

Civics Learning Project proudly presents the 39th annual statewide

2024 – 2025 Oregon High School Mock Trial Competition



Hayden Honeycutt, Plaintiff v. Sammy Snow, Defendant

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Oregon Trial Lawyers Association
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Heartfelt appreciation is extended to all teacher and attorney coaches, regional coordinators, 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.

2024-2025 Oregon High School Mock Trial

Hayden Honeycutt v. Sammy Snow

Table of Contents

INTRODUCTION	- 1 -
PROGRAM OBJECTIVES	- 1 -
CODE OF ETHICAL CONDUCT	- 2 -
THE CASE.....	- 3 -
CASE SUMMARY	- 3 -
WITNESS LIST	- 4 -
LIST OF EXHIBITS.....	- 4 -
CHARGING DOCUMENTS, STIPULATIONS, JURY INSTRUCTIONS.....	- 4 -
PROSECUTION WITNESS STATEMENTS.....	- 13 -
<i>Affidavit of Hayden Honeycutt.....</i>	<i>- 14 -</i>
<i>Affidavit of Denny Nugget</i>	<i>- 17 -</i>
<i>Affidavit of Morgan Dorf.....</i>	<i>- 20 -</i>
DEFENSE WITNESS STATEMENTS.....	- 24 -
<i>Affidavit of Sammy Snow.....</i>	<i>- 25 -</i>
<i>Affidavit of Charlie Baggins</i>	<i>- 28 -</i>
<i>Affidavit of Rowan Wilson.....</i>	<i>- 31 -</i>
EXHIBITS	34
<i>Exhibit 1A: Sammy Snow’s May 31, 2024 Social Media Re-Post.....</i>	<i>35</i>
<i>Exhibit 1B: Sammy Snow’s May 31, 2024 Comment Section.....</i>	<i>36</i>
<i>Exhibit 2: Social Media Follower Comparison.....</i>	<i>37</i>
<i>Exhibit 3: Honeycutt Carnival’s Profits & Loss Graph (September 2024).....</i>	<i>38</i>
<i>Exhibit 4: (April 20, 2004) Newspaper Article.....</i>	<i>39</i>
<i>Exhibit 5: (1/24/24) Text Exchange between Charlie Baggins & Denny Nugget.....</i>	<i>40</i>
<i>Exhibit 6: Morgan Dorf’s CV.....</i>	<i>41-42</i>
<i>Exhibit 7: Rowan Wilson’s CV.....</i>	<i>43-44</i>
THE FORM AND SUBSTANCE OF A TRIAL	45
THE ELEMENTS OF A CIVIL CASE	45
PREPONDERANCE OF THE EVIDENCE	46
GENERAL ROLE DESCRIPTIONS	46
<i>Attorneys.....</i>	<i>46</i>
<i>Witnesses.....</i>	<i>46</i>
IN-PERSON COMPETITION ROLES.....	47
<i>Court Clerk and Bailiff – Best Practices.....</i>	<i>47</i>
<i>Duties of the Clerk – Provided by the Plaintiff</i>	<i>47</i>
<i>Duties of the Bailiff – Provided by the Defense.....</i>	<i>47</i>
<i>Team Manager (optional).....</i>	<i>47</i>
<i>Unofficial Timekeeper (optional)</i>	<i>47</i>
VIRTUAL COMPETITION LOGISTICS & SPECIAL ROLES	48
<i>Swearing in of the Witnesses.....</i>	<i>48</i>
<i>Timekeepers (Virtual).....</i>	<i>48</i>
<i>Team Manager (Virtual).....</i>	<i>48</i>
RULES OF THE COMPETITION	49

GENERAL RULES OF THE COMPETITION (VIRTUAL & IN-PERSON)	49
<i>Administration</i>	50
<i>The Trial</i>	51
<i>Before the Trial</i>	55
<i>Presenting Evidence</i>	55
<i>Closing Arguments</i>	57
<i>Critique</i>	58
<i>Judging and Team Advancement</i>	58
<i>Dispute Settlement</i>	59
IN-PERSON MOCK TRIAL RULES OF PROCEDURE	60
<i>Before the Trial</i>	60
<i>Beginning of the Trial</i>	61
<i>Presenting Evidence</i>	61
FEDERAL RULES OF EVIDENCE – MOCK TRIAL VERSION	62
ARTICLE I. GENERAL PROVISIONS.....	62
<i>Rule 101. Scope</i>	62
<i>Rule 102. Purpose and Construction</i>	62
ARTICLE II. JUDICIAL NOTICE.....	62
<i>Rule 201. Judicial Notice of Adjudicative Facts</i>	62
ARTICLE IV. RELEVANCY AND ITS LIMITS	63
<i>Rule 401. Definition of “Relevant Evidence”</i>	63
<i>Rule 402. Relevant Evidence Generally Admissible: Irrelevant Evidence Inadmissible</i>	63
<i>Rule 403. Exclusion of Relevant Evidence on Grounds of Prejudice, Confusion, or Waste of Time</i>	63
<i>Rule 404. Character Evidence; Crimes or Other Acts</i>	63
<i>Rule 405. Methods of Proving Character</i>	64
<i>Rule 406. Habit, Routine Practice</i>	64
<i>Rule 407. Subsequent Remedial Measures</i>	64
<i>Rule 408. Compromise Offers and Negotiations</i>	64
<i>Rule 409. Offers to Pay Medical and Similar Expenses</i>	64
<i>Rule 410. Pleas, Plea Discussions, and Related Statements</i>	64
<i>Rule 411. Liability Insurance (civil cases only)</i>	65
ARTICLE V. PRIVILEGES.....	65
<i>Rule 501. General Rule</i>	65
ARTICLE VI. WITNESSES.....	65
<i>Rule 601. General Rule of Competency</i>	65
<i>Rule 602. Lack of Personal Knowledge</i>	65
<i>Rule 607. Who May Impeach</i>	65
<i>Rule 608. Evidence of Character and Conduct of Witness</i>	66
<i>Rule 609. Impeachment by Evidence of Conviction of Crime</i>	67
<i>Rule 610. Religious Beliefs or Opinions</i>	68
<i>Rule 611. Mode and Order of Interrogation and Presentation</i>	68
<i>Rule 612. Writing Used to Refresh a Witness’ Memory</i>	69
<i>Rule 613. Witness’s Prior Statement</i>	69
ARTICLE VII. OPINIONS AND EXPERT TESTIMONY	70
<i>Rule 701. Opinion Testimony by Lay Witness</i>	70
<i>Rule 702. Testimony by Experts</i>	70
<i>Rule 703. Bases of Opinion Testimony by Experts</i>	70
<i>Rule 704. Opinion of Ultimate Issue</i>	70
ARTICLE VIII. HEARSAY	70
<i>Rule 801. Definitions</i>	70
<i>Rule 802. Hearsay Rule</i>	72
<i>Rule 803. Exceptions to the Rule Against Hearsay – Regardless of Availability</i>	72

<i>Rule 804. Hearsay Exceptions; Declarant Unavailable</i>	75
<i>Rule 805. Hearsay Within Hearsay</i>	76
NOTES TO JUDGES	77
JUDGING GUIDELINES	77
VIRTUAL COMPETITION – INTRODUCTORY MATTERS (PRESIDING JUDGE)	78
IN-PERSON COMPETITION – INTRODUCTORY MATTERS (PRESIDING JUDGE).....	79
EVALUATION GUIDELINES	80
PENALTY POINTS.....	80
APPENDICES	81
TIME SHEET	81
TEAM ROSTER.....	- 82 -
SCORING BALLOT	- 83 -
SCORING RUBRIC	- 85 -
RULE 35 – REPORTING RULES VIOLATION FORM	- 86 -
RULE 38 – REPORTING RULES VIOLATION FORM	- 87 -

Civics Learning Project

2024 – 2025 Oregon High School Mock Trial Competition

Introduction

This packet contains the official materials student teams need to prepare for the 39th annual Oregon High School Mock Trial Competition. The case materials and rules have been modified to accommodate the possibility of either an in-person or virtual competition experience for the 2024-25 competition season, as well as the adoption of the Empire Mock Trial PROcess online platform. ***Please review the materials carefully*** as they reflect the various competition scenarios.

Each participating team will compete in a regional (or divisional) competition which may be either in-person or virtual depending upon the region and feasibility of live competition in February or March 2025. The regional competitions will generally be held on either February 22, 2025, or March 1, 2025, with the possibility of a third date depending upon unforeseen circumstances. Regional/Divisional winners will advance to the State Competition on March 15th-16th, 2025. The winning team from the State Competition will represent Oregon at the National High School Mock Trial Competition on May 8th-11th, 2025.

The mock trial experience is designed to teach invaluable skills to participants using a civil or criminal trial as the framework. Students will gain confidence and poise through public speaking, learn to better collaborate with others, develop critical-thinking and problem-solving skills, and become quick, precise thinkers.

Each year, Civics Learning Project (formerly Classroom Law Project) strives to provide a powerful and timely educational experience by presenting an original case addressing serious matters facing society and young people. It is our goal that students will conduct a cooperative, rigorous, and comprehensive analysis of the materials with the guidance of their teachers and coaches.

Program Objectives

For the students, the mock trial competition will:

- Increase proficiency in reading, speaking, analyzing, reasoning, listening, and collaborating with others;
- Teach students to think precisely and quickly;
- Provide an opportunity for interaction with positive adult role models in the community; and
- Provide knowledge about law, society, the Constitution, the courts, and the legal system.

For a school or organization, the competition will:

- Promote cooperation and healthy academic competition among students of varying abilities and interests;
- Demonstrate the academic achievements and dedication of participants to the community;
- Provide an avenue for teachers to teach civic responsibility and participation; and
- Provide a rewarding experience for teachers.

Code of Ethical Conduct

The Code of Ethical Conduct should be read and discussed by students and their coaches as early as possible. The Code governs participants (both students and adults), 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.

Attorney and other non-teacher coaches shall not practice or meet in-person with mock trial participants unless with a teacher or as part of a class with a teacher present. Teacher coaches will comply with their school's guidance on in-person meetings with students. Attorney and other non-teacher coaches shall not have one-on-one digital contact with students participating in mock trial. Two adults should be present during any digital interactions with students.

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 competition. In virtual competition, if students are allowed to gather for their competition performance, only coaches may be in the same room as the performing students. Inappropriate communication between coaches and teams during a virtual trial will result in disqualification from the competition. Currently performing team members may communicate among themselves during the trial, however, no disruptive communication is allowed. Non-performing team members, teachers, and spectators must remain in a separate room from performing team members, in a virtual competition. No one shall contact the judges with concerns about a round; rather, these concerns should be taken to the Competition Coordinator. These rules remain in force throughout the entire competition.

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. Violation of this rule will result in disqualification of the team associated with the person violating this rule.

Students, and their adult supporters, promise to compete with the highest standards of deportment, showing respect for their fellow participants, opponents, judges, coaches, Competition Coordinators, 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 competition in spirit or practice.

Coaches agree to focus attention on the educational value of the mock trial competition 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. Violations of this Code may result in disqualification from the 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. 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.

The Case

Case Summary

The Honeycutt Carnival, founded in 1924, was a well-known local institution in Piper County, Cascadia. For generations, the carnival was a family-run business, cherished by the local community. By 2024, the great-grandson of the founder was running the carnival. Unfortunately, the carnival experienced financial difficulties in recent years due to rising operational costs and declining attendance.

On April 1, 2024, a mechanical failure occurred on the Zipper ride at the Honeycutt Carnival. Although no one was injured, the malfunction left patrons suspended in the air for 3 hours and 30 minutes. The incident was widely reported in the local media, which acknowledged that no patrons were harmed during the ordeal. However, the event caused some concern among the carnival's customer base.

Charlie Baggins, a former employee of the carnival, had created a post about the Zipper malfunction using AI software on April 20, 2024, and shared it on Instagram, hoping to capitalize on the popularity of the local story and build followers on social media. Baggins goal was to leverage the event to get one step closer in becoming a social media influencer.

On May 31, 2024, Sammy Snow, a popular social media influencer, reposted Charlie Baggins April post and added their own commentary. The post received millions of views and over 200,000 likes. This post implied a dangerous and potentially life-threatening experience at the carnival.

Following Snow's post, the carnival's business experienced a decline. Though Honeycutt Carnival had been facing financial difficulties and a steady decline in revenue prior to the post, the significant drop in attendance and income following May 31, 2024, was largely attributed to the viral nature of Snow's misleading post. The financial losses ultimately led to the closure of the carnival in September 2024, marking the end of a 100-year family tradition.

Witness List

Plaintiff Witnesses:

1. Hayden Honeycutt
2. Denny Nugget
3. Morgan Dorf

Defense Witnesses:

1. Sammy Snow
2. Charlie Baggins
3. Rowan Wilson

List of Exhibits

1. Exhibit 1A: Sammy Snow's May 31, 2024 Social Media Re-Post
2. Exhibit 1B: Sammy Snow's May 31, 2024 Comment Section
3. Exhibit 2: Social Media Follower Comparison
4. Exhibit 3: Honeycutt Carnival's Profits & Loss Graph (September 2024)
5. Exhibit 4: (April 20, 2004) Newspaper Article
6. Exhibit 5: (DATE) Text Exchange between Charlie Baggins and Denny Nugget
7. Exhibit 6: Morgan Dorf's CV
8. Exhibit 7: Rowan Wilson's CV

Charging Documents, Stipulations, Jury Instructions

IN THE CIRCUIT COURT OF THE STATE OF CASCADIA
FOR THE COUNTY OF PIPER

HAYDEN HONEYCUTT

Plaintiff,

v.

SAMMY SNOW,

Defendant.

Case No. 24CV54321

COMPLAINT

(Defamation)

JURY TRIAL DEMANDED

INTRODUCTION

1. Plaintiff Hayden Honeycutt (“Plaintiff”) brings this action against Defendant Sammy Snow (“Defendant”) for defamation inflicted by Defendant on Plaintiff.

PARTIES AND VENUE

2. Plaintiff is an individual who resides in Piper County, Cascadia.
3. Defendant is an individual who resides in Piper County, Cascadia.
4. Venue is proper in this Court because Defendant is a resident of, and Plaintiff’s cause of action arose in Piper County, Cascadia.

FACTS

5. Plaintiff is the former owner and Chief Executive Officer of Honeycutt Carnival.
6. Honeycutt Carnival was founded in 1924 by the Plaintiff’s Great Grandfather Merriworth Honeycutt in Piper County, Cascadia. The Honeycutt Carnival had been run by a member of the Honeycutt family since its founding and until its closing in 2024.
7. On April 1, 2024, a ride malfunction occurred on the Zipper at Honeycutt Carnival. All patrons on the ride were safe and unharmed but were suspended in the air for three and a half hours (3:30 hours) as Carnival staff addressed the mechanical issue.

8. Local media outlets reported on the story and acknowledged that no patron was harmed during the ride malfunction.

9. On May 31, 2024, the Defendant, Sammy Snow, a social media influencer with over 4 million followers on various social media platforms posted an image and caption of the Zipper ride at Honeycutt Carnival.

10. The May 31, 2024, social media post, which read “Hayden & the Honeycutt Carnival got people [skull emoji] for a ride. Won’t be back.”, received millions of views and over 200,000 likes on the Defendant’s social media account.

11. On June 5, 2024, the Plaintiff attempted to message the Defendant on Instagram requesting that the Defendant remove the May 31, 2024, post, as it was untrue. The Defendant never responded to the Plaintiff’s message.

12. As a result of the Defendant’s statements, the Plaintiff and the Honeycutt Carnival has suffered emotional distress, damage to the Plaintiff’s personal reputation, as well as the legacy of Honeycutt Carnival, as well as loss of income and ultimately the closure of Honeycutt Carnival.

CLAIM FOR DEFAMATION

13. Plaintiff incorporates and realleges paragraphs 1 through 12 above, each as if fully stated herein.

14. The Defendant’s statements were defamatory in nature because they were false statements made that irreparable harmed the reputation of the Plaintiff and the Plaintiff’s family business, Honeycutt Carnival.

15. The statements made by the Defendant were false and not subject to any privilege or defense.

16. As a direct and proximate result of the Defendant’s actions, the Plaintiff has suffered damages, including but not limited to the closure of the \$2,000,000 family business, Honeycutt Carnival.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for relief as follows:

1. An award of damages in an amount to be determined at trial; and

2. An award of the costs and disbursements that Plaintiff incurs in prosecuting this action; and
3. Such other relief as may be just and proper.

DATED: October 1, 2024.

CARLYLE, POLLARD & SCHMIDT LLP
s/Shannon Schmidt
SHANNON T. SCHMIDT, OSB No. 714520
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Telephone: (503) 234-4000

Attorneys for Plaintiff

IN THE CIRCUIT COURT OF THE STATE OF CASCADIA
FOR THE COUNTY OF PIPER

HAYDEN HONEYCUTT

Plaintiff,

v.

SAMMY SNOW,

Defendant.

Case No. 24CV54321

ANSWER

In response to Plaintiff Hayden Honeycutt's ("Plaintiff's") complaint, Defendant Sammy Snow ("Defendant") admits, denies, and alleges as follows:

INTRODUCTION

1. Defendant admits the allegations in paragraph 1, *i.e.*, that Plaintiff is bringing this action against Defendant. Defendant denies any and all responsibility for the attack referenced in the complaint.

PARTIES AND VENUE

2. Defendant admits the allegations in paragraph 2.

3. Defendant admits the allegations in paragraph 3.

4. In response to paragraph 4, Defendant admits that venue is proper in this Court.

FACTS

5. Defendant admits the allegations in paragraph 5.

6. Defendant denies the allegations in paragraph 6.

7. Defendant denies the allegations in paragraph 7.

8. Defendant denies the allegations in paragraph 8.

9. In response to paragraph 9, Defendant admits that on May 31, 2024, the Defendant had posted on social media regarding the Zipper ride but denies the characterization of the post. The Defendant also denies they were the original poster of the post and that the post of reposted from Charlie Baggins another user of the Instagram platform.

10. Defendant denies that the statement in paragraph 10 is a false statement. Defendant asserts that the statement is an opinion and/or rhetorical expression not intended to convey factual information.

11. Defendant denies the allegations in paragraph 11, asserting that the Plaintiff's message was not received, and further denies any obligation to respond.

12. Defendant denies the allegations in paragraph 12, asserting that any damages claimed by the Plaintiff are the result of other factors unrelated to the Defendant's social media behaviors.

**CLAIM FOR RELIEF
(Defamation)**

13. Defendant incorporates and realleges Defendant's responses to paragraphs 1 through 12 of the Complaint above, each as if fully set forth herein.

14. Defendant denies the allegations in paragraph 14.

15. Defendant denies the allegations in paragraph 15.

16. Defendant denies the allegations in paragraph 16, asserting that the Plaintiff's claims of damages are speculative and unsubstantiated.

PRAYER FOR RELIEF

WHEREFORE, Defendant prays for relief as follows:

1. An order dismissing Plaintiff's claim with prejudice;
2. An award of the costs and disbursements that Defendant incurs in defending this action; and
3. Such other relief as may be just and proper.

DATED: October 6, 2024.

McCOY & RUBEROSA LLP

s/Corrina M. Rubersoa

James J. McCoy (OSB No. 750046)

Corrina M. Ruberosa (OSB No. 083376)

Telephone: (541) 871-7000

Attorneys for Defendant

IN THE CIRCUIT COURT OF THE STATE OF CASCADIA
FOR THE COUNTY OF PIPER

HAYDEN HONEYCUTT

Plaintiff,

v.

SAMMY SNOW,

Defendant.

Case No. 24CV54321

STIPULATIONS

The parties stipulate and agree to the following:

1. Before commencing trial, a Piper County Judge ordered that HAYDEN HONEYCUTT v. SAMMY SNOW be bifurcated. Pursuant to that order, this trial is to be undertaken in two phases, (1) the liability phase, and (2) the damages phase, should it be necessary. All parties agree that during *this* litigation, arguments should be explicitly limited to those concerning liability. Should the defendant be held liable, damages will be assessed separately.
2. Hayden Honeycutt was the owner and sole proprietor of the Honeycutt Carnival.
3. Each exhibit has been numbered and labeled by court staff. Those numbers and labels should not be taken as part of each exhibit for evidentiary purposes, and they will remain consistent regardless of which party introduces them first in trial.
4. Charlie Baggins has a known record of use and has held an account with Infill.ai since October of 2022. Through no fault of either party, that record is not available for evidence.
5. Sammy Snow has a well-known fear of heights and rodents.
6. Both parties waive any objections arising under the Constitution of the United States.
7. No witness has, or has ever had, any mental condition that affects memory, cognition, or ability to respond to questions when asked on cross or direct examination.
8. Both parties agree that no chain of custody issues with any numbered exhibit exist.

IN THE CIRCUIT COURT OF THE STATE OF CASCADIA
FOR THE COUNTY OF PIPER

HAYDEN HONEYCUTT
Plaintiff,

v.

SAMMY SNOW,
Defendant.

Case No. 24CV54321

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.

PREPONDERANCE OF THE EVIDENCE

The plaintiff must prove the plaintiff's claims by what the law refers to as a "preponderance of the evidence." That means that the plaintiff must persuade you by evidence that makes you believe that the plaintiff's claims are more likely true than not true. After weighing all of the evidence, if you cannot decide that something is more likely true than not true, you must conclude that the plaintiff did not prove it. You should consider all of the evidence in making that determination, no matter who produced it.

DEFAMATION

In this case, the plaintiff has brought a claim for "defamation." To establish a claim of defamation, a plaintiff must prove that Sammy Snow:

1. Published a statement of fact concerning the plaintiff;
2. The statement was false;
3. The statement was defamatory in nature;
4. The defendant is “at fault” for the publication; and
5. The plaintiff suffered harm or injury as a result of the publication.

Definitions

1. A defamatory statement is a misrepresentation of facts that causes someone to be hated, ridiculed, shunned, or harm their business or trade, causing reputational damage to them.
2. “At fault” to mean making a statement with knowledge that it was false or with reckless disregard for whether it is was false.

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.

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.

Dated: November 30, 2024.

s/Ana Tuck

Hon. Ana Tuck

Judge of the Circuit Court of the State of Cascadia

Prosecution Witness Statements

1 **Affidavit of Hayden Honeycutt**

2 My name is Hayden Honeycutt, and I was the owner and Chief Executive Officer of Honeycutt Carnival, a
3 title I never took lightly. I was born into this business, raised among its bright lights and joyous sounds, and
4 I proudly carried the torch passed down from my great-grandfather Merriworth Honeycutt, who founded
5 the carnival back in 1924. This wasn't just a business to me—it was my family's legacy, a part of who I am,
6 and what made our family's name known throughout Piper County, Cascadia.

7
8 I have spent my entire life with Honeycutt Carnival. As a child, I was part of every ride, every attraction, and
9 every smile that we created. The carnival wasn't just my livelihood; it was the heartbeat of my family, a
10 cherished institution where generations of Cascadians created memories with their children and
11 grandchildren. My great-grandfather started it with a dream—to bring happiness and joy to the people of
12 Cascadia—and my family had carried that dream forward for a century. We made sure to honor his legacy,
13 by putting people first! And now, in 2024, we are set to celebrate 100 years of Honeycutt Carnival—or we
14 were, at least

15
16 Unfortunately, that dream came to a crashing halt this year, and I believe it was a direct result of a damaging
17 post made by social media influencer Sammy Snow and all this artificial intelligence, more like nonsense.
18 Before I get into all that mess, though, let me explain what happened in the days leading up to the post.

19
20 April 1st of this year will forever be a day I can't forget. The carnival was in full swing, and the Zipper, one
21 of our most popular and long-standing rides, was operating as usual. Around midday, a malfunction
22 occurred. I remember getting the call from the ride operator saying that something had gone wrong—the
23 Zipper had stopped, leaving patrons suspended high in the air.

24
25 My heart sank. I've seen a lot of things in my time running the carnival, but safety is always our first
26 concern. We have training sessions for new staff, run drills from time to time to stay fresh, and our motto
27 "People, Safety, Fun" is etched on each chair in our conference room. After hanging up from the call I
28 rushed to the scene, joining our mechanics and staff as they worked to resolve the issue. For three and a half
29 hours, those people were stuck on that ride. It was a tense time, and I could see the fear in their eyes as they
30 waited for us to bring them down. We kept communicating with them, reassuring them that they were safe,
31 and we worked as fast as we could to fix the mechanical issue. As is protocol, (People, Safety, Fun) we also
32 let the local authorities know of the incident. We had a great relationship with the Piper Fire Department.
33 They knew we were a tip top organization and luckily their services weren't necessary because we got the
34 Zipper back online and let everyone off the ride like they got on. Yeah, the EMT's took a look at the
35 patrons from the ride, but everyone was okay.

36
37 Thankfully, and I mean this with every fiber of my being, no one was hurt. After a long and difficult
38 afternoon, we managed to bring everyone down safely. There was no physical harm to anyone, though I'm
39 sure it was a nerve-racking experience for those who were stuck up there. The media covered the story. It
40 was in the local news on TV that night and in our local paper the following day. Much to the *real* media's
41 credit, they made it clear that no one was injured. I was grateful for that, thinking we could move on,
42 address the mechanical issue, and ensure nothing like this would happen again. We took a bit of a hit in
43 attendance after the story broke, but we were all confident we'd bounce back soon.

44
45 Then, on May 31, 2024, everything changed. Sammy Snow, a social media influencer with millions of
46 followers—4 million, to be exact—posted a photo of our Zipper ride. I think I recall Sammy from a few
47 years back. Sammy was this spoiled kid trying to sell us some snake oil. Saying something to the effect that

48 with Sammy's help, Honeycutt Carnival can be the top attraction in all of Cascadia. That signing into
49 something called an influencer sponsor contract, would ensure big business for many years. A bunch of
50 malarkey I thought. When I let Sammy know as much, they turned around and started insulting our rides
51 and bad mouthing my family's legacy. I didn't take too kindly to that and told Sammy to never come back, I
52 think. To be honest, it's all a bit of a blur at this point.

53
54 Back to May 31st, the caption under the photo read, "Hayden & the Honeycutt Carnival got people [skull
55 emoji] for a ride." With a caption stating "Won't be back." It might have been meant as a joke, something to
56 get likes and shares, but to me, it was a gut punch. Sammy's post immediately went viral, racking up millions
57 of views and over 200,000 likes in a matter of days.

58
59 Seeing that caption felt like a personal attack. The implication was that our carnival was lethal, that we were
60 reckless with people's lives, and that I—me, Hayden Honeycutt, the person responsible for continuing my
61 family's legacy—was putting our patrons in danger, or worse! That couldn't have been further from the
62 truth. The incident was unfortunate, yes, but we did everything right to ensure the safety of our patrons. No
63 one was hurt, and we took immediate action to fix the problem. But Sammy's post made it sound like we
64 were running a death trap.

65
66 I was angry, frustrated, and above all, heartbroken. I reached out to Sammy on Instagram just a few days
67 later, on June 5th, hoping to explain the situation. I wasn't looking for an apology, just a correction. I asked
68 to remove the post or at least clarify that it was misleading, but I never heard back. The silence spoke
69 volumes, and the damage was already done.

70
71 What happened next was nothing short of devastating. The weeks following Sammy's post were brutal. Our
72 ticket sales plummeted. People who had been regulars for years—families who had grown up with our
73 carnival, who brought their own children now—began canceling their plans to attend. We were branded as
74 killers, all because of a flippant comment made on social media. You could see it right in the comments of
75 the post (Exhibit 1), people literally thought people had died. All these people, fooled by AI and social
76 media saying they weren't coming back. My dear employees were even getting harassed. Some folks let me
77 know they were getting screamed at on the street when they were walking to work in their uniforms. People
78 said all sorts of crazy things like "how dare you murder those people!", "you're a carnival killer", "I should
79 zipp you in the mouth". And all those misguided folks would end their tirades by yelling some nonsense
80 about G's and V's, which I guess is a Sammy thing? It didn't matter that we'd been transparent, that the
81 media reported no injuries, or that we'd worked hard to resolve the issue. Sammy's post was all people saw.
82 It's like the trust doesn't even matter anymore, which I guess it doesn't to most folks.

83
84 Before this, Honeycutt Carnival had seen its fair share of tough times. For example, we were investigated
85 about twenty years back after one of our rollercoasters went on the fritz. (Exhibit 4). It was real similar to
86 the Zipper, malfunction caused the ride to halt, and patrons were left stranded for a bit. Just like the Zipper
87 accident, no one was hurt and we were able to fix the problem. Just like the Zipper accident, the local media
88 covered the story, sharing the real story, with real facts. The carnival took a bit of a hit, but we bounced
89 back no problem. We'd had expected the same thing after April, there would be challenges, but we would
90 bounce back. The local economy had taken its toll on many businesses, and we were no exception, but we
91 had plans in place to pull through. I had been optimistic that we would survive—after all, we were gearing
92 up to celebrate 100 years of Honeycutt Carnival. That was going to be our comeback ticket, a chance to
93 remind everyone why they loved us in the first place.

94

95 But after that post, it didn't matter how hard we worked or how much we tried to communicate with our
96 patrons. We took out ads in the local pennysaver, did a few radio spots, and even, brother help me, took out
97 something called Google Ads. My tech guy told me they'd get in front of the right people. None of it
98 mattered. The trust had been broken, and our reputation had been shattered. We watched as attendance
99 dropped week after week, and eventually, we couldn't keep the doors open any longer. In September 2024,
100 just a few months shy of our centennial celebration, we were forced to close Honeycutt Carnival for good.
101 It broke my heart, and I know it broke the hearts of our employees, who were like family to me.

102
103 Closing Honeycutt Carnival wasn't just the end of a business—it was the end of a piece of my soul. My
104 great-grandfather built this carnival from the ground up. My father, my grandfather, and now me—we all
105 poured our lives into this place. I grew up there, spent my best years running it, and I had always imagined
106 I'd pass it on to my own children someday. But now, that legacy is gone. What took generations to build
107 was dismantled by a single social media post.

108
109 What hurts the most is the impact on our employees. Many of them had been with us for decades, and they
110 were more than just staff—they were part of the Honeycutt family. We took care of each other, and they
111 trusted me to lead the business through its challenges. Losing the carnival meant they lost their livelihoods,
112 and I'll never stop feeling responsible for that.

113
114 I know businesses have bad times, and maybe we could have made it through the tough years. But the
115 damage done by Sammy's post—by the false impression that spread to millions of people—was too great.
116 Our reputation was ruined, and without the trust of the community, there was no coming back from that.

117
118 I'm not here for revenge. I'm here because I believe what Sammy Snow did was wrong. Sammy used a
119 major platform to mislead people about what happened at Honeycutt Carnival, and the fallout from these
120 actions destroyed a business that had been part of the community for a century. I've lost my family's legacy,
121 my employees have lost their jobs, and the community has lost a place that brought them joy for
122 generations.

123
124 I respectfully ask the court to hold Sammy accountable for the damage caused to our carnival and to my
125 family. This wasn't just a post—it was the blow that ended a 100-year-old tradition.

126
127 I hereby attest to having read the above statement and swear or affirm it to be my own. I also swear or
128 affirm to the truthfulness of its content. Before giving this statement, I was told it should contain all relevant
129 testimony, and I followed those instructions. I also understand that I can and must update this affidavit if
130 anything new occurs to me until the moment before I testify in this case.

131
132 s/Hayden Honeycutt
133 Hayden Honeycutt
134 Dated: October 1, 2024

135
136
137
138 Subscribed and sworn before me on October 1, 2024.

139 s/Roberta Bost
140 Roberta Bost

141
142

1 Affidavit of Denny Nugget

2
3 My name is Denny Nugget, and I've been working at the Honeycutt Carnival for the last 5-ish years as a ride
4 attendant and hot dog chef. I started in June 2019, just before my junior year of high school. Working at the
5 carnival had been a great experience. I got to see my friends, be part of the community, and earn money
6 while doing something I enjoy. Plus, I got free hot dogs from my buddy who worked a couple of stalls
7 down, and when it was slow, I got to ride the rides myself. In my last couple of years at Honeycutt Carnival,
8 I called it "the HC", I worked at the Zipper ride, which is one of our most popular attractions.
9

10 The Zipper is a classic carnival ride. It's popular because of all the spinning and flipping motions. Riders
11 really dig the unpredictable nature of the spins. The Zipper has a long, vertically rotating arm, resembling an
12 elongated oval or a "zipper" shape. Attached along the sides of the rotating arm are several free-spinning
13 cages (we called them gondolas). Each gondola can hold two riders, who we would securely fasten with
14 restraints. Since the ride has a dual-axis, each gondola is able to flip and rotate independently. All the
15 spinning and flipping makes for a fun, albeit sometimes disoriented experience. The Zipper is a staple at
16 carnivals and fairs, and it attracts riders who crave an extreme thrill.
17

18 As I mentioned, just like all the carnival rides, the Zipper runs on a lot of machinery, and like with any
19 machine, sometimes things go wrong. Usually, it's small stuff we can fix right away. There's never been a
20 time where anyone has gotten hurt while I've been working here, and safety is always our top priority. I
21 mean it's in the motto right: "People, Safety, Fun". I have a special tee shirt with that motto, it was given to
22 me to celebrate my one-year anniversary working at the HC. The carnival was super into safety, Hayden was
23 always weird about having us watch training videos. For example, Hayden had us sit through a four-hour
24 orientation video about "carnival etiquette" and "ride safety." I didn't really pay attention to the video, to be
25 honest. But Hayden said it was important, so I sat through it anyway. It's not that I didn't care about safety,
26 it was just so long, and the actors were terrible. I couldn't connect with their motivation, and don't get me
27 started on the lighting. What did they use, fluorescents!? I'm off topic. Safety. When a bigger issue came up,
28 we would take the time to make sure everything is safe before getting the ride running again.
29

30 Even with the strange video obsession, and calling everyone 'family', I've really enjoyed working for Hayden
31 Honeycutt. Hayden has always been good to me and other employees, especially when it comes to working
32 around school schedules or personal things. Hayden really cares about making the carnival a fun and safe
33 place, and it's obvious Hayden values Honeycutt Carnival staff. That's a big reason why I've delayed starting
34 my "real life". See I want to go to film school, so I can make films and television shows. I feel like I have a
35 lot of stories to tell and going to film school would give me the tools to do that. I want to create real edgy
36 stuff, like my favorites, Boondock Saints, Reservoir Dogs, and Fight Club. My friends and I are always
37 coming up with great ideas when we're hanging out, and saying "this should be a movie!" The Honeycutt
38 Carnival was really helping me save for school, since it's so expensive nowadays. With everything that's
39 happened, now I have to find a new job, so I can continue to save. I guess my real life is still on hold.
40

41 The weird thing is that I have met Sammy Snow before any of this happened. Sammy had come to the
42 carnival sometime back in 2021. I remember because, not only was there a big 'to do' about Sammy getting
43 kicked out, but I was also in a particularly bad mood that day because a friend of mine had ruined my
44 director's cut DVD of Donnie Darko and Hayden had denied my time off, I was planning on going to
45 Cascadia Film Festival. Prior to Sammy and Hayden getting into it, and Sammy getting kicked out, I sold
46 Sammy a hot dog. I was still working the hot dog stand back then.
47

48 Before Sammy was this pretty big deal online, with a lot of followers, Sammy was just trying to get things
49 going, kind of like Charlie is now. Back in 2021, I was following Sammy, since a lot of content was around
50 Cascadia, and I love this place. So, when I saw Sammy at the hot dog stand, I was a little taken aback. It's
51 not too often we got celebrities at the carnival, even C-level online celebrities. I remember asking Sammy,
52 "What are you doing here?". Sammy said something about creating content with a friend and being a brand
53 ambassador for the carnival. I thought that was interesting and thought Sammy and their friend might want
54 to learn a bit more about the carnival and its rides. I remember I had been studying up on the Zipper,
55 because I was going to be transferring to that ride soon, so I started letting them know what I had learned.
56 It clearly had an impact, because I saw them walk on over to it almost immediately, even before I finished
57 my sentence!

58
59 I had bumped into Sammy a few more times over the years. Every time I came away from the interaction
60 with the same feeling, there goes a fake person, who will do anything for attention. Like I said, I want to get
61 into film and tv to tell stories, to shed insight on the human condition. Sammy only cares about likes, and
62 retweets, and engagement, and followers. The content doesn't matter, just the end result. Honestly, it's kinda
63 gross. That being said, I still follow Sammy's account, some of the things are pretty funny.

64
65 I also know Charlie Baggins, who I guess is the person who originally posted the image. So disappointing.
66 Charlie and I started around the same time at the carnival, but it was clear from the beginning that Charlie
67 wasn't going to last long. Charlie would never stop complaining about every little thing the managers said or
68 did. It was always "umm, actually" or real obvious eye rolls when a manager gave us instructions. Charlie
69 wasn't the best co-worker, that kind of negativity can get to you, but Charlie was pretty cool outside of
70 work. We saw some midnight screenings, Repo Man, Seven, The Usual Suspects, things like that. We also
71 both really like playing basketball down at the YMCA, so we would do that when we could.

72
73 To be honest, I wasn't all that broken up when Charlie was let go, though I don't think Charlie took it all
74 that well. Charlie was fuming for weeks. We'd text now and then, and the only time I could get a response
75 that wasn't just angry, was when I bad mouthed the job. I didn't really mean it. I actually liked the carnival
76 and most of the people there, but I didn't want to find another person for our pickup games, so I figure I'd
77 stay on Charlie's good side.

78 Yes, Exhibit 5 is a text chain between Charlie and I, but I don't remember why I said those things. Like I
79 said, I would just say stuff to Charlie to make them feel better about being fired from the easiest job in the
80 world. Well second easiest job in the world, right after influencer. But Charlie can't even do that right, just
81 look at those numbers in Exhibit 2.

82
83 On April 1st, 2024, the Zipper had a mechanical issue that left riders stuck for about three and a half hours.
84 I was there, and we worked as fast as possible to get everyone down safely. No one was hurt, and after we
85 fixed the ride, everything was back to normal. Or at least that's what I thought.

86
87 Then, on May 31st, Sammy posted a photo of the Zipper with the caption: "Hayden & the Honeycutt
88 Carnival got people [skull emoji] for a ride. Won't be back." It blew up quickly and went viral. Suddenly,
89 everyone was talking about it, and it seemed like the post made people think the carnival was dangerous,
90 even though no one had been hurt. It was wild because the post didn't even look that much like the ride.
91 Yeah, it captured it pretty well, but the signage said Honeycutt Festival, we were a carnival!

92
93 At first, I didn't think the post was a big deal, but then I started noticing the impact. One of my friends,
94 who was supposed to come hang out with me at work, canceled at the last minute, saying people were dying

95 at the carnival. I tried to tell him it was fine, but he didn't believe me. I was so mad, because I know he was
96 a big Sammy Snow follower.

97
98 While I was working the Zipper in early July, a couple came up and accused me of supporting a dangerous
99 company that put profits over people's safety. They threw a milkshake at me and filmed the whole thing on
100 their phones. I was shocked—it was embarrassing and frustrating. They had started laughing as they walked
101 away, and I could swear I heard them say "G to the V" in between cackles. I had never experienced
102 anything like that before. Since about late-June, protesters calling themselves "The Snow Fall" began
103 showing up, yelling all kinds of hateful things. It's clear they were Sammy followers, since they were wearing
104 shirts with Sammy's face on it. It was really hard to keep going to work when the job I once loved had
105 become so stressful. I even thought about quitting, but I felt loyal to Hayden for how much Hayden had
106 helped me. Plus, I was trying to save money for film school, and I didn't want to give that up.

107
108 I've overheard Hayden and the managers talking about how much the business had suffered since Sammy's
109 post. There were definitely fewer people coming to the carnival by the end of the summer. I was getting real
110 concerned that the carnival was going to close because of bad business from Sammy's post, so I wanted to
111 set the record straight. I tweeted a little bit about how carnival rides work, explaining that machines can
112 have issues sometimes, but no one has ever gotten hurt. Granted I don't have a lot of followers, but me
113 trying to get the truth out there definitely didn't help. I just had "The Snow Fall", I knew it was them
114 because of the snow emoji in their profiles, they made comments like "you're an accomplice!", "shame for
115 carrying Honeycutt's water", and "how does it feel to be a professional murderer?". I spent so much time
116 trying to respond to these people who clearly didn't know any better, I don't think a single person changed
117 their mind. Social media, such a hellscape.

118
119 The carnival used to be a fun and exciting place to work, then it became a target for every terminally online
120 lunatic in all of Cascadia. I was disappointed that the carnival closed down. It's not just a job to me—it's
121 been a place where I've made memories and built relationships, and it means a lot to me. It is also just
122 another story of the ills of social media. One day, when I graduate film school, I'm going to tell the real
123 story of Honeycutt Carnival.

124
125 I hereby attest to having read the above statement and swear or affirm it to be my own. I also swear or
126 affirm to the truthfulness of its content. Before giving this statement, I was told it should contain all relevant
127 testimony, and I followed those instructions. I also understand that I can and must update this affidavit if
128 anything new occurs to me until the moment before I testify in this case.

129
130 s/ Denny Nugget
131 Denny Nugget
132 Dated: October 1, 2024

133
134
135
136 Subscribed and sworn before me on October 1, 2024.

137 s/Roberta Bost
138 Roberta Bost
139

1 Affidavit of Morgan Dorf

2
3 My name is Morgan Dorf, and I have been the accountant for Honeycutt Carnival for the past 25 years. I
4 graduated from the reputable Piper County University in Cascadia in 1995. In 1997 I became a Certified
5 Public Account by the Cascadia State Board of Accountancy and have been licensed and in good standing
6 ever since. Since 2001 I have also been a Certified Management Accountant certified by the Institute of
7 Management Accounts. In addition to being the Head Accountant at Honeycutt Carnival, I am also the
8 owner and operator of Dorf Accounting Services, a consultancy firm I run focused on providing tax and
9 accounting advice to small businesses and business restructuring during crises. As part of the crisis
10 management work, I offer consultation services to businesses dealing with defamation or public relation
11 issues, like the Cascadia Zoo back in 2016. My CV can be found as Exhibit 6.

12
13 I started working for the carnival during the time Hayden Honeycutt's father was in charge, and I have seen
14 the financial highs and lows of this family business. I was not just the accountant. I became part of the
15 Honeycutt legacy, much like the rest of the staff. I felt a deep connection to the business, and I took pride in
16 seeing it thrive as one of Piper County's most beloved institutions. Honeycutt Carnival was founded in 1924
17 by Merriworth Honeycutt, Hayden's great-grandfather. It was more than a simple traveling amusement; it
18 became a hallmark of the community—a place where generations gathered for fun, laughter, and memories.
19 It wasn't just a business; it was a local tradition where people interacted with each other in real life, not
20 through some phone or glowing rectangle. For nearly a century, the carnival ran smoothly, passing through
21 the hands of different Honeycutt family members, each generation adding to its legacy. The carnival was a
22 key part of Piper County's cultural landscape, and many in the community saw it as a family tradition,
23 because that's what Piper County is, a place of tradition and the carnival was a place where parents took
24 their children, just as their parents had done before them. Tradition.

25
26 Over the years, there have been challenges, as with any business. From changing regulations to shifts in
27 consumer habits. Sometimes those challenges are self-imposed, like the Cascadia Zoo, but that's another
28 story for another day. Sure, Honeycutt Carnival faced its share of obstacles. For example, we had a
29 rollercoaster lock up on us back in the early 00's. (See Exhibit 4) A machine failure, I believe. Which is
30 befitting since its machines that are ruining everything. Despite the ups and downs, we always managed to
31 keep the doors open, no matter what. But in 2024, that changed, and I believe the cause can be traced to a
32 single event.

33
34 On April 1, 2024, there was a mechanical issue with the Zipper ride, one of the carnival's main attractions.
35 The ride malfunctioned, and though it resulted in patrons being stuck for three and a half hours, no one was
36 injured. Thankfully the patrons were able to make sure they were upright the whole time, the ride defaults to
37 that for occasions like this, well not JUST like this. We, as the carnival staff, were relieved that the situation
38 didn't cause any injuries. I remember that day well, not just because of the incident itself, but because of the
39 media coverage that followed. News outlets, meaning actual newspapers and tv & radio stations, reported
40 the malfunction but also emphasized that no one was hurt. Respectable journalists like Jenny from Channel
41 5 and Kip from WAMT were even-handed. They talked about the malfunction, didn't make light of it, and
42 let us share our side of the story. Those people were true professionals, who understood traditional
43 reporting and how important it is. With the news coverage being what it was, we were pretty confident that
44 the story wouldn't have any long-lasting impact on the business. It was nothing like 2016 and the Cascadia
45 Zoo. They made mistake after mistake, not taking accountability, then trying to pass the blame off to the
46 visitors, then finally to the monkeys! A real boondoggle that was. For Honeycutt Carnival, there was
47 obviously a downtick in admissions and sales across the board, but we knew things were going to even out

48 after an initial lull. But we were never able to get back on our feet, because of a single person and this social
49 media nonsense.

50
51 Things changed drastically on May 31, 2024, when Sammy Snow, a social media influencer with over 4
52 million followers, posted an image of the Zipper ride with the caption, “Hayden & the Honeycutt Carnival
53 got people [skull emoji] for a ride. Won’t be back.” What does that even mean? It’s just a bunch of internet
54 nonsense. The post immediately garnered attention, receiving millions of views and over 200,000 likes in a
55 very short period. As someone who has been with this carnival for decades, I cannot express how harmful
56 this post was. Sammy Snow’s message was not based on the facts of the incident—it sensationalized the
57 story and implied that our carnival was unsafe.

58
59 The post created a firestorm on social media, with the MyFace and Instachats and the like. Almost
60 overnight, it seemed like people had made up their minds about the carnival. People started showing up just
61 to yell at us, and the public perception shifted in a way I had never seen before. It didn’t matter that no one
62 was harmed in the April 1st incident, or that we had taken all necessary precautions to ensure the safety of
63 our patrons. What mattered to the public was the viral post. It made us look negligent with people’s lives
64 and that perception stuck. People trust influencers like Sammy Snow more than they did the local media or
65 our own words. And we shared them, we tried using the radio, newspaper, our website, a couple of
66 employees used their own social media too.

67
68 I remember reviewing the numbers in the weeks following that post, and the decline was shocking. Our
69 profits and attendance had been steady, even during difficult economic times. However, after that post, the
70 attendance dropped drastically, and our income plummeted. It became clear that the post had created a
71 lasting negative impression of the carnival.

72
73 As part of my job, I maintain the financial records for Honeycutt Carnival, and I have prepared a profits and
74 loss sheet as evidence. Before May 31, 2024, the carnival had seen a slight decline in attendance, which is
75 normal for any long-standing business. However, we had plans to bounce back. The summer season is
76 traditionally our busiest, and we were looking forward to a profitable period.

77
78 That all changed after Sammy’s post. The financial records clearly show that the steep decline in revenue
79 occurred right after the post went viral. There is no question in my mind that the social media attention
80 caused irreparable damage. The public’s trust in us was shattered, and it reflected in the numbers. I have
81 presented these financial records as an exhibit to this affidavit, demonstrating the dramatic shift in income
82 that directly followed the viral post. (see Exhibit 3)

83
84 I should know, as I’m something of a media critic and have plenty of experience in business crisis
85 management. I started a Substack back in 2023 that focuses on the intersection of financial organizational
86 health and media criticism. On my Substack I’ve written articles on defamation cases, the influence social
87 media can have on business outcomes and the difference between traditional media and new media
88 coverage on small businesses. And I’m not just blowhard with a blog, I have had my work published too.
89 My buddy Roger at Cascadia Business Review published my piece “Social Media’s Influence on Small
90 Business Financial Health” in 2022. And back in 2017, my dear friend Agatha at the Piper County
91 Accounting Journal published my article, “PR Crises and Financial Fallout: Case Study of Cascadia Zoo”.

92
93 Some may argue that the carnival had been facing issues for a while, and while that’s true in a sense, the
94 problems we experienced before were nothing compared to what happened after Sammy Snow’s post. I’ve
95 worked through multiple challenges at Honeycutt Carnival, including a minor rollercoaster accident that

96 occurred about 20 years ago. That incident was covered by the local newspaper at the time [Exhibit 4], and
97 while it did draw attention, the lack of social media meant that the story faded quickly. The carnival
98 recovered, and business continued as usual.
99

100 However, in today's world, where social media influencers hold so much sway, the same cannot be said. If
101 social media had been around 20 years ago, I believe we might have faced a similar catastrophic impact, but
102 that wasn't the case. The world has changed, and the power of one viral post can destroy a business, as I've
103 unfortunately witnessed firsthand.
104

105 In my professional opinion, the closure of Honeycutt Carnival was caused solely by the attention and
106 reaction to Sammy Snow's post. The numbers support this conclusion. While we were experiencing a slight
107 decline in attendance after the story of the malfunction broke, it was not enough to shut us down. In fact,
108 we had plans in place to reverse the trend. We were gearing up for our centennial anniversary, which we
109 believed would be a huge draw for the community. The blatantly defamatory May 31st post derailed all of
110 that.
111

112 I strongly believe that the financial strain we experienced after Sammy's post was too much for us to recover
113 from. The public perception of the carnival had been tarnished, and no matter what we did to try and repair
114 that, it wasn't enough. The damage had been done, and it all stemmed from that single viral post.
115

116 When thinking about this case, from my perspective, the definition of "publication" has evolved in the
117 modern age, and social media posts should absolutely be considered a form of publication. When someone
118 with a large following, like Sammy Snow, makes a statement online, it has the same, if not more, reach than
119 a traditional news article. The impact is immediate and widespread, and the influence these individuals have
120 over public opinion is undeniable. Like I said, I should know, I have a Substack solely dedicated to this
121 stuff, with plenty of subscribers.
122

123 In this case, Sammy's post wasn't just a fleeting opinion—it was seen by millions, shared thousands of
124 times, and ultimately, it shaped the public's perception of our business. In my view, Sammy Snow's post was
125 no different than publishing a damaging story in a newspaper or broadcasting it on television. And just like
126 with traditional media, influencers must be held accountable for the impact their words and actions have on
127 businesses and individuals.
128

129 I believe, without a doubt, that Honeycutt Carnival was forced to close due to the fallout from Sammy
130 Snow's social media post. While we had been experiencing minor challenges, we were well on our way to
131 bouncing back, particularly with our 100th-anniversary celebration in sight. The viral nature of the post, the
132 misleading implications it made around people dying, and the ensuing public backlash all contributed to the
133 ultimate demise of a business that had been in operation for nearly a century.
134

135 I hereby attest to having read the above statement and swear or affirm it to be my own. I also swear or
136 affirm to the truthfulness of its content. Before giving this statement, I was told it should contain all relevant
137 testimony, and I followed those instructions. I also understand that I can and must update this affidavit if
138 anything new occurs to me until the moment before I testify in this case.
139

140 s/Morgan Dorf

141 Morgan Dorf

142 Dated: October 1, 2024
143

144
145
146
147
148

Subscribed and sworn before me on October 1, 2024.

s/Roberta Bost
Roberta Bost

Defense Witness Statements

1 Affidavit of Sammy Snow

2
3 For those of you who don't already know, my name is Sammy Snow. I'm a native Californian, and I went to
4 the University of Southern California (Fight On!) for undergrad. There, I received a Bachelor's Degree in
5 Social Media Artistry. I moved to Cascadia a few years back. The nature is cool, I guess, but that's not what
6 I came for. I came for the love of the game. I'm an influencer. People in my field - those who specialize in
7 the art of influencing - flock here. Anyone who hopes to be someone knows that Cascadia is the place to be.
8 I mean, just think of legends like J.J. McCollum, Grace Oden, Mark Aldridge... Legends. And they're all
9 Cascadia products. Anyway, I'm getting off-topic. When it comes to fame, my head can get a bit cluttered.

10
11 I'm sure it is relevant to explain my presence on social media here. Even if it's not, I feel like explaining it
12 anyway. I've been called the country's most famous "Gemini Vegetarian" (G to the V). My PR manager,
13 Bruiser Callahan, likes to say that my posts are so well-worded, funny, charming, thoughtful, and inspiring,
14 that I should consider writing a book one day. I'm still thinking that one over. "Publishing" seems like a lot
15 of work; I think I'd rather stick with social media. I generally post things like restaurant recommendations,
16 short vlogs about my antics around Cascadia, and wellness recipes that my best friend Paulette and I cook
17 up together. It's always my recommendations that get the most engagement.

18
19 When I told my parents that I wanted to pursue influencer work full-time, they were skeptical. My only
20 response was, "What, like it's hard?" To be fair, things were difficult at first. But it eventually picked up and
21 became a very sustainable form of income. Today, I have just over 4 million followers across five (5)
22 accounts. My main one on Instagram has 996k followers (@sammysnowofficial - feel free to give it a
23 follow). My four other accounts both @sammysnowofficial are on TikTok, YouTube, Threads, and X,
24 which used to be called Twitter. Those accounts combined total about 3.2 million followers.

25
26 Before this mess, I was well on my way to becoming the next big thing. I was nearing 1 million followers on
27 Instagram, I was making brand deals left and right, and I was even becoming pretty familiar with the local
28 businesses in my area through promotions that I, graciously, offered. I liked to make it a practice to give
29 back to the... needier... businesses. It was the least I could do given my popularity. That is actually how I
30 became familiar with Hayden Honeycutt and Hayden's infamous carnival.

31
32 In the summer of 2021, it was clear to me that the Honeycutt Carnival was struggling. I think some local
33 news outlet (I have no idea really; I don't read the news) mentioned that the Carnival had some kind of fatal
34 accident. Or it could have been Paulette telling me a story of the carnival having a pretty big deal accident. I
35 am told that this is referenced in Exhibit 4. Sounded pretty rough to me, but being the sympathetic
36 community leader that I so obviously am, I decided to offer my services as a local influencer and promoter.
37 I approached Hayden back then to offer a series of promotional Instagram posts. When I described to
38 Hayden that I planned on promoting the Honeycutt Carnival on my page, Hayden laughed me off, calling
39 me "unserious" and "just a kid." Not only that, but Hayden even said, "You will never be famous." I took
40 that personally. It turned out that Hayden needed my help, too.

41
42 After that little snafu, I doubled down on my efforts as an influencer. My page skyrocketed and businesses
43 began to crave my approval. I mean, I practically had the State of Cascadia in the palm of my hand. Today, I
44 have over 4 million followers across all of my accounts. In a way, I guess you could say I have Hayden
45 Honeycutt to thank for that. As my online presence grew, so did the paychecks. Since I had student loans,
46 and one of my parents was suffering from a serious medical condition at the time, my income really helped
47 my family and me. Without it, I'm not sure where I'd be today. My lawyers told me that this was my chance

48 to tell the world my side of what happened. Now, I'm never one to turn down an opportunity to get my
49 opinion out there, but I have to say, this isn't opinion. This is simply what happened. To start, I think it
50 would be fun to give everyone a little lesson in "Influencer 101!"

51
52 Every influencer worth their salt knows that providing a constant stream of content is the key to consistent
53 engagement. More engagement means more likes, which brings more followers, which, at the end of the
54 day, gets me paid. So, every morning, I like to sit back with a nice cup of cold-pressed supergreen juice and
55 comb through whatever is trending online in hopes of finding some easy reposts. Generally speaking, my
56 go-to is Instagram, since that's what brings in most of my revenue. On May 31st, 2024, I was scrolling
57 through my feed, and I came across a post made by someone with the handle @inthebaggins. The post was
58 a square photo of a ride at the Honeycutt Carnival that I had previously been on. It wasn't very fun. It is
59 called "The Zipper". The ride looks like a death trap. It's made of rusty steel, the cars on the ride look like
60 they could fall apart at any moment, and it was notorious for breaking down multiple times per day. A
61 friend of mine had said that she even saw one of the ride operators pick up a bunch of loose nuts and bolts
62 that fell out of one of the ride's steel support beams, look at them, give a shrug, and start the ride anyway.
63 Insane, right? Personally, I like to keep my feet firmly planted on the ground.

64
65 Back to the post. When I saw it, I immediately recognized the ride. Not only had "The Zipper" traumatized
66 me, but I'm sure it had inflicted emotional damage on plenty of other people in Cascadia. When I took a
67 closer look at the post, I noticed something strange. I couldn't tell who, but there was someone clearly
68 hanging on the outside of the ride, looking like they were about to fall to the ground! The caption on the
69 post said "Hayden and the Honeycutt Carnival got people [skull emoji]. I gave a small chuckle and decided
70 that my followers would too. So, I reposted the image, and added my own caption to the original reading
71 "Won't be coming back." You can see the reposted image on my page in Exhibit 1. The post has since been
72 deleted. I'm not sure when, I think once the lawyers told me I should, I don't really remember.

73
74 The post did well, but not any better or worse than anything else on my page. People engaged with it, so
75 that's key. That and I only post good content. It received a few million impressions and around 200,000
76 likes. I had no idea of @inthebaggins's true identity until this lawsuit was brought against me. My lawyers
77 introduced Charlie Baggins to me, and I have since learned that Charlie is a big fan of mine. What can I say,
78 I guess I'm a bit of a household name now. For about a week, I thought nothing of the post. Then I started
79 getting DMs (direct messages, for the uninitiated) from people around Cascadia about it. If I were to
80 respond to every DM I got, I'd never have free time, so I ignored them. After a while, I stopped checking
81 the DMs. The next thing I knew, I was served with this lawsuit by a couple of guys while I was at my weekly
82 yoga class. At that point, I contacted my lawyers who, I've been assured, are the best in the state.

83
84 I want to make sure that a few things are absolutely crystal clear. I was not the original poster of that photo.
85 I have no control over what people do once they see the content on my page. Having done this kind of
86 thing for a few years now, I have a pretty good sense of when content is "real" and when it's "fake". I'll be
87 honest, I never even thought to ask the original poster, Charlie Baggins, whether the photo that Charlie
88 posted was real or not. When I saw it, and I remembered my own experience at the Carnival, the media
89 coverage of the fatal accident there, and my knowledge of Hayden Honeycutt, I figured the post was just a
90 joke. I had no reason to believe that anyone actually died or was hurt at the Carnival in any way. When I
91 reposted it, I expected nothing to come of it other than a healthy number of likes. I guess I was wrong.

92
93 In the past, I have made similar reposts to the one I made here. In 2012, I reposted a photo from a local
94 movie theater that showed frightening levels of uncleanliness and told my followers that I personally
95 wouldn't go there. In 2023 I retweeted a thread that had a detailed explanation of a local coffee shop's

96 history selling non-organic coffee beans that they claimed were organic. I have never received any kind of
97 official communication from either of those businesses asking me to remove my posts. At USC, I was
98 “asked to leave” my position in the school newspaper because I used artificial intelligence to write a paper
99 and claimed that it was entirely my own. Not my finest hour. Since then, I have made a point to always be
100 truthful in what I put out there to the world.

101
102 I have met Denny Nugget, an employee of Hayden Honeycutt, a few times before. The first time I met
103 Denny was at the Honeycutt Carnival. Denny was staffing a hot dog stand. Denny had recognized me from
104 Instagram and struck up a conversation. Denny asked me “What are you doing in a dump like this?” I
105 responded “My friend Paulette dragged me here. Do you have any recommendations? Which rides should
106 we go to?” Denny immediately told us “Whatever you do, avoid “The Zipper.” It’s nothing but bad news.
107 Every time we reopen the Carnival for the year, we have to fix it. We’ve hired the same guy to fix it 7 years
108 in a row. There are routine inspections as well. I haven’t seen him this year though.” Concerned, I asked
109 about what they check on in the inspections. Denny said, “The inspector checks the rails of the track,
110 examines the electrical panels, and maintains air pressure and oil levels in all moving vehicles.” Paulette and
111 I were bored by that answer and went to go ride “The Zipper” anyways. I hated it.

112
113 After I became aware of this lawsuit, my life has been nothing but lawyers, courtrooms, and expensive legal
114 fees. Hayden Honeycutt reached out to me through my attorneys to let me know that, even though Hayden
115 claims “The Zipper” is completely safe, Hayden was having the ride completely refurbished. I have no idea
116 why Hayden would refurbish the ride if it really were safe, but c’est la vie. At the end of the day, I’m just
117 trying to support myself, my family, and admittedly, my love for overpriced, celebrity-branded smoothies. I
118 do not claim to be a public official, and I would never post anything that I truly believed to be damaging in
119 any way.

120
121 On a final note, I have to say that I’m tired of influencers being sued for their work. I know of countless
122 people who have been sued by companies claiming things like defamation for no real reason other than to
123 get a quick payday out of a well-off social media personality. When people like Hayden see an up-and-
124 coming young person like me, all they see are dollar signs. Hayden is asking for over \$2,000,000 in this
125 lawsuit. Even if I had that much money, which I don’t, there is no way that Hayden would be getting a
126 penny. I did nothing wrong. If anyone should be being sued, it’s that nutjob Charlie Baggins.

127
128 I am familiar with Exhibits 1a, 1b, and 5. I have also seen Exhibit 2& 4, but I cannot speak substantively of
129 its contents.

130
131 I hereby attest to having read the above statement and swear or affirm it to be my own. I also swear or
132 affirm to the truthfulness of its content. Before giving this statement, I was told it should contain all relevant
133 testimony, and I followed those instructions. I also understand that I can and must update this affidavit if
134 anything new occurs to me until the moment before I testify in this case.

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143

s/Sammy Snow
Sammy Snow
Dated: October 7, 2024

Subscribed and sworn before me on October 7, 2024.

s/Sam Kang
Sam Kang

1 Affidavit of Charlie Baggins

2
3 My name is Charlie Baggins, though most people online know me as @inthebaggins. I am an aspiring social
4 media influencer, currently trying to make a living by gaining as many followers as possible to eventually
5 attract sponsors and brands to support me. I worked at Honeycutt Carnival for five years, but that job
6 ended after I was fired, supposedly for "poor performance," though I don't believe that was the real reason.
7 I think I was fired because I questioned some of the shady business practices that went on behind the
8 scenes at the carnival.
9

10 Honeycutt Carnival has been around forever—it was founded in 1924 by Merriworth Honeycutt, Hayden
11 Honeycutt's great-grandfather. It's a family-run business, and I guess it's been a big part of Piper County for
12 a long time. I worked there, so I know how people saw it as a local institution. It was a place where families
13 went for generations. But while it might've had a good reputation on the outside, working there, I saw
14 things that made me question whether it deserved that kind of respect.
15

16 I started working at Honeycutt Carnival hoping it would be a decent job, but it wasn't long before I realized
17 things were not as they seemed. From the poor conditions in the concession stands to the questionable
18 safety standards, I always felt like things could have been run better. But anytime I brought up these issues, I
19 was ignored or brushed off. My managers didn't want to hear it, and they told me that Hayden didn't care,
20 which is typical for these big corporate types. Eventually, they fired me, and while they said it was for my
21 performance, I think it's because I spoke out about these problems.
22

23 On April 1, 2024, I was scrolling through reddit trying to see what new meme templates people were using.
24 You have to stay current if you hope to make it in the influencer biz. I scrolled by the r/cascadiaishome
25 subreddit and saw something both so unsurprising but shocking at the same time. Low and behold there
26 was a malfunction on the Zipper ride at the carnival. People were stuck in the air for three and a half hours.
27 Local news covered it, and they said no one was injured, so at first, it didn't seem like that big of a deal. But
28 for me, knowing what I knew about how the carnival was run, this was just another example of how poorly
29 things were handled there.
30

31 From my time working at the carnival, I knew that things were not all sunshine and roses behind the scenes.
32 For example, I saw food at the concession stands that should've been thrown out being reused. Employees
33 were letting people on rides even if they didn't meet the height requirements. These are safety issues that
34 could have caused serious problems. I also heard rumors—though I don't have proof—that Hayden
35 Honeycutt was skimming money from the business and that they were bribing local officials who were
36 supposed to be inspecting the rides for safety.
37

38 So, when I heard that the Zipper ride had malfunctioned, it didn't surprise me. I had already seen corners
39 being cut in other areas of the carnival. I wasn't shocked to hear from people, including Denny, that the
40 carnival was already struggling financially before any of this social media stuff happened. In fact, Denny told
41 me that the carnival had been in bad shape for a while, long before Sammy or I posted anything online. It
42 was only a matter of time before it went under.
43

44 I wasn't working at the carnival anymore when the Zipper malfunction happened, but I still stayed in touch
45 with some of the employees, including my friend Denny Nugget. Denny and I started roughly around the
46 same time at the carnival. We got along, we liked similar movies and tv shows. The classics, Borat, Family
47 Guy, and early seasons of South Park, later ones lose their edge. We also both like to blow off steam by

48 playing basketball. We're not good, but we like cardio and started having pickup games when we could when
49 we weren't working. We were cool, but definitely had different vibes at work. Like I said, I wasn't afraid to
50 let folks know what was wrong about the place, and try to get people to fix things, so they run better. Denny
51 was much more laid back, it was clear that Denny didn't care too much about the job, it was a paycheck, but
52 for me, why work somewhere and not crush it every day. That is the only way to be on top, 100%, 24/7,
53 365.

54
55 Denny and I stayed in touch when I was let go in March 2023. We'd text about movie trailers, what shows
56 we were watching, and Denny would keep me up on the latest carnival drama. Denny and I still will play
57 pickup basketball every now and then. Denny had told me that things at the carnival had been going
58 downhill for a while, financially speaking. In January 2024 Denny straight up told me that people weren't
59 showing up to the carnival that much anymore. That is Exhibit 5. Of course they weren't. It was a bush
60 league place that employed people without the heart of a champion. Why would someone want to go to
61 some mid carnival to hop on unsafe rides?

62
63 On April 20, 2024, I made a post on my Instagram account, @inthebaggins, about the Zipper ride incident.
64 When I saw that it was trending on social media with all these hashtags, I thought it could be a good
65 opportunity to get more followers. I used AI to help me create the post, which was meant to be funny and
66 attention-grabbing. I asked AI to make me a photo of the Zipper ride with everyone stuck on it... and, yes, I
67 asked it to add someone falling off of it to make it look more scary. I thought it was funny! And I didn't
68 think it was too inconsiderate considering, hey, no one actually died! I didn't feel too bad. Anyways, you can
69 tell it's AI because the person falling doesn't even really look like a person and the colors are also
70 supersaturated, like it clearly couldn't be a photo. I'm pretty sure it even says Honeycutt Festival somewhere,
71 like come on, who would believe this? It's just funny, ya know?

72
73 The post was something like, "Hayden & the Honeycutt Carnival got people [skull emoji] for a ride."

74
75 I didn't think much of it—it was just a joke, something I thought would get me more followers. That's how
76 social media works. You make posts that grab attention, and people follow you. But then on May 31, 2024, I
77 saw that Sammy Snow, a much bigger influencer with over 4 million followers, reposted the same image I
78 had created and added a caption. Sammy's version went viral, racking up millions of views and over 200,000
79 likes. I have to admit, I was a little jealous that Sammy's post got so much attention, but that's the game.
80 Bigger influencers can take something small and blow it up.

81
82 I know some people might be wondering why I made the post in the first place. Honestly, it was just about
83 trying to get more followers. I'd seen a lot of popular hashtags about the incident, and I figured if I made a
84 post that was funny or a little edgy, it might get people to follow my account. The goal wasn't to harm the
85 carnival—it was just about building my platform. Social media is like that. People make posts all the time
86 that are exaggerated or not entirely serious. That's just part of the culture. Most people my age know that
87 you can't take everything online too seriously, especially social media posts. They're meant to be fun, over-
88 the-top, or sometimes ridiculous.

89
90 I didn't think that people would take it so seriously, and I definitely didn't think it would lead to the carnival
91 closing. I honestly don't believe that Sammy Snow's post—or mine—was the reason the carnival went out
92 of business. From what I saw and heard; the carnival was in financial trouble long before any of us posted
93 anything online. The fact that Sammy's post got so much attention doesn't change the fact that the carnival
94 was on its last legs already.

95

96 Another thing that's important to note is that I had heard some things about the incident that turned out
97 not to be true. Someone—I don't remember who—told me that people had been injured in the Zipper
98 accident and that the ride had to be destroyed. I also heard that the carnival was shut down for a week
99 afterward. I don't know if any of that was true, but I posted what I had heard because it seemed to fit with
100 what I already knew about the carnival's bad practices. If some of that turned out to be wrong, I didn't
101 mean to mislead anyone—it was just what I had heard from people who I thought knew what they were
102 talking about.

103
104 To be honest, I still don't understand why everyone is making such a big deal about the social media post.
105 In my opinion, nothing online should be taken too seriously, especially when it comes to social media. It's
106 all fake or hyperbolic, and most people know that. Young people, like me, understand that influencers and
107 content creators often exaggerate or joke around to get attention. It's part of the game. I didn't think anyone
108 would take it as fact or believe that the carnival was actually unsafe because of a funny post.

109
110 In the end, I think it's ridiculous to blame Sammy or me for the carnival going out of business. The carnival
111 was already on a downward spiral, and it had been for a while. Financial problems, bad management, and
112 poor safety standards were the real reasons it failed, not a social media post. The post was meant to be a
113 joke, something to gain followers—not something to ruin a business. Social media is a place for
114 entertainment, not something that should be taken so literally.

115
116 I am familiar with Exhibits 1, 2, and 5.

117
118 I hereby attest to having read the above statement and swear or affirm it to be my own. I also swear or
119 affirm to the truthfulness of its content. Before giving this statement, I was told it should contain all relevant
120 testimony, and I followed those instructions. I also understand that I can and must update this affidavit if
121 anything new occurs to me until the moment before I testify in this case.

122
123 s/Charlie Baggins
124 Charlie Baggins
125 Dated: October 7, 2024

126
127
128
129 Subscribed and sworn before me on October 7, 2024.

130 s/Sam Kang
131 Sam Kang
132

1 Affidavit of Rowan Wilson

2
3 Good afternoon. My name is Rowan Wilson. I am a Professor of Digital Communication & Emerging
4 Technologies at Cascadia Institute of Technology. I also work as an independent consultant with
5 EmergingTech Consulting Group, offering workshops and advice on AI, social media, and its intersections
6 with the law. Additionally, I provide expert testimony in legal cases, typically centered on social media, AI,
7 and at times, defamation. I am also a Certified Digital Ethics Professional through the International
8 Association of Digital Ethics and in 2017 I was certified as a AI-Human Interaction Analyst by the Global
9 Council on Artificial Intelligence and Human Interaction. For a full list of my qualifications please refer to
10 my CV, which is Exhibit 7.

11
12 I have always been fascinated by how humanity engages and communicates with one another. I am
13 fortunate enough to live in a time where communication comes in so many forms. Specifically, I've always
14 been fascinated with how we use technology as a tool. When I was young, that looked like walkie talkies,
15 rotary phones, and even pagers. Obviously, I knew that these tools were going to evolve, and with that, how
16 we communicate would grow, expand and radically change. I wanted to engage with that change, so I
17 studied Information Systems at Piper College for my undergraduate degree. From there, I continued my
18 studies, receiving a Communication Studies masters and finally a Ph.D. in Emerging Technologies, with a
19 focus on the intersection of artificial intelligence, social media, and the evolution of digital spaces.

20
21 My work has been published in numerous academic journals. For example, one of my first publications, for
22 Proceedings of the International Conference on Emerging Media, was about the accountability in AI-
23 enhanced content generation, focused primarily on the ethical and legal aspects of that accountability. I have
24 also written a very well-regarded piece entitled "Generative AI and Defamation: Why Online Spaces Should
25 be Legally Reconsidered" for the Global Review of Emerging Technologies in 2020. That often-cited article
26 investigates the legal challenges of applying traditional defamation law in the new world of AI-generated
27 content. More recently, I have been grappling with the concept of truth and technologies' effect on
28 humanity's definition thereof. This was a driving force in my 2021 piece, "The Post-Truth Paradigm:
29 Navigating Social Media in an Era of AI and Hyper-Reality".

30
31 My work and writings have extensively addressed how the concept of truth has shifted in online spaces, and
32 how generative AI platforms, by producing or amplifying content, complicate the legal landscape of
33 defamation. In traditional defamation cases, clear lines exist between fact, opinion, publication, and personal
34 speech. However, with the evolution of social media and the rise of **generative AI**, those lines have become
35 blurred. Content shared online often lacks the editorial oversight that traditional media exercises, and
36 statements on social media platforms should not be held to the same legal standard as traditional forms of
37 publication.

38
39 Modern social media posts often rely on algorithms and AI tools to generate, enhance, or amplify content.
40 Generative AI software has the ability to manipulate data, images, and text, crafting posts that appeal to
41 engagement-driven algorithms without necessarily adhering to truth or factual reporting. Given the
42 likelihood that **Charlie Baggins**, who initially created the post, used generative AI to aid in the creation of
43 the content in question, this further distances the original poster and subsequent reposter, Sammy Snow,
44 from being responsible for any direct factual misrepresentation.

45
46 We are currently living in a **post-truth era**, where facts are no longer the primary driver of online discourse.
47 Social media, by design, rewards content that is engaging, not necessarily truthful. Hyperbolic or exaggerated

48 statements are commonplace, and both influencers and their audiences understand this dynamic. When
49 creating or sharing content, the primary goal is not always factual accuracy, but rather the generation of
50 engagement and interaction.

51
52 As a social media influencer with over 4 million followers, **Sammy Snow** operates within this post-truth
53 framework. Influencers create content that entertains, provokes, or resonates with their followers. The
54 repurposing of Charlie Baggins' original post by Snow is part of this common social media behavior—using
55 trending, shareable content to maintain or grow audience engagement. Snow's use of the post does not
56 imply endorsement of its factual accuracy, but rather shows their intent to participate in the trending
57 conversation around the Honeycutt Carnival incident.

58
59 The original post, which was shared by **Charlie Baggins** on April 20, 2024, was later reposted by Sammy
60 Snow on May 31, 2024. Baggins, a former employee of the Honeycutt Carnival and aspiring social media
61 influencer, is known for leveraging AI tools to create posts designed to boost follower engagement. Baggins
62 admitted to creating the original post using AI, which shows that the content in question was likely a mix of
63 exaggerated statements and popular online narratives, rather than a factual recounting of the Zipper ride
64 incident.

65
66 Baggins' use of AI to create the initial post introduces another layer of complexity. AI can distort facts,
67 embellish details, and blend multiple narratives to generate attention-grabbing content. In this case, Baggins'
68 post likely capitalized on the buzz surrounding the Zipper ride malfunction but exaggerated the situation by
69 implying greater harm than actually occurred. The claim that the Zipper had been lethal and that injuries had
70 occurred were likely distortions influenced by the AI tools used to generate the post. Snow's reposting of
71 this AI-influenced content must be understood in this context: both Snow and their followers would have
72 seen the post not as a factual statement, but as part of the digital noise that surrounds online trends.

73
74 It is important to analyze whether the reposting of Charlie Baggins' original content by Sammy Snow had a
75 direct influence on the closure of **Honeycutt Carnival**. By the time of the post on May 31, 2024, the
76 Carnival was already experiencing significant financial troubles. Based on what Baggins had heard from
77 other carnival workers, there were long-standing issues, including unsafe business practices, poor financial
78 management, and deteriorating conditions. These issues predate the social media post in question.

79
80 While Sammy Snow's repost undoubtedly garnered significant attention, leading to increased public scrutiny
81 of the Carnival, the **closure of the Honeycutt Carnival** was not a direct result of this post. The financial
82 instability of the Carnival was evident well before the post, as the business was already in decline due to
83 years of alleged mismanagement and other issues. A quick forensics of the Honeycutt Carnival's social
84 media accounts showed me that the carnival's account's likes and impressions have been on a steady decline
85 since early 2023. It is unreasonable to attribute the closure to one social media post, particularly in a
86 landscape where online commentary is often viewed as performative or hyperbolic. Based on my expert
87 analysis, the Carnival was on the verge of collapse long before May 31, 2024.

88
89 Moreover, generative AI and its pervasive influence on social media content must be considered. Both
90 Baggins and Snow were using the Carnival incident as part of a broader conversation that was already in
91 motion. The social media post was not an independent or original catalyst but rather a reflection of ongoing
92 negative perceptions of the Carnival's management and safety practices. Look at the carnival's own
93 employees speaking of the dire situation. See Exhibit 5. The economic failure of the Carnival can be
94 attributed to these deeper, systemic issues, not the amplification of a single online post.

95

96 In today's world, where social media and AI dominate the discourse, **truth** is an increasingly fluid concept.
97 Content creators, including both Baggins and Snow, are not bound by traditional journalistic standards.
98 Their audiences understand that much of what is posted is meant for engagement rather than accuracy. It is
99 essential to consider the **context** in which the post was shared. The emoji-laden, informal nature of Snow's
100 repost indicates that the statement was meant to be seen as commentary rather than fact.

101
102 Given these factors, I argue that defamation law must adapt to account for the realities of modern social
103 media. Holding influencers accountable for every repost or exaggerated statement disregards the fact that
104 generative AI and algorithmic amplification have fundamentally changed the way content is created and
105 shared. Defining what is factual or defamatory is increasingly difficult when such content is viewed through
106 the lens of entertainment, social interaction, or digital culture.

107
108 Based on my professional expertise, it is clear that Sammy Snow's May 31, 2024, post, which was a repost of
109 Charlie Baggins' AI-influenced original content, should not be considered defamatory in the traditional
110 sense. The post was created and shared in the context of a social media ecosystem where hyperbole and AI-
111 enhanced exaggeration are commonplace.

112
113 Furthermore, the decline and eventual closure of the Honeycutt Carnival cannot reasonably be attributed to
114 this one social media post. The Carnival was already facing significant financial and operational challenges
115 long before the post went viral. Therefore, while the post may have contributed to a negative public
116 perception, it was not the determining factor in the Carnival's failure.

117
118 In preparation for my participation in this case, I have reviewed all the Evidence Exhibits as well as the
119 Affidavits of the other witnesses. In the spirit of transparency and truth, I have been paid \$8,500 by Sammy
120 Snow's attorney to work on this case and be a witness.

121
122 I hereby attest to having read the above statement and swear or affirm it to be my own. I also swear or
123 affirm to the truthfulness of its content. Before giving this statement, I was told it should contain all relevant
124 testimony, and I followed those instructions. I also understand that I can and must update this affidavit if
125 anything new occurs to me until the moment before I testify in this case.

126
127 s/Rowan Wilson
128 Rowan Wilson
129 Dated: October 7, 2024

130
131
132
133 Subscribed and sworn before me on October 7, 2024.

134 s/Sam Kang
135 Sam Kang
136

Exhibits

Exhibit 1A: Sammy Snow's May 31, 2024 Social Media Re-Post



sammysnowofficial



inthebaggins



@repost.it

inthebaggins Hayden and the Honeycutt Carnival got people 🦴 for a ride.



200k



2.2k

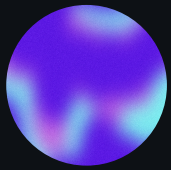


1.3k

sammysnowofficial Won't be back.



Exhibit 1B: Sammy Snow's May 31, 2024 Comment Section



sammysnowofficial

Won't be back.

Comments



pennymapleton ❤️ by author
so sad they all died, rip 🕊️



771

— View 31 more replies



funnyguy87
whoa, people DIED?? 🤯 I'm never buying
another ticket...



682

— View 5 more replies



enchantedtomeetu ❤️ by author
guys come on this is clearly AI 😞



407

— View 11 more replies



jenincascadia ❤️ by author
good joke! 🗣️



153

Reply

Load more comments

Exhibit 2: Social Media Follower Comparison

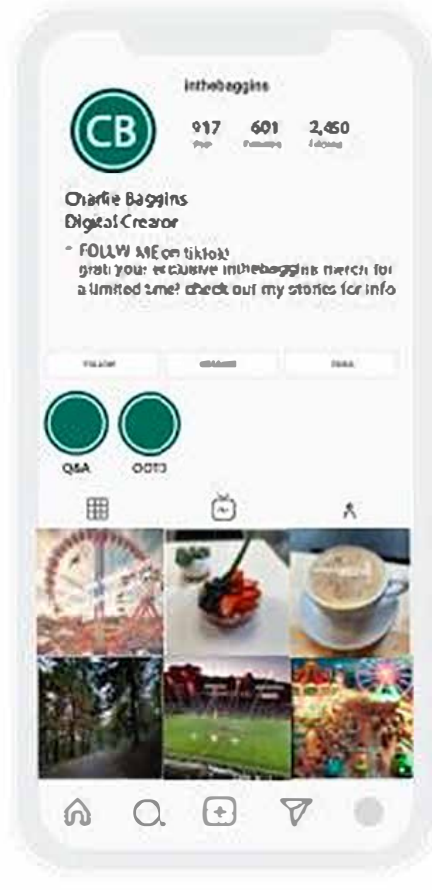
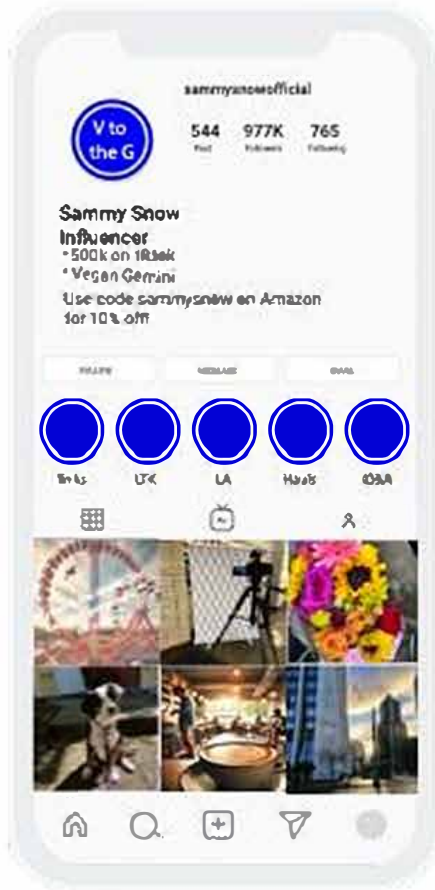


Exhibit 3: Honeycutt Carnival's Profits & Loss Graph (September 2024)

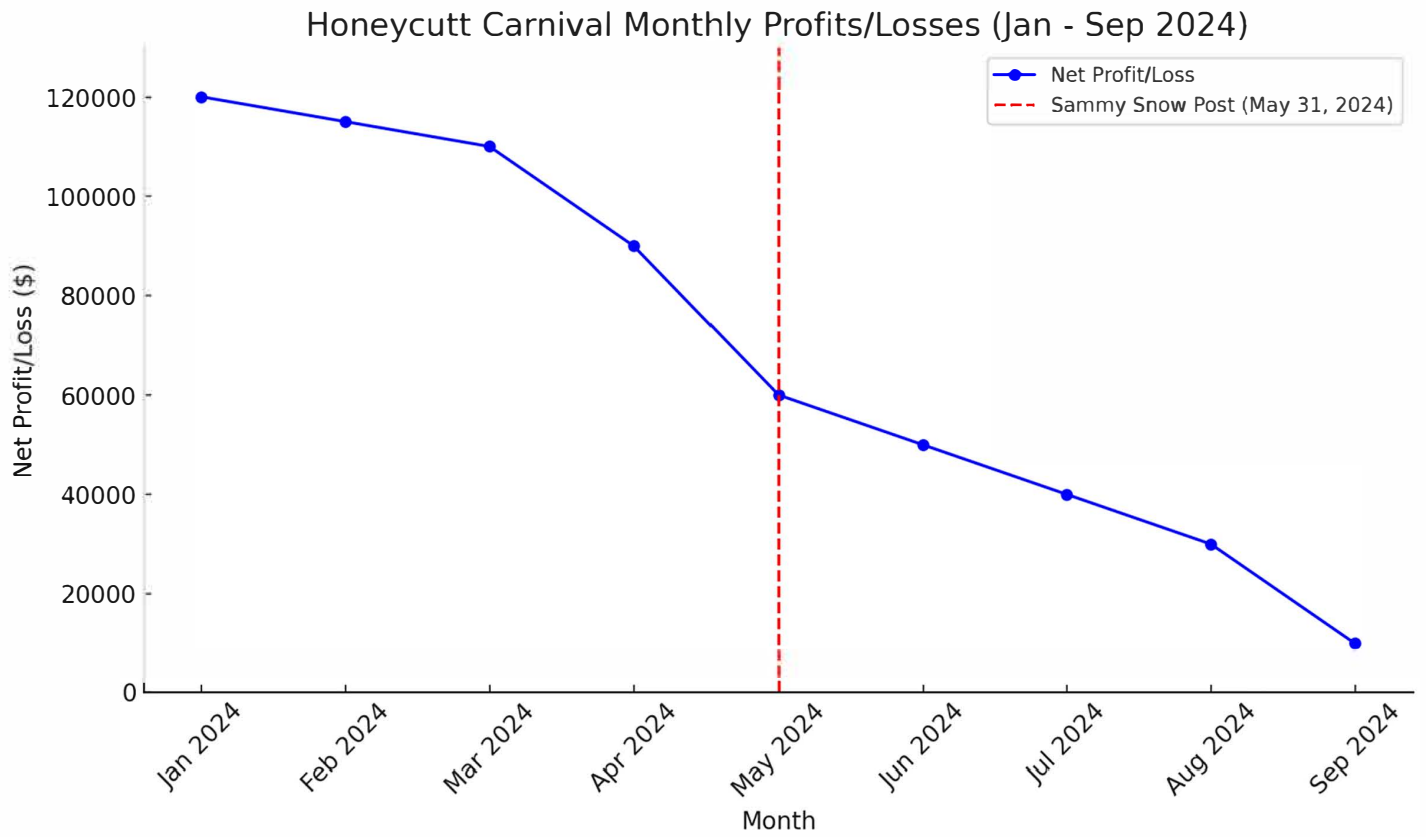


Exhibit 4: (April 20, 2004) Newspaper Article

Cascadia Times

April 20, 2004

Thrills Turn to Chills: Rollercoaster Accident at Honeycutt Carnival

Piper County, Cascadia – A routine day of fun turned frightening at the Honeycutt Carnival yesterday when a mechanical failure caused a rollercoaster to malfunction, leaving riders suspended in the air for nearly two hours. Fortunately, all passengers on the ride were safely brought down without any injuries, but the incident has raised serious concerns about safety practices at the long-standing local amusement park.

The incident occurred around 2:00 PM on the carnival's popular ride, the "Thunderbolt." Witnesses reported a sudden stop, causing the ride to jam with approximately 15 patrons trapped at its peak. Carnival staff quickly mobilized to assist the riders, and emergency services were on-site within minutes.

"We were scared at first, but the staff were really helpful. They kept us calm," said Amanda Richards, a mother who was riding with her two children. "It was just a long wait before we got down."

Despite the quick response, the incident has sparked scrutiny over the safety protocols in place at Honeycutt Carnival, a local institution that has been family-owned since its founding in 1924. The carnival, operated by Hayden Honeycutt, has been a staple of community gatherings for generations, drawing families for its rides, games, and food stands.

"It's alarming to hear about this type of malfunction," said local safety inspector, Bill Turner. "We will be conducting a thorough investigation into the carnival's safety records and maintenance procedures." In a statement issued by the Honeycutt Carnival, owner Hayden Honeycutt expressed relief that no injuries occurred but acknowledged the need for a review of safety measures. "The safety of our patrons is our top priority. We will cooperate fully with the investigation and work to ensure that our rides meet the highest safety standards," he said.

The rollercoaster incident comes on the heels of other minor mechanical issues reported at the carnival over the past few years, raising questions about the upkeep of aging rides. Local residents have expressed concerns, noting that while the carnival is a cherished part of the community, its safety must come first.

"I grew up going to this carnival; it's been a part of our family traditions," said Piper County resident, Linda Martinez. "But I hope they take this seriously. We don't want to see any accidents."

As the investigation unfolds, carnival officials assure the public that they are taking immediate steps to enhance safety measures. Meanwhile, the Honeycutt Carnival remains open, hoping to reassure patrons that their enjoyment and safety is paramount.

For now, families can continue to enjoy the attractions, but many will be keeping a closer eye on the rides and the assurances of safety from those in charge.

Exhibit 5: (1/24/24) Text Exchange between Charlie Baggins & Denny Nugget

< Messages

DENNY



1/10/2024

I hate HH!!

1/23/2024

Ready to play basketball Friday?

You know it! How's Honeybutts been?

Ha. Not great. I overheard Hayden saying numbers aren't doing so great. Which makes sense since I've seen like a lot less people at the park than in year's past



Told ya about that place

IDK. I'm hoping for the best



Exhibit 6: Morgan Dorf's CV

Curriculum Vitae

Morgan Dorf

Certified Public Accountant (CPA)

Email: morgan.dorf@honeycuttaccounting.com

Phone: (555) 987-6543

LinkedIn: [linkedin.com/in/morgandorf](https://www.linkedin.com/in/morgandorf)

Website: www.morgandorfaccounting.com

EDUCATION

Bachelor's Degree in Accounting

Piper County University, Cascadia

Graduated: 1995

Certified Public Accountant (CPA)

Cascadia State Board of Accountancy

Licensed: 1997

PROFESSIONAL EXPERIENCE

Head Accountant

Honeycutt Carnival, Piper County, Cascadia | 1999 – 2024

- Managed all financial operations for the Honeycutt Carnival for over 25 years, from its peak profitability to its eventual closure.
- Oversaw budgets, payroll, and financial statements to ensure compliance with state and federal laws.
- Maintained profit and loss statements, which documented the steady decline of business leading up to the closure of the carnival in 2024.
- Provided financial reports to upper management and the Honeycutt family regarding the carnival's long-term financial health.
- Played a key role in managing the transition when the business faced legal and financial challenges.

Owner & Operator

Dorf Accounting Services, Piper County, Cascadia | 2005 – Present

- Provide accounting, tax, and advisory services to small businesses and individuals across Cascadia.
 - Specialize in financial planning, budgeting, and business restructuring for companies in crisis.
 - Offer consultation services for businesses dealing with defamation or public relations issues that impact financial outcomes.
 - Maintain long-term relationships with clients by providing tailored financial advice based on unique business needs.
-

PROFESSIONAL CERTIFICATIONS

- **Certified Public Accountant (CPA)** – Cascadia State Board of Accountancy
 - **Certified Management Accountant (CMA)** – Institute of Management Accountants (IMA), 2001
-

NOTABLE CASES AND CONSULTATIONS

• Hayden Honeycutt v. Sammy Snow

Expert Witness for the Plaintiff

Provided testimony regarding the financial losses Honeycutt Carnival experienced after Sammy Snow's social media post. Presented detailed profit and loss statements showing that despite prior decline, the social media attention was a critical factor in the carnival's closure.

• Honeycutt Carnival Financial Crisis

As the lead accountant during the final years of the carnival, I advised Hayden Honeycutt on financial restructuring strategies and alternative methods for boosting revenue. Despite these efforts, external factors, including the social media controversy, contributed to the eventual closure.

FINANCIAL ANALYSIS & REPORTING

- Expert in analyzing profit and loss trends to identify the impact of external events on business health.
- Proficient in preparing financial statements that comply with industry standards and regulations.
- Skilled in identifying areas of financial mismanagement and implementing corrective actions.
- Experience in preparing and presenting financial evidence for legal cases, including defamation, bankruptcy, and business closure scenarios.

SIDE PROJECTS

Substack Writer: Media Criticism & Financial Impacts

Author of a Substack blog analyzing the intersection of media, finance, and business reputation.

- Write articles on the influence of social media on business outcomes, especially related to PR crises and defamation cases.
- Offer analysis on how media coverage, whether traditional or digital, can shape financial realities for small businesses.

PROFESSIONAL SKILLS

- Financial statement preparation and analysis
- Tax planning and advisory services
- Profit and loss forecasting
- Budgeting and financial restructuring
- Business and personal tax filings
- Legal testimony in finance-related cases

SOFTWARE COMPETENCIES

- QuickBooks
- Microsoft Excel (Advanced)
- Xero Accounting Software
- Intuit ProConnect Tax
- Sage Business Cloud Accounting

PROFESSIONAL MEMBERSHIPS

- **American Institute of CPAs (AICPA)** – Member
- **Institute of Management Accountants (IMA)** – Member
- **Cascadia Association of Accounting Professionals** – Member

COMMUNITY INVOLVEMENT

- **Volunteer Treasurer** – Piper County Youth Sports League
- **Accounting Mentor** – Cascadia Small Business Development Center
- **Financial Literacy Speaker** – Various local high schools and community groups in Cascadia

RESEARCH AND PUBLICATIONS

- **"Social Media's Influence on Small Business Financial Health"** – *Cascadia Business Review*, 2022
Analyzed how social media controversies can drastically impact the financial stability of small businesses, with case studies on carnival and entertainment industries.
- **"PR Crises and Financial Fallout: Case Study of Cascadia Zoo"** – *Piper County Accounting Journal*, 2017
Explored the intersection of public perception, financial mismanagement, and external media influences, using Cascadia Zoo as the key example.

Exhibit 7: Rowan Wilson's CV

Curriculum Vitae

Rowan Wilson, Ph.D.

Expert in Social Media, Generative AI, and Emerging Technologies

Email: rowan.wilson@emergingtech.com

Phone: (555) 123-4567

LinkedIn: linkedin.com/in/rowanwilson

Website: www.rowanwilson.com

EDUCATION

Ph.D. in Emerging Technologies

Cascadia Institute of Technology, Cascadia, USA

Dissertation: "Navigating the Post-Truth Era: The Role of AI in Social Media Content Creation and Public Perception"

Graduated: 2018

Master's Degree in Communication Studies

University of Cascadia, Cascadia, USA

Graduated: 2013

Bachelor's Degree in Information Systems

Piper College, Piper County, Cascadia, USA

Graduated: 2010

PROFESSIONAL EXPERIENCE

Professor of Digital Communication & Emerging Technologies

Cascadia Institute of Technology | 2019 – Present

- Teach courses on social media ethics, generative AI, and emerging technologies.
- Lead research on the influence of AI on social media content creation.
- Advise graduate students on research in digital ethics, media studies, and AI.

Independent Consultant

EmergingTech Consulting Group | 2015 – Present

- Provide expert testimony in legal cases involving social media, AI, and defamation.
- Consult with media companies on ethical standards and AI content creation.
- Offer workshops on navigating the post-truth environment for legal professionals.

Social Media Strategist

TechVerse Communications | 2013 – 2015

- Developed social media strategies for tech startups focusing on brand engagement.
 - Analyzed data on audience behavior to optimize content creation.
 - Collaborated with AI developers to integrate generative AI tools into marketing campaigns.
-

PUBLICATIONS

- **"The Post-Truth Paradigm: Navigating Social Media in an Era of AI and Hyper-Reality"**, *Journal of Digital Ethics* (2021).
Analyzed how the rise of AI-driven content affects public perception of truth in digital spaces.
- **"Generative AI and Defamation: Why Online Spaces Should Be Legally Reconsidered"**, *Global Review of Emerging Technologies* (2020).
Investigated legal challenges of applying traditional defamation law in the context of AI-generated content.
- **"When the Algorithm Decides: Understanding Influence and Accountability in AI-Generated Content"**, *Proceedings of the International Conference on Emerging Media* (2019).
Focused on the ethical and legal accountability in AI-enhanced content creation.

EXPERT TESTIMONY AND LEGAL CONSULTATION

- **Hayden Honeycutt v. Sammy Snow**

Expert Witness

Provided analysis on the role of generative AI in social media defamation cases, focusing on the blurring lines between fact and fiction in influencer culture and post-truth discourse.

- **Valerie Cook v. MirrorMind Media**

Consultant

Provided insights on social media practices, AI content generation, and public perception management for a media company accused of spreading misinformation through AI tools.

CERTIFICATIONS

- **Certified Digital Ethics Professional**

International Association of Digital Ethics (IADE) – 2018

Certified to provide expert advice and analysis in cases related to digital content ethics, social media, and AI-driven platforms.

- **Certified AI-Human Interaction Analyst**

Global Council on Artificial Intelligence and Human Interaction (GCAIHI) – 2017

Expertise in understanding the relationship between AI-generated content and its societal and ethical implications.

SPEAKING ENGAGEMENTS

- **Keynote Speaker**

International Conference on Digital Media & AI – "AI, Truth, and Accountability in the Digital Age" – 2022

- **Guest Speaker**

Legal Tech Forum – "Social Media Defamation: Navigating New Frontiers in AI Content" – 2020

- **Panelist**

AI & Society Symposium – "Generative AI and Its Impact on Public Trust" – 2021

PROFESSIONAL AFFILIATIONS

- **International Association of Digital Ethics (IADE) – Member**

- **Global Council on Artificial Intelligence and Human Interaction (GCAIHI) – Fellow**

- **Association for Media and Communication Research (AMCR) – Member**

RESEARCH INTERESTS

- The influence of generative AI on social media and content creation.
 - Defamation law and its evolution in the context of AI and social media platforms.
 - Post-truth discourse and its implications on public trust and ethics.
 - Digital ethics and algorithmic accountability in media.
-

SKILLS

- Generative AI content analysis
 - Social media and influencer culture
 - Legal consultation on defamation and digital ethics
 - Digital media strategy
 - Public speaking and expert testimony
-

References available upon request.

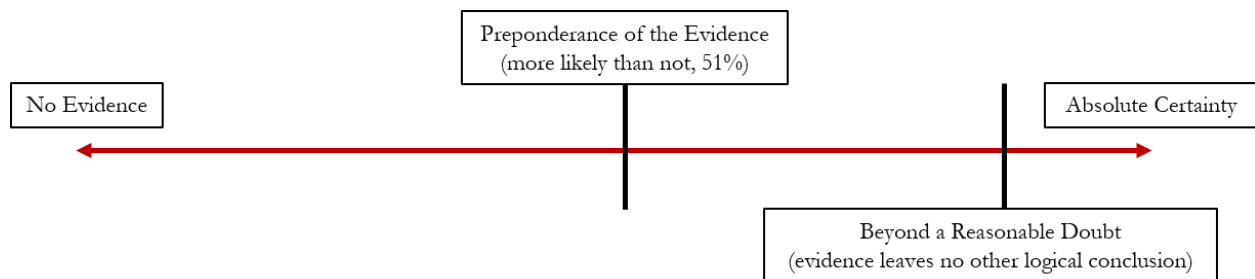
The Form and Substance of a Trial

The Elements of a Civil Case

In a civil lawsuit, when a person allegedly commits a wrong against another (other than a breach of contract), it is called a “tort”; a “tort” is a civil wrong committed by one person against another. The injured party (the plaintiff) may sue the wrongdoer (the defendant) in court for a remedy which is usually money damages.

Preponderance of the Evidence

The plaintiff must prove the plaintiff’s claims by what the law refers to as a “preponderance of the evidence.” That means that the plaintiff must persuade you by evidence that makes you believe that the plaintiff’s claims are more likely true than not true. After weighing all of the evidence, if you cannot decide that something is more likely true than not true, you must conclude that the plaintiff did not prove it. You should consider all of the evidence in making that determination, no matter who produced it.



General Role Descriptions

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.

The Plaintiff’s attorneys present the case for the Plaintiff, Honeycutt Carnival. By questioning witnesses, they will try to convince the jury that the Defendant, Sammy Snow, is liable by a preponderance of the evidence.

The Defense attorneys will present the case of the defendant, Sammy Snow. They will offer their own witnesses and evidence to show their client’s version of the facts. They may undermine the Plaintiff’s case by showing that the Plaintiff’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 Plaintiff.

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.

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 ...”

Tip: 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.

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 Ms./Mrs./Mr. _____. 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.

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*.

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 Roles

Court Clerk and Bailiff – Best Practices

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 **Plaintiff** 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 Plaintiff

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:

- **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.

- **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.”
- **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).
- **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.

- **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.
- **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, "Eight minutes remaining." (20 minutes total allowed for direct/redirect, less the 12 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 timecards 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 timecards.

A proficient bailiff who times both teams in a fair manner is critical to the success of a trial.

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 Logistics & Special Roles

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.

Timekeepers (Virtual)

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 “8:00 remaining” in the chat area. (20 minutes total allowed for direct/redirect, less the 12 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.

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.

Rules of the Competition

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

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 Competition 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: In cross-examination, anticipate what you will be asked and prepare your answers accordingly. Isolate all 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:

- no extrapolation has occurred;

- an unfair extrapolation has occurred;
- the extrapolation was fair; or
- 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 Witness

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.

The Trial

Rule 7. Team Eligibility, Teams to State

Teams competing in the Oregon High School Mock Trial Competition must register by the registration deadline. **A school may register up to three teams.**

To participate in the state competition, a team must successfully compete at the regional (or divisional) level. Teams will be assigned to one of five regions when registration is complete, and, if needed, a separate division. If a region assignment causes substantial hardship to a team, the Competition Coordinator may change the assignment to address the hardship.

Regional competitions will be held either during the month of February or March, 2025. Teams should be aware that the regional competition dates are subject to change by the Competition Coordinator due to scheduling requirements, availability of courtrooms, the needs of teams, or inclement weather. If dates change, teams will be notified through the Civic Learning Project's Mock Trial Team-specific webpage.

All teams participating at the regional level must be prepared to compete at the state level should they finish among the top teams in their region. Students on the advancing team must be the same as those in the regional competition. Should a team be unable to compete in the state competition, Civics Learning Project will designate an alternate team based upon scores of the teams who competed in the Regional/Divisional Competition. If there are an odd number of teams that qualify for the state Competition, Civics Learning Project will invite a wild card team, based upon scores of the teams who competed in the Regional/Divisional Competitions who did not originally qualify for the state competition. **The state competition is scheduled for March 15th – 16th, 2025.**

The number of teams advancing to the state competition will be determined as follows:

Numbers of Teams Competing in Region/Division	Number of Teams Advancing to State
5 or less	1
6-10	2
11-15	3
16-20	4
21-25	5
More than 25	TBD by Civics Learning Project

Rule 8. Team Composition

A mock trial team must consist of **a minimum of six (6) and a maximum of eighteen (18) students**, all from the same school or organization, unless otherwise granted an exception. 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.

Note: The National High School Mock Trial Competition limits teams to a maximum of nine members with no more than six competing in any given round. Oregon's advancing team may have to change the composition of their team in order to participate at the national level.

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, team code 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 via email to the appropriate team.

Rule 9. Team Presentation

Teams must present both the Prosecution/Plaintiff 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/Plaintiff and Defense sides of each team will have at least one opportunity to argue its side of the case at competition.

Note: Because teams are power-matched after Round 1, there is no guarantee that a team will automatically switch sides for Round 2. However, if a team argues the same side in Rounds 1 and 2, they will be guaranteed to switch sides in Round 3. Parents/observers should be made aware of this rule.

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 45 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' Calculations and Score Finalizing	7 minutes total
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 Plaintiff delivers its Opening Statement and Closing Argument first. The Plaintiff 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 7 minutes to complete their ballots. Note the judges should not confer with one another until their ballots are completed. 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 7 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, and volunteer judges approve.

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 & Closing Statements

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.

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 the 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 Witness

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’ 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).

Closing Arguments

Rule 26. Scope of Closing Arguments

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

MVP Tip: A good closing argument summarizes the case in the light most favorable to your position. The Prosecution delivers the first closing argument and should reserve time for rebuttal before beginning. The closing argument of the Defense concludes that side's presentation.

A closing argument should:

- be spontaneous and synthesize what actually happened in the court;
- be emotionally charged and strongly appealing (unlike the calm, composed opening statement);
- review the witnesses' testimony and physical evidence presented, but not raise new facts;
- outline the strengths of your side's witnesses and the weaknesses of your opponent's witnesses;
- isolate the issues and describe briefly how your presentation addressed these issues;
- attempt to reconcile any inconsistencies in your presentation;

Critique

Rule 27. The Critique

There is no oral critique from the judging panel. At the conclusion of the trial, each judge may make a brief, general, congratulatory statement to each team. Substantive comments or constructive criticism may be included on judges' ballots at their discretion. Judges' written comments will be shared with teams following the competition.

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 four individuals: one Presiding Judge and three scoring judges. All scoring judges shall score teams using the sample ballot provided in these materials. The Presiding Judge shall not cast a ballot but provide a tiebreaker score to be used in case of a tie ballot. The scoring judges shall cast ballots based on the performances of the student attorneys and student witnesses. All judges receive the mock trial case materials, a memorandum outlining the case, orientation materials, and a briefing in a judges' orientation.

If necessary to continue competition, the Competition Coordinator may allow the Presiding Judge to score a ballot if there are only two judges to score. Alternatively, if there are only two judges to score a trial and the Presiding Judge does not complete a scoring ballot, the third ballot will be an average of the two scoring judges' scores.

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. Each judge casts a ballot based on all team members' performances. Each judge completes their own ballot. Fractional points are not allowed. The team that earns the most points on an individual judge's ballot is the winner of that ballot. In the instance of a tie ballot, the Presiding Judge's tiebreaker score will be used to determine the winner of the ballot. The team that wins the majority of the three ballots wins the round. The winner of the round shall not be announced during the competition.

Rule 31. Team Advancement

An updated rule on how teams will be ranked, including ranking criteria can be found in Section T5 of the 2024-2025 Mock Trial Tabulation Rules Handbook. ([handbook link](#))

Rule 32. Pairing (aka Power Matching)

In conjunction with the adoption of the Empire PROcess online Mock Trial platform, the process in which teams will be matched during a competition has changed from previous years' competitions. An updated description on how teams will be paired can be found in Section T4 of the 2024-2025 Mock Trial Tabulation Rules Handbook. ([handbook link](#))

Rule 33. 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.

Rule 34. Effect of Bye, Default, or Forfeiture

A bye becomes necessary when an odd number of teams compete in a region and a Bye-Buster team cannot be assembled. The bye in the first round is assigned randomly. In Rounds 2 and 3, the bye is given to the team with the lowest cumulative score at that point in the competition.

For the purposes of advancement and seeding, when a team draws a bye or wins by default in Round 1, that team will be given temporarily, the average number of ballots and points earned by all Round 1 winners. A team that wins by default or draws a bye in Round 2 will be given the average number of ballots and points earned by all the Round 2 winners. A team that wins by default or draws a bye in Round 3 will be given an average of that team's ballots and points from Rounds 1 and 2. Once Round 3 is completed, the average ballots initially used by bye teams will be replaced with the average of their own ballots and points from the 2 rounds in which they competed.

For the purposes of advancement and seeding (not final scoring), a team that forfeits Round 1 will be given temporarily, the average number of ballots and points earned by all Round 1 losers. A team that forfeits Round 2 will be given temporarily, the average number of ballots and points earned by all Round 2 losers. A team that forfeits Round 3 will be given the average number of ballots and points earned by that team in Rounds 1 and 2. Once Round 3 is completed, the temporary ballots and points initially used by forfeiting teams will be replaced with zeros for the forfeited round.

If a Bye-Buster team can be created for a round of competition, the Bye-Buster team will be the opponent of team that qualified for the bye. The Bye-Buster team will be made up of competitors from various teams, who are not performing in that specific round of competition. The Bye-Buster team members must be from teams and schools other than the team that qualified for the bye round (i.e., the opposing team). Bye-Buster team members will be chosen on a voluntary basis, but, if a Bye-Buster team requires members, and not enough volunteers come forward, the Competition Coordinator can task a non-competing student to participate in the Bye-Buster team.

The Bye-Buster Team will not have their score added to their overall team score and will only serve as a live competitor for the team that qualified for the Bye. The team that qualified for the Bye will, per the pre-existing rules, be awarded a win, regardless of trial outcome, but will be awarded the total number of Ballots and Points, based upon the Judges' scores. Meaning, at the end of the round, the team that qualified for the Bye will have a Win, and their total Ballots and Points applied to their overall competition score and rankings.

Dispute Settlement

Rule 35. Reporting Rules Violation – Inside the Bar

At the conclusion of each trial round, the Presiding Judge will ask each side if it would like to bring a Rule 35 challenge. If any team has serious reason to believe that a material rule or ethical violation has occurred, one of its student attorneys shall indicate that the team intends to bring a challenge. The student attorney may communicate with co-counsel and student witnesses before lodging the notice of a challenge or in preparing the Rule 35 Reporting Form contained in these materials. **At no time in this process may team sponsors or coaches communicate or consult with the student attorneys. Only student attorneys may invoke challenge procedures.** Teams filing frivolous challenges may be penalized.

Rule 36. Dispute Resolution Procedure

At the conclusion of the trial, the Presiding Judge will ask both teams if they have Rule 35 challenges for material rule or ethical violations.

In a virtual competition, any team bringing a challenge will have **3 minutes** to complete the online violation form and place the link in the Zoom chat area. The judge will not provide the link to the blank form. If both teams have challenges, they should complete their forms at the same time.

The Presiding Judge will review the challenge and determine whether or not it merits a hearing. If the challenge is deemed not to merit a hearing, the Presiding Judge will deny the challenge outright.

If the Presiding Judge decides the challenge merits a hearing, the hearing will be held in open court. Each team will **have 2 minutes** to argue the challenge. After arguments, the Presiding Judge will determine whether or not there was a material violation.

The Presiding Judge's decision **will not** be announced.

The timekeepers **MUST** time these proceedings. Time should not be extended or estimated.

In an in-person competition, the Presiding Judge will review the written dispute and determine whether the dispute deserves a hearing or should be denied. If the dispute is denied, the Presiding Judge will record the reasons for denial, announce the decision to the Court, and retire along with the other judges to complete the scoring process.

If the Presiding Judge determines the grounds for the dispute merit a hearing, the form will be shown to opposing counsel for their written response. After the team has recorded its response and transmitted it to the Presiding Judge, the Presiding Judge will ask each team to designate a spokesperson. Spokespersons will have 5 minutes maximum to prepare their arguments, after which the Presiding Judge will conduct a hearing, providing each spokesperson three minutes to present their argument. Spokespersons may be questioned by the judge. At no time during the process may team sponsors or coaches communicate or consult with the student attorneys. After the hearing, the Presiding Judge will adjourn the court and retire to consider a ruling on the dispute. That decision will be recorded on the dispute form with no further announcement.

Rule 37. Effect of Violation on Score

If the Presiding Judge determines that a substantial rules violation or a violation of the Code of Ethical Conduct has occurred, the judge will inform the scorers of the dispute and provide a summary of each team's argument. Two penalty points will also be deducted from the violating teams score and indicated on the Presiding Judge's ballot. The decision of the Presiding Judge is FINAL.

Rule 38. Reporting Rules Violation – Outside the Bar

Charges of ethical violations that involve people other than performing student team members must be made **promptly** to a Competition Coordinator, who will ask the complaining party to complete the Rule 38 Reporting Form. The form will be submitted to the Competition Coordinator who will rule on any actions to be taken regarding the charge, including notification of the judging panel. Violations occurring during a trial involving competing students should be handled according to Rule 35.

In-Person Mock Trial Rules of Procedure

Before the Trial

Rule 39. Team Roster

Each team shall submit its roster electronically through the Online Registration Portal. A team's primary coach shall verify their team's roster before submitting it electronically. A team's primary coach may continue to make updates to the roster after its initial submission. A team's primary coach must verify their team's roster at their team check-in, which takes place at the competition. This shall constitute a final submission of a team's roster.

Additionally, copies of the Team Roster shall be completed and duplicated by each team prior to arrival at the courtroom for each round of competition. 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 40. Courtroom Setting

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

Beginning of the Trial

Rule 41. 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 42. Motions Prohibited

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

Rule 43. 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 44. Objections During Opening & Closing Statements

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

Presenting Evidence

Rule 45. Procedure for Introducing 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 46. 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. Prior to the beginning of a trial, the use of laptops and other electronic devices is allowed in the courtroom, as long as it is for the sole purpose of completing Pre-Trial Activities associated with the Mock Trial Online Portal. The use of laptops or other electronic devices during the trial is prohibited, with the only exception being if a team is seeking assistance from a Competition Coordinator or their staff via the appropriate Slack Channel.

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. Relevant Evidence Generally Admissible: Irrelevant Evidence Inadmissible

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

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

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.

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

1. 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.
2. 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

1. 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:
 - a. 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
 - b. 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.
2. 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

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

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:

1. Introduce the witness's affidavit for identification (See Rule 39);
2. 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."

3. 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."

4. 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."

Rule 608. Evidence of Character and Conduct of Witness

1. 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.
2. 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:
 - a. the witness; or
 - b. 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?”

Witness: “Yes.”

Rule 609. Impeachment by Evidence of Conviction of Crime

1. In General. The following rules apply to attacking a witness’s character for truthfulness by evidence of a criminal conviction:
 - a. for a crime that, in the convicting jurisdiction, was punishable by death or by imprisonment for more than one year, the evidence:
 - i. 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
 - ii. 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
 - b. 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.
2. 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.
3. Effect of a Pardon, Annulment, or Certificate of Rehabilitation. Evidence of a conviction is not admissible if:
 - a. 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
 - b. the conviction has been the subject of a pardon, annulment, or other equivalent procedure based on a finding of innocence.
4. Juvenile Adjudications. Evidence of a juvenile adjudication is admissible under this rule only if:
 - a. it is offered in a criminal case;
 - b. the adjudication was of a witness other than the defendant;
 - c. an adult’s conviction for that offense would be admissible to attack the adult’s credibility; and
 - d. admitting the evidence is necessary to fairly determine guilt or innocence.

5. 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

1. Control by Court; Purposes. The Court should exercise reasonable control over the mode and order of examining witnesses and presenting evidence so as to:
 - a. make those procedures effecting for determining the truth;
 - b. avoid wasting time; and
 - c. protect witnesses from harassment or undue embarrassment.
2. 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.

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. Cross-examination should:

- call for answers based on information given in witness statements or the fact pattern;
- use leading questions which are designed to get "yes" or "no" answers (see examples below);
- never give the witness a chance to unpleasantly surprise the attorney;
- include questions that show the witness is prejudiced or biased or has a personal interest in the outcome of the case;
- include questions that show an expert witness or even a lay witness who has testified to an opinion is not competent or qualified due to lack of training or experience.

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.**

3. 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:
 - a. on cross-examination; and
 - b. when a party calls a hostile witness, an adverse party, or a witness identified with an adverse party.

Example:

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

4. 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: 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.

5. 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’ 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

1. 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.
2. 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:

1. rationally based on the witness's perception;
2. helpful to clearly understand the witness's testimony or to determining a fact in issue; and
3. not based on scientific, technical, or other specialized knowledge with 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 40.

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

1. In General – Not Automatically Objectionable. An opinion is not objectionable just because it embraces an ultimate issue.
2. 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:

1. Statement. "Statement" means a person's oral assertion, written assertion, or nonverbal conduct if the person intended it as an assertion.
2. Declarant. "Declarant" means the person who made the statement.
3. Hearsay. "Hearsay" means a statement that:
 - a. the declarant does not make while testifying at the current trial or hearing; and
 - b. a party offers in evidence to prove the truth to the matter asserted.
4. Statements that are not Hearsay. A statement that meets the following conditions is not hearsay:
 - a. A Declarant Witness's Prior Statement. The declarant testifies and is subject to cross-examination about a prior statement, and the statement:
 - i. 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;
 - ii. 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
 - iii. identifies a person as someone that declarant perceived earlier.

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?"

Nate: "Witness (Nate): 'I swerved to miss a giant pothole.'"

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

Prosecutor: "Your Honor, this is a prior statement made by the witness and is not hearsay."

Judge: "Objection is overruled. Witness's prior statement under oath is not hearsay and is admissible."

- b. An Opposing Party's Statement. The statement is offered against an opposing party and:
 - i. was made by the party in an individual or a representative capacity;
 - ii. is one the party manifested that it adopted or believed to be true;
 - iii. was made by a person whom the party authorized to make a statement on the subject;
 - iv. was made by the party's agent or employee on a matter within the scope of that relationship and while it existed; or
 - v. was made by the party's coconspirator during and in furtherance of the conspiracy.
 - vi. 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..."

Bystander: "That car is going really fast."

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.
9. 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.
10. Statements in Ancient Documents. A statement in a document that is at least 20 years old and whose authenticity is established.
 11. 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.
 12. Reputation Concerning Character. A reputation among a person's associates or in the community concerning a person's character.
 13. 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

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

2. The Exceptions. The following are not excluded by the rule against hearsay if the declarant is unavailable as a witness:
 - a. Former Testimony. Testimony that:
 - i. was given as a witness at a trial, hearing, or lawful deposition, whether given during the current proceeding or a different one; and
 - ii. 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.
 - b. 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.
 - c. State Against Interest. A statement that:
 - i. 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
- ii. 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.
- d. Statement of Personal or Family History
- i. 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
 - ii. 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.
- e. 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.

Notes to Judges

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:

- 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.
- 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.
- 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.
- 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.
- 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.
- 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 the rules. Objections stop the clock, so please be as efficient as possible when ruling while still allowing students to argue the objections.
- Judges shall not give an oral critique at the end of the trial. At the conclusion of the trial, each judge may offer a general congratulatory comment to each team. Substantive comments or constructive criticism should be included in the judges' ballots, at their discretion. Ballots will be shared with teams following the competition. Additionally, judges shall not offer a verdict on the merits.

Each courtroom will be assigned a panel of three Scoring Judges. In extenuating circumstances, a courtroom may have only two Scoring Judges.

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. See Rule 11.
8. Only the following exhibits may be offered as evidence at the trial:

Exhibit 1: Sammy Snow's May 31, 2024, Social Media Post and Example Comment Section

Exhibit 2: Social Media Follower Comparison

Exhibit 3: Honeycutt Carnival's Profits & Loss Graph

Exhibit 4: April 20, 2004 – Newspaper Article

Exhibit 5: Text Exchange between Charlie Baggins and Denny Nugget

Exhibit 6: Morgan Dorf's CV

Exhibit 7: Rowan Wilson's CV

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, the Presiding Judge shall ask teams if either side wishes to make a Rule 35 motion. If so, resolve the matter as indicated in Rule 35. Then, judges will complete their ballots. Judges shall NOT inform the students of results of their scores or results from their ballots. Judges should also not announce a verdict on the merits. Once ballots are complete, judges will immediately submit them before final remarks are made.

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. Ask the scoring judges (juror) if they are prepared for the start of the trial. (Ensure they have access to their online scoring ballot, or if need be, a backup hardcopy ballot).
3. If video or audio recorders are present, inquire with both teams whether they have objectives to recording of the round.
4. 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.
5. 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.
6. 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.
7. 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.
8. All witnesses must be called. If a team fails to call a witness penalty points will be assigned. See Rule 11.
9. Only the following exhibits may be offered as evidence at the trial:

Exhibit 1: Sammy Snow’s May 31, 2024, Social Media Post and Example Comment Section

Exhibit 2: Social Media Follower Comparison

Exhibit 3: Honeycutt Carnival’s Profits & Loss Graph

Exhibit 4: April 20, 2004 – Newspaper Article

Exhibit 5: Text Exchange between Charlie Baggins and Denny Nugget

Exhibit 6: Morgan Dorf’s CV

Exhibit 7: Rowan Wilson’s CV

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, the Presiding Judge shall ask teams if either side wishes to make a Rule 35 motion. If so, resolve the matter as indicated in Rule 34. Then, judges will complete their ballots. Judges shall NOT inform the students of results of their scores or results from their ballots. Judges should also not announce a verdict on the merits. Once ballots are complete, judges will immediately submit them before final remarks are made.

Evaluation Guidelines

All teams will compete in all three rounds unless a team has a bye. Teams are randomly matched for Round 1 and power-matched based on previous round(s) performance in the subsequent round(s).

You may use your team rosters (provided by each team) for notetaking and reference when evaluating performances. Though your online scoring ballot should be your primary notetaking tool.

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 not provide oral critique. Comments may be shared 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 rare.**

Penalty Points

Penalty Points should be assigned if a team member:

- uses procedures beyond the Mock Trial rules (with intent, not mistakenly);
- goes beyond the scope of the Mock Trial materials (with intent, not mistakenly);
- does not follow mock trial rules in any other way (with intent, not mistakenly);
- 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.
- 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, attorney coaches, and team-associated spectators 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.

Appendices

Time Sheet

OREGON HIGH SCHOOL MOCK TRIAL Time Sheet (Civil Case)

ROUND: _____

Plaintiff Team Code _____

v. Defendant Team Code _____

Plaintiff Time Used		Defense Time Used	
Opening: 5-minute maximum Used: _____		Opening: 5-minute maximum Used: _____	
W1	Direct* + Redirect* = Used** 20:00 _____ + _____ = _____ > - _____ = _____	W1	Cross* + Recross* = Used** 15:00 _____ + _____ = _____ > - _____ = _____
	_____ + _____ = _____ > - _____ = _____		_____ + _____ = _____ > - _____ = _____
	_____ + _____ = _____ > - _____ = _____		_____ + _____ = _____ > - _____ = _____
W4	Cross* + Recross* = Used** 15:00 _____ + _____ = _____ > - _____ = _____	W4	Direct* + Redirect* = Used** 20:00 _____ + _____ = _____ > - _____ = _____
	_____ + _____ = _____ > - _____ = _____		_____ + _____ = _____ > - _____ = _____
	_____ + _____ = _____ > - _____ = _____		_____ + _____ = _____ > - _____ = _____
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

Team Roster

OREGON HIGH SCHOOL MOCK TRIAL

Team Code: _____

Submit copies to: (1) Competition Coordinator before trials begin; (2) Each of 3 judges in each round; and (3) Opposing team in each round (19 total copies not including spares). For the benefit of judges and the opposing team, please indicate pronouns for each student.

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 Plaintiff Witness	
Attorney – Cross Examination of Plaintiff Witness	
Attorney – Cross Examination of Plaintiff Witness	
Attorney – Closing Argument	
Bailiff	

Scoring Ballot

Round (circle one): 1 2 3 4

Plaintiff Letter Code: _____

Scoring Ballot

Defendant Letter Code: _____

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	

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

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>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>

Rule 35 – Reporting Rules Violation Form
FOR TEAM MEMBERS INSIDE THE BAR
(PERFORMING IN THIS ROUND)

THIS FORM WILL BE ELECTRONIC FOR THE VIRTUAL MOCK TRIAL.

Round (circle one) **1 2 3 4** **Pros/Plaintiff:** team code _____ **Defense:** team code _____

Grounds for Dispute: _____

Initials of Team Spokesperson: _____ Time Dispute Presented to Presiding Judge: _____

Hearing Decision of Presiding Judge (circle one): **Grant Deny** Initials of Judge: _____

Reason(s) for Denying Hearing: _____

Initials of Opposing Team’s Spokesperson: _____

Presiding judge’s notes from hearing and reason(s) for decision: _____

Signature of Presiding Judge

Rule 38 – Reporting Rules Violation Form

FOR USE BY PERSONS BEHIND THE BAR (NOT PERFORMING IN THIS ROUND)

Non-Performing team members wishing to report a violation must promptly submit this form to competition coordinator

Date: _____ **Time Submitted:** _____

Person Lodging: _____ **Affiliated With:** (Team Code) _____

Grounds for Dispute: _____

Initials of Competition Coordinator: _____ Time Dispute Presented to Coordinator: _____

Notes From Hearing: _____

Decision/Action of Coordinator: _____

Signature of Competition Coordinator

Date /Time of Decision