

# **GENESEE COUNTY BAR ASSOCIATION 2018 HIGH SCHOOL MOCK TRIAL COMPETITION**



## **PEOPLE OF THE STATE OF MICHIGAN v. TAYLOR RODGERS**

Genesee County Circuit Court  
900 S. Saginaw Street  
Flint, Michigan 48502

CONTACT INFORMATION:  
Genesee County Bar Association  
315 E. Court Street, Flint, Michigan 48502  
e-mail: [emh@gcbalaw.org](mailto:emh@gcbalaw.org)  
Phone: 810-232-6012  
Fax: 810-232-8310  
Web Site: [www.gcbalaw.org](http://www.gcbalaw.org)

## **TABLE OF CONTENTS**

	<b><u>Page</u></b>
Courthouse Rules .....	1
Teacher Tips .....	2
Instructions and Rules for the Competition .....	3
Quick Reminders .....	8
Trial Presentation .....	9
Ethical Conduct .....	14
Case Materials .....	17
Jury Instructions	19
Verdict Form	24
Exhibits	26
Statement of Sean Evans	31
Statement of Reese Cassidy	35
Statement of Morgan McKenzie	38
Statement of Jordan Foster	41
Statement of Taylor Rodgers	43
Statement of Payton Andrews	47
Statement of Lee Reid	50
Statement of Harley Davis	53
Debriefing the Mock Trial .....	55

# COURTHOUSE RULES

## I. DRESS CODE

### A. Apparel Not Permitted

1. No shorts, tee-shirts, tank-type shirts, sweatshirts, sweat suits, jogging suits, or similar attire;
2. No hats, sunglasses, or outdoor jackets shall be worn when appearing formally before the Court;
3. No baggy pants or pants that drag on the ground.
4. No mini-skirts or “mini” dresses

### B. Encouraged Dress Code

1. No provocative attire;
2. Shirt and tie for males;
3. Pants other than blue jeans;
4. Neat and clean shoes.

## II. OTHER COURTROOM RESTRICTIONS

### A. **NO CELLPHONES, PAGERS, RECORDING DEVICES, iPADS, TABLETS, IPODS, LAPTOPS, VIDEO CAMERAS OR ANY OTHER RECORDING DEVICES** are allowed in the Courthouse.

1. Students and/or volunteers will not be allowed into the courthouse with a cellphone or camera.
2. The Genesee County Bar Association, its attorney members, and/or staff will not be responsible for lodging any cellphones that are brought to the courthouse or the luncheon by students or volunteers.

### B. **NO WEAPONS** are allowed in the Courthouse such as explosives, chemical or aerosol sprays or cutting instruments of any kinds including knives, scissors or anything with a sharp or cutting edge.

### C. **NO FOOD OR DRINK** whatsoever shall be brought into the courtroom.

### D. Courtroom tables may not be moved. If chairs are moved, they must be returned to their original location.

### E. Programs and all other materials must be removed upon completion of the Mock Trial.

## **TIPS FOR MOCK TRIAL TEACHERS**

- A. If the attorney advisor does not contact you, do not hesitate to contact him/her first.
- B. If possible try to schedule regular visitations with the attorney.
- C. Meet with the team on a regular basis as a follow-up to the attorney visits.
- D. If possible, schedule practice sessions in front of an audience such as a classroom.
- E. Advise the students to dress and act professionally in the courtroom giving all due respect to ALL court officials and personnel. The dress code **WILL BE ENFORCED**, and any student, whether he/she is serving as an attorney, witness, or juror, will not be allowed in the courtroom if he/she does not adhere to the dress code. To avoid any embarrassment for you, the student, the court, and the bar association, please emphasize this rule prior to the trial.
- F. To assist in efficiency of security clearance, advise students to leave cellphones, book/duffel bags, purses and/or briefcases at home. Heavy metal jewelry, metal belts, and steel-toed shoes (among other things) should also be avoided. Pocket change will also activate the detector. Students who are wearing belts may be required to remove them before going through the metal detector.
- G. Students are not allowed to bring any electronic devices into the courthouse. These devices include, but are not limited to, the following: cellular phones, games, pagers, and other communication devices which are a distraction to the learning process. They are not needed for the Mock Trial experience and are not permitted by the Courthouse Security.
- H. Please advise students that **LOUD, OBNOXIOUS, UNRULY BEHAVIOR IS NOT ACCEPTABLE**. Remember we are guests of the court. Disciplined behavior is a necessary component to that visit.
- I. Please advise the students that there should not be any planned outbursts or other theatrics during the Mock Trials. The purpose of the Mock Trial is to provide exposure to the courts and the legal system in a respectful manner. Our Attorney Advisors are teaching their respective teams how to present their cases in a respectable and appropriate manner. Planned outbursts or other theatrics are not appropriate behavior in a courtroom.

# **INSTRUCTIONS AND RULES FOR COMPETITION**

The Genesee County Bar Association Mock Trial Competition is governed by these instructions and rules as set forth below. They should be studied carefully before beginning preparation of the case. These instructions and rules are designed to promote/ensure excellence in presentation and fairness in judging all trials.

We want to thank the Michigan Center for Law Related Education for their assistance with competition instructions and rules.

## **I. GENERAL INSTRUCTIONS**

### **A. Rules**

All trials will be governed by the Michigan Rules of Evidence. No additional sources of authority should be cited during a trial.

### **B. The Case**

The case consists of eight witness statements, exhibits, stipulations, and jury instructions. Witness statements are not to be changed in order to create a more favorable fact situation for either party.

### **C. Competition Structure**

There are two sides in this case: prosecution and defense. Teams will be randomly determined before the Mock Trial date. Each school will be advised as to which side that the school will represent prior to the Mock Trial.

## **II. THE TRIAL**

### **A. Team Presentation**

Each team must be prepared to present its appointed side of the case. The case will be tried before a jury.

### **B. Team Composition**

Your team must have two attorneys, three witnesses, and eight to ten jurors. You may have two alternate members.

#### **1. Attorneys (two)**

- a. One attorney shall give the opening statement and the other attorney shall give the closing argument(s). The Prosecuting Attorney who gives the closing argument shall also give the rebuttal argument.

- b. Each attorney shall conduct the direct examination of one of the witnesses for the attorney's side and the cross examination of one opposing witness. The attorney who conducts the direct examination of a witness shall conduct the redirect examination of the witness and shall make and argue the objections, if any. The attorney who conducts the cross examination of an opposing witness shall make and argue objections, if any, during the cross examination of a witness.
- c. Attorneys may confer with one another at any time.
- d. On cross examination, the examining attorney may not impose restrictions on the form of the witness' answer, except that the answer must be responsive. However, the Judge may instruct the witness to answer the questions "yes" or "no," if possible. If not possible for the witness to respond "yes" or "no," the Judge may instruct the witness to respond to the best of his/her ability.
- e. An attorney may not recall a witness once that witness has completed testifying.

## 2. Witnesses

- a. Witnesses may not refer to any notes while testifying.
- b. Witnesses may not be sequestered.
- c. Each side is allowed to call three of their witnesses to the stand. Prosecution may only call Prosecution Witnesses and Defense may only call Defense Witnesses.
- d. Pursuant to the Fifth Amendment of the U.S. Constitution, the Defendant is not required to testify on his/her own behalf. If the Defendant decides not to testify, his/her silence cannot be used against him/her.
- e. A witness is bound by his/her statement.

## 3. Jurors

- a. The jurors from each school will be split among the courtrooms that are holding Mock Trials.
- b. Two jurors from each school will be placed in each courtroom.
- c. Jurors will not be placed in a courtroom where their school is participating in a Mock Trial.

## C. Witness Statements

### 1. Witness Bound by Statement

A witness' statement is to be treated as a statement made by the witness under oath. Each witness must admit that he/she made the statement. Minor extrapolations of facts not in the record are allowed, provided they may be reasonably inferred from the case material, since some additional information may be necessary to make the case realistic. As an example of a fair extrapolation, background information such as date or place of birth would be a minor extrapolation and would be allowed to amplify or humanize the case. Unfair extrapolations that would not be allowed include

information pivotal to the particular facts at issue. **ONLY THOSE FACTS WHICH ARE NEUTRAL TO BOTH SIDES ARE FAIR EXTRAPOLATIONS.** If you have a question as to whether a particular added fact would be allowable background information, or if you believe it might be an unfair extrapolation, do not add the questionable fact. As a general rule of thumb, the more the “supplemental” information helps your case, the more cautious you should be in adding it to the witness’ testimony. **WHEN IN DOUBT, LEAVE IT OUT!**

## 2. Unknown Information

It is virtually impossible to provide witnesses with detailed answers to every conceivable question that attorneys can ask. The witness statements are not intended as a complete life history, and for the most part, information not in the statements will be irrelevant and should be subject to objection. If an attorney’s question solicits unknown information, the witness may supply an answer of his/her choice, so long as it does not materially affect the witness’s testimony. Try to avoid a rigid mechanical approach to the trial (the witness statements are not scripts), but stay within the bounds of honest competition. Just as in our legal system, lawyers must deal with the facts as they exist.

## 3. Unfair Extrapolations

- a. A team may best attack unfair extrapolations through impeachment and closing arguments.
- b. Each witness should understand that if he/she is asked for information not contained in the witness statement, he/she must either give an answer which is consistent with the statement and does not materially affect the balance of the case, or if the question otherwise would elicit an unfair extrapolation, the witness may answer, “there is no information in the statement of facts to answer this question.”
- c. Attorneys for the opposing team may refer to this Rule in a special objection, such as “unfair extrapolation” or “this information is beyond the scope of the statement of facts.”
- d. Judge’s Ruling on Unfair Extrapolation

The Judge will determine whether an unfair extrapolation has occurred. **THE JUDGE’S RULING IS FINAL.** The objections and ruling will be dealt with in open court during the course of the trial. The purpose of the ruling is to avoid an irrelevant digression from the statement of facts whether through attorney questions or witness response. Participants should understand that any ruling by the Judge is not an indication of the eventual outcome of the trial. Do not become overly obsessed with handling extrapolations.

The Judge’s ruling on an objection due to unfair extrapolation may consist of the following:

- i. No extrapolation has occurred.
- ii. A fair extrapolation has taken place.
- iii. An unfair extrapolation has taken place and the testimony will be stricken from the record.

- iv. Ruling taken under advisement. (After another question or answer, the Judge may rule or respond to another objection.)

D. Preparation and Supplemental Material

The Mock Trial Notebook contains all materials necessary to participate. **TEAMS MAY ENTER INTO EVIDENCE ONLY THOSE DOCUMENTS AND EXHIBITS GIVEN IN THIS TRIAL NOTEBOOK.** No enlargements of any kind shall be used during the trials unless provided by the Genesee County Bar Association Law Day Committee. If a chalkboard is available in a courtroom, it may be used during the course of the trial. Attorneys are encouraged to call the court's attention to particular parts of the stipulation and the Competition Rules that support the attorney's position.

E. Time Limits

**THE MOCK TRIAL MAY NOT EXCEED TWO HOURS. TIME LIMITS ARE MANDATORY.** The Judge will have the ultimate responsibility for enforcing these time limits. The time limits are as follows:

Prosecution's Opening Statement	5 minutes
Defendant's Opening Statement	5 minutes
Prosecution's Direct Examination	21 minutes (7 per witness)
Defendant's Cross Examination	21 minutes (7 per witness)
Defendant's Direct Examination	21 minutes (7 per witness)
Prosecution's Cross Examination	21 minutes (7 per witness)
Prosecution's Closing Argument incl rebuttal	8 minutes
Defendant's Closing Argument	8 minutes
Jury Instructions	4 minutes
Participants, Judge's Comments	6 minutes

The time for making and arguing objections is to be counted as part of the time of the side examining the witness. If the Judge believes one team is deliberately using up the other team's time with objections, the Judge may address the problem by allowing the other team additional time. Whenever there is an allegation of a violation, timing will halt.

Attorneys are not required to use the entire time allotted to each part of the trial. It should be noted, however, that time left over in one part of the trial cannot be carried over to another part of the trial.

F. Motions

Pursuant to Michigan Court Rules (MCR) 6.419, a defendant may make a motion for directed verdict of acquittal on any charged offense as to which the evidence is insufficient to support conviction after the prosecution's case-in-chief and before the defendant presents proofs.



Attorneys may make a motion for a directed verdict or dismissal of the case, however, this motion will be taken under advisement and the trial will continue. If there is an extreme health or safety emergency, an attorney may make a motion and the Judge may grant a recess.

### **III. COURTROOM DECORUM**

Observe the following rules in the courtroom at all times:

1. No food or drink is allowed in the courtroom.
2. Do not smoke in the courtroom.
3. Cellular telephones, recording devices, iPads, Tablets, iPods, laptops, video cameras, pagers, or any other recording devices are not allowed.
4. All participants must be properly attired.
5. Rise when addressing the Judge, when the Jury enters or leaves the courtroom, or when the Judge enters or leaves the courtroom.
6. Direct all remarks to the judge or witness – **NEVER** to opposing counsel.
7. Natural movement of attorneys during trial is encouraged.
8. Do not approach the bench, witness, or jury box without permission of the Judge.
9. No outbursts or other planned theatrics are allowed by participants.

## **QUICK REMINDERS**

1. Prosecution may only call three witnesses. The three witnesses shall only be those witnesses that are labeled Prosecution Witness on their Affidavit.
2. Defense may only call three witnesses. The three witnesses shall only be those witnesses that are labeled Defense Witness on their Affidavit.
3. No team may request that witnesses be sequestered. This is a learning experience for everyone involved and we would like the students to observe the entire process.
4. The Prosecution may not call the Defendant as a Witness, but it may cross-examine him/her if he/she chooses to testify. Pursuant to the Fifth Amendment of the U.S. Constitution, the Defendant is not required to testify on his/her own behalf. If the Defendant decides not to testify, his/her silence cannot be used against him/her.
5. Defendant's statement cannot be used as an Exhibit if Defendant chooses not to testify. The Affidavit can be used to cross-examine the Defendant only.
6. No planned outbursts or theatrics will be allowed in the Mock Trial. Please advise students that they are to act in a respectful and appropriate manner within the courtroom. The purpose of the Mock Trial is to provide exposure to the courtroom and provide guidance on how to act appropriately while in the presence of a Judge and Jury.

## **TRIAL PRESENTATION**

The following remarks are intended only to aid teams in “technique”. They should not be interpreted as rules unless so indicated.

### **A. OPENING STATEMENTS**

The opening statement allows you to introduce yourself and your client as well as acquaint the jury and judge with the nature of the case. You should outline the case from your point of view which includes mentioning key witness’ testimony. Also, you should tell the jury and judge what relief you are seeking.

In your opening statement, you should avoid too much narrative detail about witness testimony, as well as exaggeration and overstatement of the facts which may not be proven. You cannot argue or discuss the law as it is not permitted in opening statements. Try to avoid reading your opening statement and do not repeat undisputed facts.

### **B. PRESENTING EVIDENCE**

#### **1. Direct Examination**

The purpose of direct examination is to present evidence that supports your case with clarity to the judge and jury. You want your witnesses at their best. When questioning a witness, keep it simple by avoiding complex and verbose questions. You should take the witness through his or her testimony by small steps and do not attempt to elicit conclusions from the witnesses. Reaching conclusions is the jury’s job. During your questioning, avoid redundant, monotonous questions. Further, try to avoid narrative testimony as it could prove dangerous if your witness gets out of control. When the facts are in evidence, stop questioning the witness.

#### **2. Cross Examination**

The purpose of cross examination is to discredit the witness and to discover flaws in his or her testimony. You want to try to secure admissions which help your case. But, you want to avoid hostility toward the witness because the jurors usually resent it. Do not give the witness a chance to clarify damaging statements. When you have an answer favorable to your side, drop the matter and wait for closing arguments to emphasize the point.

If a witness contradicts his or her statement, wait until cross examination to confront the witness with the inconsistency. A witness’ testimony can be impeached by asking the witness whether he or she has ever testified differently in a signed statement. The attorney should ask whether the statement was made under oath, at a time much closer to the events in controversy, and contained all that the witness could remember. The attorney can show the witness the statement (first showing it to the judge and opposing counsel) and ask him or her to admit that he or she made it and signed it. The attorney can read aloud, or ask the witness to read aloud, the part of the statement the attorney claims is inconsistent with the witness’ testimony. The attorney may then further question the witness about the inconsistency. The attorney may want to:

- A. Leave the matter and point out in closing argument the contradiction between the statement and witness' testimony (both of which were made under oath);
- B. Ask the witness why his or her testimony is different today under oath than it was when he or she gave the statement which was also under oath and given much closer in time to the events in question (**NOTE: It can be dangerous to give a witness an opportunity to explain such a discrepancy because you may not like the answer you get!**);
- C Ask the witness whether he or she was lying under oath when he or she gave the statement or lying under oath today when he or she testified (**Note: This can also be a dangerous question unless the contradiction is very clear, definite, and material.**) Witnesses must admit making their statements when directly confronted with the question. "Do you remember making and signing this statement under oath?" or a similar question. Don't waste impeaching on matters that are not material to your case.

### C. INTRODUCTION OF EVIDENCE

The following steps will be used for introduction of evidence:

1. All evidence should be pre-marked as exhibits before the trial begins.
2. Show opposing counsel the proposed exhibit.
3. Ask permission to approach the witness.
4. Give the exhibit to the witness and go back to the podium. Then state, I have shown you People's/Defendant's Exhibit Number 1. Can you tell me what that is?
5. The witness will state what it is.
6. If it is a picture, ask the witness the following questions:
  - a. Is this a reasonable and accurate depiction of the area in question?
  - b. When was the picture taken?
7. After the witness has identified the exhibit, the attorney may ask the Court that the exhibit be admitted into evidence as the authenticity of the exhibit has been stipulated.
8. The Court will then ask opposing counsel whether there are any objections.
9. If no objections, then the exhibit will be admitted into evidence.
10. Once the exhibit is admitted into evidence, the attorney may not solicit testimony on its contents.
11. If an attorney wants to show it to the jury, then the attorney should ask the Judge whether he or she can publish the exhibit to the jury (**Note: Give the jury an opportunity to review the exhibit before proceeding further because if you continue then the jury will be distracted.**)
12. After completion of questions regarding an exhibit, return it to the Judge.

## D. OBJECTIONS

When an attorney raises an objection, the attorney is presenting a rule of evidence to the Judge which would bar an answer to the question asked (or result in striking from the record the answer, if already given.) Special objections may also be used to bring a procedural problem to the Judge's attention such as unfair extrapolation or continuing past the expiration of allowable time.

When making an objection, the attorney shall stand. The attorney should direct all objections and arguments to the Judge. In making objections, counsel shall stand as soon as the objectionable question is asked and say "I object, your Honor", "Your Honor, I object", or "Objection" and then state your basis for the objection. **(NOTE: Jurors usually do not like a party that objects too much.)**

### 1. Allowable Objections:

- a. **Leading Questions:** "Counsel is leading the witness" or "The questions are leading." Leading questions suggest the answer and are generally not allowed on direct examination but are proper on cross examination. The Judge may allow leading questions on direct examination for preliminary matters.
- b. **Hearsay:** "The question calls for Hearsay." Hearsay is evidence of an out-of-court statement offered to prove the truth of the matter asserted in the statement.

#### i. EXCEPTIONS to Hearsay:

- a. **Admission against Interest:** Hearsay is admissible if the out-of-court statement was made by a party in the case and contains evidence which goes against that party's side. Admissions against interest are permitted because they are thought to be more trustworthy than other hearsay, since people generally do not make statements that are against their own interest unless they are true.
- b. **Excited Utterance:** A statement relating to a startling event or condition by someone other than the witness testifying is admissible when the statement was made under the stress of excitement caused by the event or condition. Any other statement made under circumstances which, in the judgment of the Judge gives substantial assurance of the truth of the matter asserted.

**c. Irrelevant:** A question is irrelevant if it seeks information which has no logical bearing on the existence of a material issue before the court, or if its logical bearing is small in comparison to its inflammatory nature.

**d. Lacks Personal Knowledge/No Proper Foundation.** This objection asserts that there has been no showing that the witness has personal knowledge about the matter to which the question is directed. For example, if there has been no evidence that the witness was present at a certain event, there is no foundation for the witness to testify as to what occurred at that time.

**e. Assumes Facts not in evidence.**

**f. Argumentative.** The attorney is not asking a question, but instead is arguing with the witness or making an argument to persuade the jury.

**g. Asked and Answered.** On cross examination, an attorney can ask a question previously asked on direct examination.

**h. Badgering the Witness.**

**i. Narrative Statement.** Questions such as “what happened on” a certain date call for a narrative from the witness which prevents opposing counsel from objecting in advance to objectionable material. Questions should be more specific, such as “Who was present?”, “Did she see that person do anything at that time?”, “What did you see him or her do?”, “Did you see anyone else do anything at that time?” An attorney may ask “what happened next?”

**1. Opinion.** However, opinion evidence is proper on a subject on which the witness has been qualified as an expert or on which a non-expert’s opinion would be helpful to understand the evidence.

**j. Unfair Extrapolation.** See page 5 of this Trial Notebook.

**k. Outside the Scope of Cross Examination.** If an attorney re-directs (see below) a witness and asks questions that were not raised in the cross examination, then an objection may be made.

1. Any other objections based on reason or justice, including but not limited to “the question is ambiguous”

## **E. REDIRECT/RECROSS (OPTIONAL)**

The purpose of redirect is to rehabilitate a witness or repair damage done by your opponent. If credibility or reputation for truthfulness of the witness has been attacked on cross examination,

the attorney whose witness has been damaged may wish to ask several more questions. These questions should be limited to the damage the attorney thinks has been done and should be phrased so as to try to “save” the witness’ truth-telling image in the eyes of the jury. Redirect examination is limited to issues raised by the attorney on cross-examination. If questions on other matters are asked, a proper objection would be: “Objection. Counsel is asking the witness about matters that did not come up in cross examination.”

## **F. CLOSING ARGUMENTS**

Closing arguments are an opportunity to summarize your case. As the attorney, you can point out testimony that supports your theory of the case and that which damages your opponent’s case. This is where you put the pieces together for the jury and the judge. Argue what you feel is important and discard the unimportant. Be an advocate by forcefully arguing your point of view. Be dynamic by avoiding a boring view of the facts. State your case so you are sure it is fully understood. You may use all exhibits which have been admitted into evidence. Point out bias, credibility, or self-interest of a witness.

In your closing argument, do not assume that the judge or jury have understood the impact of all the testimony. You should correct any misunderstandings that the jury or judge may have about the testimony or other evidence. Be cautious in using ridicule. Avoid illogical or confusing argument. Organize in advance by anticipating your opponent’s argument. You should avoid using weak words, such as “we believe” and “we think” etc.

The Prosecution’s rebuttal is limited to the scope of the defendant’s closing argument.

## ETHICAL CONDUCT

The purpose of the Genesee County Bar Association Mock Trial Competition is to stimulate and encourage a deeper understanding and appreciation of the American legal system. This purpose is accomplished by providing students the opportunity to participate actively in the learning process. Education of high school students is the primary goal of the mock trial program. Healthy competition helps to achieve this goal. Other important objectives include improving proficiency in speaking, listening, reading and reasoning skills; promoting effective communication and cooperation between the educational and legal communities; providing an opportunity to compete in an academic setting; and promoting cooperation among students of diverse interests and abilities.

As a means of diligent application of the Genesee County Bar Association Mock Trial Competition Rules, the Law Day Committee has adopted the following Code of Ethical Conduct for all participants:

1. Students promise to compete with the highest standards of deportment, showing respect for their fellow students, opponents, judges, court staff, evaluators, attorney-coaches, teacher-sponsors and mock trial personnel. All competitors will focus on accepting defeat and success with dignity and restraint. Trials will be conducted honestly, fairly, and with the utmost civility. Students will avoid all tactics they know are wrong or in violation of the rules of the competition in spirit or in practice.
  2. Teacher-Advisors agree to focus attention on the educational value of the Mock Trial Competition. They shall not encourage willful violations of the rules. Teachers will instruct students as to proper procedure and decorum and will assist their students in understanding and abiding by the competition's rules and this Code of Ethical Conduct.
  3. Attorney-Advisors agree to uphold the highest standards of the legal profession and will zealously encourage fair play. They will promote conduct and decorum in accordance with the competition's rules and this Code of Ethical Conduct. Attorney-Advisors are reminded that they are in a position of authority and thus serve as positive role models for the students.
  4. All participants (including school observers) are bound by all sections of this code and agree to abide by the provisions. Teams are responsible for insuring that all observers are aware of the code.
  5. The Code of Ethical Conduct governs all participants, observers, guests, and parents at the competition.
- A. Ban on Coaching.
1. Once the trial begins no coaching is permitted by ANYONE for the duration of the trial. Student attorneys may consult with one another and with their witnesses.



2. To avoid even the appearance of impropriety, the attorneys trying the case and the witnesses should not engage in any conversation with any other team members, coaches or observers until after closing arguments.

3. Any student team member (including team members not participating in the trial) who observes any violation of this rule shall report it immediately to the Judge who shall inquire into the circumstances of the allegation. The Judge may penalize any team for a violation of this rule.

#### **B. Statement of Principles for Mock Trial Jurors**

The mock trial competition, because it does represent a “mock” situation, obviously does not involve the “life and death” circumstances that would apply in an actual Circuit Court jury trial. On the other hand, in order that all mock trial participants, including those students who assume the role of jury members, might achieve maximum benefits (educational and otherwise) from their participation, mock trial jurors are strongly urged to fill their roles with the following principles in mind:

1. Like real jurors, mock trial jurors should do their utmost to pay careful attention to, and follow the instructions given them by the judge at the beginning of trial.

2. Mock trial jurors should recognize that the many hours of hard work and preparation undertaken by the other participants in the mock trial competition are deserving of the mock trial jurors’ careful attention during the course of the trial presentation.

3. Similarly, mock trial jurors should do their utmost to respect and enhance the efforts and experience of all other mock trial participants by paying careful attention to, and following the court’s instructions at the conclusion of trial.

4. Consistent with these principles, and perhaps more important than any one of them, mock trial jurors should make every effort to conduct their jury deliberations, to the extent humanly possible, as though the ultimate decision made were a “real” one with “real” consequences for “real” people.

#### **C. Violation of Competition Rules During Trial**

Any violation of a competition rule observed during trial should immediately be called to the attention of the Judge by one of the attorneys trying the case.

#### **D. Judge’s Instructions**

1. Materials.

All judges should have a copy of the competition materials.

2. Role of the Judge.

The Judge has a delicate task. A trial is an adversarial proceeding. Yet the central goal is to give the young people participating a positive educational experience. Obviously, the Judge must be evenhanded. In addition, the judge should take special care to avoid intimidating the student lawyers and witnesses so they feel comfortable and free to act at the true level of their capacity. The judge should be encouraging to both sides and still maintain the essential form of a trial.

### 3. Enforcement of Code of Ethical Conduct.

To assist in enforcing the code, the Judges, upon taking the bench before the start of the trial, will handle the following pre-trial matters:

- a. Ask each side if it is ready for trial.
- b. Ask each side to provide the Judge with a copy of the team roster.
- c. Ask each side for a witness list of those to be called.
- d. Ask each member of the team to rise and identify himself or herself by name and role.
- e. The Judge will remind the participants about the ban on coaching.
- f. The Judge will remind the jurors about the Statement of Principles for Mock Trial Jurors.

### 4. Questions Regarding Mock Trial Rules.

If questions arise regarding application of the Mock Trial Rules, the Judge should entertain arguments by the attorneys regarding the construction of the rules and should encourage the attorneys to make reference to the rule in question. The Judge has the sole authority to make decisions about the conduct of the trial.

## **CASE MATERIALS**

**People of the  
State of Michigan**

**v**

**Taylor Rodgers**

### **TYPE OF CASE:**

This case involves a criminal prosecution. The Prosecuting Attorneys represent the People of the State of Michigan. The Defense Attorneys represent Defendant Taylor Rodgers.

### **SUMMARY OF FACTS:**

Morgan McKenzie, Reese Cassidy, Sean Evans, and Taylor Rodgers graduated from high school at the same time even though Taylor, a child prodigy, was two years younger than Morgan, Reese, and Sean. During the high school years, Taylor alleges that Morgan, Reese, and Sean bullied him/her. Taylor was diagnosed with Post Traumatic Stress Disorder during his/her senior year in high school. After graduating high school, Taylor moved out of the state and attended college elsewhere.

In September 2016, Taylor decided to come home for the high school homecoming game where he/she met with friends, Payton Andrews and Lee Reid. During the football game, Taylor was bumped twice by Morgan. After the football game, they discovered that they were parked next to each other and went to the same diner. Finally, they went their separate ways until Morgan observed Taylor drive by and Morgan followed Taylor to his/her house.

When they got to Taylor's house, Morgan confronted Taylor, accusing him/her of following Morgan, Reese and Sean all night. Morgan pushed Taylor, and then Taylor punched Morgan. Reese then approached Taylor, who punched Reese. Sean was on the sidewalk and did not advance towards Taylor. Taylor approached Sean, pushed Sean and beat him/her.

Taylor is charged with Assault with Intent to Do Great Bodily Harm Less than Murder and lesser included offenses. Taylor asserts that he/she suffers from Post Traumatic Stress Disorder and was defending himself/herself.

### **STATUTES / CASE LAW**

1. A person who assaults another person with intent to do great bodily harm, less than the crime of murder is guilty of a felony punishable by imprisonment for not more than 10 years or a fine of not more than \$5,000.000, or both. MCLA 750.84(1)(a).
2. A person who assaults another person with a gun, revolver, pistol, knife, iron bar, club, brass knuckles, or other dangerous weapon without intending to commit murder or to inflict great bodily harm less than murder is guilty of a felony punishable by imprisonment for not more than 4 years or a fine of not more than \$2,000.00, or both. MCLA 750.82(1).

3. A person who assaults an individual without a weapon and inflicts serious aggravated injury upon that individual without intending to commit murder or to inflict great bodily harm less than murder is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$1,000.000, or both. MCLA 750.81a(1).
4. A person who assaults or assaults and batters an individual, if no other punishment is prescribed by law, is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00, or both. MCLA 750.81(1).

## **STIPULATIONS**

1. There are statements from four witnesses for each party. Each statement is designated as Prosecution Witness or Defense Witness. Each party may call only three witnesses to the stand. It will be up to each team to determine which witnesses will testify at trial. The Defendant may invoke his or her 5<sup>th</sup> Amendment right and not testify at trial. If the Defendant does not testify, then the prosecution cannot use the defendant's affidavit as support for their case, but may use statements made to the police officer. Further, a party may not call a witness that is designated for the opposing party. For example, the Prosecuting Attorney may not call Defendant's witness to testify at trial.
2. Taylor Rodgers wore a ring in the shape of a lion on his/her right hand.
3. Dr. Harley Davis is an expert in Psychology.
4. The presiding judge will conduct the trial according to the Michigan Rules of Evidence. Trial will be by jury.
5. The jury will be instructed on the elements of the offense according to the jury instructions beginning on page 18.
6. The presiding judge will entertain no motions prior to trial.

## **COMMENTS AND SUGGESTIONS:**

The 2018 Mock Trial is a fictitious case. Any names, descriptions or events described in this packet are purely coincidental. Most witnesses were created to be gender-neutral.

All admissible exhibits and information relating to the case are contained in these case materials. Students are not allowed to introduce at trial: cases, exhibits not contained in the case materials, or a witness from the opposing party.

## JURY INSTRUCTIONS

The court instructs the jury regarding the general features of a case, defines the offense, and explains what must be proven to establish the offense. The following instructions are taken from the Criminal Jury Instructions currently in effect in Michigan and will be used in this Mock Trial.

### CJI2d 3.2 *Presumption of Innocence, Burden of Proof and Reasonable Doubt*

- (1) A person accused of a crime is presumed to be innocent. This means that you must start with the presumption that the defendant is innocent. This presumption continues throughout the trial and entitles the defendant to a verdict of not guilty unless you are satisfied beyond a reasonable doubt that he/she is guilty.
- (2) Every crime is made up of parts called elements. The prosecutor must prove each element of the crime beyond a reasonable doubt. The defendant is not required to prove his/her innocence or do anything. If you find that the prosecutor has not proven every element beyond a reasonable doubt, then you must find the defendant not guilty.
- (3) A reasonable doubt is a fair, honest doubt growing out of the evidence or lack of evidence. It is not merely an imaginary or possible doubt, but a doubt based on reason and common sense. A reasonable doubt is just that – a doubt that is reasonable, after a careful and considered examination of the facts and circumstances of this case.

### CJI2d 3.3 *Defendant Not Testifying*

Every defendant has the absolute right not to testify. When you decide the case, you must not consider the fact that he/she did not testify. It must not affect your verdict in any way.

### CJI2d 3.5 *Evidence*

- (1) When you discuss the case and decide on your verdict, you may only consider the evidence that has been properly admitted in this case. Therefore, it is important for you to understand what is evidence and what is not evidence.
- (2) Evidence includes only sworn testimony of witnesses, the exhibits admitted into evidence, and anything else I told you to consider as evidence.
- (3) Many things are not evidence, and you must be careful not to consider them as such. I will now describe some of the things that are not evidence.
- (4) The fact that the defendant is charged with a crime and is on trial is not evidence.
- (5) The lawyers' statements and arguments are not evidence. They are only meant to help you understand the evidence and each side's legal theories. The lawyers' questions to witnesses are also not evidence. You should consider these questions only as they give meaning to the witnesses' answers. You should only accept things the lawyers say that are supported by the evidence or by your own common sense and general knowledge.
- (6) My comments, rulings, questions, and instructions are also not evidence. It is my duty to see that the trial is conducted according to the law, and to tell you the law that applies to this case. However, when I make a comment or give an instruction, I am not trying to influence your vote or express a personal opinion about how you should decide this case.

You must pay no attention to that opinion. You are the only judges of the facts, and you should decide this case from the evidence.

- (7) At times during the trial, I have excluded evidence that was offered or stricken testimony that was heard. Do not consider those things in deciding this case. Make your decision only on the evidence that I let in, and nothing else.
- (8) Your decision should be based on all the evidence, regardless of which party produced it.
- (9) You should use your own common sense and general knowledge in weighing and judging the evidence, but you should not use any personal knowledge you may have about a place, person, or event. To repeat once more, you must decide this case based only on the evidence admitted during this trial.

#### *CJI2d 4.1 Defendant's Statements as Evidence Against the Defendant*

- (1) The prosecution has introduced evidence of a statement that it claims the defendant made.
- (2) Before you may consider such an out-of-court statement against the defendant, you must first find that the defendant actually made the statement as given to you.
- (3) If you find that the defendant did make the statement, you may give the statement whatever weight you think it deserves. In deciding this case, you should think about how and when the statement was made, and about all other evidence in the case. You may consider the statement in deciding the facts of the case [and in deciding if you believe the defendant's testimony in court].<sup>1</sup>

#### *CJI2d 4.3 Circumstantial Evidence*

- (1) Facts can be proved by direct evidence from a witness or an exhibit. Direct evidence is evidence about what we actually see or hear. For example, if you look outside and see rain falling, that is direct evidence that it is raining.
- (2) Facts can be proved by indirect, or circumstantial, evidence. Circumstantial evidence is evidence that normally or reasonably leads to other facts. So, for example, if you see a person come in from outside wearing a raincoat covered with small drops of water that would be circumstantial evidence that it is raining.
- (3) You may consider circumstantial evidence. Circumstantial evidence by itself, or a combination of circumstantial evidence and direct evidence, can be used to prove the elements of a crime. In other words, you should consider all the evidence that you believe.

#### *CJI2d 17.07 Assault with Intent to Do Great Bodily Harm Less Than Murder*

(1) The defendant is charged with the crime of assault with intent to do great bodily harm less than murder. To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:

- (2) First, that the defendant tried to physically injure another person.
- (3) Second, that at the time of the assault, the defendant had the ability to cause an injury, or at least believed that he / she had the ability.

---

<sup>1</sup> Use the bracketed phrase only if the defendant testifies at trial and the prior statement is used to impeach his or her testimony.

(4) Third, that the defendant intended to cause great bodily harm. Actual injury is not necessary, but if there was an injury, you may consider it as evidence in deciding whether the defendant intended to cause great bodily harm. Great bodily harm means any physical injury that could seriously harm the health or function of the body.

#### *CJI2d 17.09 Assault with a Dangerous Weapon*

(1) You may also consider the lesser charge of felonious assault. To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:

(2) First, that the defendant either attempted to commit a battery on Sean Evans or did an act that would cause a reasonable person to fear or apprehend an immediate battery. A battery is a forceful or violent touching of the person or something closely connected with the person.

(3) Second, that the defendant intended either to injure Sean Evans or to make Sean Evans reasonably fear an immediate battery.

(4) Third, that at the time, the defendant had the ability to commit a battery, appeared to have the ability, or thought he / she had the ability.

(5) Fourth, that the defendant committed the assault with a ring with a lion's head on his or her right hand.

#### *CJI2d 17.08 Dangerous Weapon*

The intent with which an assault is made can sometimes be determined by whether a dangerous weapon was used. A dangerous weapon is any instrument that is used in a way that is likely to cause serious physical injury or death.

#### *CJI2d 17.06 Assault and Infliction of Serious Injury (Aggravated Assault)*

(1) You may also consider the lesser charge of assault and infliction of serious injury. To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:

(2) First, that the defendant tried to physically injure another person.

(3) Second, that the defendant intended to injure Sean Evans or intended to make Sean Evans reasonably fear an immediate battery.

(4) Third, that the assault caused a serious or aggravated injury. A serious or aggravated injury is a physical injury that requires immediate medical treatment or that causes disfigurement, impairment of health, or impairment of a part of the body.

#### *CJI2d 17.01 Definition of Assault [For Use Where There Has Been No Battery]*

(1) The defendant is charged with the crime of assault. To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:

(2) First, that the defendant either attempted to commit a battery on Sean Evans or did an act that would cause a reasonable person to fear or apprehend an immediate battery. A battery is a forceful, violent, or offensive touching of the person or something closely connected with the person of another.

(3) Second, that the defendant intended either to commit a battery upon Sean Evans or to make Sean Evans reasonably fear an immediate battery. An assault cannot happen by accident.

(4) Third, that at the time, the defendant had the ability to commit a battery, appeared to have the ability, or thought he / she had the ability.

#### *CJI2d 17.02 Definition of Assault and Battery [For Use Where Battery Is Shown]*

(1) The defendant is charged with the crime of assault and battery. To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:

(2) First, that the defendant committed a battery on Sean Evans. A battery is a forceful, violent, or offensive touching of the person or something closely connected with the person of another. The touching must have been intended by the defendant, that is, not accidental, and it must have been against Sean Evan’s will. It does not matter whether the touching caused an injury.

(3) Second, that the defendant intended either to commit a battery upon Sean Evans or to make Sean Evans reasonably fear an immediate battery.

#### *CJI2d 7.13 Insanity at the Time of the Crime*

You must judge the defendant’s mental state at the time of the alleged crime. You may consider evidence about his / her mental condition before and after the crime, but only to help you judge his / her mental state at the time of the alleged crime.

#### *CJI2d 7.09 The Meanings of Mental Illness*

“Mental illness” is defined by law as a substantial disorder of thought or mood that significantly impairs judgment, behavior, capacity to recognize reality, or the ability to cope with the ordinary demands of life.

#### *CJI2d 7.12 Definition of Guilty but Mentally Ill*

(1) To find the defendant guilty but mentally ill, you must find each of the following:

(2) First, the prosecutor has proven beyond a reasonable doubt that the defendant is guilty of a crime.

(3) Second, that the defendant has proven by a preponderance of the evidence that he / she was mentally ill, as I have defined that term for you, at the time of the crime.

(4) Third, that the defendant has not proven by a preponderance of the evidence that he / she lacked the substantial capacity either to appreciate the nature and quality or the wrongfulness of his / her conduct or to conform his / her conduct to the requirements of the law.

#### *CJI2d 7.20 Burden of Proof—Self-Defense*

The defendant does not have to prove that he / she acted in self-defense. Instead, the prosecutor must prove beyond a reasonable doubt that the defendant did not act in self-defense.

#### *CJI2d 7.22 Use of Nondeadly Force in Self-Defense*



(1) The defendant claims that he / she acted in lawful self-defense. A person has the right to use force to defend himself / herself under certain circumstances. If a person acts in lawful self-defense, his / her actions are justified and he / she is not guilty of Assault with Intent to Do Great Bodily Harm Less than Murder or a lesser included offense.

(2) You should consider all the evidence and use the following rules to decide whether the defendant acted in lawful self-defense. Remember to judge the defendant's conduct according to how the circumstances appeared to him / her at the time he / she acted.

(3) First, at the time he / she acted, the defendant must not have been engaged in the commission of a crime.

(4) Second, when he / she acted, the defendant must have honestly and reasonably believed that he / she had to use force to protect himself / herself from the imminent unlawful use of force by another. If his / her belief was honest and reasonable, he / she could act at once to defend himself / herself, even if it turns out later that he / she was wrong about how much danger he / she was in.

(5) Third, a person is only justified in using the degree of force that seems necessary at the time to protect himself / herself from danger. The defendant must have used the kind of force that was appropriate to the attack made and the circumstances as he / she saw them. When you decide whether the force used was what seemed necessary, you should consider whether the defendant knew about any other ways of protecting himself / herself, but you may also consider how the excitement of the moment affected the choice the defendant made.

(6) Fourth, the right to defend oneself only lasts as long as it seems necessary for the purpose of protection.

(7) Fifth, the person claiming self-defense must not have acted wrongfully and brought on the assault.

#### *CJI2d 7.23 Past Violence by Complainant*

- (v) There has been evidence that the complainant may have committed violent acts in the past and that the defendant knew about these acts. You may consider this evidence when you decide whether the defendant honestly and reasonably feared for his / her safety.

#### *CJI2d 7.24 Self-Defense Against Persons Acting in Concert*

A defendant who is attacked by more than one person or by one person and others helping and encouraging the attacker has the right to act in self-defense against all of them.

**STATE OF MICHIGAN  
IN THE 7<sup>TH</sup> CIRCUIT COURT**

---

PEOPLE OF THE STATE  
OF MICHIGAN,

Prosecution

Case No. 17-000135-FH

v.

JUDGE

TAYLOR RODGERS,

Defendant.

\_\_\_\_\_/

School Name

PROSECUTING ATTORNEY

School Name

ATTORNEY FOR DEFENDANT

\_\_\_\_\_ /

**VERDICT FORM<sup>2</sup>**

Count I: Assault with Intent to Do Great Bodily Harm

Not Guilty \_\_\_\_\_ (Go to Count II)

Guilty \_\_\_\_\_ (End, you have reached your verdict.)

Count II: Assault with a Dangerous Weapon (Felonious Assault)

Not Guilty \_\_\_\_\_ (Go to Count III)

Guilty \_\_\_\_\_ (End, you have reached your verdict)

Count III: Assault and Infliction of Serious Injury (Aggravated Assault)

Not Guilty \_\_\_\_\_ (Go to Count IV)

Guilty \_\_\_\_\_ (End, you have reached your verdict)

Count IV: Assault and Infliction of Serious Injury (Aggravated Assault)

\_\_\_\_\_  
<sup>2</sup> Please return the verdict form to the Genesee County Bar Association with the results of your school's verdicts.

Not Guilty \_\_\_\_\_ (Go to Count V)

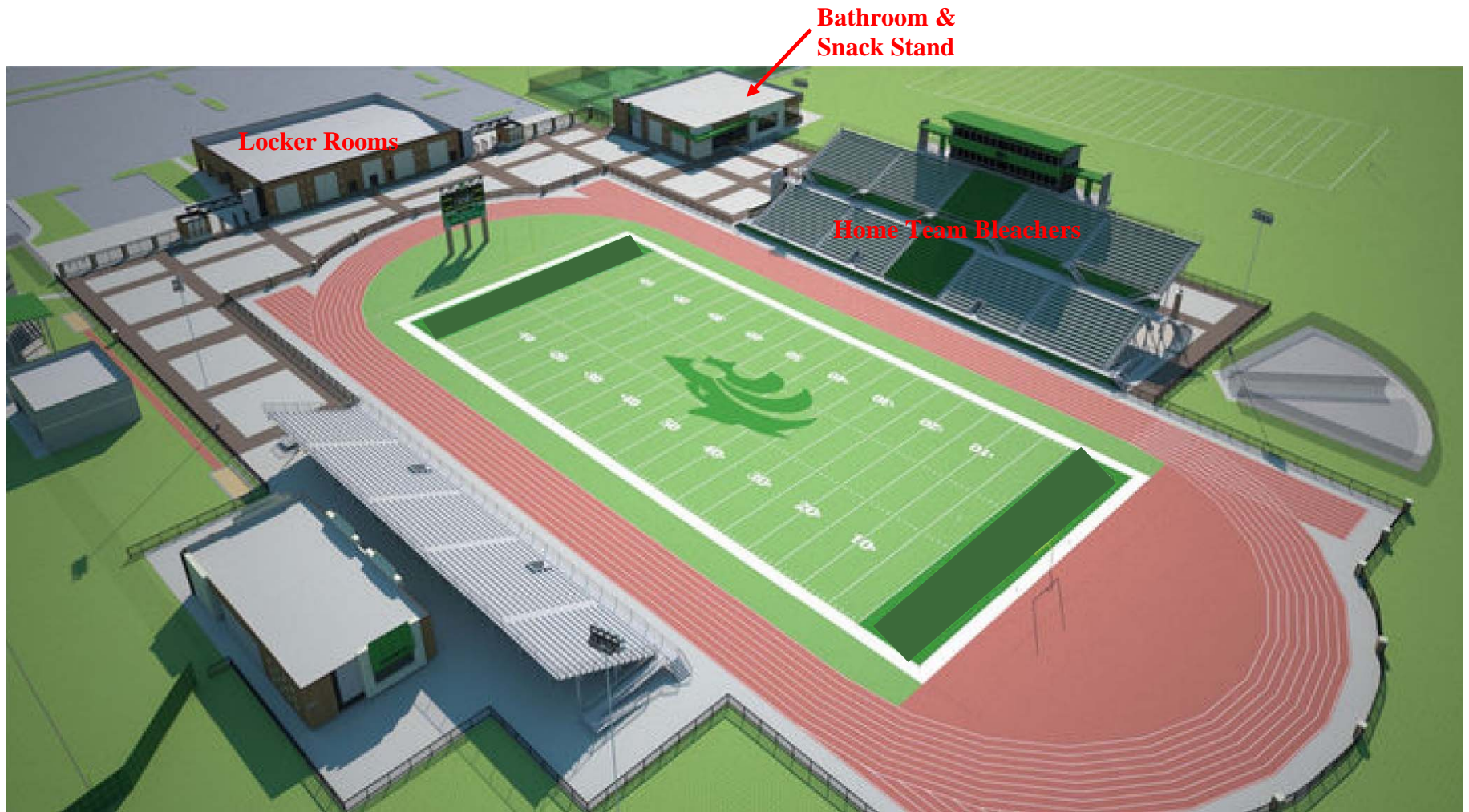
Guilty \_\_\_\_\_ (End, you have reached your verdict)

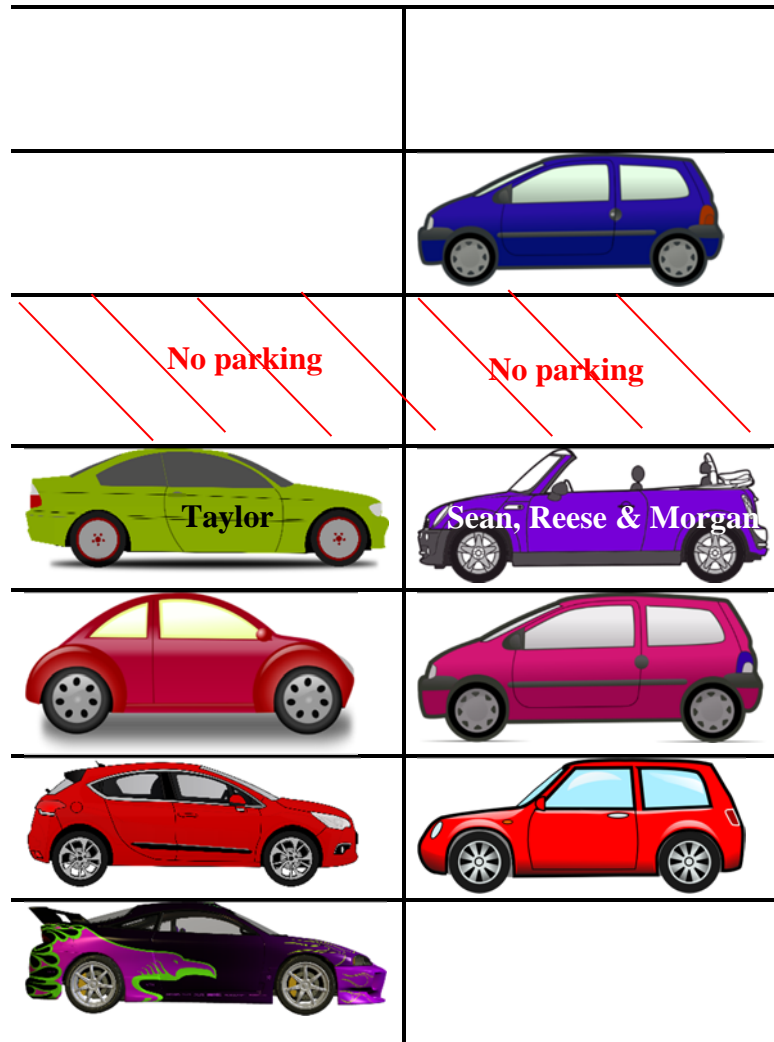
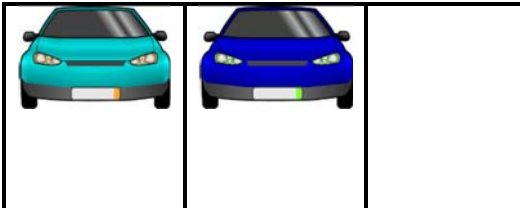
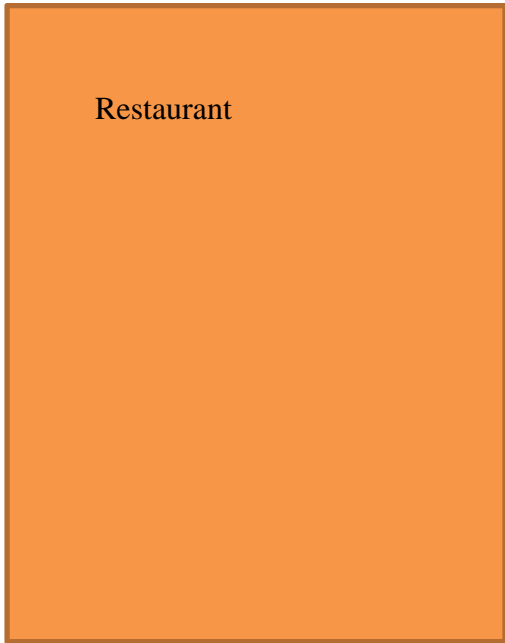
**Count V: Assault and Battery**

Not Guilty \_\_\_\_\_ (End)

Guilty \_\_\_\_\_ (End)

## EXHIBITS







## STATEMENTS



## STATEMENT OF SEAN EVANS

### Prosecution Witness

1. My name is Sean Evans. I am twenty-one years old and attend Central Michigan University. I am majoring in Psychology with a minor in Social Work. I want to be a psychologist who helps victims of crimes.
2. I have been on the Dean's List every year since I started attending Central Michigan University. My grade point average is 3.75. I also participate in intramural sports like softball and volleyball.
3. I am a member of Psi Chi which is the international honor society in psychology; the Association for Psychological Science Student Caucus; and the Family Relations Council, which strives to help the community in various ways relating to service and fundraising.
4. After graduating from Central Michigan University, I intend to continue my education in order to obtain my doctorate in Psychology. I want to help victims of violent crimes heal. I understand what it means to be a victim because I was a victim in 2016.
5. On September 16, 2016, I was attending my high school homecoming game with my friends, Reese Cassidy and Morgan McKenzie. Reese, Morgan and I played soccer for the school together.
6. We were walking around the outside of the football field by the bathrooms when we saw Taylor Rodgers. At first, I did not recognize Taylor. He/she was taller, more fit, and did not look like a nerd any longer.
7. Taylor stopped when he/she saw us. We continued to walk into the bathroom and paid him/her no mind. I said something to Reese and he/she started laughing. Morgan trailed behind watching Taylor.
8. Taylor was two years younger than us but was in the same grade as us. In high school, Taylor was small stature, really skinny, and nerdy. Taylor was out of place in high school and was picked on by a lot of kids.
9. After leaving the bathroom, we went to the snack stands which is in the same building. Taylor was standing outside near the bleachers for the home team and staring at us.
10. It was really uncomfortable having Taylor watch us. We walked by and Morgan called Taylor a nerd and hit Taylor with his/her shoulder. We started laughing. During the whole football game, Taylor sat two rows above us and it felt like he/she was watching us.
11. After the game, we got up from the bleachers and Morgan looked at Taylor. Morgan asked why Taylor was looking at us. Taylor did not say anything and walked by

bumping Morgan in the shoulder. Morgan pushed Taylor and Taylor lost his/her balance, but did not fall. Taylor stormed away. Taylor looked very angry.

12. Reese, Morgan and I rode together in Morgan's car. When we approached the vehicle, Taylor was standing next to a car parked on the driver side of Morgan's car. I asked Taylor if everything was okay because he/she looked really angry. Taylor just stood there.
13. I got into the front passenger side of the Morgan's vehicle and Reese got in behind me. Morgan drove us to the restaurant that we used to go to during high school after football games. It was packed. Apparently, everyone still went there.
14. We parked at the Old Town Drive Thru, which is a small restaurant, but you can park your car and a waitress will come out to the vehicle. You can go eat in the building, but it is so small that there is only room for two two-person tables and a row of 4 bar stools at the counter. The restaurant is similar to the old A & W drive throughs that served burgers, Coney Dogs, fries, and onion rings. You can also order milkshakes.
15. In the parking lot, there are three parking spaces next to the building and twelve other parking spots. Two parking spots are marked "No Parking" in order to allow the wait staff to get to the vehicles. There are also trash cans in the "No Parking" area.
16. We ordered our food when we saw Taylor drive up in the parking lot. He/she parked directly across from us even though there were other spaces where he/she could park. There were two other occupants in the vehicle, but I did not know who they were.
17. Taylor drove a green Grand Prix. Morgan drove a purple Cavalier Coupe convertible.
18. Taylor just stared at us. The waitress came to the vehicle and brought our food. After bringing our food, the waitress went to Taylor's vehicle and they talked for a little while. Then Taylor began to stare at us again.
19. When we were done, Reese emptied the tray in the trash can. Morgan gave Taylor the finger. A few minutes later, Taylor backed out and left.
20. We decided to go to a local bar since this was the first time that we were together and all over twenty-one. We went to RJ's Pub and ordered a couple of drinks. We stayed about an hour and then left. Morgan continued to drive. As we were driving home, I saw Taylor's car and mentioned it to Morgan.
21. Morgan stated how weird Taylor was being the whole night and Morgan wanted to "teach Taylor a lesson like in high school." So, Morgan followed Taylor.
22. Taylor was driving fast (45 mph in a 30-mph area). Morgan kept pace with Taylor and continued to follow Taylor as Taylor turned left on Delaware. Taylor was stopped at the

stop sign on Delaware and State St. Morgan stopped really close to Taylor's car. Taylor drove straight on Delaware and Morgan continued to follow him/her.

23. Taylor turned into the driveway of his/her parents' house. Morgan parked across the street and got out of the car. Morgan began yelling at Taylor asking him why he/she was following us around since the football game. Morgan also said that Taylor was the same pathetic kid as in high school and he/she would teach Taylor a lesson.
24. Taylor looked at us and began walking into the house. Morgan ran over and grabbed Taylor by the elbow. Morgan asked Taylor again why he/she was following us.
25. Taylor turned around and punched Morgan in the face. Morgan fell back and then Reese pushed Taylor. Taylor kept his/her balance and hit Reese, who then fell the ground. Taylor then approached me. I was standing on the sidewalk because I did not want to cause any problems.
26. Taylor kept stating that he/she finally was over high school and the trauma that we caused. He stated that all I gave him/her were problems in high school. Taylor claimed that I was the ring leader and did nothing to stop the torment that he/she felt when in school. He/she continued by stating that Morgan, Reese and I made his/her life miserable in high school by stuffing him/her in the gym lockers, chasing him/her and tackling him/her in the grass area, putting his/her head in the toilet, and taking things from him/her.
27. The more Taylor talked, the more he/she was getting agitated. Taylor kept approaching me when I started backing up. As I was backing up, I fell into the street. I asked Taylor to leave me alone as I have not done anything to him/her tonight. Taylor said that I did it for three years in high school, making fun of him/her for being a freak of nature, and making his/her life miserable.
28. Taylor dropped down on me and began punching me repeatedly. He/she had a lion's head ring on his/her right hand. That is the hand that he/she kept hitting me with. It felt like my right eye exploded after the first punch. I begged him/her to stop. I asked for mercy. Taylor said that he/she would give me as much mercy as I showed him/her. Then, Taylor slammed my head into the cement. I heard a person later identified as Jordan Foster begin yelling at Taylor to stop.
29. Jordan ran over and pulled Taylor off of me. After Taylor was pulled off, I do not recall anything until I woke up in the hospital. I suffered a concussion, broken eye socket, broken nose and a fracture of my skull. They kept me in the hospital for a week to make sure my brain did not swell.
30. I have not seen Taylor since high school. It has been three years since we graduated. I do not know what happened to him/her since graduation, but he/she was not the skinny nerdy kid any longer.

31. Morgan, Reese and I teased Taylor in high school because he/she was younger than us and really smart. Taylor did not fit within any of the social groups and was basically a loner. Kids at school picked on him/her a lot. It was just a little fun.

**SEAN EVANS**

SEAN EVANS

## STATEMENT OF REESE CASSIDY

### Prosecution Witness

1. My name is Reese Cassidy. I attend Northern Michigan University and am majoring in Biology with a Zoology Concentration. I am twenty-one years old.
2. I am a member of the Pre-Veterinary Medicine Club, Cause for Paws, the Honors Student Organization, and intramural hockey. Cause for Paws' objective is to volunteer at local animal shelters, to organize fundraisers, and better the lives of the animals in the community. The Honors Student Organization brings students together through volunteer, academic and fun activities.
3. On September 16, 2016, my alma mater was having its annual homecoming game. I went home and met up with my friends Sean Evans and Morgan McKenzie. Morgan picked us up in his/her vehicle then drove us to the homecoming game.
4. When we arrived at the homecoming game, we sat in the home team stands. I had to use the restroom. We went to the snack stand where the restrooms were, and we saw Taylor Rodgers.
5. Taylor Rodgers is two years younger than us, but he/she graduated with us. Taylor was really smart but socially awkward.
6. Taylor never fit in with any of the groups, such as popular kids, athletic kids, stoners etc. He/she did not even fit in with the nerds.
7. In high school, a lot of people picked on Taylor because he/she was a tall, lanky, and quiet person. Morgan, Sean and I had some interactions with Taylor. Just a little ribbing.
8. Without naming names, I saw one person put Taylor in a locker, close the locker, and then lock it. Taylor was crying. I walked away because I did not want to be a part of it. The person that did it also walked away. Then, Taylor did have his/her head flushed a couple of times in the toilet. There were other incidents, just good old-fashioned joking around.
9. Another incident happened in the locker room. Taylor always stood in the corner with his/her back to the wall. After gym, Taylor went to shower, and I saw someone steal his/her clothes. The person threw them in the trash can. When Taylor came out of the shower, he/she could not locate his/her clothes. Another person grabbed Taylor's towel then everyone left the locker room. I saw Taylor use a towel and go to the principal's office. It was in between classes and everyone was laughing at him/her. Taylor was not in class the next few days.
10. I did not intervene when someone picked on Taylor because I was friends with some of the people and did not want to cause a fight between my friends and me.

11. On the day of the homecoming game, Morgan, Sean and I walked to the bathrooms. Morgan noticed Taylor and pointed him/her out. Taylor was no longer the scrawny tall kid from high school. Taylor looked much better and more muscular than before.
12. Taylor stopped when he/she saw us. Sean whispered that Taylor looked like a little “twerp” like he/she did in high school. I stated that we should leave Taylor alone. Then Sean said that it was going to be a fun night. I laughed but it was awkward.
13. As we walked by Taylor, Morgan kept watching him.
14. When I was done using the restroom, I noticed Taylor was standing near the home team stands watching us. I tried to ignore him/her and walk to the stands with the others. I was walking in front of Morgan and Sean. As we walked by Taylor, Morgan bumped Taylor in the shoulder. Sean said something funny and we laughed.
15. Once we got to the stands, we sat down. Then Taylor came and sat two rows back. I did not look back because I did not want to cause a problem.
16. Some of our other high school friends came by and talked to us during the game. Afterwards, we agreed to meet up at our former hangout, Old Town Drive-Thru. As we walked into the aisle, Taylor bumped Morgan in the shoulder and did not say excuse me. Morgan pushed Taylor and Taylor almost fell, but Taylor’s friend caught him/her. Once he/she gained his/her composure, Taylor looked at Morgan and told him/her to watch it. Taylor then walked away.
17. I told Sean and Morgan to wait and let Taylor go. After ten minutes, we walked to Morgan’s car in the parking lot. Taylor was parked right next to Morgan. Sean asked if Taylor was okay, but Taylor did not answer. Taylor’s friends were not with him/her at this point. Taylor looked angry.
18. We got into Morgan’s car and went to Old Town Drive-Thru to meet up with some friends. It had been a while since everyone saw each other.
19. After ordering, I noticed a vehicle pull in front of us and park. It was Taylor with two occupants. At that time, the waitress brought our food to the vehicle. Taylor was staring at us.
20. After eating and talking with friends, I took our trays and trash to the trashcan to throw it away. Taylor left before we did. When we did leave, Sean mentioned that it was weird seeing Taylor. Morgan was mad that Taylor bumped him/her and wanted to teach Taylor a lesson.

21. Next, we went to RJ's Pub. I drank a whiskey sour. Sean had two rum and cokes. Morgan drank two bud lights. We left the Pub and Morgan was driving. I noticed Taylor's green Grand Prix driving past us. I mentioned it to Sean and Morgan.
22. Morgan decided to follow Taylor. Taylor eventually pulled into a driveway on Delaware. Morgan got out of the car and asked Taylor why he/she was following us. Taylor ignored Morgan and walked towards the house. Morgan ran over and pulled Taylor to force Taylor to look at him/her. Instead, Taylor punched Morgan in the face and Morgan fell to the ground.
23. I walked over to Taylor in order to speak with him/her. Taylor was standing over Morgan and looked like he/she was going to hit Morgan again. When I approached Taylor, I pushed him/her a little in order to talk to him/her. However, he/she did not give me a chance to talk and he/she hit me in the face. It felt like my eye socket just shattered. It was a very hard punch and felt like there was something other than a hand. I fell down and immediately felt sick to my stomach.
24. I stayed down when I saw Sean walk over to Taylor. Taylor was just repeating himself/herself about how we picked on him/her throughout high school. We tormented him/her. He/she kept walking towards Sean and Sean was backing up. Sean fell down into the street and Taylor started to pummel him/her repeatedly until a neighbor came out and pulled Taylor off Sean.
25. It was like Taylor was some maniac. I never saw Taylor flip out like this. It was scary.

*Reese Cassidy*

Reese Cassidy

## STATEMENT OF MORGAN MCKENZIE

### Prosecution Witness

1. My name is Morgan McKenzie. I am twenty-one years old. I attended classes at Baker College in Owosso in the Auto/Diesel Institute of Michigan and received an Associate of Applied Science in Automotive Technology.
2. I am working at my father's automotive repair shop.
3. On September 16, 2016, my friends, Sean Evans and Reese Cassidy, and I went to our alma mater's homecoming game. I had not seen Sean and Reese in a couple of years. They went to college out of county and I stayed home to work at my dad's repair shop.
4. I left my apartment in order to pick Sean up from his/her parent's house and then I picked up Reese, who was staying at his/her parent's house.
5. After picking them up, we went to the high school for the game. We sat on the home team's bleachers. I had to use the bathroom, so we walked down to the snack stand where the bathrooms were located.
6. As we were walking, I noticed Taylor Rodgers coming from the bathroom. I pointed Taylor out to Sean and Reese. Taylor was two years younger than we were but in the same grade. He/she was smart, gangly and did not fit in with anyone. No one wanted Taylor in our class. He/she made us feel stupid.
7. One time in Geometry, the teacher asked me to solve a problem on the board. I hated Geometry and did not do my homework from the night before. I could not answer it. When I told the teacher, she asked if anyone could. Taylor was the only one to raise his/her hand. Taylor went to the board and solved it. The teacher was so proud of Taylor. I was asked to stay after class. The teacher told me that if I did not get my act together, then I would not be passing the class. Taylor showed everyone up all the time.
8. After class, I was telling Sean and Reese what happened when Taylor walked by. I went up behind him/her and pushed his/her books out from his/her hands. The books fell onto the floor and notes went flying. I picked up one of the notes and it was a piece of paper that was scribbled all over. It stated that Taylor loved the Geometry teacher. I started laughing and started to yell it out in front of the whole school. Taylor grabbed the note from me and stormed off.
9. When I saw Taylor coming from the restrooms at the homecoming game, I noticed that he/she was not the same scrawny kid from high school. It appeared that Taylor put on some muscle. I mentioned to Sean that Taylor must have been tired of getting his/her butt kicked in high school. Sean laughed. We walked by Taylor but he/she did not look at us.



10. After we got out of the restroom, I noticed Taylor was sitting across from the snack stand at the bleachers. It appeared that he/she was watching us. When we walked past Taylor, I hit him/her in the shoulder. Sean, Reese and I started laughing.
11. Sean, Reese and I went back to the bleachers and sat down near some other friends. Taylor then walked past us and sat two rows behind. I could feel his/her stare on my back. Always a little brat.
12. After the game was over, Taylor walked down the bleachers and I bumped shoulders with him/her and told him/her to watch it. Then I pushed Taylor. Taylor almost fell but some guy caught him/her. Taylor looked at me then walked away.
13. I walked to my car, a Cavalier Coupe convertible, and saw Taylor standing at the car next to mine. Taylor looked angry. Sean asked if he/she was okay but Taylor never responded. I got into my car and left. We went to Old Towne Drive Thru to catch up with some friends. It is where we would hang out as friends after football games.
14. Old Towne Drive Thru is a small restaurant that serves your food at the vehicle. The waitress or waiter comes to your car and gets your order. When the food is done, they bring it on a tray to the car. It is a cool joint.
15. We ordered our food when I noticed that Taylor had pulled into the spot in front of us. The waitress/waiter came out to Taylor's vehicle and they were talking. It was at that time we received our food. I gave Taylor the middle finger. The waiter/waitress left and Taylor backed his/her vehicle out and left.
16. After we finished eating and talking to some friends, Sean, Reese and I went to a bar. We had several drinks and talked about our current lives. Sean and Reese are having a ball in college and I was still in the same place. During high school, I helped my dad around the repair shop. The only difference now is I have an Associate's degree and I am living on my own. I was envious of Sean and Reese.
17. We left the bar and I saw Taylor drive by. I decided to follow him/her. Taylor was driving over the speed limit, but I kept up. He/she pulled into a driveway and I parked across the street.
18. I walked over to Taylor as he/she was approaching the stairway to the house. I yelled, "Why are you following us, you nerd?" I pushed Taylor and told him/her that he/she was no different than in high school - a wanna be. Taylor told me to go away and leave him/her alone. Taylor started to walk away from me when I grabbed his/her elbow. Taylor turned around and punched me in the face. When I went to the hospital, I had a broken nose. I have been punched before with a fist but it felt like Taylor had something like a brass knuckle or hard core ring on when he/she hit me.

19. I heard Reese yell at Taylor that he/she was going to kick Taylor's butt like he/she did in high school. Next thing I know, Reese was on the ground with me. My eyes were closed.
20. Then, Sean stated that he/she did not want any problems. Taylor stated something about that is all that we gave him/her in high school was problems. He/she kept stating that we tormented him/her and his life was pure hell until he/she was able to move away. Now, when he/she comes back home, we started the bullying all over again. Taylor mentioned that he/she never felt safe and was going to let Sean know what it was like all those years.
21. Next thing, I heard was Jordan Foster telling Taylor to calm down.
22. Sean was in the hospital for about a week afterwards because he/she had a concussion, fractured skull, broken eye socket and I think, a broken nose. His/her face was swollen and black and blue.

Morgan McKenzie  
Morgan McKenzie

## STATEMENT OF JORDAN FOSTER

### Prosecution Witness

1. I live across the street from Taylor Rodgers' parents' house. I have lived across the street from them for twenty years.
2. I am a teacher at the high school where Sean Evans, Reese Cassidy, Morgan McKenzie and Taylor Rodgers attended. I taught all of them in English Literature, which was an honors course.
3. Taylor was smart. He/she received all A's in his/her classes throughout high school. He/she was younger than the other students because he/she was moved two grades ahead due to his/her intelligence. Even then, I do not think that classes were that hard for Taylor.
4. Taylor was a gawky teen. He/she was tall (6'2"), thin (185 lbs), and scrawny. He/she had glasses and braces. Taylor was not a popular student. He/she was bullied throughout high school. I witnessed a few incidents that I stopped.
5. Taylor was always prepared for class. Sean, Reese, and Morgan were not prepared most of the time. They received good grades, but Taylor was a better student. When I would call on them during class, they could not answer the questions. I would then call Taylor and he/she could.
6. As such, I noticed that Sean, Reese and Morgan did pick on Taylor after classes. They would call him/her names such as teacher's pet, brown noser, etc. Sean was relentless. Every chance that Sean had, he/she would pick on Taylor. I heard about Sean pushing Taylor in the hallway, pushing Taylor into the pool when fully dressed, and other very mean and aggressive things.
7. Sean, Reese, and Morgan were inseparable during high school. They had a lot of the same classes together and were always together when they were not in class.
8. One incident that I witnessed was in the bathroom. I went into the bathroom and I observed Sean, Reese and Morgan in one stall. I heard crying. I asked what they were doing. They turned around and ran out of the bathroom. Taylor's head was wet, and he/she was crying. I asked what happened, but Taylor would not tell me.
9. In another incident, I saw Taylor picking up his/her books off the floor as Sean, Reese and Morgan was laughing as they walked down the hallway.
10. During high school, Taylor mostly ate lunch alone on the front steps of the school. He/she tried to stay away from the other students. In his/her senior year, the bullying was so bad that Taylor ate lunch in the principal's office.

11. I had not seen Sean, Reese, or Morgan since they graduated high school. Taylor would come home every so often from college. I noticed that Taylor was no longer the tall scrawny kid from high school. He/she had grown up very nicely into a handsome/pretty young adult.
12. On September 16, 2016, I heard yelling outside. I looked out of the window and saw Taylor had come home but there were three other individuals outside. I heard someone yell at Taylor to stop following them. I went outside and recognized the three individuals as Sean, Reese, and Morgan.
13. Morgan had approached Taylor who was walking towards the house. Then, Morgan grabbed Taylor's elbow and Taylor punched Morgan in the face. I yelled for them to leave, but I do not think that they heard me.
14. Morgan fell to the ground holding his/her face. After I saw Taylor hit Morgan, I told my spouse to call the police.
15. Taylor then approached Reese who was standing behind Taylor's car. Reese went up to Taylor and pushed Taylor. Taylor kept his/her balance then hit Reese who fell next to Morgan.
16. Sean was standing on the curb away from everything. Taylor started to approach Sean who stated that he/she did not want any problems. Taylor yelled that is all Sean gave him/ her was problems in high school. Taylor was getting more agitated as he/she approached Sean.
17. Taylor pushed Sean who fell to the ground. Then, Taylor began punching Sean in the face several times. I tried to yell for Taylor to stop but it was like he/she could not hear anything. I ran over to where Taylor and Sean were. As I approached Taylor, he/she slammed Sean's head into the concrete road. I pulled Taylor off from Sean and threw him/her on the grass. Taylor's face was red and he/she was crying. Taylor looked to be in shock.
18. I held Taylor back from Sean. Morgan and Reese got up and ran over to Sean. The police came to the scene and questioned everyone that was there. Sean was laying in the street. I did not see him/her move.
19. An ambulance came and took Sean to the hospital.
20. I overheard Reese and Morgan tell the police that Taylor followed them all day then went crazy when all they were doing was trying to talk to him/her. Morgan was the aggressor in the situation. He/she approached Taylor when Taylor was walking into his/her home. Unfortunately, Sean was the one who received the worst of it.

*Jordan Foster*  
Jordan Foster

## STATEMENT OF TAYLOR RODGERS

### Defense Witness

1. My name is Taylor Rodgers. I am a junior at Yale University where I study Neuroscience. I had to apply to enter the Neuroscience program. I am nineteen years old.
2. I am a member of the Yale Neuroscience Education Undergraduate Research Organization, Yale Neuroscience Outreach Group, American Red Cross at Yale, and Chi Alpha Christian Fellowship.
3. When I first started attending Yale, I signed up at the Payne Whitney Gym for personal training. I work with a personal trainer who focused on muscular health, body building, and mixed martial arts. As I started to see results, I added Yoga classes for relaxation.
4. When I came to Yale, I decided that life would be different than in high school. In high school, I was severely bullied. I did not go a day in high school where someone did not push my books out of my hand, trip me, push me, mess with my food, or worse things. Life was hell in high school.
5. I was a nerd that did not fit in with any group at school. I was a loner at school. I was two years younger than everyone in my classes. People thought I was intentionally trying to show them up in school. I simply answered the questions that was asked in class. Even though I took honors classes, the classes were easy.
6. The people who bullied me the most were Sean Evans, Reese Cassidy and Morgan McKenzie. There is part of me that never wants to run into them again and part of me wants to show them how I turned out.
7. In my senior year, the bullying by Sean, Reese and Morgan was so severe that I had to start seeing a therapist because I would have panic attacks and did not want to go to school. I also tried to avoid going to school but my parents forced me to go. I felt isolated.
8. I did have some friends that I grew up with, but they attended a different high school. I still kept in contact with them. They are Payton Andrews and Lee Reid.
9. As if the bullying wasn't enough, I lost my grandfather during my senior year. This added to my feelings of loneliness. My grandfather was always there for me. I could talk to him about anything going on in school and he gave me advice. He left me his lion ring which I started to wear once I graduated and went to college. I did not want Morgan, Reese and Sean to see that I had something because they would take it just to hurt me. After I graduated and moved away, I always wore my grandfather's ring on my right hand. I felt like he was with me whenever I wore it. It gave me strength.

10. In September 2016, I decided to go home for homecoming weekend. I met Payton and Lee before the game. I picked them up. We parked in the parking lot. At the time, there were no vehicles around my car. Payton had volunteered to work the concession stands. Lee and I watched the game.
11. As I was exiting the bathroom, I observed Sean, Reese, and Morgan coming towards me. I kept my head down and continued to walk. Lee was behind me and went to the concession stand. As I walked by them, Morgan kept staring at me. I kept my head down and avoided them.
12. I waited by the home team stands for Lee who was still at the concession stand. I noticed Sean, Reese and Morgan exited the bathrooms.
13. Lee got his/her drink and was walking behind Sean, Reese and Morgan. As Morgan passed me, he/she bumped my shoulder. Sean, Reese, and Morgan were laughing. When Lee came up next to me, we walked into the stands. We walked past Sean, Reese and Morgan and sat two rows behind them. I did not want them behind me and it was the only other place to sit in the stadium as it was a packed crowd.
14. I ignored them during the game. It was nice to catch up with Lee. Payton did come and join us in the second half of the game.
15. After the game, we walked down the stairs of the stands. Morgan bumped me hard in the shoulder. I ignored it; then Morgan said to "watch it," and pushed me hard. I almost lost my balance, but Lee was able to catch me. I was angry and tired of them picking on me. I walked away.
16. I went to my car while Payton and Lee used the restroom again.
17. As I was waiting for them to come, I noticed that Morgan parked next to me. My anger was increasing. Sean asked if I was okay but I ignored him/her. Morgan left. I got in my car, but I did not leave because I was waiting for Payton and Lee.
18. About five minutes later, Payton and Lee came to the car and we decided to go to Old Towne Drive Thru because one of our other friends worked there. We pulled in. I noticed that I parked in front of Morgan, Sean and Reese. I could not escape them.
19. The waiter brought food to their car then stopped at my car. I knew the waiter from my neighborhood. Morgan gave me the middle finger. I ignored him/her. We talked for a little while then left. I told Payton and Lee that I wanted to leave because I felt like Sean, Reese, and Morgan would start trouble and I did not need it. Things were finally going great in my life. I did not need to get into trouble.
20. Payton, Lee and I went to another friend's house then went to my house.

21. When we got to my house, Payton and Lee went into the house. I had a friend from Yale call before I went in and I talked to him/ her for a little while.
22. When I exited my vehicle, I started to walk to the front door. Morgan was parked across the street. Morgan yelled out, “why are you following us?” I did not respond and kept walking. Morgan grabbed my elbow, and I turned around to punch him/her. At that moment I felt like I was in high school again, and I was being bullied by Morgan, Reese and Sean.
23. Reese was behind my vehicle and Sean was on the sidewalk at the time that I hit Morgan. After punching Morgan, Reese came up to me and appeared to be ready to punch me. I ducked and hit him/her instead. Sean stayed on the sidewalk.
24. All I could remember at this time was all the bullying the three of them did to me, such as pushing my head into the toilet and pulling the handle. They called it a swirlie. Or the times that they would walk by me and give me a wedgie by pulling my underwear up high. A couple of times, they took my clothing during gym class while I was taking a shower. I had to walk out of the locker room with no clothes. I never felt safe going to school. None of the principals or teachers ever stopped any of it even though they saw it.
25. Sean was the worst of the three. He/she would push my school books out of my hands whenever he/she saw me in the hallway. When my homework would fall out, he/she would take it and put it in the trash. I never ate in the school cafeteria because Sean would either trip me and my food would spill onto the floor or would mess with the food by placing things in it.
26. I had asked my parents to let me transfer or go back to the grade that I should be in in order to avoid these guys but they said it would build character.
27. After punching Morgan and Reese, I still felt threatened. Remembering all those times that Sean bullied me in school, the fear and anger, I felt the need to protect myself. It was three people against only me. No one came to help me. I was isolated like before.
28. I told Sean to leave me alone. He/she stayed where he/she was and snickered. I told him/her that I did not want any trouble and asked why they followed me home. Sean said nothing but had this stupid grin like before. I started shaking.
29. Sean began moving, and I thought that he/she was going to hit me. I hit him/her in the face. Sean fell to the ground. Then, I do not recall what happened after that until Jordan Foster pulled me off of Sean. When I looked down, Sean was no longer snickering. He was a bloody mess.

30. I was arrested by the police officer. I was only trying to protect myself from people who bullied me, assaulted me, and terrorized me since high school. All I wanted to do was spend some time with my friends and Morgan, Reese, and Sean had to follow me home and start trouble like they did in high school.

*Taylor Rodgers*  
Taylor Rodgers



## STATEMENT OF PAYTON ANDREWS

### Defense Witness

1. My name is Payton Andrews. I am a friend to Taylor Rodgers. We are the same age, but Taylor was a genius in school. He/she was moved up a couple grades because of it.
2. Taylor would tell me and Lee Reid about the bullying that he/she received from Morgan McKenzie, Reese Cassidy, and Sean Evans. It was brutal.
3. Lee, Taylor and I went to a few high school basketball and football games during high school. I saw how Reese, Morgan and Sean treated Taylor. It was not cool. We tried to protect Taylor, but I think we made things worse for Taylor during school.
4. At one basketball game, Taylor had to use the restroom. He/she walked down the stands and Sean tripped Taylor. Taylor fell three down steps and hit his/her face on the gym floor. I stood up and helped Taylor up. Reese, Morgan and Sean started laughing. Lee got up and confronted them. Sean stood up and pushed Lee asking Lee what he/she was going to do about it. Lee pushed him.
5. Taylor told us that the following Monday was the worst for him. Sean caught him/her in the bathroom and gave him/her a swirlie. Taylor said that he/she sucked in some water because Sean kept his/her head in the toilet for a second round. Taylor was sick for a few days after that event. He/she did not go to school.
6. Taylor is a nice kid. He/she is really smart and very artistic.
7. After graduating high school, Taylor went to Yale. He/she was determined never to be a victim of anyone's bullying. He/she wore his/her grandfather's lion ring all the time. Taylor said that it gave him/her strength.
8. Taylor started training with a personal trainer and taking martial arts. He/she was excited, and we talked about it when we did talk. We kept in contact after high school. You could tell that Taylor was in a better place but that he/she would never be able to let go of high school.
9. Lee and I asked Taylor to come to his/her high school homecoming game in order to see each other. Taylor was reluctant. He/she had finally escaped his/her tormentors and was nervous to run into them again. I reminded Taylor that he/she was in a better place.
10. Taylor was seeing a therapist every two weeks to deal with the issues from high school and had been working out. Taylor agreed after trying to back out several times.
11. On September 16, 2016, Taylor picked up Lee and me at my house. Taylor parked his/her car in the school parking lot. We went into the game. My significant other

volunteered me to work the concession stands for the first half. Lee and Taylor went to watch the game. I noticed Taylor come down to use the restroom.

12. Taylor was standing by the home team stands when I saw Morgan, Reese, and Sean walk by Taylor. I saw Morgan bump into Taylor. I could not see if anything was said. Lee and Taylor went to sit in the bleachers next to my girlfriend/boyfriend which was two rows behind where Morgan, Reese, and Sean were sitting.
13. When I was done with the concessions stands, I went to sit with Lee and Taylor. I was able to see half of the game. After the game was over, Taylor, Lee and I walked down the bleachers. Taylor accidentally hit Morgan's shoulder as Morgan was standing in the stairs between the bleachers. Morgan turned around and pushed Taylor. Lee caught Taylor. Taylor just stormed away.
14. Lee and I used the restroom, and we agreed to meet Taylor at the car. When we got the car, Taylor was standing outside and looked so angry. We got into the car and Taylor stated that high school was hell for him/her and seeing Morgan, Reese, and Sean brought back a lot of bad memories. His/her hands were shaking when he/she grabbed the steering wheel.
15. We decided to get something to eat and talk. Taylor drove to the Old Towne Drive Thru. I had not been to that place in a long time. Taylor pulled into the only empty parking spot. We were right in front of Morgan, Reese and Sean. Morgan flipped us off. I don't know if Taylor saw that or not.
16. The waiter came to the window to take our order. Taylor and the waiter talked because they grew up on the same street. Taylor stated that he/she wanted to leave because he/she felt that Morgan, Reese and Sean would start something. So, we left.
17. We drove to another friend's house and stayed for a few hours. Then, we went back to Taylor's house. Taylor got a call from a friend and stayed in the car to talk. Lee and I went into the house and talked with Taylor's parents. They are the nicest people.
18. Next thing I knew, I heard people screaming outside. We went outside and I saw Taylor on top of Sean punching him/her. Jordan Foster came across the street and pulled Taylor off of Sean. Sean was barely moving in the road. There was blood. Mr. Rodgers called 911 for an ambulance. The police came, too.
19. Taylor's parents tried to calm Taylor down. Mrs. Rodgers made another call to Taylor's therapist and was telling the therapist what she saw. I walked over to Sean. His/her nose was bleeding, and he/she seemed to have an indentation similar to the lion ring on his/her forehead. Sean was not talking, and his/her eyes were not open.
20. I walked over to Taylor and he/she was shaking. Taylor sat on the grass and crossed his/her legs. All I could hear Taylor say was "no more."

21. Morgan and Reese ran to Morgan's car and started to drive away when the police pulled up. The police stopped Morgan and Reese.
22. The paramedics came and checked on Sean. The paramedics took Sean to the hospital.
23. I talked to the police and my dad came to pick me up as Taylor was under arrest.

*Payton Andrews*  
Payton Andrews

## STATEMENT OF LEE REID

### Defense Witness

1. My name is Lee Reid. I am 19 years old and attend Michigan Technological University where I am pursuing a Bachelor's Degree in Chemical Engineering with a minor in Aerospace Studies. I am a member of the ROTC program as well.
2. I snowboard during the winter and golf in the summer.
3. I am a member of the American Chemical Society as a student affiliate and the American Institute of Chemical Engineers.
4. I have known Taylor Rodgers since kindergarten. We grew up together and our parents are good friends. Taylor was always a care free child. He/she was adventurous, funny, extremely smart, and courageous until he/she was moved a few grades ahead in high school. Then, Taylor's demeanor changed. He/she was very reserved, quiet, sad, and depressed.
5. I would ask Taylor what was going on in school. He/she told me that three kids were bullying him/her. Taylor asked them to leave him/her alone but they would not. Taylor told about some kid named Sean putting his/her head in the toilet and flushing it. They would steal his/her clothes from the locker room while Taylor would shower. They would give him/her wedgies.
6. I observed some of the bullying. One day, Taylor and I were walking down the street to the area mini mart. Sean, Reese, and Morgan were walking the opposite way. Taylor wanted to turn around and go home, but I convinced him/her to keep going. When we were getting closer to Sean, Reese and Morgan, Taylor began to shake and acted uneasy. I told Taylor that he/she would be okay. Boy, was I wrong.
7. Reese and Morgan grabbed me and held me. Sean then began to poke Taylor. Taylor pushed Sean off and then Sean punched Taylor in the nose. Taylor's nose started to bleed profusely. I tried to get away from Reese and Morgan, but they were taller than me and stronger. Taylor just stood there as Sean punched Taylor in the stomach. Taylor fell to his/her knees. When Reese and Morgan let me go, all three of them were laughing. I tried to help Taylor, but Sean kicked me in the butt really hard, laughed, then walked away.
8. Once I was able to catch my breath, I grabbed Taylor and took him/her home. Taylor's mom took him/her to the emergency room. Taylor had a broken nose and bruised rib.
9. When Taylor graduated, he/she wanted out of the state in order to start new. Taylor was accepted to Yale.

10. Payton and I convinced Taylor to come to his/her high school homecoming game in September 2016. Taylor was reluctant, but he/she has made great strides with working out and seeing a therapist. We thought Taylor could handle it.
11. Taylor picked up Payton and me at Payton's house. We went to the high school. At the time we parked, there were very few cars there. We were early because Payton had to work the concession stand the first half of the game. Taylor and I went and sat next to Payton's girlfriend/boyfriend. I noticed that Taylor was wearing a ring. Taylor said that it was his/her grandfather's ring. It was nice and big. Taylor wore it on his/her right hand.
12. I wanted to get something to munch on and Taylor had to use the restroom. So, we left the stands and walked to the area where the concessions and restrooms were located.
13. I saw Taylor walk out of the restrooms. As he/she was walking towards the home team stands, I saw Morgan, Reese, and Sean walk towards Taylor. I was nervous. However, Taylor put his/her head down and walked past them.
14. Taylor stood at the home town stands and waited for me to get my stuff. I was walking behind Sean, Reese and Morgan. As they walked past Taylor, Morgan then bumped Taylor's shoulder and Morgan, Reese and Sean laughed.
15. When I was near Taylor, we walked back to the stands where we were sitting before we saw Sean, Morgan and Reese which was two rows behind them. It happened to be two rows back. We enjoyed the game and talked. Payton finally came to sit with us in the second half.
16. After the game was completed, I walked down the bleachers first with Taylor behind me. Payton was behind Taylor. I passed Morgan who was standing in the aisle of the stairs. Morgan pushed Taylor, but I was able to catch him/her from falling. Morgan said to watch it. Taylor ignored it, but I could tell that it bothered him/her.
17. Payton and I had to use the restroom. Taylor said that he/she would meet us at the car. When we finally made it to the car, Taylor was standing outside his/her driver's side door twisting his/her grandfather's ring. Taylor looked mad.
18. I asked him/her what happened. He/she said that Morgan, Reese and Sean parked next to his/her vehicle. Taylor stated that Morgan, Reese and Sean were trying to intimidate him/her, but Taylor would not allow them to ruin this night.
19. Once we all got into the car, Payton and I suggested going to Old Towne Drive Thru for some burgers. Taylor agreed. When we pulled into a spot, we were parked in front of Morgan, Reese, and Sean. Great. These three were around everywhere. The more that Taylor saw them, I could see his/her demeanor change.

20. Taylor was funny and happy when Payton and I saw him/her earlier. Now, Taylor was quiet, angry, and was not laughing at our jokes. Taylor just seemed to stare at the three of them. That is when I noticed that Morgan gave Taylor the middle finger.
21. The waiter came to our car and Taylor began talking to him. We decided to skip eating and go to another friend's house. After a few hours, we went to Taylor's house.
22. When we got to Taylor's house, he/she received a telephone call and told us that he/she would be a minute. We went inside to see Taylor's parents. When we were kids, we all wanted to hang out at Taylor's house. Taylor's parents were cool.
23. We were in the house for a few minutes when we began to hear yelling. Mr. Rodgers looked outside. He called the police. Payton and I went outside. At that time, Taylor was hitting Sean's head against the roadway. The road was concrete. Jordan Foster, who lived across the street, ran over and pulled Taylor off of Sean.
24. Morgan and Reese were on the ground holding their noses by Taylor's car.
25. Taylor's mom ran into the house in order to call the therapist. Taylor kept stating that he/she was tired of being bullied by these three. They made his/her life hell and were not going to continue any longer.
26. Neither Morgan, Reese nor Sean live near Taylor and should not be in the neighborhood unless they were purposefully following us. Each of them lives on the other side of town.
27. When the ambulance arrived, they checked Sean and took him/her in the ambulance. The police arrested Taylor.

Lee Reid

Lee Reid

**STATEMENT OF HARLEY DAVIS**  
Defense Witness

1. My name is Harley Davis. I am Taylor Rodgers' therapist.
2. I have a Bachelor's Degree in Psychology and a Master's Degree from Michigan State University where I graduated summa cum laude for both degrees.
3. I have had Taylor Rodgers as a patient since his/her senior year in high school. I diagnosed him/her with post traumatic stress disorder ("PTSD"). PTSD is a mental disorder that develops after a traumatic event.
4. Taylor's main treatment is counseling. After high school, Taylor did receive medication but was taken off of it after six months because Taylor was no longer susceptible to the bullying from his/her peers and was enjoying college.
5. Victims of bullying, a hateful crime, are at risk for long-term effects of PTSD. Taylor's symptoms included isolating behavior that was not normal for Taylor, attempts to avoid school, sleep issues and nightmares, and anxiety. This started when Taylor advanced two grades.
6. After Taylor graduated from high school and moved to Yale, we continued our therapy sessions via Skype bi-weekly. Taylor seemed to be getting better once he/she was removed from the environment.
7. Taylor's anxiety came back when he/she started to talk about going home to his/her homecoming game with Payton and Lee. Taylor began to re-experience the moments that he/she was bullied by three individuals named Morgan McKenzie, Reese Cassidy and Sean Evans. From the stories that Taylor told me, Sean was the biggest aggressor of the three.
8. Two weeks before homecoming, Taylor began having nightmares. Taylor had not had nightmares since his/her first semester in college. Taylor's anxiety and anger started to show again. As we were talking the week before Taylor was going home, Taylor was deciding whether he/she really wanted to go home. Taylor wanted to avoid it.
9. Taylor was in such a good place before he/she decided to go to the homecoming game. I saw Taylor's self esteem at an all-time high, he/she was participating in school activities, hanging out with friends, and enjoying himself/herself.
10. Unfortunately, the closer the homecoming game came, the more sessions that we had. Taylor's self-confidence seemed low, he/she was agitated, and he/she cancelled planned activities, and started to separate himself/herself from friends.

11. It is my diagnosis that Taylor was suffering from PTSD at the time that he/she assaulted Morgan McKenzie, Reese Cassidy and Sean Evans. Taylor had mentally disassociated to protect himself/herself from harm when Morgan approached him/her.
12. It is my opinion that Taylor was in fear that he/she was about to be hurt as he/she has been in the past.

*Harley Davis*

Harley Davis



## **DEBRIEFING THE MOCK TRIAL**

The debriefing may well be the most important part of the Mock Trial. It should bring into focus the role play which has taken place, relating the events of the Mock Trial to the American court system and its role in maintaining the rule of law. The videotapes that Circuit Court will provide will assist with debriefing.

The following outline is meant only to serve as a guide and can of course be adjusted to meet the specific needs and interests of your group. The participants should first be asked how they each felt in their roles and whether they perceive their mock trial to have been realistic. The group should then discuss the procedures of a trial, the participants in a trial, and the American court system.

- I. What are the major parts of a trial?
  - A. Jury Selection
    1. How are jurors selected?
    2. Why might an attorney prefer that a particular juror not serve in his case?
      - a. How may an attorney challenge such a juror?
  - B. Opening Statement
    1. What is its purpose?
      - a. To inform the jury of the nature of the case.
      - b. To acquaint the jury with the essential facts.
    2. What should the opening statement include?
      - a. Name of case.
      - b. Name of attorney.
      - c. Name of client.
      - d. Name of opponent.
      - e. Facts and circumstances of the case.
      - f. Simple and concise statement.
      - g. What the attorney will prove in the case.
  - C. Direct Examination
    1. What is its purpose?
      - a. To present enough evidence to warrant a favorable verdict.
      - b. To present facts with clarity and understanding.
      - c. To present your witness to the greatest advantage.
      - d. To establish your witness's credibility.
    2. How does one conduct a direct examination?
      - a. Clear and simple questions.
      - b. Elicit information through questions and answers.
      - c. Never ask a question to which you don't know the answer.
    3. How does one get evidence before the court?
      - a. Through the testimony of witness.
      - b. Through the introduction of real evidence (photographs, murder weapon, etc.).

#### D. Cross Examination

1. What is the purpose?
  - a. To negate your opponent's case.
  - b. To discredit the testimony of his witness.
  - c. To discredit real evidence which has been presented.
2. What is its scope?
  - a. Can usually only ask questions relating to testimony made during direct examination.
  - b. Attempt to explain, modify, or discredit that which has been introduced as evidence.
3. How does one conduct cross-examination?
  - a. Use narrow, leading questions.
  - b. Do not have witness repeat statements unless you are leading somewhere.
  - c. Do not ask questions to which you do not know the answer.

#### E. Redirect and Re-Cross examination

1. If either attorney wishes, he can conduct redirect or re-cross examination.
2. This is most often done to either reestablish or again discredit statements by the witnesses.

#### F. Closing Argument

1. What is its purpose?
  - a. To synthesize for the jury all the facts and evidence of the case.
  - b. To state clearly, simply and logically the case for your client
  - c. To stress all the equities in the case, while advocating your clients' position.

#### G. Judge's charge to the jury

1. What is its purpose?
  - a. To indicate to the jurors the law in the case.
  - b. To summarize the arguments made for either side.
  - c. To explain possible alternative judgments to the jury.
2. What should it contain?
  - a. Summary of the charges.
  - b. Summary of the law.
  - c. Summary of the arguments for each side.
  - d. Summary of the alternatives available to the jury.

#### H. Jury retires to determine verdict

1. What does a jury do?
  - a. Each juror discusses his reaction to the arguments presented.
  - b. Jury discusses the validity of these arguments.
  - c. To reach a verdict bases upon their judgment and the law in the case.
2. How many votes are necessary for a verdict?
  - a. Depends upon jurisdiction in which case is heard.
  - b. Usually a unanimous verdict is required.

c. If there is a hung jury (one which neither finds the defendant innocent nor the number of votes necessary to find him guilty) an entire new trial may be held.

I. Clerk reads verdict

J. Judge determines sentence

1. What does the judge consider in determining the sentence?
  - a. Minimum and maximum sentence according to law.
  - b. The nature of the crime.
  - c. Defendant's prior record, if any.
  - d. Defendant's reputation in the community.
  - e. Defendant's responsibilities in the community.
2. What kind of sentence can a judge impose?
  - a. Must conform to the limits prescribed by law.
  - b. Can, however, suspend the sentence or put the defendant on probation.

II. Review the major participants in a trial

A. Clerk

1. Has charge of clerical side of court business.
2. Keeps records, seals and care of papers pertaining to judicial process.

B. Judge

1. Umpire between opposing attorneys.
2. Rules on objections of attorneys.
3. Sees that the trial moves along.
4. Charges jury as to the law.
5. Decides sentence.

C. Attorneys

1. Plaintiff's or Prosecuting Attorney's duty to overcome burden of proof and "sell" his/her case to the jury.
2. Defendant's attorney must anticipate Plaintiff's/Prosecuting Attorney's case and not allow him/her to overcome the burden of proof.

D. Foreman

1. Acts as chairman and spokesman of the jury.
2. Presides over discussions in the jury room.
3. Delivers verdict to the court.

E. Witnesses

1. Deliver testimony regarding relevant issues before the court.
2. Serve to either validate or discredit allegations made by other witnesses.

III. Questions about the actual case

- A. What was the charge against the defendant?
- B. What issues were raised in the case?
- C. What were the arguments of each attorney?
- D. Why did they make these arguments?
- E. What evidence was presented for each side?
- F. What facts, evidence or arguments were not presented?
- G. What was the decision of the court?

H. Why was that decision reached?

I. Can the losing party appeal his case to a higher court?

IV. Questions about our trial system

A. Does our judicial system insure that the defendant receives a fair trial?

B. What provisions in our system insure that the defendant receives a fair trial?

C. Are some part of the trial more important than others?

D. What is the importance of the sequence of events of a trial?

E. Are some trial participants more important than others?

F. In what ways can this procedure be improved?

G. What changes, if any, would you recommend in our judicial system?