2015 Competition Case

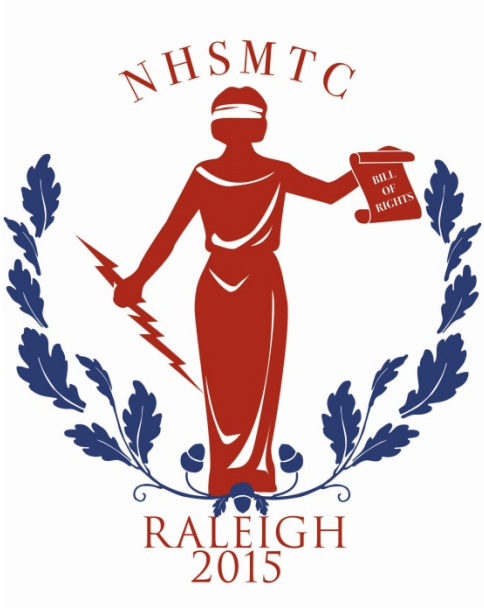
Carolina Center for CIVIC EDUCATION

PRESENTS THE

National High School Mock Trial Championship Competition

NATIONAL HIGH SCHOOL MOCK TRIAL CHAMPIONSHIP

Andy Archer
v.
Detail Security, Inc.



The Carolina Center for Civic Education sincerely thanks the many individuals who assisted with this year's national mock trial case. The case was created under the direction and inspiration of North Carolina Host Director M. Gordon Widenhouse, Jr. and North Carolina Supreme Court Justice Paul M. Newby. The case was authored by CCCE Vice President Rebecca J. Britton, CCCE Program Coordinator Susan H. Johnson, NHSMTC Board Member Paul W. Kaufman, and NHSMTC Case Committee member Jonathan A. Grode, with review and editing assistance from NHSMT Raleigh Steering Committee Members Carlos Mahoney and Katy Parker as well as the NHSMTC Case Committee. The authors would also like to acknowledge and thank Steve Tuttle, VP of Strategic Communications at TASER International, Inc. for his assistance.

TABLE OF CONTENTS

Problem Questions & Contact Information

Questions concerning these case materials should be sent to Sue Heath Johnson at the Carolina Center for Civic Education. Case material questions will be answered by the authors in conjunction with CCCE staff. Ms. Johnson may be emailed at sueheathjohnson@gmail.com.

Questions regarding national mock trial procedure or rules, including any questions involving the Rules of Competition or Rules of Evidence, should be directed to Dewain Fox, the Chair of the National Board of Directors. Mr. Fox may be emailed at dfox@shermanhoward.com.

Answers to legitimate and non-repetitive questions will be posted periodically in a supplemental memo on the 2015 National host website https://www.ncmocktrial.org/nationals2015/case.

You may begin submitting questions anytime. **The deadline for submitting questions is noon EDT on April 22, 2015**. The final update will be posted no later than **April 29, 2015**.

Questions must be sent in writing using email. Please be sure to include return contact information in the event we need to reach you to clarify a question. **No questions will be considered unless submitted under this procedure**.

Introduction and Acknowledgments

Dear Mock Trial Participants,

Our 2015 case, *Andy Archer v. Detail Security, Inc.,* is a fictionalized account of an actual historical event important to North Carolinians: the events surrounding the theft, and the return, of North Carolina's copy of the Bill of Rights. An interesting connection in this year's case is the partnership between North Carolina and Pennsylvania. Not only was the National Constitution Center in Philadelphia instrumental in bringing NC's Bill of Rights back to Raleigh, two Philadelphia lawyers were instrumental in bringing this mock trial case to life in collaboration with their NC colleagues!

Rebecca Britton would like to thank North Carolina Supreme Court Justice Paul M. Newby and National Host Director M. Gordon Widenhouse, Jr. for their inspiration and ideas in forming the basis of this case with an exciting and century-spanning historical thread unique to North Carolina. Many thanks go to all involved in the brainstorming, drafting, and editing of this wonderful project.

Susan Johnson would like to thank her husband, Frankford Johnson, for his incredible support and encouragement during this intense undertaking. Sue would also like to thank David and Christiana Kasko Johnson for their insights in framing the "incident" and for Christi's architectural expertise in creating Exhibit 2. Finally, Sue would like to thank all of you teachers and attorneys who invest untold hours in your students – your dedication changes lives, and it is an honor to support you.

Paul Kaufman would like to thank his wife, Sarah Kaufman, the best partner a mocker could have. He would also like to thank the United States Attorney's Office for the Eastern District of Pennsylvania and his Chief, Peg Hutchinson, for their unwavering support of mock trial and civics education. Finally, Paul would like to acknowledge Pete Jones and Joe Slights, who will be trying this case. I owe you everything, boys. It is an honor to write for you one more time.

Jonathan Grode would like to thank his wife, Jayne, for tolerating the fact that mock trial authorship is akin to First Amendment Freedom of Speech – the right to mock write cannot be quelled or suppressed!

The authors also thank Carlos Mahoney, Katy Parker, and the members of the NHSMTC case committee for their valuable comments and suggestions during the case revision process. Finally, we would like to thank the Carolina Center for Civic Education for hosting the National competition and all of the generous sponsors and donors whose support makes the event possible.

We hope you will enjoy trying the case as much as we enjoyed writing it for you.

Case Authors

Rebecca J. Britton

Susan H. Johnson

Paul. W. Kaufman

Jonathan A. Grode

Andy Archer
v.
Detail Security, Inc.

BRIEF CASE SUMMARY

July 2 – 6, 2014, Raleigh, NC. In 2014 – 225 years after the Bill of Rights was penned in 1789 – the State of North Carolina hosts a gala Independence Day celebration in downtown Raleigh. The event also celebrates the 2003 return of North Carolina's missing Bill of Rights with a rare public display of the document in the old Senate Chamber on the second floor of the Capitol – the very building in which a Union soldier allegedly found and absconded with it near the end of the Civil War. Speeches extolling our freedoms as enshrined in the Bill of Rights will be an important part of the event – including an appearance by a U.S. Supreme Court at 10 AM on July 4th.

Olympic hopeful Andy Archer is a 19-year-old rising sophomore at UNC-Chapel Hill, attending on a full track and field scholarship. Andy also happens to be the grandchild of Anne Archer, one of the two sisters in the family who eventually obtained the document from the Union soldier. In 2000 the two sisters sold the Bill of Rights to an antiquities dealer who was "caught" in an FBI "sting" operation to recover the document. The Archer sisters were soon portrayed in the media as recalcitrant thieves who did not return the document to its rightful place, seeking instead to profit from its sale. Andy Archer, only 8 years old in 2003, was deeply troubled by the treatment of his/her family, which eventually became so negative that it drove them from their home.

Blair Hooper is a 45- year-old Detail Security Guard with a love of North Carolina history and a record of confrontation with the Archers over their role in the perceived theft of the Bill of Rights. In person and over the web, Hooper and Archer clash. Then, on that fateful Independence Day, Hooper acts to stop what s/he claims to perceive as Archer's threat to the assembled dignitaries, deploying a TASER that causes Archer to tumble down a flight of stairs, shattering Archer's femur and Archer's Olympic dreams.

In August of 2014, Andy Archer files a lawsuit against Hooper's employer, Detail Security, for battery and for Detail's negligent hiring and retention of Hooper. Alex Lillington, Archer's friend and colleague in Revolutionary War reenactment, and Kelly Blount, an expert in security procedures, testify with Archer for the Plaintiff. Blair Hooper takes the stand in defense of her/his actions, joined by Madison Hancock, a member of Archer's reenacting unit who takes a very different view of Archer's behavior, and Terry Spaight, an expert who disputes Blount's assessment.

Trial is joined May 15, 2015.

STATE OF NORTH CAROLINA COUNTY OF WAKE	IN THE GENERAL COURT OF JUSTICE SUPERIOR COURT DIVISION _____ CVS 2014
Andy Archer,) Plaintiff,)) v.)) Detail Security, Inc.,)) Defendant.) _____)	COMPLAINT (Jury Trial demanded)

Plaintiff Andy Archer, by and through Plaintiff's attorneys, Craige, Scheef, Nichols & Parker, P.A., and complaining of the Defendant, alleges and says:

1. Plaintiff Andy Archer ("Archer") is a resident of Danville, Virginia.
2. Defendant Detail Security, Inc., (hereinafter referred to as "Detail") is a North Carolina corporation, doing business in Wake County, North Carolina.
3. Blair Hooper ("Hooper"), at all times relevant hereto, was an agent and employee of Defendant Detail, and s/he was acting in the course and scope of that employment on July 4, 2014.
4. On the morning of July 4, 2014, Archer participated as a reenactor in a holiday celebration on the Capitol grounds located in Raleigh, North Carolina.
5. As an event participant, Archer was part of a group of citizens and invitees who were present at the Capitol building to view North Carolina's copy of the Bill of Rights.
6. At the time of the events alleged herein, Archer waited with other invitees outside the East entrance to the Capitol building for the public to be allowed entry at 9:00 AM.
7. Just prior to 9:00 AM, Archer observed Abigail Mason, the chief of staff to the governor, and other dignitaries enter the Capitol. Ms. Mason and the dignitaries moved to the top of a staircase on the second floor area.
8. Archer, who sought redress of a familial grievance, stepped away from the public line in order to approach and speak with Ms. Mason.
9. As Archer entered the Capitol building, Hooper, a Detail employee who had threatened Archer on previous occasions, began threatening Archer without provocation.
10. Without cause, Hooper then used an electronic control device commonly called a "TASER" in an attempt to cause Archer intense pain. This initial attempt to "tase" Archer failed.
11. Fearing for his/her safety and well-being, Archer attempted to escape Hooper and to complete her/his effort to speak with Ms. Mason by climbing the staircase to give Ms. Mason a hand-written document for the governor.
12. Hooper climbed the stairs behind Archer and fired a second TASER shot at Archer.

At the time Hooper fired, s/he was aware that Archer was moving quickly and was on or near a staircase, and thus that firing the TASER put Archer at a high risk of catastrophic injury.

13. At no time was Archer acting in any dangerous or threatening manner. Nor did Archer pose a threat to any member of the public or any other individuals present for this event.

14. The second TASER shot by Hooper struck Archer, rendering Archer helpless and causing Archer to fall, both of which were foreseeable consequences of the act.

15. Helpless, Archer tumbled down the stone stairs, suffering a fracture of the left leg so severe that the bone penetrated the surrounding tissue and skin.

16. In addition, Archer suffered bruising, concussion, and severe emotional distress, pain and humiliation as a result of the actions of Defendant's employee.

COUNT 1: Battery

17. Paragraphs 1-16 are realleged and incorporated herein.

18. Under the totality of the circumstances described above, the use of any force against Archer was unreasonable and unjustified.

19. Under the totality of the circumstances described above, the use of a TASER device against Archer was unreasonable and unjustified.

20. Despite the unreasonableness of doing so, Hooper used a TASER device on Andy Archer on July 4, 2014.

21. As a direct and proximate result of the events alleged herein, Hooper caused severe and permanent injury to Archer.

22. At the time of the events alleged herein, Hooper was acting within the course and scope of employment with Detail.

COUNT 2: Negligent Hiring/Retention/Supervision

23. Paragraphs 1 through 22 are realleged and incorporated herein.

24. Detail had a duty to exercise reasonable and prudent hiring and management practices when employing security guards whom it knew or reasonably should have known would be interacting with the general public and whom it equipped with weapons capable of causing harm.

25. Detail was negligent in its hiring, continued employment, and supervision of Hooper.

26. Specifically, Detail:

a. Hired Hooper knowing his/her documented record of excessive force;

b. Retained Hooper despite her/his inappropriate, intimidating and threatening actions during the scope and course of his/her employment prior to July 4, 2014.

c. Failed to follow reasonable practices when it retained Hooper despite learning facts that demonstrated Hooper's ongoing unfitness for security work;

d. Assigned Hooper to provide security at an event where it knew or should have known that Hooper would have direct interaction with Archer and the 16th North Carolina Regiment, despite the fact that it knew or should have known that Hooper's personal animus against Archer and the 16th N.C. Regiment made assigning Hooper to this event unreasonably dangerous; and

e. Such other acts of negligence or gross negligence as are developed in discovery;

27. As a proximate result of Detail's negligence and/or gross negligence, Archer suffered severe and permanent injury.

DAMAGES

28. Paragraphs 1 through 27 are realleged and incorporated herein.

29. Prior to the events alleged herein, Archer was a competitive runner and Olympic hopeful on a full college scholarship.

30. As a direct and proximate result of the intentional, negligent, and grossly negligent acts and/or omissions of Detail and Hooper, Archer:

a. Suffered severe and permanent physical injuries, including but not limited to a compound complex fracture to Archer's left femur;

b. Lost her/his scholarship to the University of North Carolina, which was contingent on athletic performance rendered impossible by her/his injuries;

c. Suffered, and will continue to suffer, severe pain;

d. Suffered, and will continue to suffer, severe emotional distress;

e. Incurred substantial medical expense;

f. Lost future earnings and endorsement income from a career in professional track and field.

31. The conduct of Detail and Hooper constituted a conscious and intentional disregard and indifference to the rights and safety of Archer. Accordingly, Archer seeks punitive damages.

WHEREFORE, Archer prays that the court enter an order:

(1) Granting judgment against Detail in favor of Archer for an amount in excess of the jurisdictional minimum of the Superior Court of North Carolina;

(2) Granting punitive damages;

(3) Taxing the costs of this action against Detail; and

(4) Granting such other and further relief as the Court may deem just and proper.

This the 12th day of August, 2014.

CRAIGE, SCHEEF, NICHOLS & PARKER, P.A.

By: *Janet Ward Craige*

Janet Ward Craige
NC State Bar No. XXXX12
P.O. Box 87249
Raleigh, NC 27608

STATE OF NORTH CAROLINA	COUNTY OF WAKE
	SUPERIOR COURT DIVISION
GENERAL COURT OF JUSTICE	_____ CVS 2014

Andy Archer,	)	
Plaintiff,	)	
	)	
v.	)	ANSWER OF DEFENDANT
	)	(Jury Trial demanded)
Detail Security, Inc.,	)	
	)	
Defendant.	)	
_____	)	

Defendant Detail Security, Inc. (hereinafter referred to as "Detail") by and through its attorneys, Newby, Manger, Blocker & Mahoney, LLP, come now and respond to Plaintiff's complaint as follows:

1. Upon information and belief, admitted.
2. Admitted.
3. Denied.
4. Upon information and belief, admitted.
5. Upon information and belief, admitted.
6. Defendant lacks information sufficient to form a belief as to the truth or falsity of this allegation. Accordingly, it is denied.
7. Defendant lacks information sufficient to form a belief as to the truth or falsity of this allegation. Accordingly, it is denied.
8. Defendant lacks information sufficient to form a belief as to the truth or falsity of this allegation. Accordingly, it is denied.
9. Denied.
10. Denied. By way of further response, Detail employee Blair Hooper ("Hooper") observed Plaintiff moving in a rapid, threatening manner through an area in which s/he was not yet permitted to be in the direction of several high value protectees, including the chief of staff to the governor.
11. Defendant lacks information sufficient to form a belief as to the truth or falsity of this allegation. Accordingly, it is denied. By way of further response, Plaintiff was advancing on the dignitaries armed with, among other things, a large bladed weapon.
12. Denied as stated. Defendant admits only that Hooper fired a TASER X2 electronic control device to ameliorate the risk to the dignitaries.
13. Denied. By way of further response, Plaintiff was advancing, at speed, with a large bladed weapon, through an area in which s/he was not permitted to be.

14. Denied as stated. Defendant admits only that the second TASER shot was effective.

15. Denied as stated. Defendant admits only that Plaintiff fell and was injured.

16. Defendant lacks information sufficient to form a belief as to the truth or falsity of this allegation. Accordingly, it is denied.

17. Defendant incorporates herein its response to the preceding paragraphs.

18. Denied. By way of further response, these actions were both justified and reasonable.

19. Denied. By way of further response, these actions were both justified and reasonable.

20. Defendant admits that Hooper used a TASER X2 device on Plaintiff. The remaining allegations of this paragraph are legal conclusions to which no response is required. To the extent a response is deemed required, they are denied.

21. The allegations of this paragraph are legal conclusions to which no response is required. To the extent a response is deemed required, Defendant lacks knowledge of Plaintiff's injuries sufficient to form a belief as to their extent. Accordingly, these allegations are denied.

22. Denied.

23. Defendant incorporates herein its response to the preceding paragraphs.

24. The allegations of this paragraph are legal conclusions to which no response is required. To the extent a response is deemed required, they are denied.

25. The allegations of this paragraph are legal conclusions to which no response is required. To the extent a response is deemed required, they are denied.

26. Denied, including all subparts.

27. The allegations of this paragraph are legal conclusions to which no response is required. To the extent a response is deemed required, they are denied.

28. Defendant incorporates herein its response to the preceding paragraphs.

29. The allegations of this paragraph are legal conclusions to which no response is required. To the extent a response is deemed required, they are denied.

30. The allegations of this paragraph are legal conclusions to which no response is required. To the extent a response is deemed required, they are denied.

31. The allegations of this paragraph are legal conclusions to which no response is required. To the extent a response is deemed required, they are denied.

FURTHER ANSWERING THE COMPLAINT AND AS AN AFFIRMATIVE DEFENSE THERETO, DEFENDANT ALLEGES AND SAYS:
(Rightful Use of Force in Defense of Others)

32. That the injury or damage incurred by Plaintiff, if any, was caused by Hooper's reasonable belief that force was necessary to prevent a felonious assault by Plaintiff on the assembled dignitaries, who were not the aggressors. More particularly, Hooper anticipated that Plaintiff posed this danger because Plaintiff conducted him/herself in a clearly suspicious and dangerous manner, requiring actions to protect others, in that he/she:

a. Stepped out of line from other invitees on the premises and made aggressive and or threatening movements towards others;
b. Moved rapidly in the direction of public officials without making her/his intentions known;
c. Had dangerous weapons on his/her person creating a risk to others, including but not limited to a musket and bayonet;
d. Failed to stop when ordered to do so;
e. Resisted Hooper in the reasonable and prudent exercise of Hooper's duties, including by punching Hooper; and
f. Any such other acts or matters as may be revealed in the course of discovery or trial.

33. That Hooper used only that force which was reasonably necessary to prevent the anticipated assault.

WHEREFORE, having fully answered the Complaint of Plaintiff, Defendant prays for a trial by jury and that the Plaintiff's Complaint be dismissed, that Plaintiff have and recover nothing, and that Defendant be awarded with the costs and disbursements of this action and for such other and further relief as this Court may deem just and proper.

NEWBY, MANGER, BLOCKER & MAHONEY, LLC

By: *Robert E. Newby*

Robert E. Newby
Bar No. XXXX254
P.O. Box 99230
Raleigh, NC 27035

STIPULATIONS

1. All documents, signatures, and exhibits, including pre-markings, included in the case materials are authentic and accurate in all respects; no objections to the authenticity of the documents will be entertained. The parties reserve the right to dispute any legal or factual conclusions based on these items and to make objections other than to authenticity.

2. Jurisdiction, venue, and chain of custody of the evidence are proper and may not be challenged.

3. All statements were notarized on the day on which they were signed. All witnesses reviewed their statements immediately prior to trial and were given an opportunity to revise any statements previously made. None did so. All witnesses were advised both when giving the statement and when reviewing it to include all material facts within their knowledge.

4. All evidence was constitutionally recovered and all statements were constitutionally obtained. No objection will be entertained to the constitutionality of any evidence, nor will any motions to suppress on constitutional grounds be permitted.

5. A witness must be formally tendered to the Court before giving an expert opinion.

6. Plaintiff Andy Archer suffered a compound, complex fracture of her/his left femur when s/he fell after being struck by the second TASER shot on July 4, 2014. A compound fracture is one in which the broken bone penetrates the skin. A complex fracture is one in which the bone breaks into more than one piece.

7. Following surgery and rehabilitation, Andy Archer is able to walk and to run somewhat. But the damage done to the bone and surrounding tissue is extensive, and Archer is not expected to recover enough to resume a competitive running career at the NCAA Division I level.

8. Andy Archer's athletic scholarship was suspended by the University of North Carolina in Chapel Hill effective August 1, 2014. It has since been withdrawn because Archer can no longer compete athletically and was injured outside competition.

9. In response to a discovery subpoena from Plaintiff, Exhibit 2 was produced by the State of North Carolina from the file kept by the Capitol Police for purposes of planning police responses to emergencies in the building.

10. Exhibit 4 accurately depicts the model and operation of the TASER X2 issued to Blair Hooper by Detail Security, Inc. and carried by Hooper on July 4, 2014.

11. Exhibit 7 contains excerpts from the copy of the Detail Security, Inc. Security Operations Manual. The particular pages in Exhibit 7 were given to Blair Hooper at or about the time Hooper was hired as part of the standard orientation given to all new employees. The excerpts from the manual may be offered into evidence collectively, or either side may offer one or more of the separately-designated pages (7a, 7b, and/or 7c).

12. Exhibit 10 sets out the activities of the Capitol Police in a matter within their jurisdiction, the alleged assault(s) on July 4, 2014. Exhibit 10 was filled out by the principal investigating officer, Joseph Hewes, in accordance with the requirements of the Capitol Police's published procedures for evidence collection, which establish a legal duty for such forms to be created every time that personal property is taken by the police as evidence. The custodian of record for the Capitol Police testified to the foregoing facts in a pre-trial deposition and, accordingly, the live testimony of that custodian of record is not required at the trial of this action.

13. In January 2015, Samuel Compton started a new job working for a company in London, England. He will be working in London at the time of trial.

14. None of the dignitaries at the top of the Capitol staircase at the time of the incident which gave rise to this matter was an "aggressor" for purposes of the affirmative defense asserted.

15. Exhibit 9 contains documents exchanged in discovery prior to trial. Exhibit 9a was produced by Andy Archer from Archer's own Facebook account. Exhibit 9b was produced by Blair Hooper from Hooper's Facebook account. Exhibit 9 may be entered into evidence collectively, or either side may offer one of the separately designated pages (9a or 9b).

By: *Janet Ward Craige*
Janet Ward Craige
Counsel for Plaintiff

By: *Robert E. Newby*
Robert E. Newby
Counsel for Defendant

JURY INSTRUCTIONS

Before the commencement of the trial and its conclusion, the judge will instruct the jury how to apply the law to the evidence. Hypothetically, if the judge in your mock trial case were to provide instructions to the jury, they would look something like these.

Although these instructions may not be used as an exhibit during the mock trial competition, students may use these concepts in fashioning their case and making arguments to the jury.

PRELIMINARY INSTRUCTIONS

- **Role of the Jury**

Now that you have been sworn, I have the following preliminary instructions for your guidance as jurors in this case.

You will hear the evidence, decide what the facts are, and then apply those facts to the law that I will give to you.

You and only you will be the judges of the facts. You will have to decide what happened. I play no part in judging the facts. You should not take anything I may say or do during the trial as indicating what I think of the evidence or what your verdict should be. My role is to be the judge of the law. I make whatever legal decisions have to be made during the course of the trial, and I will explain to you the legal principles that must guide you in your decisions. You must follow that law whether you agree with it or not.

Moreover, although the lawyers may have called your attention to certain facts or factual conclusions that they thought were important, what the lawyers said is not evidence and is not binding on you. It is your own recollection and interpretation of the evidence that controls your decision in this case.

Neither sympathy nor prejudice should influence your verdict. You are to apply the law as stated in these instructions to the facts as you find them, and in this way decide the case.

- **Evidence**

The evidence from which you are to find the facts consists of the following:

1. The testimony of the witnesses;
2. Documents and other items received as exhibits;
3. Any facts that are stipulated--that is, formally agreed to by the parties; and
4. Any facts that are judicially noticed--that is, facts I say you must accept as true even without other evidence.

The following things are not evidence:

1. Statements, arguments, and questions of the lawyers for the parties in this case;
2. Objections by lawyers;
3. Any testimony I tell you to disregard; and
4. Anything you may see or hear about this case outside the courtroom.

You must make your decision based only on the evidence that you see and hear in court. Do not let rumors, suspicions, or anything else that you may see or hear outside of court influence your decision in any way.

You should use your common sense in weighing the evidence. Consider it in light of your everyday experience with people and events, and give it whatever weight you believe it deserves. If your experience tells you that certain evidence reasonably leads to a conclusion, you are free to reach that conclusion.

There are rules that control what can be received into evidence. When a lawyer asks a question or offers an exhibit into evidence, and a lawyer on the other side thinks that it is not permitted by the rules of evidence, that lawyer may object. This simply means that the lawyer is requesting that I make a decision on a particular rule of evidence. You should not be influenced by the fact that an objection is made. Objections to questions are not evidence. Lawyers have an obligation to their clients to make objections when they believe that evidence being offered is improper. You should not be influenced by the objection or by the court's ruling on it. If the objection is sustained, ignore the question. If it is overruled, treat the answer like any other.

Also, certain testimony or other evidence may be ordered stricken from the record and you will be instructed to disregard this evidence. Do not consider any testimony or other evidence that gets stricken or excluded. Do not speculate about what a witness might have said or what an exhibit might have shown.

- **Direct and Circumstantial Evidence**

Evidence may either be direct evidence or circumstantial evidence. Direct evidence is direct proof of a fact, such as testimony by a witness about what that witness personally saw, heard, or did. Circumstantial evidence is proof of one or more facts from which you could find another fact. You should consider both kinds of evidence. The law makes no distinction between the weight to be given to either direct or circumstantial evidence. It is for you to decide how much weight to give. You may decide the case solely based on circumstantial evidence.

- **Credibility**

In deciding what the facts are, you may have to decide what testimony you believe and what testimony you do not believe. You are the sole judges of the credibility of the witnesses. "Credibility" means whether a witness is worthy of belief. You may believe everything a witness says or only part of it or none of it. In deciding what to believe, you may consider a number of factors, including the following:

1. The opportunity and ability of the witness to see or hear or know the things the witness testifies to;
2. The quality of the witness's understanding and memory;
3. The witness's manner while testifying;
4. Whether the witness has an interest in the outcome of the case or any motive, bias or prejudice;

5. Whether the witness is contradicted by anything the witness said or wrote before trial or by other evidence;
6. How reasonable the witness's testimony is when considered in the light of other evidence that you believe; and
7. Any other factors that bear on believability.

In deciding the question of credibility, remember to use your common sense, your good judgment, and your experience. Inconsistencies or discrepancies in a witness's testimony or between the testimonies of different witnesses may or may not cause you to disbelieve a witness's testimony. Two or more persons witnessing an event may simply see or hear it differently. Mistaken recollection, like failure to recall, is a common human experience. In weighing the effect of an inconsistency, you should also consider whether it was about a matter of importance or an insignificant detail. You should also consider whether the inconsistency was innocent or intentional.

After you make your own judgment about the believability of a witness, you can then attach to that witness's testimony the importance or weight that you think it deserves.

The weight of the evidence to prove a fact does not necessarily depend on the number of witnesses who testified or the quantity of evidence that was presented. What is more important than numbers or quantity is how believable the witnesses were, and how much weight you think their testimony deserves.

* * *

POST-TRIAL INSTRUCTIONS

- **Burden of Proof**

This is a civil case in which the Plaintiff seeks damages.

The Plaintiff has the burden of proving his/her case by what is called the "preponderance of the evidence." That means Plaintiff has to prove to you, in light of all the evidence, that what s/he claims is more likely so than not so. To say it differently: if you were to put the evidence favorable to Plaintiff and the evidence favorable to Defendant on opposite sides of the scales, the Plaintiff would have to make the scales tip ever so slightly to its side. If the Plaintiff fails to meet this burden, the verdict must be for Defendant. If you find after considering all the evidence that a claim or fact is more likely so than not so, then the claim or fact has been proved by a preponderance of the evidence.

You may have heard of the term "proof beyond a reasonable doubt." That is a stricter standard of proof and it applies only to criminal cases. It does not apply in civil cases such as this, so you should put it out of your mind.

In determining whether any fact has been proved by a preponderance of evidence in the case, you may, unless otherwise instructed, consider the testimony of all witnesses, regardless of

who may have called them, and all exhibits received in evidence, regardless of who may have produced them.

This case is bifurcated, so damages are not at issue. As such, the Plaintiff need not prove the extent of the injuries or damages at this time.

- **Issues in the Case**

The Plaintiff claims that s/he was injured when the Defendant's employee, Blair Hooper, battered her/him. The Plaintiff has also claimed that s/he was injured by the negligent conduct of the Defendant in hiring, retaining, and/or supervising Hooper. The Plaintiff has the burden of proving her/his claims.

The Defendant denies the Plaintiff's claims.

To the extent that you find that Hooper was the Defendant's agent, acting within the scope of that relationship, and that Hooper battered Plaintiff, the Defendant also argues that the actions Hooper took were appropriate because Hooper reasonably believed that Plaintiff was attempting to cause serious bodily injury or death to another. The Defendant has the burden of proving this affirmative defense by a preponderance of the evidence.

Thus, the issues for you to decide, in accordance with the law as I give it to you, are:

1. Did Blair Hooper batter Plaintiff while acting as an agent of the Defendant, Detail Security, Inc.?

2. Was any injury to Plaintiff caused by the negligence of the Defendant in hiring, retaining, and/or supervising Hooper as an employee?

3. If Hooper caused injury to Plaintiff, were Hooper's actions appropriate to protect an individual against whom Hooper reasonably believed an attack was imminent?

- **Battery**

Battery, or battering, is the act of striking someone's body and causing injury or pain. On this issue the burden of proof is on the Plaintiff. This means that the Plaintiff must prove, by the preponderance of the evidence, three things:

First, that the Defendant intentionally caused bodily contact with the Plaintiff.

Second, that such bodily contact caused physical pain or injury.

Third, that such bodily contact occurred without the Plaintiff's consent.

- **Intent**

A person acts intentionally if s/he desires to cause the consequences of her/his act or believes that the consequences are substantially certain to occur. Intent may be proven by direct evidence or inferred from the circumstances.

- **Actions of Agents**

An employer such as Defendant is liable for the acts or omissions of its employees if those acts or omissions are within the scope of their employment and cause injury to another person.

Agency is the relationship which results when one person, called the principal, authorizes another person, called the agent, to act for him/her. The most common example is an employment relationship. In order to hold the Defendant liable for the actions of Blair Hooper, the Plaintiff must prove, by a preponderance of the evidence, the following three things:

First, that there was a principal-agent relationship between Defendant Detail Security and Blair Hooper on July 4, 2014.

Second, that Blair Hooper was engaged in the work, and was about the business of Defendant Detail Security at the time the Plaintiff was injured.

Third, that the business in which Blair Hooper was engaged at the time of the Plaintiff's injury was within the course and scope of Hooper's authority or employment. It would be within the course and scope of Hooper's authority or employment if it was done in furtherance of the business of the Defendant, Detail Security, or was incident to the performance of duties entrusted to Hooper, or was done in carrying out a direction or order of the Defendant, Detail Security, and was intended to accomplish the purposes of the agency.

It is not required that Hooper have acted exclusively to fulfill the purposes of the agency. If Hooper had several reasons for acting, the Plaintiff need only prove that one of Hooper's reasons for acting was to accomplish the purposes of the agency and/or the objectives of the Defendant, Detail Security, in order for Detail to be liable to the Plaintiff.

- **Defense of Others**

If you conclude that Hooper battered the Plaintiff and that the battery was within the scope of Hooper's employment, you must determine if that force was nonetheless appropriate.

On this issue the burden of proof is on the Defendant. This means that the Defendant must prove, by a preponderance of the evidence, three things:

First, that Hooper believed that it was necessary to use force to protect another person from an unprovoked attack with intent to cause serious bodily injury or death. A belief is reasonable when a person of ordinary prudence under the same or similar circumstances would believe that force was needed to protect another person from an imminent unprovoked attack intended to cause serious bodily injury or death.

Second, that Hooper used no more force against the Plaintiff than was reasonably necessary under the circumstances to protect the other person from serious bodily injury or death.

And third, that the person Hooper defended was not the aggressor. The parties have stipulated that none of the individuals at the top of the staircase during the incident in question

were aggressors. Accordingly, if the first two prongs of this test are met, the Defendant has met its burden.

- **Reasonable Force**

I will now advise you regarding when force is considered reasonably necessary.

Even if an individual is permitted to use force, using a level of force that is unreasonable is not legally permissible. If you find that unreasonable force was used, then you must determine that the Defendant has not met its burden of proving that Hooper was entitled to use force to protect others, even if Hooper would have been permitted by law to use some lesser force. In other words, the fact that Hooper may have been permitted to use force under some circumstances or at some level does not permit Hooper to use more force than is reasonable.

In determining whether Hooper used unreasonable force, you must ask whether the amount of force that Hooper used was the amount a reasonable individual would have used in protecting the individuals or property in question under the same or similar circumstances. You should consider all the relevant facts and circumstances leading up to the moment that force was used.

The reasonableness of Hooper's use of force must be judged from the perspective of a reasonable individual on the scene. The law permits the individual to use only that degree of force necessary to prevent the harm reasonably perceived to be imminent. Not every push or shove by a police officer, even if it may later seem unnecessary in the peace and quiet of this courtroom, constitutes excessive force. The concept of reasonableness makes allowance for the fact that protective service officers are often forced to make split-second decisions in circumstances that are sometimes tense, uncertain, and rapidly evolving about the amount of force that is necessary in a particular situation.

It is important to note that Hooper's motivation is irrelevant. If the force Hooper used was unreasonable, it would not matter that Hooper had good intentions. Likewise, if the force Hooper used was reasonable, it would not matter that Hooper had bad or improper motives.

What matters is whether Hooper's acts were objectively reasonable in light of the facts and circumstances confronting the individual at the time of the incident. The circumstances relevant to this assessment can include:

- The likelihood of the threat to property or person
- The severity of the threat to property or person
- The duration of Hooper's action
- The severity of the force applied, relative to the risk of harm from not applying it
- The practicality or impracticality of using lesser types or durations of force to prevent the anticipated harm to property or person
- The amount of time that Hooper had to consider the application of force before force needed to be applied
- The number of individuals with whom Hooper had to contend

- Whether the physical force applied was of such an extent as to lead to unnecessary injury
- The possibility that the Plaintiff was armed
- Whether Plaintiff was attempting to evade arrest or capture
- Any other circumstance that could have made harm to Plaintiff more likely
- Any other circumstance that could have made harm to others more likely

• **Negligent Hiring/ Retention/ Supervision**

The Plaintiff also claims that the Defendant, Detail Security, was negligent in hiring, retaining, and supervising Blair Hooper. To establish negligence on the part of the Defendant in hiring, retaining, and supervising Blair Hooper, the Plaintiff must prove, by a preponderance of the evidence (1) that Blair Hooper was incompetent to be present or act as Hooper did, (2) that, prior to the act of Hooper resulting in injury to the Plaintiff, the Defendant had either actual or constructive notice of this incompetence, and (3) that this incompetence caused Plaintiff's injury.

I will now discuss these things one at a time and explain the terms used.

First, the Plaintiff must prove that Hooper was incompetent. This means that Hooper was not fit for the work in which s/he was engaged. Incompetence may be shown by inherent unfitness, such as the lack of physical or mental capacity or judgment, or the absence of skills, training or experience. Incompetence may also be inferred from previous specific acts of careless or negligent conduct by Hooper or from prior habits of carelessness or inattention on the part of Hooper in a kind of work where careless or inattentive conduct is likely to result in injury. However, if you have heard evidence tending to show that Hooper may have been careless or negligent in the past, that evidence may not be considered by you in any way when deciding the question of whether Hooper acted improperly on July 4, 2014. Evidence of past acts of negligence, carelessness, inattention, and the like may only be considered in your determination of whether Hooper was incompetent, and whether such incompetence was known or should have been known to the Defendant.

Second, the Plaintiff must prove that the Defendant had either actual or constructive notice of Hooper's incompetence. Actual notice means that prior to the alleged act of Hooper resulting in injury to the Plaintiff, the Defendant actually knew of Hooper's incompetence. Constructive notice means that the Defendant, in the exercise of reasonable care, should have known of Hooper's incompetence prior to the alleged act of Hooper resulting in injury to the Plaintiff. Reasonable care is that degree of care in the hiring, supervision, and oversight of Hooper that a reasonably careful and prudent employer in the same or similar circumstances as the Defendant would have exercised.

Third, the Plaintiff must prove that Hooper's incompetence caused the Plaintiff's injuries. That means that it is not enough for Hooper to have been incompetent in some general sense or on other days and at other times; if Hooper acted in a reasonable, competent fashion on July 4, 2014, then the incompetence did not cause any injury, and you must find for the Defendant.

If you determine that there is liability, you will have a separate opportunity to consider what, if any, damages, Plaintiff suffered. You are not to concern yourself with Plaintiff's injuries, except as they bear on liability.

- **Sympathy and Prejudice**

Please keep in mind that this dispute between the parties is, for them, a most serious matter. They and the court rely upon you to give full and conscientious consideration to the issues and the evidence before you. Neither sympathy nor prejudice may influence your deliberations. You should not be influenced by anything other than the law as I have stated it to you and the evidence in this case, together with your own judgment and evaluation of that evidence.

All parties stand equally before the court, and each is entitled to the same fair and impartial treatment in your hands. Please keep in mind that you are bound by the law, and your sole job in this case is to be judges of the facts. You are to use your common sense and collective experience to determine the facts in this case and to balance the competing interests in accordance with the law with which I have just instructed you.

JURY VERDICT FORM

To the jury:

To further clarify instructions given to you by the trial judge, you are being provided with the following verdict form. At the conclusion of your deliberations, one copy of this form should be signed by your foreperson and handed to the court clerk. This will constitute your verdict.

Remember that you are applying a preponderance of the evidence standard.

Question 1:

1a. Do you find that Plaintiff has proven by a preponderance of the evidence that s/he was battered by Blair Hooper?

Yes _____ No _____

If you answer this question "Yes," continue to Question 1b. If you answer this question "No," please continue to Question 3.

1b. Do you find that Plaintiff has proven by a preponderance of the evidence that the battery by Blair Hooper caused damages to Plaintiff?

Yes _____ No _____

If you answer this question "Yes," continue to Question 1c. If you answer this question "No," please continue to Question 3.

1c. Do you find that Plaintiff has proven by a preponderance of the evidence that at the time of the battery, Blair Hooper was acting within the course and scope of Hooper's employment with Defendant Detail Security, such that Blair Hooper was an agent of Detail Security?

Yes _____ No _____

If you answer this question "Yes," continue to Question 2. If you answer this question "No," please continue to Question 3.

Question 2:

2a. Do you find that the Defendant has proven by a preponderance of the evidence that, at the time of the battery, Blair Hooper reasonably believed that it was necessary to use force to protect another from an attack with intent to cause serious bodily injury or death?

Yes _____ No _____

If you answer this question "Yes," continue to Question 2b. If you answer this question "No," please continue to Question 3.

2b. Do you find that the Defendant has proven by a preponderance of the evidence that Blair Hooper used only that force which was reasonably necessary to prevent the attack on another that Hooper reasonably believed was imminent?

Yes _____ No _____

Question 3:

3a. Do you find that the Plaintiff has proven by a preponderance of the evidence that the Defendant, Detail Security, was negligent in hiring, retaining, or supervising Blair Hooper?

Yes _____ No _____

If you answer this question "Yes," continue to Question 3b. If you answered this Question "No," please return to the courtroom.

3b. Do you find that the Plaintiff has proven by a preponderance of the evidence that Detail Security's negligence in hiring, retaining, or supervising Blair Hooper caused damages to Plaintiff?

Yes _____ No _____

You have finished your deliberations. Please sign at the bottom of this form and return to the courtroom.

_____
Jury Foreperson

STATE OF NORTH CAROLINA	IN THE GENERAL COURT OF JUSTICE SUPERIOR COURT DIVISION
WAKE COUNTY	_____CVS-2014

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ANDY ARCHER,	)	
	)	
	)	Judge Lucy Ridgeway
Plaintiff,	)	
	)	ORDER ON MOTIONS FOR
v.	)	SUMMARY JUDGMENT AND
	)	MOTIONS *IN LIMINE*
DETAIL SECURITY, INC.,	)	
Defendant.	)	

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This Court, having read the briefs submitted by counsel and heard oral argument on the parties' motions for summary judgment and *in limine*, rules as follows and establishes the following procedures for trial:

1. Defendant's Motion for Summary Judgment on Respondeat Superior

Defendant Detail Security, Inc. ("Detail") moves for summary judgment, arguing in essence that the actions of its employee, Blair Hooper, are alleged to have been motivated by personal animus and therefore that these actions were beyond the scope of Hooper's employment. Detail further moves for summary judgment on the grounds that Plaintiff has failed to posit adequate evidence of the alleged negligence of Detail in hiring, supervising, and retaining Hooper. Both motions are DENIED. Plaintiff moves for summary judgment on Hooper's scope of employment. That motion is also DENIED. This is an issue for the jury.

An employer is liable for the actions of an employee only where the "employee's act is 'expressly authorized'…or committed within the scope of the employee's employment and in furtherance of his master's business… or when it is ratified by the principal." Medlin v. Bass, 327 N.C. 587, 592 (1990), quoting Snow v. DeButts, 212 N.C. 120, 122 (1937). There is no allegation that Hooper's actions were expressly authorized, and none of Detail's statements has ratified Hooper's actions within the meaning of Medlin and Snow.

The question, then, is whether Hooper's actions were within the scope of her/his employment. That, in turn, depends on whether they were "committed within the scope of… and in furtherance of the employer's business." Medlin, 327 N.C. at 593, quoting Snow, 212 N.C. at 122. The Medlin court has instructed, consistent with the holdings of the Court of Appeals, that "intentional torts are rarely considered to be within the scope of employment." 327 N.C. 594.

Notwithstanding that general rule, however, several courts have held that even assaults or batteries must be submitted to the jury for a determination of the scope of employment question, where the alleged tortfeasor was acting to further the employer's interest. For example, in

Carawan v. Tate, 53 N.C. App. 161, 164 (1981), the Court of Appeals held that scope of employment was a jury issue where a parking attendant was alleged to have drawn a gun in order to compel a patron to pay the posted parking fee. By contrast, in Wegner v. Delicatessen, 270 N.C. 62 (1967), a busboy was found not to be within the scope of his employment when he assaulted a patron who asked him to clear a table. And then there is the peculiar matter of Munick v. Durham, 181 N.C. 188 (1921), where a municipal employee assaulted a citizen who paid a portion of his water bill in pennies. Despite the fact that, unlike Hooper, the employee was not authorized to use force in the performance of his duties, the employee was found nonetheless to be acting in his capacity as an agent of the municipality at the time of the assault. Suffice it to say, then, that precedent provides a set of standards that are less than entirely uniform.

Moreover, this case is particularly peculiar because – unlike in Medlin, Carawan, and Wegner – the employee's scope of employment requires the commission of actions that would in other contexts be intentional torts. Not unlike law enforcement officers, private security guards are permitted to use reasonable force to protect the premises and individuals to which and to whom they are assigned. As a result, there is nothing rare about that which would otherwise be an intentional tort being within the scope of a security officer's employment. This distinction calls into question the validity of the entire framework of Medlin and its progeny.

Here, there is no question that Hooper was on duty for Detail, in a Detail uniform and carrying Detail-issued gear. Moreover, the alleged battery occurred when Plaintiff was approaching an area where high-value protectees were expected, and force might have been authorized to protect those individuals. On the other hand, Hooper was away from the duty station assigned to her/him, and there is ample evidence to suggest that Hooper could have been – but not necessarily was – pursuing personal issues unrelated to Detail's business.

One concluding note is necessary. Detail argues that Hooper's alleged personal animus takes Hooper beyond the scope of Hooper's employment. But even if Hooper did act in part based on some personal motivation, that alone would not end the question. Our Supreme Court has established that the proper test is whether Hooper was "doing anything related to [her/his] duties," Medlin, 327 N.C. at 594, quoting Wegner, 270 N.C. at 68 (emphasis added), or whether the act accomplished any "conceivable purpose" of the employer, Medlin, 327 N.C. at 594. Hooper was in the vicinity at Detail's instruction and under Detail's pay, and Hooper's actions were of a nature that could be consistent with those of a security professional. If Hooper was acting, *at least in part*, "within the scope and furtherance of [her/his] employer's business," then Detail may be liable, even if Hooper had other motivations as well. Snow, 212 N.C. at 122. Correspondingly, of course, if Hooper's sole motivation was personal animus, Detail would not be liable. This Court is not competent to decide that question. That is why we have juries.

As to the second motion, Defendant argues that there is insufficient evidence of negligent hiring, supervision, or retention. In essence, to make out a negligent hiring claim, the Plaintiff must prove that the alleged immediate cause of the injury was wrongful, that the individual employee was incompetent by inherent unfitness or previous specific acts, and that the Defendant was on notice of that incompetence. Taft v. Brinley's Grading Service, 738 S.E. 2d 741, 750 (N.C. App. 2013), citing Moricle v. Pilkington, 120 N.C. App. 383, 386 (1995). Here, the alleged wrongful act is the use of force against Plaintiff. Plaintiff has adduced sufficient evidence, if believed, to show that the use of force might have been inappropriate and that Detail was on notice of aspects of

Hooper's character that would make Hooper unfit to be a security professional generally and/or unfit to make decisions regarding the use of force against Plaintiff personally. Accordingly, summary judgment must be denied.

The Court, of course, passes no judgment on the merits of Plaintiff's claims. At the summary judgment stage, the Court must take all facts in a light most favorable to Plaintiff. The jury is free to determine that the force used was reasonable, or not, under the totality of the circumstances; it is free to determine that Detail took reasonable care in hiring and supervising Hooper, or not; and it is free to determine that the alleged animus felt by Hooper against Plaintiff was the reason for the use of force, or not. Thus Detail might be liable for negligence in hiring, supervision, or retention, or it may be liable for Hooper's act directly, or it may not be liable at all. And, of course, if Hooper acted reasonably to prevent death or serious bodily injury to others, no liability would attach in any case. But all such matters are exclusively and peculiarly in the jury's purview.

2. Motions Regarding the Admissibility or Use of Particular Evidence

All motions *in limine* regarding the admissibility of particular evidence or exhibits shall be held in abeyance and ruled upon at the time of trial.

3. Defendant's Motion to Bifurcate

Defendant has moved *in limine* to bifurcate the trial such that the question of liability is separated from the question of damages. For reasons of judicial economy, the risk of jury confusion, and the risk of unfair prejudice, that motion is GRANTED. In the first phase, while the Plaintiff must prove the fact that Andy Archer was injured, the question will be whether Defendant is liable for the injuries suffered by Plaintiff; and the parties may not present any evidence that is solely relevant to prove or disprove the amount of damages. If Plaintiff prevails in the liability phase, the same jury will hear evidence on the question of damages. However, the Court notes that evidence related to damages may still be admissible during the liability phase if such evidence is relevant to prove or disprove (1) other elements of the Plaintiff's claims; or (2) the affirmative defense asserted by Defendant.

IT IS SO ORDERED.
DATE: February 10, 2015

Lucy Ridgeway
Lucy Ridgeway
Superior Court Judge

WITNESSES

For the Plaintiff:

Andy Archer (Plaintiff)

Alex Lillington (eyewitness)

Kelly Blount (proposed by Plaintiff as an expert)

For the Defendant:

Blair Hooper (party representative)

Madison Hancock (eyewitness)

Terry Spaight (proposed by Defendant as an expert)

AFFIDAVIT OF ANDY ARCHER

After being duly sworn upon oath, Andy Archer hereby deposes and states as follows:

My name is Andy Archer. I am 19 years old and a sophomore at UNC-Chapel Hill, where I'm majoring in Exercise and Sport Science. While running for the Danville Striders and George Washington High in Danville, VA, I set state records for high schoolers in the 100- and 200-meter races, earning a full track scholarship to UNC. But Blair Hooper and Detail Security stole my scholarship and my dreams of Olympic glory on July 4, 2014.

To understand what happened, you have to know my family's story. My grandmother, Anne Archer, and great-aunt, Sylvia Archer Short, inherited an original copy of the Bill of Rights from their grandfather, Charlie Archer. Soon after the Civil War, he bought it from a Union soldier who rescued it from a trash heap in the State House in Raleigh. Our family treasured the document, and we cared for it for 134 years.

It's a good thing we did, too. There were no state or national archives for many years, and lots of documents from our country's past were lost. Preserving this treasure was a point of pride for the whole family. Gram and Auntie Syl had five kids between them, and inheritance would eventually be a difficult issue. So in 2000, they decided to sell the document to a museum or the government. Historical documents were selling for millions, we could use the money, and the public would get to see this copy of the Bill of Rights at last.

We wanted to sell it to North Carolina, but the state refused to pay, saying it had been stolen. Whatever. Our family got it legitimately, and at the very least, it was spoils of war. Still, the state's position made some people afraid to buy it. When an antiques dealer offered us $200,000 in June of 2000, promising to sell it to a museum, we reluctantly agreed.

For three years, my family didn't know what had become of it. Then in 2003, the FBI seized the Bill of Rights when the dealer tried to sell it to the National Constitution Center in Philadelphia, PA. All of a sudden, reporters were beating on our door, hassling my Gram and accusing our family of all sorts of things. I was eight at the time, but I remember it like it was yesterday. My family was devastated. Kids made fun of me in school, and neighbors shunned us. We even got hate mail, including a letter from someone named Blair Hooper in North Carolina. We kept them all in case the police ever needed them. It got so bad that in 2004 we moved from Ohio to Danville. We didn't tell anyone in Virginia about what had happened; we were too afraid.

As I got older, the unfairness of it started to make me angry. I would wake up drenched with sweat from nightmares about the kids in Ohio and my Gram crying. I kept having those nightmares and started having trouble with other kids, so my folks sent me to counseling. Unfortunately, the therapist and I didn't "click," and my feelings didn't change. I just learned to control what I said out loud a bit better. The one good thing was that my therapist suggested I exercise to provide a healthier outlet for my feelings. That's how I found out about the Danville Striders and started to unlock my talent.

When I turned 12, my family got involved in Revolutionary War reenacting with the 16th North Carolina Regiment, which accepted recruits from the states surrounding NC. We kept our family history secret. I dressed up like a fifer while my friend Rory Franklin was a drummer. We had a blast, running all over camp, pretending to sword-fight with bayonets, and getting dirty with permission! Rory and I were both intrigued by the weapons, especially the muskets, and we tried to find places without the adults to practice. Unfortunately, Sarah Hancock kept ratting us out, even after I jokingly said I'd give her a bayonet poke if she didn't zip it! But it ended fine; we stopped speaking to her, so she quit coming.

When I turned 16 in 2011, I could start portraying a soldier, and I got my own musket, cartridge box, scabbard, and bayonet. It was so cool! I spent a lot of time becoming familiar with my equipment and keeping it in perfect condition. My family had stopped coming on encampments, but I was doing well in track and school – especially history! - so when Rory's family offered to watch after me, my parents let me stay.

The encampment sites hire private security companies to patrol the grounds. In March 2012 at the Guilford Courthouse encampment, a Detail Security guard named "Hooper" accosted me when I was alone gathering firewood at dusk. Hooper said, "Your name is Archer, right?" I nodded. Immediately Hooper angrily blurted, "Ya'll stole our Bill of Rights! Ya'll traitors should be kicked out of the state, even the country! Your entire family disgusts me!"

I was terrified. Was this the same Hooper who wrote the hate mail to my Gram? I was alone, and Hooper was armed! Forget fight *or* flight: I did both. I yelled as loud as I could, threw a piece of firewood at Hooper, and sprinted back to our regiment's area. I was quaking with fear.

When I ran into camp, Commander Samuel Compton asked what was wrong. I was so upset, and so out of breath, that I could barely speak. I hated to share our family secret, but I knew I had to. I was scared, and so angry at the injustice of the whole situation, that the

words just spilled out of me. Commander Compton calmed me down, and then he called over Adjutant Alex Lillington. The Adjutant encouraged me to tell the whole regiment, assuring me they would respect our family's decision. I was nervous, but I did, and almost everyone was great. Most agreed the document had been war booty, and our family deserved thanks, not harassment, for taking care of it so long. Exactly! In the back of my mind, I started thinking maybe I could get the government to recognize our family or even pay us for our trouble. It was only fair! Gram and Auntie Syl deserved that.

I decided to start with a blog. Madison Hancock, the regiment webmaster, helped me set it up. Madison had been kinda quiet when I told my family's story, so I was doubly happy Madison was on my side. I called my blog "set.the.story.straight." Most of the comments were supportive, but several were really brutal, especially posts from someone called "true.patriot-no.more.lies." Those made me furious, and I made the mistake of fighting ire with ire. After several heated exchanges, I quit posting for a while because this "true.patriot" person was getting unhinged and making threats against our family. I'm glad I never said where we lived.

I didn't have time for blogging anyway, between classwork, reenactments, and track. In August 2012, I set state records in the 100 meters and 200 meters at an invitational meet with a lot of college coaches watching. In fact, the UNC coach offered me a full scholarship. I was ecstatic! I'd always dreamed of being a Tar Heel, and I would've done anything to go there.

Only one thing marred my joy. About halfway through the 100, one of North Carolina's top sprinters, Jordan Hooper, tripped and fell. I went to check on Jordan after the race, and Jordan accused me of causing the fall! It was ridiculous, and I just walked away. I didn't feel any contact during the race, the judges would've disqualified me if I had tripped Jordan, and I was on my way to a state record. I didn't need to cheat to win. Of course, if I had known that Jordan was related to Blair Hooper, I'd have understood. Maybe paranoia is genetic.

I'd forgotten all about that race until the Latta Plantation reenactment on Labor Day weekend the next year. I arrived early and was still in my "street" clothes, scoping out the grounds, when someone came up behind me and grabbed my arm. It was Hooper again! Hooper snarled, "You again! Thief! First the Bill of Rights and now my Jordan's track scholarship. Everywhere you go, you take, take, take! You can fool some, but I know who you really are. Better stay out of North Carolina. Bad things could happen to you here." Hooper glared at me, then let go of my arm and walked quickly away, muttering, "Set the record

straight?! Enough lies."

Now I knew Hooper had written the blog posts – and that Hooper was stalking me! I ran back to camp and packed up, telling the others I had to leave. Adjutant Lillington stopped me, asking what was wrong. When I said that Hooper threatened me, the Adjutant promised to file a formal complaint with Detail. Adjutant Lillington asked me to stay, but I was too shaken. I felt like the walls were closing in around me, and there weren't even walls! I was afraid of what Hooper might do to me or my friends if I stayed. When I got home, I knew I had chosen right, because someone called "payback.time" had posted threats on my blog about burning down our encampment! It was a new name, but it had to be Hooper. I snapped a photo with my phone and texted it to the Adjutant. Then I polished my equipment, especially my bayonet, and double-checked my door locks. If that scumbag Hooper came after me, I'd be prepared. Adjutant Lillington told me later that someone from Detail assured us they'd look into the matter, and I felt a bit better. It was a couple weeks, though, before the nightmares abated and I could sleep through the night.

My first year of college and Division I track kept me too busy to go on encampments. But when I heard about the July 4, 2014 event – featuring the Bill of Rights – I knew I had to be there. I was sure Governor McCrory would want to publically recognize our family, and maybe he would do what was right and compensate us, too. The Bill of Rights was worth way more than $200,000, and we would have gotten fair value except for the state's threats to confiscate it. I called the governor's office, and I must've spoken to his assistant a dozen times. Finally his Chief of Staff Abigail Mason called to say no one would meet with me. I was pretty upset, and I ranted on the blog a bit. But I didn't mean any of what I said; I was just venting. It was like therapy.

We arrived at the State Capitol on July 2 and began setting up camp. Commander Compton decided we'd go to a famous local restaurant – the "Mecca" – recommended by the Detail Security guards. After we ate, a bunch of TV reporters jumped me. They began bombarding me with all the old accusations, asking why we didn't "do the right thing" and return the Bill of Rights. I couldn't believe it! I kind of lost my cool. I shouted that they were liars, and I screamed at them that I'd tried to talk with the governor, but he wouldn't meet with me. I was glad that Adjutant Lillington stepped in and told them to leave me alone. When I turned away, I said to myself, "They can't treat us like this. They'll be sorry. I'll show

them." I meant that when the governor heard my story, he'd correct all the lies and they'd be ashamed they'd treated my family the way they had. I was pretty distraught and pretty naïve, I guess. I was in a fog as we made our way back to our camp.

I needed to do something productive, so I decided to write up a letter for the governor, giving all the details I'd hoped to say in person. I told how we'd saved the document, and I asked the state to consider an honorarium to recognize what we'd done, or even just a plaque at the State House. I was pretty fired-up; I stayed up late writing and re-writing it, because I wanted it to be perfect. I put the finished copy in an antique scroll case my Gram had given me, which fit well with my costume. I was determined to hand the letter to the governor or one of his staff. I planned to hang the scroll case on my left side, next to my bayonet scabbard.

We spent July 3 in costume interacting with the public, but none of the governor's staff were present. Early on the morning on July 4, we got ready to go view the Bill of Rights inside the State Capitol Building. Since I hoped to talk to the governor, who was scheduled to speak at 10, I put on my full uniform with all of my gear, including my musket, cartridge box, bayonet (in its scabbard), and the scroll case. I wanted to look "sharp."

We got in line at 8:00 a.m. outside the East entrance to the Capitol, an hour before the doors were supposed to open. A few dozen people were ahead of us. The Bill of Rights was in the old Senate chamber on the second floor, so the line would go up the marble stairs on the left, just inside the door, bypassing the metal detector. Visitors would exit the building by coming down the stairs on the west wing. No one said anything to us about our muskets or equipment – I'm sure they knew we never had actual ammunition.

Just before 9:00, I saw three people escorted to the front of the line by the Capitol Police. I recognized one as Abigail Mason, the governor's chief of staff. Here was my chance to give her my letter, before all the dignitaries arrived and the ceremony began! I got out of line and started toward the door. I was so eager I was almost running, and I had to elbow my way past those ahead of me as I bounded up the few steps outside the entrance. As usual, my musket was in my left hand, so I could easily pull the letter out of its case with my right.

As I burst through the door, somebody yelled, "Stop! What do you think you're doing? Stop right there!" I was shocked to see that it was Hooper! I said "I'll show you!" and started to reach for the letter in the scroll case. Next thing I knew, Hooper fired a TASER gun at my chest! Luckily, one of the hook thingies hit the pewter button on my uniform coat and

bounced off. I yanked the other hook out of my coat and turned to run up the stairs. I just *had* to get to Ms. Mason. Plus, it was the best way to escape that crazy Hooper, and maybe the dignitaries could call Hooper off entirely. I saw the VIPs near the doorway at the top of the stairs, and I yelled, "Wait! It's Andy Archer! I need to show you something! Remember me?! I need your help!"

I couldn't run that fast because of my uniform, and I could hear Hooper pounding after me, shouting angrily "Stop or you'll be sorry!" No way was I going to stop for that maniac! Just as I neared the top landing, I lost all ability to control my muscles. I fell down the stone staircase, hitting the railing on the right and then bouncing back to the left. My head hit the stairs, but I was awake for the whole thing, and I tried to raise my arms to stop the fall, or get my legs under me, but they wouldn't work! Now I have a new nightmare.

Hooper was on the staircase right behind me but made no attempt to catch me. At the bottom landing, my left leg got wedged between a stair and the wall, but my body kept going, and I heard this loud "crack" as my thigh bone snapped. I felt excruciating pain, and I screamed, and then I blacked out.

Next thing I knew, I woke up in Duke Hospital with my leg in a cast and in a lot of pain. I asked my parents what happened to my uniform and gear. They told me the police had bagged it for me. Later, after the DA decided not to file charges – against anyone! – the evidence bag was returned to me. My scroll case was there, but my letter to the governor was gone, and the receipt with it didn't show what happened to the letter.

Dr. Bill Barrett did my operation. I had suffered a compound, complex fracture of my left femur, which means my bone had shattered and then pierced the skin. Dr. Barrett was awesome, but the damage to my bone, muscles and ligaments was catastrophic. They say it may be another year or more before I can really run again, and I'll never get back the speed I once had. I lost my track scholarship, and I had to take out student loans. My Olympic dreams are shattered, as are my hopes of going pro. Detail Security had plenty of warning that Hooper was crazy. They should pay for all I've lost.

I am familiar with Exhibits 1, 5, 8, 9, and 10, and Exhibits 2 and 3 look right to me.

_____Fran Keely_____ _____Andy Archer_____

Fran Keely, Notary Public Andy Archer

Signed and sworn before me this 5th day of January, 2015

AFFIDAVIT OF ALEX LILLINGTON

After being duly sworn upon oath, Alex Lillington hereby deposes and states as follows:

All the world's a stage, but sometimes folks really do break a leg, and it's definitely not good luck. Andy Archer was on stage, hoping for a happy ending, but that lunatic Hooper took a Hollywood cop fantasy too far. It was plain as day to everyone on July 4, especially to anyone who'd dealt with Hooper before.

My name is Alex Lillington. I'm 38 years old and a resident actor with Playmakers Repertory Company in Chapel Hill. I've been onstage since age six, when following the Theater Arts camp at *The Lost Colony* on Roanoke Island, I was tapped by the director to join the company! I worked there every summer until finishing my B.A. in Theater Arts at Campbell University. In 2002, I earned my Masters of Fine Arts in the Professional Actor Training Program at UNC-Chapel Hill.

For a history lover and actor, reenacting is the sweetest of sweet spots. Reenacting is like Improv without the silly prompts and with a chance to help people understand their past. The 16th North Carolina Regiment is my family now. I have been a fifer since the age of 12, since I prefer leading the corps with an instrument rather than a bayonet. I try to make all of the encampments: Williamsburg, Guilford Courthouse, Latta Plantation.

The Archers, from Danville, Virginia, joined the 16th NC in 2007. Andy, at age 12, was the oldest of their three children. Right away Andy hit it off with Rory Franklin. Both of them were in my fife-and-drum corps. They were live-wires and got in trouble more than once for chasing other kids with sticks or waving their folks' bayonets around. They were wild young things, and they took a dislike to anyone who didn't share their "enthusiasm." When they were 14, they snuck away to fire off black powder muskets. Sarah Hancock let the Commander know because no one under age 16 is allowed to fire the weapons. We take equipment control very seriously, and there was some chatter about Rory and Andy getting expelled for their foolishness. Instead, Commander Samuel Compton reprimanded them severely, and they seemed to take it to heart. By the time they turned 16, the regimental leadership felt they were mature enough to portray soldiers. I had a few reservations, but I trusted the officers.

In January 2012, I was elected Adjutant Commander – second only to Commander Compton, and in charge when he was absent. I was honored. I also served as liaison with the private security staff who patrol most sites, so I got to know the "regulars" from Detail Security.

In March 2012, the regiment took part in the Battle of Guilford Courthouse reenactment in Greensboro. The site is huge, so Detail had 5 or 6 guards patrolling the grounds at all times. The first evening, right before dinner, Andy came running into camp, very upset. I was away getting supplies at the time. As Commander Compton told me afterward, Andy was shaking and nearly incoherent – whether with anger or fear, he was not entirely sure. Andy told him that while out gathering firewood alone, a security guard named Hooper had threatened Andy, calling Andy's whole family traitors!

Commander Compton was confused until Andy explained the Archers' involvement with North Carolina's Bill of Rights, the one recovered in 2003. Afterward, Andy's family was vilified in the press for selling the document instead of returning it, so they'd moved to Virginia to start over. The Commander told me everything after calming Andy down, and my heart went out to the Archers. I suggested Andy tell the regiment because I knew they'd be supportive. Andy hesitated but finally agreed.

Commander Compton called the regiment together, and Andy told the whole story. It could not have been easy; Andy was near tears as s/he told us all how the family had rescued and cared for the document, and how Andy's grandmother and great-aunt were heartbroken by the lies in the press. Nearly everyone rallied around Andy, reassuring Andy they were glad the Archers had preserved that priceless document. I noticed Madison Hancock kind of glaring at Andy, which surprised me a bit.

Blair Hooper had started working our events with Detail back in 2005, but that wasn't the first time we'd met. When I was getting my MFA at UNC, I rented a house in Durham. After a successful run, we'd celebrate with a staff party, which I hosted. We could get a bit loud, although not compared to the Duke basketball players who lived nearby. Anyway, a couple of times a hypersensitive neighbor called the police to complain. Blair Hooper was on the Durham Police force at the time and was always the first officer on the scene. Rather than simply asking us to turn down the music, Hooper became belligerent, getting in my face and threatening to "haul me down to the station." Hooper tried hard to find someone underage, but we were careful not to let undergrads attend. We always turned the music down right away, and I remained unfailingly polite to de-escalate the situation. But I remember thinking, "Someone with such anger management has no business as a police officer!"

Hooper really lost it in 2001, when the Dookies were celebrating a big basketball

victory over UNC. The Duke players weren't home yet, and a bunch of rowdy UNC students showed up, evidently intent on spray-painting the house Carolina Blue. A minute or two later, Hooper pulled up, lights flashing, metal baton already in-hand. Most of the kids took off, but Hooper managed to grab one. It was dark, and it was hard to see clearly, but I'm pretty sure I saw Hooper strike the kid with the baton. The kid went down hard, screaming, and an ambulance was called. After that, Hooper didn't patrol our street anymore.

When I saw Blair Hooper working for Detail in 2005, I was concerned. Since working private security isn't a step up on a career path, I figured the DPD must've fired Hooper. Why would Detail hire someone with that kind of record? I feared Hooper was a ticking time bomb.

But with that said, Hooper seemed relaxed at the encampments, joking with the reenactors and trading trivia about the Revolutionary War and the North Carolina Bill of Rights. Hooper was obviously happy it had been recovered – we all were – but s/he went on and on about it, always finding a way to work it into conversations. It was an odd obsession, I thought.

In August of 2013 Commander Compton couldn't attend Latta Plantation, so I was in charge of the 16th NC. On the very day we arrived, Hooper accosted Andy again when Andy was alone. This time Hooper was railing about Andy tripping Hooper's kid at a track meet or something. Andy was so upset that s/he packed up and left, but not until I got detailed notes about what had happened.

After Andy left, I set out to put an end to this harassment. When I finally found Hooper, I didn't hold back. I lost my temper a bit and shouted, "What do you think you're doing, frightening Andy? You're a loose cannon! You should be fired!" Hooper became aggressive, snarling "You're crazy! *Andy* is the loose cannon! Don't you know who that kid is?" Then Hooper starting ranting that Andy's family had hoarded North Carolina's "stolen Bill of Rights" and that Andy claimed they'd been cheated out of what was rightfully theirs. Hooper declared s/he'd been investigating Andy for months. Then Hooper said, "Andy will hurt people if they're in Andy's way. I know. Andy's track scholarship should've been Jordan's." Hooper glared and said, "You should know: Andy is planning something big, something risky, and it involves the Bill of Rights. You should be helping me stop Andy, not betraying your heritage!" I just gaped. That was even crazier than I could have imagined. I turned and walked away, determined to get Hooper fired.

That night, Andy texted me and said someone had just posted a threat on Andy's blog,

"set.the.story.straight." I never read the blog myself, but I had heard that both Andy and the commenters got pretty heated. Anyway, according to Andy, someone named "payback.time" had threatened to burn down our encampment! Andy texted a photo of the blog post to me so I could read it, and I was shocked. The crazy tone and references to "stealing what's not yours" sounded like Hooper's rant to me. I called the police to report the threats. We kept our eyes open, but we didn't see Hooper again that weekend, and everything stayed calm.

I wrote a scathing letter to Detail Security right after the encampment. I didn't mention the blog post because I couldn't prove it was Hooper and I didn't want to interfere with any police investigation. Area Manager Ben Hamilton replied, assuring me they had looked into the incident. When I didn't see Hooper at any more events that winter or spring, I expected that the company did what any reasonable outfit would have done: fire Hooper.

In July of 2014, the regiment was asked to be part of the Revolutionary War reenactment in downtown Raleigh to celebrate the 225th anniversary of the Bill of Rights. The document would be on public display in the Capitol Building. Famous dignitaries would be there, including a US Supreme Court Justice! Andy was over the moon with excitement, exclaiming that it was the perfect chance to meet with the governor and set the record straight. I was concerned when Andy added, "Maybe they'll pay my family something, to make things right!" That did not seem likely, and Andy's words reminded me of Hooper's warning. But I knew Andy was not a danger to anyone, and I expected the governor to just say no. And there's no harm in asking; after all, we were about to walk by the very document that preserved the right to petition for the redress of grievances!

When we arrived to set up camp on July 2nd, Andy seemed kind of "down." I asked why, and Andy shrugged and said, "The governor won't meet with me. They don't seem to care about my family at all." I reassured Andy and said that it wasn't over until it was over; maybe Andy could catch someone's attention during the weekend. I knew that was not likely, but I wanted to make Andy feel better. I never thought things would play out as they did.

Commander Compton decided we should all go out to dinner at the Mecca since it was late by the time we set up camp. Dinner was great, and I was completely stuffed when we left. As soon as we stepped outside, we were surrounded by TV lights and cameras, and a reporter was shoving a mic into Andy's face. The reporter started grilling Andy about the Bill of Rights, implying that the Archers were greedy for selling the document instead of

giving it back for free. I could see Andy was getting really upset and flustered. Commander Compton was still inside, so I told the reporters to back off and leave Andy alone. Then I heard someone mutter in an angry voice, "I know what that thief is capable of! Their family is due for some payback!" I remember the words distinctly – my acting training comes in handy – and it sounded just like Hooper! I looked around, determined to keep Hooper away from Andy, but s/he was nowhere to be seen. Andy didn't appear to have heard any of it.

When we got back to camp, Andy went straight into a tent, lit a lamp, pulled out paper, and began writing like mad. I asked if I could help, and Andy said, "No. I'm writing a letter to the governor. I just *have* to make him listen to me and see the truth. I'll do whatever it takes to set the record straight." The next day, July 3rd, while we took part in several historical demonstrations, Andy asked one of the Capitol Police if the governor or his staff would be at any of the events and was told that they'd be in the Capitol building on the 4th. Andy seemed hopeful about finding a way to give the governor the letter. Andy was keeping it handy in an old-fashioned scroll case that s/he carried right next to his/her bayonet.

We got up early on July 4, cooked biscuits and ham over the campfire, and went to get in line to see the Bill of Rights. Many of us were in full "battle" uniform, including Andy. When we reached the East entrance to the Capitol, 40 or 50 people were already in line ahead of us, even though we were an hour early.

We yawned and waited. All of a sudden Andy perked up. It was nearly 9:00, and three VIPs were being hustled to the front of the line. "That's Abigail Mason, the governor's chief of staff!" Andy exclaimed. "I can give her my letter. This is my big chance!" Andy touched the scroll case and started walking swiftly toward the entrance, bypassing everyone in line. It caught me by surprise, so I started jogging to catch up. I reached the doorway just in time to see Hooper inside the door. I was shocked, especially when I realized that Hooper was pointing a TASER gun at Andy.

Hooper shouted, "Stop! What are you doing? Not another step!" Andy looked frightened – as anyone would be – and tried to pull out the document case. Without hesitating, Hooper fired the TASER at Andy's chest! Miraculously it didn't work, and Andy jerked off the TASER probe. Andy then started up the stairs, shouting to get the attention of the VIPs, who looked startled. Hooper was furious at being outsmarted and ran after Andy, yelling, "You're gonna be sorry for that!" Just as they neared the top, I saw Hooper fire the

TASER again. Andy dropped like a rock, tumbling head-over-heels down the hard stone staircase. Hooper was maybe ten feet away, easily within range to catch Andy. But instead of trying to slow Andy down, Hooper dodged out of the way!

Andy bounced against the metal railing and ended up wedged between the bottom stair and the corner of a recessed window. Andy's leg was caught, but her/his body was still moving, and a "crack" like a musket shot split the air. It was Andy's leg, snapping – I could see the bone protruding out of the skin! Hooper smirked and said "falls aren't so funny, are they?" but then got quiet as Andy screamed and passed out from the pain. I wanted to attack Hooper, but we had a soldier down. I ran over and knelt beside Andy. I saw Hooper collecting Andy's gear, which was scattered all up and down the stairs. That gear is valuable, worth several thousand dollars, so I kept my eye on Hooper and asked what s/he was doing. Hooper said the Capitol Police would inventory it all and eventually the family would get it back. When the ambulance came, my attention was diverted, but I think I saw Hooper give the gear to a sergeant of the Capitol Police. Andy was taken to Duke, and our regiment marched back to camp. We didn't have the stomach to stay for the ceremonies.

Of the exhibits, I am personally familiar only with Exhibit 6, although Exhibits 1, 2 and 3 look about right.

_____*Bev Chichester*_____ _____Alex Lillington____

Bev Chichester, Notary Public Alex Lillington

Signed and sworn before me this 12th day of January, 2015

AFFIDAVIT OF KELLY BLOUNT

After being duly sworn upon oath, Kelly Blount hereby deposes and states as follows:

My name is Kelly Blount, and I am the principal of Blount Consulting and the former CEO of Blount Force, a private security company in Asheville, NC. I have been a security professional for the past twenty-nine years. I was retained by the Archer family, and I have reviewed the statements of Andy Archer, Alex Lillington, Blair Hooper, Madison Hancock, and Terry Spaight. I have also reviewed Exhibits 2, 3, 4, 6, 7, 8, and 9; and of course I provided Exhibit 11.

My career in security began when I joined the United States Army in 1985. After Basic, I was tracked by Uncle Sam into the military police. I hadn't really considered becoming a cop, but I found I was really good at it… interviewing witnesses, working crime scenes, defending military bases, intimidating suspects… it was all kind of second nature to me. I rose quickly to the rank of Sergeant, when my career was derailed. One of my soldiers made a mistake – it doesn't matter what kind – and I felt responsible for not training or supervising him better. I falsified some reports to keep him out of trouble, and I got caught. They gave me a choice – take an "Other Than Honorable" discharge or face a court martial. I was on the streets a couple weeks later. I'm not proud of what I did, but I'd do it again.

Long story short, I worked my way up from mall cop to CEO of Blount Force, where I supervised over two hundred full- and part-time employees. Blount Force provided physical and personal security throughout the United States, but principally in the southeast. We mostly worked with private companies, but we also had contracts with state and local authorities. In the mid-2000s, Blount Force landed a contract to perform security services for foreign governments, which eventually landed us in the political cross-hairs. None of it was fair, but my attorney and business team agreed that it was time to close the doors in 2012.

I've been doing consulting work since, teaching both the business and use-of-force sides of security. Next year, it looks like I'll even be teaching in the Peace, War and Defense program at UNC, although nothing is definite yet. Over the years, I've been certified by ASAS International (the premier professional organization in our field) as both a protection professional and as a physical security professional, and I have taught ASAS seminars on use-of-force and security topics. My full curriculum vitae is attached. I charge $1500 for an initial case assessment, which covers five hours of my initial time; $250/hr. for additional

investigation, reading, and analysis; $3000 for preparing an expert report; and $4000 for trial testimony. I spent forty hours investigating this case in total, prepared my report, and am prepared to testify at trial. My report is consistent with the statements in this declaration.

Detail messed this up at the company level, the level of local management, and the individual level. It was a perfect storm. If any one of these people had done her/his job properly, Andy Archer would be running for an NCAA title in a few months.

The first company-level mistake was the most basic: hiring. A reliable company prioritizes choosing the right people. In the security arena, that can require a balance. If we only hired church "altar boys," we couldn't complete some of the rough and tumble jobs we do. Sometimes good employees have blemishes - like my "Other Than Honorable" - so I get the need for flexibility. But you have to be smart about which sins you decide are forgivable. Consider that incident at the Duke basketball players' house, breaking the student's arm, or Hooper's aggressive attitude toward Lillington and others in the neighborhood when with the DPD…I know Hooper had an explanation, but still…In security, you are basically hiring for judgment and then teaching competence. And Hooper didn't exactly scream "cool under pressure."

At Blount, we took a categorical approach to these kinds of incidents: if you got fired by an employer for excessive force, made threats, etc., we wouldn't hire you, period. In my view, that's the best way. It's clean, it sets a manageable standard, and your people know how to implement it. You don't have the wrong people getting hired because they're somebody's buddy or somebody's kid. That's the way we ran Blount Force, and we only had a handful of use-of-force complaints over the fifteen years we operated. ASAS doesn't require a categorical approach, though, and Detail doesn't use one. In my book, that's foolish, but it would be hard to say it's per se unreasonable.

If you're not going to use a categorical approach, you have to be really smart about your choices and aggressive in getting to the bottom of what really happened. I've reviewed Detail's records, and no evidence suggests that anyone followed up on the incident with the UNC students or the threatening behavior toward Lillington at those neighborhood parties. No one at Detail checked to see if Hooper had any counseling afterward or got a sense of what Hooper was thinking about the situations. Nobody asked Hooper to request her/his police records so Detail could review them. Hooper was over 30 at the time; this wasn't

some youthful indiscretion. In a job where judgment matters, signing up someone with Hooper's record, without a detailed investigation of the real story, much less of their current mental state? That's unreasonable.

Company management also needs to keep tabs on employees after they're hired, but there's no evidence Detail did so. Detail could have used social media to discern that Hooper was obsessed with the Archers and the Bill of Rights. You have to be certain that you have up-to-date information about whether your employee has good judgment, good emotional control. I mean, I love America, but the Bill of Rights is a couple hundred years old. Why should Hooper care so much? Our employees at Blount Force were constantly monitored, and they had to affirmatively disclose any blogs or the like. We later learned that a lot of them just stopped putting their gripes online, but it at least helped.

The local management dropped the ball, too. At first glance, it seems like you could forgive the track incident. Lots of parents have trouble with getting too competitive, and when children lose important competitions, things get said that people regret. But when Hooper confronted Andy about the race more than a year later, it's a concern, and it should have made Detail look deeper.

Then there's the question of whether Hooper posted those blog comments threatening to burn down the encampment at Latta Plantation. If it was Hooper, that incident shows a person who is unable to let go, someone who holds a grudge. And you're going to give that same person a weapon!? Again, no official charges were brought, nothing proven, no convictions made, so under ASAS guidelines – and Detail's - it is not an automatic disqualification for security work. But Detail had the power to demand answers from Hooper, to get her/his computer and the like. There's no evidence they did that.

The most egregious error on the local end of things was the failure to respond properly to the letter from the Adjutant about the behavior toward "one of the regiment." Two things should have happened. First, there needed to be an immediate, thorough investigation. That would have revealed the connection to Andy Archer, and any fool could have seen that this was part of a pattern. Personally, I would have fired Hooper on the spot, but that's not required. What is required is making sure your professionals are professional when they're on the job. Simply keeping Hooper on another project would have solved the

problem. But there is no way that someone with a personal feud should have been given a chance to continue that feud wearing your uniform and carrying your weapon.

Granted, for 10 months following the Latta incident, Hooper was not assigned to any encampments. Hooper says it was because of a promotion to overseeing security at a construction site in Durham. Maybe, maybe not. Regardless of whether Detail pulled Hooper or not, they should have. Even if Detail didn't investigate at all, it could have made certain that Hooper was never near the Regiment again. That would still have been sloppy, because Detail would have missed the emotional instability and temper issues, but it at least it would have protected Andy Archer.

And especially considering that the whole focus of the Independence Day celebration was on the Bill of Rights, Hooper should never have been in a position to make a call on Andy Archer's actions on July 4. Once Archer was present, it was not enough to simply assign someone like Hooper to a post outside the Capitol building; you have to give that person the day off, or stick them with a partner. Otherwise, they can just go where they don't belong. As Hooper did. The guard who traded with Hooper wouldn't know Hooper had no business inside, but Hooper's superiors should have.

Finally, there's the failure at the individual level: Hooper's use of force. To comprehend why this was a "bad shoot," you have to understand something about use of force rules generally. There are five levels of force. In escalating order, they are: presence; verbalization; empty hand or minimal force; intermediate force; and deadly force. Presence is just being somewhere, while verbalization is giving a command either with the voice or by gesture.

The other three levels involve touching someone, which is a battery if the force isn't appropriate. Any time physical force can be used, you may employ the third level, empty hand or minimal force, although gradations must be assessed on a case-by-case basis. In some circumstances, you might be able to put your hand on someone, but not use jiu jitsu to bring them to the ground or punch them in the solar plexus. Those gradations are hard to map, but they're not especially relevant here. Even putting aside all the issues with how Detail handled things, had someone other than Hooper taken down Andy Archer with empty hand force, I would happily be testifying for the defense. Heck, maybe even if it was Hooper. But that's not what happened.

The fifth level – deadly force – is self-explanatory: it's use of a deadly weapon. That's also not what happened here. Instead, Hooper used the fourth level, intermediate force: the stuff in the middle, particularly the use of weapons that are not typically deadly. The most common examples are impact weapons like police batons, chemical weapons like mace or tear gas, and electronic control devices (ECDs).

The most common ECDs are TASERs, a term that technically only refers to devices manufactured by TASER International, Inc. It's derived from their original product, the Thomas A. Swift Electronic Rifle, which was named after an old series of science fiction books, and the company kept the name even though most ECDs are pistols now. Detail guards use the TASER X2, which was introduced in 2011. The nice thing about the X2 is its ability to fire two shots without having to reload. In essence, a TASER uses compressed air to fire two metallic probes at the target. Those probes trail very thin wires, and the probes embed in the surface of the skin. The TASER also works if the probes embed in clothing that's less than 1 inch thick. The device then triggers an electrical charge that has high voltage but extremely low amperage, which completely immobilizes the skeletal muscles. Those are responsible for keeping you upright and letting you move your limbs, so the target immediately collapses. Interestingly, ECDs have no neurological impact, so the target remains conscious and can recall events without difficulty, unless s/he suffers a head injury in the fall.

ECDs can be highly effective, giving security a fifteen- to twenty-foot range (out to 35 feet if you're really good or really lucky) to immobilize a target while doing no permanent harm. If fired against a target that is moving slowly on level ground, it is among the best choices for security officers in a bad situation. However, there are issues with ECDs if you change those conditions. For example, tase someone on a diving board and that person will fall into the water and start to drown. Similarly, hit someone who is running fast, or on a bicycle, and they will have no way to compensate for the fall. They go down, fast and hard, literally unable to brace for the impact. You can get some gruesome injuries that way.

That's why many police and security groups have rules that you don't use ECDs against fast movers, people over water, or people at height. Blount Force had such a rule, and Detail has a similar one, although it allows exceptions at the officer's discretion. That's

the kind of slack thinking to which Detail was prone: if it's always the officer's choice, why have a rule?

Even so, I can see why some people would say intermediate force was appropriate for the first shot. The scenario reads well: an apparently dangerous individual was bent on reaching high value targets (here, members of the governor's staff) with a weapon (bayonet), justifying intermediate force. But that's not really what happened. Archer was on the ground floor, standing still, when first shot, and although Archer had a weapon, it wasn't drawn. The VIPs were all the way at the top of the stairs. The proper response was to step in front and confront with an open hand. You don't escalate the confrontation, and you don't respond to an assault until it exists. What if the kid just had to pee?

If you were facing a more aggressive assailant, drawing a baton, mace, or ECD could make sense. "Be prepared" and all that. Still, it's a closer call. Yes, other at-risk individuals were nearby – the people in line at the door, waiting to come in. And it's a split second thing. So maybe it was not entirely unreasonable to fire that first shot. Maybe. If it hadn't been someone with an obvious grudge against Andy Archer.

What can't make sense is using the ECD the second time. There are two separate, independent reasons not to. The first is the speed at which the target is moving. Hooper says that Archer was moving too fast for any lesser force. Maybe, maybe not. But if Archer was moving that fast, the risk of injury skyrockets, and the force becomes correspondingly less reasonable. If Hooper is wrong about Archer's speed, a more professional security officer would have had time to get between Archer and the supposed targets or take Archer down before s/he reached them; and the TASER X2 wasn't needed.

Of course, there is the second tragic point: you don't use an ECD at height. Everyone agrees that the dignitaries were at the top of the stairs, and Archer was moving toward them. You tase someone at the top of stairs? They're going down the stairs. That's just gravity. Hooper knew that, or ought to have, based on the Detail ECD training. Need more evidence? Hooper was close enough to stop Andy's fall. But according to most accounts, best-case Hooper didn't really try, and worst-case Hooper deliberately stepped aside to let Andy fall. I know Hooper claims differently. No surprise there. And while actions speak louder than words, Hooper's words at the time are damning.

As a security professional, your job is to stop the attack. But you have to do so professionally, using a minimum of force. The closer you get to that goal, the more reasonable your actions are. The further away? That's incompetence, which is just another word for negligence. And if you are using your power, or your weapon, to further some kind of personal feud? That's downright criminal. We're security professionals, not rent-a-bullies.

I know that some people are saying that I'm testifying because Detail Security was one of my main competitors, and I lost a few choice customers to them. Sure, that's true, and yes, losing those contracts hurt us pretty bad. But that has no bearing on what I'm saying in this case. It hurts all of us in the industry if one company hires a rogue employee. Detail just screwed up, and they owe Andy Archer compensation.

All of the foregoing opinions are rendered within a reasonable degree of professional certainty, based on my training, experience, and review of the records mentioned above. If the rest of the world thinks twice before hiring Detail again, that's just icing on the cake.

_____Brandy Gaddis_____ _____Kelly Blount_____

Brandy Gaddis, Notary Public Kelly Blount

Signed and sworn before me this 7th day of January, 2015,
And modified this 17th day of January, 2015.

AFFIDAVIT OF BLAIR HOOPER

After being duly sworn upon oath, Blair Hooper hereby deposes and states as follows:

My name is Blair Hooper. I am 45 years old and have worked for Detail Security since 2003. I grew up in Raleigh and graduated from NCSU in 1992. I majored in Criminology and minored in history, which is my true love. Now I live in Garner, where I used to watch Scotty McCreery play baseball before he "did Garner proud" on "American Idol."

I think my love for the past is in my genes because I'm descended from William Hooper, one of North Carolina's signatories to the Declaration of Independence. When I was a child, my family spent all our time at museums, government buildings, and historical sites. In Raleigh I'd always look for the Capitol Police, the amazing men and women who keep our downtown safe. By the time I started high school, I knew I wanted to join them and to honor the memory of William Hooper by protecting North Carolina's history!

After graduating from NCSU, I enrolled in Basic Law Enforcement Training at the North Carolina Justice Academy. It was a rigorous 16-week program, and I finished second in my class. Unfortunately, the Capitol Police were not hiring, so in 1993 I joined the Durham Police. I took courses in Background Investigations, Profiling, and Crime Scene Investigation.

After 8 years with the DPD, I decided I'd had enough of DWIs and drug busts. So in 2001 I went back to school to become a history professor like my mom. That's where I learned about the theft of North Carolina's copy of the Bill of Rights during Sherman's occupation of Raleigh and the sale of that priceless artifact to Charles Archer for $5.00. The State had tried to get it back in 1925, but we rightly refused to pay any "ransom" for what was ours. In 2001, the document was still missing. My passion came through in my research paper, and I got an "A."

But I had to leave school to support my family, and I decided to reenter law enforcement. At about this time, in the spring of 2003, the news media were going wild about the FBI conducting a "sting operation" to seize our stolen Bill of Rights. Apparently, since the Archers couldn't extort North Carolina, they had sold it to an antiques dealer! The behavior of the Archer family disgusted me. No one who really valued our nation's history would be so greedy and irresponsible! I felt so strongly about it that I tracked down their address in Ohio and sent a letter telling them just how unethical I thought they were. Using

my training in profiling, I also researched their family, checking them out on the internet, doing Google searches, the whole bit. I just had a bad feeling about them.

Around that time, my application was rejected by the Capitol Police. I'm sure it's because of what happened in 2001. That spring, the Duke basketball team trounced the Tar Heels at the "Dean Dome" in Chapel Hill. Several intoxicated UNC students decided to vandalize an off-campus home where Duke players lived. It was an area I knew well; I often had to visit a nearby house to tell them to quiet down. I pulled up in the squad car and saw the UNC students about to spray paint the Duke players' house "Carolina Blue." Most took off, but I managed to grab one kid before he got away. He was pretty inebriated and fought back, trying to grab my baton out of my hand. In the scuffle, he fell on the sidewalk and broke his arm. He blamed me, but it was his own fault. The Durham PD investigated and, unbelievably, found I had used excessive force. I refused to be a scapegoat, so I resigned to go back to school.

Finally, in fall 2003, I got hired by Detail Security. I earned high marks in both their Conflict Resolution class and Controls, Restraints & Defensive Techniques (CRDT) class. I even became a CRDT instructor in 2011. In one class we were trained on the use of the TASER X26, even being "tased" ourselves so we knew how it felt. After we switched to the X2 in 2011, I received training on that as well.

Over my career, I worked a variety of security jobs for Detail. For example, in 2012, I ran a team providing security for Revolutionary War encampments. My love of history made me a natural fit. In March, I was at an event in Greensboro when I heard someone mention an "Andy Archer" at the encampment. I thought to myself, "Is that the Andy Archer of the family who stole our Bill of Rights?!" I kept my eyes peeled, and sure enough, I saw a teenager gathering firewood whom I recognized from the Archers' Facebook page. So I went up to Andy and calmly said that I thought the Archers should have returned the document to North Carolina years ago. Andy became enraged, shouting "What do you care? It was ours! It should *still* be ours!" Then Andy threw a large log at my head! Thankfully I ducked and the log only grazed me, or I could have been knocked unconscious. Andy's extreme reaction shocked me, and I determined to investigate Andy further.

When my shift ended, I checked out Andy's Facebook page. What I saw concerned me even more. Andy ranted about how the Archers had been mistreated by North Carolina and the media and how they should've been paid millions for the document. The page even

implied that Andy had a plan for "rectifying" the situation. It looked to me like Andy had serious anger issues and might even hurt people who got in Andy's way. After all, Andy had tried to injure me!

In August, I learned that my fears were justified. My child, Jordan, was competing in the 100-meter at a college showcase. Dozens of coaches were there, including one from UNC-Chapel Hill, where Jordan really wanted to go to school. Halfway through the race, one of the other runners tripped Jordan! Jordan was hurt and couldn't finish the race. Adding insult to injury, the kid who tripped Jordan won and was offered a scholarship to UNC on the spot. No coaches gave Jordan the time of day, even though Jordan had won trophies in several national races. I complained afterward, but the result stood – and that's when I learned that the winner was Andy Archer! I knew then the lengths Andy would go to if someone got in Andy's way.

I kept investigating Andy online, and I soon connected Andy to a new blog called "set.the.story.straight." Andy was obviously trying to make the Archers out to be heroic rescuers of the Bill of Rights, and a lot of people were buying it. It was ridiculous, but whatever. What concerned me was that when some commenters questioned Andy's version of the story, Andy got hostile. Andy lived in Virginia, so surveillance was out of the question, and I didn't work any encampments for about 10 months because I was racking up overtime supervising security at a construction site in Durham. So I kept tabs on Andy online, and I was glad to see the blog activity died off for a while. I also checked in with the Detail guards who worked encampments. Most didn't report any problems, but a couple said they'd had run-ins with a reenactor who matched Andy's description.

On Labor Day weekend in 2013, I was assigned to work just on Friday at one of my favorite events – the encampment at Latta Plantation in Charlotte. I was disturbed when I saw Andy Archer again, this time armed with a musket and a bayonet. Didn't the regiment know how unstable this kid was? I found Andy, privately, to suggest that s/he get some counseling. I started to explain that I knew the Archers weren't quite the "heroes" that the blog made them out to be, and that I could see Andy would even hurt others – like Jordan – to get what Andy wanted. Andy started shouting "my family DID rescue the Bill of Rights, and we WERE cheated, and you bet I plan to do something about it! Stay away from me, or else!" I thought

Andy might punch me! All of a sudden Andy turned and sprinted away. The kid clearly needed help, and no one else seemed to realize the ticking time-bomb this kid represented.

My shift was almost over, and I was getting ready to leave when Adjutant Lillington approached me. Lillington accused me of threatening Andy, and I told Lillington that it was the other way around – Andy had threatened me! I warned, "That kid is not stable. I just tried to talk to Andy, to suggest counseling. Andy hit me with a log before, and almost hit me again! And I think Andy might be planning something crazy to get back that Bill of Rights." Lillington said, "I know Andy can have a bit of a temper, but there's no way Andy would act as you're saying. I think you're the crazy one." I was sickened by the irony of it all, so I posted about it to my friends on Facebook that evening. I almost posted on Andy's blog, too, but thought better of it. As it was, Andy found my Facebook page, and Andy messaged me that I better stay out of Andy's way or I would be sorry. I wish I had saved that message, but I can't find it now.

I know Lillington complained to Detail Security about me. When I told my boss what really happened, he understood but said I should stay away from Andy and let the regiment deal with the situation. I said I was sorry and it wouldn't happen again. Then the next day the police "visited" me to say someone claimed I had made a threat to burn the regiment's encampment at Latta Plantation! That's just crazy; I loved that encampment, and I'm proud to have helped provide security for the reenactors. There was only one person who would have told them that: Andy Archer. I figured I must be on to something if Andy was trying that hard to take me out of the picture. After I spoke with the police, the DA dropped the "terrorist threat" charge – after all, they had no evidence – and my boss at Detail backed me all the way. I decided to intensify my surveillance of Andy's blog and Facebook, but Andy toned down the rhetoric for a while. I worked more encampments and never saw Andy, so I started to relax. Maybe Lillington had wised up and gotten Andy the help Andy obviously needed.

In 2014, a July 4th celebration was planned for downtown Raleigh, with reenactors, VIPs, and a rare public viewing of the Bill of Rights, honoring its 225th anniversary. It was going to be huge, and the Capitol Police contracted with Detail Security to ensure adequate coverage. I begged to work the event, both to see the history and for a chance to impress the Capitol Police so maybe they'd reconsider hiring me.

On the afternoon of July 2nd, I was working downtown where a number of the reenactor regiments were setting up. I wondered if Andy would be there. The event would be a perfect opportunity for Andy to do something crazy. I strolled over to the 16th NC's camp and happened upon Madison Hancock, a reenactor I'd chatted with on previous occasions. When I nonchalantly asked if Andy would be there, Hancock said yes. So I followed up, asking how Andy was acting and if everything was okay. Hancock looked down, then told me that Andy had seemed a bit unstable lately, getting easily upset and talking about meeting with the governor to "make things right" about Andy's family. Hancock's report put me on edge, and I was more determined than ever to make sure nothing happened.

Later I heard that the 16th NC was going to the Mecca for dinner, so I decided to scope them out. As the group exited the restaurant, a TV News crew descended upon them. Apparently the station had received an "anonymous tip" that Andy was there, and they hunted Andy down. They peppered the kid with questions, and Andy did not handle it well at all. As the group escaped the reporters, I leaned back, out of view, and they passed right by me. I saw Andy violently shaking her/his head, saying "They're gonna be sorry about this. They can't stop me. I'll do whatever it takes to get their attention." Andy was visibly angry.

I immediately sought out Chief Barnabas Taylor with the Capitol Police. I advised him of what had happened and urged him to ban Andy from viewing the Bill of Rights on July 4th. Chief Taylor listened carefully to all that I had to say. After asking several questions, Chief told me that he appreciated my bringing it to his attention, but he could not ban Andy outright because of the negative publicity. I was assigned to supervise the patrol units securing the grounds outside the Capitol building on July 4, and Chief told me to follow my gut.

The document was on display in the old Senate Chambers on the second floor, where it probably had been located when it was stolen. The East entrance doors were supposed to open at 9 AM, but at a little after 8:50 I heard that three VIPs were inbound. I recognized the names of the governor's Chief of Staff Abigail Mason and Charles Reavis with the U.S. Marshall's office. Reavis was one of my heroes; he was involved in the sting operation to recover the document in 2003. I was told they would proceed up the stairs to the Senate chambers once inside. I looked around and saw that more than 150 people were waiting for the doors to open. While I saw nothing overtly suspicious, a lot of reenactors were in that line, and I figured Archer would be with them. I followed my instinct as instructed, and even

though it was against protocol, I decided to swap stations with one of the guards inside. So I came in through the police entrance and headed to the East wing, where I asked my buddy to take my place outside. The VIPS had just entered the building and were making their way slowly up the staircase, chatting and laughing as the public impatiently awaited their turn.

Suddenly I saw someone outside approaching the door at a rapid pace, shoving others aside. I didn't have a clear view, but the person's aggressive behavior concerned me, so I pulled out my TASER just to be prepared. After all, the three VIPs weren't far away, and more would be arriving soon. All of a sudden Andy Archer burst through the door, blasting past those waiting in line. Andy looked wildly up the stairs, then caught sight of me and pulled up short. Given Andy's threat, I had to keep Andy from reaching the VIPs. I commanded Andy: "What do you think you're doing?! Stop right there!" Andy scowled at me, yelled, "I'll show you!" and reached for her/his bayonet. Innocent bystanders were only a foot or two away, so I knew I had to act. I aimed my TASER and shot Andy in the abdomen – and was shocked to see one of the probes bounce harmlessly off of the uniform. Andy yanked out the other probe, shoved me, and punched me hard. Then Andy started running up the stairs, shouting at the VIPs: "You're going to remember me!! I'll show you what happens when you don't help my family!!"

I knew I had to stop Andy before any VIPs got hurt. Marshall Reavis didn't have his gun, and Andy had a sharp, 18-inch bayonet ready to draw and use. Luckily the X2 has two shots before you have to reload. I ran after Andy and fired my second shot in the nick of time, just as Andy reached the upper landing, only a few strides away from the VIPs. The probe lodged in Andy's leg, and Andy dropped like a stone.

I was maybe 10-12 feet behind Andy at that moment. Unfortunately, being on a staircase, the kid started tumbling. I tried to grab Andy, but I missed, and Andy went right past me. Andy's leg got caught between a step and a wall and snapped. I do feel bad about that, but better the attacker be injured than the protectees. Who knows what Andy might have done after attacking Ms. Mason and Marshall Reavis?! Attack the governor? Under normal circumstances, you shouldn't fire a TASER at a moving target at height, but there was nothing normal about an armed assailant running toward these VIPs. It wasn't a hard call.

Since I was the officer on the scene, I gathered up Andy's gear (which was strewn all down the stairs) and handed it over to the Capitol Police when they arrived. It included

Andy's musket, a bayonet and scabbard, some sort of a pouch, and an empty, oblong cylindrical metal case. Soon an ambulance came and took Andy away, and the event went on as planned. I had done my job and had protected the event, the dignitaries, and the priceless document. Detail Security even gave me a commendation for my bravery, along with a $300 bonus check. I will admit, I had hoped the Capitol Police might offer me a job, but the bad publicity from this lawsuit killed any chance of that. Instead of being hailed as the hero I am, I've been berated by the media, all because of Andy. Ironic, isn't it? But I'd do it again in a heartbeat. As I said, it wasn't a hard call.

I am personally familiar with Exhibits 2, 4, 5, 7, 8, and 9, although Exhibits 1 and 3 also look right to me.

Kelly Owens _____ Blair Hooper _____

Kelly Owens, Notary Public Blair Hooper

Signed and sworn before me this 9th day of January, 2015

AFFIDAVIT OF MADISON HANCOCK

After being duly sworn upon oath, Madison Hancock hereby deposes and states as follows:

My name is Madison Hancock. I hail from Gastonia, North Carolina, near Charlotte. I am 42 years old and divorced. I graduated from UNC-Charlotte with a degree in Software and Information Systems, so I work from home doing web consulting, design, and development for small businesses around the country. I'm not rich, but I make a fair living and I get to see my daughter, Sarah, grow up, so it's all good.

My ex, Taylor, was a history teacher. While we were still together, Taylor "volunteered" me to get involved with the Revolutionary War reenactors of the 16th NC Regiment. It seemed silly at first, grownups running around in costumes, but after a few encampments I found I liked the people. Now they're more family than anything else. And, amusingly, as webmaster (for an 18th century unit!), I'm considered a regimental officer. It's fun, because all the "dirt" reaches me eventually since I'm taking photos and interacting with everyone to get content for our online "brand." We have to recruit from several surrounding states, so a healthy web presence is key.

The Archers joined the 16th NC around 2006 or 2007. They were history buffs and knew a lot about the Revolutionary War, especially the Constitution and Bill of Rights, and they came to almost every encampment for 5 or 6 years. Andy became fast friends with Rory Franklin. Those two were tight as ticks, always running off exploring and getting into things they shouldn't. They're Sarah's age, and she wanted so much to be part of their "thing," but they excluded and ridiculed her. Once Sarah even said they'd threatened to stab her with bayonets, but usually they just hid behind trees and threw sticks or pine cones at her. Sarah's shy, so it wasn't unusual for her to have social issues, but it was very unusual for those to get physical.

I blame Andy; Rory followed along, but Andy was always pushing the limits. It seemed like at every encampment, a security guard would bring them back for one thing or another. Their behavior angered me, but the Commander let it go, so there wasn't much I could do. Finally they went too far, firing the muskets when they were underage, and almost got kicked out of the regiment. They blamed Sarah for turning them in, and Sarah quit coming to the encampments.

In 2011, Andy's folks stopped attending events, and Andy stayed with Rory's family.

Andy and Rory had calmed down a bit, so the Commander approved their request to portray soldiers when they turned 16. Still, Andy's temper would sometimes come out when Andy felt insulted or didn't get to play the exact role Andy wanted. I remember one time, Andy almost got in a fight with an observer who commented that Andy's portrayal was "unrealistic." One of the Detail guys had to intervene. A different time, Andy was supposed to play a soldier who was killed in a skirmish, but Andy refused to "die." Another regimental member took Andy to task, and security had to step in to separate them. For some reason, Commander Compton had been "taken in" by Andy's charm, and he seemed to overlook Andy's anger issues. It almost made me glad that Sarah no longer came.

At Guilford Courthouse in 2012, I learned why Andy's family knew so much about the NC Bill of Rights. Andy came running back to camp to tell us that some security guard had confronted Andy when no one else was around. Andy seemed pretty upset, and Commander Compton and Adjutant Alex Lillington encouraged Andy to share what happened with the entire regiment. So Andy told us that the Archers had once owned the North Carolina Bill of Rights. Andy went on and on about the "extensive efforts" their family had made to preserve the document. As I listened to Andy talk, I was rather appalled. I had read how the Archers had just wanted to get rich off of it, essentially profiting from stolen goods. I couldn't believe how everyone was buying Andy's story. Andy seemed emotional and sincere, so I think that must've sucked everyone in. As an IT person, I guess I'm just more rational than some. But I didn't want to seem unsupportive, so I kept my own thoughts on the issue to myself and joined in assuring Andy that the Regiment supported them and appreciated what they had done.

After the encampment, at Lillington's request, I helped Andy create a blog which Andy called "set.the.story.straight." Andy said it would help get the truth out about the Archers' "crucial role" in preserving North Carolina's copy of the Bill of Rights. Andy was obsessed with righting what Andy perceived as the wrong done to their family. It seemed like Andy was "spinning" the story pretty significantly, but I set up and administered the blog since the regimental leadership was so gung-ho.

At first the blog generated positive buzz, until a few skeptics (or, more accurately, realists) began to make posts. The initial comments questioned Andy's "take" on what their family had done, then some of the comments became rude. I tended to agree with the

content, if not the tone, of many of the critics, and I was glad to see the issues they raised. But Andy became furious and combative. The first rule of the Internet is you don't feed the trolls. I tried to tell Andy that, but Andy angrily insisted the truth had to be told and the slander had to stop!

After that, of course, things got worse, and some of the posts eventually became threatening. One person posting as "true.patriot – no.more.lies" was especially abusive. Unfortunately, Andy didn't learn, and Andy's posts became more aggressive, too, talking about how the Archers should be considered "heroes" and should be honored, and even paid, for all they'd done. Andy even said the time might come to take matters into their own hands. Andy was definitely escalating the situation – it was obvious to everyone – but Andy could not see it. Concerned, I suggested that Andy quit posting for a while, and things died down.

I was with the regiment at Latta Plantation on Labor Day weekend in 2013 when Andy again claimed to have been accosted by a security guard. Upset, Andy packed up and left. The incident really surprised me, as every Detail guard I'd ever met had been friendly, helpful, and professional. I was even more surprised when I learned that the guard was Blair Hooper. I'd often had wonderful discussions about history and our Constitution with Hooper. In my experience, Hooper was one of the best guards that Detail Security had, and Hooper cared a lot about the reenactors' safety and happiness. In fact, Hooper had asked me specifically about Andy in the past, and I had shared my concerns about Andy's history of anger issues with him/her.

That night, Adjutant Lillington got a text from Andy (we'd check our phones in the evening after visitors left). Andy said someone had posted on the blog and threatened to burn down our encampment!! Lillington asked me (as webmaster) if I thought we should take the threat seriously. When Lillington heard about some of the responses to Andy's comments, s/he called the police. I heard Lillington tell them Hooper might be involved because a lot of the wording was similar to what Hooper reportedly had said to Andy – stuff about how "true patriots" wouldn't ransom the Bill of Rights. I thought that was a mistake; that kind of language had become more common, unfortunately, and there wasn't any other evidence against Hooper. In fact, after I got home on Sunday, I checked the blog and saw the post. I would have checked earlier, but believe it or not, I still use a flip phone! I decided to check the website registry, and the IP address was completely different than the address

usually used by “true-patriot” (the account we were sure belonged to Hooper). I don’t know if the police followed up or what they found if they did.

I was with the 16th NC when we rolled into Raleigh on July 2nd of 2014. We had been invited to take part in the big Independence Day celebration. About a dozen reenactor groups were camping on the Capitol grounds and Moore Square, and the media were everywhere. It was a webmaster’s dream. In mid-afternoon many of the regiment had wandered off while I finished setting up my gear in my tent. When I came out, Blair Hooper was there, poking around. We started chatting, and Hooper suddenly asked me if Andy was with the regiment. When I said yes, Hooper looked concerned and quizzed me on how Andy was acting. I hesitated, but then I admitted that I was concerned because Andy was more volatile than I’d hoped, talking a lot about vindicating the Archers and making things right. Hooper started to say something, then shook his/her head and walked away with an unhappy expression.

For dinner, we headed to the Mecca Restaurant, a historic landmark on East Martin Street. As we came out of the restaurant after a great meal, reporters descended upon us! There was a TV camera and glaring lights and a reporter was sticking a microphone in Andy’s face asking about the Archer family. It was surprising and exciting at the same time, at least until Andy flipped out. It was probably good that the Adjutant intervened. The reporter was way out of line, but Andy’s reaction – shouting and jabbing Andy’s finger at the cameraperson – was definitely overboard.

I tried to settle Andy down, but as we walked back to camp, Andy went on and on about how badly their family was treated and how Andy wanted to show the people of North Carolina that they were wrong. Andy even said that the Archers should have kept the Bill of Rights. That didn’t sit well with the other 16thers, but then Andy said something about suing to get it back or else to get paid for taking care of it. I thought it was a good sign that Andy was talking about calm, legal means, until Andy insisted rather fiercely that their family should’ve gotten several million dollars for the document instead of a couple of “measly” hundred grand! That was never going to happen! Then Andy said, “I can’t take this anymore. I’ll show them! It’s time to take matters into my own hands.” Andy’s wild look scared me.

By the time we reached our encampment, Andy had finally calmed down. S/he went right into the tent, lit a lamp, and stayed up most of the night, feverishly writing something. I don’t know what it was. Regardless, Andy didn’t seem right to me. I told the Adjutant we

should pull Andy out of the ceremony on the 4th, but I was overruled. Lillington said s/he didn't want to hurt Andy's feelings, and that s/he'd talk with Andy to make sure Andy was ok. Personally, I thought Lillington might have been leery of setting Andy off again. Or maybe that was just me. After the way Andy treated Sarah, I could never look at Andy in quite the same way again.

The next morning Andy went for a long run. I guess that cleared Andy's head because Andy acted just fine as we stayed around camp and did demonstrations for the thousands of spectators. Andy was calm and friendly with everyone, so I figured Lillington had made the right decision.

On July 4, we all got dressed to go view the Bill of Rights. Andy seemed kind of on edge. I noticed Andy grabbed both a musket and a bayonet, so I suggested that it might be best to leave those weapons behind because security probably wouldn't allow them in. Andy, though, was insistent. True, some of the other members brought their gear, but most of us didn't. Next, Andy hung what looked like an antique scroll holder on a strap beside Andy's bayonet scabbard. I said, "Hey, what's that? That's cool." Before Andy could answer, the Commander called us into formation to march over to the Capitol building.

We arrived at the Capitol at around 8 AM. The doors would open at 9 AM for the public to view the Bill of Rights, the dignitaries were scheduled to arrive around 9:30, and speeches would begin at 10. We thought we were early birds, but there were about 40 people ahead of us, lining up by the East Wing entrance. Just before 9 AM, the Capitol Police escorted a small group of political types to the head of the line. Obviously, they were the advance team or whatever.

That's when I saw Andy get really, and I mean <u>really</u>, restless, like a hound straining at the leash after catching a scent. I had barely said, "Settle down there!" when I saw Andy break from the line, rushing toward the building, past all the people in front of us. Surprised, I followed to see what the heck Andy was doing. Adjutant Lillington had also given chase and was blocking my view as we reached the doorway. From inside, a security guard hollered, "Where are you going? Stop right there!" Andy pulled up, shouted, "I'll show you!" and started to reach toward the bayonet! I was shocked; what on earth was Andy doing?

The guard fired point-blank at Andy's chest. At first, I thought the guard fired an actual gun, but then I saw it was a TASER. And something must've gone wrong, because Andy

wasn't fazed at all. I wondered if Andy was on something – I'd never heard of anyone being unaffected by a TASER! I couldn't believe it. I especially couldn't believe it when I took a second look and realized the guard was Blair Hooper! Next thing I knew, quick as a deer, Andy bolted for the big staircase on the left, heading up to the second floor where those VIPs were gathered. Even in the awkward 18th century-type shoes, Andy was faster than a lizard on a hot rock. And Andy was yelling about how s/he was going to "show them" and "make them remember" something. Andy had a wild, crazed look, and the VIPs were staring down with expressions of shock and fear.

Before I could even call Andy's name, Hooper ran up the stairs, hot on Andy's tail, and fired the TASER again. This time the TASER worked! For a second, I thought the nightmare was over. But then Andy started tumbling down the stairs, going right past Hooper. My view was partly blocked by the stair railing, but I am pretty sure that I saw Hooper bend down to try to slow Andy's fall. Unfortunately, Hooper missed, and when Andy hit bottom, I heard a loud "crack!" Andy screamed and fell unconscious. It was awful. Soon an ambulance came and took Andy off to Duke, and the Regiment marched back to camp in a horrified daze.

Honestly, I just don't know what Andy was thinking. As shocking as it was to see Andy get hurt, I don't blame Hooper for taking action to stop Andy. Lord knows, looking at the circumstances, what else could the guard do? Hooper couldn't let someone armed with a sharp object run up the stairs toward those dignitaries. The long and short of it is, Andy was out of control. It's hard to believe Andy would hurt someone, but that Bill of Rights was always a "hot button" for Andy, and Andy had talked about making the state "pay." I'm not one to "blame the victim," but if Andy had just stayed in line with our regiment, none of this would have happened.

Of the exhibits, I am familiar with Exhibit 1, which I pulled from our website, and of course Exhibits 8 and 9. Exhibits 2 and 3 look right, too, although I didn't make them.

_____Patti Parrish_____ _____*Madison Hancock*_____

Patti Parrish, Notary Public Madison Hancock

Signed and sworn before me this 5th day of January, 2015

AFFIDAVIT OF TERRY SPAIGHT

After being duly sworn upon oath, Terry Spaight hereby deposes and states as follows:

My name is Terry Spaight, and it's my pleasure to testify on behalf of Detail Security. An incident such as this one is never pleasant, but the law only allows recovery for harms suffered due to unreasonable actions. Detail's actions here were in the mainstream of security practice, and Detail followed a sensible plan of action suggested by an experienced professional. The only one who acted foolishly here was Andy Archer.

My own background in security goes back almost thirty years, when I worked as a guard at the Wake County Speedway for Piedmont Security. I was dealing with people twice my age and three times my size, but that doesn't bother you if you know how to keep cool and stay calm. I stayed with the Speedway through college, then joined Piedmont as a full-time professional in security design and implementation.

Since I was a kid, I've been a reenactor in what you might call the Civil War, but which many people here call the War Between the States, or even the War of Northern Aggression. I'm a member of the Edenton Bell Battery, a group of reenactors who can give folks a sense of what the struggle was like for those who fought and were affected by the conflict. Whether it brings you pride, horror, or some mix of the two, there's no way to get a sense of the war without seeing it in person.

Shortly after I started full-time with Piedmont, I was sharing some hard tack with a Batterymate, Frankford Johnson. I started complaining about how the set-up was safe neither for the visitors nor for the battery, and ole Frank asked me if I could do better. So that Tuesday I sent him a proposal from my desk at Piedmont. Well, Frank knows half the reenactors in the middle Atlantic, and next thing I know, Piedmont was asked to consult for the 130th Anniversary of the Battle of Fort Sumter. My plan improved the experience for visitors and reenactors, and soon we were getting calls from Manassas, Antietam, Gettysburg, the whole Peninsula…. My bosses were tickled, and I rose up the ranks pretty quickly.

And I didn't stop there. Reenactors love history, and many of them work in museums. The museums started calling me, at Piedmont, to work on their security plans. Those were complex issues, no place for an amateur, so I went back to working security on nights and weekends and started full-time on a degree in Museum Studies. Two years later, I left Piedmont, started my own operation, and now I'm the leading expert on museum security in

the Eastern United States. I've worked with them all, from the National Archives to the Smithsonian to the NASCAR museum. And, of course, I still am the go-to person for anyone designing security for a reenactment. Just finished Gettysburg 150, in fact! On the side, I still consult, and I find time to teach. I even got a Ph.D. from UNC in History, with a focus on museum display and design.

It was only natural that I would be called for the Independence Day display of the Bill of Rights at the Capitol Building in Raleigh in 2014. For political reasons, the scene was controlled by a combination of the Capitol Police and hired security, and several of my suggestions were rejected. I never would have made the document reachable only by a narrow stone staircase, for example, because it created a problematic traffic flow. But I guess the governor's office liked the optics for viewers' "selfies," and that is important, too. The most secure way to handle an historical document is simple: lock it away forever. But artifacts have meaning to people because of how they are treated, and a dramatic setting heightens the emotional impact. So the setup wasn't ideal, but it was reasonable, from a museum science perspective.

Overall, I thought it was a good, secure plan, and so did the Capitol Police and even the U.S. Marshals who provide security for US Supreme Court Justices. Their only disagreement was with allowing reenactors to bring in their period-accurate equipment, but I held strong on that. The reenactors bring authenticity to events, and I know from being one (albeit of a different war) that reenactors are passionate lovers of history. I was able to convince the others that they would be the last people to try and cause trouble. I didn't count on Andy Archer, I guess.

What you have to understand about designing security for the Bill of Rights is that you're <u>not</u> designing security for the Bill of Rights. The document is locked in a secure, climate-controlled vault that would slough off most small arms fire. Sure the document is worth millions, but it's protected, and unless you're filming a Hollywood blockbuster, that case isn't going anywhere. The problem from a security perspective isn't the document, it's the people. The Bill of Rights is the real deal, the place where American liberty began. For two hundred years, it has been a beacon to the world. Everyone wants to see that, to be close to it. And I mean everyone, not just people like you and me, but the governor, the

governor's chief of staff, heck, even Supreme Court Justices. Every one of those folks has enemies, and none of them is in a bulletproof box.

Protecting people would be easy if you didn't have to worry about the visitors being happy. You know how people complain about taking off their shoes to get on an airplane? Imagine doing that just to walk up a flight of stairs and past a piece of paper. In their own State House! If you had metal detectors, millimeter scans, and the like, you couldn't move people fast enough, and you'd ruin the experience, to say nothing of doing a warrantless search just so someone could see the Fourth Amendment!

That means you have to rely on your people. You need to know them, train them, and equip them, and then you need to give them the flexibility to make the right call on the spot. That sounds easy sitting there in an air-conditioned office, or courtroom, but there's nothing harder. Fifty feet between you and a target sounds like a lot, right? An average healthy adult male can sprint about 15 feet/second. Usain Bolt can do it in half that. So those fifty feet? That's a hair over three seconds to recognize a threat, determine how to respond, and engage the target. Remember Driver's Ed, where they taught you it can take a person 0.75 seconds just to register that something is happening? There goes a quarter of your time. And that's for fifty feet. Assailants are often closer than that. Researchers have determined that it takes 1 ½ seconds for even a trained operator to draw a handgun and put two center hits on a man-sized target. So an armed adversary just 22 feet away is able to reach you before you can safely react. And that's at average sprint speed! It's no mistake to talk about "split second" decisions that police or security guards have to make. Not everyone can make those kinds of calls.

Blair Hooper sure seems like one of the ones who could. Blair went through police academy, Detail's four week security operations orientation – which is the best in the business – multiple continuing education seminars in conflict resolution and crowd control, and has worked in police or security for years. That's not an easy record to compile.

I know that Kelly Blount is taking a lot of shots at the Detail pre-employment assessment. Kelly's entitled to have an opinion – and will always give it! – but Kelly's living in a fantasy world. Even if Detail had tried to check the backstory on Hooper's record, you can't just call that kind of information up. Personnel records are usually locked down, by law, and police records are doubly secured to keep witness statements confidential. And

the incident with the blog post threatening Latta Plantation? That's a true stretch. An investigation found no hard evidence tying Hooper to the post, and no formal charges were ever filed. Can you imagine running a business where you fired your employees, without evidence, because someone on the internet said something? Not only could you get sued, but your morale would be awful. In the absence of actual proof that Hooper was involved, Detail did the right thing.

And then there's this pre-screening or post-hiring internet stuff. What hooey! I don't know of any security agency in the western world that reads its employees' social media accounts. First off, who wants to work for Big Brother? Second, there just isn't the time. You know how many people are posting on Facebook? On Twitter? Instagram? Whatever the next thing is? How are you going to keep track of all that? Third, it doesn't even work: if I know my employer is watching, that might stop me from saying something, but it doesn't mean I'm not thinking it.

Detail probably should have responded more strongly to the reports of hostility vis-à-vis a reenactor. But there are two sides to every story, and at that point, they had only heard one. You have to decide who you believe and who you trust. Detail made the decision to trust their employee, and that decision seems to have been justified. There was no incident from 2013 until 2014….if there even was a problem at all in 2014!

Let's take a serious look at what happened on July 4th. Hooper was detailed outside, but s/he chose to move inside, apparently to protect the VIPs. However, the VIPs' arrival was anticipated in the plan we made, so we already had adequate security both inside and outside. As a security planner, I don't like to see people breaking protocol lightly, or on a whim, because the plan distributes experienced officers around the different places security is needed. Hooper should have been outside, because that's where Hooper's skills were needed and where everyone thought Hooper would be in a crisis.

With that said, all plans need flexibility, and officers have to be given some leeway. At 8:58 AM, all Detail personnel are tasked with protecting Mason and Reavis, the VIPs. But Hooper and the rest are not just thinking about them. There are also two platinum protectees on the way – a Supreme Court Justice and the governor – along with a bunch of other high-value folks from the North Carolina Supreme Court and elsewhere. Security personnel know when they are scheduled to arrive, but a politician's schedule is basically

worthless. So all Hooper really knows is that they'll be there soon. If Hooper trusted his/her instincts and decided s/he needed to be inside to ensure the safety of the VIPs, I reckon I can't really second-guess the officer on the scene, even if from the perspective of security planning, that's not what Hooper was supposed to be doing.

Then, suddenly, Hooper sees a person burst through the door, and that person is carrying a bladed weapon and a case that could hold anything, including bombs or other weapons. That guard recognizes the individual – or doesn't – but the individual's closing fast. There's maybe one or two seconds, tops, to figure out what to do.

I know that reenactors seem quaint and charming, but as the responsible officer, Hooper does not have the luxury to look at them that way. Heck, a pocketknife can cause serious injury even in the hands of an incompetent; a bayonet in the hands of a trained operator is a killing tool. That's why soldiers carry them, and practice with them, even today! It's also why a blade is a deadly weapon, meaning that deadly force in response would be permitted by any court in America. To Hooper's credit, s/he didn't use deadly force, but s/he also wasn't stupid enough to confront an 18-inch knife with just an open hand. At that moment, Hooper had a choice of weapons. Gas is bad; there are lots of people around, and some might have compromised breathing. A baton just puts you into a fight, but it isn't going to corral an attacker, and you don't want to risk losing a melee… or even winning, but getting stabbed, in case there's another individual involved. Bad guys don't always work alone.

So Hooper made the right choice. S/He grabbed the ECD, the TASER X2. If Hooper's first shot succeeds, the target is immediately immobilized, without any risk to the dignitaries or Hooper. If the target has a partner, Hooper can fire the second shot or engage using other techniques. If not, the target is on the ground, and Hooper slaps the cuffs on. And even if Hooper misses, s/he can fire a second shot with the X2. It can also be used in "drive-stun" mode, like a handheld stun gun, where it's at least as useful (offensively, anyway) as the baton.

ECDs are great because they do no lasting harm. I repeat: it hurts in the moment, but once the finger is off the trigger, they're harmless. Contrast that to a police baton or, Lord have mercy, a round or two of 10mm. I've been tased a few times demonstrating products

and techniques to museum staff, but do you think I would let someone "demonstrate" hitting me with a reinforced pipe or shooting me?

Were there some reasons not to use an ECD, particularly on the second shot? Yes. In an ideal world, you don't want to use a TASER on top of a staircase, and you don't want to use a TASER when somebody's running. And yes, the faster someone is moving, the worse the risk to them is. So, in the abstract, a fast-moving target on a staircase is pretty close to a no-fire zone. But the reality is we never want to fire an ECD. In an intermediate force situation, things are – by definition – less than ideal.

And you have to do the job. You have to protect the targets, to keep the peace. There are a variety of ways to do that, and each of them has risks. Firing an ECD at a moving target at height is a bad choice to have to make. But so is breaking someone's arm with a baton, trying to kneecap them on those same stairs, or risking their life and those of innocent bystanders discharging a pistol. Each option has risks, and at the end of the day, if you have to choose between protecting the vulnerable and safeguarding the assailant, that's an easy choice. Under the circumstances, selecting the ECD was perfectly reasonable. You can't second-guess the split second decisions that an officer has to make.

Contrast Hooper's behavior with Archer's. Archer knew that the people s/he was approaching did not wish to speak with her/him, and Archer knew that they were heading toward an historical document of incalculable value. Yet Archer chose to race forward, without warning, while calling out in agitated fashion to people who don't know what is going on. While doing this very foolish thing, Archer reaches either for a foot-and-a-half long bladed weapon or for a case that contains… who knows what? Anyone acting with an ounce of common sense – or even seeking redress of a grievance through the proper channels instead of by ambushing an official in public! – could have avoided this whole thing. And any person seeing that individual would reasonably fear that the dignitaries were under attack.

Now, I want to be clear. If Blair Hooper decided to shoot Andy Archer for some damn fool personal reason, that's unprofessional and it's awful. That kind of behavior should be punished to the full extent of the law. But we as a society ask our peace officers to protect us, to make split-second decisions. It's unfair to punish them when they make a reasonable mistake, and it's doubly unfair to punish them when they do the right thing! Using an ECD was a hard call, maybe even a close call, but it was a reasonable one. "It is not

the critic who counts; not the man who points out how the strong man stumbles, or where the doer of deeds could have done them better. The credit belongs to the man who is actually in the arena, whose face is marred by dust and sweat and blood." Teddy Roosevelt had it right when he said those words.

The foregoing opinions are rendered on my personal honor, within a reasonable degree of professional certainty, based on my view of the facts of this case. I have reviewed the declarations of all of the testifying witnesses and exhibits. Spaight Consulting was paid $3500 for its work in designing the security plan for the Independence Day event, and I was paid $200/hour to review the materials for this case and $400/hour to testify. I anticipate that my total bill to Detail will be approximately $8000-$9500. This is my seventh time testifying as an expert in court and my fifth testifying for the defense. Four of those matters involved security operations, two involved museum disputes over artifact display, and one was on behalf of a reenactment society spuriously accused of violating local ordinances.

I am familiar with Exhibits 2, 3, 4, 6, 7, 8, and 9; and of course I provided Exhibit 12.

Jill Miller *Terry Spaight*

Jill Miller, Notary Public Terry Spaight

Signed and sworn before me this 14th day of January, 2015