

People v. Freeman

1. Battery 2. Possession of Methamphetamine

Featuring a Pretrial Argument on the Fourth Amendment



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* Note: Charlie Tacktig and Peyton Shuba are not included in this version of the case packet.

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STATEMENT OF CHARGES

The prosecution charges Freeman with two counts:

Count 1—Battery (Penal Code §242)

Count 2—Possession of a Controlled Substance (California Health and Safety Code 11377(a))

PHYSICAL EVIDENCE

Only the following physical evidence may be introduced at trial. The prosecution is responsible for bringing the following:

Exhibit 1: Map of downtown Santa Bella

Exhibit 2a: Photograph of Riley Freeman’s closet; door open with black bag inside

Exhibit 2b: Close-up photo of black bag inside Freeman’s closet

Exhibit 2c: Close-up photo of black bag inside Freeman’s closet; top open; contents visible

STIPULATIONS:

1. Chris Borja and Riley Freeman are of similar size and build, regardless of the witnesses portraying them. No arguments about the physical traits of either witness is permitted.
2. It is undisputed that the person who assaulted Borja broke several ribs with one punch.
3. It takes about 15 minutes to walk from the library to Parker’s apartment at a normal pace.
4. The officer had sufficient probable cause to arrest Freeman for assault.
5. Lin Stark’s and Hayden West’s knowledge is limited to this case packet.
6. Cameron Awbrey (male) was convicted on human trafficking in 2017. Awbrey is currently in prison.

PRETRIAL FACTS AND ARGUMENTS

The case of *People v. Freeman* features a pretrial argument on the Fourth Amendment. The pretrial argument is a closed library, meaning that any reference to information outside of the facts and legal authorities provided in this case packet is prohibited. The Fourth Amendment protects individuals from government intrusion into their privacy without due process of law. The pretrial issue in this case is whether Freeman’s Fourth Amendment rights were violated. The argument will turn on whether or not Freeman had a reasonable expectation of privacy in the places and things searched, whether the officer’s actions constituted a search under the Fourth Amendment, and whether or not the search was legal.

The basic facts relevant to the pre-trial motion are these: Before the search in question, Officer Hayden West determined that the defendant Riley Freeman had battered Chris Borja. West had collected evidence that he believed showed that Freeman was under the influence of drugs at the time of the attack. West arrested Riley Freeman for battery. After the arrest, West searched the bedroom where Freeman had been staying—a guest room in West’s own house. Freeman had not been paying rent or performing any services in lieu of rent. Officer West did not obtain a search warrant. Officer West found a legal amount of dried marijuana in plain sight. Officer West also discovered four bags with a total of 8.3 pounds of methamphetamine in a bag in the closet (see Exhibits 2A, 2B, and 2C). As a result, West charged Freeman with Possession of a Controlled Substance. The question for the court is whether the search of the guest room where Riley Freeman was staying, as well as the search of the closet and the bag therein, was legal. If the court finds that the search was unlawful, the second count—Possession of a Controlled Substance under California Health and Safety Code 11377(a)—will be dismissed. Moreover, Exhibits 2A, 2B, and 2C, as well as any reference to the search or the fruits of the search will be excluded.

The Defense will bring a motion to suppress the evidence obtained during the search of the guest room where Freeman had been staying and argue that West’s search of Freeman’s room, closet, and bag violated Freeman’s Fourth Amendment right to be free from unreasonable searches and seizures under the Fourth Amendment, and that it also violated Freeman’s rights under Article 1, Section 13 of the California Constitution. The Prosecution will argue that the search was lawful under both the Fourth Amendment and Article 1, Section 13 of the California Constitution

LEGAL AUTHORITIES

U.S. Constitution, *Fourth Amendment*

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

California Constitution, *Article I, Section 13*

The right of the people to be secure in their persons, houses, papers, and effects against unreasonable seizures and searches may not be violated; and a warrant may not issue except on probable cause, supported by oath or affirmation, particularly describing the place to be searched and the persons and things to be seized.

California Penal Code §242

A battery is any willful and unlawful use of force or violence upon the person of another.

CALCRIM 960. Simple Battery (Pen. Code, § 242)

The defendant is charged in Count 1 with battery in violation of Penal Code § 242. To prove that the defendant is guilty of this crime, the People must prove that:

The defendant willfully and unlawfully touched Chris Borja in a harmful or offensive manner. The slightest touching can be enough to commit a battery if it is done in a rude or angry way. Making contact with another person, including through his or her clothing, is enough. The touching does not have to cause pain or injury of any kind.

California Health & Safety Code § 11350(a)

Except as otherwise provided in this division, every person who possesses any controlled substance specified in...section 11054 [which includes methamphetamine]...unless upon the written prescription of a physician, dentist, podiatrist, or veterinarian licensed to practice in this state, shall be punished by imprisonment in a county jail for not more than one year[.]

CALCRIM 2304. Simple Possession of Controlled Substance (Health & Saf. Code, §§ 11350, 11377)

The defendant is charged in Count Two with possessing methamphetamine, a controlled substance in violation of California Health & Safety Code 11055. To prove that the defendant is guilty of this crime, the People must prove that:

1. The defendant unlawfully possessed a controlled substance;
2. The defendant knew of its presence;
3. The defendant knew of the substance’s nature or character as a controlled substance;
4. The controlled substance was in a usable amount.

A usable amount is a quantity that is enough to be used by someone as a controlled substance. Useless traces [or debris] are not usable amounts. On the other hand, a usable amount does not have to be enough, in either amount or strength, to affect the user.

CASE LAW

1 ***Katz v. United States, 389 U.S. 347 (1967)***

2 **Facts:** Defendant Petitioner was convicted of transmitting wagering information by
3 telephone across state lines. Evidence of defendant’s conversations, overheard by FBI
4 agents who had attached an electronic listening and recording device to the outside of the
5 closed telephone booth from which the calls were made, was introduced at the trial. The
6 FBI did not receive a warrant to gather information about defendant’s calls. At trial,
7 Defendant sought to have that evidence excluded under the Fourth Amendment.

8 **Issue:** Were the contents of defendant’s telephone booth conversations protected under
9 the Fourth Amendment’s protections against unreasonable searches.

10 **Holding:** For evidence of the contents of defendant’s phone calls to be protected under the
11 Fourth Amendment, he must have both a subjective and objective reasonable expectation
12 of privacy. To meet the first part of the test, the person from whom the information was
13 obtained must demonstrate that they, *in fact*, had an actual, subjective expectation that the
14 evidence obtained would not be available to the public. In other words, they must be able
15 to show that they kept the evidence in a manner designed to ensure its privacy. The second
16 part of the test is objective: would society at large deem a person's expectation of privacy
17 to be reasonable? If it is plain that a person did not keep the evidence at issue in a private
18 place, then no *search* is required to uncover the evidence. For example, there is generally

1 no search when police officers look through garbage because a reasonable person would
2 not expect that items placed in the garbage would necessarily remain private. In Katz, the
3 Court held that "The Government's activities in electronically listening to...petitioner's
4 words violated the privacy upon which he justifiably relied while using the telephone booth
5 and thus constituted a 'search and seizure' within the meaning of the Fourth Amendment."
6 An enclosed telephone booth is an area where, like a home, a person has a constitutionally
7 protected reasonable expectation of privacy; such an invasion is presumptively
8 unreasonable in the absence of a search warrant.

9
10 ***Turner v. State, 573 So. 2d 657 (Miss. 1990)***

11 **Facts:** Turner and an accomplice robbed a grocery store and murdered the owner, taking
12 her car and house keys. They then proceeded to rob the owner's house and drive to
13 Chicago. Turner had been staying with his cousin in a trailer park. The police, with the
14 cousin's consent, searched the trailer, finding evidence that connected Turner with other
15 robberies. All evidence was in plain sight. Defendant wishes to have the evidence
16 suppressed.

17 **Issue:** Does the defendant have a reasonable expectation of privacy over the evidence?

18 **Holding:** No. The court held that the cousin freely gave permission for the officers to
19 search the trailer; that there was no reasonable expectation of privacy in that defendant did
20 not have exclusive possession or control of the premises; that defendant was a guest in the
21 cousin's house and not a tenant; that the evidence was in plain sight; and that defendant
22 paid no rent and there was no agreement that he worked for his cousin in exchange for
23 rent. The cousin verbally gave consent for the search of the trailer and subsequently
24 executed a written consent.

25
26 ***Rakas v. Illinois, 439 U.S. 128, 134, 99 S. Ct. 421, 425, 58 L. Ed. 2d 387 (1978)***

27 **Facts:** In searching for a getaway car in a robbery, police stopped the car that the defendant
28 was in and searched it. They found a rifle under the front passenger seat and rifle shells in
29 the locked glove compartment. The defendant did not own the car and claimed not to own
30 the weapons discovered. The defendant was charged with armed robbery based, in part, on
31 the evidence obtained from search and moved to have the evidence suppressed.

32 **Issue:** Did the defendant have a reasonable expectation of privacy in the contents of the
33 car?

34 **Holding:** No. For the defendant's rights to have been violated, the defendant must have
35 been the 'victim' of the search. A person who is aggrieved by an illegal search and seizure

1 only through the introduction of damaging evidence secured by a search of a *third person's*
2 premises or property has not had any of his Fourth Amendment rights infringed. "In order
3 to qualify as a 'person aggrieved by an unlawful search and seizure' one must have been a
4 victim of a search or seizure, one against whom the search was directed, as distinguished
5 from one who claims prejudice only through the use of evidence gathered as a consequence
6 of a search or seizure directed at someone else"—that is, the Court held that a vehicular
7 passenger in a car he did not own had no such legitimate expectation of privacy in the
8 contents of the car.

9
10 ***Stoner v. California, 376 U.S. 483 (1964)***

11 **Facts:** Stoner was suspected of robbing a bank. Police learned that he was staying at a
12 hotel. A clerk at the hotel "consented" to a search of Stoner's room. The police found a gun
13 in the room. Stoner moved to exclude the evidence because it was obtained during an
14 unreasonable search.

15 **Issue:** Could the clerk give consent to the search of the defendant's hotel room?

16 **Holding:** No. The hotel clerk had no authority to give consent to a police search, and the
17 police had no reason to believe the clerk had such authority. Even though the clerk could
18 enter the room to perform his duties, he could not consent to a police search. It did not
19 matter that the police officer believed the clerk had authority if such a belief was not
20 objectively reasonable.

21
22 ***U.S. v. Davis, 332 F.3d 1163 (9th Cir. 2003)***

23 **Facts:** One of two roommates in a two-bedroom apartment consented to a police search of
24 the entire premises. The officers found a gun in a duffel bag, under the bed of the non-
25 present roommate. The roommate moved to exclude the gun from evidence as he did not
26 consent to the search.

27 **Issue:** Could the roommate give consent to search the duffel bag of her absent roommate?

28 **Holding:** No. The gun was in a bag and under the non-present roommate's bed. Though
29 both roommates equally "owned" the room, the consenting roommate did not have joint
30 access over the duffel bag and did not have express authorization from the other roommate
31 to consent to the search. Thus, the police did not act in good faith, the search was illegal,
32 and the gun could not be brought into evidence.

33
34 ***People v. Cruz, 61 Cal.2d 861 (1964)***

35 **Facts:** A few temporary guests at an apartment were suspected of possession of marijuana.
36 One of the transient guests told the officer he could "look around." The officer conducted an

1 extensive search lasting several hours. The officer found marijuana in a suitcase of another
2 transient guest, the defendant.

3 **Issue:** Did the transient guest’s consent lawfully allow the officer to search the defendant’s
4 suitcase?

5 **Holding:** No. The officer was aware that both the transient guest and the defendant were
6 temporary guests. The transient guest could only give consent to items that were hers.

7 Thus, the search of the suitcase was outside the scope of consent. The officer did not ask
8 the defendant for permission to search the suitcase and such consent would have been
9 necessary for a search. Thus, the police did not act in good faith and the marijuana was
10 suppressed.

11
12 ***State v. Cover, 450 So. 2d 741 (La. Ct. App. 1984)***

13 **Facts:** Police suspected defendant of narcotics dealings, but were unable to get enough
14 evidence for a warrant. Defendant was staying at his girlfriend’s house, so the police tailed
15 the girlfriend. They stopped the girlfriend for a minor traffic violation and searched the car.

16 They told the girlfriend that they suspected defendant of drug dealing, and that they
17 wanted to search the apartment. Before they could ask her permission to search the
18 apartment, she told them that she had a small quantity of marijuana for her personal use in
19 her bedroom. They told her that they would not formally arrest her for that marijuana if
20 she allowed them to search the apartment. She agreed, and the police found copious
21 amounts of drugs in plain sight.

22 **Issue:** Did the girlfriend truly give consent, or was she coerced?

23 **Holding:** The girlfriend did not give consent, as she was coerced into giving consent. One of
24 the specifically established exceptions to the requirements of both a warrant and probable
25 cause is a search conducted pursuant to consent. When the state seeks to rely upon consent
26 to justify the lawfulness of a search, it has the burden of proving that the consent was given
27 freely and voluntarily. These types of cases at least make clear that when the “prosecution
28 seeks to justify a warrantless search by proof of voluntary consent, it is not limited to proof
29 that consent was given by the defendant, but may show that permission to search was
30 obtained from a third party who possessed common authority over or other sufficient
31 relationship to the premises or effects sought to be inspected”—that is, while the girlfriend
32 in this case was coerced into granting consent therefore making the search unlawful, she
33 did, in the absence of coercion, have common authority to grant consent for the officers to
34 search the apartment.

35

1 **WITNESS STATEMENTS**

2
3 **Prosecution Witness: Officer Hayden West**

4
5 My name is Hayden West, I am 31 years old, and I am the only field officer in the small
6 Santa Bella Police Department. I am also the chief investigating officer in this case. Prior to
7 taking on the case I was an acquaintance of the defendant, Riley Freeman. I knew Freeman
8 because Freeman was friends with my fiancée, Lin Stark, and lived with us in our
9 apartment for a couple of months because Freeman was having financial problems.

10
11 I've known my fiancé Lin for about three and a half years. Some time ago, I visited the Taste
12 of Tanterra restaurant where Lin, a recent immigrant, used to work. During that visit, Lin
13 gave me a note that said Lin was being treated like a slave. After investigating, we arrested
14 Cameron Awbrey, the owner of the restaurant, for the human trafficking of Lin. I ended up
15 seeing Lin a lot after the investigation while preparing for my trial testimony, and we
16 developed feelings for each other. We are now engaged and will be getting married soon.

17
18 In late 2017, after her experience at Taste of Tanterra, Lin created a support group at the
19 Santa Bella library to help other victims of human trafficking. Riley Freeman was a frequent
20 visitor to the library while Lin was hosting her support group. Over that time Lin and
21 Freeman got to know each other and became relatively close. Lin actually invited Freeman
22 to live with us in September when Lin heard that Freeman had lost his job and was having
23 difficulty paying his rent. It is very generous of Lin to help people like that, but I was quite
24 wary of the situation. I love Lin very much and after her experience at the Taste of
25 Tanterra, I am very protective of her and want to shield her from unscrupulous and abusive
26 people. I was worried that Freeman was just a freeloader and was exploiting Lin's
27 kindness in order to live rent-free. Nevertheless, Freeman did end up staying with us for
28 quite some time.

29
30 On January 25th, 2018, I was on duty at the station. At 5:04 P.M., I received a report, via a
31 911 call, of an assault and battery on a local resident, Chris Borja. Borja was out on a walk
32 when Borja was allegedly assaulted by Riley Freeman at 5:03 pm., about a block or so away
33 from the library. The ambulance took Borja to the hospital and the EMTs reported that
34 Borja had passed out after making the call. I was unable to speak to Borja that day, as the
35 hospital didn't want Borja to have visitors. I asked the hospital to inform Borja that Borja

1 needed to report to the police station as soon as possible after Borja was released. Borja
2 was released the next morning with five broken ribs. Borja came directly to the station to
3 discuss the attack. Borja told me he recognized Riley Freeman as the attacker. He told me
4 that he did not know Freeman well but had had a negative interaction with Freeman at the
5 company where he worked, LIT-erature Books. Borja also told me that based on Freeman's
6 appearance and demeanor that Freeman appeared to be under the influence of something.

7
8 After my interview with Borja, I went to the library to see if I could find anything about
9 Freeman's whereabouts or activities that day to try to corroborate Borja's claim that
10 Freeman was the attacker. I spoke with Haven Mabuku, the local librarian, who informed
11 me that Freeman had been in the library from 10:00 A.M. to a little before 5:00 P.M. on the
12 day in question. Mabuku also told me that Freeman was behaving bizarrely while he was in
13 the library. Based on my conversation with Mabuku and the statement of Borja, I decided to
14 arrest Freeman for battery of Chris Borja. Luckily for me, Freeman was already in the
15 library, so I was able to make the arrest quickly. Upon arrest, Freeman immediately denied
16 attacking Borja. Freeman told me that at the time of the attack Freeman met with a friend
17 after leaving the library at about 5:00 P.M. Yet when I asked Freeman, Freeman could not
18 recall who Freeman was with or where Freeman was located at the time of the attack. I
19 transported Freeman to the station and placed Freeman in a holding cell. Before I put
20 Freeman in the cell I noticed that Freeman had light bruising on the knuckles of his right
21 hand.

22
23 After I made the arrest, but before I transported Freeman to the station, I did a standard
24 custodial search of Freeman. In his pants pocket I found a slip of paper that said "Parker E.
25 new cell" along with a phone number. I assumed "Parker E." was Parker Eisenhower. I
26 knew Eisenhower because Eisenhower is a Santa Bella resident and a convicted felon.
27 Eisenhower is currently on parole but has criminal convictions for both possessing and
28 dealing a myriad of different illegal drugs, including methamphetamine. I also knew
29 Eisenhower was friends with Freeman. I even saw Eisenhower a few times at my place
30 when he was with Freeman, and always with a large backpack on. I had also heard
31 anonymous and unconfirmed rumors that Eisenhower had recently begun dealing
32 methamphetamine again.

33
34 [At this point, I knew that Freeman could no longer stay with Lin and I, so I went to the
35 guest room to clean out Freeman's stuff and also to see if I could gather any more evidence.

1 I immediately found a small, legal amount of marijuana located on top of the dresser. I also
2 found 8.3 pounds of methamphetamine stashed away in Freeman's closet. After seizing the
3 drugs as evidence, I added a second charge for the possession of methamphetamine. I then
4 interrogated Freeman about the methamphetamine, but Freeman denied everything except
5 ownership of the bag, and had no explanation for the drugs.]
6

7 Based on my investigation, I believe that Freeman was high on methamphetamine on
8 January 25th, assaulted Chris Borja, and lied about it. I also believe that the
9 methamphetamine found in Freeman's bedroom was Freeman's.
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1 **Prosecution Witness: Chris Borja**

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3 My name is Chris Borja. I am 75 years old. I grew up in a traditional family—the kind of
4 family you’d see in old 1950’s television. I was raised in Virginia, I had two “All American”
5 parents, and I had an older sister who I got along with splendidly. From an early age my
6 parents encouraged me to read and I quickly fell in love with books and became a voracious
7 reader. As a result, I spent my childhood exploring the majesty and drama of literature. I’ll
8 always be grateful to my parents for introducing me to books.

9

10 I’ve always been a hard worker. Back in the day, I attended the University of Virginia and
11 studied English. I worked as an English teacher at Franklin High School for over 40 years,
12 then retired at the age of 65. I was really looking forward to enjoying free time with my
13 family and pursuing interests that I’d never had to time to pursue when I was working.
14 But, what they don't tell you about retirement is how boring and lonely it can get. I found
15 myself, too often, sitting alone with nothing to do. I knew I needed a change. So three years
16 ago I decided to move to California and rejoin the workforce. I am currently working as an
17 editor at a pretty nifty new business, LIT-erature Books. Our goal is to re-introduce
18 millennials to the joys of reading.

19

20 I had met Riley Freeman only once before the day of my assault. In late November, 2017,
21 Riley scheduled a meeting with me at my office. Riley wanted to pitch me Riley’s novel in
22 hopes that I would publish it. I immediately hated Riley Freeman. Riley’s behavior was far
23 too familiar and casual for my taste. Maybe I’m just getting old, but Riley showed me and
24 our little company no respect. Riley showed up to the meeting in an old ratty sweatshirt
25 and filthy jeans. Riley even put Riley’s feet up on my desk. I have no patience for people
26 like that, and LIT-erature Books had no need for a disrespectful boor like Riley—not to
27 mention that the pitch was incoherent. The only thing I remember about it was that it was
28 some bizarre science-fiction piece about a drug-addicted Martian. I had no interest in
29 Riley’s book and when I told Riley that he stormed out and violently slammed the door. I
30 hadn't thought about Riley again until the attack.

31

32 Riley Freeman assaulted me on January 25th, 2018, at 5:03, I know this because I had just
33 checked my watch. I was walking home from work like I always did, and I saw someone up
34 ahead on the south sidewalk of Santa Bella Square, just standing there. As I walked closer I
35 could hear that the person was muttering to themselves. When I got within a few feet the

1 person looked up at me with a terrifyingly deranged look in their eyes. And while I only
2 had a quick look at the person, I immediately recognized the face as Riley Freeman. Riley
3 looked crazed, demented, and unhinged. I could almost see foam forming at Riley's mouth
4 like an animal.

5

6 When he saw me, Riley immediately lunged at me and punched me square on the left side
7 of my rib cage with his right hand. I hit the pavement and Riley started sprinting away. I
8 knew I had broken some ribs. I took out my phone and called 911. I probably looked liked I
9 should've been a star in one of those "life alert" commercials. At some point after that the
10 ambulance arrived and took me to the hospital, but I must have passed out because I don't
11 remember it.

12

13 The left side of my rib cage was badly fractured from the punch and the fall. For someone
14 my age, it is a devastating injury because bones and cartilage don't heal as effectively as in
15 younger people. It took me two months to recover enough to resume a normal daily life. I
16 continue to have nagging pain from Costochondritis—inflammation of the costal cartilage,
17 the structure that connects each rib to the sternum. The doctors told me I'll probably never
18 be at 100% again.

19

20 Because of Riley Freeman I will be in pain for the rest of my life. I can never forgive Riley
21 for what Riley did. Riley needs to pay for what happened. I want Riley to be locked away for
22 a long, long time.

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1 **Prosecution Witness: Haven Mabuku**

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3 My name is Haven Mabuku and I am 51 years old. I earned my English degree at the Santa
4 Bella Community College and ever since graduation have been working as a librarian in our
5 wonderful little Santa Bella library. Our library is open from 10 A.M. to 5 P.M. seven days a
6 week. Since I'm the only full-time librarian, I work a lot; usually from 9:30 A.M. to 5:30 P.M.,
7 setting everything up in the morning and closing down at night. It's a lot of work, but I just
8 love spending all my time in the library spreading the joy of reading to youths in our town.
9 Kids even like to call my library the "Safe-Haven" (because of my name) and it gives me so
10 much joy to know I can make a difference in their lives. I wish I had had a place like that
11 when I was a kid.

12

13 My childhood was difficult, to say the least. I lived in a rough neighborhood. By the time I
14 graduated from high school I started hanging out with the wrong crowd. Most of my friends
15 were bad influences on me, and I made a lot of choices that I'm not proud of. I found myself
16 turning to drugs and alcohol. Everything was spiraling out of control before my eyes and I
17 finally made the decision that I needed to try to turn my life around. Checking myself into a
18 rehab facility was the best decision I ever made. On April 15th, I will have been sober for 30
19 years. It was a difficult process, but I consider myself incredibly lucky to be here today.

20

21 I am aware who Riley Freeman is. Riley's a good kid and a regular in my library. I've struck
22 up a couple of conversations with Riley and they've always been very pleasant. Riley
23 usually spends time in the computer lab reading and writing, which is nice. Kids these days
24 usually spend most of their time on their gadgets and app-phones.

25

26 On January 25th, Riley attended the library like normal. Something was off though. I could
27 immediately tell something was wrong. Riley didn't look so good. Riley looked like Riley
28 was on drugs. I can't say for certain or anything, just that I remember clearly what my old
29 friends would look like while high and Riley had the exact characteristics. As I watched
30 Riley sit in the computer lab, I noticed Riley was even muttering to Riley's self quietly and
31 holding Riley's right hand as if it hurt. I asked Riley if Riley was safe, and to see if I could
32 offer any help. Riley assured me multiple times that Riley was okay. When I asked him
33 about Riley's hand, Riley said, "I banged it," without looking up. Considering I had no proof
34 of anything, I thought it best not to overstep. Riley was in my library from 10 A.M. to a little

1 before 5 P.M working on Riley's novel just like normal. I believe Riley might have left
2 around noon to get something to eat, but I can't recall for sure.

3

4 The next day, January 26th, I got a visit from Officer Hayden West. Officer West interviewed
5 me and I told the officer everything I knew, including my suspicions about Riley. Officer
6 West then requested a witness statement. Riley seems like a good kid. I hope Riley's okay.

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1 **Defense Witness: Riley Freeman**

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3 My name is Riley Freeman, and I'm 21 years old. Five years ago, when I was 16, I decided to
4 free myself from the shackles of conformity, imposed upon me by an authoritarian regime;
5 in other words, I dropped out of high school. School just didn't click with me. I could never
6 pay attention in class, my nightly homework was so boring I never ended up finishing it;
7 my grades kept slipping, and I realized that, for me, traditional public school education
8 doesn't work. Someday, I'm going to be a famous novelist. I know I've got talent when it
9 comes to writing. The only reason I haven't found success yet is that I just haven't gotten
10 my big break.

11

12 My best subject was always English, but I really only enjoyed the creative writing and
13 narrative assignments. I found it much more enjoyable to create the story than to have
14 some supposedly classic novel forced down my throat. The only book we read in high
15 school that I really liked was *Fear and Loathing in Las Vegas* by Hunter S. Thompson. I
16 wouldn't write essays, I loathed doing research, and I mostly refused to read the books that
17 were assigned. I did well on all my writing assignments though, even submitting a few of
18 my pieces to various competitions nationwide. I tried to enter every creative writing
19 competition I could find and I actually got first place in one regional short fiction contest,
20 and an honorable mention in another.

21

22 For a struggling novelist whose talent has thus far gone unnoticed, daily expenses are an
23 insurmountable obstacle. I've therefore lived, for the past three months or so, with Hayden
24 West and Lin Stark. Stark and I met at the library about six years ago and we've been best
25 friends ever since. When Lin noticed that I was struggling to make ends meet, Lin offered
26 me a room at Lin's home. They told me that it would be free of charge, as long as I helped
27 around the house whenever it was necessary. I'm incredibly grateful to Lin and Hayden; I
28 have no idea how I'd survive without them.

29

30 Hayden West is Lin's fiancé. I like Hayden. Hayden doesn't really talk to me much (if at all,
31 now that I think about it), but there seems to be a mutual respect between the two of us. I
32 once overheard Hayden say that "maybe it's time for that Godforsaken, good-for-nothing,
33 lazy, hopeless son-of-a-bitch Freeman to live out on the streets for a change." But I
34 understand that it's nothing personal—tensions like that just bubble up in the household
35 from time to time. I brought it up to Lin a couple of days later and Lin said not to worry.

1 Apparently, Hayden was exhausted after a long day at work, and Lin said Hayden didn't
2 mean it. I never approached Hayden about it because Hayden seems to like me. I trust that
3 Lin told me the truth. All I can say is: Lin is the most honest person I know. If Hayden
4 disapproved of me, Lin would surely tell me about it.

5

6 On January 25th, I followed my usual routine. I woke up at 9 A.M., brushed my teeth,
7 showered, and ate breakfast. I said hello to Lin—I usually don't bother saying hello to
8 Hayden; Hayden tends to be kind of moody in the morning—and walked to the local
9 library. There was a community activity going on there run by Haven Mabuku. There's a
10 computer lab at the library which I usually use for my literary enterprises. I was there from
11 10 A.M. to 1 P.M. After getting a delicious lunch from a nearby Chipotle, I went back to the
12 computer lab and wrote from 2 P.M. to 5 P.M. The library closes at 5, so my work ended
13 there for the day.

14

15 I had made plans to spend the evening with my good friend Parker Eisenhower. I've known
16 Parker ever since I can remember. Parker's a genuinely good guy, though Parker did get
17 tangled up with the wrong crowd in Parker's junior year of high school and started dealing
18 drugs. I had already dropped out before junior year, otherwise I very well may have joined
19 him. The allure of some quick cash was what seduced Parker, and it would've seduced me
20 too had I not distanced myself from that crowd. I've never dealt drugs, but I used to smoke
21 marijuana with Parker from time to time before I was arrested. That's as far as it ever went.
22 I've never tried any other drugs.

23

24 Often after I finished writing for the day, I would hang out with Parker Eisenhower;
25 sometimes at his place, sometimes at mine. He's even been over at Lin's several times.
26 Anyway, on the 25th, right after I finished writing for the day, I went over to Parker's house
27 We ate pizza and played video games from about 5:15 P.M. to 9 P.M. Parker doesn't sell
28 drugs anymore. Parker stopped dealing after being released from jail. I never left the house
29 during that period. To reiterate: I consumed no drugs on January 25th.

30

31 After hanging out with Parker, I went straight home. I turned on the television and saw on
32 the local news that someone named Chris Borja—who I had never heard of before—had
33 allegedly been assaulted. I was shocked. Santa Bella tends to be a relatively crime-free
34 town, and for someone to be suddenly assaulted while minding their own business was
35 simply unheard of.

1 I was even more shocked the next day when none other than Hayden West arrested me for
2 the assault of Chris Borja. On January 26th, after another day of work at the library, West
3 came to the library and talked to Haven for a few minutes. West walked up to me and told
4 me that I was under arrest for the battery of Chris Borja, read me my Miranda Rights, and
5 escorted me to the police department. There, West interrogated me for a few hours and
6 asked me where I had been the night before.

7

8 I was astonished. Not only did I not assault Chris, I was at Parker's place at the time of the
9 assault, and I've never even seen Chris for crying out loud! West put me in a holding cell
10 and later came back to say that there were bags of meth in my room. West showed me
11 some pictures, but I have never used or dealt meth in my entire life. In fact, that was the
12 first time I'd ever even seen meth. Sure, the bag is mine, but the meth isn't. I can't believe
13 this is happening to me. It all feels like a dream.

14

15 I guess I *can* draw at least one positive outcome from this whole situation. At least when
16 I'm rightfully let go, I can use this as the plot for my next novel. Think about it: a poor,
17 ambitious kid, stuck in lengthy court proceedings, accused of a crime they never
18 committed, deprived of the time they desperately needed to dedicate to fulfilling their
19 dream, then reemerging to become a great artist! Sounds like a bestseller to me.

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1 **Defense Witness: Lin Stark**

2

3 My name is Lin Stark. I am 27 years old. I am an immigrant from Tanterra. I live now in
4 Santa Bella with my fiancé, Hayden West, and until recently, my friend, Riley Freeman.
5 Riley is one of the sweetest people I know and isn't the type of person to commit a felony,
6 let alone a violent one.

7

8 When I came to the United States in June of 2015, I found work in Santa Bella, California, at
9 a restaurant called "Taste of Tanterra." There I was trapped and abused by a human
10 trafficker named Cameron Awbrey. He had hired me to be the chef and gave me the room
11 above the restaurant to live in. He had seemed so nice when I was first hired, but I soon
12 realized that he was abusing me. Mr. Awbrey worked me hard, didn't allow me to leave the
13 premises or talk to my family back home, and even locked me in my room once. I felt like a
14 slave. I wrote a note to police officer Hayden West, who rescued me. Hayden was very
15 supportive during the lead up to trial and even helped sponsor me to get a new visa so I
16 could stay in Santa Bella. Over the year it took to prepare for trial and for Cameron to be
17 found guilty, Hayden and I fell in love. We are now engaged and are preparing to get
18 married next January. We are even flying my family from Tanterra out for the occasion!

19

20 Following my traumatic experience with Cameron Awbrey, I started a program at the Santa
21 Bella library that helps other victims of human trafficking adjust to the trauma they went
22 through and to get back on their feet. I use my first-hand experience as a survivor of human
23 trafficking to help other victims see that they are not alone. I set up appointments and meet
24 with people one on one. I also set up workshops to help other victims learn skills they need
25 to get a new job or to feel safe living on their own. The library has become a sort of
26 sanctuary for human trafficking victims or as the librarian Haven Mabaku would call it, a
27 "Safe Haven." Haven has been very helpful by giving my program the space that we need to
28 function.

29 Working at the library, I saw Riley Freeman around a lot since we both use the library as
30 our base of operations. I would always see Riley enter the library, walk directly into the
31 computer lab with earbuds on, and start typing away at a library computer. June 14, 2017,
32 was the first time I spoke to Riley. I was always so curious about what Riley was typing up
33 that I finally just asked. Riley wasn't rude at all about being disturbed but was happy to talk
34 about Riley's writing with me. From then on, I would wave at Riley when Riley entered the
35 library and Riley would do the same. We continued having occasional chats until I asked

1 Riley to teach a writing workshop as a part of my program. I always tried to use people that
2 I knew to help support my local community and to build trust between my clients and
3 other community members. Riley agreed and taught a workshop on August 6, 2017. After
4 that Riley and I became a lot closer and we started eating lunch together every day. On
5 September 21, 2017, Riley confessed to me that Riley was struggling to pay rent. I
6 considered Riley to be a good friend so I offered Hayden's and my guest room as a place for
7 Riley to stay for a while. Riley appeared very happy and thankful for the offer.

8
9 Riley was fully moved in after two days. Riley was always polite and kept the house clean.
10 Riley even helped out around the house with chores, cooked meals, and walked with me to
11 the library every day. I enjoyed Riley's company and the extra help around the house.
12 Hayden didn't like Riley very much though. Hayden is very protective of me after
13 everything I've gone through and is wary of how close Riley and I have gotten. Hayden was
14 always worried that someone else would take advantage of me as Mr. Awbrey had. Hayden
15 thought Riley was just using me for a free place to stay, but I knew Riley wasn't like that.
16 Hayden would get grumpy when Riley and I would be talking and laughing while making
17 dinner or watching TV. Hayden did appreciate how Riley helped around the house, but
18 Hayden wanted Riley gone as soon as possible. He once said "I wish that loser Riley
19 Freeman would just get the hell out of this house." I told him Riley was a great kid who just
20 needed a break. I think he was just in a bad mood.

21
22 January 25, 2018, was a pretty uneventful day. Riley walked with me to the library that
23 morning as usual. Unusually, I left the library at 4:00 pm instead of 5:00 pm because I had
24 an appointment to go to. Riley came home later that night, ate dinner, and went to sleep.
25 Riley's behavior did not appear out of the ordinary and nothing about Riley's appearance
26 looked suspicious.

27
28 [Hayden says that Hayden found meth in Riley's room on January 26th. I don't know how it
29 got there, but I know for a fact it definitely isn't mine or Hayden's. Hayden and I have never
30 done drugs, and I don't own any bags like the one in the pictures Hayden showed me.]

31
32 In all of the time I've spent with Riley, I've never heard Riley talk about taking drugs, seen
33 Riley take drugs, or seen Riley appear under the influence of drugs. Riley is such a sweet
34 and polite person that I could never imagine Riley using any drugs, especially meth. Riley is
35 one of the nicest people I've ever met, and I could never imagine Riley attacking someone.

1 **Defense Witness: Parker Eisenhower**

2

3 My name is Parker Eisenhower, but I also go by other names such as Boo – that’s my stage
4 name. I’m a prop comic but I haven’t been getting many props from the audiences
5 lately. *Ba-dum ching*. In all seriousness, I love my job even though it can be difficult to make
6 ends meet. Luckily, I’m quite used to living frugally.

7

8 When I was around fourteen, my mom died in a car accident after drinking at a bar, and my
9 dad moved to a different country before I was born, so I was left by myself. Because my
10 parents were gone I ended up in the foster-care system which amplified my teenage angst. I
11 started writing poetry to try to cope with my emotions. Here’s a sample: “Life is like a box
12 of chocolates. You never know what you’re gonna get, but you’ll find out that it’s missing all
13 your favorites. You’ll find out you’re allergic to the sweet chocolates and that you can only
14 eat the dark ones. The bitter ones that nobody likes. Because you are what you eat, and
15 nobody likes the bitter, dark me.”

16

17 I tried reading it at my high school talent show, but that talent show sucked. I mean, slam
18 poetry is an acquired taste, but I expected at least some polite applause. What I got instead
19 was stunned silence. Finally, after about ten seconds of crickets, a single person in the
20 audience did stand up and clap. That person turned out to be Riley Freeman, my friend
21 from elementary school. We were close friends back then, but we lost track of each other
22 because I switched schools. Right after the show, we caught up, hit it off, and became best
23 friends again.

24

25 I remember that Riley was passionate about writing, so I asked Riley to start a writing club
26 together. From then on, Riley would always write sci-fi stories with me as I worked on a
27 long satirical comedy which included characters based on our teachers. Some of it, I admit,
28 was a little mean-spirited but Riley thought it was hilarious. Word about my little comedy
29 reached the newspaper club, so I let them publish it after changing the names of all the
30 teachers.

31

32 Unfortunately, the teachers figured out who I was writing about. I had always been an
33 average student, mostly B’s. But after the piece came out my grades started going down, a
34 lot. I kept asking my teachers how I could improve, but they just stonewalled me. I started
35 hanging out at a bar by the local college (my fake ID never failed to get me in). I’d crack

1 jokes about how school was a joke, and I got a lot of free drinks. It felt good to be
2 appreciated there. I ran away from my foster home and began living on my own by couch-
3 surfing, but I was flat out of cash. I asked around the bar for any kind of work, and I ended
4 up buying cigarettes and weed from a guy at the bar and then selling it to the kids at school.
5

6 By this point Riley knew something was wrong with me, but I pushed Riley away every
7 time Riley reached out to me. We smoked marijuana a few times together, but I never
8 opened up to Riley about my personal problems. I didn't want to get Riley wrapped up in
9 my mess.
10

11 In my junior year, I was caught selling weed when the police brought in the dogs. They sent
12 me to juvy. After that, my life was simple. Wake up, go to class, eat, go back to class, eat,
13 recreation, sleep, repeat. After I was released I didn't know what to do, so I went back to
14 selling drugs again. This time, I sold hard stuff like meth, cocaine, heroin, fentanyl, and acid.
15 I wasn't making any money, just enough to support my own habit. Eventually, I sold a bag
16 of heroin to an undercover cop. I was charged with a felony for drug dealing and sentenced
17 as an adult.
18

19 When I was sent to prison, it finally hit me how I wasted so much of my life, so I vowed to
20 live for others so that nobody would end up like me. At first, I wanted to be a lawyer or a
21 doctor, but I realized that it wasn't for me. The only thing I could think of that didn't require
22 a GED was to become a stand-up comedian, so that's what I did. I was released from prison
23 early for good behavior and became a free man like Riley.
24

25 Now I'm going to all the open mics I can within 100 miles, practicing anywhere and
26 anytime I can. I don't make any money, but the stage time is worth it. I've had some good
27 luck on YouTube, but I haven't been able to make it onto TV yet. It's tough as an ex-convict,
28 but I've been making my way step-by-step. About a year ago, I reconnected with Riley after
29 we hadn't seen each other for years, and we became close again. It feels crazy to me how
30 Riley has done so much in all these years because time froze for me after I went to juvie.
31

32 I remember the day of January 25, 2018 well. We had planned to hang out that day like any
33 other. Sometimes we hang out where Riley is staying. But usually we hang out at my place
34 because it's big, 4-bedroom, high ceilings, large kitchen, massive TV. That night we decided
35 Riley and I were going to hang out at my place. I woke up sometime in the afternoon

1 because I was exhausted from staying up late for an open mic the night before. I ate some
2 leftover Tanterran take-out for breakfast and wrote some ideas for a new bit. Riley leaves
3 the library at around 5:00 P.M. every day. My apartment is about a 15-minute walk from
4 the library, so Riley got there around 5:20 P.M. We spent some time talking about ideas for
5 Riley's latest novel. We had some pizza delivered, watched a movie, and then played Smash
6 on the Gamecube until it was dark.

7

8 Riley left my apartment around 9:00 P.M. I took my Maserati, dropped him off at his place,
9 and headed to the comedy club to try out my latest bit comparing the addictiveness of weed
10 and other drugs to videogames. Around midnight, I went back home and slept. Usually, I
11 sleep in, but I woke up early that morning to a knock on the door. It was a police officer,
12 who wanted to interview me about a crime that happened the day before. Apparently, Riley
13 was the main suspect, so we went to the police station where Officer West proceeded to
14 grill me for the next hour about Riley. I know that Riley didn't commit the crime. Riley and I
15 were chilling that day from 5:20 pm to 9:00 pm, so it's impossible. He asked me about my
16 backpack, which seemed weird. It's my prop backpack—where I keep my props for my act.
17 That's what I told him. I'm offended that I was accused of selling drugs to Riley and
18 stashing them in Riley's room. Riley doesn't do drugs. There's just no way Riley did it.

Exhibit 1



Exhibit 2A



Exhibit 2B



Exhibit 2C



TIMING

Time limits for each section are as follows:

1. Pretrial Motion (4 minutes); Rebuttal (2 minutes)
2. Opening Statement/Closing Argument (7 minutes); Rebuttal (1 minute)
3. Direct/Re-direct Examination (10 minutes)
4. Cross-Examination (10 minutes)

The time will be stopped when:

1. Witnesses are called to the stand
2. Attorneys make objections
3. Presider questions attorneys and witnesses

RULES OF EVIDENCE

ALLOWABLE EVIDENTIARY OBJECTIONS

1. Relevance

Unless prohibited by a pretrial motion ruling or by some other rule of evidence listed in these Simplified Rules of Evidence, all relevant evidence is admissible.

Evidence is relevant if it has any tendency to make a fact that is important to the case more or less probable than the fact would be without the evidence. Both direct and circumstantial evidence may be relevant and admissible in court.

2. More Prejudicial Than Probative

The court in its discretion may exclude relevant evidence if its probative value (its value as proof of some fact) is substantially outweighed by the probability that its admission creates substantial danger of undue prejudice, confuses the issues, wastes time, or misleads the trier of fact (judge).

3. Laying a Proper Foundation

To establish the relevance of direct or circumstantial evidence, you may need to lay a proper foundation. Laying a proper foundation means that before a witness can testify about his or her personal knowledge or opinion of certain facts, it must be shown that the witness was in a position to know those facts in order to have personal knowledge of those facts or to form an admissible opinion. (See "Opinion Testimony" below.)

4. Personal Knowledge/Speculation

A witness may not testify about any matter of which the witness has no personal knowledge. Only if the witness has directly observed an event may the witness testify about it. Personal knowledge must be shown before a witness may testify concerning a matter.

5. Opinion Testimony (Testimony from Non-Experts)

Opinion testimony includes inferences and other subjective statements of a witness. In general, opinion testimony is inadmissible because the witness is not testifying to facts. Opinion testimony is admissible only when it is (a) rationally based upon the perception of the witnesses (five senses) and (b) helpful to a clear understanding of his or her testimony. Opinions based on a common experience are admissible. Some examples of admissible witness opinions are speed of a moving object, source of an odor, appearance of a person, state of emotion, or identity of a voice or handwriting.

6. Expert Witness

A person may be qualified as an expert witness if he or she has special knowledge, skill, experience, training, or education in a subject sufficiently beyond common experience. An expert witness may give an opinion based on professional experience if the expert's opinion would assist the trier of fact (judge) in resolving an issue relevant to the case. Experts must be qualified before testifying to a professional opinion. Qualified experts may give an opinion based upon their personal observations as well as facts made known to them at, or before, the trial. The facts need not be admissible evidence if they are the type reasonably relied upon by experts in the field. Experts may give opinions on ultimate issues in controversy at trial. In a criminal case, an expert may not state an opinion as to whether the defendant did or did not have the mental state in issue.

7. Character Evidence

“Character evidence” is evidence of a person's personal traits or personality tendencies (e.g., honest, violent, greedy, dependable, etc.). As a general rule, character evidence is inadmissible when offered to prove that a person acted in accordance with his or her character trait(s) on a specific occasion. The Simplified Rules of Evidence recognize three exceptions to this rule:

1. Defendant's own character

The defense may offer evidence of the defendant's own character (in the form of opinion or evidence of reputation) to prove that the defendant acted in accordance with his or her character on a specific occasion (where the defendant's character is inconsistent with the acts of which he or she is accused). The prosecution can rebut the evidence. (See Usage Comments below.)

2. Victim's character

The defense may offer evidence of the victim's character (in the form of opinion, evidence of reputation, or specific instances of conduct) to prove the victim acted in accordance with his or her character on a specific occasion (where the victim's character would tend to prove the innocence of the defendant). The prosecution can rebut the evidence. (See usage comments below.)

3. Witness's character

Evidence of a witness's character for dishonesty (in the form of opinion, evidence of reputation, or specific instances of conduct) is admissible to attack the witness's credibility. If a witness's character for honesty has been attacked by the admission of bad character evidence, then the opposing party may rebut by presenting good character evidence (in the form of opinion, evidence of reputation, or specific instances of conduct) of the witness's truthfulness.

Admission of Prior Acts for Limited Non-Character Evidence Purposes

Habit or Custom to Prove Specific Behavior

Evidence of the habit or routine practice of a person or an organization is admissible to prove conduct on a specific occasion in conformity with the habit or routine practice. Habit or custom evidence is not character evidence.

Prior Act to Prove Motive, Intent, Knowledge, Identity, or Absence of Mistake

Nothing in this section prohibits the admission of evidence that the defendant committed a crime, civil wrong, or other act when relevant to prove some fact (such as motive, intent, knowledge, identity, or absence of mistake or accident) other than his or her disposition to commit such an act.

8. Hearsay

Hearsay evidence is evidence of a statement that was made other than by a witness while testifying at trial and that is offered to prove the truth of the matter stated. (This means the person who is testifying to another person's statement is offering the statement to prove it is true.) Hearsay is considered untrustworthy because the declarant (aka speaker) of the out-of-court statement did not make the statement under oath and is not present in court to be cross examined. Because these statements are unreliable, they ordinarily are not admissible.

Hearsay Exceptions

Out of practical necessity, the law recognizes certain types of hearsay that may be admissible. Exceptions have been allowed for out-of-court statements made under circumstances that promote greater reliability, provided that a proper foundation has been laid for the statements. The Simplified Rules of Evidence recognize only the following exceptions to the hearsay rule:

- a. **Declaration against interest** is a statement which, when made, was contrary to the declarant's own economic interest, or subjected the declarant to the risk of civil or criminal liability, or created a risk of making the declarant an object of hatred, ridicule, or social disgrace in the community. A reasonable person in the declarant's position would not have made the statement unless the person believed it to be true.
- b. **Excited utterance** is a statement that describes or explains an event perceived by the declarant, made during or shortly after a startling event, while the declarant is still under the stress of excitement caused by the event.
- c. **State of mind** refers to a statement that shows the declarant's then-existing state of mind, emotion, or physical condition (including a statement of intent, plan, motive, mental state, pain, or bodily health).
- d. **Records made in the regular course of business (including medical records)** are writings made as a record of an act or event by a business or governmental agency (Mock Trial does not require the custodian of the records to testify). To qualify as a business record, the following conditions must be established: (1) The writing was made in the regular course of a business; (2) The writing was made at or near the time of the act or event; and (3) The sources of information and method of preparation are trustworthy.
- e. **Official records by public employees** are writing made by a public employee as a record of an act or event. The writing must be made within the scope of duty of a public employee.
- f. **Prior inconsistent statement** is a prior statement made by a witness that is inconsistent with the witness's trial testimony.
- g. **Prior consistent statement** is a prior statement made by a witness that is consistent with the witness's trial testimony. Evidence of a prior consistent statement can only be offered after evidence of a prior inconsistent statement has been admitted for the purpose of attacking the witness's credibility. To be admissible, the consistent statement must have been made before the alleged inconsistent statement.
- h. **Statements for the purpose of medical diagnosis or treatment** are statements made for purposes of medical diagnosis or treatment and describing medical history, past or present symptoms, pain, or sensations.
- i. **Reputation of a person's character in the community** is evidence of a person's general reputation with reference to his or her character or a trait of his or her character at a relevant time in the community in which the person then resided or in a group with which the person habitually associated.

- j. Dying declaration** is a statement made by a dying person about the cause and circumstances of his or her death, if the statement was made on that person's personal knowledge and under a sense of immediately impending death.
- k. Co-conspirator's statements** are statements made by the declarant while participating in a conspiracy to commit a crime or civil wrong. To be admissible the following must be established: (a) The statement was made in furtherance of the objective of that conspiracy; (b) the statement was made prior to or during the time that the declarant was participating in that conspiracy; and (c) the evidence is offered either after admission of evidence sufficient to sustain a finding of the facts specified in (a) and (b) or, in the court's discretion as to the order of proof, subject to the admission of this evidence.
- l. Adoptive admission** is a statement offered against a party, that the party, with knowledge of the content of that statement, has by words or other conduct adopted as true.
- m. Admission by a party opponent** is any statement by a party in an action when it is offered against that party by an opposing party. The statement does not have to be against the declarant's interest at the time the statement was made. Objections for inappropriately phrased questions:

9. Leading Questions

Attorneys may not ask witnesses leading questions during direct examination or re-direct examination. A leading question is one that suggests the answer desired. Leading questions are permitted on cross-examination.

10. Compound Question

A compound question joins two alternatives with "and" or "or," preventing the interrogation of a witness from being as rapid, distinct, or effective for finding the truth as is reasonably possible.

11. Narrative

A narrative question is too general and calls for the witness in essence to "tell a story" or give a broad and nonspecific response. The objection is based on the belief that the question seriously inhibits the successful operation of a trial and the ultimate search for the truth.

12. Argumentative Question

An argumentative question challenges the witness about an inference from the facts in the case. The cross-examiner may not harass a witness, become accusatory toward a witness, unnecessarily interrupt the witness's answer, or make unnecessary comments on the witness's responses. These behaviors are also known as "badgering the witness." (If a witness is nonresponsive to a question, see the non-responsive objection (#16) below.)

13. Asked and Answered

Witnesses should not be asked a question that has previously been asked and answered. This can seriously inhibit the effectiveness of a trial.

14. Vague and Ambiguous Questions

Questions should be clear, understandable, and as concise as possible. The objection is based on the notion that witnesses cannot answer questions properly if they do not understand the questions.

15. Non-Responsive Witness

A witness has a responsibility to answer the attorney's questions. Sometimes a witness's reply is vague or the witness purposely does not answer the attorney's question. Counsel may object to the witness's non-responsive answer.

16. Outside the Scope of Cross-Examination

Re-direct examination is limited to issues raised by the opposing attorney on cross-examination. If an attorney asks questions beyond the issues raised on cross-examination, opposing counsel may object to them.

A NOTE ABOUT UNFAIR EXTRAPOLATION OR INVENTION OF FACT

1. There are no "unfair extrapolation," "invention of fact" or "outside the record" objections. Attorneys should handle improper invention of fact in the same fashion as real trial attorneys: through impeachment.
 2. On cross-examination, witnesses must remain responsive and may not contradict their witness statements. However, if a cross-examiner asks a question whose answer is not contained in the witness statement, the attorney has forced the witness to invent facts and the witness may give any answer that does not contradict her/his witness statement.
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- Witnesses may not disclaim any statements they have given in their witness statements. In

other words, this rule prevents a witness from saying her/his opinion or testimony has changed, s/he did not mean what s/he said previously, etc.

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