

2005-2006
Competition
Case

WADE EDWARDS HIGH SCHOOL MOCK TRIAL

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Z. SMITH REYNOLDS FOUNDATION

2005 Wade Edwards High School Mock Trial Program

STATE OF UTOPIA COUNTY OF MOCK		
STATE OF UTOPIA,)	
)	
v.)	Criminal Action No. 2004-MT
)	
MICKY FINN)	
)	



NOTE: All characters, names, events, places and circumstances in this mock trial case are fictitious.

The Wade Edwards High School Mock Trial Case Committee gratefully acknowledges the State Bar of Georgia and the Young Lawyers Division High School Mock Trial Committee which produced this original case.

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INTRODUCTION

*Legends and lore and costumes galore
Hollingsworth Morse is such a bore
Come Halloween night
Is the conspiracy tight?
What will you do
When the Reaper points at you?*

The parties at “Club Hodgson” were legendary at Metropolitan University, especially the Halloween party. Micky Finn, along with his/her cohorts Ashley Brewer and Dylan Childs, had hosted several parties at their house on Hodgson Drive over the last two years. They were also collectively known as notorious pranksters around campus. The biggest party each year was on Halloween, when a hooded and masked figure dressed as the Grim Reaper began ominously distributing drinks to certain guests at precisely midnight. The Grim Reaper became a staple at the Halloween parties and it always seemed like one person got a little too “out of control” after the visit from the Reaper. The odd thing is, it was always the one person everyone would least expect to lose control. Nevertheless, the antics seemed to liven up the party. Little did everyone know that Micky, Ashley and Dylan were spiking one person’s drink during the Reaper “prank” with liquid Ecstasy (MDMA), and watching the effects with glee. Ashley knew where to buy the drug, Dylan would make sure the “mark” would come to the party, and Micky would dress as the Grim Reaper and make sure to give the “mark” the spiked drink. They would meet about a week before the party to decide who was going to get the drink.

The Halloween party on October 31, 2004 seemed to be like the last two Halloween parties. At midnight, the Grim Reaper entered the main room, passed out a few drinks and then disappeared. The “mark” that night was Hollingsworth Morse, a student everyone assumed to be meek and shy – a “science geek”. Very shortly after drinking the cocktail, Hollingsworth suddenly and horrifically dropped dead. After his death, it was discovered that Hollingsworth, while a loveable “science geek” on the surface, had, in reality, a very unsavory habit. After an investigation and questioning by Detective Jamie Gumm, Micky was charged with felony murder, Ashley copped a plea to simple possession and serving alcohol to minors and turned state’s evidence. Dylan was not charged.

STIPULATIONS

1. All exhibits included in the problem are authentic and accurate in all respects, and no objections to the authenticity of the exhibits shall be entertained.
2. The signatures on the witness statements and all other documents are authentic.
3. There are **NO** costume options permitted as an exception to Rule 4.11.
4. The Charge of the Court is accurate in all respects; no objections to the charge shall be entertained.
5. Chain of custody for evidence is not in dispute.
6. Stipulations cannot be contradicted or challenged.
7. Information contained in the Introduction and the supplemental information contained in the Teacher Training materials is of no legal consequence in terms of the trial and is not admissible for impeachment purposes or for any other purpose.
8. The Defense must call Micky Finn, the Defendant, as one of their three witnesses in all rounds of the competition.
9. Hollingsworth Morse, the victim, is male.
10. Hollingsworth Morse's death was primarily caused by an overdose of MDMA (liquid Ecstasy).
11. The handwriting on Exhibit 6, the party itinerary, is Micky Finn’s.
12. The handwriting on Exhibit 14, the police report, is Detective Jamie Gumm’s.
13. The voices in Exhibit 3 are identified as Palmer Peeples-Catts and Charly Bunsen.
14. Exhibits 1, 2, 8 and 9 and all contents thereof are stipulated to be admissible without further foundation.
15. Exhibits 4 and 5 fairly and accurately reflect the scene, view or geography they purport to depict.
16. Exhibits 7, 11 and 12 are true and accurate photographs of evidence recovered from 270 Hodgson Drive by Detective Gumm and the costume model in Exhibit 7 is not meant to be representative of the size, shape, race or gender of any witness.
17. Exhibit 13 is a certified copy of the records of the Court of Mock County.
18. Exhibits 3 and 14 are kept in the ordinary course of business or as part of the ordinary conduct of an organization or enterprise where it was part of the ordinary business of that organization, business or enterprise, to compile the data or information. The information was made for the purpose of recording the occurrence of an event, act, condition, opinion or diagnosis that takes place in the ordinary course of the business or enterprise, the entry in the record or the compiling of the data was made at or near the time when the event took place, and the recording of the event was made by someone who has personal knowledge of it.

WITNESSES

A Team Character Assignment form will be used to inform an opponent and the Presiding Judge and Scoring Judges of the students portraying the three witnesses to be called at trial.

For the Prosecution—

Ashley Brewer
Palmer Peoples-Catts
Detective Jamie Gumm
Charly Bunsen

For the Defense—

Micky Finn, *Defendant*
Parke Lindsay (P.L.) Popper
Dylan Childs
Sidney Lanier

All witnesses may be female or male.

EXHIBITS

Teams in competition may use the following exhibits. They are pre-marked and are to be referred to by number, as follows:

<u>Exhibit No.</u>	<u>Exhibit Description</u>
1.	Autopsy Report with body drawing
2.	Toxicology Report on Hollingsworth Morse
3.	911 Transcript
4.	Rear view of “Club Hodgson”
5.	Layout of “Club Hodgson”
6.	Party itinerary
7.	Grim Reaper costume photos
8.	Fingerprint Report
9.	Toxicology Report on vial and cup
10.	Party flier
11.	Vial photos
12.	Cup photo
13.	Indictment/Conviction/Sentence – Ashley Brewer
14.	Police Report

MEDICAL TERM GLOSSARY

Adrenals: either of a pair of complex endocrine organs near the anterior medial border of the kidney

Aerated: to supply (the blood) with oxygen by respiration

Aortic: relating to the large arterial trunk that carries blood from the heart to be distributed by branch arteries through the body

Appendicular skeleton: the articulated bones of the upper and lower limbs

Atherosclerosis: a common arterial disease in which raised areas of degeneration and cholesterol deposits (plaques) form on the inner surfaces of the arteries

Autolysis: breakdown of all or part of a cell or tissue by self-produced enzymes

Axial skeleton: Articulated bones of head and vertebral column, i.e., head and trunk

Bilateral atria: The thin-walled chambers of the heart that pump blood into the ventricles

Blancheable violaceous livor mortis: settling of blood in the lower parts of the body/organs, following death that causes purplish red discoloration of the skin that whitens when pressure is applied (i.e., with a fingertip)

Bulbar conjunctiva: the mucous membrane that lines the inner surface of the eyelids and is continued over the forepart of the eyeball

Calyces: cuplike divisions of the renal pelvis

Capsule: a membrane or saclike structure enclosing a part or organ

Chordae tendineae: any of the delicate tendinous cords that are attached to the edges of the atrioventricular valves of the heart

Contusion: injury to tissue usually without laceration, like a bruise

Coronary ostia: either of the two openings in the aortic sinus that mark the origins of the left and right coronary arteries

Crepitant: having or making a crackling sound

Cricoid cartilage: a cartilage of the larynx

Cyanotic: a bluish or purplish discoloration (as of skin) due to deficient oxygenation of the blood

Dentition: the character of a set of teeth especially with regard to their number, kind, and arrangement

Diffuse mild to focally moderate: mild to moderate

Dura matter: the tough fibrous membrane lined with endothelium on the inner surface that envelops

the brain and spinal cord

Edema: an abnormal excess accumulation of serous fluid in connective tissue or in a serous cavity

Electrocardiographic: Relating to an instrument for recording the changes of electrical potential occurring during the heartbeat used especially in diagnosing abnormalities of heart action

Epicardium: the visceral part of the pericardium that closely envelops the heart

Epididymes: a system of ductules that emerges posteriorly from the testis

Epidural: situated upon or administered outside the dura mater

Epithelial: of or relating to a membranous cellular tissue that covers a free surface or lines a tube or cavity of an animal body and serves especially to enclose and protect the other parts of the body, to produce secretions and excretions, and to function in assimilation

Erythemic: relating to or marked by abnormal redness of the skin due to capillary congestion

Eschars: a scab formed especially after a burn

Evisceration: the act or process of removing an organ or the contents of an organ

Fibrosis: a condition marked by increase of interstitial fibrous tissue

Fibrous adhesions: adhesions consisting of or containing fibers.

Galeal: over or on the head

Gastric lumen: A cavity or channel within the stomach

Gastric mucosa: a mucous membrane in the stomach

Gastroesophageal: of, relating to, or involving the stomach and esophagus

Hepatic vasculature: the disposition or arrangement of blood vessels in the liver

Hepatobiliary: Pertaining to the liver and the bile or the biliary ducts

Hyoid bone: a bone or complex of bones situated at the base of the tongue and supporting the tongue and its muscles

Intraparenchymal hemorrhage: a copious discharge of blood from the blood vessels situated or occurring within the essential and distinctive tissue of an organ or an abnormal growth as distinguished from its supportive framework

Irides: plural of iris

Leptomeninges: delicate layers of the meninges

Lesion: an abnormal change in structure of an organ or part due to injury or disease

Lobulated: made up of, provided with, or divided into lobules (lobes)

Mesothelium: epithelium derived from mesoderm that lines the body cavity of a vertebrate embryo and gives rise to epithelia (as of the peritoneum, pericardium, and pleurae), striated muscle, heart muscle and several minor structures

Mitral: relating to a valve in the heart that guards the opening between the left atrium and the left ventricle

Mucosa: a mucous membrane

Nares: the pair of openings of the nose

Nonicteric palpebral: normal eyelids

Organomegaly: abnormal enlargement of the viscera

Papillary muscles: one of the small muscular columns attached at one end to the chordae tendineae and at the other to the wall of the ventricle and that maintain tension on the chordae tendineae as the ventricle contracts

Parenchymae: the essential and distinctive tissue of an organ or an abnormal growth as distinguished from its supportive framework

Patent: being open and unobstructed

Pericardial sac: the area around the heart

Peritoneum: the smooth transparent serous membrane that lines the cavity of the abdomen

Periumbilical: situated or occurring adjacent to the navel

Petechiae: a minute reddish or purplish spot containing blood that appears in skin or mucous membrane especially in some infectious diseases (as typhoid fever)

Pituitary: of or relating to the pituitary gland, an endocrine organ associated with various hormones which directly or indirectly affect most basic bodily functions

Pleural adhesions: the union of wound surfaces on the sides of the thorax

Pulmonary vasculature: the disposition or arrangement of blood vessels in the lungs

Pulmonic: relating to the lungs

Punctate: characterized by dots or points

Pyramids: an anatomical structure near the kidney resembling a pyramid

Rigor mortis: temporary rigidity of muscles occurring after death

Sebepicardial fat: fat situated or occurring beneath the epicardium

Serosal cavities: cavities lined by a serous membrane, enclosing their contents

Serosal stomach: A serous membrane, especially one that lines the pericardial, pleural, and peritoneal cavities, enclosing their contents

Serosanguinous fluid: a discharge composed of or containing serum and also blood

Striae: a stripe or line (as in the skin) distinguished from surrounding tissue by color, texture, or elevation

Subarachnoid: situated or occurring under the arachnoid membrane (a thin membrane of the brain and spinal cord that lies between the dura mater and the pia mater)

Subcutaneous: being, living, used, or made under the skin

Subdural: situated, occurring or performed under the dura mater or between the dura mater and the arachnoid

Subgaleal: below the surface of the scalp

Subxyphoid: midline of the chest

Tardieu spots: spots observed in the tissues of

persons who have been strangled, or otherwise asphyxiated

Thymic remnant: relating to the thymus (a glandular structure of largely lymphoid tissue that functions especially in the development of the body's immune system)

Thyroid cornua: a horn-shaped anatomical structure (as either of the lateral divisions of a bicornuate uterus, one of the lateral processes of the hyoid bone, or one of the gray columns of the spinal cord)

Trabeculated: transversely barred

Tracheobronchial tree: the trachea and bronchial tree considered together

Tricuspid: a valve that is situated at the opening of the right atrium of the heart into the right ventricle and that resembles the mitral valve in structure but consists of three triangular membranous flaps

Tympanic: relating to the middle ear

Valvular: resembling or functioning as a valve

Vasa defferentia: a sperm-carrying duct

Vasculature: the disposition or arrangement of blood vessels in an organ or part

Ventricular chamber: a chamber of the heart which receives blood from a corresponding atrium and from which blood is forced into the arteries

Viscera: of an internal organ in the body

Visceral pleurae: either of a pair of two-walled sacs of serous membrane each of which lines one lateral half of the thorax

Viscid bile: a yellow or greenish viscid alkaline fluid secreted by the liver and passed into the duodenum where it aids especially in the emulsification and absorption of fats

Legends and lore and costumes galore

Hollingsworth Morse is such a bore

Come Halloween night

Is the conspiracy tight?

What will you do

When the Reaper points at you?

**STATE OF UTOPIA
COUNTY OF MOCK**

State of Utopia)
) **Criminal Action**
v.) **No. 2005-MT**
)
Micky Finn)

THE CHARGE OF THE COURT
[Not to be read in open court]

Pleadings

You are considering the case of the State of Utopia versus Micky Finn. The grand jury has indicted the defendant with the offense of felony murder.

The indictment reads as follows:
(Cover allegations of indictment)

This indictment was returned into court on the 10th day of December, 2004.

Issue And Plea Of Not Guilty

The defendant has entered a plea of not guilty to this indictment. The indictment and the plea form the issue that you are to decide.

Neither the indictment nor the plea of not guilty should be considered as evidence.

Presumption Of Innocence; Burden Of Proof; Reasonable Doubt

The defendant is presumed to be innocent until proven guilty. The defendant enters upon the trial of the case with a presumption of innocence in his/her favor. This presumption remains with the defendant until it is overcome by the State with evidence that is sufficient to convince you beyond a reasonable doubt that the defendant is guilty of the offense charged.

No person shall be convicted of any crime unless and until each element of the crime as charged is proven beyond a reasonable doubt.

The burden of proof rests upon the State to prove every material allegation of the indictment and every essential element of the crime charged beyond a reasonable doubt.

There is no burden of proof upon the defendant whatsoever, and the burden never shifts to the defendant to introduce evidence or to prove innocence.

However, the State is not required to prove the guilt of the accused beyond all doubt or to a mathematical certainty. A reasonable doubt means just what it says. A reasonable doubt is a doubt of a fair-minded, impartial juror honestly seeking the truth. A reasonable doubt is a doubt based upon common sense and reason. It does not mean a vague or arbitrary doubt but is a doubt for which a reason can be given, arising from a consideration of the evidence, a lack of evidence, or a conflict in the evidence.

After giving consideration to all of the facts and circumstances of this case, if your minds are wavering, unsettled, or unsatisfied, then that is a doubt of the law, and you should acquit the defendant. But, if that doubt does not exist in your minds as to the guilt of the accused, then you would be authorized to convict the defendant.

If the State fails to prove the defendant's guilt beyond a reasonable doubt, it would be your duty to acquit the defendant.

Credibility Of Witnesses

You must determine the credibility or believability of the witnesses. It is for you to determine which witness or witnesses you believe or do not believe, if there are some whom you do not believe.

In deciding credibility, you may consider all of the facts and circumstances of the case, the manner in which the witnesses testify, their intelligence, their interest or lack of interest in the case, their means and opportunity for knowing the facts about which they testify, the nature of the facts about which they testify, the probability or improbability of their testimony, and the occurrences about which they testify. You may also consider their personal credibility insofar as it may have been shown in your presence and by the evidence.

Immunity or Leniency Granted Witness

In assessing the credibility of a witness, you may consider any possible motive in testifying, if shown. In that regard you are authorized to consider any possible pending prosecutions, negotiated pleas, grants of immunity or leniency, or similar matters. You alone shall decide the believability of the witnesses.

Defendant as Witness

You are instructed that when a defendant does testify in his or her own behalf, then you have no right to disregard that testimony merely because he or she is accused of crime; that when he or she does so testify he or she at once becomes the same as any other witness, and his or her credibility is to be tested by and subjected to the same tests as are legally applied to any other witness; and in determining the degree of credibility that shall be accorded to his or her testimony, you have a right to take into consideration the fact that he or she is interested in the result of the prosecution, as well as his or her demeanor and conduct upon the witness stand.

Accomplice; Corroboration

The testimony of a single witness, if believed, is generally sufficient to establish a fact. An exception to this rule is made where the witness is an accomplice. The testimony of the accomplice alone is not sufficient to warrant a conviction. The accomplice's testimony must be supported by other evidence of some type, and that evidence must be such as would lead to the inference of the guilt of the accused independent of the testimony of the accomplice.

It is not required that supporting evidence be sufficient to warrant a conviction or that the testimony of the accomplice be supported in every material particular.

The supporting evidence must be more than that a crime was actually committed by someone. It must be sufficient to connect the accused with the criminal act and must be more than sufficient to merely cast upon the accused a grave suspicion of guilt.

Slight evidence from another source that connects the accused with the commission of the alleged crime and tends to show participation in it may be sufficient supporting evidence of the testimony of an accomplice. In order to convict, that evidence, when considered with all of the other evidence in the case, must be sufficient to satisfy you beyond a reasonable doubt that the accused is guilty.

Whether or not any witness in this case was an accomplice is a question for you to determine from the evidence in this case.

The sufficiency of the supporting evidence of an accomplice is a matter solely for you to determine.

Conflicts in Testimony

When you consider the evidence in this case, if you find a conflict, you should settle this conflict, if you can, without believing that any witness made a false statement. If you cannot do so, then you should believe that witness or those witnesses whom you think are best entitled to belief.

You must determine what testimony you will believe and what testimony you will not believe.

Witness, Impeached by

To impeach a witness is to prove that the witness is unworthy of belief. A witness may be impeached by

- (a) disproving the facts to which the witness testified,
- (b) proof that the witness has been convicted of a crime involving dishonesty or false statement, or
- (c) proof of contradictory statements, previously made by the witness about matters relevant to the witness's testimony and to the case.

If any attempt has been made in this case to impeach any witness by proof of contradictory statements previously made, you must determine from the evidence

- (a) whether any such statements were made,
- (b) whether such statements were contradictory to any statements the witness made on the witness stand, and
- (c) whether such statements were relevant to the witness's testimony and to the case.

If you find that a witness has been successfully impeached by proof of previous, contradictory statements, you may disregard that testimony, unless it is supported by other credible testimony. The credit to be given to the balance of the testimony of the witness would be for you to determine.

It is for you to determine whether or not a witness has been impeached and to determine the credibility of such witness and the weight the witness's testimony shall receive in the consideration of the case.

Prior Consistent Statement; Substantive Evidence

Should you find that any witness has made any other statement consistent with that witness's testimony from the witness stand and that such prior consistent statement is material to the case and the witness's testimony then you are authorized to consider that other statement as substantive evidence.

Prior Inconsistent Statement; Substantive Evidence

Should you find that any witness has made any other statement inconsistent with that witness's testimony from the stand in this case and that such prior inconsistent statement is material to the case and the witness's testimony then you are authorized to consider that other statement not only for purposes of impeachment, but also as substantive evidence in the case.

Jury; Judges of Law and Facts

Members of the jury, it is my duty and responsibility to determine the law that applies to this case and to instruct you on that law. You are bound by these instructions. It is your responsibility to determine the facts of the case from all of the evidence presented. Then you must apply the law I give you in the charge to the facts as you find them to be.

Definition Of Crime

This defendant is charged with a crime against the laws of this state. A crime is a violation of a statute of

this state in which there is a joint operation of an act (or omission to act) and intention.

Intent

Intent is an essential element of any crime and must be proved by the State beyond a reasonable doubt.

Intent may be shown in many ways, provided you, the jury, believe that it existed from the proven facts before you. It may be inferred from the proven circumstances or by acts and conduct, or it may be, in your discretion, inferred when it is the natural and necessary consequence of the act. Whether or not you draw such an inference is a matter solely within your discretion.

No Presumption Of Criminal Intent

This defendant will not be presumed to have acted with criminal intent, but you may find such intention (or the absence of it) upon a consideration of words, conduct, demeanor, motive, and other circumstances connected with the act for which the accused is being prosecuted.

Evidence; Generally

Evidence is the means by which any fact that is put in issue is established or disproved. Evidence includes all of the testimony of the witnesses and the exhibits admitted during the trial. It also includes any stipulations, which are facts agreed to by the lawyers. It does not include the indictment, the plea of not guilty, opening statements or closing arguments by the lawyers, or the questions asked by the lawyers.

Direct And Circumstantial Evidence

Evidence may be either direct or circumstantial or both.

Direct evidence is evidence that points immediately to the question at issue.

Evidence may also be used to prove a fact by inference. This is referred to as circumstantial evidence. Circumstantial evidence is the proof of facts or circumstances, by direct evidence, from which you may infer other related or connected facts that are reasonable and justified in the light of your experience.

To warrant a conviction on circumstantial evidence, the proven facts must not only be consistent with the theory of guilt but also exclude every other reasonable theory other than the guilt of the accused.

The comparative weight of circumstantial evidence and direct evidence on any given issue is a question of fact for the jury to decide.

Similar or Connected Offenses or Transactions

Sometimes evidence is admitted for a particular purpose. Such evidence may be considered by the jury for the sole issue, or purpose, for which the evidence is introduced and not for any other purpose.

The law provides that evidence of other transactions of this defendant that are similar or connected to the offense for which the defendant is on trial may be considered for the limited purpose of showing, if it does, the identity of the perpetrator, state of mind, e.g., knowledge or intent of the defendant, motive, intent, plan or course of conduct in the crime charged in the case now on trial. Such evidence, if any, may not be considered by you for any other purpose.

The defendant is on trial for the particular offense charged in this bill of indictment only, and he/she is not on trial for the other transaction. The court does not express an opinion as to whether the defendant has committed any other offense; this is solely a matter for your determination.

However, I further instruct you that before you may consider any other transaction for the limited purposes stated, you must first determine whether the accused committed the other transaction. If so, you must then determine whether the act was similar enough to the crime charged in the indictment such that proof of the other transaction, tends to prove the crime charged in the indictment, keeping in mind the limited purpose of such evidence.

Expert Witness

Testimony has been given by certain witnesses who, in law, are termed experts. The law permits persons who are expert in certain areas to give their opinions derived from their knowledge of that area. The weight that is given to the testimony of expert witnesses is a question to be determined by the jury. The testimony of an expert, like that of any other witness, is to be received by you and given only such weight as you think it is properly entitled to receive. You are not required to accept the opinion testimony of any witness, expert or otherwise.

Venue; Generally

The law provides that criminal actions shall be tried in the county in which the crime was committed.

Venue, that is, the crime was committed in Mock County, is a jurisdictional fact that must be proved by the State beyond a reasonable doubt just as any element of the offense. Venue must be proved by direct or circumstantial evidence, or both.

Parties to Crime

Every party to a crime may be charged with and convicted of commission of the crime.

A person is a party to a crime only if that person

- (a) directly commits the crime; or
- (b) intentionally helps in the commission of the crime; or
- (c) intentionally advises, encourages, counsels, or procures another to commit the crime.

Principal, Failure to Prosecute; Other Involved Persons

Any party to a crime who did not directly commit the crime may be indicted, tried, convicted, and punished for commission of the crime upon proof that the crime was committed and that the person was a party to it, even though the person alleged to have directly committed the crime has not been prosecuted or convicted, has been convicted of a different crime or degree of crime, is not amenable to justice, or has been acquitted.

Knowledge

Knowledge on the part of the defendant that the crime as alleged was being committed and that the defendant knowingly and intentionally participated in or helped in the commission of such crime must be proved by the State beyond a reasonable doubt.

If you find from the evidence in this case that the defendant had no knowledge that a crime was being committed or that the defendant did not knowingly and intentionally commit, participate, or help in the commission of the alleged offense, then it would be your duty to acquit the defendant.

On the other hand, should you find, beyond a reasonable doubt, that the defendant had knowledge that the crime as alleged was being committed and that the defendant knowingly and intentionally participated or helped in the commission of it, then you would be authorized to convict the defendant.

Bare Suspicion

Facts and circumstances that merely place upon the defendant a grave suspicion of the crime charged or that merely raise a speculation or conjecture of the defendant's guilt are not sufficient to authorize a conviction of the defendant.

Alibi

The defendant contends that he/she was not present at the scene of the alleged offense at the time of its commission. Alibi, as a defense, involves the impossibility of the defendant's presence at the scene of the alleged offense at the time of its commission. The evidence presented, with respect to time and place, must be such as reasonably excludes the possibility of the presence of the defendant at the scene of the alleged offense. Presence of the defendant at the scene of the crime alleged or the defendant's involvement as a coconspirator or as a party to the crime is an essential element of the crime set forth in this indictment, and the burden of proof rests upon the State to prove such beyond a reasonable doubt.

Any evidence in the nature of alibi should be considered by you in connection with all of the other evidence in the case. If, in considering the evidence, you should entertain a reasonable doubt as to the guilt of the accused, it would be your duty to acquit the defendant.

On the other hand, if you believe from the entire evidence that the defendant is guilty beyond a reasonable doubt, you may convict.

Identification; Reliability

Identity is a question of fact for you to determine. Your determination of identity is dependent upon the credibility of the witness or witnesses offered for this purpose. You should consider all of the factors previously charged you regarding credibility of witnesses.

Some, but not all, of the factors you may consider in assessing reliability of identification are

- (a) the opportunity of the witness to view the alleged perpetrator at the time of the alleged incident;
- (b) the witness's degree of attention toward the alleged perpetrator at the time of the alleged incident;
- (c) the level of certainty shown by the witness about his/her identification;
- (d) the possibility of mistaken identity;
- (e) whether the witness's identification may have been influenced by factors other than the view that the witness claimed to have; and
- (f) whether the witness on any prior occasion did not identify the defendant in this case as the alleged perpetrator.

Identification; Burden of Proof

It is for you to say whether, under the evidence in this case, the testimony of the witnesses and the facts and circumstances of the case sufficiently identify this defendant beyond a reasonable doubt as the perpetrator of the alleged crime or that the defendant was a party to it. It is not necessary that the defendant show that another person committed the alleged offense.

If you do not believe that the defendant has been sufficiently identified as the person who committed the alleged crime or was a party to it, or if you have any reasonable doubt about such, then it would be your duty to acquit the defendant.

The burden of proof rests upon the State to prove, beyond a reasonable doubt, the identity of this defendant as the person who committed the crime alleged in this bill of indictment.

Conspiracy

A conspiracy is an agreement between two or more persons to do an unlawful act, and the existence of a conspiracy may be established by proof of acts and conduct, as well as by proof of an express agreement. When persons associate themselves in an unlawful enterprise, any act done by any party to the conspiracy to further the unlawful enterprise is considered to be the act of all the conspirators. However, each person is responsible for the acts of others only insofar as such acts are naturally or necessarily done to further the conspiracy.

Whether or not a conspiracy existed in this case is a matter for you to determine.

Conduct and Presence of Parties

Presence, companionship, and conduct before and after the commission of the alleged offense may be considered by you in determining whether or not such circumstances, if any, give rise to an inference of the existence of a conspiracy.

Mere Presence; Guilt by

A jury is not authorized to find a person who was merely present at the scene of the commission of a crime at the time of its perpetration guilty of consent in and concurrence in the commission of the crime, unless the evidence shows, beyond a reasonable doubt, that such person committed the alleged crime, helped in the actual perpetration of the crime, or participated in the criminal endeavor.

Mere Association; Guilt by

A jury is not authorized to find a person who was merely associated with other persons involved in the commission of a crime guilty of consent in or concurrence in the commission of the crime, unless the evidence shows, beyond a reasonable doubt, that such person helped in the actual perpetration of the crime or participated in the criminal endeavor.

Admission of Coconspirator

If the existence of a conspiracy has been shown beyond a reasonable doubt by evidence other than by the declarations of any of the alleged coconspirators, then any admissions or statements made by one or more of the conspirators during and in furtherance of the alleged conspiracy may be considered by the jury against all of the conspirators.

Should you determine that there was no conspiracy or if you are not satisfied beyond a reasonable doubt that a conspiracy existed at the time a particular declaration was made, that the defendant on trial was not a party to a conspiracy, that the existence of a conspiracy has been shown only by the declarations of coconspirators, that the alleged admissions by coconspirators were not made during and in furtherance of the alleged conspiracy, or that no admissions were made to a third party by an alleged coconspirator, then you are to disregard any testimony as to any alleged admissions made out of the presence of the defendant by an alleged coconspirator.

Renunciation and Abandonment of Criminal Enterprise

If you believe that the defendant conspired with one or more other persons to commit the crime alleged in this indictment, but that before the overt act occurred the defendant withdrew agreement to commit the crime and the defendant voluntarily and completely renounced and abandoned all participation in the criminal endeavor prior to the commission of the offense, if any, then the defendant would not be guilty of the offense alleged, and it would be your duty to acquit the defendant.

Felony Murder; Defined

A person commits the crime of murder when, in the commission of a felony, that person causes the death of another human being. Under the laws of Utopia, distribution of a controlled substance is a felony and is defined as follows:

Drug Charge

The Utopia Controlled Substances Act provides it is unlawful for any person to distribute any quantity of methylene dioxymethamphetamine (MDMA), which is a controlled substance.

Murder; Felony, during Commission of

If you find and believe beyond a reasonable doubt that the defendant committed the homicide alleged in this bill of indictment at the time the defendant was engaged in the commission of the felony of distribution of a controlled substance as I have just defined for you, then you would be authorized to find the defendant guilty of murder, whether the homicide was intended or not. In order for a homicide to have been done in the commission of this particular felony, there must be some connection between the felony and the homicide. The homicide must have been done in carrying out the unlawful act and not collateral to it. It is not enough that the homicide occurred soon or presently after the felony was attempted or committed. The felony must have a legal relationship to the homicide, be at least concurrent with it in part, and be a part of it in an actual and material sense. A homicide is committed in the carrying out of a felony when it is committed by the accused while engaged in the performance of any act required for the full execution of the felony.

Verdict

If, after considering the testimony and evidence presented to you, together with the charge of the court, you should find and believe beyond a reasonable doubt that the defendant in Mock County, Utopia, did on or about the date alleged commit the offense of felony murder as alleged in the indictment, you would be authorized to find the defendant guilty. In that event, the form of your verdict would be, "We, the jury, find the defendant guilty."

If you do not believe that the defendant is guilty, or if you have any reasonable doubt as to the defendant's guilt, then it would be your duty to acquit the defendant, in which event the form of your verdict would be, "We, the jury, find the defendant not guilty."

Court Has No Interest in Case

By no ruling or comment that the court has made during the progress of the trial has the court intended to express any opinion upon the facts of this case, upon the credibility of the witnesses, upon the evidence, or upon the

guilt or innocence of the defendant.

Sentencing; Responsibility for

You are only concerned with the guilt or innocence of the defendant. You are not to concern yourselves with punishment.

Deliberations

One of your first duties in the jury room will be to select one of your number to act as foreperson, who will preside over your deliberations and who will sign the verdict to which all twelve of you freely and voluntarily agree.

You should start your deliberations with an open mind. Consult with one another and consider each other's views. Each of you must decide this case for yourself, but you should do so only after a discussion and consideration of the case with your fellow jurors. Do not hesitate to change an opinion if you are convinced that it is wrong. However, you should never surrender an honest opinion in order to be congenial or to reach a verdict solely because of the opinions of the other jurors.

Unanimous Verdict

Whatever your verdict is, it must be unanimous (that is, agreed by all). The verdict must be in writing and signed by one of your members as foreperson, dated, and returned to be published in open court.

Retire to Jury Room

You may now retire to the jury room, but do not begin your deliberations until you receive the indictment and any evidence that has been admitted in the case.

Bailiff, escort the jury to the jury room.

STATUTES

GSUT § 16-5-1. Murder; felony murder

- (a) A person commits the offense of murder when he unlawfully and with malice aforethought, either express or implied, causes the death of another human being.
- (b) Express malice is that deliberate intention unlawfully to take the life of another human being which is manifested by external circumstances capable of proof. Malice shall be implied where no considerable provocation appears and where all the circumstances of the killing show an abandoned and malignant heart.
- (c) A person also commits the offense of murder when, in the commission of a felony, he causes the death of another human being irrespective of malice.
- (d) A person convicted of the offense of murder shall be punished by death or by imprisonment for life.

GSUT § 16-13-21. Definitions

As used in this article, the term:

- (1) "Administer" means the direct application of a controlled substance, whether by injection, inhalation, ingestion, or by any other means, to the body of a patient or research subject by:
 - (A) A practitioner or, in his presence, by his authorized agent; or
 - (B) The patient or research subject at the direction and in the presence of the practitioner.
- (9) "Dispense" means to deliver a controlled substance to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, including the prescribing, administering, packaging, labeling, or compounding necessary to prepare the substance for that delivery, or the delivery of a controlled substance by a practitioner, acting in the normal course of his professional practice and in accordance with this article, or to a relative or representative of the person for whom the controlled substance is prescribed.
- (10) "Dispenser" means a practitioner who dispenses.
- (11) "Distribute" means to deliver a controlled substance, other than by administering or dispensing it.

GSUT § 16-13-25. Schedule I

The controlled substances listed in this Code section are included in Schedule I:

- (1) Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, unless specifically excepted, pursuant to this article, whenever the existence of these isomers, esters, ethers, and salts is possible within the specific chemical designation:
 - (SS) MDMA (3, 4 Methylene Dioxymethamphetamine).

GSUT § 16-13-30. Purchase, possession, manufacture, distribution, or sale of controlled substances

- (b) Except as authorized by this article, it is unlawful for any person to manufacture, deliver, distribute, dispense, administer, sell, or possess with intent to distribute any controlled substance.

GSUT § 16-2-20. When a person is a party to a crime

- (a) Every person concerned in the commission of a crime is a party thereto and may be charged with and convicted of commission of the crime.
- (b) A person is concerned in the commission of a crime only if he:
 - (1) Directly commits the crime;
 - (3) Intentionally aids or abets in the commission of the crime; or
 - (4) Intentionally advises, encourages, hires, counsels, or procures another to commit the crime.

GSUT § 16-4-8. Conspiracy to commit a crime.

A person commits the offense of conspiracy to commit a crime when he together with one or more persons conspires to commit any crime and any one or more of such persons does any overt act to effect the object of the conspiracy. A person convicted of the offense of criminal conspiracy to commit a felony shall be punished by imprisonment for not less than one year nor more than one-half the maximum period of time for which he could have been sentenced if he had been convicted of the crime conspired to have been committed, by one-half the maximum fine to which he could have been subjected if he had been convicted of such crime, or both. A person convicted of the offense of criminal conspiracy to commit a misdemeanor shall be punished as for a misdemeanor. A person convicted of the offense of criminal conspiracy to commit a crime punishable by death or by life imprisonment shall be punished by imprisonment for not less than one year nor more than ten years.

GSUT § 16-4-9. Withdrawal by conspirator from agreement to commit crime.

A coconspirator may be relieved from the effects of Code Section 16-4-8 if he can show that before the overt act occurred he withdrew his agreement to commit a crime.

CASE LAW

The following excerpts are from Case Law concerning the legal issues raised in this Mock Trial Case. Only portions of the opinions are provided, and only those portions may be used in the course of the trial. Citations and internal quotation marks are omitted in the excerpts of the cases that follow.

Hulme v. State, 273 Ut. 676 (2001)

The issue whether a person who has distributed, sold, delivered, or administered a controlled substance may be found guilty of some form of homicide when another person ingests the controlled substance and dies has arisen in a number of jurisdictions. Some states have specifically enacted what can be termed controlled-substance homicide statutes.

In states in which there is no controlled substance homicide statute, some courts have concluded that a person, under certain circumstances, may be convicted under the state's general homicide statutes, including those regarding felony murder, for distributing or selling a controlled substance to another person when that person uses the controlled substance and dies.

In North Carolina, although we have no controlled-substance homicide statute, a person may be convicted of felony murder in this State "when, in the commission of a felony, he causes the death of another human being irrespective of malice." The only limitation on the type of felony that may serve as an underlying felony for a felony murder conviction is that the felony must be inherently dangerous to human life. For a felony to be considered inherently dangerous, it must be "dangerous per se" or it must "by its circumstances create a foreseeable risk of death." In determining whether a felony meets that definition, this Court does not consider the elements of the felony in the abstract, but instead considers the circumstances under which the felony was committed. Moreover, under North Carolina law, the defendant must directly cause the death of the victim to be convicted of felony murder. Thus, in North Carolina, a defendant may be convicted of felony murder based on the underlying felony of distributing a controlled substance if that felony is inherently dangerous under the foregoing standards, and if the defendant directly causes the death of the victim while in the commission of the felony. Having carefully reviewed the record in this case, we conclude that, under the circumstances of this case, the evidence is sufficient to support [Defendant]'s conviction for felony murder.

The evidence establishes that Defendant controlled the dosages of methadone that the victim took, and that [Defendant] gave [the victim] a dosage on the day of her death that could have been lethal without regard to other drugs the victim might have consumed. We thus conclude that the circumstances under which [Defendant] committed the felony of distribution of [a controlled substance], it was a dangerous felony within the meaning of our felony murder statute.

We expressly do not hold, however, that every delivery or distribution of a controlled substance that results in death can support a felony murder conviction. Our holding today is consistent with holdings of other courts that have required a direct causal connection between the delivery of the controlled substance and the ensuing death.

Thomas v. State, 255 Ut. 38 (1985)

There are four distinct legal concepts with which we are concerned [when dealing with conspiracy]. The first involves conspiracy in an evidentiary sense. All those who conspire to commit a crime are guilty of that crime. Where individuals enter into a conspiracy to commit a crime, its actual perpetration by one or more of them in pursuance of such conspiracy is in contemplation of law the act of all, and therefore is imputable to all. The second concept concerns parties to a crime as defined in G.S.U.T. § 16-2-20. Parties to a crime, like conspirators, may be convicted of the commission of the crime. The third is the offense of conspiracy to commit a crime [as defined in] G.S.U.T. § 16-4-8. This is a separate statutory offense to be distinguished from the underlying crime which is the subject of the conspiracy. Last is the underlying statutory offense itself. In this case the statutory offense is [felony] murder.

Conspiracy in an evidentiary sense is a concept of the common law which has remained with us insofar as it concerns the participation of individuals in a crime, and it is not error for the trial court to charge this doctrine where the evidence tends, to show a conspiracy. In the 1968 Code, parties to a crime was established as a concept. However, this did not eliminate the concept of conspiracy in an evidentiary sense. Likewise, conspiracy to commit a crime as an offense separate from that of the underlying crime was enacted by statute in 1968. Neither did this eliminate the evidentiary concept of conspiracy previously discussed.

Edge v. State, 275 Ut. 311 (2002)

It is not error to charge on the subject of conspiracy when the evidence tends to show a conspiracy, even if a conspiracy is not alleged in the indictment. The State may prove a conspiracy by showing that two or more persons tacitly came to a mutual understanding to pursue a criminal objective. And the conspiracy may be inferred from the nature of the acts done, the relation of the parties, the interest of the alleged conspirators, and other circumstances. The evidence authorized the charge on conspiracy.

Hernandez v. State, 182 Ut. App. 797 (1987)

Where a person intentionally aids or abets in the commission of a crime, or advises, encourages, hires, counsels, or procures another to commit the crime, he may be convicted of commission of that crime pursuant to G.S.U.T. § 16-2-20 (b) (3, 4). While this Code section does not use the word "conspiracy" it is plain that it embodies the theory of conspiracy insofar as it renders one not directly involved in the commission of a crime responsible as a party thereto. Thus, where the crime is completed, a defendant may be convicted of it based on his activities as a conspirator, even though conspiracy is not alleged in the indictment.

Williams v. State, 261 Ut. 640 (1991).

In order to protect an accused and to insure him of a fair and impartial trial before an unbiased jury, we have long embraced the fundamental principle that the general character of an accused is inadmissible unless the accused chooses to put his character in issue. As a corollary of this fundamental principle, we have also long adhered to the rule that where an accused is on trial for the commission of a crime: proof of a distinct, independent, and separate offense is never admissible, unless there is some logical connection between the two, from which it can be said that proof of the one tends to establish the other...

The rationale for the latter rule is that evidence of an independent offense or act committed by the accused is highly and inherently prejudicial, raising, as it does, an inference that an accused who acted in a certain manner on one occasion is likely to have acted in the same or in a similar manner on another occasion and thereby putting the accused's character in issue. An accused is entitled to be tried for the offense charged in the indictment, independently of any other offense not connected with the transaction upon which the indictment was based.

Ramsey v. State, 214 Ut. App. 743 (1994).

Before any evidence of an independent offense may be introduced, the state must show 1) that the evidence is relevant for some purpose other than to show a probability that the defendant committed the crime on trial because he is a man of criminal character; 2) that there is sufficient evidence to establish that the accused committed the independent offense or act; and 3) that there is sufficient connection or similarity between the independent offense or act and the crime charged so that proof of the former tends to prove the latter.

STATEMENT OF ASHLEY BREWER

1
2
3 1. My name is Ashley Brewer and I am 21 years old. I live at 270 Hodgson Drive,
4 Metropolitan City, Utopia. I am a junior at Metropolitan University in Metropolitan City,
5 Utopia. I have known Micky Finn for over two years. Micky was one of the first people I met
6 when I started my freshman year at Met U. Micky and I hit it off instantly because we both liked
7 to cut up and party. Micky and I became close friends, and we were always hanging out together
8 when we were not in class. Micky and I, along with our other friend and roommate, Dylan
9 Childs, are well known around campus as notorious pranksters and jokers.

10
11 2. Micky is a year older than Dylan and me so s/he has been at Met U a year longer. When
12 I first met Micky, s/he had just moved into this really cool, old house on Hodgson Drive, which
13 is real close to campus. I lived in the dorm first semester of my freshman year, but Dylan and I
14 both moved in with Micky beginning Spring semester and we've all been roommates since. The
15 house is two-stories with a big deck out back to catch rays in the spring and summer. It's got a
16 fire escape attached to the side of the building and a giant living room that's great for parties.
17 We rent the house from Philip Newton, an eccentric Viking Literature professor at Met U. I had
18 Professor Newton my freshman year for Viking Lit 101 - good teacher, but kind of a kook. In
19 class, Professor Newton always wore one of those Viking helmets with the horns sticking out the
20 sides. Anyway, one time Professor Newton told Micky and me that the house was built in the
21 early 1920's by the Eberhardt family and that during Prohibition, Mr. Eberhardt made moonshine
22 on the ground level. This place was definitely built for parties. Micky nicknamed the place
23 "Club Hodgson" and the name really stuck. If you told anyone on campus there's a party tonight
24 at "Club Hodgson," people knew you were talking about Micky's house. The parties at "Club
25 Hodgson" were legendary.

26
27 3. Without a doubt, the best party every year at Club Hodgson was the Halloween party. In
28 the fall of my freshman year, when I still lived in the dorm, Micky asked me to co-host a
29 Halloween party at Club Hodgson along with Dylan. The Halloween keg party bash has been an
30 annual Club Hodgson tradition ever since. Beginning three years ago, we started what we
31 thought was a great prank for the Halloween party. At precisely midnight, a hooded and masked
32 figure dressed as the Grim Reaper would appear and begin ominously distributing drinks to
33 certain party guests. What everyone didn't know was that Micky, Dylan and I had spiked one of
34 the drinks with liquid Ecstasy (MDMA). About a week before the Halloween party each year,
35 Micky, Dylan and I got together to decide who would receive the spiked cocktail. We always
36 picked someone who was kind of nerdy or someone who had ticked us off in some way. I was in
37 charge of getting the drug. I could get liquid Ecstasy from a friend in Chattanooga, Tennessee,
38 who told me the drug's potency was real mild and no one could get hurt. This guy is known for
39 two things—drugs and a bad David Letterman impersonation—always writing corny "top ten" lists
40 which are the lamest jokes you ever heard. Anyway, Dylan's job was just to make sure that "the
41 mark" came to the party. Micky dressed up as the Grim Reaper and made sure to give the spiked
42 drink to "the mark." We would then sit back and laugh as the person got high on liquid Ecstasy
43 and acted like an absolute fool. While the three of us were the only ones who knew about the
44 spiked drink, all the party guests thought the Grim Reaper's appearance was a hoot, and the Grim
45 Reaper's arrival became the highlight at each year's Halloween party.

46
47 4. Micky wanted this year's Halloween party to be the best ever. This was Micky's senior
48 year and s/he wanted a Halloween party to top all Halloween parties. Micky booked that banjo
49 playing hip-hop artist, Lil' Nemesis T from Miltonville to play the party. Although I'm not

50 much for banjo hip-hop, I have to admit that Lil' Nemesis T's "School's for Suckas" is a great
51 party anthem. As usual, about a week before the party, Micky, Dylan and I sat down in the
52 living room at Club Hodgson where Micky wrote out an itinerary for the party, and we discussed
53 who should be this year's "stooge" to receive the Grim Reaper's spiked drink.
54

55 5. I told Micky and Dylan that I had spoken to my "Tennessee connection" and that I would
56 drive to Chattanooga, endure some stupid "top ten" jokes and buy a vial of liquid E. Micky said,
57 "Great, because I want Hollingsworth to get the 'Reaper treatment' this year." "Hollingsworth
58 Morse!!" I said. Then, I asked Micky, "Why Hollingsworth?" I mean, I was really shocked by
59 Micky's choice because Hollingsworth was my Chem. lab partner. Nevertheless, Micky was
60 adamant. "It's Hollingsworth or nobody," Micky said. Then Dylan said, "Well, if it's
61 Hollingsworth, then my job's done because you know he'll show." And Dylan was right.
62 Hollingsworth may have less personality than the paint on the wall, but he always showed up
63 when word got around campus there was a party at Club Hodgson. Sort of a pathetic attempt to
64 be part of the cool crowd, I suppose. So, I then told Micky, "Fine. If you want Hollingsworth,
65 then it's Hollingsworth. I don't really give a rat's rump." However, to this day I still really
66 don't understand why Micky picked Hollingsworth. It's true Hollingsworth was both a nerd and
67 a dweeb, but I couldn't understand why Micky wanted to make a fool out of someone with zero
68 personality to start with. Besides, Hollingsworth hadn't done anything to tick any of us off, as
69 far as I knew.
70

71 6. On October 31, 2004, the night of the party, I got back to the house from Chattanooga
72 about 7:00 p.m. When I walked in, Dylan and Micky were decorating for the party. I brought
73 the vial of liquid Ecstasy in with me. As soon as I walked in, Micky anxiously asked, "Did ya'
74 get the stuff?" I said, "yeah" and handed the vial of Ecstasy to Micky. Micky grinned, nodded
75 and said "Great, I'll put this upstairs with the Grim Reaper outfit until it's Reaper time." Micky
76 then ran up the stairs vial in hand towards his/her bedroom and s/he returned a few seconds later
77 without it. About 7:30 p.m., a van arrived with Lil' Nemesis T. Lil' Nemesis T came in and
78 started setting up a stage, lighting, amps and speakers in the party room. Micky instructed Lil'
79 Nemesis T to "take a set break just before midnight 'cause we've got something special planned
80 for midnight." Micky, Dylan and I then each went to our rooms to get cleaned up and to change
81 into our Halloween costumes. Dylan wore this dopey looking dog outfit. Micky and I had these
82 black burglar outfits. Our party guests started arriving about 9:00 p.m. Lil' Nemesis T started
83 the first music set about 9:30 p.m., and the party was packed and kicked into high gear by 11:00
84 p.m. I got sidelined talking to other friends and, in the crowd and noise of the party, I kind of
85 lost track of both Micky and Dylan.
86

87 7. About 11:45 p.m., from across the crowded party room, I saw Micky and Dylan heading
88 up the stairs towards Micky's bedroom. I kept an eye on the staircase, and I'm sure Micky and
89 Dylan couldn't have come back down the stairs without me seeing them. Then, at precisely the
90 stroke of midnight, I saw Micky dressed as the Grim Reaper coming into the party room from the
91 kitchen with a sickle in one hand and a tray of shooters in the red "Solo" cups we bought for the
92 party in the other. Obviously, Micky put the Grim Reaper outfit on upstairs, went down the side
93 fire escape and re-entered the house from the outside through the exterior kitchen door. All the
94 party guests laughed and cheered upon seeing the Grim Reaper and everyone parted to give the
95 Grim Reaper plenty of room. Once at the center of the room, the Grim Reaper slowly looked
96 around studying at all the guests, occasionally pointing a long, skeletal finger at someone to
97 come forward and take a cup. The Grim Reaper proceeded in this manner until the finger finally
98 pointed at Hollingsworth who was wearing a vampire costume and Hollingsworth came forward
99 and was handed the last cup from the Reaper's tray. All of the selected guests, including

100 Hollingsworth, then raised their glasses in a toast to the Reaper and quickly downed their drinks.
101 The Grim Reaper then sort of waived its arms, turned and quickly exited the party room through
102 the kitchen door while the crowd cheered, clapped and chanted “Reaper, Reaper!!” The music
103 suddenly started back up with Lil’ Nemesis T’s “Oh Baby, Oh Yo,” but Lil’ Nemesis T wasn’t
104 even on the stage. Instead, Lil’ Nemesis T came running out of the bathroom, still trying to pull
105 up and zip up. That’s when everyone realized this faker had been lip-synching the whole time.
106 Everyone started booing and pelting Lil’ Nemesis T with all sorts of food and beverages. Lil’
107 Nemesis T ducked out the back door in disgrace; the pre-recorded hip-hop banjo sounds were
108 still blaring over the speakers.

109
110 8. Shortly after the melee with Lil’ Nemesis T, about 12:15 a.m., I saw Micky and Dylan
111 coming back down the stairs into the party both with smug grins on their faces. I knew exactly
112 what the smirks were for – Micky had just gotten Hollingsworth to down the spiked drink. Then,
113 I noticed Hollingsworth acting really freaky--leaping and twirling about, arms waiving wildly in
114 the process. Given this wild, gyrating display, people backed away from Hollingsworth, pointed
115 and laughed. Suddenly, Hollingsworth stopped and stood motionless for a moment.
116 Hollingsworth’s eyes rolled back, and Hollingsworth collapsed on the floor and began
117 convulsing. I rushed over to Hollingsworth and I was joined seconds later by both Micky and
118 Dylan. Hollingsworth was still shaking violently and gasping for air as a bluish color came over
119 his face. The shaking slowly subsided until Hollingsworth lay absolutely still, the bluish hue
120 now replaced by an ashen gray. Hollingsworth’s open eyes stared blankly at the ceiling.
121 Hollingsworth was dead.

122
123 9. The next few minutes seemed like a blur. I remember grabbing Hollingsworth’s shirt
124 with both of my hands and shaking the now limp, lifeless body and screaming,
125 “Hollingsworth!!” as if that could do some good. Although everyone was in shock, someone
126 must have called 911 because it seemed like the paramedics were there within minutes. Also, a
127 detective who identified him/herself as Detective Jamie Gumm was there. At first, the detective
128 herded everyone out of the house and into the front yard where we were told no one could leave.
129 Over the next half hour or so, the detective went in and out of the house a few times. Finally,
130 s/he came out and demanded to know “who lives here?” Micky, Dylan and I identified
131 ourselves, and we were pointed out by our still stunned guests. The detective ordered the three
132 of us inside and then instructed us to each wait in our rooms until s/he could talk to us.
133 Eventually, Detective Gumm came into my room and sat down in a chair to question me. I know
134 honesty is the best policy, so right away I told the detective about the prank, the liquid Ecstasy,
135 the Grim Reaper—everything. The detective slapped handcuffs on me and told me s/he would be
136 back. I sat there in my room alone for what seemed like hours until some police officers came in
137 and escorted me downstairs and outside to a squad car where Micky and Dylan, both in
138 handcuffs, were already sitting in the back seat. An officer opened the car door and put me in
139 the back with my roommates. We were driven to jail. Micky and I were charged, finger printed,
140 photographed and booked.

141
142 10. I know what Micky and Dylan are saying about me now, but it’s all a big lie. Micky and
143 I didn’t get into a fight that night and Micky never said s/he “didn’t want to do the prank on
144 Hollingsworth anymore.” Also, I never told Dylan that I had something against Hollingsworth.
145 Hollingsworth and I were just Chem. lab partners, something I didn’t have any say in. The
146 chemistry professor made the lab partner assignments. In fact, I hardly knew Hollingsworth. I
147 certainly didn’t know Hollingsworth had a meth lab in the dorm, and I am not and was not a
148 meth dealer. Look, I know I made a mistake buying the Ecstasy for the prank, but I don’t use or
149 sell drugs. Micky’s just lying to save his/her own skin, and Dylan’s lying to cover for Micky.

150 After all, Dylan's not worried about going to jail because s/he wasn't involved in this one. I
151 considered Micky and Dylan my friends, but I'm not about to go to jail for felony murder for
152 Micky! Yeah, I was scared, but I told the police and the D.A. the truth. When the D.A. told me I
153 would only be charged with simple possession and that the serving alcohol to minors charge
154 would be dropped if I testified against Micky, you had better believe I took the deal.
155

156 **WITNESS ADDENDUM**

157 I have reviewed this statement, and I have nothing of significance to add at this time. The
158 material facts are true and correct.
159

160 Signed,

161
162 _____
163 /s/
164 ASHLEY BREWER

165 SIGNED AND SWORN to me before 8:00 a.m. on the day of this round of the 2005 North
166 Carolina Mock Trial Competition.
167

168 _____
169 /s/
169 Ima Takin Oates, Notary Public
170 State of Utopia
171 My Commission Expires: 05/01/2006

STATEMENT OF PALMER PEEPLES-CATTS

1
2
3 1. My name is Palmer Peeples-Catts. Yeah, it's one of those hyphenated names that I've
4 had to explain all of my life. My mom is Dr. Pamela Peeples, the veterinarian who owns and
5 operates Metropolitan Veterinary Hospital. My dad is Dr. Keith Catts, chief of surgery at
6 Metropolitan University Hospital.

7
8 2. I am a sophomore at Metropolitan University, majoring in pre-med, naturally. Mom
9 wants me to become a veterinarian to assist her in her practice. Dad thinks I should become a
10 dermatologist because then I wouldn't have to work nights or do emergencies. Plus, the patients
11 never die, but then, they really never get better, either. I'm not so sure. This whole case has me
12 thinking about a legal career. But please don't tell mom or dad.

13
14 3. I had really been looking forward to this year's Halloween party at Club Hodgson
15 because I love to dress up in costumes. It's fun to be somebody else, if only for just one night.
16 Also, I had just turned 21, so I was finally going to be able to partake from the keg without
17 worrying about getting charged with underage drinking.

18
19 4. Last year, I went to the party as the scariest thing I could think of—an animal control
20 officer. It was simple enough to imitate the uniform with khaki pants and a khaki shirt. What
21 really freaked some people out was that I borrowed a catchpole from mom's clinic and put a toy
22 stuffed dog in the noose. Plus, to increase the effect, I put shaving cream on the dog's mouth so
23 people would think it had been foaming at the mouth from rabies. I was hoping to win some kind
24 of prize for best costume, but unfortunately, they didn't do that at Club Hodgson.

25
26 5. Instead of a costume contest at midnight last year, someone dressed as the Grim
27 Reaper came out and gave about a dozen people, including me, a cup of punch. Whatever.
28 Though I must say that the volume of the party turned up a notch after that. While Micky and I
29 were working part-time summer jobs cleaning kennel cages at my mom's vet hospital, s/he told
30 me that s/he was the Grim Reaper who had given out one spiked cup of punch to a "lucky"
31 recipient and that helped change the tone of the party last year. I definitely know it wasn't in my
32 cup. When Micky told me that, I assumed s/he meant the drink was spiked with alcohol. After
33 what happened to Hollingsworth, though, I figured out that Micky meant s/he had spiked the
34 drink with drugs, not alcohol.

35
36 6. Even though they didn't have a costume contest last year, I decided I needed different
37 party attire for Halloween at Club Hodgson this year. Plus, I hoped maybe the "lucky" cup of
38 punch went to the person with the best costume. Sort of a secret prize, I assumed, because it
39 appeared, based on Micky's hints, that last year's "lucky" punch went to someone wearing a
40 really cool Medusa costume who really seemed to be having a blast after midnight. I was
41 determined to get "lucky" this year.

42
43 7. This time, I borrowed some surgical scrubs from dad, along with the kind of face mask
44 you saw everyone wearing on the news during the SARS outbreak. Plus, I put on rubber surgical
45 gloves and a surgical cap that looks sort of like a shower cap made of paper. I also got a pair of
46 the surgical paper booties that go over your shoes. I wore a borrowed a stethoscope around my
47 neck. Because this Halloween I really wanted to creep everyone out, I carried a fake severed
48 limb, made of rubber, depicting an arm ripped off at the shoulder and leaving a ragged bloody
49 bone. I got this prop at a really cool store that has lots of Halloween gear. Then I took a hacksaw
50 from dad's workshop and painted the blade with red fingernail polish. I figured I'd look like the

51 kind of doctor an ambulance chaser would come after. So, I thought, maybe dressed like this, I'd
52 get "lucky."

53
54 8. But, no such luck. I was really starting to regret going to the party at Club Hodgson
55 this year because it was as lame as last year's punch. For entertainment, they had this really
56 awful hip hop banjo player who washed up after winning one of those lowest common
57 denominator talent shows a while back.

58
59 9. At midnight, when the Grim Reaper came out of the kitchen with a tray of drinks, I
60 figured from the walk and mannerisms it was Micky. S/he was moving with the same
61 exaggerated care s/he used when carrying water bowls for dogs in the kennel—like his/her hands
62 were a little unsteady and s/he was worried about sloshing. Plus, I assumed it was Micky, based
63 on what s/he told me about last year while we were cleaning cages. I know some at the party
64 were speculating that Ashley was the Grim Reaper, but I saw him/her downstairs close to
65 midnight.

66
67 10. The Reaper walked through the crowd with the tray of drinks, pointing at the "lucky"
68 guests who would be given a cup from the tray. As the number of drinks on the tray dwindled,
69 many shouted, "Pick me! Pick me!" Of course, none of those guests was picked. I thought I'd
70 improve my odds by playing it cool. Unfortunately, as it turned out, I didn't even get a cup of
71 punch from the Grim Reaper, much less the "spiked" cup. Flat out of luck for the night, I hoped
72 to make a graceful exit after all who received a cup drank the traditional toast to the Reaper.

73
74 11. But, almost as soon as the toast was done, this person I knew from the chemistry
75 labs, Hollingsworth Morse, turned as creepy as his vampire costume. At first, he started talking
76 about how much he felt for me being forced into a pre-med major on account of my parents and
77 then he wanted to give me a hug to console me for what he imagined was a hardship. That was
78 really disturbing because I've never been one of those "Arms Are For Hugging" types and
79 Hollingsworth and I just weren't that close.

80
81 12. And, what I did know about Hollingsworth really bothered me. At the chemistry lab,
82 Hollingsworth had asked Micky and me lots of questions about where my mom's veterinary
83 practice was located. He wanted to know whether my mom used Ketamine for anesthetizing
84 animals and whether he could get a part-time job there next summer. My mom's clinic has been
85 broken into several times and the police always said the thieves were looking for Ketamine
86 because it can be turned into a white powder that drug abusers call Special K. Fortunately, the
87 thieves never found where Mom keeps it locked up. But it really bothered me that
88 Hollingsworth asked so many questions. I definitely planned on telling my mom not to hire
89 Hollingsworth if he applied for the summer kennel job.

90
91 13. Plus, Micky had told me s/he suspected Hollingsworth of backing his car into
92 Micky's brand-new Mini-Cooper at the beginning of the semester in the parking lot outside the
93 chemistry lab. Hollingsworth drove a real beater—a lime-green Plymouth Duster from the '70s.
94 Hollingsworth's car had dents all over it, so you'd never know if he'd backed into anything. But
95 Micky told me his/her silver Mini had a lime-green mark on it where the collision occurred.
96 Micky said s/he was certain it was Hollingsworth because no one on campus had a car that color,
97 except for that Honda Del Sol that Professor Newton drives. Professor Newton is very
98 meticulous about his car and there's not a scratch on it.

99

100 14. In any event, Hollingsworth was acting really strange and I just wanted to get away.
101 When he decided it was time to dance, and I said I needed to use the restroom and made a hasty
102 exit.

103
104 15. When I came out of the bathroom, Hollingsworth was on the floor thrashing about
105 with convulsions. I guess, based on my costume, someone at the party mistook me as medical
106 personnel arriving on the scene, because I was pulled over to Hollingsworth. Everyone seemed
107 to expect me to begin CPR. I told them, "I'm not a real doctor, I don't even play one on TV."
108 They all just looked at me and their faces said, "Do something!" So, I pulled my cell phone out
109 of my pocket and dialed 911.

110
111 16. I told the operator where I was and that there was someone at the party who had
112 fallen on the floor and gone into convulsions. The 911 operator told me that an ambulance was
113 on the way and asked whether the person was breathing. At that point, it didn't look to me like
114 Hollingsworth was breathing, so I took the stethoscope that I was wearing as a prop and put it to
115 his chest. I didn't hear anything. That really freaked me out, so I started going through the paces
116 that I learned in First Aid in high school. I made sure that Hollingsworth had a clear breathing
117 passage, I tipped his head back, I pinched his nostrils and I put my mouth over his and blew.
118 Then I started to press on his chest. Thank goodness, EMS arrived at that point.

119
120 17. Rescue personnel pushed me aside while they worked, fruitlessly it seemed, on
121 Hollingsworth. Then, the next thing I knew, Detective Gumm was asking me to come outside
122 Club Hodgson and to remain outside so that a detective could question me.

123
124 **WITNESS ADDENDUM**

125
126 I have reviewed this statement, and I have nothing of significance to add at this time.
127 The material facts are true and correct.

128
129
130 Signed,

131
132 /s/
133 PALMER PEEPLES-CATTS

134
135 SIGNED AND SWORN to me before 8 a.m. on the day of this round of the 2005 North Carolina
136 Mock trial competition.

137
138 /s/
139 Ima Takin Oates, Notary Public
140 State of Utopia
141 My Commission Expires: 05/01/2006

STATEMENT OF DETECTIVE JAMIE GUMM

1
2
3 1. My name is Jamie Gumm. I am currently a detective with the Metropolitan Police
4 Department, and I have been in law enforcement for 10 years.

5
6 2. Approximately 12:22 am on 1 November 2004, dispatch notified me of a 911 call
7 reporting that an individual at a party being held at 270 Hodgson Drive had become unconscious.
8 Despite being on the way home from my second 18-hour shift in a row, I responded to the call as
9 I was already in the vicinity of Metropolitan University.

10
11 3. I arrived about the same time as the Emergency Medical Service. There were several
12 people already on the lawn of the residence. I told everyone to remain calm and to stay put while
13 I checked out the situation with the EMS. Upon entering the residence, it was obvious that there
14 was some kind of costume party going on.

15
16 4. We were met by an individual who identified him/herself as Micky Finn who took us into
17 a large living area. There was a small stage on the side of the room, along with lights and
18 amplifiers. There was also a great deal of party refuse -- plates, cups -- around the room. We
19 discovered an individual who was face up on the floor. His face was ashen and he was not
20 breathing. The paramedics immediately leapt into action, but there was no use. The area
21 immediately surrounding the body was in severe disarray, with furniture knocked over and many
22 spills. By the look of the surrounding area, the death appeared to be violent. At that time, EMS
23 could not find any sign of trauma or injury, although the individual had a red plastic cup
24 clenched in his hand.

25
26 5. I ordered everyone out to the front yard so the scene could be secured. I looked through
27 the immediate area but found nothing out of the ordinary. I saw no need to call any additional
28 officers to the scene at that time.

29
30 6. I then went to the front yard and asked for the host of the party. I was again introduced to
31 Micky Finn, along with Ashley Brewer and Dylan Childs. Micky identified the deceased as
32 Hollingsworth Morse, a sophomore at Metropolitan University. Micky stated that s/he saw
33 Morse suddenly become convulsive, eventually collapsing. S/he said that s/he had no
34 explanation, since Morse was quiet and kept to himself.

35
36 7. I spoke to a few other individuals, including Palmer Peeples-Catts and Charly Bunsen.
37 As a result of those conversations, I became aware of an interesting ritual that always took place
38 at Micky's Halloween parties. At midnight, someone dresses as the Grim Reaper and delivers
39 drinks. It appears that one of the individuals who is given a drink then becomes
40 uncharacteristically wild and boisterous. Several people suspected that at least one of those
41 drinks was drugged. Besides Micky, I was told that two other people were involved in this ritual
42 -- Ashley Brewer and Dylan Childs. My suspicion was piqued. I called for backup. Once
43 backup arrived, I pointed out Peeples-Catts and Bunsen for interviews.

44
45 8. I then separated the three suspects and isolated them in their separate upstairs rooms. I
46 decided to see what each person might volunteer before confronting them with the information I
47 had learned. I first spoke with Dylan Childs, who admitted knowing of that ritual but denied
48 anything having to do with the Grim Reaper. S/he further stated that s/he didn't even see the
49 Grim Reaper make an appearance at the party, but admitted that s/he was not downstairs at
50 midnight. Childs appeared very nervous during questioning.

51

52 9. I then spoke with Ashley Brewer. S/he also admitted knowing of that ritual but denied
53 anything having to do with the Grim Reaper. Ashley also stated that s/he did see the Grim
54 Reaper make the rounds at midnight, and Morse could have possibly have been given a drink by
55 the costumed individual. Ashley's demeanor made me very suspicious, as it appeared by the
56 body language (nervousness, fidgety, no eye contact) that Ashley was hiding something.

57

58 10. I told Ashley that I knew all about his/her involvement in the Grim Reaper routine, and it
59 was time to come clean. Ashley began to sob and then told me all about the Grim Reaper
60 scheme that had been performed at two previous Halloween parties.

61

62 11. Ashley said that s/he, Micky and Dylan came up with the stunt as part practical joke, part
63 revenge at every Halloween party to be played on someone who had irritated one of them. S/he
64 stated that once the person was selected, Dylan was in charge of getting that person to the party.
65 Ashley stated that s/he was responsible for getting the drug for the drink, and the drug of choice
66 was liquid MDMA. Micky was the one who would wear the Grim Reaper costume and
67 distribute the drinks at midnight.

68

69 12. On this evening, Ashley stated that Micky had selected Hollingsworth Morse as the
70 target. Ashley also stated that Dylan was not involved in this prank, as Morse was already
71 coming to the party when the decision was made. Ashley gave the vial of liquid MDMA to
72 Micky earlier that evening, and assumed all was going according to plan when s/he saw the Grim
73 Reaper appear at midnight. I asked Ashley to stand and patted him/her down for my safety.
74 Despite seeming very anxious and nervous during the pat down, Ashley had no weapons or other
75 suspicious bulges on his/her person. I had Ashley escorted downstairs by another officer.

76

77 13. When I entered the room in which Finn was held, I Mirandized him/her. Micky seemed
78 very surprised that I had read those rights to him/her, but stated that they were understood and
79 s/he would talk to me. I asked Finn for more information as to his/her whereabouts at midnight.
80 S/he stated that s/he and Dylan were upstairs in his/her room at midnight. I asked for consent to
81 search the room, and Finn agreed.

82

83 14. I searched the room while Finn stood in the doorway. I found nothing of interest until I
84 searched under Finn's bed, which was pushed flush against the far corner of the room. My
85 search under the bed uncovered a hastily stowed black cloak, gloves and mask near the foot of
86 the bed. I stood, holding the costume, and said "Some others have told me about this costume."
87 I asked if Finn had anything else to tell me. Finn then seemed to slump in the doorway, and
88 stated, "Alright, alright. I was the Grim Reaper you might have heard about." I had Finn
89 escorted downstairs while I kept looking under the bed. Further investigation revealed a vial
90 with a small amount of clear liquid in it underneath the bed, located close to the back wall.

91

92 15. I had Childs escorted downstairs as well. I recovered the red plastic cup from the victim,
93 inventoried the evidence and returned to the police station where the three suspects were booked
94 for possession of a controlled substance and distributing alcohol to minors. It wasn't until
95 recently that I discovered that Brewer dodged the eight ball by rolling on Finn, and the charges
96 against Childs were completely dropped. Sometimes I wonder why I bother working up cases
97 against criminals.

98

99 16. As the primary detective leading the investigation, I attended the autopsy of Morse. The
100 Medical Examiner, Dr. Bo D.N. DeMorg, could not immediately find an obvious single cause of
101 death, and ordered a toxicology report. He sent samples of bodily fluids to the toxicologist who

102 happens to be his sister Belle. We are lucky to have a brother and sister team at our local crime
103 lab, since they work so quickly together on urgent matters like this.

104
105 17. When I talked to the ME about the autopsy results, he told me that Morse's death was
106 quite violent, and that his seizures lasted for as much as 5 minutes before he died. The tox report
107 ordered by the ME revealed 23 mg/l of MDA (a metabolite of MDMA) in the system, and the
108 report on the vial and cup revealed that the trace liquids contained high levels of MDMA as well.
109 In fact, the potency of the MDMA was such that it was no surprise that the dose turned out to be
110 lethal. Traces of pseudoephedrine were also found. Pseudoephedrine is a common ingredient in
111 over-the-counter cold remedies. The fingerprint tests for the vial came back with three sets of
112 identifiable prints. The positive prints were identified as Micky Finn, and Ashley Brewer.

113
114 18. As if this case couldn't get any stranger, I went to Morse's dorm room with his parents to
115 gather his personal effects. While the parents were packing away his things, they came across a
116 box that was hidden under his bed. The box contained a blender, bowls, tubing, several lithium
117 batteries, about 30 packages of Sudafed and a small propane canister where the fittings had
118 turned blue. I recognized this at once – it is a "Nazi method" home methamphetamine
119 laboratory. It is called the "Nazi method" because it was a drug manufacturing process used by
120 the Germans during World War II. I taped off the area and alerted the Metro Drug Squad. Once
121 they arrived, I turned the investigation over to Detective Serge N. Caesar.

122
123 19. It is true that I have been criticized by my sergeant for not calling backup sooner, and for
124 questioning the suspects at the house and not at the station, but I have my reasons for doing what
125 I did. First, I didn't suspect foul play until I heard the Grim Reaper story, and I immediately
126 called for backup at that time. Second, I didn't want any of the suspects to get too defensive
127 about being questioned, and I thought the shock of the death might loosen some lips. Third, I
128 was pretty tired. No harm came of it, right?

129
130 **WITNESS ADDENDUM**
131 I have reviewed this statement, and I have nothing of significance to add at this time. The
132 material facts are true and correct.

133
134
135 Signed,
136 _____
137 /s/
138 JAMIE GUMM

139 SIGNED AND SWORN to me before 8:00 a.m. on the day of this round of the 2005 North
140 Carolina Mock Trial Competition.

141 _____
142 /s/
143 Ima Takin Oates, Notary Public
144 State of Utopia
My Commission Expires: 05/01/2006

STATEMENT OF CHARLY BUNSEN

1
2
3 1. My name is Charly Bunsen. I received both my Bachelor's and Master's degrees in
4 Chemistry at MU and now I am pursuing my Ph.D. in Chemistry here also. I'm not sure if I
5 want to go into research or teach; but I have time to decide. My great, great, great, great
6 grandfather, Robert Bunsen, was the inventor of the Bunsen burner. My mother is a former
7 director of the National Institute of Health [NIH]. My father was a former director of the NIH's
8 National Institute on Drug Abuse [NIDA]. I have several aunts, uncles, and cousins who work in
9 the field of chemistry. I have been fortunate enough to travel around the world with my family
10 when they have presented various papers at NIH sponsored conferences. I find Chemistry very
11 exciting. I guess that you could say that chemistry is in my family's blood. Not everyone in my
12 family is on the research/teaching side of chemistry. When I was a sophomore in high school my
13 older brother died from an overdose of club drugs. His death really hit me hard. At this time, I
14 am focusing in the area of club drugs – including 3-4 methylene dioxymethamphetamine, [also
15 known as "Ecstasy", "E", "Adam", "MDMA" – there are hundreds of street names depending on
16 what it is mixed with], Gamma-hydroxybutyrate [also known as "GHB", "G"] and Rohypnol
17 [also known as "Roofie" or "Roche"].
18

19 2. Club drugs are not exactly what you would call "fun drugs." Although users may think
20 these substances are harmless, research has shown that club drugs can produce a range of
21 unwanted effects, including hallucinations, paranoia, amnesia, and in some cases, death. When
22 used with alcohol, these drugs can be even more harmful. Some club drugs work on the same
23 brain mechanisms as alcohol and, therefore, can dangerously boost the effects of both
24 substances. Also, there are great differences among individuals in how they react to these
25 substances and no one can predict how he or she will react. Some people have been known to
26 have extreme, even fatal, reactions the first time they use. And studies suggest club drugs found
27 in party settings are often adulterated or impure and thus even more dangerous. Because some
28 club drugs are colorless, tasteless, and odorless, they are easy for people to slip into drinks.
29

30 3. Liquid Ecstasy is a stimulant and a hallucinogen. Young people may use it to improve
31 their moods or get energy to keep dancing; however, chronic abuse of liquid E appears to
32 damage the brain's ability to think and regulate emotion, memory, sleep and pain. Because it is
33 often created in illegal labs, liquid Ecstasy can be mixed with PCP, methamphetamine, acid or
34 pseudoephedrine, a legal drug found in over-the-counter cold remedies. When a person ingests
35 liquid MDMA, the person may encounter many problems, including, confusion, depression,
36 sleeping problems, drug craving, severe anxiety, paranoia and those are just the psychological
37 problems. Physical symptoms include muscle tension, involuntary teeth clenching, nausea,
38 blurred vision, rapid eye movement, faintness, and chills or sweating. It also increases the heart
39 rate and blood pressure, a special risk for people with circulatory or heart disease.
40

41 4. As a doctoral candidate, one of my responsibilities is to teach the undergraduate
42 chemistry labs. Both Ashley Brewer and Hollingsworth Morse were in my lab. I assigned them
43 as lab partners. Hollingsworth was a serious chemistry student; I think that he wanted to go to
44 Pharmacology School. Brewer, on the other hand, was a bit of a wild child. I put these two
45 together because I thought that Morse would have a calming effect on Brewer. They seemed to
46 get along when they were in the lab. But you put Brewer together with Dylan Childs or Micky
47 Finn, and to say that Brewer is easily influenced is an understatement. It reminded me of high
48 school, how Brewer would ignore Morse once Childs and Finn were around. Worse yet was the
49 way that Micky would treat Morse. Micky was always making fun of him, calling him "geek"

50 and making fun of his clothes. What was even worse was the look of hurt and disappointment on
51 Morse's face when Ashley did not defend him.

52
53 5. I have known Micky Finn for at least 3 years. MU is not exactly a large school and
54 Micky is a couple of years younger than I am. I am not what you would call a classic "lab rat".
55 Besides majoring in Chemistry, I also lettered in track. I've seen Micky and Sidney Lanier in the
56 gym. We have always been on friendly terms, cutting up and spotting each other with weights,
57 but we really don't run in the same circles.

58
59 6. I've been to Club Hodgson on several occasions. Micky and his/her friends know how
60 to throw a party. Yes, I've seen the infamous "Grim Reaper." Last year I remember
61 complementing Micky on the great party --- the band that year was fantastic, not like the lame
62 Lil' Nemesis T this year. Micky asked me if I liked the "other entertainment" too. I asked
63 him/her what s/he meant and s/he told me that s/he was the Grim Reaper and passed out a
64 "special beverage" to a select guest. When I didn't respond, Micky explained that s/he spiked
65 the drink with a little "X"-tra something. I kinda laughed it off but it made me feel funny. I
66 didn't really want to believe that anyone would put drugs in a drink. Micky told me that s/he
67 was going to be sorry to have to retire his/her Grim Reaper costume once s/he graduated, but that
68 s/he still had one more appearance to make before s/he left MU.

69
70 7. This year's Halloween party at "Club Hodgson" was even bigger than last year's. I
71 went as the "mad scientist" and my boy/girlfriend went as a test tube. We got there around 11
72 pm. I guess word got around about how great last year's party was and more people attended
73 this year. The house was bulging with people. The only bad part was the music. I saw Micky
74 and his/her friends, Ashley and Dylan, throughout the night, but didn't get a chance to talk with
75 any of them one-on-one. Hollingsworth was also there. Micky and Ashley seemed to have had
76 some words; the atmosphere between them was definitely chilly. I couldn't make out everything
77 that they were saying to one another, but it appeared to me that they were arguing. I also saw
78 Ashley and Hollingsworth having a few words. I heard Hollingsworth say "how could you do
79 that to me?" It could have been over the bad lab grade I gave them earlier in the week, but I told
80 them that they could do some extra credit work to raise their grade. Or, it could have been that
81 Hollingsworth was finally confronting Ashley about the disparate way s/he treats Hollingsworth
82 whenever Micky and Dylan are around. Whatever their argument was about, Hollingsworth
83 stayed at the party.

84
85 8. A little before midnight, right before the band broke, I saw Ashley out on the dance
86 floor. What a dancing fool. S/he was nonstop; I don't know if it was a natural high or what, but
87 Ashley was sweating bullets. Around midnight, I saw Micky make his/her final appearance in
88 his Grim Reaper costume. I called out "Hey, Micky!" to let him/her know that I was there. S/he
89 turned towards me and nodded as s/he continued to pass out the drinks. Ashley was standing by
90 a window, I guess to get some air. I never saw Dylan while the Reaper was doing his/her thing.
91 About 15 minutes after the Grim Reaper left, Hollingsworth started to convulse on the floor.
92 Shortly after that, the police arrived and I gave the officer my statement.

93

STATEMENT OF MICKY FINN

1
2
3 1. All my life I have been named Micky Finn. Technically, I am still a senior at
4 Metropolitan University, but I think they're looking to give me the boot. Not that it matters,
5 anyway. What in the world would I do with a degree in Ancient Ceramic Art, anyway?
6

7 2. I can't give you a permanent address right now. Let's see, Pops and Tammy Faye --
8 his first secretary and second wife, the future former Mrs. Finn -- are -- as they like to put it --
9 traveling abroad indefinitely. They still own an estate home north of Atlanta and the house on
10 Sea Island, but I don't think my keys work in those locks anymore. I guess we have issues. So I
11 had a few hundred friends over for drinks and merriment a few times. What's the big deal?
12

13 3. My real mom -- Pops calls her "Plaintiff" -- joined the circus shortly after the divorce.
14 I think she is in Las Vegas now doing two shows a night and three on Thursday. She sends me a
15 postcard now and then.
16

17 4. The folks may make it for the trial. Who knows? As long as the checks keep coming
18 -- and cashing -- I don't care.
19

20 5. Right now, I am just shacking up where I can find some couch space... that is when I
21 am not a guest of the fine accommodations you have downstairs. I can't go far. My passport has
22 been confiscated, and the moolah meter is running low. Such fine representation does not come
23 cheap.
24

25 6. I'm sure you know all about the pad I rented with Dylan Childs and that snake Ashley
26 Brewer over on Hodgson. I don't stay there anymore, though. I got kicked out. Something
27 about a suspicious death on the premises constituting a material violation of a lease provision.
28 Well, that was fun while it lasted, the parties and all. Until that night.
29

30 7. What happened that night? You tell me! All I know is the only thing I gave
31 Hollingsworth Morse was a hand shake when s/he walked in the door. I was upstairs with Dylan
32 when the imposter Grim Reaper apparently did his/her dastardly deed. Earlier that night I made
33 it clear to Ashley and Dylan I was through with that old Halloween prank of spiking the drinks.
34 We all have to grow up sometime, right? It was just always the same, Dylan snared the "mark,"
35 Ashley scored the drugs and I handed out the spiked drink to the unsuspecting chosen partygoer,
36 all while wearing my wicked Grim Reaper costume. Enough was enough. I came to that
37 conclusion about a week before the party.
38

39 8. Ashley just wouldn't let it go, though. S/he was determined for Hollingsworth to be
40 the "mark" and for the prank to go as planned. Ashley raged when I said I was out, that the
41 Reaper's days were done. Boldly, Ashley even demanded I give him/her the Reaper costume so
42 s/he could ensure Hollingsworth received the fateful drink spiked with the drug potion Ashley
43 concocted. I don't remember touching Ashley's vial, I suppose I could have just for a second.
44 S/he might have shoved it into my hand at one point. I do know I wanted nothing at all to do
45 with it. For a moment, I really wasn't sure why Ashley was suddenly so adamant about making
46 sure the Reaper made the rounds that night.
47

48 9. Then, I began to catch on. Ashley went ballistic when I said no to letting him/her wear
49 the costume and when I told him/her to settle his/her "business disputes" with his/her "lab"
50 partner, Hollingsworth, on his/her own time. Yeah, Ashley and Hollingsworth spent a lot of time

51 together in the lab – and at the hardware store. I knew why they had something going on, but
52 you know the house rules – “don’t ask, don’t tell.” I am not surprised they found that meth lab at
53 Hollingsworth’s place, but I had never been there. House rules aside, I know for a fact that
54 Hollingsworth made it and Ashley sold it. You want to know every little thing that happened?
55 Ask Ashley. S/he has the answers. I just got the shaft.

56
57 10. Anyway, our argument was at about 8:00 pm that night. From then on, Ashley gave
58 me the cold shoulder, which was fine by me. The party seemed like it was going well, with lots
59 of people drifting in. I only spoke to Morse once that night – I think it was right after he arrived,
60 because he didn’t have a drink in his hand yet. It was a short, meaningless conversation full of
61 niceties. I was certainly more cordial to Morse than Ashley was that evening.

62
63 11. Dylan and I did go upstairs before midnight, but it wasn’t because it was getting close
64 to midnight or anything like that. We were both getting pretty tired. We sat in Dylan’s room
65 chatting for a while, enjoying the relative quiet. I may have gone to my room once or twice, but
66 not for long. Then we went back downstairs just in time to see Hollingsworth start to convulse.
67 Poor fella.

68
69 12. I didn’t confess to anything when I talked to that cop, Jamie Gumm. When I said “I
70 was the Grim Reaper,” what I meant was that I’d been the Reaper in years past, but not this year.
71 I didn’t even know someone had been downstairs impersonating the Reaper at this year’s party.
72 I just told him/her the Grim Reaper costume was mine, though I last put it in the closet. I don’t
73 know who stuffed it under my bed along with that drug vial. Again, ask Ashley. S/he must have
74 been the last person in my room before Gumm did his/her search. Think about it – why would I
75 have consented to a search of my room if I had hidden the evidence so shabbily?

76
77 13. I had nothing against Morse. Sure, I suspected he was the one who dinged my car,
78 but it seemed obvious that it was him. After all, there are not that many cars around with that
79 ugly lime green paint. I did confront him, he denied it and I was considering taking him to small
80 claims court to pay for having my Mini Cooper fixed and repainted. After all, I was a pre-law
81 major for half a semester. But that was all. As for Palmer Peeples-Catts...well, s/he seriously
82 overestimates how well s/he knows me.

83
84 14. On advice of counsel, that is all I am prepared to state at this time. I didn’t do it. I
85 had no reason to hurt Hollingsworth and I was done with the Grim Reaper pranks.

86
87 **WITNESS ADDENDUM**

88 I have reviewed this statement, and I have nothing of significance to add at this time. The
89 material facts are true and correct.

90 Signed,

91
92 _____
93 /s/
94 MICKY FINN

95 SIGNED AND SWORN to me before 8:00 a.m. on the day of this round of the 2005 North
96 Carolina Mock Trial Competition.

97
98 _____
99 /s/
100 Ima Takin Oates, Notary Public
101 State of Utopia
My Commission Expires: 05/01/2006

STATEMENT OF PARKE LINDSAY (P.L.) POPPER

1
2
3 1. My name is Parke Lindsay Popper but everyone has always called me P.L. I am
4 twenty-one years old and a pharmacy student at Metropolitan University in Metropolitan City,
5 Utopia. I live in the same dorm that Hollingsworth Morse lives in or lived in until this past
6 Halloween.
7

8 2. I didn't really know Hollingsworth Morse personally, but heard that he was trying
9 to get into pharmacy school but did not have the right connections or good enough grades to get
10 in. On the surface, Hollingsworth seemed quiet and shy and acted like a geek most of the time,
11 but rumor had it around the dorm that he was running his own drug store and had a
12 methamphetamine lab set up right there in his dorm room. They say Hollingsworth had quite the
13 nasty little habit and was hooked on his own products, snorting and smoking that crystal meth
14 like it was candy.
15

16 3. I have known Micky Finn since grade school in Burlington. I have hung out with
17 Micky and his/her roommates, Ashley Brewer and Dylan Childs, at their house on Hodgson
18 Drive and partied many nights with them since enrolling at Met U. Micky was an all right kind
19 of guy/gal but had a major obsession with that old washed up hip hop singer, Lil' Nemesis T.
20 Dylan was kinda quiet and Ashley was kinda shady and it was rumored that s/he was in
21 competition with Hollingsworth Morse and his illegal drug store. Ashley had a connection
22 across the state line in Hicksville, I mean Tennessee, and could always get Ecstasy or liquid
23 methylene dioxymethamphetamine (MDMA) if anyone wanted it.
24

25 4. Micky and crew were famous for their legendary "Grim Reaper" parties on
26 Halloween. Around midnight at each party, Micky would put on his/her Grim Reaper costume
27 and give a drink spiked with liquid E to someone who after a few gulps usually became the hit of
28 the party. This year was no different, except that instead of providing entertainment for
29 everyone, after gulping down the drink Hollingsworth tragically died. Several days before the
30 party this year, I had a heart-to-heart talk with Micky about the dangers of passing out the spiked
31 drink to some unsuspecting person and the risk that such a person could end up really hurt or
32 even dead. The night before the party Micky told me that s/he was not going to allow the
33 Ecstasy-laced cocktail to be handed out this year and that while the party might not be as
34 exciting, "at least no one would get hurt." Micky told me that Ashley did not take the news well
35 that the prank was off and was really ticked off because Micky had picked Hollingsworth to be
36 the cocktail's "mark" and Ashley really wanted to see Hollingsworth be made a fool of. Micky
37 told me that Ashley stormed off and was muttering something like "Hollingsworth won't get off
38 that easy."
39

40 5. The night of the party I arrived early, around 8:30 pm, mainly because my
41 costume was a giant syringe with a vicious looking needle sticking out of it and I had to get
42 dressed at Micky's house. The music started around 9:30 pm and by 11:00 pm the house was
43 full. The party was really pretty lame, especially because Lil' Nemesis T was the hired
44 entertainment and it turned out s/he was lip-synching instead of performing live. Shortly before
45 midnight, I saw Ashley with a vial in his/her hand heading into the kitchen. As Ashley walked
46 by, s/he commented that this party would not be lame much longer and that the Grim Reaper
47 would not let us down. I was shocked because I knew that Micky was not going to perform the
48 Grim Reaper trick this year. After Ashley went into the kitchen and came out again, I saw
49 him/her go up the main stairs.
50

51 6. A few minutes later, the Grim Reaper appeared with a tray full of cocktails.
52 Neither Micky, Ashley nor Dylan were anywhere to be seen. The Reaper slowly made his/her
53 rounds around the room, handing out the drinks and gave the last one to Hollingsworth. Now, I
54 had noticed Hollingsworth earlier that night and he seemed really fidgety and nervous, like he
55 might have already been buzzing on some crystal meth, and he hit the keg pretty hard all night
56 long.

57
58 7. Soon after Hollingsworth gulped down the Reaper cocktail, I noticed him
59 staggering around on the dance floor. He looked really confused and anxious, with his eyes
60 darting here, there and everywhere. He started clenching the muscles in his hands, arms and legs
61 and then his teeth started clenching together; he was also shivering. I could tell, even from a
62 distance that his clothes were drenched in sweat. Then he began moving from person to person,
63 trying to hang on to their shoulder or arm – clutching them in what seemed like an attempt to
64 stay on his feet. It didn't look like he could control or stop himself from having the muscle
65 spasms and the look on his face was pathetic – full of fear and confusion about what was
66 happening to him. Hollingsworth started pulling at his vampire costume like he was trying to get
67 some air. His face had also turned a sickly shade of green and there were several people in his
68 path that moved out of the way quickly, dodging his grasps, hoping, I guess, that he wouldn't
69 vomit on them. I started toward him, thinking I'd help him to the bathroom, but by the time I
70 took two steps, Hollingsworth had fallen to the floor like a dead weight with his arms and legs
71 twitching. His whole body was shaking and jerking and he appeared to be experiencing tremors
72 throughout his entire body. His eyes were rolled back into his head. His jaws were clenched
73 shut, he appeared to be choking on his tongue, and he had a pinkish froth dribbling out of the
74 side of his mouth. Then Hollingsworth became very still and started turning blue. None of this
75 took very long, only about 15 minutes from the time Hollingsworth downed that shooter until he
76 was lying dead on the floor. Immediately, I realized that the crystal meth, combined with the
77 alcohol and the liquid E that Ashley had put in that Reaper drink, was too much for
78 Hollingsworth.

79
80 8. I screamed for someone to call "911", and then tried to clear the area around
81 Hollingsworth, so Dylan, who reached Hollingsworth first, would have room to perform CPR on
82 him. After a few minutes, paramedics showed up and tried to resuscitate Hollingsworth, but it
83 didn't work.

84
85 9. Then, Detective Gumm showed up, cleared the room, separated everyone and
86 began taking down names and addresses so s/he could contact us later to get our written
87 statements.

88
89 10. A couple of days after the party, I saw Ashley in the library and s/he said that
90 Micky was really in trouble this time but Hollingsworth was to blame because he was a speed
91 freak and none of this would have happened if he hadn't been such a greedy druggie. I told
92 Ashley that I knew Micky didn't give Hollingsworth the drink and s/he said, "well the police
93 sure think s/he did it and no one can prove otherwise."

94
95 11. I really think the police have the wrong guy/gal and that Ashley is the culprit.
96 With Hollingsworth gone, Ashley no longer has any competition for future drug sales and s/he
97 got off with copping a plea to simple possession and serving alcohol to minors in exchange for
98 testifying against Micky. How convenient for Ashley!

99

STATEMENT OF DYLAN CHILDS

1
2
3 1. My name is Dylan Childs, and I am a student at Metropolitan University. I was there, last
4 Halloween, when Hollingsworth Morse seized and died; I'll never forget it. I'm sure Micky had
5 nothing to do with it, though – Micky was with me. Besides, s/he –we both– swore off the old
6 “Grim Reaper” prank. It must've been somebody else.

7
8 2. Perhaps I'd better explain. Micky, Ashley and I rent this cavernous old house just off-
9 campus, on Hodgson Drive. The bedrooms are upstairs, and there's this commons room downstairs
10 that we use for entertaining. Being off-campus, the place isn't under supervision like the student
11 social organizations, so we've “volunteered” to host several pretty wild parties there. “Club
12 Hodgson,” we call it.

13
14 3. One fixture of our Halloween shindigs is the appearance, precisely at midnight, of the “Grim
15 Reaper” – I don't know where Micky got the costume, but it's really cool...or should I say gruesome?
16

17 4. Not like the costume I made for myself. I was going to go as a St. Bernard – y'know, with a
18 keg of brandy around my neck 'n all? – but that was just too complicated. In the end, my costume
19 was just stage make-up, a papier maché nose, felt ears, a collar 'n dog-tag, and a splotched beige
20 “bag”-sort of thing with paws. It looked sort of like the Scooby-Doo costume I saw the “comic
21 relief” guy wearing at some gymnastics competition on television, but I copied the pattern of
22 appliqués – “fur splotches” – on the costume from a porcelain statue my family has at home of our
23 late, lamented dog, Rags.

24
25 5. But I digress. The trademark of our Halloween parties has been – used to be – the midnight
26 appearance of the hooded and masked “Grim Reaper” character to serve a special round of drinks.
27 “Special” to our guests meant the ceremony of it all: the high point of the evening. “Special” to the
28 three of us – Ashley, Micky and me – meant that one of the drinks being passed around was spiked.
29 Ashley always got the drug; I think it was always liquid Ecstasy (MDMA) – it usually was. My job
30 was to cozy up to our “mark” of the evening, making sure the person would be at the party –and stay
31 until midnight. Y'see, part of the fun was selecting a patsy who was exactly the last person anyone
32 would expect to lose control – that made the contrast between the person's normal “image” and their
33 post-midnight antics all the more hilarious. I don't think the guests really knew exactly what was
34 going on; we usually kept the dosage low enough to appear “the intoxication of the moment,” not a
35 drug.
36

37 6. Micky's job was to impersonate the “Reaper,” and hand out the drinks. It took some sleight
38 of hand, lemme tell ya, to be sure the right person got the right draught without being obvious.
39 Micky was good at that. Except that night.
40

41 7. The Halloween party plans had begun like any other, except bigger, of course. Morse was a
42 pretty reliable “show-up,” and seemingly in no hurry to move on anywhere else, so my role looked
43 to be easy; that night, I didn't have to do anything, so I was pal-ing around with Micky. What
44 Ashley had done about getting more “E”, I don't know. I do know that the caterer stood us up; that's
45 what you get for hiring a moonlighter rather than a full-time professional and we had to hustle to
46 cover his lapse with snacks. When I see that guy, I'd like to give him a piece of my mind, but he's
47 disappeared... who knows where.
48

49 8. And the entertainment! Well, that was not my fault at all; Micky had hired Lil' Nemesis T
50 based on reputation. Who knew that he lip-synched everything? Well, I guess maybe I did, but I

51 didn't tell Micky. Lil' Nemesis T's as fake as his name.

52

53 9. I had gone into the back, downstairs about 9 o'clock that evening to what was once the
54 butler's pantry of the house -- before it was sub-divided -- to discreetly wire Lil' Nemesis T's
55 "karaoke machine" into the sound system, when I ran into Micky and Ashley arguing. Micky was
56 saying that s/he'd "had enough" with our trademark prank, and wasn't gonna do it any more. I piped
57 up that Hollingsworth was the perfect mark -- so shy and so proper -- to get the drink, but I didn't
58 press the point; I was too distracted trying to salvage what looked to become a sinking, dying affair
59 (and on Halloween, too!) ... thanks to Lil' Nemesis T!

60

61 10. But, before I went on with what I was doing, I was surprised to hear Ashley express real
62 anger toward Morse. Who knew anyone had such strong feelings about the guy; to me, Morse was
63 so bland, so gray... such a cipher. (I mean, that was the point, wasn't it?) But Ashley was really
64 ticked off at him about something. When Micky refused to go through with the prank, that night,
65 Ashley got ticked off at Micky, too. (Fortunately, the walls of the old house are thick, or the "early-
66 birds" would've gotten an earful.) Impulsively, Ashley offered to wear the costume him/herself, but
67 that came to nothing when Micky refused. Micky expressed regret for having been part of the
68 "Reaper" prank before (which was strange, since I'd never heard that remorse from him/her), and the
69 two of them glowered at each other, and stomped off. By then, the bulk of our guests had started to
70 arrive, so I "circulated" until sometime after eleven.

71

72 11. The shindig was in trouble -- Halloween decorations weren't the only things that made the
73 house feel like a mortuary, in spite of the keg -- and I joined Micky and Ashley in the living room,
74 beside the staircase to discuss what to do. Ashley had come from the kitchen, and was very
75 concerned at how dead the place felt, how anti-climactic midnight was going to be without the Grim
76 Reaper. The two of them still weren't speaking cordially -- there was this silent gulf, and they glared
77 at one another through the eye-holes of their respective masks -- so Micky and I went upstairs to
78 his/her room, while Ashley remained "on duty" as host/ess...I suppose.

79

80 12. That must've been a quarter-to-twelve, I guess. After the tension downstairs, when the two
81 of us got up to the second floor, we just collapsed. I must confess we had something a bit better for
82 ourselves than the libations we were serving our guests -- there are so many gatecrashers at an off-
83 campus party, y'know that you just can't afford. I don't even remember what we talked about; I
84 suppose we just stared out the window at the ghostly patterns tree branches in the moonlight were
85 making on the fire escape landing. It was all very soporific.

86

87 13. I didn't notice anything unusual at midnight -- the grandfather clock is by the front door, and
88 the hardwood floors are thick, so I'm not certain I even noticed it chime at midnight -- but my
89 wristwatch said 12:15 a.m. when we stretched, and agreed our duty lay downstairs at the party.

90

91 14. As Micky and I headed down the staircase, music was thudding from the commons room. (I
92 think they'd given up on Karaoke, and just played CDs.) That must've done the trick, because
93 things appeared livelier than when I'd gone upstairs, a half-hour before. People were dancing and
94 there was an animated buzz from the huddle by the buffet.

95

96 15. Through the clot of ebullient guests, I noticed Hollingsworth Morse. The tired old shoe
97 seemed to have gotten some life after-all -- after the "witching hour"; maybe that vampire costume
98 was doing him some good! I'd started to walk his way when I noticed a strange expression come
99 over his face. At first, I thought Morse was acting -- y'know, getting into character by clenching his
100 body and bugging his eyes as he rasped and wheezed -- then I realized he wasn't that good a

101 thespian. Nobody's that good of an actor.

102

103 16. I was running towards him before I knew it. I think Micky was close by – maybe Ashley,
104 too, I'm not sure – but my attention was on Hollingsworth. I was close enough, now, to see beneath
105 the Halloween make-up; he didn't look healthy, and he wasn't breathing normally at all. As I tore
106 open his "Dracula" evening clothes costume and tried to start compressions – I don't know CPR, but
107 I've watched TV – I could feel his heart leaping inside his chest like a freight train going off its
108 tracks. So there was an actual pulse beneath the starched shirt, but we'd discovered it too late.

109

110 17. I was grateful when Palmer Peeples-Catts took over. By then, I think, someone must've
111 called the paramedics, because I heard sirens shortly thereafter. Lil' Nemesis T and the dreadful lip-
112 synching were long gone, and the guests stood around silently, watching Hollingsworth twitch on
113 the floor as Palmer, then the paramedics worked on him. Detective Gumm, who had come in with
114 the EMS, apparently, and had already begun to clear the room. As s/he hustled Micky, Ashley and
115 me away from each other, I looked at my watch again: 12:28 a.m. Time moves so strangely:
116 sometimes quickly, sometimes...

117

118 18. I sighed several times, and tried to discern from noises filtering up the staircase what the
119 paramedics were doing. It was 12:40 a.m. – I'd checked my watch incessantly for lack of anything
120 else to do – when Detective Gumm came up to question me. Gumm had sent each of the three of us
121 to our respective rooms; since mine is across the landing from Micky's – and half-way across from
122 Ashley's – and I don't have a connecting bath, as they do, so I felt pretty isolated while Gumm went
123 on to the other two. About 1:00 a.m., Gumm came out of the doorway across the landing with
124 Micky's old "Grim Reaper" costume draped over his/her arm. Gumm had me escorted downstairs,
125 and then taken to the station. Of course, I cooperated; why would I not? I – we – had done nothing.
126 I thought. You could not imagine my elation when I was told that all charges against me were being
127 dropped.

128

129 19. I don't know what Ashley might've done. Micky and I weren't even there when the "Grim
130 Reaper" showed up, so I know it couldn't have been Micky. Not that night. Ashley had some gripe
131 with Hollingsworth, and Ashley had vials of Ecstasy before, so you make up your own mind. I just
132 know that, even if they found a vial in Micky's upstairs room, Micky never left until we came
133 downstairs together. By then, Morse was – must've been – already drugged.
134 Hey, maybe Morse just took it himself. The more I hear, the more I realize that I really didn't know
135 much about the guy. It's always the shy ones, isn't it?

136

137

WITNESS ADDENDUM

138 I have reviewed this statement, and I have nothing of significance to add at this time. The material
139 facts are true and correct.

140

Signed,

141

/s/

142

DYLAN CHILDS

143

144 SIGNED AND SWORN to me before 8:00 a.m. on the day of this round of the 2005 North Carolina
145 Mock Trial Competition.

146

147

/s/

148 Ima Takin Oates, Notary Public

149 State of Utopia

150 My Commission Expires: 05/01/2006

STATEMENT OF SIDNEY LANIER

1
2
3 1. My name is Sidney Lanier, and I'm a junior at Met U. I'm the point guard for the
4 basketball team. Everyone knows me; I'm only like the greatest athlete to ever go to this school –
5 male or female. I wear number 3 on the team, just like Iverson from the 76ers. I have a mean
6 crossover like his too, just ask anybody who's ever tried to guard me. I'll probably be an All-
7 American after the numbers I'm going to post up this year. I love watching basketball on T.V. in my
8 free time and going to professional games when I can. I think Iverson is great to watch, and I also
9 get into watching Katie Smith, you know, the guard for the Minnesota Lynx in the WNBA. Some
10 guys I know say watching women play is too slow, not enough above the rim action, but I think
11 that's just stupid and I tell them so every time they say it. It's not true either, at least not here at Met
12 U. It doesn't matter to me who's playing the game, as long as it's well-matched, I love watching it
13 and playing it!

14
15 2. Being the star basketball player at Met U is pretty cool. I'm majoring in phys-ed; not
16 that it really matters, because I'll be going pro after my senior year anyways. To have my skills
17 though, I have to keep in great shape, which is why I get up every morning at 6:00 a.m. to shoot free
18 throws and run sprints. It's not easy, but I have to keep my edge. I live by myself in the athletic
19 dorms now, which is great because I don't have to deal with some loser roommate. Like my
20 freshman year, when I lived in that new, experimental co-ed dorm during fall semester. I thought it
21 would be cool to live in a co-ed dorm, but I hated it. Each "pod" was made up of four small
22 bedrooms and this big common area that all of us shared – it was the brainchild of ol' "Fig" Newton,
23 that crazy Viking Lit. professor. The walls and doors were really thin and when you were in your
24 own room, you could hear everything that was going on next door or in the common area. Ashley
25 Brewer was one of my roommates for that one semester. What a tool. S/he would go out partying
26 every night until 4:00 in the morning, come stumbling in making all kinds of noise in the common
27 area and his/her bedroom, and then get mad at me when I got up at 6:00 to get my work out in. I
28 guess that's why s/he moved out after the first semester. That was fine with me; s/he just never
29 understood what it's like to be me.

30
31 3. I still see Ashley on campus and at the parties s/he throws with Dylan and Micky.
32 Dylan and Micky are pretty cool, they always go out of their way to acknowledge my talents on the
33 court. Micky and I had a class together last year, "History of Reality T.V. 101". That class was
34 really tough. It's too hard to keep up with who was on which "Real World" and "Road Rules". I
35 hardly ever went to class, but Micky gave me all his/her notes before the final exam in exchange for
36 a couple of Met U jerseys, so thanks to him/her, I passed. Micky gets props for that one.

37
38 4. I don't go out to parties much, but I make an appearance occasionally just to keep it real. I
39 always make it to "Club Hodgson", this place where Dylan, Micky and Ashley live, especially for
40 their Halloween party. Last year I dressed up like Thunder Chicken, the University mascot. I
41 borrowed the costume from the person who wears it to all the Met U games. It is a huge yellow and
42 orange chicken suit with the lightning bolt on the front. I thought about doing the same thing again
43 this year, but the costume was already being used at another party, plus, it was really hot in there and
44 very difficult to drink through the big beak. I finally decided to go as a referee, so I also wore dark
45 sunglasses and carried a walking cane along with a cup with pencils in it.

46
47 5. Anyway, the Halloween parties at Club Hodgson are usually off the chain. They have
48 this Grim Reaper character that comes out at every party and passes out drinks. It's funny, because
49 the party usually gets cranked up after that. Somebody always starts actin' a fool after the Reaper
50 makes an appearance. This year, I came in late as usual to make my appearance. I think it was just

51 before midnight. I wanted to thank Micky again for the class notes and see if anyone had asked
52 him/her where s/he got the Met U jerseys, but just as I walked in Club Hodgson, I saw Micky going
53 up the stairs to the second floor with Dylan. Micky had on a black burglar costume and Dylan was
54 dressed like a dog.

55
56 6. After Micky and Dylan went upstairs, I realized I had forgotten my cell in my car, so
57 I went back out to get it. When I got outside, a couple of people had gathered around to check out
58 the new 22's I just put on. They do look good; I couldn't blame them for gawking. As I was
59 standing there talking about the car, I noticed Ashley come out of the kitchen door, down the deck
60 steps and then back up the exterior fire-escape stairs to the second floor. S/he was almost running
61 and carrying some sort of black bundle. I didn't think much of it at the time and turned my attention
62 back to the crowd, showed off the rims for a while longer and then headed back inside.

63
64 7. When I went back in to the party, the first thing I noticed was Ashley again. S/he was
65 inside now, and looked like s/he had just finished a workout; all sweaty, hair messed up and his/her
66 black burglar outfit was a mess. It struck me as strange, because Ashley is the type of person who's
67 always perfectly dressed with not a hair out of place. Definitely weird, but you just never know
68 about Ashley Brewer.

69
70 8. Anyways, right after I saw Ashley, I noticed Hollingsworth lying on the ground and
71 flopping around. He looked pretty messed up. It didn't surprise me, because although everybody
72 thinks Hollingsworth is this quiet geek, I know he is the hook-up for a lot of people into Special K
73 and stuff like that. Too bad about Hollingsworth dying. Not that he deserved it, but drugs will do
74 that to you.

75
76 **WITNESS ADDENDUM**

77
78 I have reviewed this statement, and I have nothing of significance to add at this time. The
79 material facts are true and correct.

80
81 Signed,
82
83 _____
84 /s/
85 SIDNEY LANIER

86 SIGNED AND SWORN to me before 8 a.m. on the day of this round of the 2005 North Carolina
87 Mock Trial Competition.

88
89 _____
90 /s/
91 Ima Takin Oates, Notary Public
92 State of Utopia
My Commission Expires: 5/01/2006

**STATE OF UTOPIA
UTOPIA BUREAU OF INVESTIGATIONS
DIVISION OF FORENSIC SCIENCES
RECORD OF MEDICAL EXAMINER**

CITY: Metropolitan COUNTY: Mock CASE NO. 2004-39546

NAME OF DECEASED: Hollingsworth Morse

RESIDENCE OF DECEASED: _____

AGE: 20 DOB: 4/3/84 RACE: HEIGHT: 68" WEIGHT: 160 lbs.

MANNER OF DEATH:

Natural () Homicide (X) Suicide () Accident () Undetermined () Other ()

CAUSE OF DEATH: Overdose of MDMA

LAST SEEN: Date: 11/1/04 Hour: 0015 Place: 270 Hodgson Drive, "Club Hodgson"

FOUND: Date: 11/1/04 Hour: 0015 Place: 270 Hodgson Drive, "Club Hodgson"

INJURY: Set forth below.

PRONOUNCED: Date: 11/1/04 Hour: Unknown Place: Metropolitan University Hospital

NOTIFIED BY: Sgt. J.L. Byrd, MPD Date: 11/1/04 Hour: 0830

BODY IDENTIFIED BY: Fingerprints () Car Registration () Photographs () Family (X)

AUTOPSY AUTHORIZED BY: Coroner CORONER NOTIFIED: Yes

PRESENT AT AUTOPSY: Det. Jamie Gumm, MPD, Investigating Officer

SUSPECT(S): Ashley Brewer, Dylan Childs, and Micky Finn

NAME OF MORGUE: Metropolitan DOFS DATE RECEIVED: 11/1/04 HOUR: 0830

BODY REMOVED FROM: Metropolitan Univ. Hosp. Morgue Transported By:

AUTOPSY (X) LIMITED DISSECTION () EXTERNAL EXAM () HISTORY REVIEW ()

PERFORMED BY: Bo D.N. DeMorg, M.D. DATE: 11/3/04 TIME: 1015

SIGNED: _____/s/_____ DATE: 11/4/04

APPROVED: _____ DATE: _____

Exhibit 1

In accordance with the Utopia Death Investigation act, an autopsy is performed on the body of Hollingsworth Morse at the Utopia Bureau of Investigation, Division of Forensic Sciences, in Metropolitan City, Utopia, on Monday, November 3, 2004, commencing at 1015 hours.

EXTERNAL EXAMINATION:

The body appears to be that of an adult male, approximately 68" in height, and weighing 160 lbs., consistent with the stated age of 20 years.

The body is received wrapped in a black zippered disaster bag, is identified by an attached name tag, and is clad in the following articles of clothing:

1. Black "tuxedo" pants, torn near the left ankle and right knee. Much dirt on the lower portion of the pants. A fluid stain smelling of some alcoholic beverage appears on the right thigh.
2. Boxer shorts with vampires bearing the slogan "Dying is for Suckas."
3. Black nylon socks and patent leather shoes.

Also included in the disaster bag:

1. White "tuxedo" shirt with red bow tie. Cut down back, and unbuttoned for emergency treatment. Extensive staining of the front of this garment, smelling of some alcoholic beverage, and appearing to contain some blood. Stains have some droplets, but mostly radiate downward from the collar area.
2. A black hooded, lightweight nylon cloak, tied loosely around the neck. Fluids appearing to be blood and saliva appear around the front neck area. Lower portions of the cloak are torn, with dirt, and other fluid stains on them.
3. Plastic vampire teeth.

The clothing is placed in airtight metal cans for volatile analysis.

The body is not embalmed, is refrigerated, and is cool to the touch. Blancheable violaceous dependent livor mortis is diffusely appropriately distributed across the posterior body surfaces. Rigor mortis is fully fixed in the extremities and jaw.

The black scalp hair ranges to an estimated 3 inches. The irides are brown. The equal pupils are 1/8 inch. The non-injected, nonicteric palpebral and bulbar conjunctiva are without petechiae. The patent ears and nares are without discharge. The dentition is in good repair; the oral cavity is without lesion. The lips, gums, and tongue are moist. Facial hair consists of a neatly trimmed goatee beard and moustache with remaining heavy beard stubble elsewhere. The symmetric neck is mildly cyanotic but otherwise without note. Superficial healed scars on the right anterior forehead range to 1 inch at the hairline. Additional healed scars are within the scalp hair. A 1/2-inch group of red-brown eschars is at the left anterior hairline. A 2-1/2 inch irregular scar is on the anterior to left neck. A 2-inch linear scar is on the anterior to right neck.

The chest has a typical anteroposterior diameter and is without lesion. A small quantity of crusty white dried material is on the right upper chest, extending to the shoulder. The mildly protuberant, tympanic abdomen has no palpable organomegaly or lesion. A 20-inch horizontal crescentic scar spans the lower abdominal midline, extending to each flank. Multiple striae scars are on the lower abdomen. A 9-inch healed vertical scar spans the subxyphoid to periumbilical abdominal midline. A 2-1/2 inch erythemic group of superficial resolving abrasion with surface red-brown eschar is on the left lateral abdomen. Resolving purple to gold-brown contusions on the left upper abdominal quadrant range to 2 inches. The external genitalia are without note. The anorectal area has no trauma.

The upper extremities have markedly short, irregular nails with minimal dirt underneath. The bilateral dorsal forearms and hands have superficial scars ranging to 2 inches on the right. The dorsal right forearm has multiple resolving purple to gold-brown contusions ranging to 2-1/2 inches extending from the dorsal hand to the forearm. A 3-1/2 inch group of superficial red-brown eschars is on the dorsal left forearm, just distal to the elbow. A 7/8-inch erythemic scar with surface red-brown eschar is on the dorsal forearm with an adjacent 2 inch resolving contusion. Superficial punctate eschars are on the dorsal forearm. A 1-inch group of blue ink lines is on the distal medial left thigh. A faint 6-inch

yellow resolving contusion is on the right leg, below the knee. The bilateral shins have typical hair distribution and lack significant edema. The medial distal right shin has a 5-inch dark patch with a similar 3-inch patch on the left. An indistinct 6-inch yellow-brown resolving contusion is around the left knee. The skin of the bilateral shins, extending to the feet is scaly. Superficial red-brown eschars are punctate on the distal right shin and in a 3-1/2 group on the anterior left shin. Additional superficial healed scars range to 1 inch. A 3-inch group of scars is on the lateral right calf. The superficial subcutaneous veins of the bilateral feet are prominent at the arches and insteps. The bilateral heels are soiled with brown foreign material. The toenails are short to moderately long and minimally irregular. A 1/8-inch dried surface epithelial slip is on the dorsal right third toe. The upper back has prominent livor mortis with multiple tardieu spots. Within the former on the left upper back is a 5-inch dark blue contusion with resolving gold-brown edges. A 3-inch resolving contusion with gold-brown edges is on the lateral right buttocks. A 5-inch resolving contusion with gold-brown edges and a deep purple-blue center is on the left buttocks. The remaining extremities and back are without lesion. Additional superficial resolving contusions are sparsely scattered on the body surface.

EVIDENCE OF MEDICAL INTERVENTION:

A single electrocardiographic lead is on the medial left lower leg.

EVIDENCE OF INJURY:

The nares and mouth issue a small quantity of red-pink froth. Similar material issues from the bilateral lung parenchymae.

A 1-inch group of abrasions is on the dorsal left elbow.

The right anterior tongue tip has a 1/16-inch intraparenchymal hemorrhage.

INTERNAL EXAMINATION:

The following excludes the described injuries. The soft tissues and typically positioned viscera lack unusual odor or atypical color. The soft tissues and viscera have mild autolysis.

CAVITIES:

The serosal cavities have the usual smooth glistening tan-pink mesothelium with diffuse dense fibrous bilateral pleural adhesions. The peritoneum has focal fibrous adhesions. The pericardial sac is without adhesion. The pericardial sac has an estimated 110 ml of serosanguineous fluid without clot. The remaining cavities are without excess fluid accumulation.

CARDIOVASCULAR:

The 360-gram heart has a smooth glistening epicardium with mildly increased subepicardial fat. The typically coursing right dominant vasculature is widely patent. The valves, chordae tendineae, and papillary muscles are without note. The valvular circumferences are (centimeters): tricuspid 12.0, pulmonic 8.5, mitral 11.5, and aortic 8.0. The bilateral atria are acutely dilated. The ventricular chamber diameters are (centimeters): right 4.0 and left 4.2. The ventricular wall thicknesses are (centimeters): right 0.2, left 1.6, and interventricular septum 1.7. The soft red-brown myocardium is without discreet gross lesion. The typically exiting great vessels have widely patent, typically positioned coronary ostia. The aorta has diffuse mild to focally moderate atherosclerosis.

RESPIRATORY:

The post evisceration neck musculature lacks blood or lesion. The intact typically minimally pliable hyoid bone, thyroid cornua, and cricoid cartilage are without note. The typically branching tracheobronchial tree has a smooth glistening tan-pink mucosa without lesion. A small quantity of pink froth is within the lower bronchial tree. The typically formed 560-gram right and 530 gram left lung have smooth glistening visceral pleurae. Each has a typically well aerated; deep purple-red to pink parenchyma which issues a small quantity of pink froth but which otherwise has no discreet gross lesion. The pulmonary vasculature is without note.

HEPATOBIILIARY:

The 2260-gram liver has a smooth glistening capsule and a mildly blunted edge. The pale yellow-brown parenchyma is soft and without discreet gross lesion. The hepatic vasculature is without note. The typically positioned gallbladder contains an estimated 15 ml of green viscid bile without stone; the duct is patent.

RETICULOENDOTHELIAL:

The thymic remnant, purple-pink lymph nodes, and 230-gram soft crepitant purple-red spleen are without discreet gross lesion.

GASTROINTESTINAL:

The typically formed tongue, esophagus, gastroesophageal junction, serosal stomach, and gastric mucosa are without note. The gastric lumen contains an estimated 200 ml of yellow-green thick opaque fluid, and includes a partially digested pill. The gastric circumference has a well-healed 1 cm surgical band with the operative site intact and without lesion. The small and large bowel are without significant gross lesion.

ENDOCRINE:

The pituitary, red-brown thyroid, and bilateral adrenals are without note. The tan-pink lobulated pancreas has mild parenchymal fibrosis with diffuse mild fatty infiltration.

GENITOURINARY:

The 190-gram right and 210 gram left kidney have smooth red-brown cortices and distinct corticomedullary junctions. The pyramids and calyces are without note. The pelves contain no stone and drain freely to the unobstructed ureters, which empty typically to the bladder. The urinary bladder contains an estimated 750 ml [sic] of clear dark yellow urine. The urinary bladder mucosa is trabeculated and the bladder markedly grossly distended. The bilateral epididymes and vasa deferentia are firm, but without additional discreet gross lesion. The tan-pink prostate and bilateral testes are without discreet gross lesion.

NEUROLOGICAL:

The reflected scalp lacks galeal or subgaleal blood. The skull is without fracture. Epidural, subdural, and subarachnoid blood are absent. The dura matter is intact. The smooth glistening leptomeninges are translucent. The 1420-gram brain has a distinct grey-white matter demarcation. The symmetric hemispheres are without discreet gross lesion. The grey-white matter demarcation is distinct. The cerebellum and brainstem have no additional external or tissue lesion. While the sinuses show inflammation consistent with acute sinusitis, the typically coursing cerebral vasculature is without note.

MUSCULOSKELETAL:

The typically calcified axial and appendiceal skeleton are without lesion. The intact vertebrae, ribs, pelvis, and extremity long bones are without note.

OTHER PROCEDURES:

1. Documentary photographs are obtained.
2. Blood, urine, bile, and vitreous are submitted for toxicological analysis.
3. Blood is submitted for serological analysis, if necessary.
4. Head and body hair is submitted.
5. Clothing is submitted for volatile determination.

AUTOPSY FINDINGS:

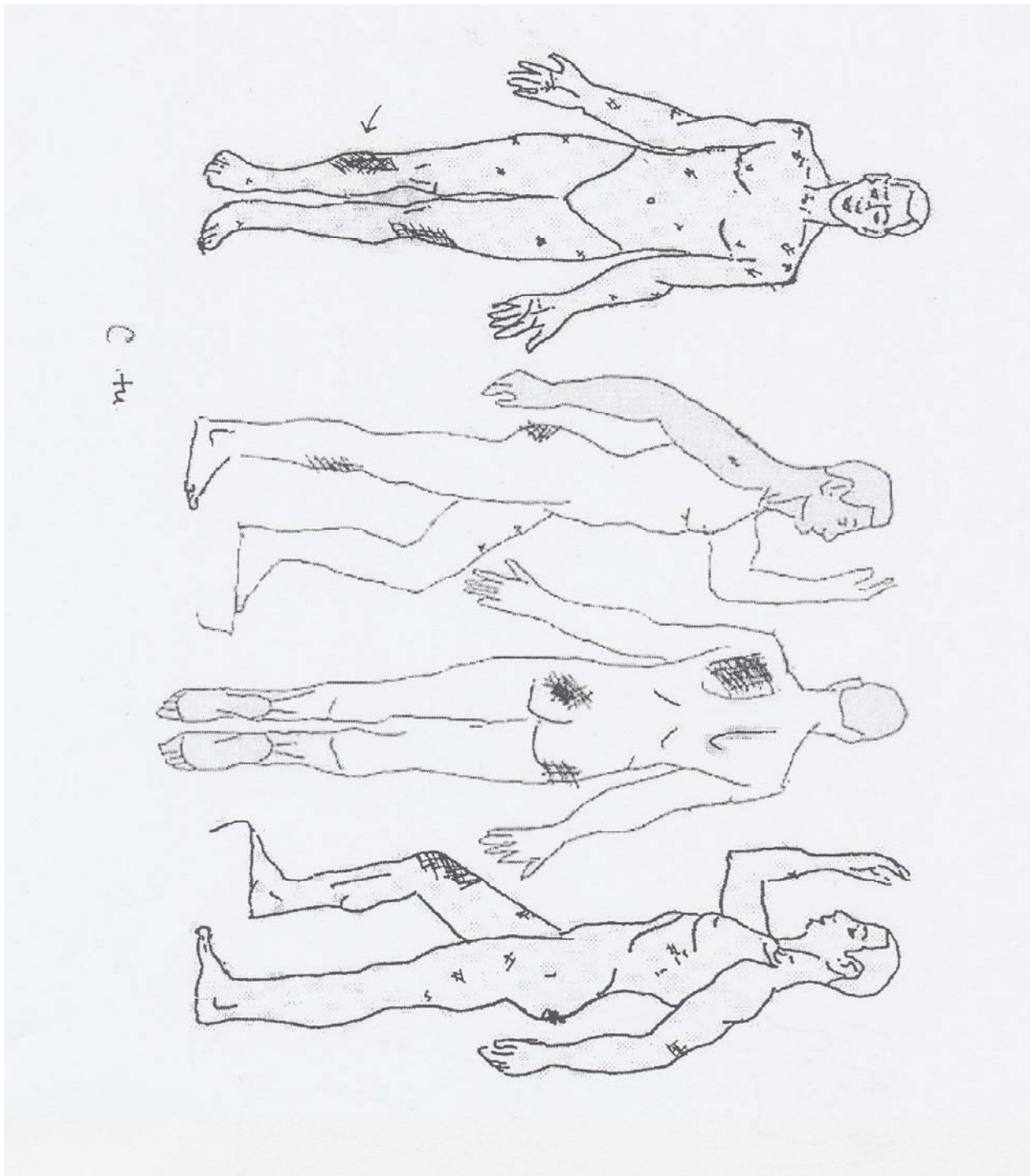
At the time of death, this was a healthy adult male, suffering from acute sinusitis, but showing no natural cause of death, or antemortem traumatic injury. Toxicologic testing per report: Ethyl alcohol 0.13 g/100ml; MDMA 7 mg/l; MDA 23 mg/l; and pseudoephedrine 2 mg/l.

OPINION:

Based upon the toxicology reports, this otherwise healthy 20-year-old male, Hollingsworth Morse, died from an overdose of MDMA. The dosage of 7mg/l is an extremely high dosage, and would undoubtedly be lethal for someone of Morse's height and weight. The 23 mg/l of MDA is consistent with this finding, as MDA is a metabolite of MDMA, and would not be an additional substance ingested by Morse. This amount of MDA shows that the level of MDMA ingested was extremely high. The amounts of pseudoephedrine and of alcohol in the blood are high in this case, but based the inordinate dosage of MDMA, would not have been factors in Morse's death, which was clearly caused by the lethal dosage of MDMA. Based upon the information gleaned from the police investigation, this overdose was neither accidental nor self-inflicted.

MANNER OF DEATH:

Homicide.



Official Report

**Division of Forensic Sciences
Utopia Bureau of Investigation
State of Utopia**

**Metro Regional Lab
DOFS Case #2004-39546
Report Date 11/3/2004**

Requested Service: Toxicology-Postmortem
Agency: Metropolitan Police Department
Requested by: J. Gumm

Case Subjects:

Suspects: Micky Finn
Ashley Brewer
Dylan Childs

Victim: Hollingsworth Morse

Evidence:

The laboratory received the following evidence for analysis from the submitting agency on 11/3/04 via lockbox:

- 001 Sealed plastic bags containing the following items identified as collected from "Hollingsworth Morse"
- 001A Tube(s) containing urine
- 001B Tube(s) containing femoral blood
- 001C Tube(s) containing chest blood

Results and Conclusions:

Drug Screen Results by: Immunoassay

Subm#	Drug Screen Classification	Result
001C	blood-alcohol	Indicative
	blood-barbiturates	Negative
	blood-certain benzodiazepines	Negative
	blood-cocaine/cocaine metabolites	Negative
	blood-common opioids	Negative

Drug Confirmation Results

Submission 001C by: Gas chromatography/mass spectrometry
sample is positive for 3,4-methylenedioxyamphetamine (MDMA) 7 mg/l

Submission 001C by: Gas chromatography/mass spectrometry
sample is positive for 3,4-methylenedioxynethylamphetamine (MDA) 23 mg/l

Submission 001C by: Gas chromatography/mass spectrometry
sample is negative for certain basic drugs, for example propoxyphene and oxycodone

Submission 001C by: Gas Chromatography/mass spectrometry
sample is positive for ethyl alcohol: 0.13 g/100ml

Submission 001C by: Gas Chromatography/mass spectrometry
sample is positive for ephedrine/pseudoephedrine: 2 mg/l

Respectfully submitted,

/s/

Belle O. DeMorg
Forensic Toxicologist

Transcript of 911 telephone call

11-01-04 00:20 a.m.

Police dispatcher: “911. What’s your emergency?”

Voice: “I’m at Club Hodgson. Someone at the Halloween Party is on the floor in convulsions. We need an ambulance in a hurry.”

Dispatcher: “I need an exact address.”

Voice (rising): “I don’t know the street number. It’s Club Hodgson. Everyone on campus knows where it is on Hodgson Drive.”

Dispatcher: “Stay calm. I can’t send anyone without an exact street number.”

Voice (frantically to a loud crowd): “Does anyone know what the street number is here? Is it 270 Hodgson Drive? Or, is it 410 Hodgson Drive?”

Voice (apparently to the dispatcher): “Nobody knows which is the correct number. Oh, wait. I see Ashley coming down the stairs.”

Voice: (apparently to Ashley): “What is the exact address here? 911 says they can’t send an ambulance without the exact address.”

Voice: (apparently to dispatcher): “S/he says Club Hodgson is at 270 Hodgson Drive. You need to hurry.”

Dispatcher: “I’ve dispatched police and an ambulance to 270 Hodgson Drive, but it’s a very long street. Do you know the nearest cross-street?”

Voice: “We’re near the intersection of Metropolitan Avenue. It’s a big two-story house with a really cool fire escape. They can’t miss it. It’s Club Hodgson. Believe me, the police will know where Club Hodgson is.”

Dispatcher: “OK, I just want you to stay on the line with me. We need to know what’s going on.”

Voice: “OK.”

Dispatcher: “Do you know the name of the individual who is having the convulsions?”

Voice: “Yes, it’s Hollingsworth Morse.”

Exhibit 3

Dispatcher: “Do you know whether Hollingsworth has any medical conditions? Is he epileptic? Does he take any anti-seizure medications?”

Voice: “I don’t know. I sort of know the guy from Chem lab. He was acting a little weird a few minutes ago. He got into this really touchy-feely kind of mood. I wonder if he was maybe downing something heavier than beer. I think he’s the type to do a little E.”

Dispatcher: “Is Hollingsworth conscious?”

Voice: “It doesn’t look like he is. Hold on, I have a stethoscope. I dressed as a doctor for the party. Let me see if he’s breathing.”

Dispatcher: “Do you hear anything with the stethoscope?”

Voice (frantically): “No, no, no. He’s not breathing.”

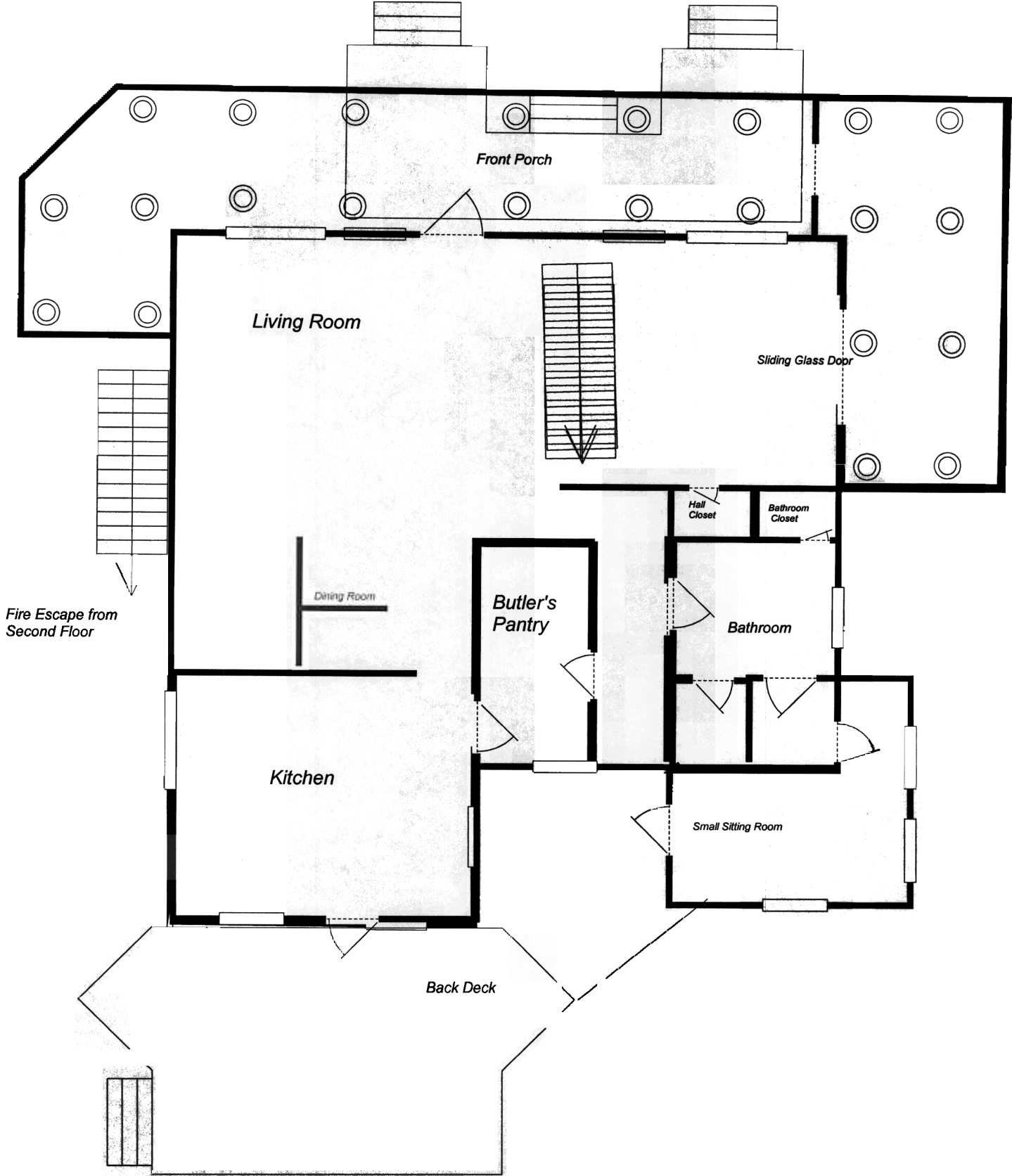
Dispatcher: “Do you know how to perform CPR?”

Voice: “I think so, I took a First Aid course in high school. Oh, wait a minute. Here’s Charly. I’m going to try to do CPR. I’m going to hand the phone to Charly.”

New Voice: “Thank goodness, EMS is here. Oh, and I see Detective Gumm. Thank you. Thank you. I’m going now.”

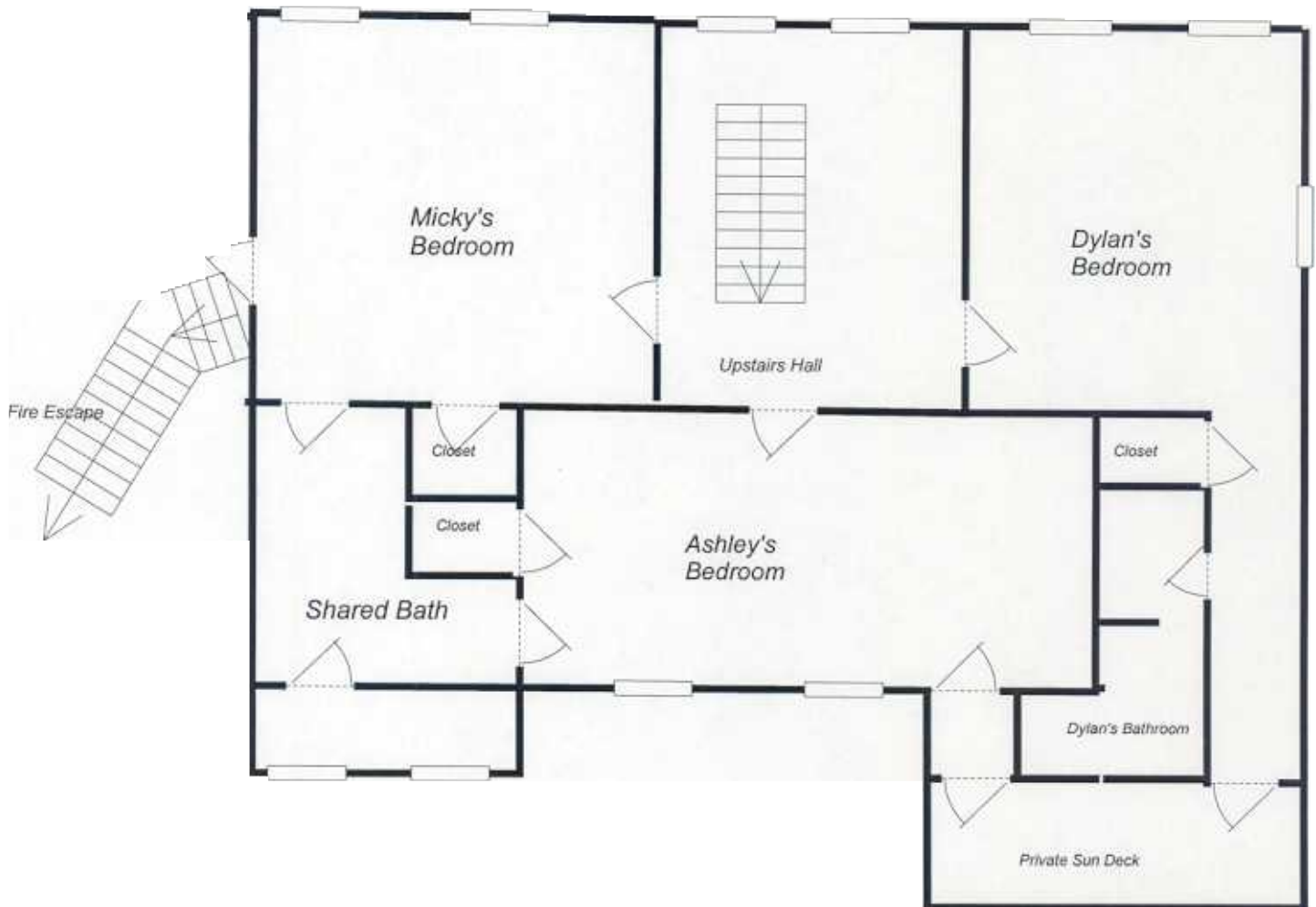


*Rear view of "Club Hodgson"
270 Hodgson Drive, Metropolitan City, Utopia*



Club Hodgson
First Floor

Exhibit 5



**Club Hodgson
Second Floor**

HALLOWEEN PARTY

CLUB HODGSON

OCTOBER 31, 2004

7:30: MUSIC SET UP
LIL' NEMESIS T

9:00: GUESTS ARRIVE

11:50^{ish}: LIL' NEMESIS T
BREAK

MIDNIGHT: IT'S REAPER
TIME!!!



(above) Grim Reaper costume on model; (below) components of Grim Reaper costume



METROPOLITAN POLICE DEPARTMENT
FORENSICS DIVISION
IDENTIFICATION SECTION
FINGERPRINT BUREAU

REPORT

ITEM(S) EXAMINED: (1) Small vial and cap sealed in an evidence bag recovered by Det. Gumm from 270 Hodgson Drive.

(2) Red plastic cup sealed in an evidence bag recovered by Det. Gumm from 270 Hodgson Drive.

TYPE OF EXAMINATION: Latent fingerprint analysis.

RECOVERY: Latent prints were lifted from the vial and compared to Fingerprint Database. No useable prints were found on cap. No useable prints were found on plastic cup.

RESULTS: After comparison to Fingerprint Database, sufficient points of reference were found to make three positive identifications:

- (1) A latent print lifted from the top portion of the vial was matched to the known left thumbprint of Micky Finn
- (2) A latent print lifted from the central portion of the vial was matched to the known right index finger of Ashley Brewer
- (3) Two latent prints lifted from the bottom portion of the vial were matched to the right thumb and middle finger of Detective Jamie Gumm

Signed: _____ /s/
Corporal Lou P. Whorl

Date: 11/5/04

Official Report

**Division of Forensic Sciences
Utopia Bureau of Investigation
State of Utopia**

**Metro Regional Lab
DOFS Case #2004-39546
Report Date 11/3/2004**

Requested Service: Toxicology
Agency: Metropolitan Police Department
Requested by: J. Gumm

Case Subjects:

Suspects: Micky Finn
Ashley Brewer
Dylan Childs
Victim: Hollingsworth Morse

Evidence:

The laboratory received the following evidence for analysis from the submitting agency on 11/3/04 via lockbox:
002 Sealed plastic bags containing the following items identified as collected from "Club Hodgson"
002A crushed red plastic cup containing liquid residue
002B glass vial containing liquid residue

Results and Conclusions:

Drug Confirmation Results

Submission 002A by: Gas chromatography/mass spectrometry
sample is positive for 3,4-methylenedioxyamphetamine (MDMA) 28 mg/l

Submission 002A by: Gas chromatography/mass spectrometry
sample is negative for certain basic drugs, for example propoxyphene and oxycodone

Submission 002A by: Gas Chromatography/mass spectrometry
sample is positive for ethyl alcohol

Submission 002A by: Gas Chromatography/mass spectrometry
sample is negative for ephedrine/pseudoephedrine

Submission 002B by: Gas chromatography/mass spectrometry
sample is positive for 3,4-methylenedioxyamphetamine (MDMA) 28 mg/l

Submission 002B by: Gas chromatography/mass spectrometry
sample is negative for certain basic drugs, for example propoxyphene and oxycodone

Submission 002B by: Gas Chromatography/mass spectrometry
sample is negative for ethyl alcohol

Submission 002B by: Gas Chromatography/mass spectrometry
sample is negative for ephedrine/pseudoephedrine

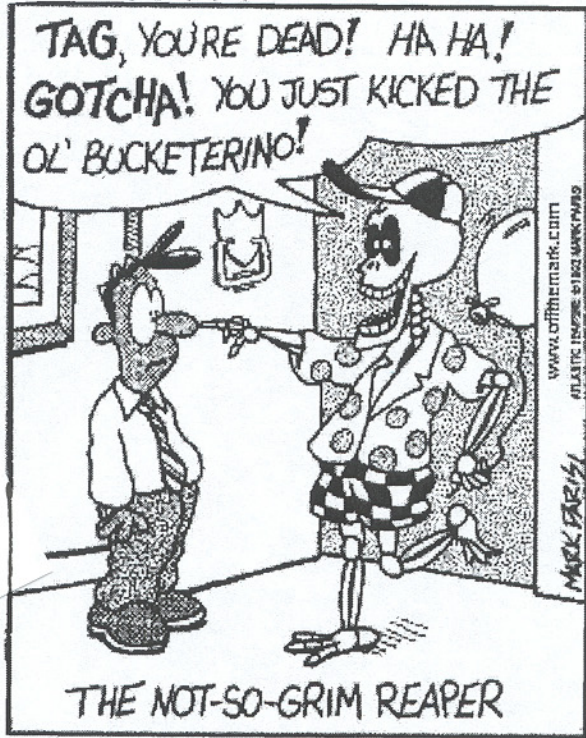
Respectfully submitted,

/s/
Belle O. DeMorg
Forensic Toxicologist

party

Don't fear the Reaper!

Halloween Party



AT



SUNDAY

the

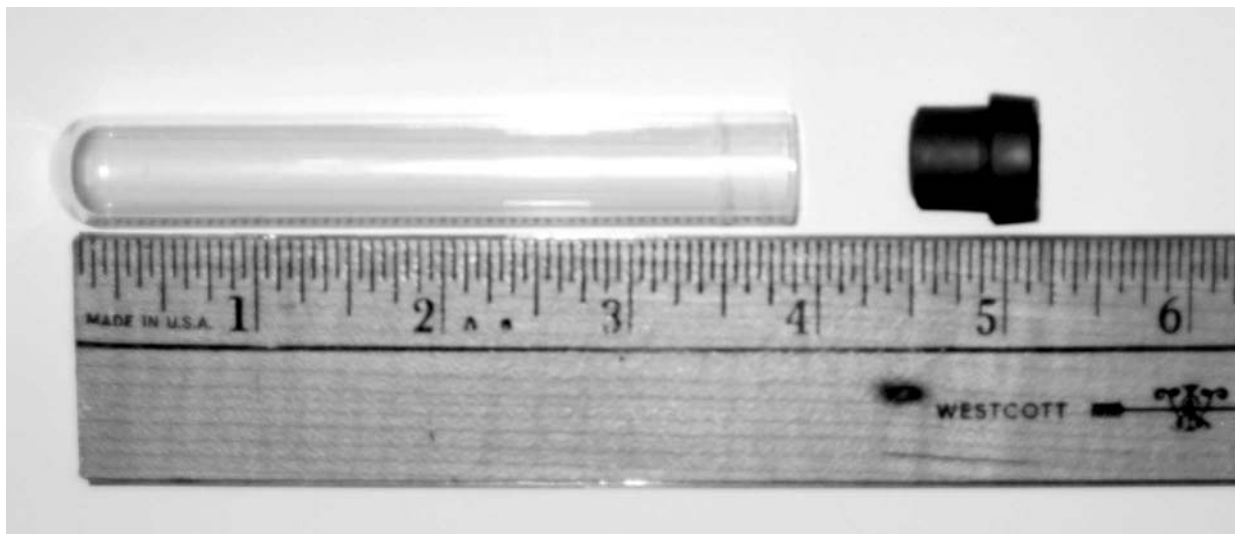
3rd 1st

9 PM

Club Hodgson



View #1: 4" clear glass vial with 3/4" red plastic stopper (stopper in)



View #2: 4" clear glass vial with 3/4" red plastic stopper (stopper out)



View #1: 4"; 10 oz. Red plastic "Solo" brand cup, crushed

**IN THE SUPERIOR COURT OF MOCK COUNTY
STATE OF UTOPIA**

Count One: Violation of the Utopia Controlled Substances Act

Count Two: Furnishing Alcohol to Minors

THE GRAND JURORS selected, chosen and sworn for the County of Mock, to wit:

- | | |
|-----------------------|--------------------|
| 1. Betsy Hodges | 12. Emily Turner |
| 2. Warner Fox | 13. Tania Tuttle |
| 3. Joseph Roseborough | 14. Linda Spievack |
| 4. Aimee Maxwell | 15. Stuart Gordon |
| 5. Greg Smith | 16. Melisa Bodnar |
| 6. Lela Bridgers | 17. Mary Cash |
| 7. Cathy Brakefield | 18. Sandy Lilly |
| 8. Catherine Hicks | 19. Halee McDonald |
| 9. Rick Sager | 20. Rita Payne |
| 10. Sandy Carley | 21. Peggy Caldwell |
| 11. Leanne Beutler | |

Count One

In the name of and on behalf of the citizens of Utopia, charge and accuse Ashley Brewer with the offense of Violation of the Utopia Controlled Substances Act for that the said Ashley Brewer, on November 1, 2004, did unlawfully and intentionally possess a controlled substance, to wit: methylene dioxymethamphetamine contrary to the laws of the State of Utopia, the good order, peace and dignity thereof.

Count Two

In the name of and on behalf of the citizens of Utopia, charge and accuse Ashley Brewer with the offense of Furnishing Alcohol to Minors for that the said Ashley Brewer, on November 1, 2004 did unlawfully and intentionally furnish alcoholic beverages in that s/he did host a party with many minors present and make alcoholic beverages available to all guests contrary to the laws of the State of Utopia, the good order, peace and dignity thereof.

TRUE BILL
December 10, 2004

/s/
Foreperson

Filed in office this 10th day of
December 2004

/s/
(Deputy) Clerk, Superior Court
Of Mock County, Utopia

Defendant on January 5, 2005, being in open court, pleads Guilty

Ashley Brewer /s/
Defendant

/s/
Defendant's Attorney

/s/
Prosecuting Attorney

**IN THE SUPERIOR COURT OF MOCK COUNTY
STATE OF UTOPIA**

State of Utopia	:	
	:	Case Number: 2005-MT-AB
vs.	:	Charges: VGCSA,
	:	Furnishing Alcohol
Ashley Brewer,	:	to Minors
Defendant.	:	

State's Motion to Nolle Prosequi

COMES NOW the State of Utopia by and through the undersigned prosecuting attorney and moves this Honorable Court to enter a Nolle Prosequi to Count Two of above-referenced indictment number. In support of this Motion the State shows the following: Defendant has plead guilty to Count One pursuant to a negotiated plea. Therefore, the State prays that the Court enter a Nolle Prosequi to Count Two of the above-reference indictment number.

This 5th day of January 2005.

/s/
Prosecuting Attorney

Order Granting State's Motion to Nolle Prosequi

After considering the State's Motion to Nolle Prosequi Count Two of the above-referenced indictment upon the entrance by the defendant of a negotiated plea of guilty to Count One, said motion is hereby GRANTED.

So Ordered this 5th day of January 2005.

/s/
Judge, Mock Superior Court

**IN THE SUPERIOR COURT OF MOCK COUNTY
STATE OF UTOPIA**

State of Utopia :
 :
vs. : Case Number: 2005-MT-AB
 : Charges: VGCSA,
 : Furnishing Alcohol
Ashley Brewer, : to Minors
Defendant. :

Sentence

Whereas the Defendant in the above-stated case has plead guilty to the offense stated herein, it is considered, ordered and adjudged by the Court that the defendant pay a fine of \$1,000.00 and be confined for a period of 5 years with the Utopia Department of Corrections provided that said confinement shall be probated on the conditions set out in the Order of Probation and upon the condition that the defendant shall provide complete and truthful testimony in the case of the *State of Utopia vs. Micky Finn*.

So Ordered this 5th day of January 2005.

 /s/
Judge, Mock Superior Court

INCIDENT REPORT

CASE NUMBER: 22-04-987654		DATE OF REPORT - TIME: 11/01/04-00:22		<input checked="" type="checkbox"/> ORIGINAL REPORT <input type="checkbox"/> SUPPLEMENTAL	
DATE OF OCCURRENCE - THROUGH: 11/01/04-11/01/04		TIME OF OCCUR - THRU: 00:22-___:___		DOW: <input type="checkbox"/> 1 Sun <input checked="" type="checkbox"/> 2 Mon <input type="checkbox"/> 3 Tue <input type="checkbox"/> 4 Wed <input type="checkbox"/> 5 Thu <input type="checkbox"/> 6 Fri <input type="checkbox"/> 7 Sat <input type="checkbox"/> 8 Unk	
INCIDENT LOCATION: NO. 270 DIR. STR. Hodgson Drive SFX. APT.					
COMMON / BUSINESS NAME: _____ BEAT: _____ MAPR: _____ DISTRICT: _____ ALCOHOL: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unk DRUG: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unk					
LOCATION TYPE: (TABLE #3)		DEPT CLASSIFICATION: (HEIRARCHY TABLE #2)			
CASE STATUS: <input checked="" type="checkbox"/> 1 Cleared by Arrest <input type="checkbox"/> 2 Exceptionally Cleared <input type="checkbox"/> 3 Unfounded <input type="checkbox"/> 4 Inactive <input type="checkbox"/> 5 Pending Arrest <input type="checkbox"/> 6 Pending Inv. Results <input type="checkbox"/> 7 Info. Only <input type="checkbox"/> 8 Admin. Cleared					
UCR STATE CLASSIFICATION: (STATUTE NUMBER AND TEXT)				UCR CLASSIFICATION: (TABLE #8)	
ATTEMPTED/COMMITTED: <input type="checkbox"/> 1 Committed <input type="checkbox"/> 2 Accessory After <input type="checkbox"/> 3 Accessory Before <input type="checkbox"/> 4 Aid/Abet <input type="checkbox"/> 5 Assault to <input type="checkbox"/> 6 Attempt to <input type="checkbox"/> 7 Conspiracy to <input type="checkbox"/> 8 Facilitation of <input type="checkbox"/> 9 Solicitation to <input type="checkbox"/> 10 Threat to <input type="checkbox"/> 11 Unfounded					
ATTACK REASON: <input type="checkbox"/> 1 Assault <input type="checkbox"/> 2 Theft <input type="checkbox"/> 3 Menace <input type="checkbox"/> 4 Concerned Citizen <input type="checkbox"/> 5 Mental			WEAPON TYPE: <input type="checkbox"/> 1 Firearm <input type="checkbox"/> 2 Knife / Cutting instrument <input type="checkbox"/> 3 Hands / Fists / Feet etc. <input type="checkbox"/> 4 Other Weapon		
HOW / WHERE ENTRY MADE: <input type="checkbox"/> 1 Window (Front) <input type="checkbox"/> 2 Window (Rear) <input type="checkbox"/> 3 Window (Side) <input type="checkbox"/> 4 Window (Barricament) <input type="checkbox"/> 5 Door (Front) <input type="checkbox"/> 6 Door (Rear) <input type="checkbox"/> 7 Door (Side) <input type="checkbox"/> 8 Door (Overhead) <input type="checkbox"/> 9 Door (Garage, Carport) <input type="checkbox"/> 10 Door (Garage, Carport) <input type="checkbox"/> 11 Roof Entry <input type="checkbox"/> 12 Wall Entry <input type="checkbox"/> 13 From Adjoining Area <input type="checkbox"/> 14 From Adjoining Area <input type="checkbox"/> 15 Hid Inside Prior to COB					
# ENTERED: _____		STRUCTURE OCCUPANCY: (TABLE #153)		EVIDENCE OBTAINED: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown	
JUVENILE DISPOSITION: <input type="checkbox"/> 1 Handled within the Dept <input type="checkbox"/> 2 Referred to Juvenile Court <input type="checkbox"/> 3 Referred to Welfare Agency <input type="checkbox"/> 4 Referred to Other Police <input type="checkbox"/> 5 Referred to Adult Court					
UCR DISPOSITION: <input checked="" type="checkbox"/> 1 Cleared by Arrest - Adult <input type="checkbox"/> 2 Cleared by Arrest - JUV <input type="checkbox"/> 3 Exceptionally Cleared - Adult <input type="checkbox"/> 4 Exception Cleared - JUVENILE <input type="checkbox"/> 5 Unfounded <input type="checkbox"/> 6 Active					
EX CLEARED TYPE: <input type="checkbox"/> 1 Extradition Declined <input type="checkbox"/> 2 Arrested on Primary Ofns <input type="checkbox"/> 3 Death of Offender <input type="checkbox"/> 4 Vict/Witn Refused Cooperate <input type="checkbox"/> 5 Prosecution Declined <input type="checkbox"/> 6 Juvenile/No Custody					
THEFT BY COMPUTER? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown		FORCED ENTRY? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown		DATE CLEARED: 11/01/04	
DRUG ACTIVITY: <input type="checkbox"/> 1 N/A <input type="checkbox"/> 2 Buy <input type="checkbox"/> 3 Deliver <input checked="" type="checkbox"/> 4 Use <input type="checkbox"/> 5 Dispense <input type="checkbox"/> 6 Manufacture <input type="checkbox"/> 6 Produce <input type="checkbox"/> 6 Cultivate <input type="checkbox"/> 7 Possess <input type="checkbox"/> 8 Smuggle <input type="checkbox"/> 9 Sell <input type="checkbox"/> 10 Traffic <input type="checkbox"/> 11 Other		# ARRESTED: 23			
DRUG TYPE: <input type="checkbox"/> 1 N/A <input type="checkbox"/> 2 Amphetamine <input type="checkbox"/> 3 Barbiturate <input type="checkbox"/> 4 Cocaine <input type="checkbox"/> 5 Heroin <input type="checkbox"/> 6 Hallucinogen <input type="checkbox"/> 7 Marijuana <input type="checkbox"/> 8 Opium/Derivative <input type="checkbox"/> 9 Paraphemalia <input type="checkbox"/> 10 Synthetic		QUANTITY: _____		VALUE: \$ _____	
VICTIM / OFFENDER RELATIONSHIP: (TABLE #108)		ASSAULT/HOMICIDE CIRCUMSTANCES: (TABLE #12)			
CHILDREN WERE ... <input type="checkbox"/> 1 Involved <input type="checkbox"/> 2 Present <input type="checkbox"/> 3 N/A <input type="checkbox"/> 4 Both		OFFICER ACTION: <input type="checkbox"/> 1 Arrest Family Violence <input type="checkbox"/> 2 Arrest Other Offense <input type="checkbox"/> 3 Summons <input type="checkbox"/> 4 Separation <input type="checkbox"/> 5 Unfounded <input type="checkbox"/> 6 Referred to Social			
PRIOR COURT ORDERS: <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown		ALCOHOL USED BY: <input checked="" type="checkbox"/> 1 Aggressor <input type="checkbox"/> 2 Victim <input type="checkbox"/> 3 Both Used <input type="checkbox"/> 4 Neither Used		DRUGS USED BY: <input type="checkbox"/> 1 Aggressor <input type="checkbox"/> 2 Victim <input type="checkbox"/> 3 Both Used <input type="checkbox"/> 4 Neither Used	
PREVIOUS COMPLAINTS: <input type="checkbox"/> 1 None <input type="checkbox"/> 2 One-Five <input type="checkbox"/> 3 Six-Ten <input type="checkbox"/> 4 More Than 10 <input type="checkbox"/> 5 Unknown		SERVICES: <input type="checkbox"/> 1 Advised <input type="checkbox"/> 2 Not Advised		AGRESSOR IDENTIFIED BY: <input checked="" type="checkbox"/> 1 Physical Evidence <input type="checkbox"/> 2 Testimonial <input type="checkbox"/> 3 Both	
BRIEF DESCRIPTION: I was dispatched to 270 Hodgson Drive in response to an unconscious person at a party. Emergency Medical Services arrived simultaneously with my arrival. Several individuals were outside on the lawn when I arrived. As I entered the residence I noticed several persons wearing various Halloween costumes. I also noticed a lot of trash (used paper plates and cups) all over the room. There was one body lying face up on the floor.					
REPORTING OFFICER: Detective Jamie Huron				BADGE: 3763	
SUPERVISOR: Lt. Peter Johnson				DATE: 11/03/04	
				8914 11/04/04	

NARRATIVE for INVESTIGATION / PROSECUTION

CASE NUMBER: 22-04-987654		DATE OF REPORT - TIME: 11/01/04 00:22		<input checked="" type="checkbox"/> ORIGINAL REPORT <input type="checkbox"/> SUPPLEMENTAL	
<p>with a plastic cup clenched in his hand. The body was identified by Mickey Finn to be Hollingsworth Morse, a sophomore at Met U. The body was located in the living area amongst various furniture, which at the time of my arrival was in a state of disarray. Emergency Medical Services confirmed that Hollingsworth was deceased and reported no signs of trauma or injury. I secured the scene and began interviewing witnesses to determine what had happened. Finn stated that suddenly the deceased became convulsive and then collapsed. I then spoke with Palmer Peoples-Cott and Charley Brunson. As a result of these interviews, I learned that Mickey Traditionally gives a great Halloween party. Every year, someone dresses up like the Grim Reaper and hands out drinks at midnight. One drink contained some sort of drug because one of the individuals who receives a drink becomes uncharacteristically wild and boisterous. No other people reportedly participate in this ritual with Mickey -- Ashby, Brewer and Dylan Childs. I called for back-up at this point because there was no reason to believe that foul play was involved. I bagged the cup which had been in the deceased's hand to be placed in evidence. Upon the arrival of back-up, I began to search the house. I separated the three suspects in their respective bedrooms. I first spoke with Dylan Childs who admitted</p>					
ATTACHMENTS:		GCIC ENTRY:			
<input type="checkbox"/> Persons <input type="checkbox"/> Offenses		<input type="checkbox"/> Property <input type="checkbox"/> Narrative		<input type="checkbox"/> Warrant <input type="checkbox"/> Boat <input type="checkbox"/> Vehicle <input type="checkbox"/> Gun <input type="checkbox"/> Article	
REPORTING OFFICER: Detective Jamie Gumm				BADGE: 3763	DATE: 11/03/04
SUPERVISOR: G. Peter Johnson				8914	11/04/04
DATA ENTRY:				---	- - - -
GCIC OPERATOR:				---	- - - -

NARRATIVE for INVESTIGATION / PROSECUTION

CASE NUMBER: 22-04-987654		DATE OF REPORT - TIME: 11-01-04 00:22		<input checked="" type="checkbox"/> ORIGINAL REPORT <input type="checkbox"/> SUPPLEMENTAL	
<p>knowledge of the ritual but denied participation. Childs stated she did not see the Grim Reaper tonight but she was not downstairs at midnight. I then spoke with Ashley Brewer who also admitted knowledge of the ritual but denied participation. After a little more questioning, Ashley broke down and told me all about the Grim Reaper. At this point, Ashley stated that it was supposed to be a practical joke to be played on someone who had imitated Finn, Brewer or Childs. Dylan was charged with the duty of ensuring the presence of the trip at the party. Ashley was responsible for obtaining the liquid MDMA to be placed in the drink. Micky would wear the costume and distribute the drink. Ashley said Micky had chosen Hollingsworth's Morse. Ashley stated Dylan did not participate because Hollingsworth was already coming to the party. Ashley delivered the vial of liquid MDMA to Micky this evening. I then went to Micky's room to interview him/her. I read Micky his/her Miranda's rights. Micky agreed to speak with me. Micky stated that she and Dylan were upstairs in his/her room at midnight. Micky gave his/her consent for me to search his/her room. Under the bed, I discovered a black cloak, gloves and mask. Finn then admitted that he was the Grim Reaper. I looked again under the bed and discovered a vial with a small amount of a clear liquid. I attended the autopsy of Hollingsworth Morse. Dr. DeMorg ordered a toxicology report because cause of death was not obvious. However, Dr. DeMorg stated that Morse's death was quite violent with seizures.</p>					
ATTACHMENTS:		GCIC ENTRY:			
<input type="checkbox"/> Persons <input type="checkbox"/> Offenses		<input type="checkbox"/> Property <input type="checkbox"/> Narrative		<input type="checkbox"/> Warrant <input type="checkbox"/> Boat <input type="checkbox"/> Vehicle <input type="checkbox"/> Gun <input type="checkbox"/> Article	
REPORTING OFFICER: Detective Jamie Gurnon				BADGE: 3163	DATE: 11-03-04
SUPERVISOR: Det. Peter Johnson				8914	11-04-04
DATA ENTRY:				---	-1-1-
GCIC OPERATOR:				---	-1-1-

NARRATIVE for INVESTIGATION / PROSECUTION

CASE NUMBER: 2-04-982654	DATE OF REPORT - TIME: 11-10-04 00:22	<input checked="" type="checkbox"/> ORIGINAL REPORT <input type="checkbox"/> SUPPLEMENTAL
<p>lasting approximately 5 minutes. The tox report revealed 23 mg/l of MDA in Morse's system. MDA is a metabolite of MDMA. Analysis of the contents of the cup recovered from Morse's hand and the vial recovered under Lint's bed indicated the presence of MDMA. Traces of sudophedrine also appeared in Morse's system. Fingerprint analysis revealed 3 sets of identifiable prints on the vial -- Micky Finn, Ashley Brewer and myself.</p> <p>I went with Morse's family to collect his belongings from his dorm room. We discovered a box which contained the following items: a blender, brook-tubing, lithium batteries, 30 packages of sudafed and a small propane canister with blue fittings. Immediately I recognized that this combination of items meant that Morse had been producing methamphetamine utilizing the Nazi method. These items were turned over to the Metro Drug Squad.</p>		
<p>ATTACHMENTS: <input type="checkbox"/> Persons <input type="checkbox"/> Property <input type="checkbox"/> Offenses <input type="checkbox"/> Narrative</p>		
<p>GCIC ENTRY: <input type="checkbox"/> Warrant <input type="checkbox"/> Vehicle <input type="checkbox"/> Article <input type="checkbox"/> Boat <input type="checkbox"/> Gun</p>		
REPORTING OFFICER: Detective Jamie Gumm	BADGE: 2103	DATE: 11/10/04
SUPERVISOR: A. Peter Johnson	BADGE: 2914	DATE: 11/04/04
DATA ENTRY:	---	---1---
GCIC OPERATOR:	---	---1---