

CIVICS LEARNING PROJECT proudly sponsors the

Oregon High School Mock Trial Competition

2023-2024 Mini Mock Case



State of Oregon (Prosecution)

v.

Langley Parker (Defendant)

A recorded prank with deadly repercussions.

*A huge thank you to the South Carolina Bar Association for permission to modify their case
for this Mini Mock fact pattern.*



ACKNOWLEDGMENTS

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Heartfelt appreciation is extended to all **teacher and attorney coaches, regional coordinators, county courthouse personnel, attorneys and other volunteers** whose dedication and hard work make the regional and state competitions successful. Without the efforts of volunteers like these, this event would not be possible.

State of Oregon v. Langley Parker

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CIVICS LEARNING PROJECT
**2023-24 OREGON HIGH SCHOOL
MINI-MOCK COMPETITION**

I. INTRODUCTION

This packet contains the official materials that student teams will need to prepare for this year's Mini-Mock Competition.

The mock trial experience is designed to clarify the workings of our legal institutions for young people. In mock trial, students take on the roles of attorneys, witnesses, court clerks and bailiffs. As they study a hypothetical case, consider legal principles and receive guidance from volunteer attorneys in courtroom procedure and trial preparation, students learn about our judicial system and develop valuable life skills (public speaking, team building, strategizing and decision making to name a few) in the process.

Teams must prepare to participate in the Mini Mock competition for both the prosecution and defense.

Mini Mock judges are instructed to follow the evaluation rubric when judging teams' performances. However, just as the phrase "beauty is in the eye of the beholder" underscores the differences in human perceptions, a similar subjective quality is present when scoring mock trial. Even with rules and evaluation criteria for guidance, not all scorers evaluate a performance identically. While CIVICS LEARNING PROJECT and competition coordinators work to ensure consistency in scoring, the competition can reflect otherwise, as in real life.

II. PROGRAM OBJECTIVES

For the **students**, the mock trial competition will:

1. Increase proficiency in basic skills such as reading and speaking, critical thinking skills such as analyzing and reasoning, and interpersonal skills such as listening and cooperating.
2. Provide an opportunity for interaction with positive adult role models in the legal community.
3. Provide an interactive experience where students will learn about law, society, and the connection between the Constitution, courts, and legal system.

For the **school**, the competition will:

1. Promote cooperation and healthy academic competition among students of various abilities and interests.
2. Demonstrate the achievements of high school students to the community.
3. Provide a challenging and rewarding experience for participating teachers.

III. CODE OF ETHICAL CONDUCT

This Code should be read and discussed by students and their coach(es) at the first team meeting. **The Code governs participants, observers, guests and parents** at all mock trial events.

All participants in the Mock Trial Competition must adhere to the same high standards of scholarship that are expected of students in their academic performance. Plagiarism of any kind is unacceptable. Students' written and oral work must be their own.

Coaches, non-performing team members, observers, guests, and parents **shall not talk to, signal, or communicate with** any member of the currently performing side of their team during trial. Likewise, these individuals shall not contact the judges with concerns about a round; these concerns should be taken to the competition Coordinator. These rules remain in force throughout the entire competition. Currently performing team members may communicate among themselves during the trial, however, no disruptive communication is allowed. Non-performing team members, teachers, coaches, and spectators must remain outside the bar in the spectator section of the courtroom.

Team members, coaches, parents and any other persons directly associated with the Mock Trial team's preparation are **not allowed to view other teams** in competition so long as they remain in the competition themselves.

Students promise to compete with the highest standards of deportment, showing respect for their fellow students, opponents, judges, coaches, and competition Coordinator and volunteers. All competitors will focus on accepting defeat and success with dignity and restraint. Trials will be conducted honestly, fairly and with the utmost civility. Students will avoid all tactics they know are wrong or in violation of the rules. Students will not willfully violate the rules of the competition **in spirit or in practice**.

Teacher coaches agree to focus attention on the educational value of the mock trial competition. **Attorney coaches** agree to uphold the highest standards of the legal profession and zealously encourage fair play. All coaches shall discourage willful violations of the rules. Coaches will instruct students on proper procedure and decorum, and will assist their students in understanding and abiding by the competition's rules and this Code, this responsibility extends to parents and other team observers. Teacher and attorney coaches should ensure that students understand and agree to comply with this Code. Violations of this Code may result in disqualification from competition. Coaches are reminded that they are in a position of authority and thus serve as positive role models for the students.

Charges of ethical violations involving persons other than the student team members must be made promptly to the Competition Coordinator who will ask the complaining party to complete a dispute form. The form will be taken to the competition's communication's center, where a panel of mock trial host sponsors will rule on any action to be taken regarding the charge, including notification of the judging panel. Violations occurring during a trial involving students competing in a round will be subject to the dispute process described in the Rules of the Competition.

All participants are bound by this Code of Ethical Conduct and agree to abide by its provisions.

IV. THE CASE

A. Brief Case Summary

Langley Parker is a director of web-based reality films. During the spring and summer of 2022, Parker and the film crew envisioned, constructed, and filmed a series of scenarios that the Director titled “Fear Springs Eternal” in and around downtown Crowson, Oregon. All of the videos involved actors engaging with unsuspecting residents.

In one such video piece, a “Zombie Chase,” Terry Weaver fell and severely injured an ankle. Terry and Terry’s mother, Jackie Weaver, were contemplating civil legal action.

On July 7, 2022, Terry Weaver and Jackie Weaver arrived to meet with Parker in Parker’s office at 405 Laurel Street in downtown Crowson to discuss a possible settlement. When they got to the building, they found that one bank of elevators was out of service, but an auxiliary elevator was available to take them to the third floor and to Parker’s office.

The elevator appeared to move and shake. The light went out, and a ghostly figure appeared in the elevator. Terry Weaver was frightened, screamed, and moved to protect their mother. Jackie Weaver almost immediately dropped to the ground – dead of a heart attack.

Police investigation revealed that the “elevator” was in fact another scenario produced by Parker and Parker’s crew. Langley Parker was taken into custody and charged with Manslaughter in the second degree in the death of Jackie Weaver.

B. Witness List

For the Prosecution:

Sgt. Lee Strad, Police Sergeant
Terry Weaver, Victim’s child
Drew Watson, M.D., Cardiology Center Director

For the Defense:

Langley Parker, Defendant
Avery Mitchell, Actor
Jesse Brice, M.D., Social Psychology Professor

C. List of Exhibits

1. Coroner’s Report
2. Diagram of Takotsubo Cardiomyopathy Syndrome
3. 911 Report for July 7, 2022
4. Email received by Jackie Weaver
5. Drew Watson, M.D.’s – Curriculum Vitae
6. Jesse Brice, Ph.D.’s – Curriculum Vitae

IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR CASCADES COUNTY

STATE OF OREGON,

Plaintiff,

vs.

LANGLEY PARKER,

Defendant.

No. 22CR05398

INDICTMENT

Secret

The above-named defendant is accused by the Grand Jury of Cascades County by this indictment of the crimes of

Count 1: MANSLAUGHTER IN THE SECOND DEGREE (Class B Felony; ORS 163.125)

committed as follows:

COUNT 1

The defendant, on or about July 7, 2022, in Cascades County, Oregon, committed the crime of Manslaughter in the second degree in that the Defendant, Langley Parker, did unlawfully, with criminal negligence and/or reckless disregard for the safety of others, specifically to Jackie Weaver, constructed an inherently dangerous device, to-wit a fake elevator, and lure Jackie Weaver to experience intentional and unsuspecting fright, causing her death. Contrary to the statutes and against the peace and dignity of the State of Oregon.

It is hereby affirmatively declared for the record, upon appearance of the defendant for arraignment, and before the Court asks how the defendant pleads to the charges, that the State intends that any misdemeanor offenses charged herein each proceed as a misdemeanor.

Dated: November 20, 2022

Witnesses subpoenaed, examined and appeared in person unless otherwise indicated before the Grand Jury for the State of Oregon:

Sgt. Lee Strad
Terry Weaver
Drew Watson, M.D.

A TRUE BILL

s/Dave Bowdie

Foreperson of the Grand Jury

WAYMORE JENNER, District Attorney

s/Nona Simon

Nona Simon

Deputy District Attorney

Oregon State Bar #029384

IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR CASCADES COUNTY

STATE OF OREGON,

Plaintiff,

vs.

LANGLEY PARKER,

Defendant.

No. 22CR05398

STIPULATIONS

The parties stipulate and agree to the following facts:

1. The death of Jackie Weaver occurred on July 7, 2022.
2. All exhibits listed are authentic and accurate in all respects, and no objections to the authenticity of the exhibits shall be entertained.
3. The chain of custody for evidence is not in dispute.
4. The signatures on the witness statements and all other documents are authentic.
5. All witnesses who were questioned by law enforcement were properly advised of their Miranda rights. The search of the building used by Langley Parker was conducted with consent of Langley Parker, and therefore was proper and in accordance with the law.
6. 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 Makala Woods. Both parties agree that Ms. Woods' conversation with 911 is true and accurate, and she will not be called as a witness to testify at trial.
7. Reed Patterson and Harry Shipley gave information entirely consistent with Makala Woods and the 911 transcript. With nothing further to add, they will not be called as witnesses.

8. The Coroner's Report (Exhibit #1) was produced following an autopsy of the deceased by Dr. Walker Hill. Dr. Drew Watson and Dr. Brice have the capacity and expertise to review this document and are familiar with the findings of the Coroner's office. Dr. Walker Hill will not be called as a witness to testify at trial.
9. No video evidence of any scenarios conceived of and directed by Langley Parker are available for use in this trial. **Students are STRONGLY advised NOT to attempt in any way the stunts referenced in this fictitious case.**
10. Due to the graphic nature of the footage and photographs involving the death of Jackie Weaver, both parties stipulate to the content of the footage and photographs of the deceased; thus, they will not be shown in the trial.
11. The actor playing the role of custodian who placed the out of order signs on the elevators passed away and did not supply a sworn statement about any relevant facts for this case.
12. While Langley Parker wears a beret, students performing the role of Langley Parker may **NOT** wear a beret, as that would be a violation of the costuming rule.
13. All defenses and objections based on the First Amendment to the United States Constitution or Article I, Section 1, Clause 8 of the Oregon Constitution have been waived.
14. Each witness has waived and agreed not to assert his or her right against self-incrimination, whether arising under the Fifth Amendment to the United States Constitution, Article I, Section 1, Clause 12 of the Oregon Constitution, or otherwise.

IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR CASCADESS COUNTY

STATE OF OREGON,

Plaintiff,

vs.

LANGLEY PARKER,

Defendant.

No. 22CR05398

FINAL JURY INSTRUCTIONS

The Court will now submit the case to the jury; you need to decide, based on the law and the evidence presented to you at trial, whether the prosecution has prevailed in proving the prosecution's charges against the defendant.

EVALUATING WITNESS TESTIMONY

The term "witness" includes every person who has testified under oath in this case. Every witness has taken an oath to tell the truth. In evaluating each witness's testimony, however, you may consider such things as:

- (1) The manner in which the witness testifies;
- (2) The nature or quality of the witness's testimony;
- (3) Evidence that contradicts the testimony of the witness;
- (4) Evidence concerning the bias, motives, or interest of the witness; and
- (5) Evidence concerning the character of the witness for truthfulness.

INFERENCES

In deciding this case you may draw inferences and reach conclusions from the evidence, if your inferences and conclusions are reasonable and are based on your common sense and experience.

INNOCENCE OF DEFENDANT—PROOF BEYOND A REASONABLE DOUBT

The defendant is innocent unless and until the defendant is proven guilty beyond a reasonable doubt. The burden is on the prosecution to prove the guilt of the defendant beyond a reasonable doubt. Reasonable doubt is doubt based on common sense and reason. Reasonable doubt means an honest uncertainty as to the guilt of the defendant. Reasonable doubt exists when, after careful and impartial consideration of all the evidence in the case, you are not convinced to a moral certainty that the defendant is guilty.

VERDICT—FELONY CASE

When you return to the jury room, select one of your members to act as presiding juror. The presiding juror has no greater voting weight but is to preside over your deliberations

and be the spokesperson for the jury. You should then deliberate and find your verdict. If it becomes necessary during your deliberations to communicate with me, do so in writing. I will consult with the parties before responding. Your verdict must be supported by a vote of at least 10 to 2.¹ Remember that you are not to tell anyone, including me, how the jury stands numerically until you have reached a lawful verdict or have been discharged. When you have arrived at a verdict, the presiding juror will sign the appropriate verdict form. After you have reached your verdict, signal the bailiff. The court will receive your verdict.

DIRECT OR CIRCUMSTANTIAL EVIDENCE

There are two types of evidence. One is direct evidence—such as the testimony of an eyewitness. The other is circumstantial evidence—a chain of circumstances pointing to the existence or nonexistence of a certain fact. You may base your verdict on direct evidence or on circumstantial evidence, or on both.

WITNESS FALSE IN PART

A witness who lies under oath in some part of his or her testimony is likely to lie in other parts of his or her testimony. Therefore, if you find that a witness has lied in some part of his or her testimony, then you may distrust the rest of that witness’s testimony.

Sometimes witnesses who are not lying may give incorrect testimony. They may forget matters or may contradict themselves. Also, different witnesses may observe or remember an event differently. You have the sole responsibility to determine what testimony, or portions of testimony, you will or will not rely on in reaching your verdict.

INTENTIONALLY AND WITH INTENT

A person acts “intentionally” or “with intent” when that person acts with a conscious objective to cause a particular result or engage in particular conduct.

RECKLESSLY

A person acts recklessly if that person is aware of and consciously disregards a substantial and unjustifiable risk that a particular result will occur or circumstance exists. The risk must be of such nature and degree that disregarding it constitutes a gross

¹ Oregon is presently the only state in the United States that permits criminal convictions based on non-unanimous jury verdicts. Currently, however, the United States Supreme Court is considering (in a case named *Ramos v. Louisiana*) whether the Sixth and Fourteenth Amendments together require that criminal convictions in state court be supported by unanimous jury verdicts. For more information on that case, see <https://www.scotusblog.com/case-files/cases/ramos-v-louisiana/>.

deviation from the standard of care that a reasonable person would observe in the situation.

MANSLAUGHTER IN THE SECOND DEGREE

Oregon law provides, in part, that a person commits the crime of manslaughter in the second degree if that person recklessly causes the death of another person.

EXPERT OPINION EVIDENCE

An expert witness is a person with special skills or education in a particular field. Even though expert witnesses may testify about their opinions, you are not required to accept those opinions. To determine the value, if any, you will give to an expert's opinion, you should consider such things as the expert's qualifications, the expert's opportunity and ability to form the opinion, the expert's believability, and how the expert reached the opinion or conclusion.

E. Witness Statements

Affidavit of Sgt. Lee Strad

My name is Lee Strad. I am 42 years old. I am an investigator with the Crowson Police Department (CPD). I hold the rank of Sergeant. I have been with the CPD a little over fifteen years now. Prior to attending the Police Academy in 2008, I served in the US Army for eight years and was stationed at Fort Jackson as a drill sergeant. As part of my daily duties with the CPD, I routinely investigate reports of vandalism, burglary, criminal mischief, etc. On occasion, I also investigate suspicious deaths.

I was on shift Thursday, July 7, 2022. That morning, I was finishing up paperwork in an investigation into cemetery vandalism by a group of teenagers. Summer always means an increase in the number of complaints involving juveniles. I tell you, the idea of year-round school sure has a lot of merit from a police standpoint.

The Crowson Emergency Response Center fielded a 911 call at 10:14 a.m. on July 7. The caller stated that a female collapsed and was in cardiac arrest at a building located at 405 Laurel Street in downtown Crowson. The 911 report, marked as Exhibit #3, indicates that the emergency medical technicians, more commonly known as EMTs, arrived on the scene at 10:21 a.m. Upon locating the victim; however, the EMTs determined there was nothing that could be done to help – Jackie Weaver was dead on the scene and they did not move the body. Due to the suspicious circumstances, the EMTs requested a Coroner and a police investigator. I was dispatched at 10:28 a.m., responded with my call sign – CPD5 – as in route, and proceeded directly to the location.

When I arrived, I first spoke with the EMTs on the scene. They informed me the deceased was found in an elevator located off of the lobby of the building. From my examination, this room was staged to look like an elevator – it was a paneled, windowless room with a sliding door, a single light bulb, and a row of buttons inside made to look like an elevator floor selection panel. The victim was still lying on the floor of the fake elevator. My cursory investigation indicated there were no visible wounds or physical trauma. It appeared to me the victim had suffered some sort of massive coronary episode. While I waited for the Coroner to arrive, I conducted interviews with an eyewitness – a relative of the victim – and others who were at the scene during the incident.

31 I first spoke to the relative, Terry Weaver. Terry was a young individual – age in
32 the mid-teens. The deceased was Terry’s mother, Jackie Weaver. Terry was clearly
33 distraught. I only asked some basic background questions and resolved to follow-up after
34 I had a chance to speak with the others on the scene.

35 Terry was not very coherent. Terry said the other elevators were out of order
36 according to a sign posted on them, so they got on the elevator that was working. At least,
37 they thought they were on a working elevator. The elevator jolted, the lights went out,
38 and a glowing ghostly figure appeared saying “no escape.” Terry recalled screaming at
39 the sight of the ghost and then moved to mom to protect her. Terry’s mom had appeared
40 to faint. There were some more jolts in the elevator, and it went dark again. When the
41 light came back on, the ghostly figure was gone, and the elevator doors opened. Terry
42 immediately called out for someone to help Jackie Weaver. Terry said a person dressed
43 up as a ghost did CPR (later identified as Avery Mitchell) until the EMTs arrived. Terry
44 kept saying that Parker did this and the stunt had finally gone too far. Terry demanded
45 that I arrest Langley Parker on the spot and shut the whole thing down. At the time, while
46 I certainly recognized the name being repeated, I had no idea what specifically had taken
47 place.

48 I quickly interviewed three bystanders (Reed Patterson, Harry Shipley, and
49 Makala Woods) who all said they were in the lobby of the building at the time of the
50 incident and this was their first time in the building. Ms. Woods self-identified as the 911
51 caller. None of them could shed much light on the situation other than to say that there
52 had been an “Out of Order” sign on the elevators (the real elevators) and the sign was no
53 longer present. What I gathered from these interviews was that the Weavers walked into
54 the building lobby and noticed the elevators were not in service. So, they pressed the
55 button for the “other” elevator that appeared to be a service elevator. There are stairs in
56 the building, but Terry was wearing a walking cast and could not easily climb the stairs.

57 Once the button of the “other” elevator was pressed, the door slid open and the
58 Weavers got in. Within a minute, the witnesses in the lobby stated that they then heard
59 screaming coming from the elevator and that when the door slid open again, they saw
60 Jackie Weaver lying on the floor. None of the witnesses saw what actually happened

61 inside that room, nor did they notice anything unusual about the building or other people.
62 I took their contact information and thanked them for their cooperation.

63 I next interviewed a young individual, Avery Mitchell, who self-identified as an
64 actor involved in an episode that was being filmed in the building. This was really when I
65 became suspicious of this whole situation. Mitchell stated that the film involved a fake
66 elevator and unsuspecting “passengers” believing the elevator moved normally.
67 However, the plan was that within a few seconds after pushing the button for the desired
68 floor, the room would vibrate wildly and the sole light in the elevator would go off –
69 leaving passengers in the dark. Mitchell stated that they would then slide open a hidden
70 panel in the back of the elevator and step inside the elevator dressed up as a ghost. The
71 light would then come back on and the passengers would be startled by the new presence
72 in the elevator with them. The elevator would again vibrate, the light would once again
73 go out, and the actor would slip back out of the elevator’s hidden panel. The scene would
74 end when the elevator doors opened and the passengers could exit the elevator. All of this
75 was being filmed by hidden cameras located in the lobby and in the elevator itself.

76 In this specific situation, Avery Mitchell observed Terry and Jackie Weaver
77 approach the fake elevator. The younger person of the two looked familiar, but, at the
78 time, Avery could not place where they may have met before. Wearing an earpiece and
79 communicating with Langley Parker the producer and director of the film, Mitchell heard
80 the command to be ready because they had “a couple of live ones.” Usually, Mitchell said
81 the director would let Mitchell improvise on the best way to enter and exit the scene.
82 However, this time, Avery said the director seemed adamant that Mitchell was to “give it
83 all you have got!” Mitchell reported that as an actor, “It always was important to
84 personally give it all in a scene and proceeded with the scene as directed.”

85 Mitchell said the scene went exactly as planned. A few seconds after the pair
86 entered, the elevator began to vibrate. That was the actor’s cue to be in position for the
87 big entrance. When the light went out in the elevator, a small indicator light on the
88 outside of the hidden panel illuminated to let the actor know it was time to slip in.
89 Mitchell entered right on cue. Mitchell reported that when the light came back on rather
90 dim, Mitchell was right on spot and simply stood there in full costume and said, “no
91 escape.” Mitchell recounted that the younger of the two noticed the ghostly figure first

92 and screamed. A split second later, the older of the pair, Jackie Weaver, turned and
93 looked at Mitchell and almost immediately crumpled to the floor. Figuring that Jackie
94 Weaver merely fainted, the actor continued with the scene. The light was then
95 extinguished, the elevator shook, and Mitchell slipped back out through the hidden door.
96 The “elevator” light came back on and the door opened – revealing what the other
97 witnesses described to me – a very frightened younger person and a very dead woman on
98 the floor. As I stated, the EMTs arrived on the scene seven minutes after the 911 call was
99 made. When the EMTs arrived on scene, Mitchell was dressed as a ghost and was
100 performing CPR on Jackie Weaver.

101 I next sought out the Director. I already knew who I would find behind the scenes
102 and the type of interview I was in for. Talk about arrogant, egotistical, and completely
103 uncooperative and unremorseful! Yes, I have dealt with Langley Parker before. And yes,
104 each time I have warned Parker that things would not end well. Unfortunately, this time
105 Parker proved my point.

106 I found Parker standing off to one side of the lobby – wearing their trademark
107 beret– and talking on a cell phone. When Parker saw me approach, the phone call
108 immediately ended, and Parker said in a flippant manner, “I see we meet again
109 inspector.” Always dramatic, never helpful – that is Langley Parker. I had Parker describe
110 the stunt being filmed. It was exactly as described by Avery Mitchell. Parker was able to
111 see everything from a small control room off of the lobby. Parker admitted that when the
112 Weavers entered the lobby, that Parker immediately recognized them. The younger
113 person had been involved in a previous stunt, while the other had threatened a lawsuit.
114 Despite this recognition, or perhaps because of it, Parker decided to greenlight the scene.

115 I inquired about Parker’s recognition of the couple. Parker stated that Terry had
116 been involved in a previous stunt some weeks before in May 2022 – one featuring people
117 being chased by zombies a part of Parker’s “Fear Springs Eternal” series – and Terry
118 Weaver was injured after tripping. Terry’s mother was threatening to sue Parker and
119 Parker’s film company. I remembered responding to complaints at that time and having
120 my usual conversation with Parker. I remembered that Jackie Weaver was visibly upset
121 and angry, shouting at Parker. I thought at one point she was going to hit Parker. If she
122 had, I probably would not have arrested her; Parker deserved it.

123 While conducting interviews, the Coroner arrived on scene, conducted an initial
124 examination of the deceased, and had the body transported to the morgue for further
125 examination and autopsy. The Coroner's report is marked as Exhibit #1.

126 I returned to the police department and reported to my commanding officer,
127 Captain Ben Cook. I was a little confused about what type of criminal charge might be
128 filed against Parker. Clearly, in my mind, Parker was absolutely responsible for the death
129 of Jackie Weaver. While in the meeting with Captain Cook, Cook called a prosecutor
130 from the Cascades County District Attorney's Office on the speaker phone. I recounted
131 my investigation and interviews. The attorney stated, pending the Coroner's findings that
132 we could possibly charge Parker with homicide. A few days later, in consultation with
133 Captain Cook under direction from the Cascades County District Attorney's office, I
134 went back to the building where the fake elevator had been set up. This was the same
135 building where the film company had its offices. I placed Langley Parker under arrest in
136 the death of Jackie Weaver with the charge of Manslaughter in the Second Degree on
137 Friday, July 10, 2022.

138 As I mentioned earlier, this was not my first encounter with Langley Parker.
139 Beginning earlier in the Spring of 2022, it seems like I was called to investigate an
140 incident involving Langley Parker almost weekly. Dumb, scary stuff was happening, and
141 my investigation always concluded that Parker was behind it all. I gave Langley Parker
142 countless warnings with no success.

143 One of the first pranks I investigated involving Langley Parker was in a grocery
144 store, when I examined the "severed hand" prank. The prank involved putting a fake
145 severed hand under a package of meat in the meat case; people who picked up the
146 package saw the hand and usually screamed, dropped the meat they were holding, and
147 sometimes even vomited. We made an arrest for trespass, destruction of property, and
148 criminal mischief. The arrest record appeared as a badge of an honor for Parker. I wound
149 up finding the arrest record on Parker's website, some sort of a claim to fame. The
150 charges were eventually dropped when the store manager refused to provide testimony. I
151 suspect that either the store was paid off or it did not want any negative publicity
152 generated from the incident.

153 This is the thing – Parker apparently has unlimited resources. I do not know if it is
154 personal wealth or if Parker is being funded by some big Hollywood studio. Either way,
155 Parker always seems to have the cash to get out of potential problems. For example, after
156 one of Parker’s stunts in a hotel, I looked into having the hotel press charges for trespass.
157 It turns out that Parker’s film company, FearForLifeFactory, actually owns the hotel! In
158 the course of my investigation into the latest elevator stunt in the office building, I
159 discovered that the same company owns the office building as well. Talk about cash to
160 burn! This latest elevator stunt clearly went beyond the normal. The pranks are not funny,
161 they are not innocent, and they clearly have dire repercussions for the innocent victims.
162 After my repeated warnings, Parker certainly knew they were playing a dangerous game
163 and there likely would be consequences. But I guess when someone has that much
164 money, he or she does not care about being sued.

165 Look, I enjoy a good prank like everyone else. I watch the funniest home video
166 shows and have a good laugh. I have seen stupid stuff done by actors “punkin” people.
167 These are all done in good fun with no harm, no foul. Parker took it to a whole different
168 level.

169 Langley Parker is setting a bad example. People see these stunts on popular online
170 sites and then want to go and either repeat them or try to outdo them. The result is they
171 get hurt, they hurt someone else, or they damage someone else’s property. That is one of
172 the main reasons why we need to get Langley Parker off the street and off the internet.

Lee Strad
Sgt. Lee Strad

Subscribed and sworn before me on this day, the 3rd of November, 2022

Beth Eckhardt

Beth Eckhardt, Notary Public

Affidavit of Terry Weaver

1 My name is Terry Weaver. I just lost my mom. I am 17 years old, and now I am
2 living with my Aunt Amy because Langley Parker had to have some fun. Langley went
3 out of the way to target us with one of those dangerous stunts. I am sick and tired of
4 Langley Parker's attitude, sense of entitlement for the "art," and all of that Parker money
5 to buy their way out of trouble. Well, that is not going to happen this time. This time it
6 went too far. This time Langley killed my mom.

7 We had run-ins with this "Director" before. It is kind of hard not to be affected by
8 Langley Parker's stunts in a city this small. I was the target of an earlier prank that
9 resulted in my broken ankle. While others may laugh about it, my mom and I decided to
10 do something about it. When the police said they could not charge Langley Parker with
11 any type of criminal thing over that stupid Zombie prank, we decided to sue the joker, not
12 only for my injuries but also for emotional distress. Langley tried to throw money at the
13 problem and make it go away. But we were not having any of it. Little did I know that the
14 zombie prank was just the warmup for the death of my mom.

15 It all started May 2nd, mom and I were walking downtown, headed to the
16 farmers' market. We like to park a few blocks away and walk the rest of the way to avoid
17 the traffic congestion. We were casually walking and chatting – not paying too much
18 attention to our surroundings. Mom saw a sign for some sort of sale and said she might be
19 interested in checking it out. As we headed down an alley, all of the sudden these strange
20 looking people jumped out after us. They were dressed all in rags with really pasty skin,
21 and they had a deranged look about them. They were growling or moaning or something
22 as they shuffled quickly toward us. I honestly thought we were going to be mugged by a
23 gang of weird people! I grabbed my mom by the arm and we started running away. In the
24 process of trying to escape; however, I slipped off the curb, fell into the street, and
25 severely broke my ankle.

26 While I was in really bad pain, my thoughts were to get mom away from the
27 zombie attackers. At that point; however, the creatures stopped and a few other people
28 emerged from where they apparently had been hiding and started to laugh and point. I
29 remember seeing Langley Parker, dressed in all black wearing this little beret thing.

30 Langley yelled “cut” and started to chuckle. All the while, I am lying in the street,
31 holding my ankle. I tried to get to my feet, but the pain was too much, and the break was
32 too severe to support any of my weight. Someone must have called 911 because shortly
33 afterwards I heard the sirens, and both an ambulance and a police car pulled up. The
34 EMTs were able to get me to the ambulance and off to the hospital for treatment. Mom
35 rode with me in the back of the ambulance. She was clearly shaken up by the incident
36 too. I later learned that Langley Parker was some sort of self-appointed director of web-
37 based video productions with a series called “Fear Springs Eternal.” I did a little research
38 later and found a whole list of really sick and creepy stunts played on unsuspecting
39 people – all for the purposes of amusing people surfing the web.

40 Well, mom and I were not amused. We resolved to shut Langley Parker down
41 once and for all. Obviously, we were going to have medical bills related to my ankle, and
42 not to mention the physical therapy. We definitely were going to sue Parker to pay for
43 those bills. I also know that a person can sue someone who injures them for pain and
44 suffering as well. I watch those TV lawyer shows too. So mom and I contacted a local
45 lawyer for advice. The lawyer stated we might want to try and work out a settlement with
46 Langley Parker and the production company before filing a lawsuit.

47 Mom called the phone number from the website and finally got in touch with an
48 assistant who told us Langley Parker would be in touch with us soon to meet and try
49 working out a settlement. It took several weeks after the incident in early May to get an
50 initial meeting with Parker’s office. We were finally contacted again by Parker in late
51 June about the final settlement meeting. Mom received an email marked as Exhibit #4,
52 inviting us to stop by the production company’s office, located at 405 Laurel Street on
53 Thursday, July 7 at 10 a.m. That is in fact where we were headed when Langley Parker
54 killed my mom. It was while we were going to Langley’s office that we fell prey to that
55 elevator prank. Clearly, Langley had no intention of meeting with us that day. Langley
56 could not resist setting us up one more time for the thrill of all thrills for all of those web
57 viewers.

58 When we arrived at the office building located at 405 Laurel Street, right on time
59 – mom was always a stickler for promptness – we found that one bank of elevators was
60 out of order. There was a sign on the elevators to that effect. Obviously, I could not climb

61 the stairs to the third floor where the production offices were located since I was still on
62 crutches. Mom was already upset, and this just made it worse. Fortunately, we saw
63 another elevator – or so we thought – off to one side of the lobby. I figured this must be
64 the freight elevator put into service for the public while the main elevators were being
65 serviced.

66 We pressed the “up” button and waited for the elevator to arrive. When the doors
67 slid open, we stepped inside. The elevator was fairly large, but also quite dark. There was
68 only one small bulb hanging from the ceiling – again consistent with my thoughts that
69 this was merely a freight elevator. Mom was standing slightly in front of me. She pressed
70 the button for the third floor and the doors closed shut.

71 The elevator started to vibrate slightly – making us think we were actually going
72 up. But then the vibrations became a series of jolts. The light flickered and then it went
73 dark. The elevator continued to rumble and bump. I thought I felt a rush of air behind me
74 while the elevator was still dark. I reached for my mom’s hand but could not find it in the
75 dark. All of sudden, the light came back on. I sensed something behind me and then
76 heard in a creepy voice, “no escape.” I turned around and saw a ghostly figure, dressed in
77 this glowing white gauzy material, very pale, very still. I screamed at the image and tried
78 to hobble toward the front of the elevator to get away from this ghostly figure and to
79 protect mom. However, mom took one look at this ghost in the elevator and collapsed. At
80 first, I thought she fainted. She was crumpled on the floor of the elevator. The rumbling
81 and bumping continued; the light went out again momentarily. When it came back on a
82 few seconds later, the ghost figure was gone. The elevator doors slid open at the same
83 lobby floor where we started. I screamed to the people in the lobby to call for help
84 because Mom was lying on the floor not moving and not breathing! The next thing I
85 knew, the ghost that scared us was trying to give mom CPR.

86 I really cannot say much more about what happened next. I know the police and
87 EMTs arrived. I am glad they showed up. I did not call them. I believe the officer on the
88 scene may have been the same police officer who responded to my ankle injury back in
89 May. As I was being led to the ambulance for treatment for shock after mom died, I
90 noticed the very recognizable figure in black, complete with beret – Langley Parker.

91 Langley had a perplexed facial expression while talking on a cell phone. I sure hope
92 Langley was calling for a defense lawyer after killing my mother!

93 In all of our run ins with Langley Parker after my ankle injury, we always seemed
94 to get shuffled off to one assistant or another. Langley Parker struck me as arrogant,
95 smug, and filled with a really inflated sense of self-importance. First, there is the get-up
96 Langley Parker always seems to be wearing – we are not in France! Take the beret off!
97 Why the European look? Then there is the way Langley speaks to try and impress
98 everyone around. I tell you, Langley Parker oozes creepiness.

99 I remember seeing a short profile in one of those throw-away newspapers about
100 Langley Parker and their production company. The paper described some of the various
101 stunts filmed by Parker. There was a lot of mumbo jumbo about “exploring the human
102 condition” and all that stuff. Come on now, this was just an entitled, rich snob looking to
103 get a good laugh at the expense of unsuspecting people. Langley Parker only wants to act
104 all superior and laugh at us. This was not about serious academic research or about
105 premier filming. Instead, this was entirely about getting laughs and getting paid. Well,
106 murder is not funny!

107 Now Langley Parker has to pay for what was done to my mom.

Terry Weaver

Terry Weaver

Subscribed and sworn before me on this day, the 3rd of November, 2022

Beth Eckhardt

Beth Eckhardt, Notary Public

Affidavit of Drew Watson, M.D.

1 My name is Dr. Drew Watson. I am 42 years old, and I am currently the
2 Director of the Randall Cardiology Center at Fitz Hospital. My background and training
3 is in the field of cardiology. Essentially, I am a heart doctor. I have attached a current
4 curriculum vitae (CV) marked as Exhibit #5 with a few more noteworthy and case-related
5 articles highlighted.

6 I am a protégé of Dr. Blair Brooks, Chair of Cardiology at the Women's
7 Hospital in Boston. Dr. Brooks is affectionately known as the “death doctor” among
8 colleagues for his research and stories of sudden eccentric deaths. It was while studying
9 with Dr. Brooks that I developed my interest in stress cardiomyopathy, or what is more
10 commonly known as Takotsubo Cardiomyopathy Syndrome. There is a diagram of
11 Takotsubo Cardiomyopathy Syndrome marked as Exhibit #2. This syndrome is a rare
12 response to stress stimuli. I see perhaps one or two cases within the approximate average
13 of 500 patients I see in a year. Including my work with Dr. Brooks and others in research,
14 I have experience in more than 250 stress cardiomyopathy cases.

15 Every creature has a natural protective mechanism called the “fight-or-
16 flight” response. If, in the wild, an animal is faced with a life-threatening situation, the
17 automatic or involuntary nervous system responds by increasing heart rate, increasing
18 blood flow to the muscles, dilating pupils, and slowing digestion, among other things. All
19 of this increases the chances of succeeding in a fight or fleeing situation, say, with an
20 aggressive jaguar. This process certainly would be of help to primitive humans, but the
21 problem, of course, is that in the modern world there is a very limited advantage of the
22 fight-or-flight response. There is a downside to revving up your nervous system like this.

23 The automatic nervous system uses the hormone adrenaline, known as a
24 chemical messenger, to send signals to various parts of the body to activate the fight-or-
25 flight response. This chemical is toxic in large amounts; it damages the organs such as
26 heart, lungs, liver, and kidneys. It is believed that almost all sudden deaths are caused by
27 damage to the heart. There is almost no other organ that would fail so fast as to cause
28 sudden death. Kidney failure, liver failure – those things kill a person slowly over time.

29 Adrenaline from the nervous system lands on heart muscle cells, causing
30 calcium channels in the membranes of those cells to open. Calcium ion rushes into the
31 heart cells causing the heart muscle to contract. If it is a massive overwhelming storm of
32 adrenaline, calcium keeps pouring into the cells, and the muscle cannot relax. As one
33 may expect, adrenaline levels in people with stress cardiomyopathy are two to three times
34 higher than people having regular (but severe) heart attacks – and 7 to 34 times the levels
35 in healthy people.

36 There is a specially adapted system of muscle and nerve tissue in the heart,
37 which sets the rhythm of the heart. If this system is overwhelmed with adrenaline, the
38 heart can go into abnormal rhythms that are not compatible with life and the person will
39 drop dead. So, the same thing that helped our ancestors run away from that hungry jaguar
40 can be a silent killer of some people today.

41 Fear can cause a classic heart attack in people who are already at risk. A
42 person who is walking around with a 50% narrowing of the arteries may never have
43 symptoms, but if a person is held up at gun point or narrowly misses as an auto accident,
44 his or her adrenaline levels can rise and destabilize plaque. The ruptured plaque can cause
45 a blood clot to form and then that person has a 100% blockage causing death.

46 In most cases, the deadly heart rhythm is probably ventricular fibrillation
47 that causes these sudden deaths from fear. Ventricular fibrillation basically causes the
48 ventricles or the lower chambers of the heart to vibrate in a way that hampers their ability
49 to deliver blood to the body. Ventricular fibrillation is thought to cause approximately
50 75% of the 325,000 cases of sudden cardiac death – heart attacks – in the United States
51 each year. A lot of people do not realize that this condition strikes women much more
52 often than men, and most of those women are approximately 50+ years old, causing them
53 to react differently to elevated adrenaline levels. There is also evidence that some people
54 are genetically predisposed to stress cardiomyopathy. These genetic studies are in their
55 early stages, so we likely will not have many answers for quite some time.

56 A predisposition to heart disease would probably increase the risk of
57 sudden death, but it happens at all ages and can happen to otherwise healthy people. Fear,
58 of course, is not the only emotional state that could lead to these fatal heart rhythms. Any
59 strong positive or negative emotion – such as happiness or sadness – has the potential to

60 trigger abnormal heart rhythms. Admittedly, the risk of sudden death from fear of any
61 emotion is low for most people. It is a documented problem, however. There was the case
62 of a golfer who hit a hole in one, turned to his golfing partner and said “I can die now”
63 and then dropped dead. A study in Germany found an increase of sudden cardiac arrests
64 on the days that the German soccer team was playing in the World Cup. And, for about
65 seven days after the 9/11 terrorist attacks on the World Trade Center and Pentagon, there
66 was an increase of sudden cardiac deaths among New Yorkers.

67 There are hundreds of reports of people who died suddenly in frightening
68 situations – victims of mugging or break-ins whose assailants never touched them;
69 children who died on amusement park rides; car accident victims who sustained only
70 minor injuries; even a man who jumped off the roof of a hospital but died before he hit
71 the ground.

72 Stress cardiomyopathy, the fear related heart problem that affects healthy
73 people, was first described by Japanese physicians in 1990 and dubbed “Takotsubo
74 Syndrome” – after Japanese octopus traps, because patients’ hearts took on an odd shape
75 similar to the trap. The heart balloons in the midsection and tip (apex) of the left ventricle
76 and contracting normally in the base.

77 One of the most well-known syndromes throws off the balance between
78 the heart’s tubes and muscles. Doctors in Japan noticed that people who had persistent
79 stress, pain, agitation, or fear, came in with symptoms of a heart attack. These were
80 relatively healthy, young people. When the doctors looked at one of these hearts, they
81 noticed that one of the chambers in it was grossly distended. Some doctors might have
82 looked at the widened chamber and seen an eggplant or a light bulb. These doctors saw
83 what looked like tako tsubos – traps that fisherman used to catch octopus. Therefore, they
84 called what the patients were experiencing Takotsubo Cardiomyopathy Syndrome.

85 Most patients with Takotsubo Cardiomyopathy Syndrome recovered.
86 Some; however, had cases that so disrupted the normal rhythm of their hearts that they
87 died from the disease. Sometimes, the ventricles – the main pumping chambers of the
88 heart – actually rupture. This, layered with the emotional stress, earned the problem the
89 nickname “Broken Heart Syndrome.”

90 Extreme shocks can kill people who otherwise seemed healthy. Consider
91 Jackie Weaver's situation. As indicated in the police report marked as Exhibit #3, Ms.
92 Weaver was trapped in what she believed to be an elevator, which is equivalent to a
93 violent capture scenario. The curse of humanity is that our emotions tend for us to
94 interpret non-capture situations the same way a zebra trapped in an enclosure with a
95 large, intimidating animal might. Financial collapse, the death or significant harm to a
96 loved one, being trapped in a situation that triggers phobia, or repeated abuse at school or
97 work trigger the same physical response that animals get in what they perceive as life-or-
98 death situations without any hope of escape.

99 People who feel trapped experience capture myopathy, the same way that
100 animals do. The body pumps out the same cocktail of drugs that, in the short term, give
101 muscles a burst of energy to fight or flee, but in the long term run or when overdone,
102 simply rips them apart. Thus, in the long term, the stress continues without any decrease,
103 and the body just shuts down. A person can be literally scared to death.

104 That is certainly my finding in the death of Jackie Weaver. According to
105 the Coroner's report, marked as Exhibit #1, the deceased was a 57-year-old woman with
106 no significant history of cardiac stress or any previous stress related anxiety attacks. She
107 presented with the classic takutsubo heart deformity, and blood screens taken postmortem
108 demonstrated elevated levels of adrenaline. Without a doubt, Ms. Weaver was scared to
109 death. She was already in a state of agitation because she was about to confront someone
110 who had injured her child and was then placed in a classic fight-or-flight situation from
111 which there was no means of escape. Her heart was immediately and unexpectedly
112 flooded with adrenaline at toxic levels, which overwhelmed her cardiac system.

113 I have testified in a few other cases where a victim was scared to death in
114 much more understandable ways. For example, when a robber pointed his weapon at a
115 convenience store clerk. Another case involved a fugitive hiding in the basement of a
116 house. The shock of knowing that a criminal was in her house was enough to scare her to
117 death. In both of these instances, the fright was administered in the commission of
118 another crime. I guess that might make a difference in the law. In my mind however,
119 what happened to Jackie Weaver was just as shocking – and just as fatal. Ms. Weaver
120 was a healthy adult woman with the prospect of at least 20 more productive years ahead

121 of her. For a life like that to be cut short because of a prank designed simply to entertain
122 is surely a criminal act.

Dr. Drew Watson

Drew Watson, M.D.

Subscribed and sworn before me on this day, the 3rd of November, 2022.

Beth Eckhardt

Beth Eckhardt, Notary Public

Affidavit of Langley Parker

1 My name is Langley Parker. I exist in the moment, but if you must know a physical
2 address, I reside in East Village in Crowson, Oregon. I am 37 years old. I am a visual writer of
3 the human condition, one who holds up a mirror of what is inside us all – the messenger of the
4 next stage of living art – if you will. I am what is considered a director of film. Since the first
5 time I held a camera, I have sought to push the boundaries of society and humanity to achieve
6 artistic greatness. While some “directors” make their little blockbusters, I produce art which
7 transcends time and brings forth the true nature inside everyone’s soul. I capture society’s fear.

8 Unless someone has been living beneath a rock these past few years, my work is quite
9 well known. The FearForLifeFactory.com is littered with my passion pieces. If hits were dollars,
10 I could own half the world by now. Simpletons call them pranks. A prank is what a five-year old
11 does with a farting bag to be amused. I am an artiste. You see, fear is the only time man reveals
12 his true self. When someone is afraid, truly afraid, you can see right into their soul and know
13 who they truly are. That is what I do. Each time I pick up my camera, I go for a bigger scare, so
14 that humanity can come to understand itself. To this day, I have created at least 50 different
15 works of art, each bigger and better than the last. Others out there have “attempted” to follow my
16 lead and top me, but after watching their “videos,” I know only I can top myself.

17 I am an artiste; a student of the human condition – pushing the limits of raw human
18 emotion and documenting so all may share in this investigation of our humanity. Without the
19 restraints of commercial television or corporate film projects, I can explore more freely the true
20 nature and honest reaction to stimuli and capture the rawness of emotional response. I am the
21 *Frightmaster*.

22 Stage and studio would defeat the purpose of our exploration. I need an authentic
23 environment to show the connection between the predictable, the stable, the unknown, and the
24 uncertain. While the artist in me craves to see authentic reaction to something like that, I do
25 know the limits. And believe me, the elevator set up does not come anywhere close to
26 overstepping the limits. There is nothing inherently dangerous in any of my productions. In fact,
27 I take a lot of care to ensure that no one is placed in any physical harm. I employ paid actors, I
28 have complete control over my staff, and I know everything I need to know in order to ensure a
29 safe workplace environment.

Each of my projects involves much planning and, often, elaborate set pieces and designs. I bring out people's inner truth through various means: zombies, darkness, fire, extraterrestrials, heights, serpents, and more. Just go to my FearForLifeFactory.com page to see all that I have accomplished.

Some pieces involve the use of multiple actors, most of whom I discard afterwards to keep things fresh for the next project. The only actor I have chosen to keep around since the inception of my fear series has been Avery Mitchell. In my first piece, involving a severed head floating on the surface in a faux lavatory, Avery only needed to sit beneath the fake toilet and stick their head up into the water. A simple task which I have to admit Avery succeeded at quite well, though it is not hard to just close one's eyes and pretend to be dead. In need of another actor for my follow-up piece, I rehired Avery to play a killer clown. Avery did not let me down. Since then, I have rehired Avery for each project with the promise that it will be the last if Avery fails to escalate the performance from the previous one. Avery has yet to let me down.

In the winter of 2021, I conceived and designed a series of pieces that I collectively titled "Fear Springs Eternal" – a true and intense exploration of the nature of fear to be filmed consecutively throughout the spring and early summer of 2022.

The authorities have discussed my art with me before. One officer in particular, Sgt. Lee Strad demanded that I cease working. I believe Sgt. Strad referred to them as "freaky pranks." Sgt. Strad was convinced that someone was going to get hurt, but great art sometimes takes sacrifice. Sgt. Strad is boorish and could not tell art from an aardvark. At first, I tried to explain to Sgt. Strad what I was doing, but I was waived off like I was some street show lunatic, so I did not heed any further advice or commands from Sgt. Strad. One of my more recent interactions with Sgt. Strad was before this incident in May, when I conducted my undead orchestra, the zombie chase. We also butted heads during my Hotel Phantom Dance. I believe we first crossed paths last year during a set up for one of my "meat is dead" episodes filmed at a local grocery store. At that time, they tried to arrest me for trespass, criminal mischief and some other trumped-up charges. Fortunately, the owner and manager of the store recognized my art and refused to-press charges.

For the zombie chase, I hired multiple actors, all whom dressed in disgusting garb and decaying makeup to appear "zombified," if you will. I set up my cameras at multiple locations and recorded the natural majesty that followed. People walked down the alley looking for a sale I

61 had advertised. As they got near the end of the alley, my zombies began to lumber toward them.
62 When the people began to realize what was coming after them, they would scream and run away,
63 and my zombies would follow them. That particular video had the most hits in a day record on
64 FearForLifeFactory.com. The only problem was that one of the participants tripped and broke a
65 leg or something. The only thing to trip on in the alley was the street, a curb, or someone's own
66 legs. It was not that bad of an injury, but the injured participant tried to claim it was devastating
67 or some nonsense like that. The family threatened a lawsuit, but I have had my staff work with
68 them to negotiate a reasonable settlement. I do not believe I am at fault at all, but I cannot be
69 bothered by the mundane.

70 My most recent project is my masterpiece. In short, I wanted to test multiple fears that an
71 individual many have: confined spaces, darkness, elevators, and death. Participants would enter a
72 fake elevator I had constructed based on my own brilliant designs. The elevator would make the
73 participants feel as if they were ascending, but, in reality, they were staying still. Then the light
74 would begin to flicker and the elevator would rock and shake violently. Using this as a
75 distraction, Avery would slip through a hidden back door dressed as a ghostly figure. Avery's
76 make-up was designed to appear as if Avery had died in the elevator. When the participant
77 would finally see Avery, Avery would whisper, "No escape!" Then the single light would flicker
78 and go out again, the elevator would shake, and Avery would slip back out. Then the elevator
79 would seem to slow to a stop at the destination floor, which was of course just the same floor
80 they got into the elevator, and another actor would come up and yell at the person for going into
81 a broken elevator and point to a sign we posted after the participant got into my elevator.
82 Multiple cameras and microphones were set up to capture every scream, squeal, and cry. It was
83 going to be beautiful, more beautiful than anything I had ever seen. We had done a few takes of
84 the scene that morning. The footage was going to be fabulous until that unfortunate incident with
85 Jackie Weaver. It was July 7th and my masterpiece was already underway when the Weavers
86 came walking onto the scene.

87 Obviously, I had conversations with both Jackie and Terry Weaver about a possible
88 settlement over Terry Weaver's fall during my Zombie piece. I believe; however, that we may
89 have only met face to face on two occasions – at the Zombie piece itself and at an initial attorney
90 conference meeting to set up the settlement talks. Jackie Weaver was all up in my face at the
91 Zombie piece about hurting her precious child. She knew nothing about art – accidents happen! I

92 was completely unaware that my staff had set up a meeting with the Weavers on the morning of
93 July 7 at my production office. Yes, Exhibit #4 is an email that was apparently cc'd to me, but I
94 do not pay attention to emails from staff.

95 I was watching from my production booth when I saw Jackie and Terry Weaver walk in
96 the door. This was fate. I asked myself just then, "How similar or different were parent and child
97 in their fear? How similar were their souls?" I called for Avery, who could hear me through an
98 earpiece, to say we were a go for a new scene. Avery was the only person who could hear me
99 through the earpiece. I do not recall exactly what I said to Avery, other than it was a green light.

100 So the scene began as they all did. The Weavers entered my elevator and believed they
101 were ascending. The light flickered, the elevator shook, and Avery began the performance. I
102 have bared witness to many reactions to my art. I have seen all sorts of fear, and the reaction by
103 Jackie Weaver did not seem out of place. Terry screamed and leapt back, while Ms. Weaver
104 collapsed to the ground. I thought she had simply fainted when she did not rise again. Once the
105 scene was over, Avery ran from behind the scenes, out into the lobby, and to the front of the fake
106 elevator. I saw Avery shake Ms. Weaver, but there was no response. I was furious that Avery
107 would break character! I shut down the filming and stormed in there ready to fire Avery. That is
108 when people were yelling to call 911. But, by then it was too late.

109 When the police and EMTs arrived, there was much chaos and confusion. I attempted to
110 conduct my business as usual, but Sgt. Strad came over and began to scream at me. Something
111 about "I warned you this would happen!" – or something like that. I really was not paying close
112 attention. Again, Sgt. Strad is a boor and not worth my time. When Sgt. Strad demanded to know
113 why I did it, I replied in truth, "You cannot stop art." I am not sure what Strad's reaction was, I
114 was more concerned about getting the film up to my production studio and begin editing.

115 A few days later, Sgt. Strad showed up at my office and handcuffed me like some gutter-
116 trash criminal. I demanded to know what I had done, and Sgt. Strad said that I killed Jackie
117 Weaver and that I was being charged with Manslaughter!? I told Sgt. Strad that was ridiculous. I
118 was read me my Miranda rights, and I chose not to say anything other than the charges were
119 ridiculous. What happened to Jackie Weaver was unfortunate, but it was clearly not my fault. I
120 do not cause a person's reaction; I only facilitate and capture it. There are things I can control.
121 My vision, my art, my staff, my legacy as a mirror to the human condition. Then there are things

122 beyond even my control. I cannot control the muscles in a person's heart, nor can I force
123 someone to have a coronary. I am a visionary, not a murderer!

Langley Parker
Langley Parker

Subscribed and sworn before me on this day, the 27th of November, 2022.

Beth Eckhardt
Beth Eckhardt, Notary Public

Affidavit of Avery Mitchell

1 My name is Avery Mitchell. I live in Crowson, Oregon. I am 24 years old,
2 and I am an actor. I am not some person waiting tables while hopping from audition to
3 audition wishing to make it big. I have plenty of gigs. For a while now, I have been
4 working for Langley Parker as the lead actor in some scare projects for a film series
5 titled, “Fear Springs Eternal.”

6 For some, acting is something they fell into, or do just for the fame and
7 fortune. For me, acting is in my blood. Both of my parents were actors. My mom often
8 had small roles in local theater, and my dad, since he was never there, played the role of
9 the ghost in my life. I started acting in grade school and have kept at it ever since. I have
10 done a few commercials for various products and infomercials. I did an episode for a real
11 crime show playing the murderer in a reenactment. Maybe you saw me? I have done
12 some stage work too, including a play that was off, off Broadway during my push to the
13 Big Apple. So, I have had plenty of work.

14 In my teens, I did a lot of work in haunted houses, towers of terror, and
15 other Halloween-related projects. I have come to know the risks associated with being on
16 the front line of these staged events. I have been chased, punched, bitten, pepper sprayed,
17 threatened with a taser, and so much more. It is incredible to see how different people
18 react to different situations. A director sees through the lens. I, on the other hand, witness
19 first-hand the reaction and the emotions.

20 I met Langley Parker when I auditioned for his/her first project in Crowson.
21 In it, I played the disembodied head of a victim of some gruesome bathroom murder, or
22 so it would appear to those coming into a fake bathroom that Langley set up. It was
23 difficult work. Who expects a head to be floating in a toilet? For the effect, I sat in an
24 incredibly uncomfortable position for hours with my head poking up through a fake
25 toilet. As soon as I heard someone enter the bathroom, I would submerge my head and
26 hold my breath. I had a fear that someone would forget to look down and see my
27 disembodied head in the bowl before they sat down. Fortunately, everyone looked down
28 first and they got out of there quickly when I opened my eyes and stared at them. After
29 that, Langley was so impressed with my work, I was hired on as a permanent addition to
30 the crew. It is not the greatest work, but it is steady. It pays pretty well, and it gives me

31 some exposure on a few popular websites. Like any actor, I am looking for a big break. I
32 am hoping to get noticed. I got a few jobs off of them too. This is just a stepping stone
33 onto bigger and better things, but it is something I need right now for my career. It will be
34 a fascinating part of my story when the entertainment channels air my biography. That is
35 not to say I do not take this seriously. I am a professional, and I put myself out there each
36 and every time. I have been clowns, zombies, ghosts, and other scary creatures. I feel
37 each time; I raise the bar of my craft. Besides, it can be fun dressing up and scarring the
38 fool out of someone. It does not hurt that real fear reactions make for very popular
39 videos.

40 This type of acting is not perfect. There have been incidents. Once, a guy
41 sucker punched me after I almost made him wet his pants. If it had not been for his
42 buddies pulling him off, it could have been bad. Another time, a lady pepper sprayed me
43 in the eyes. Langley said to use the red eyes to my advantage and keep the piece going
44 for a few more people. I could hardly see by the end of the filming. So, I have had to get
45 good at judging how people are going to react, if not just for the fact that I really do not
46 enjoy being hit and sprayed in the face. I can tell how someone is going to react to a
47 particular performance. I can usually gauge how far is too far to play the scene.
48 Sometimes, Langley likes to push it past the limit when I think we ought to stop. But,
49 Langley is the director, and I have to do what I am told. For the most part, it has turned
50 out okay and has never really gotten too far out of hand.

51 No one has ever really been hurt too seriously on the set. There was the
52 incident during the zombie chase though. I had done a project like this in Washington,
53 D.C. awhile back. That one was described as a flash freak – essentially a flash mob with
54 zombies. So, I was pretty familiar with the approach. In this project, I was dressed up like
55 a zombie, along with a few other actors, and when people came down the alley where we
56 were set up, we would hobble after them and keep going until they reached the end of the
57 alley. So, during one of the takes, I was chasing these two people, who I later found out
58 were the Weavers. They came down the alley where we had set up the shoot. Terry
59 Weaver tripped and broke an ankle. I did not see anything on the ground for Terry
60 Weaver to have tripped over. Terry looked to be in a lot of pain, so I helped Terry to
61 his/her feet and some of the production crew called 911 and ended up getting Terry to a

62 hospital in an ambulance. Terry was pretty upset and kept muttering about suing us and
63 making us pay and stopping us from doing this again. I think Langley is currently trying
64 to settle this out of court. Langley was really mad about the whole thing; not merely upset
65 – but angry. Langley Parker really does not like being questioned and s/he took the threat
66 of a lawsuit as an insult. I do not really know much about the lawsuit. Langley never
67 really talks about it with me. All Langley talks about is the next project and living for
68 his/her work.

69 The latest project took place during the week of July 3, 2022. I really do
70 not know exactly how Langley set up the elevator, but it was pretty cool. Langley must
71 have spent weeks dreaming it up and having it built. The crew could make the elevator
72 rattle to give the impression it was moving. They also controlled the single light so that I
73 could slip in and out through a hidden panel in the back undetected. Langley had me
74 dress up as a ghost. I had some make up that made my face look like it had been
75 smashed. The backstory I had for my character was that I had been killed in a crashed
76 elevator on the way to get a promotion. And now the ghost – really me – tries to prevent
77 others from interviewing for my job. Creepy, huh?

78 There is a fail-safe in our scenes. In this situation, we had an actor playing
79 a custodian who would remove the out of order signs on the real elevators and inform the
80 targets that the auxiliary elevator is no longer in service and to use the working elevators.
81 The custodian would go and do this if there was a family with small children or, say, a
82 frail, elderly person. We can abort any scene at any point – even when the light goes out
83 in the fake elevator. We can always decide when to go or not go with the stunt. Langley,
84 as the director, was in charge of aborting the scene.

85 Anyways, I wore a little earpiece so Langley could give me directions as
86 necessary and give me my cue to enter the elevator. I also had a closed-circuit screen in
87 the back so that I could hit my mark on time. I had done a few takes already on July 7
88 before the Weavers came into the elevator. The reactions were what we expected when
89 we let the first few people know they were being filmed and they laughed it off. I
90 remember right before the Weavers got in the elevator, Langley whispered in my earpiece
91 to give this one absolutely everything I had and not hold back. Langley told me this had
92 to be my scariest performance ever, or else I would be fired. I cannot count how many

93 times Langley said I would get fired. This was a way to motivate me. Langley was very
94 insistent and told me at least three or four times to really sell this one. Langley seemed
95 genuinely excited by the particular people – more than usual. I initially did not recognize
96 the Weavers. I have encountered hundreds of people in the process of filming this series.
97 As a professional, I try to block out everything except my craft. In the moment, I heard
98 all of this as encouragement, a director trying to pump me up as an actor for a really good
99 scene. Upon reflection, maybe it was something more. In any case, I always give a scene
100 my all.

101 A black mark in my acting career is not something I need, not when my big
102 break is just on the horizon. So, I put on the performance of my life. I entered and moved
103 toward the younger person, I guess that was Terry Weaver. It was really intense. I knew I
104 was convincing as I was saying, “no escape.” I could tell from facial expressions that
105 Terry was really freaked out. I started to back off a little, but Langley told me through my
106 earpiece to keep going, so I did. That is when the older of the two, Jackie Weaver, started
107 gasping for air and shaking a little. This was not your usual scare. I saw her clutch her
108 chest and collapse. I finished the scene with a quick exit through the hidden panel, but as
109 soon as the elevator door was open, I rushed around to see if I could help. In my work at
110 haunted houses and in other situations, I have seen people faint. I figured that was the
111 case here. But she did not get up, so I got down and checked her pulse. I felt nothing.

112 Langley came in pretty frantic. I am not sure whether Langley was upset
113 about the film or Jackie Weaver on the floor. Langley was screaming about something,
114 but I was concentrating on trying to do CPR. I yelled for someone to call 911. Obviously
115 someone did call 911, but by the time the EMTs arrived, Jackie Weaver was dead. I was
116 pretty broken up about it, so I tried to excuse myself, but Sgt. Strad told me I had to
117 discuss what happened before I could leave. Sgt. Strad saw that I was really upset. I know
118 Sgt. Strad spoke to Langley on previous occasions about other film projects, but Langley
119 told me it was taken care of ages ago. So, I told Sgt. Strad what happened, and Sgt. Strad
120 charged over to Langley to ask more questions. I left and did not listen to the heated
121 conversation between Sgt. Strad and Langley.

122 I heard a week or so later, I am not sure when, that Langley was arrested. I
123 was stunned. I mean, what am I supposed to do now? I gave up a toothpaste commercial

124 to be in Langley's next project. Now what? I mean it was really sad about what happened
125 to Jackie Weaver, but I do not think Langley killed her. If I ever need to cry on camera, I
126 will just think back to that day. But Langley did not do anything wrong. It was just a
127 video. The people in them tend to laugh it off later and are actually pretty proud that they
128 have a starring role in a popular video on the web. I have never had anyone die on me
129 before. Not even close. Although I try to be as scary as I can be, I guess I never realized
130 that I was so convincing.

131 I was approached by Langley Parker's attorney to testify on Langley's
132 behalf, which I am doing voluntarily. Yes, Langley is completely self-obsessed and can
133 be difficult to deal with, but I do not think Langley would have deliberately tried to kill
134 anyone.

Avery Mitchell
Avery Mitchell

Subscribed and sworn before me on this day, the 27th of November, 2022.

Beth Eckhardt
Beth Eckhardt, Notary Public

Affidavit of Jesse Brice, Ph.D.

1 My name is Dr. Jesse Brice. I am a Professor of Social Psychology at Blackstone
2 University. My primary research interests are in the area of the culture of fear. As
3 indicated in my curriculum vitae, also known as my CV, which is marked as Exhibit #6, I
4 have an extensive background and publications in this area. In addition to my status as a
5 professor, I also direct the Anxiety and Phobia Center on the Blackstone campus – one of
6 the premier research and diagnostic centers in North America focused on fear. I have
7 been called one of the foremost in academics on the topic of fear.

8 I was asked to provide my expertise in this case. Now, I am not a lawyer, so I will
9 not pretend to provide any legal background. However, I can provide some information
10 on the nature of fear, anxiety, and phobias. I have reviewed all the relevant materials
11 from the case file, to include the 911 report marked as Exhibit #3 as well as the Coroner's
12 report marked as Exhibit #1. In preparation for trial, I have had lengthy conversations
13 with Langley Parker. In efforts of full disclosure, I admit that I am a big fan of Parker's
14 work. Parker has provided an on-line forum for new areas of social-psychological
15 research into the nature of fear and more generally the human condition. I follow Langley
16 Parker on social media, although we had not met face-to-face before. We are friends of
17 social media, and, of course, I am familiar with Parker's video posting website
18 FearForLifeFactory.com.

19 As I said, I have reviewed the Coroner's report, which is a part of this case. I do
20 not dispute the Coroner's finding that Jackie Weaver died as a result of frightening
21 stimuli. These cases are rare, but they do exist. I have addressed these topics in a number
22 of my course lectures. I guess I can add this case to a lecture in the future? Takotsubo
23 Cardiomyopathy Syndrome is not seen every day. A good diagram of what this looks like
24 is marked in Exhibit #2, showing a normal muscle and a muscle attacked with adrenaline
25 causing Takotsubo Cardiomyopathy Syndrome. I do not believe that anyone can predict
26 with any certainty a subject's reaction to fright stimuli. We simply do not know enough
27 about what motivates each individual's mind into a fight-or-flight trigger. Different
28 people react differently to various stimuli – some people are afraid of the dark, others are
29 afraid of spiders or snakes. We are not sure what reactions will emerge when confronted
30 suddenly and unexpectedly by those stimuli.

31 Obviously, there are physical conditions that intensify a fear response. Clearly
32 someone in a frail health or with a pre-existing condition might be more susceptible than
33 a healthy, younger person. That does not seem to be a factor in this instance. But, there
34 are anecdotal reports of active, healthy, young people suddenly dropping dead – in part as
35 a result of extreme stimuli. There are reported instances where a golfer who hit a hole–
36 in–one suddenly dropped dead from the excitement. Similarly, there are reported cases of
37 bowlers who throw a perfect game dropping dead immediately after. We have all heard
38 of rare circumstances where a bride or groom suddenly dies of happiness. These are all
39 very real, very rare, and very unpredictable.

40 In psychological terms, fear is an emotion induced by a perceived threat which
41 causes entities to quickly pull far away from it and usually hide. It is a basic survival
42 mechanism occurring in response to specific stimuli, such as pain or the threat of danger.
43 In short, fear is the ability to recognize danger leading to an urge to confront it or flee
44 from it (the fight-or-flight response), but in extreme cases of fear (horror and terror) a
45 freeze or paralysis response is possible.

46 There are clear physiological changes that occur in the body when experiencing
47 frightful stimuli. These include an increased heart rate, rapid breathing, tenseness or
48 trembling of the muscles, and increased sweating. I have not seen any observational
49 evidence that people actually enjoy the emotional experience of fright. Instead, I see
50 evidence that people are enjoying other things that go along with this experience and
51 exhibit some exhilaration like relief after the episode passes.

52 Fans of the horror film genre, for example, keep coming back for more. One
53 reason is a phenomenon known as “excitation transfer.” When scared, the body
54 undergoes a spike in heart rate, breathing rate, and muscle tension; among other
55 involuntary responses. And, that kind of arousal is not necessarily pleasant, but when the
56 extreme sense of excitement wears off, it is replaced by an equally intense sense of relief,
57 and those positive feelings are stronger than they would be otherwise. A sense of mastery
58 can also come from enduring a frightening situation and emerging triumphant.

59 People may remember a haunted house at Halloween or a scary movie and they
60 think, “I really felt good after that.” They are remembering the intense positive emotions
61 they had afterwards, not necessarily that they enjoyed the feeling of fear at all. There was

62 something about the experience they remember as good, even though they know there
63 were negative things too. That is, fear can lead to a benefit.

64 The emotional response to fear is highly personalized. Some people are adrenaline
65 junkies – thriving on extreme sports and other fear –inducing thrill situations. Others
66 have a negative reaction to the feeling of fear – avoiding fear-inducing situations at all
67 costs. Although the physical reaction is the same, fear may be perceived as either positive
68 or negative.

69 Fear is a powerful and primitive human emotion. Humans evolved to be fearful. It
70 alerts us on the presence of danger and was critical in keeping our ancestors alive. The
71 nervous system has been evolving for thousands of years into the modern humans we are
72 today.

73 Basically, in evolution there are two kinds of mistakes. First, there is the situation
74 where one may think there is a lion in the bushes but there is not. Second, someone may
75 think the coast is clear, but there really is a lion about to pounce. These mistakes have
76 very different consequences. The first one merely makes the person anxious; the second
77 one will make the person dead. That is why Mother Nature wants everyone to make the
78 first mistake a thousand times over in order to avoid making the second mistake even
79 once. Consequently, the body generally reacts more intensely to negative stimuli than to
80 the equally positive ones.

81 Negative stimuli produce more neural activity than do equally intense positive
82 ones. A negative stimuli is also perceived more easily and more quickly. For example,
83 people in studies can identify angry faces better than happy ones; even if they are shown
84 these images so quickly (just a tenth of a second or so), that they cannot have any
85 conscious recognition of them. The ancient fight–or–flight system of the brain still will
86 be activated by the angry faces.

87 The alarm bell of someone’s brain – the amygdala – uses two-thirds of its neurons
88 to look for bad news; it is primed to go negative. Once it sounds the alarm, negative
89 events and experiences get quickly stored in memory – in contrast to positive events and
90 experiences, which usually need to be held in awareness for a dozen or more seconds to
91 transfer from short term memory buffers to long-term storage. In layman’s terms, the
92 brain is like Velcro for negative experiences, but Teflon for positive ones.

93 The idea of fear has evolved with mankind. It has become thought of as intensely
94 personal; something that each individual must confront and overcome individually rather
95 than as a group.

96 Let me give you an example of cultural fear. In Chinese and Japanese cultures, the
97 number four has extremely unlucky connotations because the pronunciation of “four” is
98 similar to the word for “death.” Therefore, many buildings in Asia do not have a fourth
99 floor. Telephones omit the numbers four from the keypad. Similarly, parents may
100 expedite or delay birth of children to avoid the fourth day of a month. Many avoid travel
101 on the fourth, etc. Colleagues of mine at the University of California, San Diego in 2001
102 conducted research to document “voodoo death” (the idea that an innate fear of
103 something can cause a spike in otherwise unexplained heart attacks). The research team
104 examined death certificates of 200,000 Chinese and Japanese living on the West Coast to
105 see if the rate of cardiac-related deaths was higher on the fourth of each month. They
106 found a statistically significant spike – 27 percent higher than on any other date. Can you
107 imagine what the statistics would be using the number thirteen in European countries and
108 America?

109 Conversely, there is a cultural desensitization of certain fears – similar to the
110 argument about comic book violence (once someone has seen a lot of it, it does not have
111 the same impact). This can be extended for example to our current cultural fascination
112 with zombies. Zombies can be frightening – to some people, extremely frightening.
113 However, with the explosion of zombie images and themes in our culture (movies,
114 television, restaurants, parties, exercise regiments, etc.), one would expect to observe less
115 fear of zombies. They are no longer “other,” but rather an accepted theme of our culture.

116 Our survival instinct, which has served us well for so long, may now be failing us.
117 The reactions that arise as part of the fight-or-flight response are often no longer effective
118 in a world that is far more complex, unpredictable, and uncontrollable than that of our
119 primitive ancestors where our survival instinct is based. Many of the modern fears are not
120 things from which one can easily escape. This characterization and the evolving nature of
121 fear makes it very difficult to predict from any historical background – simply put, what
122 may have made many afraid in the past may no longer make people afraid now. Fear, in
123 short, is an evolving social construction.

124 This is a long and drawn out way of saying the human mind is a strange and
125 wonderful thing. Its complexity; however, makes it very difficult to say with any
126 certainty that any one stimuli will have a predictable response.

127 I hope that Langley Parker can still produce movies and webcasts so that the
128 science of fear can be studied further.

129 As to this case, I do not think the fact that Ms. Weaver was contemplating a
130 lawsuit has any relevance. I do not see that it would have increased her agitation or that
131 anyone could have known it would create undue agitation such that a simple fright would
132 be too much. Lawsuits are quite common. Langley Parker is no stranger to them;
133 therefore, even if Ms. Weaver were highly agitated, I do not believe Langley could have
134 known about it.

135 Through my professional and personal studies of the causes of fear and effects
136 upon the human psyche, I can come to a few conclusions with reasonable certainty.
137 Those conclusions are that first, Ms. Weaver's state of anxiety when entering the building
138 to work out a settlement with Langley Parker would not be elevated any more than say a
139 high school student taking a test they had prepared for. Second, the type of scene
140 Langley Parker was filming would not rise to the level of fear that one would call
141 "terror," and thus could not induce the type of heart condition which the Coroner and Dr.
142 Watson reference. Those would involve more dangerous stimuli than someone coming
143 into a darkened elevator. Thus, Ms. Weaver must have had an undiagnosed heart
144 weakness or other condition to cause the heart attack. It was misdiagnosed as Stress
145 Cardiomyopathy, and Langley Parker cannot be held criminally responsible for someone
146 with a weakened heart.

Jesse Brice

Jesse Brice, Ph.D.

Subscribed and sworn before me on this day, the 27th of November, 2022.

Beth Eckhardt

Beth Eckhardt, Notary Public

EXHIBIT 1: Coroner's Report

Weaver, Jackie
ME – 2022 – 0707CB

STATE OF OREGON
OFFICE OF THE CORONER
Centralized Laboratory Facility
Crowson, Oregon

Summary of Findings:

Deceased is a 57-year-old female of normal height and weight. She presents with no visible signs of trauma. Suspected heart attack.

Upon further examination, no significant coronary arterial disease noted. No obstructive lesions found on coronary arteries. No previous cardiac stress or any previous stress related anxiety attacks noted.

There are mildly elevated cardiac enzyme levels.

The blood screens indicated extremely high adrenaline (levels 34x higher than normal value).

The heart muscle shows ballooning. The left ventricle is distended, which is characteristic of Takotsubo Cardiomyopathy Syndrome, Stress Cardiomyopathy, or Broken Heart Syndrome.

Opinion:

Patient shows characteristic signs of Stress Cardiomyopathy. Age and gender consistent with this rare syndrome.

Date: 7-8-22

Walker Hill, M.D.

Coroner

EXHIBIT 2: Diagram of Takotsubo Cardiomyopathy

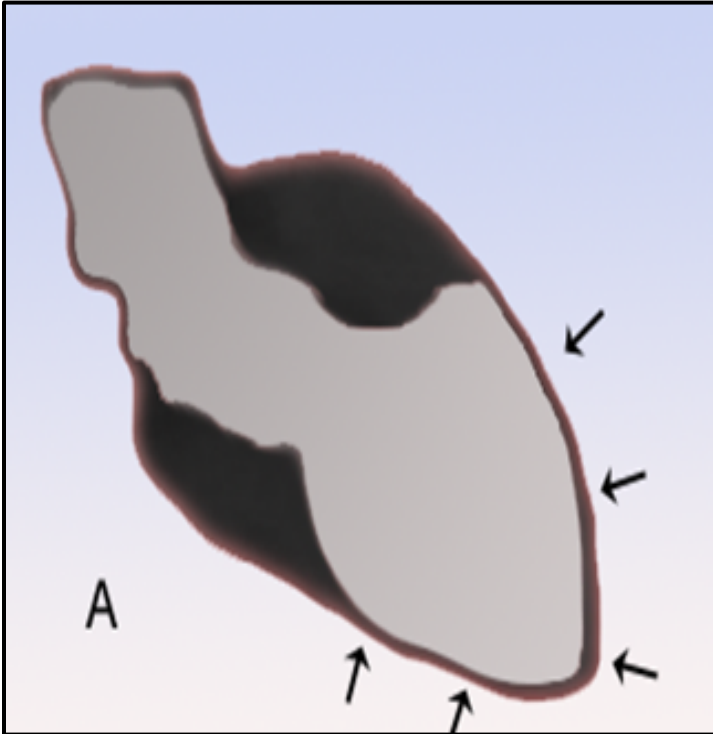


Figure A represents Takotsubo Syndrome (arrows denote Adrenaline)

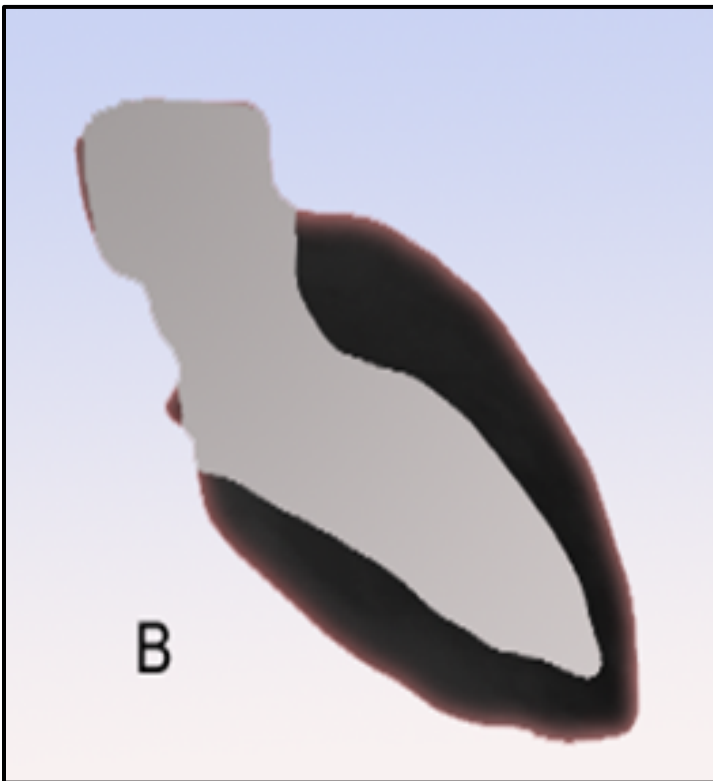


Figure B represents Normal Heart Muscle

EXHIBIT 3: 911 Report for July 7, 2022

911 Detail Report		
Incident Number:	281CPD04042022	Incident Date/Time: 07/07/2022
Incident Address:	405 Laurel Street, Crowson, OR	Incident Time: 10:14:51
Incident Status:	Closed	Cell/Caller Confirmed: Makala Woods
July 7, 2015		
Unit	Time	Call Content
Dis. 8	10:14:51	Incoming Call Dispatcher 8 for Cascades Emergency Response Center – This is 911. Is your emergency police, fire, or medical?
Caller	10:14:58	Help. We need an ambulance.
Dis. 8	10:15:04	Stay calm. What is your address?
Caller	10:15:13	Let me think. It is the tall white building on Laurel Street. ummm...
Dis. 8	10:15:21	You need to slow down. Your call is coming from a cell phone? Can you give me your name and a street address?
Caller	10:15:37	I've got it. It is 405 Laurel Street. The tall white building. This is Makala. Makala Woods.
Dis. 8	10:15:48	You said you need an ambulance. How many patients are there?
Caller	10:16:00	Just one. A woman. I don't think she is breathing. I think she is in cardiac arrest or something. Hurry. There is someone doing CPR.
Dis. 8	10:16:10	What floor are you on?Are you there? You are breaking up.
Caller	10:16:17	<i>(inaudible, muffled)</i> I'm here. We are on the first floor in the lobby.
Dis. 8	10:16:26	Makala hold on the line while I dispatch the ambulance.
Dis. 8	10:16:32	Dispatching Cascades County EMS to 405 Laurel Street noted as a tall white building. We have a report of a non-responsive female in the first floor lobby. CPR in progress.
CEMS3	10:16:58	Cascades EMS3 responding to 405 Laurel Street.
Dis. 8	10:17:10	The ambulance is on the way. What is happening now?
Caller	10:17:18	Thank you. <i>(shouts in the background – "Mom" and "Someone help her.")</i>
Dis. 8	10:17:30	What is happening now? Hello? Are you there?
Caller	10:17:40	<i>(no dial tone, caller hung up)</i>
Dis. 8	10:17:46	<i>(redial caller, no response)</i>
CEMS	10:21:03	Cascades EMS3 on the scene at 405 Laurel Street. Make this Laurel Street Command.
CEMS	10:27:54	Cascades EMS3 to dispatch. Female patient was located and confirmed unresponsive due to suspicious circumstances. Dispatch the Coroner and a police investigator to this location.
Dis. 8	10:28:36	Dispatching the Coroner and a police investigator to 405 Laurel Street. EMS confirmed an unresponsive female.
CPD5	10:28:49	CPD5 responding to 405 Laurel Street.
CME2	10:29:04	CME2 responding to 405 Laurel Street.
CPD5	10:35:02	CPD5 on the scene at 405 Laurel Street taking over Laurel Street Command.
CME2	11:15:13	CME2 on the scene at Laurel Street Command.

EXHIBIT 4: Email Received by Jackie Weaver

From: On Behalf of Langley Parker (frightmaster@FearForLifeFactory.com)
To: Jackie.Weaver@yahoo.com
CC: frightmaster@FearForLifeFactory.com
Date: Fri 6/24/22 1:17 PM
Subject: Settlement

Let's see if we can get everything settled once and for all before we get the legal system involved. Meet me at my office downtown at 405 Laurel Street, Suite 340 at 10 a.m. on Tuesday, July 7, 2022.

There are elevators available in the lobby.

EXHIBIT 5: Drew Watson, M.D.'s - Curriculum Vitae

DREW WATSON, M.D.

Curriculum Vitae

Employment:

2016-2023 Director, Randall Cardiology Center
Fitz Hospital
Crowson, Oregon

2010-2016 Doctor of Cardiology
Professor of Medicine
Fitz Hospital
Crowson, Oregon

Graduate Medical Training

2009-2010 Subspecialty Fellowship Training, Cardiology
The Women's Hospital, Boston, MA

2007-2009 Resident in Cardiology
The Women's Hospital, Boston, MA

Education

2007 Crowson University Medical School: M.D.
2003 Tabard University: B.S. with High Distinction

Certification

American Board of Cardiology

Licensure

Oregon
Massachusetts

Professional Memberships

American Academy of Cardiology
Oregon Medical Society
Heart Failure Society of America

Selected Lectures and Presentations

"Stress Cardiomyopathy – Broken Heart Syndrome," Heart Failure Society of America, 2019
"Homicide by Fright," American Journal of Cardiology, 2017
"Takotsubo Syndrome," American Journal of Cardiology, 2016
"Unexplained Cardiac Deaths: A Working Paper," British Medical Journal, 2013

EXHIBIT 6: Jesse Brice, Ph.D.'s - Curriculum Vitae

Jesse Brice, Ph.D.

Education:

2004 – University of California, San Diego: Ph.D.: Social Psychology

1999 – University of Hawaii: M.A.: Psychology

1998 – University of Hawaii: M.A.: Sociology

1994 – University of South Florida: B.A.: Summa Cum Laude

Current Position:

Professor of Social Psychology – Blackstone University

Director, Anxiety and Phobia Center – Blackstone University

Professional Associations:

American Psychological Society

American Academy of Sociology

Recent Publications:

Psychogenic Deaths – Examining a Culture of Fear – American Journal of Social Psych: 2022

Scared to Death? – Popular Topics in Modern Psychology: 2017

Elements of Fright – Journal of the American Film Institute: 2016

Recent Presentations:

What Makes a Horror Film Horrifying? – Popular Film Institute Lecture Series 2022

Zombies In Our Midst – TED Talk 2019

Comic Book Violence and American Youth – Comic-Con 2019

Where to Run When You Have No Place to Go: Fight/Flight/Fright Inside the Mind – International Social Psychology Symposium 2018

V. The Form and Substance of a Trial

A. The Elements of a Criminal Case

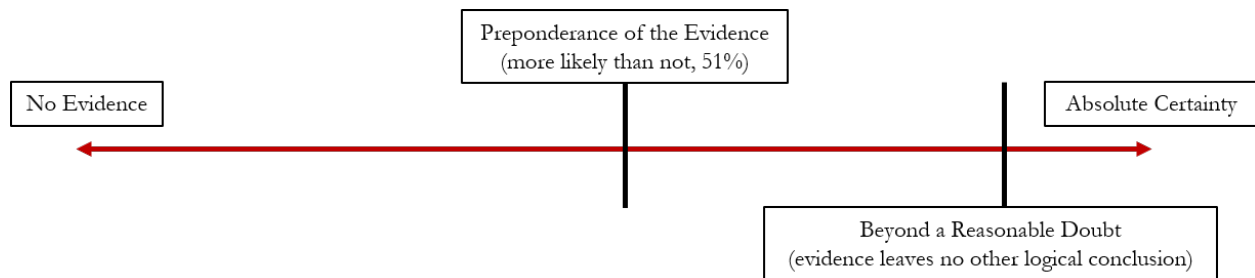
Criminal statutes generally define two aspects of every crime: (1) the physical act (actus reus), and (2) the mental state of the actor (mens rea). Most crimes are composed of some physical act, such as firing a gun in a crowded room, plus a guilty or culpable mental state, such as the intent to commit a crime or a reckless disregard for the consequences of one's actions. Bad thoughts alone are not enough; a crime requires the union of thought and action, or actus reus and mens rea.

Also, a defendant may justify his/her actions by showing a lack of criminal intent. For instance, the crime of burglary has two elements: (1) breaking and entering (2) with intent to commit a crime. A person breaking into a burning house to rescue a baby does not commit a burglary.

B. Presumption of Innocence, Proof Beyond a Reasonable Doubt

The American criminal justice system is based on the premise that allowing a guilty person to go free is better than putting an innocent person behind bars. For this reason, the Prosecution bears a heavy burden of proof. Defendants are presumed innocent. The Prosecution must convince a judge or jury of the defendant's guilt beyond a reasonable doubt.

Despite its use in every criminal trial, the term reasonable doubt is one of the more difficult legal terms to understand. A good way to think about the standard is by imagining a continuum (see below). In the middle of the continuum is the civil case standard of proof of preponderance of the evidence which means that the evidence shows that it is more likely than not that the defendant is responsible for the harm to the plaintiff. Beyond a reasonable doubt is greater than a preponderance, but less than absolute certainty. When the jury considers all of the evidence presented and the only logical conclusion is that the defendant committed the crime with the required mental state, then the Prosecution has proven its case beyond a reasonable doubt.



Jurors may reach a verdict despite contradictory evidence. Two witnesses might give different accounts of the same event. Sometimes a single witness will give a different account of the same event at different times. Such inconsistencies often result from human fallibility rather than intentional lying. The trier of fact (the judges in the Mock Trial competition) applies his/her own best judgment in evaluating inconsistent testimony.

The defendant in this case, Langley Parker, is charged with manslaughter in the second degree. Langley has pled not guilty. A not guilty plea puts each element of the crime with which Langley has been charged in issue. A plea of not guilty requires the State to prove each element of the crime beyond a reasonable doubt.

Langley is presumed innocent and this presumption continues throughout the trial. The defendant must be found not guilty unless the state produces evidence that convinces the trier of fact beyond a reasonable doubt of each element of the crimes.

To prove manslaughter in the second degree, the Prosecution must show that Langley’s “recklessly” actions caused the death of Jackie Weaver in Cascades County on July 7, 2022. A person acts recklessly if that person is aware of and consciously disregards a substantial and unjustifiable risk that a particular result will occur or circumstance exists. The risk must be of such nature and degree that disregarding it constitutes a gross deviation from the standard of care that a reasonable person would observe in the situation.

C. Role Descriptions

1. Attorneys

Trial attorneys present evidence to support their side of the case. They introduce physical evidence and elicit witness testimony to bring out the facts surrounding the allegations.

In a criminal case, the State brings the case against a defendant. In this case, the State of Oregon will try to prove Langley Parker’s guilt beyond a reasonable doubt.

The Defense attorneys will present the case of the defendant, Langley Parker. They will offer their own witnesses and evidence to show their client’s version of the facts. They may undermine the Prosecution’s case by showing that the Prosecution’s witnesses cannot be depended upon, that their witness testimony makes no sense or is inconsistent, or by presenting physical evidence that contradicts that brought by the Prosecution.

Demeanor of **all attorneys** is very important. On direct examination it is easy to be sympathetic and supportive of your witnesses. On cross-examination it is no less important to be sympathetic and winning. An effective cross-examination is one in which the cross examiner, the witness, the judge and jury all agree on the outcome. It is bad manners and unethical to be sarcastic, snide, hostile or contemptuous. The element of surprise may, in fact, be a valuable attorney’s tool, but it is best achieved by being friendly and winning in the courtroom, including with the other side.

Attorneys on both sides will:

- conduct direct examination and redirect if necessary;
- conduct cross examination conduct redirect and re-cross if necessary;
- make appropriate objections (note: only the direct and cross-examining attorneys for a particular witness may make objections during that testimony);
- be prepared to act as a substitute for other attorneys; and
- make opening statement and closing arguments.

a. Opening Statement

The opening statement outlines the case it is intended to present. The attorney for Prosecution delivers the first opening statement and the defense follows with the second. A good opening statement should explain what the attorney plans to prove, how it will be proven; mention the burden of proof and applicable law; and present the events (facts) of the case in an orderly, easy to understand manner.

One way to begin your statement could be as follows:

“Your Honor, my name is (full name), representing the prosecution/defendant in this case.”

Proper phrasing in an opening statement includes:

- “The evidence will indicate that ...”
- “The facts will show that ...”

- “Witnesses (full names) will be called to tell ...”
- “The defendant will testify that ...”

Tips: You should appear confident, make eye contact with the judges, and use the future tense in describing what your side will present. Do not read your notes word for word – use your notes sparingly and only for reference.

b. Direct Examination

Attorneys conduct direct examination of their own witnesses to bring out the facts of the case. Direct examination should:

- call for answers based on information provided in the case materials;
- reveal all of the facts favorable to your position;
- ask questions which allow the witness to tell the story. Do not ask leading questions which call for only “yes” or “no” answers – leading questions are only appropriate during cross-examination;
- make the witness seem believable;
- keep the witness from rambling.

Call for the witness with a formal request:

“Your Honor, I would like to call (full name of witness) to the stand.”

The clerk will swear in the witness before you ask your first question.

It is good practice to ask some introductory questions of the witness to help them feel comfortable. Appropriate introductory questions might include asking the witness’ name, residence, present employment, etc.

Proper phrasing of questions on direct examination include:

- “Could you please tell the court what occurred on (date)?”
- “How long did you remain in that spot?”
- “Did anyone do anything while you waited?”

Conclude your direct examination with:

“Thank you Mr./s. _____. That will be all, your Honor.”

Tips: Isolate exactly what information each witness can contribute to proving your case and prepare a series of clear and simple questions designed to obtain that information. Be sure all items you need to prove your case will be presented through your witnesses. Never ask questions to which you do not know the answer. Listen to the answers. If you need a moment to think, it is appropriate to ask the judge for a moment to collect your thoughts, or to discuss a point with co-counsel.

c. Cross Examination, Redirect, Re-Cross, and Closing

For cross examination, see explanations, examples, and tips for *Rule 611*.

For redirect and re-cross, see explanation and note to *Rule 25* and *Rule 611*.

For closing, see explanation to *Rule 26*.

2. Witnesses

Witnesses supply the facts in the case. As a witness, the official source of your testimony, or record, is your witness statement, all stipulations, and exhibits you would reasonably have knowledge of. The witness statements contained in the packet should be viewed as signed and sworn affidavits.

You may testify to facts stated in or reasonably inferred from your record. If an attorney asks you a question, and there is no answer to it in your official statement, you can choose how to answer it. You may reply, “I don’t know” or “I can’t remember,” or you can infer an answer from the facts you do officially know. Inferences are only allowed if they are *reasonable*. If your inference contradicts your official statement, you can be impeached. Also see Rule 3.

It is the responsibility of the attorneys to make the appropriate objections when witnesses are asked to testify about something that is not generally known or cannot be inferred from the witness statement.

IN-PERSON COMPETITION

3. Court Clerk and Bailiff

It is recommended that a team provide two separate team members for these roles. If a team only provides one person for both roles, then that person must be prepared to perform as clerk or bailiff in every trial. The court clerk and bailiff aid the judge during the trial. For the purpose of the competition, the duties described below are assigned to the roles of clerk and bailiff.

The **Prosecution** is expected to provide the **clerk**. The **Defense** provides the **bailiff**.

When evaluating the team performance, the Presiding Judge will consider contributions by the clerk and bailiff.

Duties of the Clerk – Provided by the Prosecution

When the judge arrives in the courtroom, the clerk should introduce themselves and explain that they will assist as the court clerk. The clerk’s duties are as follows:

- a. **Roster and rules of competition:** The clerk is responsible for bringing a roster of students and their roles to each trial round. The clerk should have enough copies to be able to give a roster to each judge in every round, one for the opposing team, and some extras (5-6 copies per round). The roster form contained in this packet should be used. In addition, the clerk is responsible for bringing a copy of the “Rules of Competition” to each round. In the event that questions arise and the judge needs clarification, the clerk shall provide this copy to the judge.
- b. **Swear in the Witnesses:** The clerk should swear in each witness as follows:

“Do you promise that the testimony you are about to give will faithfully and truthfully conform to the facts and rules of the Mock Trial Competition?”

Witness responds, “I do.”

Clerk then says, “Please be seated, state your name for the court, and spell your last name.”

- c. **Provide Exhibits:** The clerk should provide copies of the exhibits for attorneys or judges if requested (both sides should have their own copies of the exhibits, however, a well-prepared clerk has spare copies).
- d. **Extra Duties:** A clerk may also be asked to perform other duties to assist the judges or Competition Coordinator. A clerk should be prepared to assist in whatever way possible to help the competition run smoothly.
A proficient clerk is critical to the success of a trial and points will be given on the clerk's performance.

Duties of the Bailiff – Provided by the Defense

When the judge arrives in the courtroom, the bailiff should introduce themselves and explain that they will assist as the court bailiff. The bailiff's duties are to call the court to order and to keep time during the trial.

- a. **Call to Order:** As the judges enter the courtroom, the bailiff says, "All rise. The Court with the Honorable Judge _____ presiding, is now in session. Please be seated and come to order." Whenever the judges leave or enter the courtroom, you should ask the audience to rise.
- b. **Timekeeping:** The bailiff is responsible for bringing a stopwatch to the trial. The stopwatch cannot be a cell phone; no electronic devices are permitted. A bailiff should practice with the stopwatch and know how it works before the competition. Time limits are provided for each segment of the trial. The bailiff should keep track of time used and time remaining for each segment of the trial using the timesheet provided in this packet.

Time should stop when attorneys make objections and restart after the judge has ruled on the objection and the next question is asked by the attorney. The time should also stop if the judge questions a witness or attorney.

After each witness has finished testifying, the bailiff should announce the time remaining in the segment. For instance, if after direct examination of two witnesses, the Prosecution has used 12 minutes announce, "Ten minutes remaining." (20 minutes total allowed for direct/redirect, less the 10 minutes already used). After each witness has completed his/her testimony, the bailiff marks the timesheet the time to the nearest 10 seconds. When three minutes remain, the bailiff holds up the "3 minutes" card, followed by the "1 minute" and "0" cards. When time has run out for a segment, the bailiff announces, "Time." The bailiff should make certain the time cards are visible to all judges and attorneys when they are held up.

Timesheets for each round will be provided at the competition. The bailiff is responsible for bringing the sheets to each round. Each team will also be provided with time cards.

A proficient bailiff who times both teams in a fair manner is critical to the success of a trial. Points will be given on the bailiff's performance.

4. Team Manager and Unofficial Timer

Team Manager (optional)

Teams may wish to have a person acting as Team Manager. This person can be responsible for tasks such as keeping phone numbers of all team members and ensuring that everyone is well-informed of meeting times, Q&A

posts, and so on. In case of illness or absence of a team member, the manager could keep a record of all witness testimony and a copy of all attorneys' notes so that someone else may fill in. This individual could also serve as the clerk or bailiff. This position is not required for the competition.

Unofficial Timekeeper (optional)

Teams may provide an unofficial timekeeper during the trial rounds. The unofficial timekeeper can be a clerk or a currently performing attorney from the Prosecution's side. This unofficial timekeeper must be identified before the trial begins and may check the time with the bailiff twice during the trial (once during the Prosecution's case-in-chief and once during the presentation of the Defense's case). When possible, the unofficial timekeeper should sit next to the official timekeeper.

Any objections to the bailiff's official time must be made by the unofficial timekeeper during the trial before the judges score the round. The Presiding Judge shall determine if there has been a rule violation and whether to accept the bailiff's time or make a time adjustment. Only current-performing team members in the above-stated roles may serve as unofficial timekeepers.

To conduct a time check, the unofficial timekeeper should request one from the Presiding Judge and ask the bailiff how much time was recorded in every completed category for both teams. The unofficial timekeeper should then compare times with the bailiff. If the times differ *significantly*, the unofficial timekeeper should notify the judge and ask for a ruling as to the time remaining. If the judge approves the request, the unofficial timekeeper should consult with attorneys and determine if time should be added or subtracted in any category. If the judge does not allow a consultation, the unofficial timekeeper may request an adjustment. The following sample questions and statements may be used.

"Your Honor, before calling the next witness, may I compare time records with the bailiff?"

"Your Honor, there is a discrepancy between my records and those of the bailiff. May I consult with the attorneys on my team before requesting a ruling from the court?"

"Your Honor, we respectfully request that ____ minutes/seconds be subtracted from the Prosecution's direct/cross-examination."

"Your Honor, we respectfully request that ____ minutes/seconds be added to the Defense direct/cross-examination."

The trial should not be interrupted for minor time differences. A team should determine in advance a minimum time discrepancy to justify interrupting the trial. The unofficial timekeeper should be prepared to show records and defend requests. Frivolous complaints will be considered by judges when scoring for the round. Likewise, valid complaints will be considered against the violating team.

Time shall be stopped during a timekeeping request.

VIRTUAL COMPETITION

1. Swearing in of the Witnesses

In virtual competitions, all witnesses will be sworn in by the Presiding Judge as a preliminary matter. The Presiding Judge will use the following oath:

“Do you promise that the testimony you are about to give will faithfully and truthfully conform to the facts and rules of the Mock Trial Competition?”

All witnesses respond, “I do.”

Subsequently, the attorneys for each side will ask each witness to “state your name for the court, and spell your last name” as the first question when the witness begins their testimony.

2. Timekeepers

Both teams will provide a timekeeper to keep time throughout the trial. Timekeepers are responsible for providing their own timekeeping devices. Time limits are provided for each segment of the trial. The timekeeper should keep track of time used and time remaining for each segment of the trial using the timesheet provided at the end of this packet.

Time should stop when attorneys make objections and restart after the judge has ruled on the objection and the next question is asked by the attorney. The time should also stop if the judge questions a witness or attorney.

Times should be announced by both timekeepers in the chat area of the Zoom courtroom. After each witness has finished testifying, the timekeepers should announce the time remaining in the segment. For instance, if after direct examination of two witnesses, a team has used 12 minutes, the timekeepers should type “10:00 remaining” in the chat area. (20 minutes total allowed for direct/redirect, less the 10 minutes already used). After each witness completes their testimony, the timekeepers mark their timesheets with the time to the nearest 10 seconds. The timekeepers will announce a 3 minute, 1 minute, and TIME warning in the chat area of the Zoom courtroom. If the TIME announcement goes unnoticed, the timekeepers should unmute and announce TIME aloud.

Timekeepers are responsible for keeping time and providing time information if requested by performing students. Time should be stopped during a timekeeping request. Major discrepancies between the timekeepers should be settled by the Presiding Judge. The Presiding Judge will choose how to adjust the time in order to remedy the discrepancy. Minor time differences should not be brought to the Presiding Judge. Frivolous complaints concerning timekeeping will be considered by judges when scoring for the round.

3. Team Manager (Virtual)

Teams may wish to have a person acting as Team Manager. This person can be responsible for tasks such as keeping phone numbers of all team members and ensuring that everyone is well-informed of meeting times, Q&A posts, and so on. In case of illness or absence of a team member, the manager could keep a record of all witness testimony and a copy of all attorneys' notes so that someone else may fill in. This individual could also serve as the timekeeper if needed. This position is not required for the competition.

VI. RULES OF THE COMPETITION

I. General Rules of the Competition (Virtual & In-Person Applicable)

A. Administration

Rule 1. Rules

All trials will be governed by the Rules of the Oregon High School Mock Trial Competition and the Federal Rules of Evidence – Mock Trial Version.

Rules of the competition, as well as rules of courthouse and courtroom decorum and security, must be followed. Civics Learning Project and Regional Coordinators have the authority to impose sanctions, up to and including forfeiture or disqualification, for any misconduct, flagrant rule violations, or breaches of decorum that affect the conduct of a trial or that impugn the reputation or integrity of any team, school, participant, court officer, judge, or mock trial program. Questions or interpretations of these rules are within the discretion of Civics Learning Project and its decisions are final.

Rule 2. The Problem

The problem is a fact pattern that contains statements of fact, stipulations, witness statements, exhibits, etc. Stipulations may not be disputed at trial. Witness statements may not be altered.

Rule 3. Witness Bound by Statements

Each witness is bound by the facts contained in their own witness statement, also known as an affidavit, and/or any necessary documentation relevant to their testimony. Fair extrapolations may be allowed, provided reasonable inference may be made from the witness' statement. If on direct examination, an attorney asks a question that calls for extrapolated information pivotal to the facts at issue, the information is subject to objection under Rule 4, Unfair Extrapolation.

If in cross-examination, an attorney asks for unknown information, the witness may or may not respond, so long as any response is consistent with the witness' statement and does not materially affect the witness's testimony. A witness may be asked to confirm (or deny) the presence (or absence) of information in their statement.

Example. A cross-examining attorney may ask clarifying questions such as, “Isn’t it true that your statement contains no information about the time the incident occurred?”

A witness is not bound by facts contained in other witness statements.

MVP Tip continued: In cross-examination, anticipate what you will be asked and prepare your answers accordingly. Isolate all of the possible weaknesses, inconsistencies, or other problems in your testimony and be prepared to explain them as best you can. Be sure that your testimony is never inconsistent with, nor a material departure from, the facts in your statement. You may be impeached if you contradict what is in your witness statement. See [Rule 607](#).

MVP Tip: As a witness, you will supply the facts in the case. You may testify only to facts stated in or reasonably inferred from your own witness statements or fact situation. On direct examination, when your side’s attorney asks you questions, you should be prepared to tell your story. Know the questions your attorney will ask and prepare clear answers that contain the information that your attorney is trying to elicit. However, do not recite your witness statement verbatim. Know its content beforehand so you can put it into your own words. Be sure that your testimony is never inconsistent with, nor a material departure from, the facts in your statement.

Rule 4. Unfair Extrapolation

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

If a witness is asked information not contained in the witness' statement, the answer must be consistent with the statement and may not materially affect the witness's testimony or any substantive issue of the case.

Attorneys for the opposing team may refer to *Rule 4* when objecting and refer to the violation as "unfair extrapolation" or "outside the scope of the mock trial material." Possible rulings a judge may give include:

1. no extrapolation has occurred;
2. an unfair extrapolation has occurred;
3. the extrapolation was fair; or
4. ruling taken under advisement.

When an attorney objects to an extrapolation, the judge will rule in open court to clarify the course of further proceedings. See [Rule 602](#) and [Rule 3](#). The decision of the Presiding Judge regarding extrapolation or evidentiary matters is final.

Rule 5. Gender of Witnesses

All witnesses are gender-neutral. Personal pronouns in witness statements indicating gender of the characters may exist but are inadvertent. Any student may portray the role of any witness of any gender. Teams are requested to indicate members' gender pronouns on the Team Roster for the benefit of judges and opposing counsel.

Rule 6. Student Accommodations (Students with Disabilities)

The Rules of Competition will be interpreted and administered consistent with all applicable laws. Accordingly, should any applicable law require variance from these rules or accommodation of any competitor for any reason, including a legally-recognized disability, that team member or their coach may apply to Civics Learning Project for accommodation, and such reasonable accommodation shall be granted. Civics Learning Project will consider all requests and conduct an individualized assessment of the student with a disability's request, to determine what reasonable accommodations can be made that will enable the student to participate to the fullest extent possible in Civics Learning Project programming (i.e., Mock Trial). These accommodations may include adjustments of the Rules of Competition and program policies and practices, where appropriate. Civics Learning Project will consider the reasonableness of the accommodations; a request will not be granted that fundamentally alters the program. The timeliness of the request for accommodation may be material to whether an accommodation is granted. If a team is competing against a team for which an accommodation was granted, and the accommodation requires an alternation that impacts the opposing team, the team will be informed in advance of the accommodation, when possible, but will not be informed of the specific student nor their disability that led to the accommodation.

B. The Trial

Rule 7. Team Eligibility – Mini Mock

Teams competing in the Oregon High School Mock Trial Mini Mock must register by the registration deadline. There will be a limit on the amount of teams that may participate in the Mini Mock event, which will be determined by the size and accessibility of the venue.

Teams who are not participating in the Oregon High School Mock Trial Regional Competition, and those teams with students who have never competed in Oregon High School Mock Trial will receive priority in registration for the Mini Mock event.

Rule 8. Team Composition

A mock trial team must consist of a **minimum of six** and a **maximum of 18** students, all from the same school or organization. The timekeeper is not counted as a team member. Civics Learning Project will determine on a case-by-case basis whether a team affiliated with an organization, rather than a school, is eligible to compete.

Additional students may be used in support roles as researchers, understudies, photographers, court reporters, and news reporters. However, none of these roles will be used in the competition.

For a virtual competition, a mock trial team is defined as an entity that includes attorneys and witnesses for both the Prosecution and Defense (students may play roles on both sides if necessary) and a timekeeper. For in-person competition, a mock trial team will be an entity that includes attorneys and witnesses for both the Prosecution and Defense (again, students may play roles on both sides if necessary), a clerk and a bailiff.

All mock trial teams **must submit** a Team Roster listing the team name and all coaches and students to the Competition Coordinators prior to the beginning of the regional competitions. If a team fails to submit a Team Roster by the deadline, the team will forfeit their space in the competition. Once rosters have been submitted, students may not be added or substituted in a role. If there is an emergency causing a student to be absent from the competition, students must follow the emergency absence procedure contained in these materials. **If a school or organization enters more than one team in the competition, team members cannot switch teams at any time for any round of regional or state competition.**

Schools will provide a color to accompany the team name in order to differentiate between teams from the same school. For instance, West Ridge Green and West Ridge Purple.

For purposes of competition, all teams will be assigned a random letter code such as EQ or MZ. The code is assigned to maintain anonymity of the team for judging. Teams will be assigned a letter code by Civics Learning Project prior to the competition. Notification of the letter code assignments will be made to the registered teams prior to the Mini Mock Event.

Rule 9. Team Presentation

Teams must present both the Prosecution and Defense sides of the case. All team members must be available to participate in all rounds. The Competition Coordinators will make certain that both the Prosecution and Defense sides of each team will have at least one opportunity to argue its side of the case at competition.

Rule 10. Team Duties

Team members should divide their duties as evenly as possible.

Opening statements must be given by both sides at the beginning of the trial. The attorney who will examine a particular witness on direct is the only person who may make objections to the opposing attorney's questions of that witness's cross-examination, and vice versa.

Each team must call all three witnesses. Failure to do so results in a mandatory two-point penalty. Witnesses must be called by their own team and examined by both sides. Witnesses may not be recalled by either side.

Rule 11. Swearing in the Witnesses

In a virtual competition, the Presiding Judge will swear in all witnesses before the trial begins as a preliminary matter using the following oath:

“Do you promise that the testimony you are about to give will faithfully and truthfully conform to the facts and rules of the Mock Trial Competition?”

In an in-person competition, the clerk, provided by the Prosecution, swears in each witness as they are seated, using the same oath.

Rule 12. Trial Sequence and Time Limits

Each side will have a maximum of 43 minutes to present its case. The trial sequence and time limits are as follows:

Introductory Matters/Swearing-In of Witnesses	5 minutes total (conducted by Presiding Judge)*
Opening Statement	5 minutes per side
Direct and Re-Direct (optional)	20 minutes per side
Cross and Re-Cross (optional)	15 minutes per side
Closing Argument	5 minutes per side**
Judges’ Deliberations	7 minutes total (judges in private)*
Total Competition Time Per Side	45 minutes

*Not included in 45 minutes allotted for each side of the case.

**Prosecution may reserve time for rebuttal at the beginning of its Closing Argument. The Presiding Judge should grant time for rebuttal (if any time remains) even if time has not been explicitly reserved.

The Prosecution delivers its Opening Statement and Closing Argument first. The Prosecution may reserve a portion of its closing argument time for rebuttal. The rebuttal is limited to the scope of the Defense’s closing argument. Objections are not allowed during the Opening Statement or Closing Argument.

None of the foregoing may be waived (except rebuttal), nor may the order be changed.

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

Rule 13. Timekeeping

Time limits are mandatory and will be enforced. Timing will stop during objections or extensive questioning from a judge. Timing will **not** stop during the admission of evidence unless there is an objection by opposing counsel.

For in-person competitions, Three- and One-Minute card warnings must be given before the end of each segment. Students will be stopped by the bailiff at the end of the allotted time for each segment. The bailiff will also time the judges’ scoring time after the trial. The judging panel is allowed 10 minutes to complete their ballots. The bailiff will notify the judges when time has elapsed.

In virtual competitions, Three- and One-Minute warnings must be given before the end of each trial segment in the chat area of the Zoom courtroom. Both timekeepers should announce the time warnings. When time has expired, timekeepers will state TIME in the chat area. If the TIME call goes unnoticed, timekeepers will unmute and announce TIME aloud. The timekeepers will also time the judges’ scoring time after the trial. The judging panel is allowed 10 minutes to complete their ballots. The timekeepers will notify the judges when time has elapsed.

Rule 14. Time Extensions and Scoring

The Presiding Judge has sole discretion to grant time extensions, though they should be rare. If time has expired and an attorney continues without permission from the Court, the scoring judges may account for overruns in time in their scoring.

Rule 15. Supplemental Material, Illustrative Aids, Costuming

Teams may refer only to materials included in these trial materials. No illustrative aids of any kind may be used unless provided in the case materials. No enlargements of the case materials will be permitted unless a necessary accommodation for a participant's disability. In accordance with Rule 6, the Competition Coordinator should be made aware prior to the competition of any accommodation needed. Absolutely no props or costumes are permitted unless authorized in these case materials or by Civics Learning Project. Use of easels, flip charts, and the like is prohibited. Violation of this rule may result in a lower team score.

Rule 16. Trial Communication

Coaches, non-performing team members, alternates, and observers (each team will be allowed three observers per round in a virtual competition) shall not talk, signal, communicate with, or coach their teams during trial. This rule remains in force during any recess time that may occur. Performing team members may communicate among themselves during trial, however, no disruptive communication is allowed. In virtual competitions, communication shall not occur in the Zoom courtroom chat area. Performing students may communicate among themselves by other means (Google Chat, text message, etc.) as long as the notifications are silent and the communication is not disruptive.

In virtual competitions, only team members participating in the round and coaches may be in the same physical room with the performing students. Spectators and non-performing team members must not be in the same physical room as performing team members during the trial.

For in-person competitions, everyone in the courtroom shall turn off all electronic devices except stopwatches being used by the timekeeper(s). Non-team members, alternate team members, teachers and coaches must remain outside the bar in the spectator section of the courtroom. Only team members participating in the round may sit inside the bar.

Communication in violation of these rules is grounds for disqualification from the competition. Competition Coordinators may exercise their discretion in deducting points if they find a complaint is frivolous or the conversation was harmless.

Rule 17. Viewing a Trial

Team members, alternates, coaches, teacher-sponsors, and any other persons directly associated with a mock trial team, except those authorized by the Competition Coordinator, are **not** allowed to view other teams in competition, so long as their team remains in the competition. Courtroom artists may compete in a courtroom that is not associated with their school or organization.

Rule 18. Videotaping, Photography, Media

Any team has the option to refuse participation in videotaping, audio recording, still photography, or media coverage. However, media coverage shall be allowed by the two teams in the championship round of the state competition. Trials may be recorded by participating teams as long as the opposing team approves.

C. Before the Trial

Rule 19. Stipulations

[Stipulations](#) shall be considered part of the record and already admitted into evidence.

Rule 20. The Record

No stipulations, pleadings, or jury instructions shall be read into the record.

Rule 21. Motions Prohibited

The only motion permissible is one requesting the judge strike testimony following a successful objection to its admission.

Rule 22. Objection During Opening Statement, Closing Argument

No objections shall be raised during opening statements or during closing arguments.

Note: It will be the Presiding Judge's responsibility to handle any legally inappropriate statements made in the closing argument. All judges may consider the matter's weight when scoring.

D. Presenting Evidence

Rule 23. Objections

i. Argumentative Questions

An attorney shall not ask argumentative questions.

Example: During cross-examination of an expert witness the attorney asks, "You aren't as smart as you think you are, are you?"

ii. Lack of Proper Foundation

Attorneys shall lay a proper foundation prior to moving for the admission of evidence. After the exhibit has been offered into evidence, the exhibit may still be objected to on other grounds.

iii. Assuming Facts Not in Evidence

Attorneys may not ask a question that assumes unproven facts. However, an expert witness may be asked a question based upon stated assumptions, the truth of which is reasonably supported by the evidence (sometimes called a *hypothetical question*).

iv. Questions Calling for Narrative or General Answer

Attorneys may not ask questions that are so general that they do not call for a specific answer.

Example: "Tell us what you know about the case."

v. Non-Responsive Answer

A witness' answer is objectionable if it fails to respond to the question asked.

MVP Tip: This objection also applies to a witness who talks on and on unnecessarily in an apparent ploy to run out the clock at the expense of the other team.

vi. Repetition

Questions designed to elicit the same testimony or evidence previously presented in its entirety are improper if merely offered as a repetition of the same testimony or evidence from the same or similar source.

Rule 24. Procedure for Qualifying Expert Witnesses

Only a witness who is qualified as an expert may give an opinion as to scientific, technical, or other specialized knowledge in the area of their expertise. The following steps will effectively qualify an expert:

1. Ask the expert to describe factors such as education, professional training, work experience, special skills, or publications they have authored.
2. Ask the Court to qualify the witness as an expert in a particular field.
3. Once qualified, ask for witness's expert opinion on___.

Example: The wife of Harold Hart is suing General Hospital for malpractice. She claims the hospital did not treat Mr. Hart for an obvious heart attack when he was brought to the hospital. Mrs. Hart's lawyer is examining the hospital's expert witness, Dr. Jones:

Attorney: "Dr. Jones, what is your occupation?"

Witness: "I am a heart surgeon at the Oregon Health & Science University Knight Cardiovascular Institute."

Attorney: "Where did you attend medical school?"

Witness: "I graduated from OHSU Medical School in 1985."

Attorney: "Where did you do your internship?"

Witness: "I did a two-year internship in Cardiology at Johns Hopkins University from 1985-1987."

Attorney: "Did you then specialize in any particular field of medicine?"

Witness: "Yes, I specialized in the treatment of heart attacks and cardiothoracic surgery."

Attorney: "Have you published any books or articles on the topic?"

Witness: "Yes, I have written several chapters in medical texts on heart surgery and care for patients after heart attacks."

Attorney: "Do you hold any professional licenses?"

Witness: "Yes, I am certified by both the Oregon and Washington Boards of Medical Examiners to practice medicine in both states."

Attorney: "Your Honor, I ask that Dr. Jones be qualified as an expert in the fields of cardiothoracic surgery and heart attack care."

Rule 25. Redirect, Recross

Redirect and recross examinations are permitted, provided they conform to the restrictions in [Rule 611\(d\)](#).

A. Closing Arguments

Rule 26. Scope of Closing Arguments

Closing arguments must be based on the actual evidence and testimony presented during the trial.

B. Critique

Rule 27. The Critique

For the Mini Mock event, in addition to making a brief, general, congratulatory statement to each team, the judging panel should make substantive comments and/or constructive criticism in the spirit of improving each team's performances in the future.

C. Judging and Team Advancement

Rule 28. Decisions

All decisions of the judging panels are FINAL.

Rule 29. Composition of Panel

The judging panel will consist of two individuals: one Presiding Judge and one other judge. A judge **MUST** be supplied by the competing team. Failure to supply a judge for the trial by a team, may result in forfeiture of the trial and a disqualification/removal from the Mini Mock event. Since the Mini Mock event is not a tournament style competition, judges may be directly connected to a team. For example, an attorney coach of the team, may serve as that team's judge during the Mini Mock event, as their sole purpose is to hear and adjudicate the trial, as well as provide honest and constructive feedback as it relates to both teams' performances. The two judges in a trial round will confer, prior to the beginning of the trial and determine which will serve as the Presiding Judge.

If necessary, the Competition Coordinator may assign which judge will serve as a Presiding Judge.

Rule 30. Ballots

The term "ballot" refers to the decision made by each judge as to which side had the better performance in a round. In the Mini Mock event, a judge's ballot will be used solely for the purposes of offer written feedback to the competing teams, as there will be no winner or loser of the trial/round.

Rule 31. Team Schedule

Teams will participate in two rounds/trial at Mini Mock. Each side will be scheduled to perform as both the Prosecution and Defense in the case. Individual team schedules will be shared prior to the competition, in order to help teams properly prepare themselves for the Mini Mock event.

Rule 32. Merit Decisions

Judges **shall not** announce a ruling either based on the legal merits of the trial or based on the ballots and score sheets.

II. In-Person Mock Trial Rules of Procedure

A. Before the Trial

Rule 33. Team Roster

Copies of the Team Roster shall be completed and duplicated by each team prior to arrival at the courtroom for each round of the Mini Mock event. Teams must be identified by their letter code only; no information identifying team origin should appear on the form. Before beginning a trial, teams shall exchange copies of the Team Roster. Witness lists should identify the preferred gender pronouns of each witness for the benefit of the judges and the opposing team.

Rule 34. Courtroom Setting

The Prosecution/Prosecution team shall be seated closest to the jury box. No team shall rearrange the courtroom without permission of the judge.

B. Beginning the Trial

Rule 35. Jury Trial

The case will be tried to a jury; arguments are to be made to the Presiding Judge and jury. Teams may address the judges seated in the jury box as the jury.

Rule 36. Motions Prohibited

The only motion permissible is one requesting the judge strike testimony following a successful objection to its admission.

Rule 37. Standing During Trial

Unless excused by the Presiding Judge, attorneys will stand while giving opening statements and closing arguments, direct and cross-examinations, and for all objections.

Rule 38 Objection During Opening Statement, Closing Argument

No objections shall be raised during opening statements or during closing arguments.

C. Presenting Evidence

Rule 39. Procedure for Introduction of Exhibits

The following steps effectively introduce evidence:

Introduce the Item for Identification

1. Hand a copy of the exhibit to opposing counsel while asking permission to approach the bench. "I am handing the Clerk what has been marked as Exhibit _____. I have provided a copy to opposing counsel. I request permission to show Exhibit _____ to witness _____."
2. Show the exhibit to the witness. "Can you please identify Exhibit _____ for the Court?"
3. The witness identifies the exhibit.

Offer the Item into Evidence

1. Offer the exhibit into evidence. "Your Honor, we offer Exhibit _____ into evidence at this time. The authenticity of the exhibit has been stipulated."
2. Court: "Is there an objection?" If opposing counsel believes a proper foundation has not been laid, the attorney should be prepared to object at this time.

3. Opposing counsel: “No, Your Honor,” or “Yes, Your Honor.” If yes, the objection will be stated on the record. Court: “Is there any response to the objection?”
4. Court: “Exhibit ____ is/is not admitted.”

The attorney may then proceed to ask questions. If admitted, Exhibit ____ becomes a part of the Court’s official record and, therefore, is handed over to the Clerk. The exhibit should not be left with the witness or taken back to counsel table.

Attorneys do not present admitted evidence to the jury because they have exhibits in their case materials; thus, there is no publishing to the jury.

Rule 40. Use of Notes; No Electronic Devices

Attorneys may use notes when presenting their cases. Witnesses, however, are not permitted to use notes while testifying. Attorneys may consult with one another at counsel table verbally or through the use of notes. The use of laptops or other electronic devices is prohibited.

VI. Federal Rules of Evidence – Mock Trial Version

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 these 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. **The numbering of some rules does not match the Federal Rules of Evidence and some rule numbers or sections are skipped because those rules were not deemed applicable to mock trial procedure.**

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 is appropriate.

Article I. General Provisions

Rule 101. Scope

The *Mock Trial Rules of Competition* and these *Federal Rules of Evidence – Mock Trial Version* govern the Oregon High School Mock Trial Competition.

Rule 102. Purpose and Construction

These Rules should be construed so as to administer every proceeding fairly, eliminate unjustifiable expense and delay, and promote the development of evidence law, to the end of ascertaining the truth and securing a just determination.

Article II. Judicial Notice

Rule 201. Judicial Notice of Adjudicative Facts

1. This rule governs judicial notice of an adjudicative fact only, not a legislative fact.
2. The court may judicially notice a fact that is not subject to reasonable dispute because it is a matter of mathematical or scientific certainty. For example, the court could take judicial notice that $10 \times 10 = 100$ or that there are 5,280 feet in a mile.
3. The court must take judicial notice if a party requests it and the court is supplied with the necessary information.
4. The court may take judicial notice at any stage of the proceeding.
5. A party is entitled to be heard on the propriety of taking judicial notice and the nature of the fact to be noticed.
6. In a civil case, the court must instruct the jury to accept the noticed fact as conclusive. In a criminal case, the court must instruct the jury that it may or may not accept the noticed fact as conclusive.

Article IV. Relevancy and Its Limits

Rule 401. Definition of Relevant Evidence

Evidence is relevant if:

1. it has any tendency to make a fact more or less probable than it would be without the evidence; and
2. the fact is of consequence in determining the action.

Rule 402. General Admissibility of Relevant Evidence

Relevant evidence is admissible unless these rules provide otherwise. Irrelevant evidence is not admissible.

Example: Questions and answers must relate to an issue in the case. The following is likely inadmissible in a traffic accident case: “Mrs. Smith, how many times have you been married?”

Rule 403. Excluding Relevant Evidence for Prejudice, Confusion, Waste of Time, etc.

The court may exclude relevant evidence if its probative value is substantially outweighed by a danger of one or more of the following: unfair prejudice, confusing the issues, misleading the jury, undue delay, wasting time, or needlessly presenting cumulative evidence.

Rule 404. Character Evidence; Crimes or Other Acts

a) Character Evidence

1. Prohibited Uses. Evidence of a person’s character or character trait is not admissible to prove that on a particular occasion the person acted in accordance with the character or trait.
2. Exceptions for a Defendant or Victim in a Criminal Case. The following exceptions apply in a criminal case:
 - A. a defendant may offer evidence of the defendant’s pertinent trait, and if the evidence is admitted, the prosecution may offer evidence to rebut it;
 - B. a defendant may offer evidence of an alleged victim’s pertinent trait, and if the evidence is admitted the prosecution may:
 - i. offer evidence to rebut it; and
 - ii. offer evidence of the defendant’s same trait; and
 - C. in a homicide case, the prosecution may offer evidence of the alleged victim’s trait of peacefulness to rebut evidence that the victim was the first aggressor.
3. Exceptions for a Witness. Evidence of a witness’s character may be admitted under Rules [607](#), [608](#), and [609](#).

b) Crimes, Wrongs, or Other Acts

1. Prohibited Uses. Evidence of a crime, wrong, or other act is not admissible to prove a person’s character in order to show that on a particular occasion the person acted in accordance with the character.
2. Permitted Uses. This evidence may be admissible for another purpose, such as proving motive, opportunity, intent, preparation, plan, knowledge, identity, absence of mistake, or lack of accident.

Rule 405. Methods of Proving Character

- a) By Reputation or Opinion. When evidence of a person’s character or character trait is admissible, it may be proved by testimony about the person’s reputation or by testimony in the form of an opinion. On cross-examination of the character witness, the court may allow an inquiry into relevant specific instances of the person’s conduct.

- b) By Specific Instances of Conduct. When a person's character or character trait is an essential element of a charge, claim, or defense, the character or trait may also be proved by relevant specific instances of the person's conduct.

Rule 406. Habit, Routine Practice

Evidence of a person's habit or an organization's routine practice may be admitted to prove that on a particular occasion the person or organization acted in accordance with the habit or routine practice. The court may admit this evidence regardless of whether it is corroborated or whether there was an eyewitness.

Rule 407. Subsequent Remedial Measures

When measures are taken that would have made an earlier injury or harm less likely to occur, evidence of the subsequent measures is not admissible to prove:

1. negligence;
2. culpable conduct;
3. a defect in a product or its design;
4. a need for a warning of instruction.

But the court may admit this evidence for another purpose, such as impeachment or – if disputed – proving ownership, control, or the feasibility of precautionary measures.

Rule 408. Compromise Offers and Negotiations

- a) Prohibited Uses. Evidence of the following is not admissible – on behalf of any party – either to prove or disprove the validity or amount of a disputed claim or to impeach by a prior inconsistent statement or contradiction:
 1. furnishing, promising, or offering – or accepting, promising to accept, or offering to accept – a valuable consideration in compromising or attempting to compromise the claim; and
 2. conduct or a statement made during compromise negotiations about the claim – except when offered in a criminal case and when the negotiations related to a claim by a public office in the exercise of its regulatory, investigative, or enforcement authority.
- b) Exceptions. The court may admit this evidence for another purpose, such as proving a witness's bias or prejudice, negating a contention of undue delay, or proving an effort to obstruct a criminal investigation or prosecution.

Rule 409. Offers to Pay Medical and Similar Expenses

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

Rule 410. Pleas, Plea Discussions, and Related Statements

1. Prohibited Uses. In a civil or criminal case, evidence of the following is not admissible against the defendant who made the plea or participated in the plea discussions:
 - a. a guilty plea that was later withdrawn;
 - b. a nolo contendere plea;
 - c. a statement made during a proceeding on either of those pleas under Federal Rule of Criminal Procedure 11 or a comparable state procedure; or
 - d. a statement made during plea discussion with an attorney for the prosecuting authority if the discussions did not result in a guilty plea or they resulted in a later-withdrawn guilty plea.
2. Exceptions. The court may admit a statement described in Rule 410 1.c. or d.:

- a. in any proceeding in which another statement made during the same plea or plea discussions has been introduced, if in fairness the statements ought to be considered together; or
- b. in a criminal proceeding for perjury or false statement, if the defendant made the statement under oath, on the record, and with counsel present.

Rule 411. Liability Insurance (civil cases only)

Evidence that a person was or was not insured against liability is not admissible to prove whether the person acted negligently or otherwise wrongfully. But the court may admit this evidence for another purpose, such as proving a witness's bias or proving agency, ownership, or control.

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 testify to a matter only if evidence is introduced sufficient to support a finding that the witness has personal knowledge of the matter. Evidence to prove personal knowledge may consist of the witness's own testimony. This rule does not apply to a witness's expert testimony under [Rule 703](#). See [Rule 3](#).

Example: Witness knows that Harry tends to drink a lot at parties and often gets drunk. Witness was not at the party and did not see Harry drink.

Attorney 1: "Do you think Harry was drunk at the party?"

Witness: "Harry gets drunk all the time, so yes he was probably drunk."

Attorney 2: "Objection, Your Honor. Lack of personal knowledge. Witness was not at the party and can't know if Harry was drunk or not."

Judge: "Sustained. The jury will disregard the witness's answer."

Rule 607. Who May Impeach

MVP Tip: An effective cross-examiner tries to show the jury that a witness should not be believed. This is best accomplished through a process called *impeachment* which may use one of the following tactics: (1) showing that the witness has contradicted a prior statement, particularly one made by the witness in an affidavit (see example below); (2) asking questions about prior conduct of the witness that makes the witness's truthfulness doubtful (see [Rule 608](#)); or (3) asking about evidence of certain types of criminal convictions (see [Rule 609](#)).

In order to impeach the witness by comparing information in the witness's affidavit to the witness's testimony, attorneys should use this procedure:

Introduce the witness's affidavit for identification (See [Rule 39](#));

Repeat the statement the witness made on direct or cross-examination that contradicts the affidavit.

Attorney: "Now, Mrs. Burns, on direct examination you testified that you were out of town on the night in question, didn't you?"

Mrs. Burns: "Yes."

Ask the witness to read the portion of the affidavit that contradicts the testimony.

Attorney: "Mrs. Burns, will you read Line 18 of your affidavit?"

Witness: Reading from affidavit, "Harry and I decided to stay in town and go to the theater."

Dramatize the conflict in the statements. Remember the point of this line of questioning is to show the contradiction, not to determine whether Mrs. Burns was in town.

Attorney: So, Mrs. Burns, you testified you were *out* of town the night in question, didn't you?"

Witness: "Yes."

Attorney: "Yet, in your affidavit, you said you were *in* town, did you not?"

Witness: "Yes."

Any party, including the party that called the witness, may attack the witness's credibility.

Rule 608. Evidence of Character and Conduct of Witness

- a) Reputation or Opinion Evidence. A witness's credibility may be attacked or supported by testimony about the witness's reputation for truthfulness or untruthfulness, or by testimony in the form of an opinion about that character. But evidence of truthful character is admissible only after the witness's character for truthfulness has been attacked.
- b) Specific Instances of Conduct. Except for a criminal conviction under [Rule 609](#), extrinsic evidence is not admissible to prove specific instances of a witness's conduct in order to attack or support the witness's character for truthfulness. But the court may, on cross-examination, allow them to be inquired into if they are probative of the character for truthfulness or untruthfulness of:
 1. the witness; or
 2. another witness whose character the witness being cross-examined has testified about.

By testifying on another matter, a witness does not waive any privilege against self-incrimination for testimony that relates only to the witness's character for truthfulness.

Example:

Attorney 1 (on cross-examination): "Isn't it true that you once lost a job because you falsified expense reports?"

Witness: "Yes, but..."

Attorney 1: "Thank you."

Attorney 2 (on redirect): "Did you do anything to mitigate the falsified reports?"

Witness: "Yes, I paid back all of the money and entered a program for rehabilitation."

Attorney 2: "And how long ago was this?"

Witness: "25 years."

Attorney 2: "And have you successfully held jobs since then that required you to be truthful and to be trusted by your employer?"

Rule 609. Impeachment by Evidence of Conviction of Crime

- a) In General. The following rules apply to attacking a witness's character for truthfulness by evidence of a criminal conviction:
 - 1. for a crime that, in the convicting jurisdiction, was punishable by death or by imprisonment for more than one year, the evidence:
 - A. must be admitted, subject to Rule 403, in a civil case or in a criminal case in which the witness is not a defendant; and
 - B. must be admitted in a criminal case in which the witness is a defendant if the probative value of the evidence outweighs its prejudicial effect to that defendant; and
 - 2. for any crime regardless of the punishment, the evidence must be admitted if the court can readily determine that establishing the elements of the crime required proving – or the witness's admitting – a dishonest act or false statement.
- b) Limit on Using the Evidence After 10 Years. This subdivision 2. applies if more than 10 years have passed since the witness's conviction or release from confinement for it, whichever is later. Evidence of the conviction is admissible only if its probative value, supported by specific facts and circumstances, substantially outweighs its prejudicial effect.
- c) Effect of a 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, or other equivalent procedure based on a finding that the person has been rehabilitated, and the person has not been convicted of a later crime punishable by death or by imprisonment for more than 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 a juvenile adjudication is admissible under this rule only if:

1. it is offered in a criminal case;
2. the adjudication was of a witness other than the defendant;
3. an adult's conviction for that offense would be admissible to attack the adult's credibility; and
4. admitting the evidence is necessary to fairly determine guilt or innocence.

e) Pendency of an Appeal. A conviction that satisfies this rule is admissible even if an appeal is pending. Evidence of the pendency is also admissible.

Rule 610. Religious Beliefs or Opinions

Evidence of a witness's religious beliefs or opinions is not admissible to attack or support the witness's credibility.

Rule 611. Mode and Order of Interrogation and Presentation

a) Control by Court; Purposes. The Court should exercise reasonable control over the mode and order of examining witnesses and presenting evidence so as to:

1. make those procedures effecting for determining the truth;
2. avoid wasting time; and
3. protect witnesses from harassment or undue embarrassment.

b) Scope of cross-examination. The scope of cross-examination **shall not** be limited to the scope of the direct examination, but **may inquire into any relevant facts or matters contained in the witness' statement, including all reasonable inferences** that can be drawn from those facts and matters, 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 except as necessary to advance the witness's testimony. Ordinarily, the court should allow leading questions:

1. on cross-examination; and

MVP Tip: Following cross-examination, the counsel who called the witness may conduct redirect examination. Attorneys redirect to clarify new or unexpected issues or facts brought out in the immediately preceding cross-examination only; they may not bring up new issues. Attorneys may or may not want to redirect. If an attorney asks questions beyond the issues raised on cross, they may be objected to as "outside the scope of cross-examination." It is sometimes more beneficial not to conduct it for a particular witness. Attorneys should pay close attention to what is said during cross-examination to determine whether it is necessary to conduct redirect.

If the credibility or reputation for truthfulness of the witness is attacked on cross-examination, the direct examining attorney may wish to "save" the witness on redirect. If so, the questions should be limited to the damage the attorney thinks was done and should enhance the witness's truth-telling image in the eyes of the court. Work closely with your coaches on redirect and recross strategies. Remember that time will be running during both redirect and recross and may take away from the time you need for questioning other witnesses.

Example:

Attorney 1 (on cross-examination): “So, Mr. Smith, you took Ms. Jones to a movie that night, didn’t you?”

2. when a party calls a hostile witness, an adverse party, or a witness identified with an adverse party.

- d) Redirect/Recross. 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 recross, but such questions must be limited to matters raised on redirect examination and should avoid repetition. **For both redirect and recross, attorneys are limited to two questions each.**

MVP Tip: Cross-examination follows the opposing attorney’s direct examination of a witness. Attorneys conduct cross-examination to explore weaknesses in the opponent’s case, test the witness’s credibility, and establish some of the facts of the cross-examiner’s case whenever possible.

Remember to stay relaxed and be ready to adapt your prepared cross questions to the actual testimony given on direct examination; always listen to the witness’s answer; avoid giving the witness an opportunity to reemphasize the points made against your case on direct; don’t harass or attempt to intimidate the witness; and do not quarrel with the witness. **Be brief and ask only questions to which you already know the answer.**

- e) Permitted Motions. The only motion permissible is one requesting the judge to strike testimony following a successful objection to its admission.

Rule 612. Writing Used to Refresh a Witness’s 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. Witness’s Prior Statement

- a) Showing or Disclosing the Statement During Examination. When examining a witness about the witness’s prior statement, a party need not show it or disclose its contents to the witness. But the party must, on request, show it or disclose its contents to an adverse party’s attorney.
- b) Extrinsic Evidence of a Prior Inconsistent Statement. Extrinsic evidence of a witness’s prior inconsistent statement is admissible only if the witness is given an opportunity to explain or deny the statement and an adverse party is given an opportunity to examine the witness about it, or if justice so requires. This subdivision 2. does not apply to an opposing party’s statement under [Rule 801 4.b.](#)

Article VII. Opinions and Expert Testimony

Rule 701. Opinion Testimony by Lay Witness

If the witness is not testifying as an expert, testimony in the form of opinion is limited to one that is:

- a) rationally based on the witness's perception;
- b) helpful to clearly understand the witness's testimony or to determining a fact in issue; and
- c) not based on scientific, technical, or other specialized knowledge within the scope of Rule 702.

Example:

Inadmissible Lay opinion testimony: "The doctor put my cast on incorrectly. That's why I have a limp now."

Admissible Lay Opinion Testimony: "He seemed to be driving pretty fast for a residential street."

Rule 702. Testimony by 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 in the form of an opinion or otherwise. See Rule 24.

Rule 703. Bases of Opinion Testimony by Experts

An expert may base an opinion on facts or data in the case that the expert has been made aware of or personally observed. If experts in the particular field would reasonably rely on those kinds of facts or data in forming an opinion on the subject, they need not be admissible for the opinion to be admitted. But if the facts or data would otherwise be inadmissible, the proponent of the opinion may disclose them to the jury only if their probative value in helping the jury evaluate the opinion substantially outweighs their prejudicial effect.

MVP Tip: Unlike lay witnesses who must base their opinions on what they actually see and hear, expert witnesses can base their opinions on what they have read in articles, texts, records they were asked to review by a lawyer, or other documents which may not actually be admitted into evidence at the trial. **These records or documents may include statements made by other witnesses.**

Rule 704. Opinion of Ultimate Issue

- a) In General – Not Automatically Objectionable. An opinion is not objectionable just because it embraces an ultimate issue.
- b) Exception. In a criminal case, an expert must not state an opinion about whether the defendant did or did not have a mental state or condition that constitutes an element of the crime charged or of a defense. Those matters are for the trier of fact alone.

Article VIII. Hearsay

The following scenario will be used in all of the hearsay or hearsay exception examples below:

Mary is on trial for manslaughter. She allegedly drove after drinking, jumped a curb, and hit a pedestrian on the sidewalk. The pedestrian later died from his extensive injuries. Mary claims at trial that she was not driving – her boyfriend, Nate, was – and he swerved to miss a dog in the street. Several bystanders saw the accident and told the police that Mary was driving.

Rule 801. Definitions

The following definitions apply under this article:

- a) Statement. "Statement" means a person's oral assertion, written assertion, or nonverbal conduct if the person intended it as an assertion.
- b) Declarant. "Declarant" means the person who made the statement.
- c) Hearsay. "Hearsay" means a statement that:
 - 1. the declarant does not make while testifying at the current trial or hearing; and
 - 2. a party offers in evidence to prove the truth of the matter asserted.

Example: Mary's attorney calls Mary's friend Susan to testify.

Mary's Attorney: "And was Mary driving the car in question?"

Susan: "Well, Nate told me that he was driving, not Mary."

Nate's statement is hearsay. Nate (the declarant) made an oral assertion to Susan. The statement was not made while testifying and Mary's attorney is (assuming no other facts) offering it to prove that Nate, not Mary, was driving (the truth of the matter asserted).

- d) Statements that are not Hearsay. A statement that meets the following conditions is not hearsay:
 - 1. A Declarant Witness's Prior Statement. The declarant testifies and is subject to cross-examination about a prior statement, and the statement
 - A. is inconsistent with the declarant's testimony and was given under penalty of perjury at a trial, hearing, or other proceeding or in a deposition;

Example: Prior to Mary's criminal trial, the victim's family sued Mary for wrongful death and won. Nate was a witness in the civil trial and has now been called as a witness in Mary's criminal trial.

Prosecutor: "Nate, you say you were driving the vehicle before it hit the curb, correct?"

Nate: "Yes."

Prosecutor: "And you swerved and hit the curb because...?"

Nate: "I swerved to miss a dog."

Prosecutor (after properly introducing civil trial transcript for identification):
"Nate, will you read Line 18 of this page?"

- B. is consistent with the declarant's testimony and is offered to rebut an express or implied charge that the declarant recently fabricated it or acted from recent improper influence or motive in so testifying; or
 - C. identifies a person as someone the declarant perceived earlier.
 - 2. An Opposing Party's Statement. The statement is offered against an opposing party and:
 - A. was made by the party in an individual or a representative capacity;

- B. is one the party manifested that it adopted or believed to be true;
 - C. was made by a person whom the party authorized to make a statement on the subject;
 - D. was made by the party's agent or employee on a matter within the scope of that relationship and while it existed; or
 - E. was made by the party's coconspirator during and in furtherance of the conspiracy.
- The statement must be considered but does not by itself establish the declarant's authority under iii.; the existence or scope of the relationship under iv.; or the existence of the conspiracy or participation in it under v.

Example: Prosecutor is cross-examining Susan, Mary's friend.

Prosecutor: "Mary actually called you after the accident, didn't she?"

Susan: "Yes."

Prosecutor: "And Mary told you all about the accident didn't she?"

Susan: "She talked about the accident, yes."

Prosecutor: "And Mary told you during that call that she'd driven her car into a person, right?"

Mary's Attorney: "Objection! Mary's statement to Susan is hearsay."

Prosecutor: "Your Honor, Mary's statement is an Opposing Party's statement."

Judge: "Objection overruled. Mary's statement is not hearsay and is admissible."

Prosecutor: "So, Mary told you she'd driven her car into a person, right?"

Susan: "Mary said, 'I can't believe I drove my car into a person.'"

Rule 802. Hearsay Rule

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

Rule 803. Exceptions to the Rule Against Hearsay – Regardless of Availability

The following are not excluded by the hearsay rule, regardless of whether the declarant is available as a witness:

1. Present Sense Impression. A statement describing or explaining an event or condition made while or immediately after the declarant perceived it.

Example: Mary's attorney calls a bystander who was at the scene of the accident to testify.

Mary's Attorney: "Were you present when the accident occurred?"

Bystander: "Yes, I was across the street."

Mary's Attorney: "And what do you remember about the accident?"

Bystander: "I was across the street looking for an address. I had my back turned to the street and I heard an engine revving. Then, someone behind me said, 'That car is going really fast.'"

Prosecutor: "Objection! That statement is hearsay."

Mary's Attorney: "Your Honor, the statement is a present sense impression and is excepted from the hearsay rule."

Judge: "Objection overruled."

Mary's Attorney: "So you heard someone behind you say..."

2. Excited Utterance. A statement relating to a startling event or condition made while the declarant was under the stress of excitement that it caused.

Example: Mary's attorney continues to question the bystander.

Mary's Attorney: "So, then what happened?"

Bystander: "I started to turn toward the street and as I turned I heard a woman yell, 'Oh my God, that man's car is out of control!'"

Prosecutor: "Objection, Your Honor. Hearsay."

Mary's Attorney: "Your Honor, the woman's statement is an excited utterance. She made the statement while watching the car drive out of control and it is related to the event."

Judge: "Overruled. The statement is admissible."

3. **Then-Existing Mental, Emotional, or Physical Condition.** A statement of the declarant's then-existing state of mind (such as motive, intent, or plan) or emotional, sensory, or physical condition (such as mental feeling, pain, or bodily health), but not including a statement of memory or belief to prove the fact remembered or believed unless it relates to the validity or terms of the declarant's will.

Example: Mary's attorney continues to question the bystander.

Mary's Attorney: "Then what did you see?"

Bystander: "By the time I turned around, both people were out of the car. The man from the car staggered into a woman and she said, 'Oh my God, he reeks of alcohol!'"

Prosecutor: "Objection! Hearsay!"

Mary's Attorney: "Your Honor, the declarant's statement was a sensory condition. She smelled alcohol when my client's boyfriend fell into her and said so."

Judge: "The objection is overruled."

4. **Statement Made for Medical Diagnosis or Treatment.** Statements made for the purpose of medical diagnosis or treatment.
5. **Recorded Recollection.** A record that:
- A. is on a matter the witness once knew about but now cannot recall well enough to testify fully and accurately;
 - B. was made or adopted by the witness when the matter was fresh in the witness's memory; and
 - C. accurately reflects the witness's knowledge.

If admitted, the record may be read into evidence but may be received as an exhibit only if offered by an adverse party.

6. **Records of Regularly Conducted Activity.** A record of an act, event, condition, opinion, or diagnosis if:
- A. the record was made at or near the time by – or from information transmitted by – someone with knowledge;
 - B. the record was kept in the course of regularly conducted activity of a business, organization, occupation, or calling, whether or not for profit;
 - C. making the record was a regular practice of the activity;
 - D. all these conditions are shown by the testimony of the custodian or another qualified witness; and
 - E. the opponent does not show that the source of information or the method or circumstances of preparation indicate a lack of trustworthiness.
7. **Absence of Regularly Conducted Activity.** Evidence that a matter is not included in a record described in Rule 803.6. if:
- A. the evidence is admitted to prove that the matter did not occur or exist;
 - B. a record was regularly kept for a matter of that kind; and

- C. the opponent does not show that the possible source of information or other circumstances indicate a lack of trustworthiness.
- 8. Public Records. A record or statement of a public office if:
 - A. it sets out:
 - i. the office's activities;
 - ii. a matter observed while under a legal duty to report, but not including, in a criminal case, a matter observed by law enforcement personnel; or
 - iii. in a civil case or against the government in a criminal case, factual findings from a legally authorized investigation; and
 - B. the opponent does not show that the source of information or other circumstances indicate a lack of trustworthiness.
- 10. Absence of a Public Record. Testimony that a diligent search failed to disclose a public record or statement if the testimony or certification is admitted to prove that:
 - A. the record or statement does not exist; or
 - B. a matter did not occur or exist, if a public office regularly kept a record or statement for a matter of that kind.
- 16. Statements in Ancient Documents. A statement in a document that is at least 20 years old and whose authenticity is established.
- 18. Statements in Learned Treatises, Periodicals, or Pamphlets. A statement contained in a treatise, periodical, or pamphlet if:
 - A. the statement is called to the attention of an expert witness on cross-examination or relied on by the expert on direct examination; and
 - B. the publication is established as a reliable authority by the expert's admission or testimony, by another expert's testimony, or by judicial notice.
- 21. Reputation Concerning Character. A reputation among a person's associates or in the community concerning a person's character.
- 22. Judgment of a Previous Conviction. Evidence of a final judgment of conviction if:
 - A. the judgment was entered after a trial or guilty plea, but not a nolo contendere plea;
 - B. the conviction was for a crime punishable by death or by imprisonment for more than one year;
 - C. the evidence is admitted to prove any fact essential to the judgment; and
 - D. when offered by the prosecutor in a criminal case for a purpose other than impeachment, the judgment was against the defendant.

The pendency of an appeal may be shown but does not affect admissibility.

Rule 804. Hearsay Exceptions; Declarant Unavailable

- a) Criteria for Being Unavailable. A declarant is unavailable as a witness if the declarant:
 - 1. is exempted from testifying about the subject matter of the declarant's statement because the court rules that a privilege applies;
 - 2. refuses to testify about the subject matter despite a court order to do so;
 - 3. testifies to not remembering the subject matter;
 - 4. cannot be present or testify at the trial or hearing because of death or a then-existing infirmity, physical illness, or mental illness; or
 - 5. is absent from the trial or hearing and the statement's proponent has not been able, by process or other reasonable means, to procure:
 - A. the declarant's attendance, in the case of a hearsay exception under Rule 804.b.1 or 804.b.6; or

- B. the declarant's attendance or testimony, in the case of a hearsay exception under Rule 804.b.2, 804.b.3, or 804.b.4.

But this subdivision A. does not apply if the statement's proponent procured or wrongfully caused the declarant's unavailability as a witness in order to prevent the declarant from attending or testifying.

- b) The Exceptions. The following are not excluded by the rule against hearsay if the declarant is unavailable as a witness:
 - 1. Former Testimony. Testimony that:
 - A. was given as a witness at a trial, hearing, or lawful deposition, whether given during the current proceeding or a different one; and
 - B. is now offered against a party who had – or in a civil case, whose predecessor in interest had – an opportunity and similar motive to develop it by direct, cross-, or redirect examination.
 - 2. Statement Under the Belief of Imminent Death. In a prosecution for a homicide or in a civil case, a statement that the declarant, while believing the declarant's death to be imminent, made about its cause or circumstances.
 - 3. State Against Interest. A statement that:
 - A. a reasonable person in the declarant's position would have made only if the person believed it to be true because, when made, it was so contrary to the declarant's proprietary or pecuniary interest or had so great a tendency to invalidate the declarant's claim against someone else or to expose the declarant to civil or criminal liability; and
 - B. is supported by corroborating circumstances that clearly indicate its trustworthiness, if it is offered in a criminal case as one that tends to expose the declarant to criminal liability.
 - 4. Statement of Personal or Family History
 - A. the declarant's own birth, adoption, legitimacy, ancestry, marriage, divorce, relationship by blood, adoption, or marriage, or similar facts of personal or family history, even though the declarant had no way of acquiring personal knowledge about that fact; or
 - B. another person concerning any of these facts, as well as death, if the declarant was related to the person by blood, adoption, or marriage or was so intimately associated with the person's family that the declarant's information is likely to be accurate.
 - 5. Statement Offered Against a Party That Wrongfully Caused the Declarant's Unavailability. A statement offered against a party that wrongfully caused – or acquiesced in wrongfully causing – the declarant's unavailability as a witness and did so intending that result.

Rule 805. Hearsay Within Hearsay

Hearsay included within hearsay is not excluded by the rule against hearsay if each part of the combined statement conforms with an exception to the rule.

VII. Notes to Judges

A. Judging Guidelines

Mock Trial is most successful when judges are familiar with the witness statements and the rules of competition. Please take time before the competition to review both of these sections of the materials. Being prepared is the best way to honor the time and effort the students have given to the Mock Trial. ***Note that Mock Trial rules often differ from the rules in an actual court of law.*** Particularly, the evidence rules are simplified and modified.

The Mock Trial competition differs *significantly* from a real trial situation in the following ways:

1. Students are prohibited from making objections or using trial procedures not listed in the Mock Trial materials. Students should request a bench conference (to be held in open court from counsel table) if they think the opposing attorneys are using trial procedures outside the rules.
2. Students are limited to the information in the witness statements and fact situation. If a witness invents information, the opposing attorney may object on the grounds that the information is beyond the scope of the Mock Trial materials. The Presiding Judge is encouraged to request a bench conference (to be held in open court from counsel table) to ask the students to find where the information is included in the case materials.
3. Exhibits should not be admitted into evidence merely because they are contained in the Mock Trial materials. Objections to admission of exhibits should be heard and argued.
4. Mock Trial rounds are timed. Each team provides an official timekeeper for a trial for two total official timekeepers per trial. Timekeepers time all phases of the trial, including the final remarks.
5. Students have been instructed to address their presentations to the judge and jury. The students will address the Presiding Judge as the judge in the case and the Scoring Judges as the jury.
6. Each trial round should be **completed in less than two hours**. To keep the competition on schedule, please keep within the time limits set out in Rule 12. Objections stop the clock, so please be as efficient as possible when ruling while still allowing students to argue the objections.
7. At the conclusion of the trial, each judge will offer a general congratulatory comment to each team, and substantive comments and/or constructive criticism, at their discretion. Ballots will be shared with teams following the competition. See Rule 30. Additionally, judges shall **not** offer a verdict on the merits.

Each courtroom will be assigned a panel of Two Judges. In extenuating circumstances, a courtroom may have only have one Judge. See Rule 29.

B. Virtual Competition – Introductory Matters (Presiding Judge)

The Presiding Judge should handle the following introductory matters before beginning the trial:

1. Ask each side if it is ready for trial. Remind non-performing participants that their video and audio should be muted. Then, ask one team member from each team to state their team members' names, roles, and the team letter code (not school name).
2. Inquire of both teams whether they have objections to recording of the round.
3. Ask if there are people in the Zoom courtroom who are connected with other schools in the competition not performing in your courtroom. If so, they should be asked to leave the Zoom courtroom and be reassigned from the main Zoom room.

4. Remind observers of the importance of showing respect for the teams. Observers must remain muted with no video throughout the entire trial.
5. Remind teams that witnesses are permitted to testify only to the information in the fact situation, their witness statements, and what can be reasonably inferred from that information.
6. Remind teams that they must complete their presentations within the specified time limits. The timekeepers will signal you in the Zoom chat area as the time for each segment progresses. Three-minute, one minute, and TIME warnings will be posted by both timekeepers. At the end of each segment attorneys and witnesses will be stopped when time has run out, regardless of completion of the presentation.
7. All witnesses must be called and sworn in. If a team fails to call a witness penalty points will be assigned.
8. Only the following exhibits may be offered as evidence at the trial:

Exhibit 1: Coroner's Report

Exhibit 2: Diagram of Takotsubo Cardiomyopathy Syndrome

Exhibit 3: 911 Report

Exhibit 4: Email Received by Jackie Weaver

Exhibit 5: Dr. Watson's Curriculum Vitae

Exhibit 6: Dr. Brice's Curriculum Vitae

Finally, before you begin, indicate that you have been assured that the Code of Ethical Conduct has been read and will be followed by all participants in the Mock Trial competition. Should there be a recess at any time during the trial, the communication rule shall be in effect. See the [Code of Ethical Conduct](#). If there are no other questions, begin the trial.

At the end of the trial, judges will complete their ballots. Judges should **not** announce a verdict on the merits. Once ballots are complete, judges will immediately submit them before final remarks are made.

C. In-Person Competition – Introductory Matters (Presiding Judge)

The Presiding Judge should handle the following introductory matters before beginning the trial:

1. Ask each side if it is ready for trial. If so, ask each side to provide each judge with a copy of its Team Roster. Then, ask each member to rise and state their name, role and team letter code (not school name).
2. If video or audio recorders are present, inquire with both teams whether they have objectives to recording of the round.
3. Ask if there are people in the courtroom who are connected with other schools in the competition not performing in your courtroom. If so, they should be asked to leave. They may contact the Competition Coordinator to determine the location of the courtroom in which their school is performing.
4. Remind spectators of the importance of showing respect for the teams. Ask spectators to silence electronic devices. Judges may remove spectators who do not adhere to proper courtroom decorum.
5. Remind teams that witnesses are permitted to testify only to the information in the fact situation, their witness statements, and what can be reasonably inferred from that information.
6. Remind teams that they must complete their presentations within the specified time limits. The bailiff will signal you as the time for each segment progresses. Three-minute, one minute and zero-minute cards will be held up by the bailiff. At the end of each segment attorneys and witnesses will be stopped when time has run out, regardless of completion of the presentation.

7. All witnesses must be called. If a team fails to call a witness penalty points will be assigned.
8. Only the following exhibits may be offered as evidence at the trial:

Exhibit 1: Coroner's Report

Exhibit 2: Diagram of Takotsubo Cardiomyopathy Syndrome

Exhibit 3: 911 Report

Exhibit 4: Email Received by Jackie Weaver

Exhibit 5: Dr. Watson's Curriculum Vitae

Exhibit 6: Dr. Brice's Curriculum Vitae

Finally, before you begin, indicate that you have been assured that the Code of Ethical Conduct has been read and will be followed by all participants in the Mock Trial competition. Should there be a recess at any time during the trial, the communication rule shall be in effect. See the [Code of Ethical Conduct](#). If there are no other questions, begin the trial.

At the end of the trial, judges will complete their ballots. Judges should **not** announce a verdict on the merits. Once ballots are complete, judges will immediately submit them before final remarks are made.

D. Evaluation Guidelines

You should use the competing team rosters (provided by each team) for note-taking and reference when evaluating performances.

Judges will be provided with the link to the online ballot or an in-person hardcopy ballot. Ballots shall be completed and submitted **immediately** following completion of the round and before final remarks. If online ballots are not available, ballots shall be completed and given to the Clerk for delivery to the scoring room immediately following competition of the round and before the final remarks. Judges will provide oral critique. Comments may also be written on ballots. Teams will be provided with copies of their ballots after the competition.

Judges shall assign a score of 1-10 in each section of their ballots. Scoring is broken down as follows:

1-2 pts	Poor, Unprepared: does not meet criteria
3-4 pts	Weak, Needs Practice: developing the criteria, but inconsistent
5-6 pts	Fair, Average: meets the criteria some of the time
7-8 pts	Good, Very Good: proficient with the criteria nearly all of the time
9-10 pts	Excellent, Amazing: mastery or near mastery of the criteria at all times

Judges will be provided with a performance evaluation rubric for each role being evaluated. A good way to approach assigning points is to start each performance at a 5-6 (average). Then, the performance can either drop below or exceed average. This helps to avoid score inflation. **Remember: a score of 1 OR 10 should be extremely rare.**

E. Penalty Points

Penalty Points should be assigned if a team member:

1. uses procedures beyond the Mock Trial rules (with intent, not mistakenly);
2. goes beyond the scope of the Mock Trial materials (with intent, not mistakenly);

3. does not follow mock trial rules in any other way (with intent, not mistakenly);
4. talks to coaches, non-performing team members or other observers. This includes during breaks and recesses, if any should occur, in the trial. This violation, if determined to be harmful, carries a mandatory **2-point penalty** to be indicated on the Presiding Judge's ballot.
5. does not call all witness. This violation carries a mandatory **2-point penalty** to be indicated on the Presiding Judge's ballot.

Note: The conduct of teachers and attorney coaches may impact a team's score.

Judges shall not engage in any discussion with students or coaches about scoring before, during, or after the trial. Any questions from teams about scoring should be referred to the Competition Coordinator.

1. Only the following exhibits may be offered as evidence at the trial:

Exhibit 1: Coroner's Report

Exhibit 2: Diagram of Takotsubo Cardiomyopathy Syndrome

Exhibit 3: 911 Report

Exhibit 4: Email Received by Jackie Weaver

Exhibit 5: Dr. Watson's Curriculum Vitae

Exhibit 6: Dr. Brice's Curriculum Vitae

APPENDICES

A. Often Used Objections in Suggested Form

This appendix is provided to assist students with the proper form of objections. It is **not** a comprehensive list of all objections. Permissible objections are those related to a rule in the Mock Trial materials. Impermissible objections are those not related to the Mock Trial rules (example: hearsay exception for business records). That is to say, an objection must be based on a rule found in the Mock Trial materials, not based on additional rules even if they are commonly used by lawyers in real trials.

The following are objections are often heard in mock trials but do not represent an exhaustive list of possible objections.

Note: Objections during the testimony of a witness will be permitted only by the direct examining and cross-examining attorneys for that witness.

1. Leading Question. See [Rule 611](#).

Example:

Attorney 1 (on cross-examination): “So, Mr. Smith, you took Ms. Jones to a movie that night, didn’t you?” (This question calls for a yes or no answer.)

Attorney 2: “Objection! Counsel is leading the witness.”

Attorney 1: “Your Honor, leading is permissible on cross-examination.”

Judge: “Objection is overruled.”

OR

Attorney 2 (on direct examination): “So, Mr. Smith, you took Ms. Jones to a movie that night, didn’t you?”

Attorney 1: “Objection! Counsel is leading the witness.”

Attorney 2: “I’ll rephrase Your Honor. Mr. Smith, where did you and Ms. Jones go that night?” (This question is open-ended and does not call for a yes or no

2. Relevance. See [Rule 402](#).

Example: In a traffic accident case defendant is accused of intentionally hitting her ex-husband’s car. Her defense is that she had no intention of hitting her ex-husband, but couldn’t stop in time to avoid the collision.

Prosecution’s Attorney (on cross-examination): “You are divorced from the Prosecution, correct?”

3. **Hearsay.** See [Rules 801 – 805](#).

Example: Defense attorney questions bystander in a traffic collision case resulting in a death.

Defense Attorney: “So, then what happened?”

Bystander: “I started to turn toward the street and as I turned I heard a woman yell, ‘Oh my God, that man’s car is out of control!’”

Prosecutor: “Objection, Your Honor. The woman’s statement is hearsay.”

Defense Attorney: “Your Honor, the woman’s statement is an excited utterance. She made the statement while watching the car drive out of control and it is related to the event.” (This is an explanation of the exception/exclusion which the attorney asserts applies to the statement.)

Judge: “Overruled. The statement is admissible.”

4. **Personal Knowledge.** See [Rule 602](#).

Example: Witness knows that Harry tends to drink a lot at parties and often gets drunk. Witness was not at the party and did not see Harry drink.

Attorney 1: “Do you think Harry was drunk at the party?”

Witness: “Harry gets drunk all the time, so yes he was probably drunk the night of the party.”

Attorney 2: “Objection, Your Honor. Lack of personal knowledge. Witness was not at the party and can’t know if Harry was drunk or not.”

Judge: “Sustained. The jury will disregard the witness’s answer.”

5. **Opinions.** See [Rule 701](#).

Example:

Attorney 1: And what happened when you went home from the Emergency Room?”

Witness: “I figured out the doctor put my cast on incorrectly. That’s why I have a limp now.”

Attorney 2: “Objection, Your Honor. The witness is not a doctor and can’t offer an opinion on the sufficiency of his cast.”

Attorney 1: “The witness can offer his opinion about his own cast.”

Judge: “The objection is sustained. The witness does not have the expertise to evaluate his cast or whether it caused him to limp.”

6. **Outside the Scope of Mock Trial Materials/Rules.** See [Rule 4](#).

Example: Witness’s statement says that she is a mother of eight children and works two jobs.

Attorney 1 (on cross-examination): “So, you have *eight* children?”

Witness: “Yes.”

Attorney 1: “And you work *two* jobs?”

Witness: “Yes.”

Attorney 1: “So, you must be pretty exhausted most days.”

Attorney 2: “Objection, Your Honor. Question asks witness to testify to information not contained in the mock trial materials.”

Attorney 1: “Your Honor, she would be making a reasonable inference from her witness statement.”

Judge: “Objection is overruled. It is reasonable to infer from the mock trial

B. Timesheet

OREGON HIGH SCHOOL MOCK TRIAL

Time Sheet (Criminal Case)

ROUND: _____

Prosecution Team Code _____

v.

Defendant Team Code _____

Prosecution Time Used		Defense Time Used	
Opening: 5-minute maximum Used: _____		Opening: 5-minute maximum Used: _____	
W1 _____ + _____ = _____ > - _____ = _____	20:00	Cross* + Recross* = Used** _____ + _____ = _____ > - _____ = _____	15:00
W2 _____ + _____ = _____ > - _____ = _____		_____ + _____ = _____ > - _____ = _____	
W3 _____ + _____ = _____ > - _____ = _____		_____ + _____ = _____ > - _____ = _____	
W4 _____ + _____ = _____ > - _____ = _____	15:00	Direct* + Redirect* = Used** _____ + _____ = _____ > - _____ = _____	20:00
W5 _____ + _____ = _____ > - _____ = _____		_____ + _____ = _____ > - _____ = _____	
W6 _____ + _____ = _____ > - _____ = _____		_____ + _____ = _____ > - _____ = _____	
Closing: 5-minute max. Used: _____ Unused: _____ Rebuttal: _____		Closing: 5-minute max. Used: _____ N/A N/A	
Judges' Deliberation: 7 min. max Time Used: _____			

*Round to the nearest 10 seconds before recording and adding together

**Round to the nearest 30 seconds before recording and subtracting from time remaining.

C. Team Roster

OREGON HIGH SCHOOL MOCK TRIAL TEAM ROSTER

Team Code: _____

Submit copies to: (1) Competition Coordinator before start; (2) Each of 3 judges in each round; and (3) Opposing team in each round. Please indicate pronouns .

MOCK TRIAL ROLE	STUDENT NAME/PRONOUNS
PROSECUTION TEAM	
Witness –	
Witness –	
Witness –	
Attorney – Opening Statement	
Attorney – Direct Examination of Witness	
Attorney – Direct Examination of Witness	
Attorney – Direct Examination of Witness	
Attorney – Cross-Examination of Defense Witness	
Attorney – Cross-Examination of Defense Witness	
Attorney – Cross-Examination of Defense Witness	
Attorney – Closing Argument	
Clerk	
DEFENSE TEAM	
Witness –	
Witness –	
Witness –	
Attorney – Opening Statement	
Attorney – Direct Examination of Witness	
Attorney – Direct Examination of Witness	
Attorney – Direct Examination of Witness	
Attorney – Cross Examination of Prosecution Witness	
Attorney – Cross Examination of Prosecution Witness	
Attorney – Cross Examination of Prosecution Witness	
Attorney – Closing Argument	
Bailiff	

Opening Statement			
Prosecution [BLUE] Opening Statement Score		Defense [ORANGE] Opening Statement Score	
<i>Write name of the character</i> – Prosecution Witness 1 Name:			
Witness 1's Direct Score	Witness 1's Cross Score	Direct Exam Attorney's Score	Cross Exam Attorney's Score
<i>Write name of the character</i> – Prosecution Witness 2 Name:			
Witness 2's Direct Score	Witness 2's Cross Score	Direct Exam Attorney's Score	Cross Exam Attorney's Score
<i>Write name of the character</i> – Prosecution Witness 3 Name:			
Witness 3's Direct Score	Witness 3's Cross Score	Direct Exam Attorney's Score	Cross Exam Attorney's Score
<i>Write name of the character</i> – Defense Witness 1 Name:			
Witness 1's Direct Score	Witness 1's Cross Score	Direct Exam Attorney's Score	Cross Exam Attorney's Score
<i>Write name of the character</i> – Defense Witness 2 Name:			
Witness 2's Direct Score	Witness 2's Cross Score	Direct Exam Attorney's Score	Cross Exam Attorney's Score
<i>Write name of the character</i> – Defense Witness 3 Name:			
Witness 3's Direct Score	Witness 3's Cross Score	Direct Exam Attorney's Score	Cross Exam Attorney's Score
Closing Statement			
Prosecution Closing Statement Score		Defense Closing Statement Score	

Round (circle one): 1 2 3 4

Prosecution Letter Code: _____

Scoring Ballot

Defendant Letter Code: _____

Prosecution Feedback	Defense Feedback
P Witness 1 Feedback	D Witness 1 Feedback
P Witness 2 Feedback	D Witness 2 Feedback
P Witness 3 Feedback	D Witness 3 Feedback
Opening Attorney Feedback	Opening Attorney Feedback
Direct & Cross Attorneys Feedback	Direct & Cross Attorneys Feedback
Closing Attorney Feedback	Closing Attorney Feedback

E. Scoring Rubric

	OPENING STATEMENT	DIRECT EXAMINATION	CROSS EXAMINATION	CLOSING ARGUMENT
ATTORNEY SCORING CRITERIA	<ul style="list-style-type: none"> <input type="checkbox"/> Provided a case overview and story <input type="checkbox"/> The theme/theory of the case was identified <input type="checkbox"/> Mentioned the key witnesses <input type="checkbox"/> Provided a clear and concise description of their team's evidence and side of the case <input type="checkbox"/> Stated the relief or verdict requested <input type="checkbox"/> Discussed the burden of proof <input type="checkbox"/> Presentation was non-argumentative; did not include improper statements or assume facts not in evidence <input type="checkbox"/> Professional and composed <input type="checkbox"/> Spoke naturally and clearly 	<ul style="list-style-type: none"> <input type="checkbox"/> Properly phrased and effective questions <input type="checkbox"/> Examination was organized effectively to make points clearly; questions had clear purpose <input type="checkbox"/> Used proper courtroom procedures <input type="checkbox"/> Handled objections appropriately and effectively <input type="checkbox"/> Did not overuse objections <input type="checkbox"/> Did not ask questions that called for an unfair extrapolation from the witness <input type="checkbox"/> Demonstrated an understanding of the Modified Federal Rules of Evidence <input type="checkbox"/> Handled physical evidence appropriately and effectively <input type="checkbox"/> Professional and composed <input type="checkbox"/> Spoke confidently and clearly 	<ul style="list-style-type: none"> <input type="checkbox"/> Properly phrased and effective questions <input type="checkbox"/> Examination was organized effectively to make points clearly; questions had clear purpose <input type="checkbox"/> Used proper courtroom procedures <input type="checkbox"/> Handled objections appropriately and effectively <input type="checkbox"/> Did not overuse objections <input type="checkbox"/> Did not ask questions that called for an unfair extrapolation from the witness <input type="checkbox"/> Used various techniques to handle a non-responsive witness <input type="checkbox"/> Properly impeached witnesses <input type="checkbox"/> Demonstrated an understanding of the Modified Federal Rules of Evidence <input type="checkbox"/> Handled physical evidence appropriately and effectively <input type="checkbox"/> Professional and composed <input type="checkbox"/> Spoke confidently and clearly 	<ul style="list-style-type: none"> <input type="checkbox"/> Theme/theory reiterated in closing argument <input type="checkbox"/> Summarized the evidence <input type="checkbox"/> Emphasized the supporting points of their own case and mistakes and weaknesses of the opponent's case <input type="checkbox"/> Concentrated on the important facts <input type="checkbox"/> Applied the relevant law <input type="checkbox"/> Discussed burden of proof <input type="checkbox"/> Did not discuss evidence that was not included in the trial presentation <input type="checkbox"/> Persuasive <input type="checkbox"/> Use of notes was minimal, effective, and purposeful <input type="checkbox"/> Contained spontaneous elements that reflected unanticipated outcomes of this specific trial <input type="checkbox"/> Professional and composed <input type="checkbox"/> Spoke naturally and clearly
WITNESS SCORING CRITERIA		<ul style="list-style-type: none"> <input type="checkbox"/> Responses consistent with facts <input type="checkbox"/> Did not materially go outside case materials <input type="checkbox"/> Understood witness statements and exhibits <input type="checkbox"/> Used exhibits to enhance testimony <input type="checkbox"/> Voice was clear, audible, confident and convicted <input type="checkbox"/> Performance was compelling <input type="checkbox"/> Characterization was engaging and drew you in <input type="checkbox"/> Recovered after objections <input type="checkbox"/> Took command of courtroom without being overbearing <input type="checkbox"/> Responses were spontaneous and natural 	<ul style="list-style-type: none"> <input type="checkbox"/> Responses consistent with facts <input type="checkbox"/> Did not materially go outside case materials <input type="checkbox"/> Understood witness statements and exhibits <input type="checkbox"/> Used exhibits to enhance testimony <input type="checkbox"/> Voice was clear, audible, confident and convicted <input type="checkbox"/> Performance was compelling <input type="checkbox"/> Characterization was engaging and drew you in <input type="checkbox"/> Recovered after objections <input type="checkbox"/> Answered cross questions responsibly <input type="checkbox"/> Stayed in character during cross 	<p style="text-align: center;">Scoring Guide</p> <p>9-10: Excellent, Amazing: mastery or near mastery of the criteria at all times</p> <p>7-8: Good, Very Good: proficiency with the criteria nearly all of the time</p> <p>5-6: Fair, Average: meets the criteria much of the time</p> <p>3-4: Weak, Needs Practice: developing the criteria, but inconsistent/poorly executed</p> <p>1-2: Poor, Unprepared: unpracticed; does not meet criteria</p>

DIAGRAM OF A TYPICAL U.S. COURTROOM

