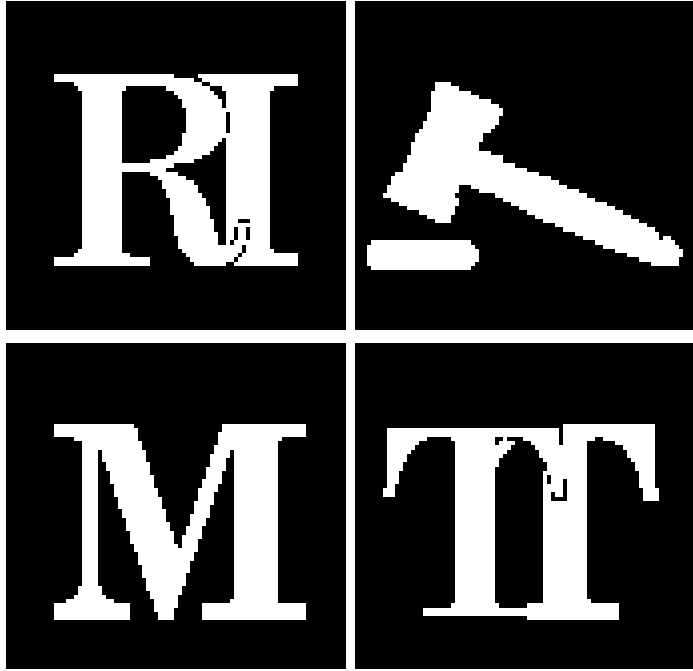


**MOCK TRIAL**

**RHODE ISLAND**



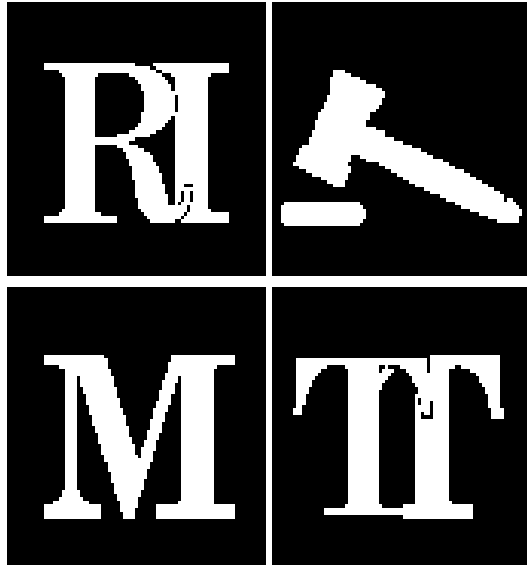
**TOURNAMENT**

**2012**

**HANDBOOK**

# MOCK TRIAL

RHODE ISLAND



TOURNAMENT

## 2012 HANDBOOK

The State of Rhode Island

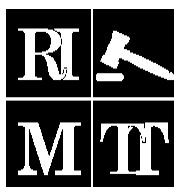
v.

Taylor Durden

Adapted with permission from the South Carolina Bar Law Related Education Division

The twenty-eighth annual Rhode Island Mock Trial Tournament is made possible by grants from the Rhode Island Bar Foundation, the Rhode Island General Assembly/Rhode Island Department of Education, and the Rhode Island Association for Justice; an in-kind support from the Rhode Island Judiciary; donations through SECA and the United Way, and contributions from various kind benefactors, volunteers, parents, and individuals like you.

*This book is dedicated to the teacher and lawyer coaches  
who volunteer their time to help students excel.*



The 2012 Rhode Island Mock Trial Tournament Handbook  
modified by

Rhode Island Legal/Educational Partnership's  
Program Committee

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**The Partnership wishes to recognize and thank:**

The South Carolina Bar Law Related Education Division  
for permission to use the case

and

Johnston Municipal Court Judge William C. Dimitri for helping to adapt the case  
according to Rhode Island State Laws

**THE PROGRAM COMMITTEE**

The Honorable Daniel A. Procaccini., Chair

**Committee Members**

The Honorable Edward P. Sowa, Jr., Linda M. Quattrucci, Moira Reynolds, Esq.,

and Edward Watters

**THE AGENCY**

Rhode Island Legal/Educational Partnership (the Partnership), which has produced the Rhode Island Mock Trial Tournament since 1984, is an independent 501(c) (3) not-for-profit agency chartered in 1983 as an alliance of legal and educational professionals committed to promoting a public understanding of the law and the legal process through law-related and civic education. Law-related education (LRE) is a practical strategy for teaching the relationship of law to daily living. It promotes civic responsibility, involving students in the learning process by using interactive strategies and community resources.

**THE STAFF**

*Linda M. Quattrucci*, Executive Director

*Ed Watters*, Volunteer Senior Mock Trial Tournament Official and Parliamentarian

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Staff:

Linda M. Quattrucci  
Executive Director  
Lquattrucci.rilep@gmail.com

October 20, 2011

Dear Mock Trial Participants:

It is my pleasure on behalf of the Rhode Island Legal/Educational Partnership to welcome you as a participant in the 2012 Rhode Island Mock Trial Tournament. We wish all teams the best and know that you will find this year's criminal case both exciting and educational.

The primary goal of the Mock Trial Program is, first and foremost, to educate students about the basis of our American judicial system and the mechanism of litigation. The program also serves to build bridges of mutual cooperation, respect and support between the community and the legal profession. While healthy competition furthers this goal, an excessively competitive spirit is detrimental. Teamwork and good sportsmanship are an integral part of this program. Students will attain new perspectives, and gain self-confidence in ways that classroom learning alone cannot provide. The highest value should be placed on excellence in your initial preparation, presentation of the case, your appearance in court, in practicing courtroom procedures and protocol, learning to evaluate and present evidence, and working to develop legal strategies as a team while having fun. All who participate in this program are winners.

Each year a large number of Rhode Island teachers, administrators, lawyers, judges and other volunteers provide an impressive amount of time and valuable services to the Mock Trial Tournament. If it were not for the assistance of these volunteers, the Tournament would not be the success it has been and is today.

We offer our sincere thanks to those who have volunteered in the past, and look forward to partnering with those who will volunteer for our 2012 Tournament.

We are sure that you will all have an experience that you will treasure for years' to come.

Enjoy and have fun!

Sincerely,

Linda M. Quattrucci  
Executive Director



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# PART I

## TOURNAMENT RULES

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*Rhode Island Mock Trial Tournament is governed by the rules set forth here. Students, teachers, and lawyer coaches are expected to abide by these rules and procedures. This program is first and foremost an educational experience. Coaches are expected to behave ethically and to teach students to reject strategies and attitudes associated with behavior contrary to the spirit, purpose, and objectives of the Tournament.*

---

### **RULE 1.1 GOVERNANCE**

All trials will be governed by the Rules of the Rhode Island Mock Tournament. Any questions or interpretation of these rules is within the discretion of the Board of Directors of the Rhode Island Legal/Educational Partnership (RILEP), whose decision is final.

### **RULE 1.2 CODE OF CONDUCT**

The Rules of Competition, as well as proper rules of courthouse and courtroom decorum and security, must be followed. The Board of Directors of RILEP is authorized to impose sanctions, including but not limited to disqualification, immediate eviction from the competition, and forfeiture of all fees and awards (if applicable) for any misconduct, flagrant rule violations, and for breaches of decorum which affect the conduct of a trial or which impugn the reputation or integrity of any team, school, participant, court officer, judge or the mock trial program.

Tournament Rules and the Code of Ethical Conduct apply to **guests and observers** as well as trial participants. It is the team's responsibility to make students and guests aware of the Code of Ethical Conduct and the Rules of the Tournament.

#### **A. Code of Ethical Conduct Form**

1. Each **Senior Division** team must complete and return to the Partnership, on or before **November 9, 2011**, a signed photocopy of the 2012 Code of Ethical Conduct that lists the names and home addresses of all team members, as well as the forms listed in Section B: Consent Forms.

Each **Junior Division** team must complete and return to the Partnership, on or before **February 4, 2011**, a signed photocopy of the 2011 Code of Ethical Conduct that lists the names and home addresses of all team members, as well as the forms listed in Section B: Consent Forms

(A copy of the Code of Ethical Conduct is included in this book; all forms are available on the website.) No trial will be scheduled until the signed copies of the Code of Ethical Conduct and the Unified Consent Form are received by the Partnership.

2. If school policy prohibits the publication of students' addresses, the team shall provide a signed copy of the policy on school letterhead at the time the forms are returned to the Partnership.
3. Each student team member and coach must be listed whether or not s/he will ever be in a trial. An amended copy of the *Code* must be submitted to the Tournament Official before the start of a trial if new students have been added to the team. Failure to comply will result in a ten (10) point deduction from the team's highest score.
4. Any team that willfully disregards the *Code of Ethical Conduct* will be subject to removal from the tournament as determined by the Dispute Resolution Panel. Violations of the code by coaches or team members may also seriously jeopardize a team's future participation in the program.

#### **B. Unified Consent Form**

The Unified Consent Form, which includes the Consent Form, and Authorization for Medical Treatment and a Release of Liability, must also be completed on behalf of each student and returned to the Partnership.

If school policy prohibits the taking of students' photographs, the parent/guardian may so indicate on the appropriate section of the Unified Consent Form.

### **RULE 1.3 PUBLICATION AND NOTIFICATION OF TRIAL ASSIGNMENTS**

Publication of trial assignments will be made by RILEP staff through a posting on its Website ([www.rilep.org](http://www.rilep.org)). The staff will also contact and confirm assignments by telephone and/or email. These notifications will include date, location and team opponent. Competing teams will be notified as soon as practicable, but in no event less than one week prior to the scheduled trial.

1. In the event that any team has a legitimate scheduling problem, the staff of RILEP will be notified no later than three school days prior to the assigned trial date. Notification requires actual communication with a member of RILEP staff and e-mail acknowledgement of same - g judge will determine whether late arrival was caused by unforeseen circumstances that are mitigating ([lquattrucci.rilep@gmail.com](mailto:lquattrucci.rilep@gmail.com)).
2. The Partnership will notify the opposing team of the scheduling problem by telephone and/or e-mail and reschedule the trial as soon as practicable. Should the opposing team appeal the re-scheduling request the appeal will be forwarded to the Dispute Resolution Panel.

### **RULE 1.4 ATTENDANCE**

#### **A. Trial Start Time**

1. Except for the Senior Division's playoff rounds, all trials begin at 12:30 PM, and usually end by 2:00 PM. (Note: the start of a trial may be delayed while the court concludes its real business; trials may end after 2:00 PM.) In the event that a team is running late and needs to notify us of it in order to prevent receiving a penalty, we are providing cell phone numbers. If not sure who the trial official is you, can contact either of us and we will be sure to get the message to the proper trial official. **Linda Quattrucci: 401-639-4225/ Edward Watters: 401-924-2841**
2. Team rosters are to be given to the Trial Official no later than 12:15 PM. Teams arriving after 12:30 PM risk forfeiting the trial. The Presiding Judge will determine whether late arrival was caused by unforeseen circumstances that are mitigating factors and whether assessment of penalties up to two (2) points for late presentation of team roster or forfeiture is in order.
3. If a team fails to appear for a scheduled trial without notification to the Partnership (except as provided by these rules), and the failure to appear or give notice is for any reason considered frivolous, the team will forfeit that trial and will be suspended for the rest of the tournament.

The non-forfeiting team will receive a win and an average number of points received by the winning teams in that round.

Final determination of forfeiture, awarding of points, or advancement, will be made by the Dispute Resolution panel.

#### **C. Courthouse Security**

1. Everyone entering the courthouse is required to pass through a metal detector and all bags are x-rayed. To avoid delaying teams and people who have business before the court, students should not bring backpacks, tote bags, etc., to the trials.
2. Inspection of electronic devices such as cell phones causes delay. Note: for cases scheduled in Federal and/or Bankruptcy Court, cell phones are not permitted in the courtroom. Please plan accordingly

#### **D. States of Emergency, Snow Days and School Cancellations**

1. No penalty will be assessed for a cancelled trial occasioned by a State of Emergency declared by the Governor, resulting in the cancellation of school, or the cancellation of school because of snow and/or other weather related conditions.
2. If school is canceled on a day that a team is scheduled for trial, a make-up trial will be arranged. Coaches will notify the Partnership by phone at 401-275-2871-Office or 401-639-4225-Cell that school has been cancelled so the appropriate notifications can be made and to coordinate arrangements for rescheduling the trial. It is suggested that any teams scheduled for trial during inclement weather conditions watch school cancellation notices on television to alleviate unnecessary travel.

## **RULE 1.5 TRIAL SCHEDULE**

### **A. Junior Division (Middle or Junior High School)**

Each Junior Division team argues the case two times: once as prosecution and once as defense.

Scoring and rules are generally the same for both divisions. For a general summary of rules specific to the junior division differences, please see Section VIII.

Awards for performance are presented at a Spring Banquet.

### **B. Senior Division (Senior High School)**

There are two phases in this Division of the tournament: Preliminary Round and Playoff Round. Awards for performance are presented at the Spring Banquet, which will occur between the Preliminary and Playoff rounds.

#### **1. Preliminary Rounds**

During the Preliminary rounds, each team presents the case three (3) times: once for the prosecution and once for the defense. The 3<sup>rd</sup> trial will be determined by a random assignment made by the staff of the Partnership. Teams from schools with multiple teams may face each other in this and/or subsequent rounds. (See Rule 2.1, Section 2 (c) re: schools with multiple teams.)

#### **2. Playoff Rounds**

The Playoff rounds begin with a sixteen-team seeded Initial round. The eight teams prevailing in the Initial round advance to the Quarterfinal round. The four teams prevailing in the Quarterfinal round advance to the Semi-Final round. The two prevailing teams from the Semi-Final round advance to the Final Competition.

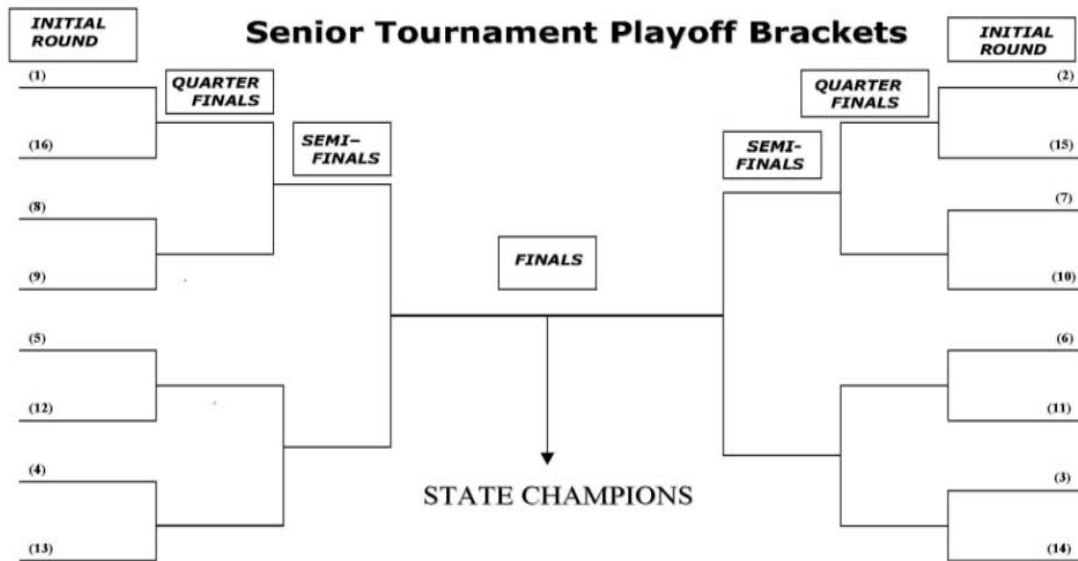
##### **a. Qualifying**

- **3-0 Teams:** Teams that have won all three of their preliminary round trials go on to the playoffs. If there are more than sixteen 3-0 teams, the sixteen with the highest point totals will advance.
- **2-1 Teams:** If there are fewer than sixteen 3-0 teams at the end of the preliminary round, the 2-1 teams with the highest point scores will advance to complete the roster, subject to paragraph (2) below.
- **Top Five Cumulative Score:** Any team with at least a one-win and two-loss record (1-2) **and** a cumulative score among the top five scores, shall advance to the playoffs. Such a team shall be included in the top sixteen prior to filling the roster with the 2-1 teams.

##### **b. Seeding**

The sixteen (16) playoff contenders will be seeded as follows:

- (1) The 3-0 teams will be seeded first in a descending order based on total points scored in the preliminary competition.
- (2) The 2-1 teams will follow in a descending order based on total points scored in the preliminary competition.
- (3) Any 1-2 team(s) with a total score within the top five (see above) will be seeded after the 3-0 and 2-1 teams, based on total points scored in the preliminary competition.
- (4) If two teams have the same score, ranking is determined by a coin toss called by the Chair of the Program Committee and witnessed by Partnership staff.
- (5) If a team is unable to participate in the playoffs, the team with the next highest score in its category will replace it.
- (6) Once assigned their seeding, the playoff contenders will be bracketed as follows:



### c. Coin toss

A coin toss will decide who is plaintiff or defense for all initial playoff, quarter, semifinal and final trials and will be conducted twenty-four (24) hours in advance of the trial.

1. The team with the higher rank in the seeding will call the toss. The winner of the toss chooses whether to play Prosecution/Plaintiff or Defense.
2. If the higher ranking team is unavailable to call the toss by phone, the team will notify the Executive Director of its choice the day before the toss is executed.
3. The Executive Director will conduct the coin Toss.
4. Both teams will be notified by phone and email as to the results of the toss as soon as is practicable. It is the responsibility of the team to designate a representative and provide contact information for receiving the results of the coin toss.
5. All effort will be made to avoid holding the Final Trial on a Monday. Should it be unavoidable, the actual coin toss will be conducted by the Executive Director on the Friday morning, with the teams' chosen representative notified of the results that morning.
6. At the end of each playoff round, the coin toss results will be posted on the RILEP website.

### c. Initial Playoff and Quarterfinal Rounds

If possible, the Initial and Quarterfinal rounds will take place during one weekend in February. The Initial round will take place on the Saturday with the prevailing teams advancing to the Quarterfinals. The Quarterfinal trials will take place on the Sunday.

### d. Semi-Final Round

The Semi- Final rounds will be held on separate evenings.

## **e. Final Competition**

1. The team that prevails in the Final Competition is declared the State Champion and wins the right to represent Rhode Island in the National High School Mock Trial Championship.
2. In the event the State Champion is unable or unwilling to attend the National Competition, its' opponent in the final round will be offered the opportunity to represent Rhode Island in the National Competition.

## **RULE 1.6 ROSTERS**

### **A. Number**

Before the start of a scheduled trial, each team must provide the trial official seven (7) typed or computer generated copies of their roster. Roster forms may be downloaded from [www.rilep.org](http://www.rilep.org).

### **B. Format**

**One, and only one, of the seven typed rosters shall include the name of the school and the coach.**

1. Rosters must include the name (with gender identifiers) of each student and the role each student will assume: attorney, witness or rules expert. Nicknames, and shortened versions of the first name, may not be used as name identifiers. (e.g. Mike, Ed, Nan, etc.)
2. The rosters must identify who will make the opening and closing statements. Rosters must also indicate which witnesses each attorney will examine and cross-examine. Note: No attorney in either division may do both the opening statement and closing statement.
3. Last minute handwritten changes to the published roster will only be allowed in cases of extreme emergency. The Trial Official and the opposing coach must agree that the change is necessary. No point penalty will be assessed.

### **C. Roster Violations**

It is the responsibility of the rules expert or the attorneys to bring roster violations to the Trial Official's attention so the Presiding judge may be notified of roster violations before taking the bench. Once the trial starts, roster violations will not be addressed.

## **RULE 1.7 JUDGING**

### **A. Points**

#### **1. Senior Division**

Scoring will be based on a 6.0-10.0 rating system **with .1 increments**. The scoring will follow scholastic grading (Example a 7.5 constitutes a "C" performance, an 8.5 constitutes a "B" performance, etc.) as outlined in the Mock Trial Scoring Sheets.

#### **2. Junior Division**

Scoring will be based on a 6.0 – 10.0 rating system **with .5 increments**. The scoring will follow scholastic grading (Example a 7.5 constitutes a "C" performance, an 8.5 constitutes a "B" performance, etc.) as outlined in the Mock Trial Scoring Sheets.

### **B. Judging Panel for Senior Division Preliminary Rounds and Junior Division Play**

1. The judging panel will consist of one Presiding judge and two Performance (scoring) judges. Only Performance judges will complete score sheets.
2. If one of the Performance judges is unavailable, the Presiding judge, if willing, may serve as a second Performance judge. The Presiding judge will complete a scoring sheet as required of a Performance judge. In the event that the Presiding judge declines to score, the Trial Official will serve as a scorer.
3. If no Performance judges are available, the Presiding judge, if willing, may serve as a Performance judge; the Presiding judge will complete a scoring sheet as required of a Performance judge. In the event that the Presiding judge declines to score, the Trial Official will serve as a scorer. The score of the Trial Official will be doubled to determine the point totals for the trial.

4. The Partnership shall maintain a list of available on-call Performance judges to serve on an emergency basis in the event that scheduled Performance judges are unable to appear for trial.
5. Performance judges rate the performances of all witnesses and attorneys on the team per the criteria given in the Performance Judge Guidebook. Scores of the individual and team performances will be incorporated in the score sheets. Decisions are based on the quality of the students' performances, and on overall team presentation.
6. The Performance judges' scores are combined to arrive at a total score for each team. If the total scores are tied, the Presiding judge decides the winner.
7. Winners will be announced by the Presiding judge, and copies of the Performance judges' scoring sheets will be made available to each team at that time.
8. In order to provide feedback to the teams, Performance judges may record comments in the space allotted on the score sheet.
9. **If an error in the score sheets is discovered after the decision is announced, the lead attorneys and the coaches will meet with the Trial Official to correct the error, which will then be documented by the Trial Official.**
10. Trial scores will be verified by the Partnership within seventy- two (72) hours of the trial. If an error is discovered, RILEP will advise the coaches, and provide a corrected copy of the score sheets to both teams.
11. If a scoring error is discovered, teams are expected to contact the Partnership by phone (275-2871) or email ([lquattrucci.rilep@gmail.com](mailto:lquattrucci.rilep@gmail.com)) regarding any concerns within 48 hours of the trial. The Partnership will investigate and respond in a timely fashion.
12. Scores for the Senior Division will be posted on the website at the conclusion of each round.

### **C. Judging Panel for Senior Division Initial, Quarter and Semi Final Tournament Rounds**

1. The judging panel will consist of one Presiding judge and three Performance (scoring) judges. The Performance judges will be attorneys. For the playoff rounds, each team must provide 8 rosters, only one (1) of which will include the team's name.
2. Only the three Performance (scoring) judges complete score sheets. During Tournament play, written comments are excluded from the score sheet. Each Performance judge will complete a score sheet and a ballot sheet. The term "score sheet" is used in reference to the form on which points are recorded. Score sheets are to be completed individually by the Performance judges. The term "ballot" will refer to the form recording the decision made by a scoring judge as to which team made the better presentation in the round. Performance judges are not bound by the rulings of the Presiding judge. The team that earns the higher points on an individual judge's scoring sheet is the winner of that ballot. The ballot count determines the prevailing side: The team that receives the majority of the three ballots wins the round. The judging panel should not deliberate on scores.
3. Each Performance judge shall record a number of points for each presentation of the trial. At the end of the trial, each Performance judge shall total the number of each team's individual points, minus any penalties, and place this sum in the Total Points box. The respective totals will be transferred onto the ballot. If the Total Points box shows a tie, the Performance judge **must** select a winner and note it on the ballot. The Trial Official will ensure that the score sheets are added correctly and that the ballots are properly filled out before they are given to the Presiding judge. In the event of a mathematical error in tabulation by a Performance judge which, when corrected, results in a tie in the Total Points box, the selection made by the Performance judge on the original Ballot will be affirmed. If, when corrected, the results are reversed, the corrected ballot will reflect the correct winner. All ballots and score sheets will be returned to the Partnership.
4. Winners will be announced by the Presiding judge and copies of the Performance judges' scoring sheets will be made available to each team at that time.
5. There will be no written or spoken comments made to the teams during the Tournament rounds.
6. **If an error in the score sheets is discovered after the decision is announced, the lead attorneys and the coaches will meet with the Trial Official to correct the error, which will then be documented by the Trial Official.**

7. Trial scores will be verified by the Partnership and posted on the website within seventy- two (72) hours of the trial. If an error is discovered, RILEP will advise the coaches, and provide a copy of the score sheets with corrections noted.
8. If a scoring error is discovered, teams are expected to contact the Partnership by phone (275-2871) or email ([lquattrucci.rilep@gmail.com](mailto:lquattrucci.rilep@gmail.com)) regarding any concerns within 48 hours of the trial. The Partnership will investigate and respond in a timely fashion.

#### **D. Judging Panel for Final Competition**

The scoring process for the final round will be the same as in the playoffs, except that there will be a judging panel of up to thirteen (13) jurors. The foreperson of the jury will announce the winner.

### **RULE 1.8 APPEALS**

#### **A. Registering an Appeal**

A team may register AN APPEAL on any aspect of a trial by notifying RILEP in writing, including therein the basis for the appeal.

**Note:** Once a trial has ended, only written appeals will be considered. Otherwise, appeals will be dismissed and no action will be taken.

3. The appeal must be sent by E-mail ([lquattrucci.rilep@gmail.com](mailto:lquattrucci.rilep@gmail.com)) or by fax (401-464-4823) to the Executive Director of RILEP no later than twenty-four (24) hours after the trial in question. The appealing team will also e-mail or fax a copy of the appeal to the opposing coach. Appeals submitted after the allotted time will not be accepted. The Executive Director or a member of the staff will forward appeals to the Dispute Resolution Panel. The panel will meet as soon as practicable after receipt of the appeal and a written decision will be sent to the parties by e-mail.

#### **B. The Dispute Resolution Panel**

The panel will consist of three members of the Board of Directors who serve on the Program Committee. If any member so designated is unwilling or unable to serve, the Chairman of the Board will select an alternate designee.

### **RULE 1.9 VIEWING A TRIAL**

#### **A. Senior High School Teams**

While their team is in active competition, team members, alternates, attorney/coaches, teacher-sponsors, and any other persons directly associated with a school's mock trial team, are not allowed to view other teams' performances.

#### **B. Junior High/Middle School Teams**

Junior Division team members, alternates, attorney/coaches, teacher-sponsors, and any other person directly associated with a school's mock trial team, are encouraged to view a senior division team's performance in the trial competition, **except** when a Junior High/Middle School team has a Senior High School team still in active competition, the Junior High/Middle school team may only view a match involving its own Senior Division team.

#### **C. Semi Final Round Trials**

**All** mock trial teams not still in competition are invited and encouraged to attend the Semi Final trials of the Senior Division playoffs.

## PART II

### GENERAL FORMAT

---

#### RULE 2.1 RULES OF PREPARATION

##### A. Teacher and Lawyer Coaches

1. No teacher, coach or lawyer may advise more than one team in a division.
2. It is strongly recommended that each team have a lawyer coach. If a team has trouble finding an attorney coach, the Partnership will help.
3. Lawyer coaches or members of the Bar associated with any team may not have contact with the Presiding judge prior to the start of any trial.

##### B. Teams

1. To participate, a team needs a minimum of six students: three attorneys and three witnesses. There is no limit to the number of students on a mock trial team, and the same students need not play the same role at each trial.
2. When a team has a student or students with special needs who may be assisted by an accommodation, the teacher-coach **MUST** bring this to the attention of the Executive Director at least two weeks prior to the time the accommodation will be needed.
3. Schools with multiple teams may not share team members. Also, team members must not discuss the details of their trials with members of other teams.
4. Tournament Rules and the Code of Ethical Conduct apply to **guests and observers** as well as trial participants. It is the team's responsibility to make students and guests aware of the Code of Ethical Conduct and the Rules of the Tournament. If a spectator arrives after the trial has started and has not been previously made aware of the rules, the coaches sitting in the back of the courtroom can quietly ask the spectator to step outside to inform them of the rules in order to prevent a penalty.
5. Opening statements, closing arguments, direct and cross-examinations should be the work of team members and **NOT scripted by coaches or other advisors.**

#### RULE 2.2 COURTROOM DECORUM

- A. A respectful demeanor is to be maintained at all times. Courtesy and respect for the law and the court is expected throughout the match.
- B. Teacher coaches and lawyer coaches shall sit in the back of the courtroom so the Presiding and Performance judges are less likely to be able to associate a familiar face with a team.
- C. **The trial begins when the Judge takes the bench and ends when the decision is rendered.**
- D. Once the trial begins, any contact or communication between observers, coaches, friends, or relatives with the students presenting the case (attorneys, witnesses and rules experts) is strictly prohibited.
- E. Once the trial begins, the witnesses are prohibited from talking to members of the audience. (See Section 3.5 E. on Page 11 for parameters during the two minute break before closing arguments.)
- F. There shall be no coaching of any kind during the enactment of a mock trial: i.e. student attorneys may not coach their witnesses during the other team's cross examination; teacher and attorney coaches may not coach team members during any part of the competition; members of the audience, including team members not participating that particular day, may not coach team members who are competing. Teacher and lawyer coaches should be mindful that any movements or conversations may be construed as coaching.
- G. Students will not bring water bottles into the courtroom, unless required for medical reasons, and then the Trial Official shall be advised.
- H. As a part of normal courtroom policy, all cell phones and electronic devices must be turned off when entering the courtroom. Any disruption caused by an electronic device will result in the immediate removal of the owner.

- I. The taking of photographs or videos during a trial is strictly prohibited, except as outlined in Rule 2.5.

### **RULE 2.3 DRESS CODE**

- A. All students attending trials must dress appropriately for a courtroom appearance.
- B. For all attendees, t- shirts, bare midriffs, excessively short skirts, skintight clothes, and flip-flops are *not* appropriate for the courtroom. Any facial piercing must be removed before coming to court; male participants must remove earrings. Appropriate professional attire for female attorneys includes either slacks or dress/skirt length no shorter than two inches above the kneecap, and conservative necklines. Open-toe shoes are allowed.
- C. It is not appropriate for attorneys to wear sneakers in the courtroom. When possible they should not be worn. When there are unforeseen circumstances the coach should contact the trial official prior to the trial start.
- D. Business attire is required for attorneys. Jeans are not allowed for the attorneys.
- E. A student playing the part of a witness may wear clothing consistent with that witness' occupation or character.
- F. Team members and/or guests should avoid wearing clothing identifying their schools.
- G. Failure to comply with the dress code may result in penalty points being assessed.
- H. Objections to dress code violations must be made to the Trial Official before the start of the trial. Once the trial has started, these violations will not be addressed.
  1. The Presiding judge will rule on the dress code objections. The offending team, may receive a one (1) point penalty by each Performance judge, or in the case of more serious code violations, the participant may be removed from the trial.
  2. If a Presiding judge removes an attorney or witness, a roster change penalty will not be assessed.

### **RULE 2.4 SPECIAL EQUIPMENT OR PROPS**

Teams are not allowed to use any audio or visual aids or special equipment in the conduct of the trial. This includes all recording equipment and any trial props not specifically listed in this manual.

### **RULE 2.5 PHOTOGRAPHS AND VIDEO RECORDING**

- A. Judges have the initial authority to permit the use of photo or recording devices in their courtrooms.
- B. Teams must have permission from the Presiding judge, RILEP and the opposing team to record any part of a trial. Teams wishing to videotape or photograph trials must contact the Partnership no less than two (2) weeks in advance of the trial in order that the Partnership may obtain the appropriate approvals.
- C. If permission has been granted, equipment will be placed at a location designated by the Presiding judge. A courtesy copy shall be provided to the opposing team.
- D. Still photography during the trial is forbidden except for special media coverage and then only with permission of the coaches from the teams, the bench, and the Partnership.

## PART III

# TRIAL ENACTMENT RULES

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*Violations of the rules in this section will result in lower scores for the team involved. (Penalty deductions will be taken from the point totals of both Performance judges.)*

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### **RULE 3.1 RULES EXPERT**

- A. Each team is encouraged to have a rules expert. A team may designate one of its trial attorneys to serve as the rules expert. Should a team designate a team member to be the rules expert, the rules expert must remain behind the bar and be seated either beside the witnesses or in the audience except during the two-minute recess.
- B. It will be the responsibility of the Rules Expert to bring the rosters to the Trial Official by 12:15, not the coaches. (This will be helpful in a situation where the coach is trying to find parking to prevent the rosters from being late the rules expert can be dropped off at the door to bring them to the courtroom).
- C. The rules expert has the affirmative duty to introduce him/herself to the Trial Official prior to the start of the trial.
- D. The rules expert should introduce themselves to the opposing team. A roster will be provided to the opposing side rules expert at the same time it is presented to the opposing side trial attorneys. The rules expert (or a trial attorney acting as rules expert) will review the roster with the opposing team for accuracy.
- E. It is the responsibility of the rules expert, or trial attorney acting as rules expert, to bring roster violations to the Trial Official's attention so the Presiding judge may be notified of roster violations before taking the bench.
- F. The rules expert or trial attorney acting as rules expert bringing an alleged infraction to the courts' attention must be prepared to cite on paper the location (i.e. page number and rule number) of the applicable section so that the Court can follow along and the Presiding judge may rule appropriately.
- G. Alleged violations involving Rules 1.6 B and Rule 2.3 shall be addressed before the trial begins. Once the trial starts, they will not be addressed.
- H. Once the trial starts, the role of the rules expert is limited to infractions related to the following sections: Rule 2.1, Rule 2.2, Rule 2.4, Rule 2.5 and Rule 3.5 (C through D). The rules expert will bring the opposing teams' infractions to the Trial Official's attention at the appropriate designated times: prior to the start of the trial and/or during the break before the start of closing arguments. The Trial Official will advise the Presiding judge of any alleged violations which will be addressed when the Presiding Judge takes the bench before the trial starts/resumes before closing arguments.
- I. The rules expert is allowed to confer with the attorneys during the recess before closing arguments for the express purpose of discussing possible rules violations.
- J. During the trial, all trial related issues, including rules infractions, evidentiary objections and rulings thereon, are the sole responsibility of the trial attorneys and to be raised as they occur.
- K. It is the responsibility of the rules expert to obtain the copies of the score sheet from the Trial Official prior to departing to courtroom.

### **RULE 3.2 RULE INTERPRETATION**

- A. Stipulations and incontrovertible facts (i.e. names, dates, and events) may *not* be disputed at trial.
- B. The trial proceedings are governed by the simplified rules of evidence found in this handbook. Other more complex rules should *not* be raised in the trial.
- C. The Presiding judge shall rule on all interpretations of tournament rules that arise during a trial.
- D. The Presiding judge may ask for the assistance of the Trial Official (a representative of the Partnership) for interpretations. However, the Presiding judge is not bound by the official's response.
- E. If questions of tournament rule interpretation arise, the Presiding judge may request to discuss the issue with the rules experts.

**The decision of the judge is final and cannot be challenged after the trial.**

### **RULE 3.3 PENALTIES**

- A. The Presiding judge will decide whether or not a rules violation has occurred and whether there should be point deductions.
- B. In the event that the Presiding judge fails to state that points will be deducted, then no point penalty will be assessed.
- C. If a team believes that points should be deducted, they must bring that to the attention of the Presiding judge at the time the alleged violation is addressed. The Presiding judge, at his/her discretion, can allow either team to argue for or against a penalty.
- D. Unless otherwise stated in the rules, a rules violation will be subject to a one (1) point penalty, to be awarded at the discretion of the Presiding judge.

**The decision of the judge is final and cannot be challenged after the trial.**

### **RULE 3.4 GOING BEYOND THE SCRIPT**

**This should not be confused with a witness inventing an answer, as described in Rule 3.6, Sections A, B, and C.**

- A. Students may read other materials such as judicial opinions, textbooks, etc., in preparation for the mock trial. However, they may cite only the materials and cases given in the Tournament materials.
- B. If such outside information or material is introduced, the opposing team should object. If the Presiding judge sustains the objection, and indicates points should be deducted, then two (2) points will be deducted from the offending team's score by each Performance judge.
- C. Motions that defeat the purpose of the trials (such as those to dismiss or to sequester) are not allowed.

### **RULE 3.5 WITNESS PARAMETERS**

- A. Each witness is bound by her/his sworn statement. A witness who contradicts her/his own sworn testimony may be subject to impeachment. Testimony that is outside the case material provided is subject to objection. (See Rule 3.6, Sections A, B, C.) However, a witness is not bound by facts contained in other witness' statements.
- B. A student playing the part of a witness may wear clothing consistent with that witness' occupation or character.
- C. Witnesses must put away their notes and books once the trial begins.
- D. Once the trial has begun, there will be no communication between the witnesses, other team members in the audience, coaches or spectators. The witnesses may communicate quietly with each other during the course of the trial.
- E. During the two (2) minute break to prepare closing arguments, the witnesses may speak with the attorneys and rules expert at the table about their testimony.
- F. **All assigned witnesses must be called by their own teams and may not be recalled by either side.**

### **RULE 3.6 SCOPE OF WITNESS TESTIMONY**

- A. **Embellishment: Minor embellishments are allowed as long as they may be inferred or extrapolated from the case facts. For example, supplying a date and place of birth is usually a minor fabrication that makes the case a little more realistic without changing the facts at issue. A fair extrapolation is one that is neutral to both sides.**
- B. Unfair extrapolations are fabrications that are pivotal to the case. If there is a question about whether a fabrication is harmless background information or an unfair embellishment, it is best to leave it out. **When in doubt, leave it out!**
- C. It is virtually impossible to provide witnesses with detailed answers to every conceivable question that lawyers may ask. The witness statements are not intended as complete life histories and, for the most part, information not in the witness statements, or case material will be irrelevant and subject to objection. If an attorney's question solicits information not covered in the witness statement, the witness may supply an answer of her/his choice so long as it does not materially affect the testimony or any substantive issue of the trial.
- D. Rigid mechanical answers should be avoided: the witness statements are not scripts. Responses must stay within the bounds of honest competition.

- E. The team's presentation is not scored on the legal merits of the case. Just as in our judicial system, lawyers must deal with the facts at hand. Attempts to bolster the witness' testimony with added facts could result in penalties.
- F. Alternatives are available for dealing with potentially unfair testimony by witnesses or questioning by attorneys:
  - 1. A team may use objections, impeachment, and its closing argument to attack unfair extrapolations.
  - 2. When asked a question which otherwise would elicit an unfair extrapolation, the witness may answer with, "There is no information in the witness statement or the case summary to answer this question."
  - 3. Team members should be aware of the alternatives and use them when appropriate. If a Presiding judge sustains an objection and indicates that points should be deducted, up to two (2) points may be deducted from the offending team's score by each Performance judge.

### **RULE 3.7 ATTORNEY PARAMETERS**

- A. Attorneys who are physically able will stand when addressing the Court, opposing counsel, or witnesses. Standing is a sign of respect to the court and the Presiding judge. Failure to stand may result in lower scores.
- B. Attorneys should not approach the bench, the witnesses, or the clerk without asking the Presiding judge's permission.
- C. Attorneys are permitted to use notes when presenting their cases. However, over reliance on notes could result in lower scores.
  - 1. Reading prepared opening or closing statements straight from one's notes does not create a favorable impression.
  - 2. Attorneys should know the facts of the case and the direction in which they want to proceed with their questioning. It should not be necessary to rely heavily on notes or to proceed rigidly with a set of prepared questions.
- D. An attorney making the opening statements for a team may *not* make the closing-argument.
- E. For the Junior Division teams, in order to encourage participation and gain experience, the team may have up to 2 additional attorneys for the express purpose of delivering the opening or closing statement. In order to maintain an equitable presentation, if a team does choose to use (an) additional attorney(s), only 3 attorneys may be seated at the attorney's table at one time. The additional attorney(s) must sit with the team's witnesses.
- F. Each of the three attorneys on a team must engage in the direct examination of one witness and the cross-examination of another. Only the attorney who conducted the direct or cross-examination of a particular witness may engage in redirect or re-cross.
- G. Part of an attorney's role is to help insure that her/his client receives as fair a trial as possible. If an attorney observes something that s/he thinks interferes with fairness or due process, the attorney should immediately bring the matter to the attention of the court.

### **RULE 3.8 PROCEDURES FOR OBJECTIONS**

#### **A. For Junior Division Teams**

Attorneys are responsible for raising objections. Although any attorney may raise objections, it is recommended that objections be limited to the attorney handling the witness being examined.

#### **B. For Senior Division Teams**

Objections are limited to the attorney handling the witness being examined.

## **RULE 3.9 TIMING**

### **A. Time Limitations**

1. In order to allow sufficient time for the trial, the scoring process, and oral/written comments from judges, time limitations must be followed for all components of the trial. They are:

Opening Statements	5 minutes for each side
Direct Examination	5 minutes for each witness
Cross Examination	5 minutes for each witness
Redirect Examination	1 minute for each witness (optional)
Re-cross Examination	1 minute for each witness (optional)
Closing Statements	5 minutes for each side

2. Time for objections or extensive questioning from the Presiding Judge will not be counted as part of the allotted time. Time does not stop for the introduction of exhibits or when co-counsels confer even if the court has given permission. The Trial Official keeps time and deducts points for time violations. Points are deducted from the **final scores**.
3. At the end of the allotted time, the Trial Official warns "**Thirty Seconds.**" An attorney then has thirty (30) seconds to complete her/his questioning or statement. At the end of these thirty (30) seconds, the Trial Official calls "**Time.**" If the attorney says anything other than to thank the witness or the court after "**Time**" has been called, the Trial Official says "**Penalty**" and one (1) point is automatically deducted from each Performance judge's score. An additional thirty (30) seconds is not given for direct or re-cross examination.

### **B. Witness Timing Issues**

1. A witness is subject to the time penalties in Section 3.9 (3).
2. If a witness is in the process of answering the question posed by the attorney when "Time" is called, the witness is allowed to complete their answer to that question only.
3. Trial Officials shall have the discretionary power to add time to a student attorney's allotted minutes when the official believes that a witness for the opposing team is "stalling" in order to reduce the student attorney's time. If the Trial Official chooses to exercise this option, s/he **MUST** inform the Presiding judge at the conclusion of the witness' testimony. The Presiding judge may also ask the Trial Official to extend time.

## **RULE 3.10 RECESS BEFORE CLOSING STATEMENTS**

- A.** After the examination of the defense's third witness has concluded, and the defense has rested, the Presiding judge calls a two-minute recess for the preparation of final arguments. If there are any challenges to procedural events or objections to rules infractions in the trial, the rules expert or the attorneys acting as rules experts must make their objections known to the Trial Official prior to the restart of the trial. Coaches and lawyer coaches may not comment with regards to violations.
- B.** Students seated at the attorneys' table may be joined by the rules expert for the express purpose of conferring in regards to rules violations; and by the witnesses to confer with the attorneys regarding their testimony.
- C.** Only the students at the attorney's table, the witnesses, and the rules expert may confer during recess for final preparation of their closing argument. Violations will result in a one (1) point deduction from each Performance judge's scores. **All others** must remain seated and quiet.

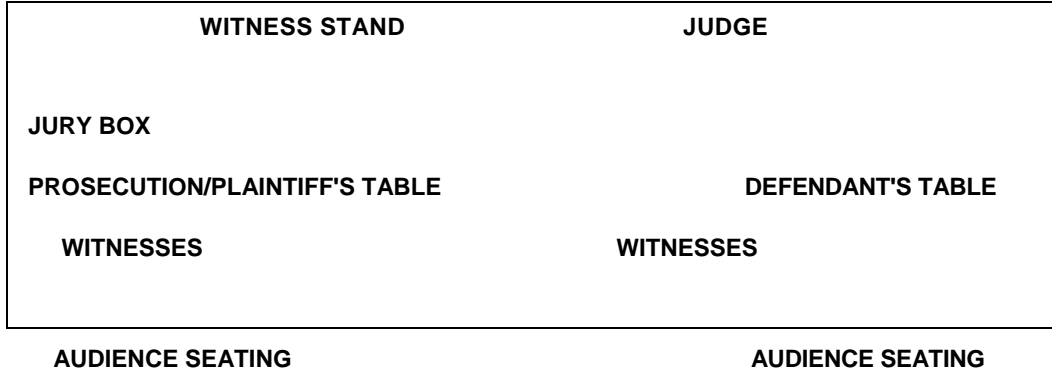
PART IV  
**ELEMENTS OF A TRIAL**

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

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**SUGGESTED COURTROOM LAYOUT**



- The Prosecution/Plaintiff shall sit closer to the jury box.
- No team shall rearrange the courtroom without the permission of the Presiding judge.

**THE MOCK TRIAL**

**A. THE OPENING OF COURT**

Either the clerk of the court, the Presiding judge's sheriff, or the Trial Official asks all in the courtroom to rise and calls the court to order.

When the judge enters, all participants should remain standing until the judge is seated. The case is announced i.e., "The court will now hear the case of (case name)." The Presiding judge will then ask the attorneys for each side if they are ready.

For mock trial purposes, the prosecution gives the opening statement first, followed directly by the defense.

**B. OPENING STATEMENTS (5 minutes each side)**

Before proceeding with its opening argument, if not already done so, each team of attorneys will have one of its members introduce the team to the Presiding judge. Witnesses should not be introduced. The timing will not start until this has been completed.

"Your Honor. My name is \_\_\_\_\_. My colleagues are Mr. \_\_\_\_\_ and Ms. \_\_\_\_\_."

**1. Prosecution/Plaintiff**

After the introductions, an attorney for the prosecution/plaintiff summarizes the evidence to be presented.

An opening statement blends the pertinent facts into a brief presentation of the legal basis for the prosecution/plaintiff's case. This is not the time to argue or discuss the law. The opening statement may establish a theme around which the presentation will revolve.

**2. Defense**

After the introductions, an attorney for the defense summarizes the evidence to be presented to the court to rebut the charges against the defendant. A theme may also be established. Defense attorneys present their opening statements immediately after the prosecution/plaintiff's opening statement.

The Presiding judge may interrupt an attorney's opening and closing statements to ask questions.

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**NOTE:** *The attorneys for both sides, on direct, cross, redirect, and re-cross, should remember that their only function is to ask questions; attorneys themselves may not testify. Care should be taken to avoid questions that might violate this rule.*

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### **C. DIRECT EXAMINATION OF WITNESSES (5 minutes, each witness)**

Each side conducts a direct examination of its witnesses, presenting testimony and evidence to establish its case.

1. **Purpose:** The purpose of the direct examination is to allow the witness to supply the facts in support of the case. Teams should strive to present their cases in this portion of the trial in as direct and concise a manner as possible. Avoid extraneous and irrelevant questions.
2. **Scope:** Direct examination may cover all facts relevant to the case of which the witness has firsthand knowledge. Qualified expert witnesses are allowed to give opinions about circumstances that they have not actually witnessed. Any factual areas examined on direct examination may be subject to cross-examination, and expert opinions are also subject to attack.

### **D. CROSS-EXAMINATION OF WITNESSES (5 minutes, each witness)**

After the direct examination, the opposing attorney is allowed to cross-examine the witness.

1. **Purpose:** The cross-examiner seeks to clarify or cast doubt on the testimony of opposing witnesses. Inconsistent stories, bias, and other damaging facts may be pointed out to the court through cross-examination. Again, teams should keep their line of questioning concise and to the point.
2. **Form:** In cross-examining a witness, attorneys should use leading questions that are aimed at getting "yes" or "no" responses. This does not mean that witnesses necessarily are limited to these responses. There are times when witnesses will be permitted to explain, provided they have answered the question.

In general, attorneys should avoid asking questions to which they do not already know the answers.

Examples of the proper phrasing of questions: "Isn't it a fact that..." or "On (date), when you made a statement in your attorney's office, you said that...didn't you?"

3. **Scope:** The scope of cross-examination is fairly broad. It may cover the subject matter of the direct examination, the credibility of the witness, or additional matters, otherwise admissible, that were not covered on direct examination. The objectives of cross-examination fall into two broad categories:
  - reducing the effect of direct examination (for example, by discrediting a witness)
  - developing independent evidence on behalf of your side.

Many judges allow a broad interpretation of this rule.

### **E. REDIRECT (Optional, 1 minute, each witness)**

1. **Purpose:** If the witness' credibility or reputation for truthfulness has been attacked on cross-examination, redirect provides a chance to repair damage done during cross-examination. Questions should be limited to the damage the attorney thinks was done by the opposing attorney on cross examination and should try to save or "rehabilitate" the witness' credibility.
2. **Scope:** Re-direct is limited to issues raised during the cross-examination. It is not the time to neither introduce new evidence nor address matters that have not been raised previously by either side.

### **F. RE-CROSS (Optional, 1 minute, each witness)**

The last word, re-cross permits clarification of an important point raised in the redirect.

**NOTE:** Redirect and re-cross are optional, offered to the teams at the discretion of the Presiding judge, and not scored separately from direct/cross.

### **G. CLOSING ARGUMENTS (5 minutes, each side)**

Closing arguments must be based on evidence and testimony presented during the trial. They are opportunities to summarize the case and to emphasize evidence that supports one's position and damages the opponent's. Closing statements can be high drama. They should not be boring. Asking the judge/jury to put themselves in a client's position or overt appeals to sympathy and prejudice are improper. Parties should indicate how the evidence does or does not satisfy the elements of the charge or claim as required by law and should ask for a favorable judgment.

#### **H. OBJECTIONS DURING OPENING OR CLOSING ARGUMENTS**

For mock trial purposes, objections should not be raised during opening or closing arguments. After an opponent's opening/closing, an attorney who believes that something in the argument was objectionable, should rise and ask to be heard. If permission is given, the attorney should say, "If I had been permitted to object, I would have objected to opposing counsel's statement." There will be no discussion of this objection.

The Presiding Judge will not rule on this "objection."

PART V  
RULES OF EVIDENCE



***In its goal to model the Rules of Evidence of the National High School Mock Trial Championship, the RI Mock Trial Tournament has again incorporated the National Rules into the 2012 Handbook. Note: the Rules of Evidence are reviewed at the national level in October of each year and therefore subject to change. Teams should read this section carefully each season, and the Championship Team should check for the updated rules prior to participation in the National Competition.***

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**Introduction**

In American trials complex rules are used to govern the admission of proof (i.e., oral or physical evidence). These rules are designed to ensure that all parties receive a fair hearing and to exclude evidence deemed irrelevant, incompetent, untrustworthy, unduly prejudicial, or otherwise improper. If it appears that a rule of evidence is being violated, an attorney may raise an objection to the judge. The judge then decides whether the rule has been violated and whether the evidence must be excluded from the record of the trial. In the absence of a properly made objection, however, the judge will probably allow the evidence. The burden is on the mock trial team to know the National High School Mock Trial Rules of Evidence and to be able to use them to protect their client and fairly limit the actions of opposing counsel and their witnesses.

For purposes of mock trial competition, the Rules of Evidence have been modified and simplified. They are based on the Federal Rules of Evidence, and its numbering system. Where rule numbers or letters are skipped, those rules were not deemed applicable to mock trial procedure. Text in italics or underlined represent simplified or modified language.

Not all judges will interpret the Rules of Evidence (or procedure) the same way, and mock trial attorneys should be prepared to point out specific rules (quoting, if necessary) and to argue persuasively for the interpretation and application of the rule they think appropriate.

The Mock Trial Rules of Competition and these National High School Mock Trial Rules of Evidence govern the National High School Mock Trial Championship.

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**Article I. General Provisions**

**Rule 101. Scope**

These National High School Mock Trial Rules of Evidence govern the trial proceedings of the National High School Mock Trial Championship.

**Rule 102. Purpose and Construction**

**These Rules are intended to secure fairness in administration of the trials, eliminate unjust delay, and promote the laws of evidence so that the truth may be ascertained.**

**Article II. Judicial Notice**

Not Applicable

**Article III. Presumptions in Civil Actions and Proceedings**

Not applicable

**Article IV. Relevancy and its Limits**

**Rule 401. Definition of "Relevant Evidence"**

"Relevant evidence" means evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence.

**Rule 402. Relevant Evidence Generally Admissible; Irrelevant Evidence Inadmissible**

All relevant evidence is admissible, except as otherwise provided by these Rules. Evidence which is not relevant is not admissible.

**Rule 403. Exclusion of Relevant Evidence on Grounds of Prejudice, Confusion or Waste of Time**

Although relevant, evidence may be excluded if its probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury, or by considerations of undue delay, waste of time, or needless presentation of cumulative evidence.

**Rule 404. Character Evidence Not Admissible to Prove Conduct; Exceptions; Other Crimes**

a. **Character evidence generally.** Evidence of a person's character or a trait of character is not admissible for the purpose of proving action in conformity therewith on a particular occasion, except:

1. **Character of accused.** In a criminal case, evidence of a pertinent trait of character offered by an accused, or by the prosecution to rebut the same, or if evidence of a trait of character of the alleged victim of the crime is offered by an accused and admitted under Rule 404 (a)(2), evidence of the same trait of character of the accused by the prosecution;
  2. **Character of alleged victim.** In a criminal case, and subject to the limitations imposed by Rule 412, evidence of a pertinent character trait of the alleged victim of the crime offered by an accused, or by the prosecution to rebut same, or evidence of a character trait of peacefulness of the victim offered by the prosecution in a homicide case to rebut evidence that the victim was the first aggressor;
  3. **Character of witness.** Evidence of the character of a witness as provided in Rules 607, 608 and 609.
- b. **Other crimes, wrongs, or acts.** Evidence of other crimes, wrongs, or acts is not admissible to prove the character of a person in order to show action in conformity therewith. It may, however, be admissible for other purposes, such as proof of motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or accident, provided that upon request by the accused, the prosecution in a criminal case shall provide reasonable notice in advance of trial, or during trial if the Court excuses pretrial notice on good cause shown, of the general nature of any such evidence it intends to introduce at trial.

**Rule 405. Methods of Proving Character**

- a. **Reputation or opinion.** In all cases where evidence of character or a character trait is admissible, proof may be made by testimony as to reputation or in the form of an opinion. On cross-examination, questions may be asked regarding relevant, specific conduct.
- b. **Specific instances of conduct.** In cases where character or a character trait is an essential element of a charge, claim, or defense, proof may also be made of specific instances of that person's conduct.

**Rule 406. Habit; Routine Practice**

Evidence of the habit of a person or the routine practice of an organization, whether corroborated or not and regardless of the presence of eyewitnesses, is relevant to prove that the conduct of the person or organization, on a particular occasion, was in conformity with the habit or routine practice.

**Rule 407. Subsequent Remedial Measures**

When, after an injury or harm allegedly caused by an event, measures are taken that, if taken previously, would have made the injury or harm less likely to occur, evidence of the subsequent measures is not admissible to prove negligence, culpable conduct, a defect in product, a defect in a product's design, or a need for a warning or instruction. This rule does not require the exclusion of evidence of subsequent measures when offered for another purpose; such as proving ownership, control, or feasibility of precautionary measures, if controverted, or impeachment.

**Rule 408. Compromise and Offers to Compromise**

- a. **Prohibited uses.** Evidence of the following is not admissible on behalf of any party, when offered to prove liability for, invalidity of, or amount of a claim that was disputed as to validity or amount, or to impeach through a prior inconsistent statement or contradiction:
  - (1) furnishing or offering or promising to furnish- or accepting or offering or promising to accept a valuable consideration in compromising or attempting to compromise the claim; and
  - (2) conduct or statements made in compromise negotiations regarding the claim, except when offered in a criminal case and the negotiations related to a claim by a public office or agency in the exercise of a regulatory, investigative, or enforcement authority;
- b. **Permitted uses.** This rule does not require exclusion if the evidence is offered for purposes not prohibited by subdivision (a). Examples of permissible purposes include proving a witness' bias or prejudice; negating a contention of undue delay; and proving an effort to obstruct a criminal proceeding or prosecution.

**Rule 409. Payment of Medical or Similar Expenses**

Evidence of furnishing or offering or promising to pay medical, hospital, or similar expenses occasioned by an injury is not admissible to prove liability for the injury.

**Rule 410. Inadmissibility of Pleas, Plea Discussion, and Related Statements**

Except as otherwise provided in this Rule, evidence of the following is not, in any civil or criminal proceeding, admissible against a defendant who made the plea or was a participant in the plea discussions:

1. a plea of guilty which was later withdrawn;
2. a plea of nolo contendere;
3. any statement made in the course of any proceeding under Rule 11 of the Federal Rules of Criminal Procedure or comparable state proceeding regarding either of the foregoing pleas; or
4. any statement made in the course of plea discussions with an attorney for the prosecuting authority which does not result in a plea of guilty or which results in a plea of guilty which is later withdrawn.

However, such a statement is admissible (1) in any proceeding wherein another statement made in the course of the same plea or plea discussions has been introduced and the statement ought, in fairness, be considered with it, or (2) in a criminal proceeding for perjury or false statement if the statement was made by the defendant under oath, on the record and in the presence of counsel.

**Rule 411. Liability Insurance (civil case only)**

Evidence that a person was or was not insured against liability is not admissible upon the issue whether the person acted negligently or otherwise wrongfully. This rule does not require the exclusion of evidence of insurance against liability when offered for another purpose, such as proof of agency, ownership, or control, or bias or prejudice of a witness.

**Article V. Privileges**

**Rule 501. General Rule**

There are certain admissions and communications excluded from evidence on grounds of public policy. Among these are:

1. communications between husband and wife;
2. communications between attorney and client;
3. communications among grand jurors;
4. secrets of state; and
5. communications between psychiatrist and patient.

**Article VI. Witnesses**

**Rule 601. General Rule of Competency**

Every person is competent to be a witness.

**Rule 602. Lack of Personal Knowledge**

A witness may not testify to a matter unless evidence is introduced sufficient to support a finding that the witness has personal knowledge of the matter. Evidence to prove personal knowledge may, but need not, consist of the witness' own testimony. This rule is subject to the provisions of Rule 703, related to opinion testimony by expert witnesses. (See Rule 2.2)

**Rule 607. Who May Impeach**

The credibility of a witness may be attacked by any party, including the party calling the witness.

**Rule 608. Evidence of Character and Conduct of Witness**

- a. **Opinion and reputation evidence of character.** The credibility of a witness may be attacked or supported by evidence in the form of opinion or reputation, but subject to these limitations: (1) the evidence may refer only to character for truthfulness or untruthfulness, and (2) evidence of truthful character is admissible only after the character of the witness for truthfulness has been attacked by opinion or reputation evidence, or otherwise.
- b. **Specific instances of conduct.** Specific instances of the conduct of a witness, for the purpose of attacking or supporting the witness' character for truthfulness, other than conviction of crime as provided in Rule 609, may not be proved by extrinsic evidence. They may, however, in the discretion of the Court, if probative of truthfulness or untruthfulness, be inquired into on cross-examination of the witness (1) concerning the witness' character for truthfulness or untruthfulness, or (2) concerning the character for truthfulness or untruthfulness of another witness as to which character the witness being cross-examined has testified.

The giving of testimony, whether by an accused or by any other witness, does not operate as a waiver of the accused's or the witness' privilege against self-incrimination with respect to matters related only to character for truthfulness.

**Rule 609. Impeachment by Evidence of Conviction of Crime**

- a. **General Rule.** For the purpose of attacking the character for truthfulness of a witness
  1. evidence that a witness other than an accused has been convicted of a crime shall be admitted, subject to Rule 403, if the crime was punishable by death or imprisonment in excess of one year under the law under which the witness was convicted, and evidence that an accused has been convicted of such a crime shall be admitted if the Court determines that the probative value of admitting this evidence outweighs its prejudicial effect to the accused; and
  2. evidence that any witness has been convicted of a crime shall be admitted regardless of the punishment, if it readily can be determined that establishing the elements of the crime required proof or admission of an act of dishonesty or false statement by the witness.
- b. **Time Limit.** Evidence of a conviction under this rule is not admissible if a period of more than ten years has elapsed since the date of the conviction or of the release of the witness from the confinement imposed for that conviction, whichever is the later date, unless the Court determines, in the interests of justice, that the probative value of the conviction supported by specific facts and circumstances substantially outweighs its prejudicial effect. However,

evidence of a conviction more than 10 years old as calculated herein, is not admissible unless the proponent gives to the adverse party sufficient advance written notice of intent to use such evidence to provide the adverse party with a fair opportunity to contest the use of such evidence.

- c. **Effect of pardon, annulment, or certificate of rehabilitation.** Evidence of a conviction is not admissible if (1) the conviction has been the subject of a pardon, annulment, certificate of rehabilitation, or other equivalent procedure based on a finding of the rehabilitation of the person convicted, and that person has not been convicted of a subsequent crime that was punishable by death or imprisonment in excess of one year, or (2) the conviction has been the subject of a pardon, annulment, or other equivalent procedure based on a finding of innocence.
- d. **Juvenile adjudications.** Evidence of juvenile adjudications is generally not admissible under this rule. The court may, however, in a criminal case allow evidence of a juvenile adjudication of a witness other than the accused if conviction of the offense would be admissible to attack the credibility of an adult and the court is satisfied that admission in evidence is necessary for a fair determination of the issue of guilt or innocence.
- e. **Not applicable.**

#### **Rule 610. Religious Beliefs or Opinions**

Evidence of the beliefs or opinions of a witness on matters of religion is not admissible for the purpose of showing that by reason of their nature the witness' credibility is impaired or enhanced.

#### **Rule 611. Mode and Order of Interrogation and Presentation**

- a. **Control by Court.** The Court shall exercise reasonable control over questioning of witnesses and presenting evidence so as to:
  - 1. make the interrogation and presentation effective for ascertaining the truth,
  - 2. to avoid needless consumption of time, and
  - 3. protect witnesses from harassment or undue embarrassment.
- b. **Scope of cross-examination.** The scope of the cross-examination shall not be limited to the scope of the direct examination, but may inquire into any relevant facts or matters contained in the witness' statement, **including** all reasonable inferences that can be drawn from those facts and matters, and may inquire into any omissions from the witness statement that are otherwise material and admissible.
- c. **Leading questions.** Leading questions should not be used on direct examination of a witness except as may be necessary to develop the witness' testimony. Ordinarily leading questions should be permitted on cross-examination. When a party calls a hostile witness, an adverse party, or a witness identified with an adverse party, interrogation may be by leading questions.
- d. **Redirect/Re-cross.** After cross-examination, additional questions may be asked by the direct examining attorney, but questions must be limited to matters raised by the attorney on cross-examination. Likewise, additional questions may be asked by the cross-examining attorney on re-cross, but such questions must be limited to matters raised on redirect examination and should avoid repetition.

#### **Rule 612. Writing Used to Refresh Memory**

**If a written statement is used to refresh the memory of a witness either while testifying or before testifying, the Court shall determine that the adverse party is entitled to have the writing produced for inspection. The adverse party may cross examine the witness on the material and introduce into evidence those portions which relate to the testimony of the witness.**

#### **Rule 613. Prior Statements of Witness**

- a. **Examining witness concerning prior statement:** In examining a witness concerning a prior statement made by the witness, whether written or not, the statement need not be shown nor its contents disclosed to the witness at that time, but on request the same shall be shown or disclosed to opposing counsel.
- b. **Extrinsic evidence of prior inconsistent statement of witness:** Extrinsic evidence of a prior inconsistent statement by a witness is not admissible unless the witness is afforded an opportunity to explain or deny the same and the opposite party is afforded an opportunity to interrogate the witness thereon, or the interests of justice otherwise require. This provision does not apply to admissions of a party-opponent as defined in Rule 801(d)(2).

### **Article VII. Opinions and Expert Testimony**

#### **Rule 701. Opinion Testimony by Lay Witness**

If the witness is not testifying as an expert, the witness' testimony in the form of opinions or inferences is limited to those opinions or inferences which are (a) rationally based on the perception of the witness and (b) helpful to a clear understanding of the witness' testimony or the determination of a fact in issue, and (c) not based on scientific, technical, or other specialized knowledge within the scope of Rule 702.

### **Rule 702. Testimony of Experts**

If scientific, technical, or other specialized knowledge will assist the trier of fact to understand the evidence or to determine a fact in issue, a witness qualified as an expert by knowledge, skill, experience, training, or education, may testify thereto in the form of an opinion or otherwise, if (1) the testimony is based upon sufficient facts or data, (2) the testimony is the product of reliable principles and methods, and (3) the witness has applied the principles and methods reliably to the facts of the case.

### **Rule 703. Bases of Opinion Testimony by Experts**

The facts or data in the particular case upon which an expert bases an opinion or inference may be those perceived by or made known to the expert at or before the hearing. If of a type reasonably relied upon by experts in the particular field in forming opinions or inferences upon the subject, the facts or data need not be admissible in evidence in order for the opinion or inference to be admitted. Facts or data that are otherwise inadmissible shall not be disclosed to the jury by the proponent of the opinion or inference unless the court determines that their probative value in assisting the jury to evaluate the expert's opinion substantially outweighs their prejudicial effect.

### **Rule 704. Opinion of Ultimate Issue**

- a. **Except as provided in subdivision (b), testimony in the form of an opinion or inference otherwise admissible is not objectionable because it embraces an issue to be decided by the trier of fact.**
- b. No expert witness testifying with respect to the mental state or condition of a defendant in a criminal case may state an opinion or inference as to whether the defendant did or did not have the mental state or condition constituting an element of the crime charged or of a defense thereto. Such ultimate issues are matters for the trier of fact alone.

### **Rule 705. Disclosure of Facts or Data Underlying Expert Opinion**

The expert may testify in terms of opinion or inference and give reasons therefor without first testifying to the underlying facts or data, unless the Court requires otherwise. The expert may in any event be required to disclose the underlying facts or data on cross-examination.

## **Article VIII. Hearsay**

### **Rule 801. Definitions**

The following definitions apply under this article:

- a. **Statement.** A "statement" is an oral or written assertion or nonverbal conduct of a person, if it is intended by the person as an assertion.
- b. **Declarant.** A "declarant" is a person who makes a statement.
- c. **Hearsay.** "Hearsay" is a statement, other than one made by the declarant while testifying at the trial or hearing, offered in evidence to prove the truth of the matter asserted.
- d. **Statements which are not hearsay.** A statement is not hearsay if:
  1. **Prior statement by witness.** The declarant testifies at the trial or hearing and is subject to cross examination concerning the statement and the statement is (A) inconsistent with the declarant's testimony, and was given under oath subject to the penalty of perjury at a trial, hearing, or other proceeding, or in a deposition, or (B) consistent with the declarant's testimony and is offered to rebut an express or implied charge against the declarant of recent fabrication or improper influence or motive, or (C) one of identification of a person made after perceiving the person; or
  2. **Admission by a party-opponent.** The statement is offered against a party and is (A) the party's own statement in either an individual or a representative capacity or (B) a statement of which the party has manifested an adoption or belief in its truth, or (C) a statement by a person authorized by the party to make a statement concerning the subject, or (D) a statement by the party's agent or servant concerning a matter within the scope of the agency or employment, made during the existence of the relationship, or (E) a statement by a coconspirator of a party during the course and in furtherance of the conspiracy. The contents of the statement shall be considered but are not alone sufficient to establish the declarant's authority under subdivision (C), the agency or employment relationship and scope thereof under subdivision (D), or the existence of the conspiracy and the participation therein of the declarant and the party against whom the statement is offered under subdivision (E).

### **Rule 802. Hearsay Rule**

Hearsay is not admissible, except as provided by these rules.

### **Rule 803. Hearsay Exceptions, Availability of Declarant Immaterial**

**The following are not excluded by the hearsay rule, even though the declarant is available as a witness:**

1. **Present sense impression.** A statement describing or explaining an event or condition made while the declarant was perceiving the event or condition, or immediately thereafter.

2. **Excited utterance.** A statement relating to a startling event or condition made while the declarant was under the stress of excitement caused by the event or condition.
3. **Then existing mental, emotional, or physical conditions.** A statement of the declarant's then existing state of mind, emotion, sensation, or physical condition (such as intent, plan, motive, design, mental feeling, pain, and bodily health), but not including a statement of memory or belief to prove the fact remembered or believed unless it relates to the execution, revocation, identification, or terms of declarant's will.
4. **Statements for purposes of medical diagnosis or treatment.** Statements made for the purpose of medical diagnosis or treatment and describing medical history, or 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.
5. **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 or adopted by the witness when the matter was fresh in the witness' memory and to reflect that knowledge correctly. If admitted, the memorandum or record may be read into evidence but may not itself be received as an exhibit unless offered by an adverse party.
6. **Records of regularly conducted activity.** A memorandum, report, record, or data compilation, in any form, of acts, events, conditions, opinions, or diagnoses, 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 the memorandum, report, record, or data compilation, all as shown by the testimony of the custodian or other qualified witness, unless the source of information or the method or circumstances of preparation indicate lack of trustworthiness. The term "business" as used in this paragraph includes business, institution, association, profession, occupation, and calling of every kind, whether or not conducted for profit.
18. **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 published 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. If admitted, the statements may be read into evidence but may not be received as exhibits.
21. **Reputation as to character.** Reputation of a person's character among associates or in the community.
22. **Judgment of previous conviction.** Evidence of a final judgment, entered after a trial or upon a plea of guilty (but not upon a plea of nolo contendere), adjudging a person guilty of a crime punishable by death or imprisonment in excess of one year, to prove any fact essential to sustain the judgment, but not including, when offered by the Government in a criminal prosecution for purposes other than impeachment, judgments against persons other than the accused.

#### **Rule 804. Hearsay Exceptions, Declarant Unavailable**

- a. **Definition of unavailability.** "Unavailability as a witness" includes situations in which the declarant -
  1. is exempted by ruling of the court on the ground of privilege from testifying concerning the subject matter of the declarant's statement; or
  2. persists in refusing to testify concerning the subject matter of the declarant's statement despite an order of the court to do so; or
  3. testifies to a lack of memory of the subject matter of the declarant's statement; or
  4. is unable to be present or to testify at the hearing because of death or then existing physical or mental illness or infirmity; or
  5. is absent from the hearing and the proponent of a statement has been unable to procure the declarant's attendance (or in the case of a hearsay exception under subdivision (b)(2), (3), or (4), the declarant's attendance or testimony) by process or other reasonable means. A declarant is not unavailable as a witness if exemption, refusal, claim of lack of memory, inability, or absence is due to the procurement or wrongdoing of the proponent of a statement for the purpose of preventing the witness from attending or testifying.
- b. **Hearsay exceptions.** The following are not excluded by the hearsay rule if the declarant is unavailable as a witness:
  1. **Former testimony.** Testimony given as a witness at another hearing of the same or a different proceeding, or in a deposition taken in compliance with law in the course of the same or another proceeding, if the party against whom the testimony is now offered or, in a civil action or proceeding, a predecessor in interest, had an opportunity and similar motive to develop the testimony by direct, cross, or redirect examination.
  2. **Statement under belief of impending death.** In a prosecution for homicide or in a civil action or proceeding, a statement made by a declarant while believing that the declarant's death was imminent, concerning the cause or circumstances of what the declarant believed to be impending death.
  3. **Statement against interest.** A statement which was at the time of its making so far contrary to the declarant's pecuniary or proprietary interest, or so far tended to subject the declarant to civil or criminal liability, or to render invalid a claim by the declarant against another, that a reasonable person in the declarant's position would not have made the statement unless believing it to be true. A statement tending to expose the declarant to criminal

liability and offered to exculpate the accused is not admissible unless corroborating circumstances clearly indicate the trustworthiness of the statement.

4. **Statement of personal or family history.** (A) A statement concerning the declarant's own birth, adoption, marriage, divorce, legitimacy, relationship by blood, adoption, or marriage, ancestry, or other similar fact of personal or family history, even though declarant had no means of acquiring personal knowledge of the matter stated; (B) a statement concerning the foregoing matters, and death also, of another person, if the declarant was related to the other by blood, adoption, or marriage or was so intimately associated with the other's family as likely to have accurate information concerning the matter declared.
6. **Forfeiture by wrongdoing.** A statement offered against a party that has engaged or acquiesced in wrongdoing that was intended to, and did, procure the unavailability of the declarant as a witness.

**Rule 805. Hearsay Within Hearsay**

Hearsay included within hearsay is not excluded under the hearsay rule if each part of the combined statement conforms with an exception to the hearsay rule provided in these rules.

**ARTICLE IX. Authentication and Identification**

Not applicable

**ARTICLE X. Contents of Writing, Recordings and Photographs**

Not applicable.

**ARTICLE XI. Other**

**Rule 1103. Title**

*These rules may be known and cited as the National High School Mock Trial Federal Rules of Evidence. Host states have the discretion to eliminate rules that do not pertain to the trial at hand.*

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PART VI  
**RULES OF EVIDENCE EXPLANATION AND PROCEDURE**

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*Attorneys may raise objections to the judge when it appears that the rules of evidence are being violated. The judge then rules on the objections and decides whether the evidence must be excluded from the record of the trial.*

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**A. INTRODUCTION OF PHYSICAL EVIDENCE**

Physical evidence (objects or documents) must be relevant and authentic in order to be admissible. For mock trial purposes, all exhibits contained in the case materials have been stipulated as authentic and should not be altered to give either side an unfair advantage. This means that the document is what it claims to be and need not be authenticated through witness testimony. However, exhibits are generally presented to the court through witness testimony and may be objected to on grounds other than authenticity.

Only the physical evidence provided in this manual may be introduced. No attorney should attempt to introduce anything that is not included or stipulated in the manual (such as blow-ups, graphs, or maps, etc.)

Only clean, unmarked copies of a document will be accepted for consideration either as an exhibit, or used during the questioning of a witness

The proper procedure to use when introducing a physical object or document for identification or to enter into evidence is:

1. Indicate to the Court that you would like to introduce a document into evidence. Prosecution's exhibits use numbers (ex. Prosecution Exhibit 1); Defense's exhibits use letters
2. (ex. Defense Exhibit A). The attorney presenting the document does NOT assign numbers to the document; that is the role of the Presiding judge.
3. Show the exhibit to opposing counsel. The Presiding Judge will ask opposing counsel if there are any objections. ). —Let the record reflect that I am showing the Plaintiff's Exhibit 1 (or Defense's Exhibit A) to opposing counsel.□
4. Present the document to the Clerk to have it marked.
5. Ask the Presiding judge permission to approach the witness.
6. Have the witness identify the exhibit. The witness' answer should serve to identify only.
7. Ask the witness a series of questions about the exhibit. to establish its relevancy.
8. Offer the exhibit into evidence.

**NOTE:** In an effort to simplify and save time in introducing exhibits, at the time of introduction, an exhibit shall be briefly described on the record by counsel, marked by number or letter, and shall then be considered a full exhibit. The typical 2-step process (mark for ID, establish foundation with witness, move as FULL) is eliminated.

Remember, physical evidence need only be introduced **once**.

*Generally, no attorney or witness may read from an exhibit until it is identified and admitted into evidence by the court. However, on cross-examination only, any document made or prepared by the witness who is being examined may be used for purposes of impeachment or cross-examination without having been admitted into evidence. Even here, though, the attorney should solicit identification information from the witness (i.e. "Do you recall making a statement to the police?" "Is this your signature?" "Were you under oath to tell the truth when you made this statement?"). Also, show the document to opposing counsel.*

## B. WITNESS EXAMINATION

### 1. Direct Examination

#### a. Leading Questions

The attorney who calls a witness may not ask them leading questions. A leading question is one that suggests to the witness the answer desired by the examiner, and often suggests a "yes" or "no" answer. Acceptable direct questions are generally phrased to evoke a set of facts from the witness.

**Example of a direct question:** "Dr. Isaac, what is your background in the study and analysis of alcohol and drug intoxication?"

**Example of a leading question:** "Detective, did you find the defendant to be a drunk?"

#### b. Narration

While the purpose of direct examination is to get the witness to tell a story, the questions must elicit specific information. The questions must not be so broad that the witness is allowed to wander or "narrate" a whole story. Narrative questions and narrative answers are objectionable. A direct question may be appropriate, but the witness' answer may go beyond a simple answer. Such answers are subject to objection.

**Example of a narrative question:** "So, Mr. Witness, what happened in November 2007?"

#### c. Character

For mock trial purposes, evidence about the character of a party may not be introduced unless the person's character is an issue in the case. For example, whether one spouse has been unfaithful to another is a relevant issue in a divorce trial but might not be relevant in a criminal trial. Similarly, a person's violent temper may be relevant in a criminal trial for assault but might not be in pertinent in a civil trial for breach of contract.

#### d. Refreshing Recollection

If a witness is unable to recall a statement made in the affidavit, or if the witness contradicts the Affidavit, the attorney on direct may seek to introduce into evidence that portion of the affidavit that will help the witness to remember. (On cross-examination, this method may be used to attack a witness' ability to remember events.)

## 2. Cross-Examination

### Impeachment

During cross-examination, the attorney may want to show the court that the witness should not be believed. This process is called impeaching the witness and may be accomplished in three ways:

- By asking the witness questions about prior conduct that lessens his or her credibility.
- **Example:** "Is it true that the defendant once denied you a promotion?"
- By asking about the criminal convictions of the witness.
- By introducing the witness' statement, and asking the witness whether s/he has contradicted some portion of it.

**Example:** "Is this your written statement here, the one in which you stated that you were indifferent to people's social conduct?"

These types of questions may be used only when the questioning attorney has information that indicates that the conduct actually happened.

## C. ADDITIONAL RULES OF EVIDENCE

### 1. Hearsay

a. Hearsay is defined as any evidence of an out-of-court statement made by someone other than the witness testifying, which is offered to provide the truth of a fact, to verify the testimony of any witness, or to authenticate a piece of evidence. Simply put, the court does not want to rely on second-hand statements, and hearsay is often a statement where the witness says, "I heard so-and-so say..." Hearsay is not permitted.

**Example:** Ms. Witness says, "Someone told me that Kevin likes to gamble."

b. Though hearsay is not usually allowed at a trial, it may be allowed if:

- It goes against the witness' side (i.e., in a burglary case, the defendant bragged to someone that he stole the money). This is sometimes called the "admission against interest exception"; it is allowed because people do not usually say things that might be damaging to them unless they are true.
- A person's state of mind is an important part of the case and the hearsay consists of evidence, which describes person's state of mind. This is sometimes called the "state of mind exception".

### 2. Opinion

- a. As a general rule, witnesses may not express opinions. Certain witnesses have special knowledge or qualifications may be qualified as "experts". Voir dire is the process of asking questions to determine their competence. An expert must be *qualified* by knowledge, skills, experience, training or education. The attorney presenting the witness should use a few brief questions to bring out the expert's qualifications. The opposing attorney may object to those qualifications, but for mock trial purposes, may not voir dire the expert him/herself. In cases of an objection, the Presiding judge will determine the expertise of the witness.
- b. All witnesses may offer opinions based on the common experience of laypersons in the community and of which the witnesses have firsthand knowledge.  
**Example:** "I know she partied a lot." (allowed) "I don't think she could handle the liquor." (This is not allowed unless made by an expert in the field of psychology or mental health.)
- c. No witness may give an opinion about how the case should be decided. This is called the "ultimate issue" question.

**Example:** "Ms. Witness, would you say that the defendant was unable to tell the truth?"  (Not allowed.)

### 3. Lack of Personal Knowledge

A witness may not testify to any matter of which the witness has no personal knowledge, unless the witness is an expert who has been qualified as such.

**Example:** If a teacher never supervised a student, she cannot testify that the student was not well prepared.

### 4. Relevance

Generally, only relevant testimony and evidence may be presented. The only physical evidence and testimony allowed is that which makes a fact more credible than it would be without the evidence. However, if the relevant evidence is unfairly prejudicial, confuses the issues, or is a waste of time, the court may exclude it. This may include testimony, pieces of evidence, and demonstrations that have no direct bearing on the issues of the case or have nothing to do with making the issues clearer.

**Example:** The defense asks, "Mr. Police Officer, to your knowledge, was the defendant dating anyone during the time in question?" (This is irrelevant unless the status of her/his social life is relevant to the case.)

## D. OBJECTIONS

### 1. Procedure for Making Objections

An attorney can object at any time that opposing attorneys have violated the rules of evidence.

a. The attorney wishing to object should **stand up** and do so at the time of violation, before the witness has a chance to respond.

1. Timing is important. You want to allow the opposing attorney to complete her/his question but prevent the witness from responding. It is important to stand as you address the court to make your objection.

2. Do **not** address the opposing attorney. Everything is directed to the bench. Remember that when you are raising questions about procedures or admissibility of evidence, the person you need to convince is the judge.
- b. When an objection is made, the judge sometimes will ask the reason for it. The judge will turn to the attorney who asked the question, and that attorney usually will have a chance to explain why the judge should overrule the objection. If you think you should be heard when the other side raises an objection and the judge does not give you the opportunity, you can stand and request to be heard —Your honor, May I be heard?□
- c. The judge will then decide whether a question or answer must be discarded, because it has violated a rule of evidence, "Objection sustained", or whether to allow the question or answer to remain on the trial record, "Objection overruled."
- d. If a witness has responded to an objectionable question, or if the question was appropriate but the response was objectionable, make a motion to "strike the testimony" so the response can be removed from the record.

## 2. Standard Objections

### a. Irrelevant evidence

"I object, your Honor. This testimony is irrelevant to the facts of this case."

### b. Leading question

"Objection, counsel is leading the witness." (Only on direct examination.)

### c. Improper character testimony

"Objection. The witness' character or reputation is not at issue."

"Objection. Only the witness' reputation/ character for truthfulness are at issue."

### d. Narration

"I move to strike, your Honor. The witness is responding in a narrative manner."

### e. Beyond the scope of direct examination:

"Objection. Counsel is asking the witness about matters that did not come up in direct examination." (Only used in cross-examination. Judges often broadly interpret this rule.)

### f. Hearsay

"Objection. Counsel's question —or 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.")

### g. Opinion

"Objection. Counsel is asking the witness to give an opinion."

### h. Lack of personal knowledge

"Objection. The witness has no personal knowledge that would enable her/him to answer this question."

### i. Non-Responsive Answer

A witness' answer is objectionable if it fails to respond to the question asked. "Your Honor, I move to strike the witness' answer as non-responsive and ask that s/he be instructed to answer the question asked."

### j. Assuming Facts Not in Evidence

An attorney shall not ask questions based on facts that were not proved or entered. Remember, just because something is in the *Handbook* doesn't mean that it is known to the court or that it is usable as evidence.

"Objection. Counsel's question assumes facts not in evidence."

PART VII  
**ROLES AND RESPONSIBILITIES**

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**A. THE PRESIDING JUDGE**

The Presiding judge insures that the parties' rights are protected and that the attorneys follow the rules of evidence and trial procedure.

For the purpose of this tournament, no judgment on the facts (merits of the case) is rendered. In the event of a tied score, the Presiding judge decides which team prevailed.

**B. PERFORMANCE JUDGES**

For each trial, there are two attorneys (more for playoffs) who act as Performance judges to score the trial. Performance judges sit in the jury box, separate from each other to insure independent scores and comments from each.

Scores based on the teams' presentations and overall strategies determine the winner. Since the trials are held in working courtrooms and the students usually have buses waiting for them, Performance judges should try to limit their comments to five (5) minutes each.

**C. TRIAL OFFICIAL**

The role of the Trial Official is to time the trial and assist the Presiding judge in keeping the trial running smoothly.

1. Before the start of the trial, the Trial Official must be prepared to advise any team that might have a rules question.
2. At the start of the trial, the Trial Official will call the case and notify the Presiding judge of any pending rules violations.
3. Prior to the beginning of closing arguments, the Trial Official will notify the Presiding Judge of any pending rules violations.
4. The Trial Official will check the Performance judges' additions to insure that the score sheets are accurately filled out. Teams will not be penalized because of a Trial Official's error. In the event of an error in addition, the team will be awarded its corrected score.

PART VIII  
**SUMMARY OF RULES SPECIFIC TO THE JUNIOR DIVISION**

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*This section is meant to be a convenience to the Junior Division and does not supersede the entirety of the rules as presented in the Casebook.*

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**Rule 1.2 CODE OF CONDUCT**

**A. Code of Ethical Conduct Form**

5. Each **Senior Division** team must complete and return to the Partnership, on or before November 9, 2011, a signed photocopy of the 2011 Code of Ethical Conduct that lists the names and home addresses of all team members, as well as the forms listed in Section B: Unified Consent Forms.

Each **Junior Division** team must complete and return to the Partnership, on or before February 5, 2011, a signed photocopy of the 2011 Code of Ethical Conduct that lists the names and home addresses of all team members, as well as the forms listed in Section B: Unified Consent Forms

**Rule 1.5 TRIAL SCHEDULE**

**C. Junior Division (Middle or Junior High School)**

Each Junior Division team argues the case two times: once as plaintiff and once as defense.

**Rule 1.7 JUDGING**

**B. Points**

**3. Junior Division**

Scoring will be based on a 6.0 – 10.0 rating system **with .5 increments**. The scoring will follow scholastic grading (Example a 7.5 constitutes a —C□ performance, an 8.5 constitutes a —B□ performance, etc.) as outlined in the Mock Trial Scoring Sheets.

**Rule 1.9 VIEWING A TRIAL**

**B. Junior High/Middle School Teams**

Junior Division team members, alternates, attorney/coaches, teacher-sponsors, and any other person directly associated with a school's mock trial team, are encouraged to view a senior division team's performance in the trial competition, **except** when a Junior High/Middle School team has a Senior High School team still in active competition, the Junior High/Middle school team may only view a match involving its own Senior Division team.

**RULE 3.6 ATTORNEY PARAMETERS**

**H.** For the Junior Division teams, in order to encourage participation and gain experience, the team may have up to 2 additional attorneys for the express purpose of delivering the opening statement or closing statement: the same attorney may not do both the opening and closing. In order to maintain an equitable presentation, if a team does choose to use (an) additional attorney(s), only 3 attorneys may be seated at the attorney's table at one time. The additional attorney(s) must sit with the team's witnesses.

**RULE 3.7 PROCEDURES FOR OBJECTIONS**

**C. For Junior Division Teams**

Attorneys are responsible for raising objections. Although any attorney may raise objections, it is recommended that objections be limited to the attorney handling the witness being examined.

# The 2012 Mock Trial Criminal Case

IN THE COURT OF GENERAL SESSIONS  
SIXTEENTH JUDICIAL CIRCUIT  
COUNTY OF PROVIDENCE  
STATE OF RHODE ISLAND

	)	
State of Rhode Island,	)	Case No.
Prosecution,	)	2012-GS-46-2695
	)	
v.	)	Case No.
	)	2012-GS-46-2696
	)	
Taylor Durden,	)	
Defendant.	)	
	)	

***NOTE: All characters, names, events, places, and circumstances in this mock trial case are fictitious***

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# 2012 MOCK TRIAL CASE

## INTRODUCTION

The Greek and honors societies at Rhode Island College draw large numbers of students each year through their bid process. As a college predominantly in a rural area, these societies offer the social opportunities that cannot be found in the outside community. Though the honors societies choose their members differently than the traditional Greek organizations, there still remains an honored ritual of bid, acceptance, and initiation. Epsilon Sigma Epsilon (ESE) is no different in that regard. As a University accredited honors society, they are by nature co-ed. ESE engages primarily in service related activities, although there is an optional pledge process, as well as social events. Though not a traditional Greek organization, ESE has its own house through the generous philanthropy of an alumni member. ESE has all of the traditional roles as with Greek societies, like the chapter president, vice president, treasurer, social chair, education chair, and pledge master.

Saturday, August 29, 2011, was the last day in the pledge week for the ESE pledges. Throughout the week they had participated in various activities commonly referred to as the Pledge Olympics. This included activities each day, such as wiffle ball in the back yard, quiz sessions on University and ESE history, and team building activities. What loomed before the pledges on that Saturday afternoon was made out by other members to be the most dreaded event – Water Jeopardy. This was a variant of Jeopardy™ that was the culmination of all their studies about ESE and Rhode Island College. Much like Jeopardy™, contestants provided questions to the answers that were on the board. Only instead of earning points it was to avoid chugging water. Years ago ESE developed this as an alternative to forcing pledges to chug beer, which was clearly against College rules. Against the wall in the basement of the ESE house was a row of normal office water coolers, all with five gallon water jugs. The penalty for a wrong answer was to drink for a time period that increased with the value of the question. Failure to put the answer in the form of a question necessitated an even longer drinking period. Pledges were told that they could not go to the bathroom while playing the game. Nursing student Tammy Canes (who convinced Jessica Bateson to pledge with her) got fed up with the treatment during Water Jeopardy and quit. Additionally, Tammy said she learned in nursing classes that this was probably dangerous to all the participants. After consuming an excessive amount of water during Water

Jeopardy, Jessica collapsed and appeared to have passed out. This scared the pledge master, pledges, and other members of ESE who were present. 911 were called. EMS and College Police responded. EMS found Jessica in an unresponsive state and transported her to the local hospital. Jessica Bateson died within two hours of the collapse without ever regaining consciousness. From the initial investigation, Sgt. Chris Knight found no wrongdoing and concluded that Jessica simply collapsed while playing an ESE game. Further investigation prompted by the results of the autopsy, indicated that Jessica died due to a swollen brain stem brought on by acute hyponatremia from overconsumption of water. Pledge Master Taylor Durden was charged with manslaughter, and the lesser included offense of hazing. ESE Chapter President Alex Richards was granted criminal immunity and agreed to testify for the state, though civil suits are pending.

# PLEADINGS

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**WITNESSES**

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Sgt. Chris Knight

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**ARREST WARRANT NUMBER**

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DIRECT INDICTMENT

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**ACTION OF GRAND JURY**

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TRUE BILL

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*Brynn Forsyth*

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*Foreperson of Grand Jury*

*Date: October 1, 2011*

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**VERDICT**

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*Foreperson of Grand Jury*

*Date:*

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DOCKET NO. 2012-GS-46-2695

**The State of Rhode Island**  
**County of Providence**

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**COURT OF GENERAL SESSIONS**

---

---

**THE STATE**

**vs.**

**TAYLOR DURDEN**

---

**INDICTMENT FOR**

RI Code: § 13-1103

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STATE OF RHODE ISLAND        )  
  )  
COUNTY OF PROVIDENCE        )

INDICTMENT

At a Court of General Sessions, convened on October 1, 2011, the Grand Jurors of Providence County present upon their oath:

**MANSLAUGHTER RI CODE § 13-1103**

That Taylor Durden did, in Providence County, on or about August 29, 2011, commit the crime of Manslaughter in that the Defendant, Taylor Durden, did unlawfully and recklessly cause the death of Jessica Bateson, during the commission of a misdemeanor, to-wit: the crime of hazing, contrary to the laws of the State of Rhode Island, at 255, Westminster Street, Providence, Providence County, Rhode Island.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

David W. Miller

DAVID W. MILLER, SOLICITOR

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**WITNESSES**

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Sgt. Chris Knight

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**ARREST WARRANT NUMBER**

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DIRECT INDICTMENT

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**ACTION OF GRAND JURY**

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TRUE BILL

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*Brynn Forsyth*

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*Foreperson of Grand Jury*

*Date: October 1, 2011*

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**VERDICT**

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*Foreperson of Grand Jury*

*Date:*

DOCKET NO. 2012-GS-46-2696

**The State of Rhode Island**  
**County of Providence**

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**COURT OF GENERAL SESSIONS**

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**THE STATE**

**vs.**

**TAYLOR DURDEN**

---

**INDICTMENT FOR**

**RI CODE: § 11-21-1. PENALTY FOR  
HAZING**

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STATE OF RHODE ISLAND            )  
  )  
COUNTY OF PROVIDENCE         )

INDICTMENT

At a Court of General Sessions, convened on October 1, 2011, the Grand Jurors of Providence County present upon their oath:

**PENALTY FOR HAZING RI CODE § 11-21-1**

That Taylor Durden did, in Providence County, on or about August 29, 2011, commit the crime of Hazing by willfully and recklessly engaging in acts which have a foreseeable potential for causing physical harm or death to a person for the initiation or admission into or affiliation with a chartered or non-chartered student, fraternal, or sororal organization, contrary to the laws of the State of Rhode Island, at 255 Westminster Street, Providence, Providence County, Rhode Island.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

David W. Miller

DAVID W. MILLER, SOLICITOR

STATE OF RHODE ISLAND	)	SIXTEENTH JUDICIAL CIRCUIT
	)	
COUNTY OF PROVIDENCE	)	COURT OF GENERAL SESSIONS
	)	
STATE OF RHODE ISLAND,	)	2012-GS-46-2695
	)	2012-GS-46-2696
Prosecution,	)	
vs.	)	
	)	
TAYLOR DURDEN,	)	
	)	
Defendant.	)	<b>DEMAND FOR JURY TRIAL</b>
	)	

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The State of Rhode Island filed two indictments against Defendant Taylor Durden. The indictments were true billed by the Grand Jury on October 1, 2011. Defendant pleads not guilty.

I, the undersigned, do hereby demand a jury trial in the above matter.

Dated: October 1, 2011

Signed: Taylor Durden  
Taylor Durden, Defendant

STATE OF RHODE ISLAND	)	SIXTEENTH JUDICIAL CIRCUIT
	)	
COUNTY OF PROVIDENCE	)	COURT OF GENERAL SESSIONS
	)	
	)	
STATE OF RHODE ISLAND,	)	2012-GS-46-2695
	)	2012-GS-46-2696
Prosecution,	)	
vs.	)	
	)	
TAYLOR DURDEN,	)	
	)	
Defendant.	)	
	)	

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**Pre-Trial Order**

On this the 1<sup>st</sup> day of January, 2012, the above-captioned matter came before the undersigned judge for pretrial conference. The parties, appearing through their counsel, indicated their agreement to, and approval of, the terms of this Order, and requested that it be made the Order of this Court. The terms of this order, accordingly, shall not be altered, except upon a showing of good cause.

## **I. Statement of Case**

The State charged Defendant, Taylor Durden, with one count of Manslaughter in violation of Rhode Island Code Annotated § 13-1103 and Hazing in violation of Rhode Island Code Annotated § 11-21-1, alleging that on August 29, 2011, Defendant unlawfully caused the death of Jessica Bateson, during the commission of a misdemeanor, to-wit: hazing, contrary to the laws of the State of Rhode Island, and the good order, peace and dignity thereof. Upon arraignment, Taylor Durden pled not guilty to all charges.

## **II. Stipulations of the Parties**

The parties have entered into the following stipulations, which shall not be contradicted or challenged:

1. The death of Jessica Bateson occurred on August 29, 2011.
2. Defendant was over the age of 21 as of August 29, 2011.
3. Tammy Canes is deceased.
4. Colt Bateson is not available for trial due to armed services deployment.
5. The family medical history is not in dispute.
6. All exhibits listed are authentic and accurate in all respects.
7. The chain of custody for evidence is not in dispute.
8. The signatures on the witness statements and all other documents are authentic.
9. All witnesses who were questioned by law enforcement were properly advised of their Miranda rights. The search of the Epsilon Sigma Epsilon house was conducted with consent of the chapter president, and therefore was proper and in accordance with the law.
10. The transcript of the 911 phone call is admissible as a substitute for the actual recording and accurately reflects the contents of the recording. The caller's voice on the recording is identified as Alex Richards.
11. Exhibits 6 and 8 fairly and accurately reflect the scene, view, or geography they purport to depict.
12. Exhibit 7 is a true and accurate photograph of evidence recovered from 255 Westminster Street, Providence, Providence County, Rhode Island by Sgt. Knight.
13. Exhibits 1, 2, 3, 4, 5, 11, and 13 are kept in the ordinary course of business or as part of the ordinary conduct of an organization or enterprise where it was part of the ordinary business of that organization, business or enterprise, to compile the data or information. The information was made for the purpose of recording the occurrence of an event, act, condition, opinion or diagnosis that takes place in the ordinary course of the business or enterprise, entry in the record or the compiling of the data was made at or near the time

when the event took place, and the recording of the event was made by someone who has personal knowledge of it.

14. The following words shall be pronounced as indicated below. (These same words can be typed into the following Web site and can be heard in their exact pronunciation.

[www.thefreedictionary.com](http://www.thefreedictionary.com) )

- a. Chi ..... kī
- b. Epsilon ..... ěp-sə-lŏn
- c. Hyperthyroidism ..... hī-pər-thī-roi-dīz-əm
- d. Hyponatremia ..... hī-pŏ-nə-trē-mē-ə
- e. Si ..... sī
- f. Sigma ..... sĭg-mə
- g. Thyroid ..... thī-roid

**RHODE ISLAND  
CRIMINAL STATUTES**

**Title 13. Criminal Code**

Chapter 11. Homicide

**§ 13-1103 Manslaughter; classification**

Involuntary manslaughter is an unintentional homicide without malice aforethought, committed in the performance of an unlawful act not amounting to a felony or in the performance of a lawful act with criminal negligence.

A person who wantonly or recklessly does an act that result in the death of another human being is guilty of manslaughter, even though he /she did not contemplate such a result. Nothing more is required that the intentional doing of an act which, by reason of its wanton or reckless character, exposes another person to injury, and causes such injury or death.

**Title 11. Criminal Code**

Chapter 11-21. Hazing

**§ 11-21-1. Penalty for Hazing; classification**

- A.** Any organizer of, or participant in, an activity constituting hazing, as defined in subsection (B) of this section, shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than five hundred dollars (\$500), or punished by imprisonment for not less than thirty (30) days nor more than one year, or both.
- B.** "Hazing" as used in this chapter, means any conduct or method of initiation into any student organization, whether on public or private property, which willfully or recklessly endangers the physical or mental health of any student or other person. This conduct shall include, but not be limited to, whipping, beating, branding, forced calisthenics, exposure to the weather, forced consumption of any food, liquor, beverage, drug, or other substance, or any brutal treatment or forced physical activity which is likely to adversely affect the physical health or safety of the student or any other person, or which subjects the student or other person to extreme mental stress, including extended deprivation of sleep or rest or extended isolation.

# WITNESSES & AFFIDAVITS

PROSECUTION	
Chris Knight	Police Sergeant
Jamie Chessler	Medical Examiner
Alex Richards	ESE Chapter President

DEFENSE	
Taylor Durden	Defendant / ESE Pledge Master
Ryan Paulsen	Pathologist
Carson Baker	ESE Member

STATE OF RHODE ISLAND	)	SIXTEENTH JUDICIAL CIRCUIT
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COUNTY OF PROVIDENCE	)	COURT OF GENERAL SESSIONS
	)	
	)	
STATE OF RHODE ISLAND,	)	2012-GS-46-2695
	)	2012-GS-46-2696
Prosecution,	)	
vs.	)	
	)	
TAYLOR DURDEN,	)	
	)	
Defendant.	)	<b>AFFIDAVIT OF CHRIS KNIGHT</b>
	)	

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COMES NOW THE AFFIANT SWORN AND STATES THE FOLLOWING:

1           1. My name is Chris Knight. I am currently a Sergeant with the Rhode Island College (RIC) Police  
2 Department. I attended Rhode Island College for a year before transferring to the University of Rhode Island  
3 for my undergraduate degree in Military Studies. I have been in law enforcement for 13 years. I have Basic  
4 and Advanced School Resource Officer (SRO) certifications, Active Shooter Crisis Response training, Basic  
5 and Advanced Narcotics Interdiction training, Basic Instructor Development (BID), as well as Detective  
6 School training from the Rhode Island Criminal Justice Academy. I was formerly an investigator with the  
7 Boston University Police Department before coming to work with the Rhode Island College Police  
8 Department.

9  
10           2. At approximately 17:08 on August 29, 2011, the Emergency Communications Division dispatched  
11 a call of an unconscious person located at 255 Westminster Street, Providence. I arrived on the scene at  
12 17:27. The Providence County Emergency Medical Service (EMS) was already on scene and inside the  
13 location. Upon entry to the residence I spoke briefly with EMS personnel, who were loading an unresponsive  
14 female onto the stretcher for transport. There were seven people in the room in addition to the victim, EMS,  
15 and myself.

16  
17           3. The first person I spoke with identified him/herself as Alex Richards, president of the honors  
18 society. Richards stated that s/he had been in the upstairs portion of the Epsilon Sigma Epsilon (ESE)  
19 house when a pledge came upstairs yelling to call 911 and that Jessica Bateson had collapsed during one of  
20 the pledge activities. Richards called 911 immediately, and then went downstairs to see what happened.  
21 While downstairs, Taylor Durden told Richards that Ms. Bateson had simply "fallen out" during the last phase  
22 of the Water Jeopardy game. This game served as the final activity of the initiation week for the society. I  
23 am somewhat familiar with the pledge activities of ESE, having been a pledge my second semester at RIC,  
24 before transferring to URI.

25 I was not fully accepted into ESE as a member. I was told by the then-president of ESE that another  
26 member accused me of cheating on finals. As a result, I transferred to URI, and was accepted into an  
27 honors society there.

28  
29 4. Immediately following my interview with Richards, I interviewed Taylor Durden. Durden indicated  
30 that s/he was the pledge master for the Epsilon Sigma Epsilon honors society, and that they were completing  
31 the last activity in pledge week before full membership was to be granted. Durden then said that Ms.  
32 Bateson fell out.  
33 I asked what was meant by this and Durden said that she had to drink some more water after getting a  
34 question wrong. After drinking more water, she then fell down and it looked like she passed out. I  
35 specifically asked if this was a voluntary activity and Durden responded that it was. My initial thoughts and  
36 concerns on scene were that perhaps this was an alcohol overdose related to hazing. I asked if alcohol was  
37 involved. Durden responded absolutely not, and that I was free to search the ESE house. Chapter  
38 President Richards also confirmed the consent to search. Along with an additional officer, I conducted a  
39 search of the ESE house and found a small quantity of tequila (less than 500mL) in the room of an ESE  
40 member who was above 21. There was no other alcohol found on premises, and it did not appear that the  
41 tequila was involved with the activities in the basement.  
42

43 5. In speaking with Tammy Canes, she stated that they had all been playing a game in which wrong  
44 answers meant that one had to consume large amounts of water as punishment. Canes additionally stated  
45 that she quit the game as she recalled from nursing classes that too much water was harmful.  
46

47 6. Correct contact information for all witnesses interviewed was recorded for possible follow up.  
48 With no other indications of criminal activity at the time, I cleared the incident location and went to the  
49 hospital to ascertain Ms. Bateson's condition. Upon arrival at the hospital, one of the ER physicians stated  
50 that Ms. Bateson never regained consciousness and died after her arrival in the ER. I asked if there were  
51 any visible signs of foul play. The physician stated that there was no overt trauma indicative of foul play, but  
52 pursuant to state law, there would be an autopsy. Seeing no criminal conduct at the time, I contacted the  
53 student life coordinator at the University. Along with a representative of the school, we made contact with the  
54 sheriff's office in Ms. Bateson's home county, who handled the parental notification of her death.  
55

56 7. At the time, I did not realize that Jessica Bateson was the younger sister of Colt Bateson. I have  
57 had numerous law enforcement contacts with Colt Bateson. He was known on campus as a reckless and  
58 uncaring individual, with concern only for his immediate gratification. He was investigated for several  
59 obnoxious campus pranks, which, in my opinion, rose to the level of criminal conduct, though he was never  
60 charged. One of these alleged events was the theft of a College Police golf cart, along with a statue of the  
61 College mascot.  
62

63 8. The autopsy was performed by a medical examiner working under the authority of the Office of  
64 the Coroner for Providence County. At the autopsy, the cause of death was noted as brain stem swelling  
65 brought on by a case of acute hyponatremia. Additionally, the medical examiner noted that this was not a  
66 natural cause based upon the volume of water in the victim's system. The medical examiner was of the

67 opinion that ingestion of this much water was not normal. An individual's sense of thirst would not allow for  
68 the voluntary consumption of so much water, and thus it was a deliberate and forced act. The ruling of the  
69 Coroner's office was that Jessica Bateson's death was a homicide.

70  
71 9. Upon reviewing the case file following the autopsy report, I spoke by phone with sophomore  
72 Tammy Canes, who had been present and questioned on August 29, 2011. She stated that she and Jessica  
73 pledged ESE together and that Jessica was desperate to fit in and be liked. They had been roommates  
74 during freshman year, and Tammy stated that Jessica pledged both semesters without receiving an invite  
75 from any of the sororities. Tammy indicated that she thought Jessica would have been heartbroken to have  
76 been rejected from ESE, and was doing everything that was asked of her, no matter how ridiculous. Tammy  
77 said she quit the Water Jeopardy activity because she thought it was unsafe and she even told Pledge  
78 Master Taylor Durden that she thought it could hurt the other pledges.

79  
80 10. During further subsequent investigation, the room in which Ms. Bateson died was reexamined.  
81 Photographs of the room were taken, including a photo of eight water coolers lined up against one wall of the  
82 basement. There were varying amounts of water in each of the coolers, and signs above the coolers used  
83 by pledges. Because the scene was not secured immediately following Ms. Bateson's death, it is not known  
84 if the water coolers were used after the incident in question on August 29, 2011. The cooler marked with the  
85 name Jessica did appear to have significantly less water remaining than the other coolers.

86  
87 11. Based upon the findings of the Coroner's Office, information from other pledges, and that  
88 Durden was responsible for the pledge activity known as Water Jeopardy; Durden was arrested and charged  
89 with manslaughter and hazing. Chapter President Alex Richards was also initially arrested and charged.  
90 Richards agreed to testify and all criminal charges made were dropped in exchange for Richards' testimony.

91  
92 12. After Durden was arrested, I scheduled an appointment to meet with Tammy Canes on  
93 September 19, 2011. Unfortunately, Ms. Canes died in a car accident on September 12, 2011. The cause  
94 of the accident is still under investigation, and an investigator with the Highway Patrol is handling the  
95 suspicious circumstances of the accident. The investigator told me that though the findings are still pending;  
96 it appears that the braking system of Ms. Canes' car was disabled. As an investigator, I find it interesting  
97 that Ms. Canes was in a fatal accident only two days after Durden was released on bail.

**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,

Chris Knight

Chris Knight

SIGNED AND SWORN to me before 8:00a.m. on the day of this round of the 2012 Rhode Island Mock Trial Competition.

C.M. McCormack

C.M. McCormack, Notary Public

State of Rhode Island

My Commission Expires: 07/25/16

STATE OF RHODE ISLAND	)	SIXTEENTH JUDICIAL CIRCUIT
	)	
COUNTY OF PROVIDENCE	)	COURT OF GENERAL SESSIONS
	)	
STATE OF RHODE ISLAND,	)	2012-GS-46-2695
	)	2012-GS-46-2696
Prosecution,	)	
vs.	)	
	)	
TAYLOR DURDEN,	)	
	)	
Defendant.	)	<b>AFFIDAVIT OF JAMIE CHESSLER</b>
	)	

---

COMES NOW THE AFFIANT SWORN AND STATES THE FOLLOWING:

1           1. My name is Jamie Chessler. I am 29 years old. I received my bachelor's degree in biology from  
2 the University of Buffalo, and my MD from the Baylor College of Medicine. I have been in Rhode Island for  
3 the last two years, since finishing my residency requirements. I won awards at Baylor for top marks in the  
4 anatomical pathology specialty, and graduated third in my class over all. I am a board certified physician,  
5 and licensed in the State of Rhode Island through the RI Department of Labor, Licensing and Regulation  
6 (LLR). I have certifications in internal medicine as well as anatomical pathology. I serve as an assistant  
7 medical examiner for the State of Rhode Island, and handle cases from the various coroners' offices that call  
8 on us.

9 I have seen all of the usual causes of death, from drowning to shootings, stabbings, and of course auto  
10 fatalities.

11  
12           2. The morning of August 30, 2011, we received a body from the Providence County Coroner's  
13 Office. The body was a Caucasian female, giving all outward physical appearances of an older teenager.  
14 Per the positive identification of the Rhode Island College Police Department, the body was identified as  
15 Jessica Bateson, 19 years of age, of Westerly, Rhode Island. Per the records from the emergency room  
16 physician, she arrived at the emergency room in an unresponsive state with fixed, dilated pupils and shallow,  
17 labored breathing. Time of death was 18:40 on Saturday, August 29, 2011.

18  
19           3. The autopsy was conducted at 10:00 on Monday, August 31, 2011. Upon physical examination  
20 of the body, the only marks of external trauma visible were consistent with a fall from intermediate height.  
21 The only external markings upon the body were red nail polish on toes and fingers, and a tattoo of a cherub  
22 with an arrow through its back located on the outside of her right ankle. This was noted in the autopsy  
23 filings. Weight of the body was 131lbs, 5oz; length 70 inches. The body was dressed in a white t-shirt and  
24 tan shorts. There was no indication that the body had been dressed or that clothing was altered post  
25 mortem.

26

27           4. Through the course of the autopsy, all organs appeared unremarkable in coloration, size, and  
28 weight, with the exception of a distended bladder, and an extremely swollen brain stem. I determined the  
29 cause of death was swelling of the brain stem due to consumption of a lethal amount of water. This is known  
30 as acute hyponatremia.

31  
32           5. There are cases of hyponatremia in the United States every year. The vast majority of fatal  
33 hyponatremia cases occur in infants and the elderly. To say it is strange that a teenager would die of this  
34 would be an understatement. I have never seen a fatality from hyponatremia before this case. I have read  
35 about it in the medical textbooks and I am familiar with the symptoms and the physiological affects.  
36 Hyponatremia is a painful way to die. Picture drinking so much fluid that your kidneys cannot keep up and  
37 you cannot relieve the fluid from your system to the point that you literally drown in your own cells. When the  
38 urinary system cannot flush the excess fluid from the body, the cells all begin to absorb the excess fluid.  
39 Some cells absorb water until they burst, and can actually cause the victim to appear to have blotchy skin  
40 from all the burst cells. Usually in conjunction with that is the swelling of the brain stem. This is particularly  
41 dangerous because if not counteracted, coma and ultimately death occur. Among other things, the brain  
42 stem controls consciousness, breathing, heart beat, eye movements, pupil reactions, swallowing and facial  
43 movements. Furthermore, all the sensations going to the brain, as well as the signals from the brain to the  
44 muscles must pass through the brain stem. Without a clear path for these signals to pass back and forth from  
45 the brain, it is as if the head had been chopped off.

46  
47           6. Upon checking the sodium serum levels, which indicates water consumption, the numbers were  
48 off the charts at the low end of the scale. This merited further urinalyses and blood work. Following the  
49 results of those tests, I came to the conclusion that such massive water consumption could not have been  
50 voluntary. Ms. Bateson died as a direct result of human intervention.

51  
52           7. The death certificate notes the cause of death as acute hyponatremia, along with confirmation of  
53 homicide as opposed to natural causes. It is unlikely that the condition was accelerated or exacerbated by  
54 any other factors. I later found out that after my homicide ruling and the autopsy, that the RIC Police  
55 Department investigated further the circumstances of Ms. Bateson's death. Taylor Durden and Alex  
56 Richards were held responsible with Taylor Durden ultimately charged.

57  
58           8. I understand that Dr. Paulsen is testifying for the Defense and disagrees with my conclusion.  
59 While I have the utmost respect for Dr. Paulsen, I believe that medical advances in the field of pathology  
60 have passed him/her by. In addition, I attended medical school with Dr. Paulsen's son, who later lost his  
61 license to practice medicine due to a drug conviction. Over the years, I had on many occasions spoken at  
62 length with Dr. Paulsen about the practice of medicine and have been dismayed that his/her focus has  
63 turned from service to the public to the financial rewards of being an expert witness, or "a hired gun."

**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,

Jamie Chessler

Jamie Chessler

SIGNED AND SWORN to me before 8:00a.m. on the day of this round of the 2012 Rhode Island Mock Trial Competition.

C.M. McCormack

C.M. McCormack, Notary Public  
State of Rhode Island  
My Commission Expires: 07/25/16

STATE OF RHODE ISLAND	)	SIXTEENTH JUDICIAL CIRCUIT
	)	
COUNTY OF PROVIDENCE	)	COURT OF GENERAL SESSIONS
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STATE OF RHODE ISLAND,	)	2012-GS-46-2695
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Prosecution,	)	
vs.	)	
	)	
TAYLOR DURDEN,	)	
	)	
Defendant.	)	<b>AFFIDAVIT OF ALEX RICHARDS</b>
	)	

---

COMES NOW THE AFFIANT SWORN AND STATES THE FOLLOWING:

1           1. My name is Alex Richards, and I am the president of the Chi Si Chapter of Epsilon Sigma Epsilon  
2 honors society here at Rhode Island College. I turned 22 on December 9, 2010. During the school year I  
3 live at the ESE house at Rhode Island College. During the summer I typically travel out of the country to see  
4 more of the world. I am a senior with a 4.0 GPA, and have already been accepted to law school once I  
5 graduate. I have been in ESE for three years now. I was elected pledge master for a year before running for  
6 and being elected president of the chapter.

7  
8           2. Though we have Greek letters identifying us, much as the traditional fraternities and sororities do,  
9 we are quite a bit different. First, we are co-ed. Second, we have much higher GPA standards than any of  
10 those groups. And finally, we do true services for the community. We have a few other things in common  
11 with the traditional Greek organizations on campus. Our officers are all required by the College to attend the  
12 same trainings as traditional Greek organizations. We are an organization that gains membership by  
13 invitation only based on brains; not necessarily beauty or popularity.  
14 I have greatly enjoyed my time here at Rhode Island College. I have worked hard to move up through the  
15 ranks of the ESE honors society. This year, I became president of the Chapter, and had some great plans  
16 for the year. Things have really derailed since then.

17  
18           3. Taylor Durden joined ESE at the same time that I did. Taylor was always more happy working  
19 with the new members, or pledges as they are often called. Taylor just loved the process of screening and  
20 admitting new members, and some of the fun things to build unity within ESE. Taylor learned the ropes of  
21 being the pledge master like I did, from Jessica's older brother Colt. Colt put us through the paces of the  
22 Water Jeopardy game. Taylor was miserable after we were done that day, but Taylor and Colt became fast  
23 friends after the experience. They began to hang out all the time together. I am willing to bet Taylor was  
24 with Colt when the College Police golf cart was stolen.

25  
26           4. Every year there is a type of ESE Pledge Olympics. All of the ESE officers review the proposed  
27 activities to make sure that we do not run into trouble with the College's hazing policies. Until this year, we

28 have never even had a visit from the College Police Department, much less been sanctioned in any way by  
29 RIC Administration. Last year when I was pledge master, everyone had a great time and nobody died from  
30 Water Jeopardy. It is awful that Taylor cannot say the same this year.

31  
32 5. This year, Taylor seemed fixated on pushing the pledges further than we had before. I said it was  
33 not a good idea and even thought the Water Jeopardy that Taylor was so fond of was probably close to  
34 hazing. I even told Taylor about a lady I had read about dying from drinking too much water and not going to  
35 the bathroom as a part of a radio contest to win a Nintendo Wii. Taylor insisted that Water Jeopardy was not  
36 hazing because it was voluntary and that nobody was told they could not go to the bathroom, but that s/he  
37 would call the College Student Affairs Office to ask. I have no idea if Taylor ever did call, or what they even  
38 said. Either way, Taylor said s/he was moving forward with the Water Jeopardy. We argued about it, and I  
39 decided that I did not want to be present for the game. I probably should have double checked behind  
40 Taylor, but I had been busy settling back into the fall semester routine. I was around for most of the other  
41 pledge week activities, and they all seemed to go pretty well. Everyone was having a good time, especially  
42 with the shaving cream fight.

43  
44 6. When the Water Jeopardy game started, I headed upstairs to my room to study. After awhile, I  
45 heard Tammy Canes yelling for a phone and to call 911. Tammy looked lost wandering around the house  
46 when I came downstairs and I realized that she had never been inside the main portion of the house since  
47 she was just a pledge.  
48 I called 911, while asking what the problem was. Tammy said that one of the pledges passed out. That  
49 happens to people from time to time, but they could not get her to wake up. That scared me. I went down to  
50 the basement level with Tammy, and we opened up the outside doors of the basement and everyone waited  
51 on EMS. Taylor and a couple others were trying to wake Jessica up the whole time. EMS arrived, and took  
52 Jessica out on a stretcher. She had been a quiet and somewhat silly person, and was not taking the pledge  
53 process seriously enough for Taylor all week long. I am sure that Taylor was punishing her with Water  
54 Jeopardy. The cop thought it might have been an alcohol poisoning and hazing incident, since it was pledge  
55 week all over campus. Before Sgt. Knight left, Taylor and I were interviewed about what happened. Sgt.  
56 Knight asked if it was okay to search the house for alcohol since there were appearances that alcohol could  
57 be involved. Taylor and I both told the cop to feel free to search the house, so Sgt. Knight and Cpl. Dechane  
58 did. They of course did not find anything.  
59 I found out later that evening from the College Director of Student Affairs that Jessica died.

60  
61 7. A couple days later, Sgt. Knight and another officer came back to the house and said that Water  
62 Jeopardy was considered hazing and manslaughter. They said the water was forced on Jessica and that  
63 she died from the excessive water and it was our fault. They arrested Taylor for it, and took me down to an  
64 interview room at the police department. I was told that because I was the chapter president and it  
65 happened while

66 I was responsible for the honors society, that I could be held responsible too. The police gave me a choice.  
67 I could sit at the prosecution table or the defense table. You do not have to have a 4.0 in aerospace  
68 engineering to realize the implications of that decision. I am sure it was Taylor's meanness and pushing  
69 events too far that got Jessica Bateson killed. I am sitting at the right table.

**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,

Alex Richards

Alex Richards

SIGNED AND SWORN to me before 8:00a.m. on the day of this round of the 2012 Rhode Island Mock Trial Competition.

C.M. McCormack

C.M. McCormack, Notary Public

State of Rhode Island

My Commission Expires: 07/25/16

STATE OF RHODE ISLAND	)	SIXTEENTH JUDICIAL CIRCUIT
	)	
COUNTY OF PROVIDENCE	)	COURT OF GENERAL SESSIONS
	)	
STATE OF RHODE ISLAND,	)	2012-GS-46-2695
	)	2012-GS-46-2696
Prosecution,	)	
vs.	)	
	)	
TAYLOR DURDEN,	)	
	)	
Defendant.	)	<b>AFFIDAVIT OF TAYLOR DURDEN</b>
	)	

---

COMES NOW THE AFFIANT SWORN AND STATES THE FOLLOWING:

1           1. My name is Taylor Durden. I am 21 years old, and will turn 22 on May 22, 2012. I live at the  
2 Epsilon Sigma Epsilon house at Rhode Island College during the school year. For the last two years I have  
3 subleased apartment space during the summer so I can stay in town to take summer classes. I am a senior  
4 at Rhode Island College. I have a 3.985 GPA with a triple major in political science, psychology and social  
5 work. Following undergrad, I plan to go back for a Masters in social work and then work with homeless  
6 youth.

7  
8           2. I have been a member of the ESE honors society since 2008. I was the first pledge initiated to  
9 the chapter that year and I loved it. I have been to every social, mixer, pledge event, and public service  
10 opportunity that we have had since I started. I love the fact that we can have great parties and we can all get  
11 together to help others in the community through events like Habitat for Humanity, The Rhode Island College  
12 Blood Drive, Toys for Tots, and the local food bank.

13  
14           3. For the last two years I assisted the other pledge masters, including Alex Richards. This year I  
15 was asked to be the pledge master. I have taken my role seriously because I think that everyone who joins  
16 ESE should take the honor and responsibility seriously as well. My job was to make sure that the students  
17 were not only of the highest caliber at the College, but that they were knowledgeable about the College, the  
18 ESE chapter, and the community that we served. I was responsible for all the paperwork that the pledges  
19 completed and signed off on as they were working towards joining ESE. This included requesting their  
20 transcripts so we could get their GPAs, a medical history chart outlining any health problems that we needed  
21 to be aware of, and a general liability release that the College insisted that we get prior to letting them  
22 participate in any events. Everyone joining this semester was sophomores. According to my records, all of  
23 them completed and submitted their required paperwork.

24  
25           4. This year's pledge class was a mix of guys and girls like in most years. Our more rigorous GPA  
26 requirements meant that we invited fewer to join. Everyone was having a good time all week with the  
27 activities. It is not hazing or anything like what

28 I have been accused of doing. Everyone was notified in writing at the beginning of the week that  
29 participation in the activities was optional. I even said it on the first day at the welcome. Everyone got a  
30 copy of all the activities for the week, as well as a copy of the rules that the pledges had to go by for that  
31 week. The rules said that the activities were optional. The rules were not any big deal really, just saying  
32 they all had to wear the same color shirts and shorts every day of the week, they could not have cell phones,  
33 and they were not allowed anywhere in the ESE house except for the basement. Sure  
34 I may have teased some of them when they talked about not wanting to do things or that the activities were  
35 taking too much of their time, but I never told anyone they could not quit an activity. It was all part of the fun  
36 of bringing in new people and making new friends.

37  
38 5. The activities were all funny and sometimes foolish; all of which were designed for everyone to  
39 get to know one another better, and test their knowledge of the College and the ESE chapter. There were  
40 wiffle ball games in the back yard with members versus pledges. There was a water balloon game where  
41 everyone stood at attention on the front lawn and the members stood on the roof and threw water balloons at  
42 pledges who did not answer the chapter questions correctly. There were shaving cream fights on the back  
43 lawn for the pledges to “get even” with the members who had been egging them on all week long. Then  
44 there was the final activity of the week. This is where things went horribly, horribly wrong, but it was not my  
45 fault. That was the annual Water Jeopardy game.

46  
47 6. We all knew then and we all know now that forcing people to drink beer, especially if they are  
48 underage is a huge way to get in a world of trouble. That is why we liked Water Jeopardy so much. We all  
49 sat in on the College required sessions about hazing and how not to do hazing, and on and on. That session  
50 was such a bore. We all knew that you could not force people to drink alcohol or do humiliating things. That  
51 is why we had the water balloon activity, the shaving cream fight, and Water Jeopardy. After an argument  
52 with Alex, I even called the College Office on Student Affairs several times to be sure that Water Jeopardy  
53 was not in fact hazing. I left voicemails with a description of what ESE was doing. I never got a call back  
54 from any of my messages, so it must have been okay. We have been doing Water Jeopardy for years and  
55 never had a problem before August 29, 2011.

56  
57 7. In Water Jeopardy, we had the traditional looking Jeopardy™ screen projected on the wall and  
58 the pledges had turns answering questions just like on the real show. The catch was that instead of getting  
59 points for correct answers and losing points for incorrect answers, the pledges had to drink from water  
60 coolers along the wall if they got answers wrong. If someone forgot to put the answer in the form of a  
61 question, then they had to drink even more water as a penalty. The pledges had to drink for as long as I was  
62 counting out loud. You know, 1 Mississippi, 2 Mississippi, and so on. If it was a wrong question they had to  
63 drink until I counted to 5. If they did not phrase the answer in the form of a question, then I made them drink  
64 for a 10 count. No big deal, it was just water. Besides, it is not like I was going to top the things that  
65 happened when Alex was pledge master. Every year there is an unspoken and unwritten challenge for the  
66 pledge master to add something to the ESE pledge activities, or push the limits of what activities we were

67 doing. As the pledge master, you just had to push the pledges a little harder than the person before you had  
68 pushed.

69  
70 8. Jessica was lousy at the game. I think she was intentionally being a clown. She kept getting  
71 answers wrong and then laughing off her trip to the water coolers to drink. Sometimes she would even forget  
72 to put the answer in the form of a question so there were even more penalties. Tammy Canes, one of the  
73 other pledges who is a nursing student, said she thought it was not a good idea to play the game, but did not  
74 say why. I even asked her why she said it was not a good idea, and all she could say was she remembered  
75 her nursing professor saying it was bad. What does that even mean? Like you have to use the bathroom  
76 too much from drinking a lot of water? Or what? She ultimately quit Water Jeopardy, and sat at the back of  
77 the room after that.  
78 I do not remember Tammy saying anything about Jessica looking ill.

79  
80 9. I think we had been playing for about an hour and a half when Jessica made that fatal turn back  
81 from the coolers. She just kind of fell forward and down on the carpet. At first, I thought she was just being a  
82 clown and I told her to get up. When she did not move I got concerned. I went over to her, and rolled her  
83 over. She was breathing, but appeared to have passed out. I thought that was an odd time to pass out. It is  
84 not like we were outside in the heat; she was dehydrated, or had been doing anything strenuous. I tried to  
85 wake her up a couple of times by shaking her a little bit and calling her name. We even got some water from  
86 the water coolers and splashed it on her face, but it made no difference. That is when we all got scared and  
87 needed to call for an ambulance. It was only a couple minutes before I yelled for someone to call 911.  
88 There was no phone in the room where we were playing the game. I do not carry a cell phone when I am  
89 conducting activities, so that the pledges can see that I am also following the rules. Tammy Canes ran  
90 upstairs in search of a phone. A little while later Alex came downstairs on the phone and said that the EMS  
91 was on the way. After that, the EMTs came, loaded her on the stretcher, and took her away. I answered  
92 some questions from the cop that arrived, who said it did not look like we did anything wrong.  
93 I even told them to search the whole house when they asked if her condition could be due to alcohol hazing.  
94 They searched and of course there was no alcohol. We are not that kind of organization.

95  
96 10. Four days later the cop came back and arrested me. I did not haze anyone. And, I darn sure  
97 did not kill anyone. Jessica Bateson could have stopped drinking water at any time. She even signed a  
98 waiver saying that she knew what she was voluntarily doing for the entire week of pledging.

99  
100 11. Look. I am friends with Colt Bateson. I have known Jessica Bateson for years. She used to visit  
101 her brother on campus on the weekends, and even did some of the service projects with us while she was  
102 still in high school. In fact, we kept her from engaging in some of the more inappropriate social activities  
103 around campus. There is no way that I would have let her continue, if I had known that she was in danger.

**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 Durden

Taylor Durden

SIGNED AND SWORN to me before 8:00a.m. on the day of this round of the 2012 Rhode Island Mock Trial Competition.

C.M. McCormack

C.M. McCormack, Notary Public  
State of Rhode Island  
My Commission Expires: 07/25/16

STATE OF RHODE ISLAND	)	SIXTEENTH JUDICIAL CIRCUIT
	)	
COUNTY OF PROVIDENCE	)	COURT OF GENERAL SESSIONS
	)	
STATE OF RHODE ISLAND,	)	2012-GS-46-2695
	)	2012-GS-46-2696
Prosecution,	)	
vs.	)	
	)	
TAYLOR DURDEN,	)	
	)	
Defendant.	)	<b>AFFIDAVIT OF RYAN PAULSEN</b>
	)	

---

COMES NOW THE AFFIANT SWORN AND STATES THE FOLLOWING:

1           1. My name is Dr. Ryan Paulsen. I have an MD in internal medicine from Duke University, and have  
2 been a Fellows Professor of Pathology at the University of Maryland for the last six years. Prior to that, I was  
3 the Associate Director of the University of Tennessee Forensic Anthropology Facility. It is more commonly  
4 referred to as the "Body Farm." It is a facility in which medical examiners, anthropologists, and law  
5 enforcement officials study all manner of death and decomposition in order to make better decisions in  
6 criminal investigations and to make more thorough diagnoses in the autopsy procedures. I have been  
7 contracted by both prosecutor's offices and defense firms for over 15 years as an expert in the field of  
8 pathology, decomposition, and in questions determining the timeline of death. My average annual income as  
9 an expert (apart and separate from my Fellowship at the University) has been approximately \$200,000 per  
10 year for the past five years, before taxes and overhead. I hold certifications in Anatomical and Clinical  
11 Pathology, as well as Forensic Pathology and Anthropology.

12  
13           2. I was contracted by the defense to look into the matter of the death of Jessica Bateson. For the  
14 purposes of my investigation, I examined the health records, medical release, emergency room record, death  
15 certificate, and Coroner's report on Ms. Bateson. These documents were all released to the defense from  
16 the solicitor's office. My report works from the assumption that these reports are full and complete records  
17 on Jessica Bateson with no other records or information being available through other means.

18  
19           3. The autopsy conducted by the State does properly show that the swelling of the brain stem did  
20 ultimately cause the death of Ms. Bateson. What the State missed in their overzealous attempt to lay blame  
21 on what should more properly be termed an accident were the underlying health conditions of Ms. Bateson.  
22 Assistant Medical Examiner Chessler appears fascinated with the idea of a death from hyponatremia.  
23 I can certainly remember being fascinated by some of the more obscure deaths that  
24 I attended when first cutting my teeth as a pathologist.

25  
26           4. According to the medical records provided by the solicitor's office, Ms. Bateson had a family  
27 history of thyroid problems. Hypothyroidism is a direct cause for acute hyponatremia and some resulting

28 fatalities. In the medical waiver statement obtained by the State from the ESE honors society, there is no  
29 mention of that condition or history within the family. Certainly, if someone was suffering from this condition  
30 or the family had a history thereof, it should have been checked and then based upon that, other health  
31 precautions would be made, including but not limited to warnings about volume of water intake and salt  
32 consumption among others. Without the disclosure of that information to the ESE members, they could not  
33 reasonably make accommodations for Ms. Bateson, or even know what type of activities might be harmful to  
34 her.

35  
36 5. Regardless of recent media hype, death from acute hyponatremia is a rare event. Other  
37 questions as to Ms. Bateson's death also are brought up. Acute hyponatremia is often best dealt with in the  
38 field and en route to the hospital. I saw nothing in the emergency room record to reflect a proper diagnosis  
39 of acute hyponatremia in progress. Had that been done, there would have been multiple treatment regimens  
40 for the condition to lessen the brain stem swelling and thus prevent brain damage and death.

41  
42 6. Additionally, in reviewing the autopsy report and associated blood work,  
43 I noted the sodium serum levels were depressed, but certainly not in the critical range. In the report, the  
44 brain stem swelling is much more consistent with a reaction of the hyperthyroid to an influx of water rather  
45 than of the water alone. In addition to evaluating sodium serum levels, when acute hyponatremia is  
46 suspected, a seasoned pathologist draws from the fluid remaining in the bladder to gain a baseline for the  
47 volume of water that had been in the system of the deceased at the time of death. This was not done by Dr.  
48 Chessler, and had this occurred in my lab, it would have been considered a fundamentally basic error.  
49 Without that baseline information as to how much water was in the bladder, it would be difficult, if not  
50 impossible to determine the volume of water in the deceased's system in order to properly rule out  
51 hypothyroidism and establish acute hyponatremia as a sole cause of brain stem swelling and ultimately  
52 death.

53  
54 7. I have known Dr. Chessler since s/he was my son's classmate in medical school. Jamie was not  
55 a very impressive student according to my son, Jason. Jason even said that Jamie would cheat off of his  
56 exams. Further evidence of Jamie's lack of academic aspirations is the fact that Jamie has never pursued  
57 any further specialization, teaching fellowships, or been published. Clearly not the equal of my son.

58  
59 8. Though a horrible accident for which the community and College should grieve, given the lack of  
60 disclosure and the lack of diagnosis by medical professionals involved with this case, I cannot see the  
61 connection of responsibility to anyone other than that of Ms. Bateson.

62  
63 9. I am aware that Dr. Chessler believes that I am nothing more than a mercenary for the highest  
64 dollar, but I base my opinions on the medical records alone despite the financial rewards.

**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,

Ryan Paulsen, MD

Ryan Paulsen

SIGNED AND SWORN to me before 8:00a.m. on the day of this round of the 2012 Rhode Island Mock Trial Competition.

C.M. McCormack

C.M. McCormack, Notary Public

State of Rhode Island

My Commission Expires: 07/25/16

STATE OF RHODE ISLAND	)	SIXTEENTH JUDICIAL CIRCUIT
	)	
COUNTY OF PROVIDENCE	)	COURT OF GENERAL SESSIONS
	)	
STATE OF RHODE ISLAND,	)	2012-GS-46-2695
	)	2012-GS-46-2696
Prosecution,	)	
vs.	)	
	)	
TAYLOR DURDEN,	)	
	)	
Defendant.	)	<b>AFFIDAVIT OF CARSON BAKER</b>
	)	

---

COMES NOW THE AFFIANT SWORN AND STATES THE FOLLOWING:

1           1. My name is Carson Baker. I am 20 years old, and a junior at Rhode Island College. I live in the  
2 South Quad dormitory. I am in my second year as a member of Epsilon Sigma Epsilon honors society. I  
3 have known Taylor since I was a freshman. Taylor was a student assistant to the professor in my College  
4 101 class, and we have been friends ever since. I think Taylor is crazy about the rules and rituals of the  
5 ESE, but that has not caused any problems in our friendship. Taylor learned all these rules and rituals from  
6 Colt Bateson. Even though Colt was Taylor's pledge master, they became good friends even after the  
7 pledge week initiation chaos, so I do not think Taylor would have done anything to deliberately hurt Jessica  
8 Bateson. Colt and Taylor had some fun at RIC, but they are really good guys. Colt is a strong American  
9 who felt the call to service so much that he joined the Army right after college, and is currently serving in  
10 Afghanistan.

11  
12           2. For me, membership in the ESE is something that I can point to on my resume after college. I did  
13 not and do not care about the socials and all the other events. It is just a resume builder for many of us. It  
14 makes us look good. Taylor encouraged me to join ESE. I gave it considerable thought and decided to join.  
15 I told Taylor up front that I was not going to do all the foolishness and junk that they try to push off on the  
16 pledges. Taylor didn't like it, but ultimately had no choice, since it even says in the charter for ESE that  
17 being a member is only dependent upon maintaining a certain GPA, and paying dues to the charitable funds  
18 account. They use those funds to pay for supplies for the Habitat for Humanity projects and so on. There  
19 are several of us each year that join, but never do the activities or move into the house.

20  
21           3. One of the forms that we all sign when we are joining tells us that we do not have to do any of the  
22 games or pledge activities and that the activities are for building unity within ESE. Taylor and Alex have not  
23 gotten along as long as I have known them. Alex thinks s/he is going to save the world and that  
24 EVERYTHING we do has to be linked to that goal. Alex and Taylor have fought before because the games  
25 and activities that Taylor organizes take up too much of ESE's time. On top of that, they worked together on  
26 the pledge class last year when Alex was the pledge master. Taylor did not push the limits any further than  
27 Alex did last year. In fact the two were always at each other's throats about one thing or another. Some

28 people just cannot get along. Alex even said to Taylor at the last ESE mandatory meeting before pledge  
29 week started that there was no way Taylor could top the pledge week of last year. I do not know if Alex  
30 meant the number of pledges or the kind of activities for pledge week.

31  
32 4. I also remember when Colt was the pledge master. I do not think that Taylor did anything beyond  
33 what Colt did. In fact, I talked with Colt at the funeral. Colt said he thought this was a tragic accident and  
34 could not believe there were criminal charges. Colt had used the Water Jeopardy game as a part of the  
35 Pledge Olympics as well as both Alex and Taylor. Someone did pass out during Colt's term as pledge  
36 master. I do not remember during what activity, but that was probably just from the stress of Pledge Week,  
37 or from the heat of Rhode Island. Colt was deployed to Afghanistan shortly after the funeral.

38  
39 5. I was not around when Jessica died, but I had been in the basement to watch the festivities. It is  
40 always funny to laugh at the pledges who take everything so seriously, especially with Water Jeopardy.  
41 While I was there, Jessica was being a clown and had to drink more water than the rest. Before I wandered  
42 out to go watch some of the fall football practice, I heard Tammy Canes tell Jessica to stop playing. Taylor  
43 laughed it off and asked Jessica if she wanted to continue, and she said she did. That was when I wandered  
44 out. 6. I talked to Taylor and others the next day about the Water Jeopardy. Everyone said it was the  
45 usual stuff being played during the game. Nothing that I heard was out of the ordinary in the games that  
46 were played by ESE. I am sure there was some teasing when Tammy decided to stop playing the game, but  
47 it did not kill her, and she still had the opportunity to become a full member of ESE. I think Taylor was  
48 equally hard on all the pledges, not anyone in particular. If Jessica could see that other people were quitting  
49 with no negative consequences, then there was no reason she could not have quit too -- especially if she  
50 was not feeling well. Taylor told me Tammy was saying she heard drinking too much water could be bad,  
51 but she never told anyone there why it was bad or how it was bad. I think like everyone else who was  
52 present; Tammy was probably just trying to find a way to get out of the game without looking like she was a  
53 wimp. I later asked Tammy what she meant by "bad," and she told me that people could die from drinking  
54 too much water.

55  
56 7. Between other people not doing the activities and still becoming members, the medical waivers,  
57 and the papers that tell you that you do not have to participate, how can you really believe what Taylor did  
58 was wrong? Jessica could have quit at any time, but she always was a little irresponsible about her safety.  
59 When she was still in high school and visited Colt on campus, she would try to attend parties where alcohol  
60 was being served. Alex will do anything to stay out of trouble and blame others for what was a weird  
61 accident. I think Alex is trying to throw Taylor under the bus with this whole hazing business. All Alex cares  
62 about is staying out of trouble and getting rich after graduation. I think Alex would do or say anything to keep  
63 a clean record and an impressive resume. In fact, when the police golf cart was stolen, Alex told the other  
64 ESE members that if the cart was anywhere on ESE property, that it had better be moved to another Greek  
65 house, or s/he was going straight to the 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,

Carson Baker\_\_\_\_\_

Carson Baker

SIGNED AND SWORN to me before 8:00a.m. on the day of this round of the 2012 Rhode Island Mock Trial Competition.

C.M. McCormack

C.M. McCormack, Notary Public

State of Rhode Island

My Commission Expires: 07/25/16

# EXHIBITS

## (EXHIBITS AVAILABLE TO BOTH PARTIES)

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 #	EXHIBIT DESCRIPTION
1	911 Phone Transcript
2	Initial Police Incident Report
3	Investigative Report
4	Emergency Room Record
5	Record of Coroner
6	Photograph of the ESE House
7	Photograph of Red Plastic "Solo" Brand Cup used by Victim
8	Photograph of Water Coolers used by ESE in the Basement
9	News Report of Hyponatremia Fatality
10	WebMD.com Medical Report on Hyponatremia
11	Medical Release Form
12	ESE Pledge Rules
13	Death Certificate of Jessica Bateson
14	Dr. Paulsen's Report

The parties reserve the right to dispute any other legal or factual conclusions based on these items and to make objections to these items based on other evidentiary issues.

**EXHIBIT #1: 911 Phone Transcript (page 1 of 2)**

08-29-2009 17:06

**Dispatch:** "Emergency 911. Is your emergency Police, Fire, or Medical?"

**Caller 1:** "I'm at the ESE house at 255 Westminster Street in Providence. One of the pledges has passed out. We need an ambulance in a hurry."

**Dispatch:** "I need your name and location, please."

**Caller 1:** "My name is Alex Richards."

**Dispatch:** "Can you confirm the address?"

**Caller 1:** "It's the ESE house on Westminster Street. 255 Westminster."

**Dispatch:** "EMS (Emergency Medical Service) 4, Prepare to copy."

**EMS 4:** "EMS 4. Go ahead dispatch."

**Dispatch:** "Report of a person unconscious at 255 Westminster Street, Providence. No further information available at this time. Your incident number is 46-108290911, and time of dispatch is 17:07."

**EMS 4:** "EMS 4 copies. We are in route to 255 Westminster Street for report of an unconscious person. We have an ETA (estimated time of arrival) of ten minutes."

**Dispatch:** "Good copy."

**Dispatch:** "RICPD (Rhode Island College Police Department) 33, prepare to copy."

**RICPD 33:** "RICPD 33. Go ahead dispatch."

**Dispatch:** "Report of a person unconscious at 255 Westminster Street, Providence. No further information available at this time. EMS en route. Your incident number is 46-108290911, and time of dispatch is 17:08."

**RICPD 33:** "RICPD 33 copies. En route to 255 Westminster Street for report of person unconscious. 33 also copies EMS en route. Time is 17:09."

**Dispatch:** "Good copy."

**Dispatch:** "I've dispatched police and EMS to 255 Westminster Street, but it's a long street. Do you know the nearest cross-street?"

**Caller 1:** "We're near the intersection of Dorrance Street. It's a big white two-story house with columns. They can't miss it."

**EXHIBIT #1: 911 Phone Transcript (page 2 of 2)**

**Dispatch:** "OK, I just want you to stay on the line with me. We need to know what's going on."

**Caller 1:** "OK."

**Dispatch:** "Do you know the name of the individual who passed out?"

**Caller 1:** "Yes, it's Jessica Bateson."

**Dispatch:** "Do you know whether Jessica has any medical conditions? Is she on any medications?"

**Caller 1:** "I don't know."

**Dispatch:** "Is Jessica conscious?"

**Caller 1:** "No she's not, but she's breathing really shallow."

**EMS 4:** "Dispatch, EMS 4."

**Dispatch:** "Go ahead EMS 4."

**EMS 4:** "EMS 4 on scene."

**Dispatch:** "Copy. EMS 4 on scene at 17:26."

**RICPD 33:** "Dispatch, RICPD 33."

**Dispatch:** "Go ahead RICPD 33."

**RICPD 33:** "RICPD 33 on scene."

**Dispatch:** "Copy. RICPD 33 on scene at 17:27."

**Caller 1:** "Thank goodness, EMS is here. Thank you. Thank you. I'm going now." – CALL ENDS

**EMS 4:** "Dispatch, EMS 4."

**Dispatch:** "Go ahead EMS 4."

**EMS 4:** "One unconscious female, respiratory distress. En route Rhode Island Hospital Trauma Center, cleared from 255 Westminster Street."

**Dispatch:** "Copy. EMS 4 clear from 255 Westminster Street at 17:34, en route to Rhode Island Hospital Trauma Center with one unconscious female, respiratory distress."

**EXHIBIT #2: Initial Police Incident Report (page 1 of 2)**

<b>AGENCY ID</b> SC04619	<b>RHODE ISLAND COLLEGE POLICE DEPARTMENT</b> Providence, Rhode Island (401) 555-1234				<b>INCIDENT #</b> 46-108290911		
<b>INCIDENT REPORT</b> PRINT OR TYPE ALL INFORMATION							
<b>EVENT</b>	INCIDENT TYPE		COMPLETED	FORCED ENTRY	PREMISE TYPE	UNITS ENTERED	
	Assisting other Agencies - Providence County EMS		<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	Res.	1	
			<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO			
			<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO			
	INCIDENT LOCATION (SUBDIVISION, APARTMENT AND NUMBER, STREET NAME AND NUMBER)				ZIP CODE	WEAPON TYPE	
	255 Westminster Street,				02903		
	INCIDENT DATE		24 HOUR CLOCK		TO	DATE	24 HOUR CLOCK
8/29/2011		17:27			8/29/2011	19:05	
COMPLAINANT'S NAME (LAST, FIRST, MIDDLE)			RELATIONSHIP TO SUBJECT	DAYTIME PHONE		EVENING PHONE	
Richards, Alex			NA	401-555-0789		401-555-0789	
ADDRESS			CITY	STATE	ZIP CODE		
255 Westminster Street			Providence	RI	02903		
<b>SUBJECT NO. 1</b>	NAME (LAST, FIRST, MIDDLE)		AKA				
	NA						
	FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECULARITIES, ETC.						
	ADDRESS		CITY	STATE	ZIP CODE		
SUBJECT (NO.1) USING:		ARRESTED NEAR OFFENSE SCENE		DATE / TIME OF OFFENSE		DATE / TIME OF ARREST	
ALCOHOL <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN		<input type="checkbox"/> YES <input type="checkbox"/> NO					
DRUGS <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN							
<b>NARRATIVE</b>	Responding Officer (RO) arrived on scene at the above date and time in reference to an unresponsive female at the Epsilon Sigma Epsilon house. In the basement area of the house, EMS was working on what appeared to be an unconscious teenage female. RO made contact with Chapter President Alex Richards, Pledge Master Taylor Durden, and pledge Tammy Canes. Based upon experience, RO had probable cause to believe that this was an alcohol based initiation. RO inquired with both Richards and Durden as to the age of the female and whether or not alcohol was being used. Both denied any alcohol and stated that Ms. Bateson merely passed out. During this time EMS cleared the scene to Rhode Island Hospital Trauma Center with Bateson. RO requested and was granted permission to search the premises for alcohol. Additional officers arrived on scene shortly thereafter. Once additional officers were at the residence, RO and Cpl. Dechane conducted a thorough search of the premises. 500 ml. of tequila was discovered in the room of one resident who was above 21. No other illicit substances were discovered. RO interviewed Tammy Canes following the consent search for alcohol. Canes stated that the game in which all pledges were playing required them to drink water as punishment if they answered questions wrong.						
	<b>PROPERTY</b>	TYPE (GROUP)					TOTAL VALUE
		STOLEN					
		DAMAGED					
		BURNED					
		RECOVERED					
SEIZED							
<b>ADMINISTRATIVE</b>	SUBJECT IDENTIFIED <input type="checkbox"/> YES <input type="checkbox"/> NO		SUBJECT LOCATED		<input type="checkbox"/> ACTIVE <input type="checkbox"/> ADM. CLOSED	<input type="checkbox"/> ARRESTED UNDER 18	<input type="checkbox"/> EX-CLEAR UNDER 18
					<input type="checkbox"/> UNFOUNDED	<input type="checkbox"/> ARRESTED 18 AND OVER	<input type="checkbox"/> EX-CLEAR 18 AND OVER
	REASON FOR EXCEPTIONAL CLEARANCE: 1. <input type="checkbox"/> OFFENDER DEATH. 2. <input type="checkbox"/> NO PROSECUTION 3. <input type="checkbox"/> EXTRACTION DENIED 4. <input type="checkbox"/> VICTIM DECLINES OPERATION 5. <input type="checkbox"/> JUVENILE NO CUSTODY						
	REPORTING OFFICER	DATE	24 HOUR CLOCK	APPROVING OFFICER	DATE	UNIT NUMBER	
Sgt. Chris Knight	8/29/2011	20:11	Lt. Solomon	8/29/2011	4618		
FOLLOW-UP INVESTIGATION REQUIRED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO							

**EXHIBIT #2: Initial Police Incident Report (page 2 of 2)**

<b>AGENCY ID</b> SC04619	<b>RHODE ISLAND COLLEGE POLICE DEPARTMENT</b> Providence, Rhode Island (401) 555-1234			<b>INCIDENT #</b> 46-108290911
<b>SUPPLEMENTAL INCIDENT REPORT</b> PRINT OR TYPE ALL INFORMATION)				
INCIDENT LOCATION (SUBDIVISION, APARTMENT AND NUMBER, STREET NAME AND NUMBER) 255 Westminster Street			ZIP CODE 02903	CASE # 1879320
INCIDENT DATE 8/29/2011	24 HOUR CLOCK 17:27	TO	DATE 8/29/2011	24 HOUR CLOCK 19:05
COMPLAINANT'S NAME (LAST, FIRST, MIDDLE) Richards, Alex		RELATIONSHIP TO SUBJECT NA	DAYTIME PHONE 401-555-0789	EVENING PHONE 401-555-0789
ADDRESS 255 Westminster Street		CITY Providence	STATE RI	ZIP CODE 02903
<b>SUBJECT NO.2</b>	NAME (LAST, FIRST, MIDDLE) NA		AKA	
	FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECULARITIES, ETC.			
	ADDRESS	CITY	STATE	ZIP CODE
	SUBJECT (NO.2) USING: ALCOHOL <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN DRUGS <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN		ARRESTED NEAR OFFENSE SCENE <input type="checkbox"/> YES <input type="checkbox"/> NO	DATE / TIME OF OFFENSE
DATE	8/29/2009	24 HOUR CLOCK	19:05	
<b>SUPPLEMENTAL NARRATIVE</b>	RO asked if this was hazing, and Canes stated that she felt it was, but she quit the game, so maybe it was not. RO asked why Canes felt this was hazing, and Canes stated that she heard in nursing class that too much water was harmful. Seeing nothing that constituted a criminal violation, RO cleared the scene, and drove to Rhode Island Hospital Trauma Center to interview Ms. Bateson as to the circumstances of her collapse. Upon arrival at Rhode Island Hospital Trauma Center, RO met with ER doctor on call, Cory White. Dr. White stated that Ms. Bateson never regained consciousness and died subsequent to her arrival at Rhode Island Hospital. RO inquired about signs of trauma indicative of criminal intervention in her death. Dr. White stated that there was no evidence of any overt trauma which would have resulted in her death. As with state law, an autopsy would be performed. The body was transported by the Providence County Coroner's Office to the RI Medical Examiner's Office. RO consulted with Lt. Solomon regarding the fatality of a student, and RO was assigned to attend the autopsy. RO then made contact with the Student Life Coordinator at the College and made contact with South County Sheriff's Office (SCSO). SCSO along with a local grief counselor handled death notification to the parents.			
REPORTING OFFICER	DATE	24 HOUR CLOCK	SUPERVISING OFFICER	
Sgt. Chris Knight	8/29/2011	20:11	Lt. Solomon	

**EXHIBIT #3: Investigative Report** (page 1 of 2)

<b>AGENCY ID</b> SC04619	<b>RHODE ISLAND COLLEGE POLICE DEPARTMENT</b> Providence, Rhode Island (401) 555-1234	<b>INCIDENT #</b> 46-108290911									
<b>INCIDENT REPORT</b> PRINT OR TYPE ALL INFORMATION											
<b>EVENT</b>	INCIDENT TYPE	COMPLETED	FORCED ENTRY	PREMISE TYPE	UNITS ENTERED	TYPE VICTIM <input checked="" type="checkbox"/> Individual <input type="checkbox"/> Business <input type="checkbox"/> Government <input type="checkbox"/> Other					
	Manslaughter	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	Res.	1						
	Hazing	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	Res.	1						
	INCIDENT LOCATION (SUBDIVISION, APARTMENT AND NUMBER, STREET NAME AND NUMBER)			ZIP CODE	WEAPON TYPE						
	255 Westminster Street, Providence, RI			02903	UNK						
	INCIDENT DATE	24 HOUR CLOCK	TO	DATE	24 HOUR CLOCK						
	8/29/2011	17:27		8/29/2011	19:05						
VICTIM'S NAME (LAST, FIRST, MIDDLE)		RELATIONSHIP TO SUBJECT	DAYTIME PHONE	EVENING PHONE							
Bateson, Jessica		In Care Of	UNK	UNK							
ADDRESS		CITY	STATE	ZIP CODE							
603 Moore Tower, Rhode Island College		Providence	RI	02903							
<b>SUBJECT NO. 1</b>	NAME (LAST, FIRST, MIDDLE)		AKA								
	Durden, Taylor L		None								
	FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECULARITIES, ETC.										
	None										
ADDRESS		CITY	STATE	ZIP CODE							
255 Westminster Street		Providence	RI	02903							
SUBJECT (NO.1) USING:		ARRESTED NEAR OFFENSE SCENE	DATE / TIME OF OFFENSE	DATE / TIME OF ARREST							
ALCOHOL <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> UNKNOWN DRUGS <input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> UNKNOWN		<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	8/29/2011 17:27	9/2/2011 15:30							
<b>NARRATIVE</b>	Following the homicide ruling of the Coroner's Office in re: Jessica Bateson, Investigating officer questioned Durden and Richards. Based upon the further questioning, this officer did arrest and charge Durden and Richards with manslaughter, and hazing. Tammy Canes was out of town when contacted, but agreed to an interview upon her return to the campus. Interview was set for 9/19/2011 at 09:00 at the RICPD.										
<b>PROPERTY</b>	TYPE (GROUP)					TOTAL VALUE					
	STOLEN										
	DAMAGED										
	BURNED										
	RECOVERED										
SEIZED											
<b>ADMINISTRATIVE</b>	SUBJECT IDENTIFIED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		SUBJECT LOCATED YES		<input checked="" type="checkbox"/> ACTIVE <input type="checkbox"/> ADM. CLOSED <input type="checkbox"/> UNFOUNDED		<input type="checkbox"/> ARRESTED UNDER 18 <input checked="" type="checkbox"/> ARRESTED 18 AND OVER		<input type="checkbox"/> EX-CLEAR UNDER 18 <input type="checkbox"/> EX-CLEAR 18 AND OVER		
	REASON FOR EXCEPTIONAL CLEARANCE: 1. <input type="checkbox"/> OFFENDER DEATH. 2. <input type="checkbox"/> NO PROSECUTION 3. <input type="checkbox"/> EXTRACTION DENIED 4. <input type="checkbox"/> VICTIM DECLINES OPERATION 5. <input type="checkbox"/> JUVENILE NO CUSTODY										
	REPORTING OFFICER	DATE	24 HR CLOCK	APPROVING OFFICER	DATE	UNIT NUMBER					
	Sgt. Chris Knight	9/2/2011	16:50	Lt. Solomon	9/2/2011	4618					
	FOLLOW-UP INVESTIGATION REQUIRED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO										

**EXHIBIT #3: Investigative Report** (page 2 of 2)

<b>AGENCY ID</b> SC04619	<b>RHODE ISLAND COLLEGE POLICE DEPARTMENT</b> Providence, Rhode Island (401) 555-1234			<b>INCIDENT #</b> 46-108290911
<b>SUPPLEMENTAL INCIDENT REPORT</b> PRINT OR TYPE ALL INFORMATION)				
INCIDENT LOCATION (SUBDIVISION, APARTMENT AND NUMBER, STREET NAME AND NUMBER) 255 Westminster Street			ZIP CODE 02903	CASE # 1879320
INCIDENT DATE 8/29/2011	24 HOUR CLOCK 17:27	TO	INCIDENT DATE 8/29/2011	24 HOUR CLOCK 19:05
COMPLAINANT'S NAME (LAST, FIRST, MIDDLE) Richards, Alex		RELATIONSHIP TO SUBJECT NA	DAYTIME PHONE 401-555-0789	COMPLAINANT'S NAME (LAST, FIRST, MIDDLE) Richards, Alex
ADDRESS 255 Westminster Street		CITY Providence	STATE RI	ADDRESS 255 Westminster Street
<b>SUBJECT NO.2</b>	NAME (LAST, FIRST, MIDDLE) Alex Richards		AKA	
	FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECULARITIES, ETC. None			
	ADDRESS 255 Westminster Street	CITY Providence	STATE RI	ZIP CODE 02903
	SUBJECT (NO.2) USING: ALCOHOL <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> UNKNOWN DRUGS <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> UNKNOWN		ARRESTED NEAR OFFENSE SCENE <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	DATE / TIME OF OFFENSE 8/29/2011 17:27
<b>SUPPLEMENTAL NARRATIVE</b>	DATE	9/2/2011	24 HOUR CLOCK	16:50
	Alex Richards identified as second subject.			
REPORTING OFFICER	DATE	24 HOUR CLOCK	SUPERVISING OFFICER	
Sgt. Chris Knight	9/2/09	16:50	Lt. Solomon	



**EXHIBIT #5: Record of Coroner** (page 1 of 3)

**STATE OF RHODE ISLAND  
RHODE ISLAND BUREAU OF INVESTIGATIONS  
DIVISION OF FORENSIC SCIENCES  
RECORD OF CORONER**

<b>City</b>	Providence	<b>County</b>	Providence	<b>Case No.</b>	2009-470152
<b>Name of Deceased</b>	Jessica Bateson				
<b>Residence of Deceased</b>	603 Moore Tower, Rhode Island College, Providence, RI 02903				
<b>Age</b>	19 years, 3 months, 7 days	<b>DOB</b>	5/22/90		
<b>Race</b>	Caucasian	<b>Height/Weight</b>	70" 131lbs, 5oz		

**MANNER OF DEATH**

( ) Natural ( **X** ) Homicide ( ) Suicide ( ) Accident ( ) Undetermined ( ) Other

**CAUSE OF DEATH**

Swollen brain stem as a result of acute Hyponatremia						
<b>LAST SEEN</b>	<b>Date</b>	8/29/2011	<b>Hour</b>	n/a	<b>Place</b>	255 Westminster Street
<b>FOUND</b>	<b>Date</b>	8/29/2011	<b>Hour</b>	17:26	<b>Place</b>	255 Westminster Street
<b>INJURY</b>	Set forth below.					
<b>PRONOUNCED</b>	<b>Date</b>	8/29/2011	<b>Hour</b>	18:40	<b>Place</b>	Dr. Cory White
<b>NOTIFIED</b>	<b>Date</b>	8/30/2011	<b>Hour</b>	11:25	<b>By</b>	Lt. Clarice Starling, ACSO

**BODY IDENTIFIED BY**

( **X** ) Fingerprints ( **X** ) State ID Card ( ) Photographs ( ) Family

**AUTOPSY**

<b>AUTHORIZED BY</b>	Coroner Eppes	<b>CORONER NOTIFIED</b>	Yes
<b>PRESENT AT AUTOPSY</b>	Sgt. Chris Knight, Rhode Island College Police Dept., Investigating Officer		

**SUSPECT(S)**

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**MORGUE INFORMATION**

<b>NAME</b>	Rhode Island Hospital	<b>Date Received</b>	8/29/2011	<b>Hour</b>	19:05
<b>BODY REMOVED FROM</b>	Rhode Island Hospital				
<b>TRANSPORTED BY</b>	J.P. Dawson				

**PURPOSE**

( <b>X</b> ) Autopsy ( ) Limited Dissection ( ) External Exam ( ) History Review					
<b>PERFORMED BY</b>	Dr. Jamie Chessler	<b>Date</b>	8/31/2011	<b>Hour</b>	10:15
<b>SIGNED</b>	<i>Dr. Jamie Chessler</i>	<b>Date</b>	<i>8/31/11</i>		
<b>APPROVED</b>	<i>Dr. Randall Gentry</i>	<b>Date</b>	<i>8/31/11</i>		

## **EXHIBIT #5: Record of Coroner** (page 2 of 3)

In accordance with the Rhode Island Death Investigation Act, an autopsy is performed on the body of Jessica L. Bateson at the Rhode Island College of Rhode Island, Providence, Rhode Island, on Monday, August 31, 2011, commencing at 10:15 hours.

**EXTERNAL, EXAMINATION:** Body is that of an adult female, approximately 70" in height, and weighing 131 lbs. 5oz, consistent with the documented age of 19 years. Body is received wrapped in a black zippered disaster bag, and is identified by an attached name tag and clad in the following articles of clothing:

1. White shirt and tan colored shorts with multiple pockets were worn. ESE pin worn at the upper right of shirt. Gas station receipt and one container of Soft Lips lip gloss were located in the front right pocket. No other contents found.
2. Tan colored flip flops.

Body was refrigerated, and is cool to the touch. The blood from the body pooled evenly in the lower portions of the body as it presents on the examination table. Rigor mortis is fully fixed in the extremities and jaw.

Red scalp hair ranges to an estimated 14 inches. Irises are hazel. Equal pupils are .118 inch. Whites of the eyes do not show blood vessels indicative of strangulation. Ears and nose are without discharge. Mouth is in good condition. Lips, gums, and tongue are moist. Symmetric neck is mildly pinched but otherwise without note.

Chest is normal size and is without lesion. Upper chest area still has medical leads attached from resuscitation efforts at Rhode Island Hospital.

Hands have moderate length, irregular nails red in color, with minimal dirt underneath. Dorsal right forearm has multiple purple contusions extending from the dorsal hand to the forearm. A 1-inch group of blue ink lines is on the left outer hand. Bilateral shins lack significant edema. An indistinct 6-inch purple contusion is around the left knee and matching on the right knee. Skin of the bilateral shins, extending to the feet is without note. Additional superficial healed scars range to 1 inch. Varicose veins of both feet are prominent at the arches and insteps. Toenails are short to moderate in length, painted red, and minimally irregular. Pooling of blood in the upper back is prominent with multiple blotchy spots. Remaining extremities and back are without lesion.

**EVIDENCE OF MEDICAL INTERVENTION:** A single electrocardiographic lead is on the upper left chest. Injection site is visible where IV port is still present and in place on the inside of the right forearm. Marks from AED paddles are visible on the opposing chest sides in locations consistent with emergency cardiac resuscitation efforts. Intubation tube is still present in upper trachea extending out of the mouth. Patient identification is still present on left wrist.

**EVIDENCE OF INJURY:** A 1-inch group of abrasions is on the dorsal right elbow, indicative of a fall of intermediate height.

**INTERNAL EXAMINATION:** The following excludes the described injuries. Soft tissues and typically positioned internal organs lack unusual odor or color. Soft tissues and internal organs have mild breakdown of cells/tissue by self produced enzymes.

**CAVITIES:** The serosal cavities have usual smooth glistening tan-pink lining. Tissues around the heart have no fibrous adhesions and contain estimated 110 ml of fluid without clot. Remaining cavities are without excess fluid accumulation.

**CARDIOVASCULAR:** The 360-gram heart is smooth and glistening with mildly increased fat tissue. The valves, delicate cords, and papillary muscles are without note. The chambers of the heart that receive blood from the veins are acutely dilated.

## **EXHIBIT #5: Record of Coroner** (page 3 of 3)

**LIVER / GALLBLADDER:** The 2260-gram liver has a smooth glistening capsule. The pale yellow-brown tissue is soft and without discreet gross lesion. The liver is without note. The typically positioned gallbladder contains an estimated 15 ml of green sticky bile without stone; the duct is open and unobstructed.

**RESPIRATORY:** The examination of neck musculature lacks blood or lesion. The intact typically minimally hyoid bone is situated between the base of the tongue and the larynx supporting the tongue, larynx and their muscles are without note. The typically branching tracheobronchial tree has a smooth glistening tan-pink mucosa without lesion. A moderate quantity of pink froth is within the lower bronchial tree. The typically formed 560-gram right and 530 gram left lung have smooth glistening membranes. Each is well aerated; deep purple red to pink parenchyma which issues a small quantity of pink froth but which otherwise has no discreet gross lesion. The pulmonary blood vessels are without note.

**GASTROINTESTINAL:** The typically formed tongue, esophagus, junction involving the stomach and the esophagus, and lining of the digestive tract are without note. The stomach contains an overabundance of water. The gastric tubular organ contains an estimated 550 ml of yellow-green thick opaque fluid and includes partially digested pizza. The small and large bowels are enlarged from excessive water presence but are without significant gross lesion.

**GENITOURINARY:** The 190-gram right and 210 gram left kidney have smooth red-brown outward appearances and distinct junctions. The pelvis contains no stone and drains freely to the unobstructed organs, which empty typically to the bladder. The urinary bladder contains an estimated 750 ml of clear pale to clear urine. The urinary bladder is markedly grossly enlarged.

**NEUROLOGICAL:** The 1420-gram brain has a distinct grey-white matter. The symmetric hemispheres are without gross lesion. The grey-white matter separation is distinguishable. The brainstem and the cerebellum located between the brain stem and the back of the cerebrum have significant swelling. Further detail notes excessive fluid in the area. At the brain stem area, excessive swelling noted. Likely nerve damage.

### **MUSCULOSKELETAL:**

The typically formed skeleton is without note. The intact vertebrae, ribs, pelvis and extremity long bones are without note.

### **OTHER PROCEDURES:**

1. Documentary photographs obtained.
2. Blood, urine, bile, and other fluids submitted for toxicological analysis.
3. Blood submitted for blood analysis.
4. Head and body hair submitted.
5. Clothing submitted for chemical determination.

**AUTOPSY FINDINGS:** At the time of death, this was a healthy adult female, showing no natural cause of death or traumatic injury. Toxicological testing per report: no alcohol, nor narcotics – prescription.

**OPINION:** Based upon the medical science reports, as well as physical observation, this otherwise healthy 19-year-old female, Jessica L. Bateson, died from an overdose of water resulting in an acute case of hyponatremia. The volume of water found in the decedent's system was sufficient to alter the sodium serology balance, and would undoubtedly be lethal for someone of Bateson's height and weight. Based upon this information, a lethal overdose of water was neither accidental nor self-inflicted.

**MANNER OF DEATH:** Deceased died of acute hyponatremia through criminal intervention.

**EXHIBIT #6: Photograph of the ESE House**



EXHIBIT #7: Photograph of Red Plastic 16oz. "Solo" Brand Cup used by the Victim



**EXHIBIT #8: Photograph of Water Coolers used by ESE in the Basement**



## EXHIBIT #9: News report of Hyponatremia Fatality<sup>1</sup>

**(CBS/AP)** Homicide detectives are investigating the death of a woman believed to have been killed by drinking too much water in a radio station contest.

On a tape of the Jan. 12 show, disc jockeys on KDND-FM's "Morning Rave" joke about the possible dangers of consuming too much water, at one point alluding to a college student who died during such a stunt in 2005.

During the contest, a listener - self-identified as a nurse - called the live radio broadcast and warned that the game was dangerous, CBS News station KOVR-TV reported.

"I want to say that those people drinking all that water can get sick and die from water intoxication," said the caller.

"Yeah, we're aware of that," one of them said.

Another DJ laughed: "Yeah, they signed releases, so we're not responsible. We're OK."

"And if they get to the point where they have to throw up, then they're going to throw up, and they're out of the contest before they die, so that's good, right?" another one said.

The Sacramento County Sheriff's Department decided to pursue the investigation Wednesday after listening to the tape, obtained by The Sacramento Bee newspaper, sheriff's spokesman Sgt. Tim Curran said.

Jennifer Lea Strange, a 28-year-old mother of three, was one of about 18 contestants who tried to win a Nintendo Wii gaming console by determining how much water they could drink without going to the bathroom. The show's DJs called the contest "Hold your Wee for a Wii."

"Hey, Carter, is anybody dying in there?" a DJ asked during the show. "We got a guy who's just about to die," the other responded, and all the DJs laughed.

"I like that we laugh about that," another said.

"Make sure he signs the release. ... Get the insurance on that, please."

Strange participated in the contest during the morning in the studio and was found dead that afternoon. The county coroner said preliminary autopsy findings indicate she died of water intoxication.

Other contestants said Strange may have ingested as much as two gallons of water. Several hours into the contest, Strange was interviewed on the air and complained that her head hurt.

"They keep telling me that it's the water. That it will tell my head to hurt and then it will make me puke," she said.

Strange won the second-place prize, tickets to a Justin Timberlake concert. She commented on the tape that she looked pregnant, and a female DJ agreed.

"Oh, my gosh, look at that belly. That's full of water. ... Come on over, Jennifer, you OK?" the DJ asked. "You going to pass out right now? Too much water?"

The winner of the contest, Lucy Davidson, said she collapsed just 15 minutes after leaving the station with her prize. "I didn't know what was wrong with me. I just knew I had never felt so sick in my life," Davidson told KOVR.

Davidson said Strange's stomach protruded over her waist as the contest ended.

"As soon as we went to the bathroom we both came out of the stalls. I looked over at her and she probably looked as pale as I did," Davidson said.

On Tuesday, KDND's parent company, Entercom/Sacramento, fired 10 employees connected to the contest, including three morning disc jockeys. The company also took the morning show off the air.

Station spokesman Charles Sipkins said Wednesday that the company had not yet heard from the sheriff's department but that it would cooperate with the investigation. Attorneys for the Strange family said Wednesday they plan to file a wrongful death lawsuit against the radio station.

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## EXHIBIT #10: WebMD.com Medical Report on Hyponatremia<sup>2</sup> (page 1 of 3)

### Background

Serum sodium concentration and serum osmolality normally are maintained under precise control by homeostatic mechanisms involving stimulation of thirst, secretion of antidiuretic hormone (ADH), and renal handling of filtered sodium. Clinically significant hyponatremia is relatively uncommon and is nonspecific in its presentation; therefore, the physician must consider the diagnosis in patients presenting with vague constitutional symptoms or with altered level of consciousness. Irreparable harm can befall the patient when abnormal serum sodium levels are corrected too quickly or too slowly. The physician must have a thorough understanding of the pathophysiology of hyponatremia to initiate safe and effective corrective therapy. The patient's fluid status must be accurately assessed upon presentation, as it guides the approach to correction.

### Hypovolemic hyponatremia

Total body water (TBW) decreases; total body sodium (Na<sup>+</sup>) decreases to a greater extent. The extracellular fluid (ECF) volume is decreased.

### Euvolemic hyponatremia

TBW increases while total sodium remains normal. The ECF volume is increased minimally to moderately but without the presence of edema.

### Hypervolemic hyponatremia

Total body sodium increases, and TBW increases to a greater extent. The ECF is increased markedly, with the presence of edema.

### Redistributive hyponatremia

Water shifts from the intracellular to the extracellular compartment, with a resultant dilution of sodium. The TBW and total body sodium are unchanged. This condition occurs with hyperglycemia or administration of mannitol.

### Pseudohyponatremia

The aqueous phase is diluted by excessive proteins or lipids. The TBW and total body sodium are unchanged. This condition is seen with hypertriglyceridemia and multiple myeloma.

### Pathophysiology

Serum sodium concentration is regulated by stimulation of thirst, secretion of ADH, feedback mechanisms of the renin-angiotensin-aldosterone system, and variations in renal handling of filtered sodium. Increases in serum osmolality above the normal range (280-300 mOsm/kg) stimulate hypothalamic osmoreceptors, which, in turn, cause an increase in thirst and in circulating levels of ADH. ADH increases free water reabsorption from the urine, yielding urine of low volume and relatively high osmolality and, as a result, returning serum osmolality to normal. ADH is also secreted in response to hypovolemia, pain, fear, nausea, and hypoxia.

Aldosterone, synthesized by the adrenal cortex, is regulated primarily by serum potassium but also is released in response to hypovolemia through the renin-angiotensin-aldosterone axis. Aldosterone causes absorption of sodium at the distal renal tubule. Sodium retention obligates free water retention, helping to correct the hypovolemic state. The healthy kidney regulates sodium balance independently of ADH or aldosterone by varying the degree of sodium absorption at the distal tubule. Hypovolemic states, such as hemorrhage or dehydration, prompt increases in sodium absorption in the proximal tubule. Increases in vascular volume suppress tubular sodium reabsorption, resulting in natriuresis and helping to restore normal vascular volume. Generally, disorders of sodium balance can be traced to a disturbance in thirst or water acquisition, ADH, aldosterone, or renal sodium transport.

Hyponatremia is physiologically significant when it indicates a state of extracellular hyposmolality and a tendency for free water to shift from the vascular space to the intracellular space. Although cellular edema is well tolerated by most tissues, it is not well tolerated within the rigid confines of the bony calvarium. Therefore, clinical manifestations of hyponatremia are related primarily to cerebral edema. The rate of development of hyponatremia plays a critical role in its pathophysiology and subsequent treatment. When serum sodium concentration falls slowly, over a period of several days or weeks, the brain is capable of compensating by extrusion of solutes and fluid to the extracellular space. Compensatory extrusion of solutes reduces the flow of free water into the intracellular space, and symptoms are much milder for a given degree of hyponatremia. When serum sodium concentration falls rapidly, over a period of 24-48 hours, this compensatory mechanism is overwhelmed and severe cerebral edema may ensue, resulting in brainstem herniation and death.

**Frequency United States:** Hyponatremia is the most common electrolyte disorder, with a marked increase among hospitalized and nursing home patients. A 1985 prospective study of inpatients in a US acute care hospital found an overall incidence of approximately 1% and a prevalence of approximately 2.5%. On the surgical ward, approximately 4.4% of postoperative patients developed hyponatremia within 1 week of surgery. Hyponatremia has also been observed in approximately 30% of patients treated in the intensive care unit.

**International:** Though clearly not indicative of the overall prevalence internationally, hyponatremia has been observed in as high as 42.6% of patients in a large acute care hospital in Singapore and in 30% of patients hospitalized in an acute care setting in Rotterdam.

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<sup>2</sup> <http://emedicine.medscape.com/article/907841-overview>, excerpt reprinted with permission from eMedicine.com, 2009.

## EXHIBIT #10: WebMD.com Medical Report on Hyponatremia<sup>3</sup> (page 2 of 3)

### Mortality/Morbidity

Pathophysiologic differences between patients with acute and chronic hyponatremia engender important differences in their morbidity and mortality.

- Patients with acute hyponatremia (developing over 48 h or less) are subject to more severe degrees of cerebral edema for a given serum sodium level. The primary cause of morbidity and death is brainstem herniation and mechanical compression of vital midbrain structures. Rapid identification and correction of serum sodium level is necessary in patients with severe acute hyponatremia to avert brainstem herniation and death.
- Patients with chronic hyponatremia (developing over more than 48 h) experience milder degrees of cerebral edema for a given serum sodium level. Brainstem herniation has not been observed in patients with chronic hyponatremia. The principal causes of morbidity and death are status epilepticus (when chronic hyponatremia reaches levels of 110 mEq/L or less) and cerebral pontine myelinolysis (an unusual demyelination syndrome that occurs in association with chronic hyponatremia).
- The distinction between acute hyponatremia and chronic hyponatremia has critical implications in terms of morbidity and mortality and in terms of proper corrective therapy.

### Sex

Overall incidence of hyponatremia is approximately equal in males and females, though postoperative hyponatremia appears to be more common in menstruant females.

### Age

Hyponatremia is most common in the extremes of age; these groups are less able to experience and express thirst and less able to regulate fluid intake autonomously. Specific settings that have been known to pose particular risk include the following:

- Infants fed tap water in an effort to treat symptoms of gastroenteritis
- Infants fed dilute formula in attempt to ration
- Elderly patients with diminished sense of thirst, especially when physical infirmity limits independent access to food and drink

## Clinical

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### History

- The number and severity of symptoms increase with the degree of hyponatremia and the rapidity with which it develops. When the serum sodium level falls gradually, over a period of several days or weeks, sodium levels as low as 110 mEq/L may be reached with minimal symptomatology. In contrast, an equivalent fall in serum sodium level over 24-48 hours may overwhelm compensatory mechanisms, leading to severe cerebral edema, coma, or brainstem herniation.
- Symptoms range from mild anorexia, headache, and muscle cramps, to significant alteration in mental status including confusion, obtundation, coma, or status epilepticus.
- Hyponatremia is often seen in association with pulmonary/mediastinal disease or CNS disorders. Hyponatremia must be considered in patients with pneumonia, active tuberculosis, pulmonary abscess, neoplasm, or asthma, as well as in patients with CNS infection, trauma, or neoplasm. Patients with carcinoma of the nasopharynx, duodenum, stomach, pancreas, ureter, prostate, or uterus also have an increased risk.
- Hyponatremia is associated with numerous medications. The patient's medication list should be examined for drugs known to cause hyponatremia.
- Hyponatremia has been noted in patients with poor dietary intake who consume large amounts of beer (called beer potomania) and after use of the recreational drug *N*-methyl-3,4-methylenedioxyamphetamine (ie, MDMA or ecstasy). MDMA-induced hyponatremia occurs via multiple mechanisms; these include the induction of syndrome of inappropriate antidiuretic hormone (SIADH), the encouragement to drink large amounts of water to prevent unpleasant side effects of the drug, and the tendency among those intoxicated to be involved in vigorous physical activity that results in heavy sweating.
- A history of hypothyroidism or adrenal insufficiency should be sought because each is associated with hyposmolar hyponatremia.
- Patients with clinically significant hyponatremia present with nonspecific symptoms attributable to cerebral edema. These symptoms, especially when coupled with a recent history of altered fluid balance, should suggest the possibility of hyponatremia.
  - Anorexia
  - Nausea and vomiting
  - Difficulty concentrating
  - Confusion
  - Lethargy
  - Agitation
  - Headache
  - Seizures

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<sup>3</sup> <http://emedicine.medscape.com/article/907841-overview>, excerpt reprinted with permission from eMedicine.com, 2009.

## EXHIBIT #10: WebMD.com Medical Report on Hyponatremia<sup>4</sup> (page 3 of 3)

### Physical

Physical findings are highly variable and dependent on the degree and the chronicity of hyponatremia. Patients with acutely developing hyponatremia are typically symptomatic at a level of approximately 120 mEq/L. Those patients with chronic hyponatremia tolerate much lower levels.

- Most abnormal findings on physical examination are characteristically neurologic in origin.
  - Level of alertness ranging from alert to comatose
  - Variable degrees of cognitive impairment (eg, difficulty with short-term recall; loss of orientation to person, place, or time; frank confusion or depression)
  - Focal or generalized seizure activity
  - In those patients with acute severe hyponatremia, signs of brainstem herniation, including coma; fixed, unilateral, dilated pupil; decorticate or decerebrate posturing; sudden severe hypertension and respiratory arrest
- In addition to neurologic findings, patients may exhibit signs of hypovolemia or hypervolemia. Determining the hydration status of the patient may help establish the etiology of the hyponatremia and direct subsequent treatment.
  - Dry mucous membranes, tachycardia, diminished skin turgor, and orthostasis suggest hypovolemic hyponatremia due to excessive loss of body fluids and replacement with inappropriately dilute fluids.
  - Pulmonary rales, S3 gallop, jugular venous distention, peripheral edema, or ascites suggest hypervolemic hyponatremia due to excess retention of sodium and free water (ie, cirrhosis, nephrotic syndrome, congestive heart failure).
  - Patients who lack findings of hypovolemia or hypervolemia are considered to have euvolemic hyponatremia, which is consistent with such etiologies as exogenous free water load, hypothyroidism, cortisol deficiency, or SIADH.
- Other nonspecific signs include muscle weakness and cramping. Rhabdomyolysis is an occasional consequence of hyponatremia and should be considered in patients with muscle pain or tenderness.

### Causes

- Hypovolemic hyponatremia develops as sodium and free water are lost and replaced by inappropriately hypotonic fluids, such as tap water, half-normal saline, or dextrose in water. Sodium can be lost through renal or nonrenal routes. Nonrenal routes include GI losses, excessive sweating, third spacing of fluids (eg, ascites, peritonitis, pancreatitis, burns), and cerebral salt-wasting syndrome.
  - Excess fluid losses (eg, vomiting, diarrhea, excessive sweating, GI fistulas or drainage tubes, pancreatitis, burns) that have been replaced primarily by hypotonic fluids
  - Acute or chronic renal insufficiency, in which the patient may be unable to excrete adequate amounts of free water
  - Salt-wasting nephropathy
  - Cerebral salt-wasting syndrome seen in patients with traumatic brain injury, aneurysmal subarachnoid hemorrhage, and intracranial surgery. Cerebral salt-wasting must be distinguished from SIADH because both conditions can cause hyponatremia in neurosurgical patients, and yet the pathophysiology and treatment are different.
  - Prolonged exercise in a hot environment, especially in patients who hydrate aggressively with hyposmolar fluids during exertion. Severe symptomatic hyponatremia has been reported in marathon runners and in recreational hikers in the Grand Canyon.
- Euvolemic hyponatremia implies normal sodium stores and a total body excess of free water. This occurs in patients who take in excess fluids.
  - Psychogenic polydipsia, often in psychiatric patients
  - Administration of hypotonic intravenous or irrigation fluids in the immediate postoperative period
  - In a recent meta-analysis, administration of hypotonic maintenance intravenous fluids to hospitalized children has been associated with an increased incidence of acute hyponatremia compared with administration of isotonic maintenance fluids.
  - Infants who may have been given inappropriate amounts of free water
  - Ingestion of sodium phosphate or sodium picosulfates and magnesium citrate combination as a bowel preparation before colonoscopy or colorectal surgery
  - SIADH
- Hypervolemic hyponatremia occurs when sodium stores increase inappropriately.
  - This may result from renal causes such as acute or chronic renal failure, when dysfunctional kidneys are unable to excrete the ingested sodium load. It also may occur in response to states of decreased effective intravascular volume.
  - History of hepatic cirrhosis, congestive heart failure, or nephrotic syndrome, in which patients are subject to insidious increases in total body sodium and free water stores
- Uncorrected hypothyroidism or cortisol deficiency (adrenal insufficiency, hypopituitarism)
- Consumption of large quantities of beer or use of the recreational drug MDMA (ecstasy)
- Hyponatremia can be caused by many medications. Known offenders include acetazolamide, amiloride, amphotericin, aripiprazole, atovaquone, thiazide diuretics, amiodarone, basiliximab, angiotensin II receptor blockers, angiotensin-converting enzyme inhibitors, bromocriptine, carbamazepine, carboplatin, carvedilol, celecoxib, cyclophosphamide, clofibrate, desmopressin, donepezil, duloxetine, eplerenone, gabapentin, haloperidol, heparin, hydroxyurea, indapamide, indomethacin, ketorolac, levetiracetam, loop diuretics, lorcazepam, mirtazapine, mitoxantrone, nimodipine, oxcarbazepine, opiates, oxytocin, pimozone, propafenone, proton pump inhibitors, quetiapine, sirolimus, ticlopidine, tolterodine, vincristine, selective serotonin reuptake inhibitors, sulfonyleureas, trazodone, tolbutamide, venlafaxine, zalcitabine, and zonisamide.

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<sup>4</sup> <http://emedicine.medscape.com/article/907841-overview>, excerpt reprinted with permission from eMedicine.com, 2009.

**EXHIBIT #11: Medical Release Form**

**EMERGENCY MEDICAL/GENERAL RELEASE/WARNING**

**EPSILON SIGMA EPSILON (ESE)**

**CHI SI Chapter**

Name of Participant: Jessica Bateson Phone: (401) 555-2600  
 Address: 603 Moore Tower, Rhode Island College, Providence, RI 02903  
 Date of Birth: 5/22/1990  
 Name of Emergency Contact: Linda Bateson Phone: (401) 555-0102

- |    |   |
|----|---|
| 1. | I hereby certify that I am physically fit to participate in Epsilon Sigma Epsilon (ESE). <u>JB</u> I hereby consent to be said participant competing in events sponsored by ESE Fraternity and/or the Epsilon Sigma Epsilon Foundation. <u>JB</u>   |
| 2. | By signing this contract, I agree to abide by the rules and regulations of ESE and events. I understand that signing this contract releases from liability: ESE Fraternity, its chapters and the ESE Foundation. I understand that signing this contract releases from liability: ESE Fraternity's and ESE Foundation's members, employees, officers, agents, sponsors, judges, coaches and managers, in connection with any injury to or death of the above named participant. <u>JB</u> |

**WARNING:** I am aware that playing or practicing to play/participate in any sport can be dangerous activity involving many risks of injury. I understand that the dangers and risks of playing or practicing to play/participate in the above mentioned event(s) include, but are not limited to, death, serious neck and spinal injuries which may result in complete or partial paralysis, injury to virtually all bones, joints, ligaments, muscles, tendons and other aspects of the skeletal system, and serious injury or impairment to other aspects of my body, general health and well being. I understand that the dangers of playing or practicing to play/participate in the above mentioned event may result not only in serious injury, but in serious impairment of my future abilities to earn a living, to engage in other business, social and recreational activities and generally enjoy my life.

**ACKNOWLEDGEMENT OF WARNING:** I (student) Jessica Bateson, hereby acknowledge that I have been properly advised, cautioned, and warned by the proper personnel of ESE Taylor Durden, that by participating in such event, I am exposing myself to the above described risks.

**Signature of Participant:** Jessica Bateson **Date:** 8/19/2011  
**Signature of Witness:** Taylor Durden **Date:** 8/19/2011

**GENERAL RELEASE OF ALL CLAIMS:**

General Release made August 19, 2011 by Jessica Bateson student of Daniel Morgan University residing at 603 Moore Tower city of Providence, county of Providence.

In consideration of permission granted by me by ESE Fraternity to participate in ESE, Jessica Bateson, I hereby release and discharge ESE Fraternity, its chapters and ESE Foundation, and their members, employees, officers, agents, sponsors, coaches, judges and managers, from all claims, demands, actions, judgments, and executions which the undersigned's heirs, executors, administrators, or assigns may have or claim to have against ESE Fraternity, its chapters and ESE Foundation, their members, employees, officers, agents, sponsors, coaches, judges, and managers for all injuries or death to me, Jessica Bateson, including personal injuries or death caused by negligence, or otherwise, known or unknown, and injuries to property, real or personal, caused by, or arising out of the above event(s). I, the undersigned, have read this general release and understand all of its terms. I execute it voluntarily and with full knowledge of its significance. In witness whereof, I have executed this general release the day and year set forth above written.

**MEDICAL HISTORY / IMPAIRMENTS:** Please note any prior injuries or medical history which would preclude you from participating in ESE activities.  
none

**Signature of Participant:** Jessica Bateson **Date:** 8/19/2011  
**Signature of Witness:** Taylor Durden **Date:** 8/19/2011

## EXHIBIT #12: ESE Pledge Rules

### PLEDGE RULES FOR EPSILON SIGMA EPSILON CHI SI Chapter RHODE ISLAND COLLEGE

1. Wear pledge pin all of the time (this includes on pajamas, towel to and from the shower etc).
2. Carry pledge book at all times (this includes to and from the shower etc).
3. Address members as "Ms." and "Mr."; a pledge may never address a member by their first name.
4. All pledges will wear tan shorts and white shirts without logos or graphics on them during pledge week.
5. Possession of cell phones by pledges during pledge week is prohibited.
6. Pledges are not allowed in any portion of the ESE House except the basement via a basement entrance until full membership status is attained.
7. Mandatory pop quizzes initiated by members at any time.
8. Must carry backpacks to and from classes for members with the same course.
9. Must transport home at any time any member who calls upon a pledge to do so from any location within the metro area.
10. Massive memorization of every song, local chapter affiliation and large portions of the ESE constitution is required.
11. Prepare a pledge class song and skit and perform it on request whenever and wherever requested.
12. Wear a pledge clothing item to all College sponsored athletics activities.

Demerits may be received for any rule infraction.

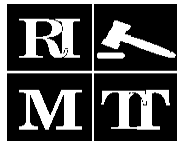
Demerits must be atoned for before full initiation

- Atonement for demerits may include any of the following at a member's request: washing laundry, picking up meals at the Student Union, washing member's cars, singing the ESE song during lunch in the Student Union, swimming through the reflecting pool at the library, or any other appropriately formulated task assigned by a full member.

# EXHIBIT #13: Death Certificate of Jessica Bateson

<b>STANDARD CERTIFICATE OF DEATH</b> STATE OF RHODE ISLAND Bureau of Vital Statistics State Board of Health			File No – For State Registrar Only <h2 style="margin: 0;">SC-55513</h2>
1. Place of Death County of <u>Providence</u>			
Township of _____ or City of <u>Providence</u>			Registration District No. <u>46-055-89</u> (No. ____ St.: _____ (Ward)
Home Address: <u>603 Moore Tower, Rhode Island College, Providence, RI 02903</u>			Registered No. _____ (For use of Local Registrar) (If death occurred in a Hospital or institution give its NAME instead of street and Number.)
2. FULL NAME <u>Jessica Bateson</u>			Residence NA In City <u>19</u> Yrs <u>3</u> Mos <u>7</u> Days
PERSONAL AND STATISTICAL PARTICULARS			MEDICAL CERTIFICATE OF DEATH
3. Sex <u>F</u>	4. Color of Race <u>Caucasian</u>	5. Single, Married, Widowed, or Divorced (write the word) <u>Single</u>	21. DATE OF DEATH (month, day and year) <u>August, 29, 2011</u>
a. If married, widowed, or divorced HUSBAND or WIFE of _____			22. I HEREBY CERTIFY, That I attended deceased from <u>8/29/2011</u> to <u>8/29/2011</u> . I last saw <u>Jessica Bateson</u> alive on <u>8/29/2011</u> , death is said to have occurred on the date stated above, at <u>18:40</u> . The principal cause of death and related cause of importance in order of onset were as follows:
6. DATE OF BIRTH (month, day, year) <u>May 22, 1990</u>			
7. AGE <u>19</u> Years <u>3</u> Months <u>7</u> Days			Date of Onset
OCCUPATION	8. Trade, profession or particular kind of work done as spinner, lawyer, bookkeeper, etc. _____		<u>Severe Respiratory Distress</u> <u>8/29/2011</u>
	9. Industry or business in which work was done, as silk mill, saw mill, bank, etc. _____		<u>Unrecovered Cardiac Arrest</u> <u>8/29/2011</u>
	10. Date deceased last worked at this occupation (month and year) _____		
11. Total time (years) spent in this occupation _____			Was this death due to pregnancy or to childbirth? If so, state which.
12. BIRTHPLACE (city or town) <u>Westerly</u> (State or Country) <u>Rhode Island</u>			Contributory causes of importance not related to principal cause. <u>Respiratory arrest</u>
FATHER	13. NAME <u>William Bateson</u>		Name of operation _____ Date _____
	14. BIRTHPLACE (city or town) <u>Warwick, Rhode Island</u>		What test confirmed diagnosis? _____ Was there an autopsy? <u>Yes</u>
MOTHER	15. NAME <u>Linda Bateson</u>		23. If death was due to external causes (violence) fill in the following: Accident, suicide, or homicide? ____ Date of Injury _____ Where did the injury occur? _____ (Specify city or town and state) Specify whether injury occurred in industry, in home, or in public place Manner of Injury _____ Nature of Injury _____
	16. BIRTHPLACE (city or town) <u>Douglass, Massachusetts</u>		
17. Information _____ (Address)			
18. BURIAL, CREMATION, OR REMOVAL Place _____ Date _____			
19. UNDERTAKER _____ (Address)			
20. FILED <u>  /  /  </u> _____ (Registrar Signature)			24. Was disease or injury in any way related to occupation of deceased? <u>no</u> If so, specify _____ (Signed) <u>Cory White</u> _____ M.D. Address <u>595 Eddy Street, Providence, RI 02903</u>





670 NEW LONDON AVENUE • CRANSTON RI 02920 • (401) 275-2871  
FAX (401) 464-4823 • lquattrucci.rilep@gmail.com • www. RILEP.org

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## CODE OF ETHICAL CONDUCT

### THE MISSION OF THE TOURNAMENT

The purpose of the Rhode Island Mock Trial Tournament is to teach secondary school students important life skills while introducing them to the American judicial system.

Although the trial process is competitive, the principal objective of the tournament is educational. The program strives to improve students' speaking listening, reading, and reasoning skills by providing them with the opportunity to perform in a unique academic setting.

In addition, it provides opportunities for the interaction of students of diverse backgrounds, cultures, and interests; and it promotes effective communication and cooperation between the educational and legal communities.

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### THE PARTNERSHIP DEFINITION OF ETHICAL CONDUCT

To ensure compliance with the spirit and intent of the Rhode Island Mock Trial Tournament and its Rules, Rhode Island Legal/Educational Partnership (the Partnership) expects all students, teachers, lawyers, and others working with a mock trial team to read and abide by the Code of Ethical Conduct.

**§ 1** — Students promise to participate with the highest standards of deportment. They will show respect for fellow-students, opponents, judges, evaluators, attorney-coaches, teacher-coaches, mock trial officials and Partnership staff. Trials will be conducted with civility, fairness, and old-fashioned sportsmanship to reflect tournament principles. Students will avoid *all* tactics and actions they know are in violation of the Rules. Furthermore, students will not willfully violate the Rules of the tournament in spirit or in practice even at the behest of a coach or other authority figure.

**§ 2** — Teacher-coaches agree to focus on the *educational* value of the tournament. They shall discourage willful violations of the Rules, including the use of unfair tactics and strategies. Teachers will instruct students on the proper procedure and decorum and will assist their students in understanding and abiding by the tournament's Rules and Code of Ethical Conduct

**§ 3** — Attorney-coaches agree to uphold the highest standards of the legal profession and to zealously encourage fair play. They will promote conduct in accordance with the tournament's Rules and this Code of Ethical Conduct. Attorney-coaches are reminded that they are in a position of authority and thus must serve as positive role models for the students.

**§ 4** — All participants and observers are bound by this Code and agree to abide by its provisions. Teams are responsible for insuring that observers are aware of the Code and the Rules that pertain to observers. All participants will strive to accept defeat and success with dignity and restraint.

**§ 5** — Students, teacher-coaches, and attorney-coaches are required to sign a copy of this Code. The signature will serve as evidence of knowledge and agreement to the provisions of the Code. Violations of this Code of Ethical Conduct may be grounds for reductions in scores.

*Adapted from: The National High School Mock Trial Championship's Code of Ethical Conduct*





# 2012 RHODE ISLAND MOCK TRIAL TOURNAMENT

PRODUCED BY RHODE ISLAND LEGAL/EDUCATIONAL PARTNERSHIP

## PROSECUTION TEAM

Trial date \_\_\_\_\_

School \_\_\_\_\_

Leave this line blank on all but the Trial Official's copy

Coach \_\_\_\_\_

Leave this line blank on all but the Trial Official's copy

## ROSTER

### ATTORNEY'S ROLE

### STUDENT'S NAME

(M OR F)

Opening Statement	_____	_____
Direct Examination of Sgt. Chris Knight	_____	_____
Direct Examination of Jamie Chessler, MD	_____	_____
Direct Examination of Alex Richards	_____	_____
Cross Examination of Taylor Durden	_____	_____
Cross Examination of Ryan Paulsen, MD	_____	_____
Cross Examination of Carson Baker	_____	_____
Closing Statement	_____	_____
Rules Expert	_____	_____

### WITNESS' ROLE

### STUDENT'S NAME

(M or F)

Sgt. Chris Knight	_____	_____
Jamie Chessler, MD	_____	_____
Alex Richards	_____	_____

(THIS FORM MUST BE TYPEWRITTEN)

It is a team's responsibility to supply seven (7) properly completed copies of this roster to the Trial Official at each trial. Failure to comply with this tournament rule may result in a penalty. See Rule 1.6, Section C.



# 2012 RHODE ISLAND MOCK TRIAL TOURNAMENT

PRODUCED BY RHODE ISLAND LEGAL/EDUCATIONAL PARTNERSHIP

## DEFENSE TEAM

Trial date \_\_\_\_\_

School \_\_\_\_\_

Leave this line blank on all but the Trial Official's copy

Coach \_\_\_\_\_

Leave this line blank on all but the Trial Official's copy

## ROSTER

ATTORNEY'S ROLE

STUDENT'S NAME

(M OR F)

Opening Statement

\_\_\_\_\_

Direct Examination of Taylor Durden

\_\_\_\_\_

Direct Examination of Ryan Paulsen, MD

\_\_\_\_\_

Direct Examination of Carson Baker

\_\_\_\_\_

Cross Examination of Sgt. Chris Knight

\_\_\_\_\_

Cross Examination of Jamie Chessler, MD

\_\_\_\_\_

Cross Examination of Alex Richards

\_\_\_\_\_

Closing Statement

\_\_\_\_\_

Rules Expert

\_\_\_\_\_

WITNESS' ROLE

STUDENT'S NAME

(M or F)

Taylor Durden

\_\_\_\_\_

Ryan Paulsen, MD

\_\_\_\_\_

Carson Baker

\_\_\_\_\_

(THIS FORM MUST BE

TYPEWRITTEN)

It is a team's responsibility to supply seven (7) properly completed copies of this roster to the Trial Official at each trial. Failure to comply with this tournament rule may result in a penalty. See Rule 1.6, Section C.