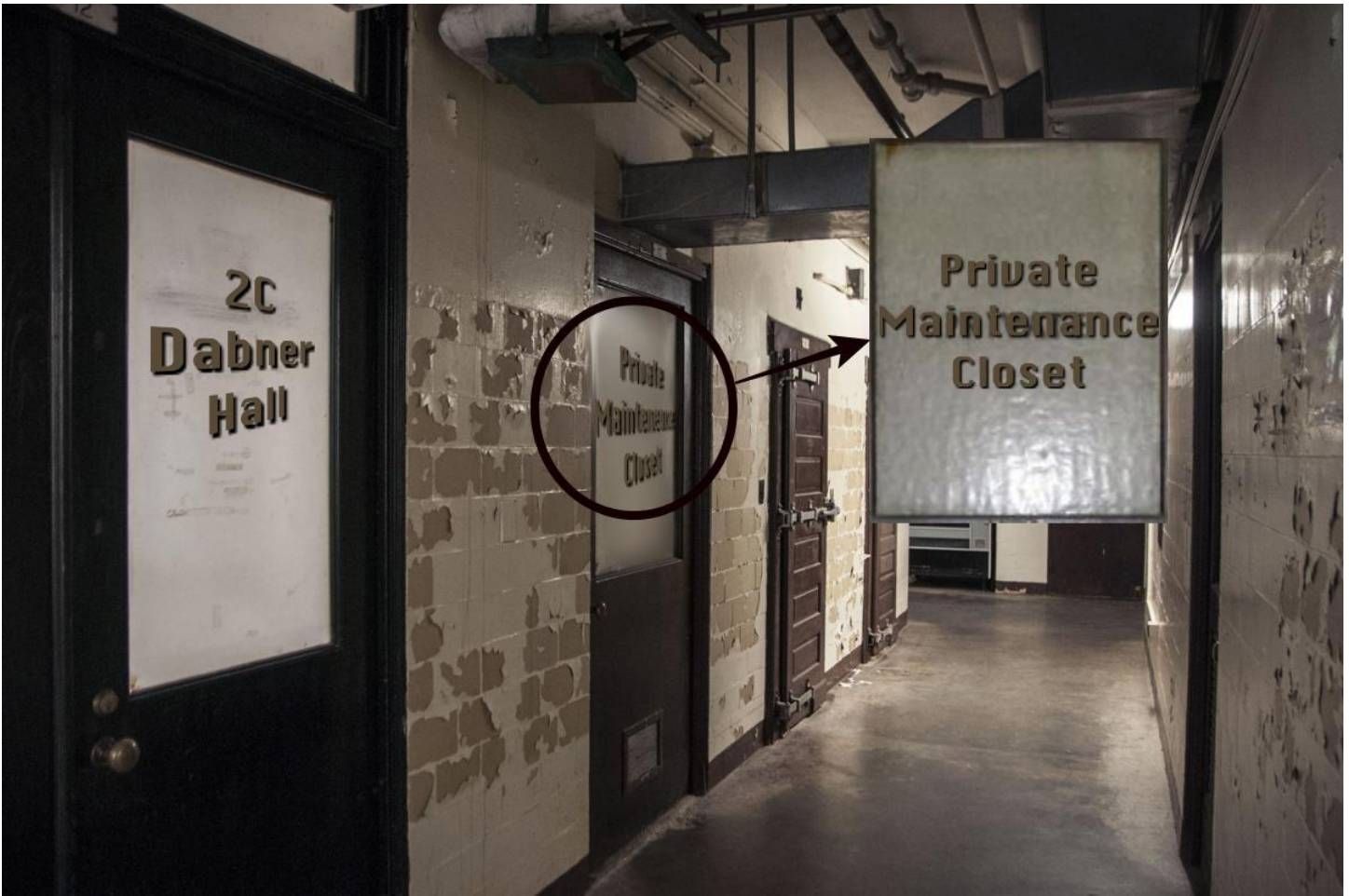


Exhibit E: Hallway Photograph – Dabner Hall





SOUTHERN COASTAL UNIVERSITY
PUBLIC SAFETY AND EMERGENCY MANAGEMENT

Permit # 101349

This **PERMIT** is authorized to conduct a recreational fire pursuant to the requirements of the State of Florida and Southern Coastal University regarding open burning. Should at any time the requirements fail to be met, the permit is automatically revoked, and the event shall be cancelled, and/or the fire shall be extinguished.

Name of Applicant: Cal Robbins

Name of Organization/Department: NA

Cell #: (941) 888-8888 E-mail Address: cal.robbins@scu.edu

Date of Event: Nov. 12, 2018 Time of Event: 8 PM - 10 PM

Location of Event (Please Specify): Southern Coastal Square

Notes/Instructions:

subject to SCU police department campus

Security approval

PSEM Authorized Signature: [Signature] Date: Nov. 5, 2018

Southern Coastal University Police Department

File No. SCUPD18-[REDACTED]

Digital Transcript for Recording dated November 8, 2018

SCU Police Department
Official Copy

[Recording initiated at 8:58 a.m.]

Hatfield: This is Sergeant Hatfield on file number S-C-U-P-D eighteen [inaudible]. It is about nine A-M and I am sitting at the police station with suspect Casey Murphy regarding suspected arson at Dabner Hall. Casey has waived his Miranda rights, an attorney is not present, and he/she is ready to make a statement.

Murphy: [inaudible]

Hatfield: Casey, you need to help us. It's almost over. Tell us what happened.

Murphy: I was in a classroom at Dabner Hall last night with P-

Hatfield: With what group, Casey?

Murphy: With S-C-U underground. We were having a meeting about ... about corruption and a protest. I grabbed the lighter fluid from my bag to show everyone.

Hatfield: Tell me what you did with the lighter fluid.

Murphy: I sprayed it in the classroom.

Hatfield: And what about the matches. You mentioned matches earlier.

Murphy: Yeah, I also had matches and I lit one to start the fire. I wasn't trying to hurt anyone. I didn't think anyone would get hurt.

Hatfield: Did you know that throwing a lit match onto lighter fluid would start a fire at Dabner Hall?

Murphy: Yes, I did.

Hatfield: Okay. Are you telling me you started the fire because that is what happened or because you're a liar? Remember earlier how we talked about lying. Wash all those lies away. You can be honest now.

**SCU Police Department
Official Copy**

Murphy: I'm not a liar. I'm a good person. I'm telling you the truth. I did it.

Hatfield: Okay. I'm going to get Officer Higgins in here. He is going to process you.

Murphy: What do you mean?

Hatfield: You started a fire at a school building, Casey. There were other people there. That's arson. You should probably get a lawyer and talk to your parents.

Murphy: But you said I would be fine.

Hatfield: Casey, I told you good people make bad choices, but there are consequences to anyone's choices. You're going to see that.

Murphy: [inaudible]

Hatfield: Casey, I need you to stop crying. You're not going to want to be crying when they take you to the jail.

Murphy: Is Patrick going to be there too? Where is he?

Hatfield: He's probably home. He won't be at the jail. You told me you started the fire, remember?

Murphy: Yes, that's good.

[Recording ends at 9:08 a.m.]

APPLICABLE STATUTES

Fla. Statute § 806.01. Arson.

(1) Any person who willfully and unlawfully, or while in the commission of any felony, by fire or explosion, damages or causes to be damaged:

(a) Any dwelling, whether occupied or not, or its contents;

(b) Any structure, or contents thereof, where persons are normally present, such as: jails, prisons, or detention centers; hospitals, nursing homes, or other health care facilities; department stores, office buildings, business establishments, churches, or educational institutions during normal hours of occupancy; or other similar structures; or

(c) Any other structure that he or she knew or had reasonable grounds to believe was occupied by a human being, is guilty of arson in the first degree, which constitutes a felony of the first degree.

(2) Any person who willfully and unlawfully, or while in the commission of any felony, by fire or explosion, damages or causes to be damaged any structure, whether the property of himself or herself or another, under any circumstances not referred to in subsection (1), is guilty of arson in the second degree, which constitutes a felony of the second degree.

(3) As used in this chapter, “structure” means any building of any kind, any enclosed area with a roof over it, any real property and appurtenances thereto, any tent or other portable building, and any vehicle, vessel, watercraft, or aircraft.

JURY INSTRUCTIONS

Members of the jury, I thank you for your attention during this trial. Please pay attention to the instructions I am about to give you. I will provide you instructions about the law relevant to criminal trials generally and the law regarding the charge or charges against the defendant.

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.

It is up to you to decide what evidence is reliable in this case. 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's 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's testimony?
8. Did the witness at some other time make a statement that is inconsistent with the testimony he or she gave in court?
9. Does the witness have a general reputation for dishonesty or truthfulness?

Whether the State has met its burden of proof does not depend upon the number of witnesses it has called or upon the number of exhibits it has offered, but instead upon the nature and quality of the evidence presented.

The fact that a witness is employed in law enforcement does not mean that his or her testimony deserves more or less consideration than that of any other witness.

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 reliable only 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.

You must consider the testimony of some witnesses with more caution than others. For example, a witness who hopes to gain more favorable treatment in his or her own case may have a reason to make a false statement in order to strike a good bargain with the State. This is particularly true when there is no other evidence tending to agree with what the witness says about the defendant. So, while a witness of that kind may be entirely truthful when testifying, you should consider his or her testimony with more caution than the testimony of other witnesses. However, if the testimony of such a witness convinces you beyond a reasonable doubt of the defendant’s guilt, or the other evidence in the case does so, then you should find the defendant guilty.

The defendant in this case has become a witness, which I will discuss in more detail in a moment. You should apply the same rules to consideration of his or her testimony that you apply to the testimony of the other witnesses.

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

As I said, the defendant testified in this case notwithstanding that he or she had the constitutional right not to testify. But also, a statement claimed to have been made by the defendant outside of court has been placed before you. Such a statement should always be considered with caution and be weighed with great care to make certain it was freely and voluntarily made.

Therefore, you must determine from the evidence that the defendant’s alleged statement was knowingly, voluntarily, and freely made.

In making this determination, you should consider the total circumstances, including but not limited to

1. whether, when the defendant made the statement, the defendant had been threatened in order to get him or her to make it, and
2. whether anyone had promised the defendant anything in order to get him or her to make it.

If you conclude the defendant's out of court statement was not freely and voluntarily made, you should disregard it.

Casey Murphy, the defendant in this case, has been accused of the crime of first-degree arson. Alternatively, you will deliberate on whether the defendant is guilty of the lesser-included offense of second-degree arson. In considering the evidence, you should consider the possibility that although the evidence may not convince you that the defendant committed the main crime of which the defendant is accused, there may be evidence that he or she committed other acts that would constitute a lesser included crime. Therefore, if you decide that the main accusation has not been proved beyond a reasonable doubt, you will next need to decide if the defendant is guilty of any lesser included crime.

To prove the crime of first-degree arson, the State must prove the following two elements beyond a reasonable doubt:

1. The defendant willfully and unlawfully caused a fire or explosion; and
2. A structure, where persons would normally be present at the time of the fire or explosion, or the contents of a structure where persons would normally be present at the time of the fire or explosion, was damaged by the fire or explosion; or

A structure, that the defendant knew or had reasonable grounds to believe would be occupied by a human being at the time of the fire or explosion, was damaged by the fire or explosion.

To prove the crime of second-degree arson, the State must prove the following two elements beyond a reasonable doubt:

1. The defendant willfully and unlawfully caused a fire or explosion; and
2. A structure, owned by the defendant or another, was damaged by the fire or explosion.

In order to convict the defendant of arson, it is not necessary for the State to prove the defendant intended to damage the structure.

The Court instructs you that first-degree arson and second-degree arson are felonies.

“Willfully” means intentionally, knowingly, and purposely.

“Unlawfully” means without a legitimate, lawful purpose.

“Structure” means any building of any kind, any enclosed area with a roof over it, any real property and appurtenances, any tent or other portable building, and any vehicle, vessel, watercraft, or aircraft.

You will be provided a verdict form in this case that will allow you to find the defendant guilty as charged in the information, guilty of such lesser included crimes as the evidence may justify, or not guilty.

If you return a verdict of guilty, it should be for the highest offense that has been proven beyond a reasonable doubt. If you find that no offense has been proven beyond a reasonable doubt, then, of course, your verdict must be not guilty.

The verdict must be unanimous, that is, all of you must agree to the same verdict. Only one verdict may be returned as to the crime charged, unless you consider a lesser-included offense in lieu of a charged offense. The verdict must be in writing and for your convenience the necessary verdict form has been prepared for you.

These are some general rules that apply to your discussion during deliberations. You must follow these rules in order to return a lawful verdict:

1. You must follow the law as it is set out in these instructions. If you fail to follow the law, your verdict will be a miscarriage of justice. There is no reason for failing to follow the law in this case. All of us are depending upon you to make a wise and legal decision in this matter.
2. This case must be decided only upon the evidence that you have heard from the testimony of the witnesses, have seen in the form of the exhibits in evidence, and these instructions.

3. This case must not be decided for or against anyone because you feel sorry for anyone or are angry at anyone.
4. Remember, the lawyers are not on trial. Your feelings about them should not influence your decision in this case.
5. Your duty is to determine if the defendant has been proven guilty or not, in accord with the law. It is the judge's job to determine a proper sentence if the defendant is found guilty.
6. Whatever verdict you render must be unanimous, that is, each juror must agree to the same verdict.
7. Your verdict should not be influenced by feelings of prejudice, bias, or sympathy. Your verdict must be based on the evidence, and on the law contained in these instructions.

In just a few moments you will be taken to the jury room by the courtroom deputy. The first thing you should do is choose a foreperson who will preside over your deliberations. The foreperson should see to it that your discussions are carried on in an organized way and that everyone has a fair chance to be heard. It is also the foreperson's job to sign and date the verdict form when all of you have agreed on a verdict and to bring the verdict form[s] back to the courtroom when you return.

During deliberations, jurors must communicate about the case only with one another and only when all jurors are present in the jury room. If a juror goes to the restroom, the deliberations should stop until the juror returns. You are not to communicate with any person outside the jury about this case. Until you have reached a verdict, you must not talk about this case in person or through the telephone, writing, or electronic communication, such as a blog, twitter, e-mail, text message, or any other means. Do not contact anyone to assist you during deliberations. These communications rules apply until I discharge you at the end of the case. If you become aware of any violation of these instructions or any other instruction I have given in this case, you must tell me by giving a note to the courtroom deputy

Many of you may have cell phones, tablets, laptops, or other electronic devices here in the courtroom. The rules do not allow you to bring your phones or any of those types of electronic devices into the jury room. Kindly leave those devices on your seats where they will be guarded by the courtroom deputy while you deliberate.

If you need to communicate with me, send a note through the courtroom deputy. If you have voted, do not disclose the actual vote in the note.

If you have a question, I will talk with the attorneys before I answer, so it may take some time. You may continue your deliberations while you wait for my answer. I will answer any questions, if I can, in writing or orally here in open court.

During the trial, items were received into evidence exhibits. You may examine whatever exhibits you think will help you in your deliberations. These exhibits will be sent into the jury room with you when

In closing, let me remind you that it is important that you follow the law spelled out in these instructions in deciding your verdict. There are no other laws that apply to this case. Even if you do not like the laws that must be applied, you must use them. For more than two centuries we have lived by the constitution and the law. No juror has the right to violate rules we all share.

RULES OF STATE COMPETITION

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 seven to twelve 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 all other competition rules. For each trial round, teams shall use three students as attorneys and three students as witnesses. One student must be designated as a timekeeper.
- 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) 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 (and one timekeeper) 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 Justice Teaching Center or mock trial director.** 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 by each team. 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.

4. Team timekeepers must not interfere with the trial or obstruct the view of any witness. They should also be seated so they will not be able to observe the scoring judges as they complete their score sheets. At no time, should team timekeepers view the score sheets of ANY team.

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.

- 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 Justice Teaching Center 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 have 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 follow 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/Speculation:** *“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 no 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 Plaintiff'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 Plaintiff'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: "*Plaintiff'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 current 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

SCORE SHEET/BALLOT

P = Prosecution: _____ D = Defense: _____
 (Team Code) (Team Code)

Date: _____ Round: (circle one) **1** **2** **3** **4** **F**

Using a scale of **1 to 10**, rate the **P** and **D** in the categories below.

Do **NOT** use fractional points. Please use a ballpoint pen.

Not Effective Fair Good Excellent Outstanding
 1 2 3 4 5 6 7 8 9 10

Score Sheet/ Ballot	P	D
Opening Statement	()	()
Prosecution's First Witness Direct Examination Witness Presentation	()	Cross Examination ()
Prosecution's Second Witness Direct Examination Witness Presentation	()	Cross Examination ()
Prosecution's Third Witness Direct Examination Witness Presentation	()	Cross Examination ()
Defense's First Witness Cross Examination	()	Direct Examination Witness Presentation ()
Defense's Second Witness Cross Examination	()	Direct Examination Witness Presentation ()
Defense's Third Witness Cross Examination	()	Direct Examination Witness Presentation ()
Closing Argument	()	()
Ethical Conduct	()	()
Team Performance	()	()
Column Totals: DO NOT TIE TEAMS	()	()

Note: Any errors in ADDITION will be corrected by score room staff. Please review your individual scores and return to trial coordinator.

Judge's Signature

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: _____

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."