

**21st ANNUAL
COLORADO BAR ASSOCIATION
HIGH SCHOOL MOCK TRIAL
PROGRAM
(2006)**

**State of Colorado
v.
Robin Anthony**



*Presented by the
COLORADO BAR ASSOCIATION'S
Mock Trial Subcommittee,
Public Legal Education Committee and
Public Legal Education Department
1900 Grant Street, Suite 900
Denver, Colorado 80203-4336*



October 31, 2005

Dear Mock Trial Teacher and Attorney Coaches:

On behalf of the Colorado Bar Association's Mock Trial Subcommittee, we invite and welcome your participation in the 2006 Colorado High School Mock Trial Program. The Mock Trial Subcommittee proudly presents this year's case, a criminal matter involving two basketball players during a championship game.

IMPORTANT MESSAGE FOR Teacher and Attorney Coaches: It is your responsibility to review, know and teach your students the rules of this mock trial program. The mock trial procedures and rules were extensively revised last year, and again this year. There were several issues that arose last year in the regional and state tournaments in which attorney coaches and students were citing and arguing the rules incorrectly. Each year at our task force meetings, concerns are voiced about issues that are clearly addressed in the rules. The Subcommittee responded to these concerns by closely reviewing and revising the procedures and rules this year. All teams and their coaches are responsible for knowing these rules and teaching them correctly to your students.

Our continued commitment to ensuring professionalism by all participants and supporters of this program: Teachers – it is your responsibility to keep attorney coaches focused on the purpose of this program – education of these students. Attorney coaches – as a representative of the Colorado Bar Association and the legal profession, we strongly remind you that this program's first and foremost purpose is providing the students with a positive educational experience that is focused more on learning, and less on winning. Teachers and Attorneys – the CBA expects professional conduct at all times during participation in this program.

Gallery observers and tournament volunteers are expected to continue to conduct themselves inside and outside of the courtrooms in the utmost professional manner that exemplifies the professionalism and code of ethics of the legal industry, as well as good sportsmanship for our student participants.

The Code of Ethical Conduct memo has been slightly modified again this year; please share this information and expectation with your students and their parents. **Contentious behavior and poor sportsmanship-like conduct by anyone involved with this program at any related program events will not be tolerated. After serious consideration by the Mock Trial Subcommittee, any team coach that behaves beneath this expectation will subject his or her team to disqualification from current or future mock trial participation.**

The Mock Trial Program's Goals remain the same, and are the impetus for all decisions around this program: The Mock Trial Subcommittee reminds all teachers, attorneys and students involved, that while the mock trial program is competitive by nature, it is designed for educational value. The goals of the Colorado High School Mock Trial Competition* remain as follows:

- to promote and to further an understanding of and appreciation for American judicial system and court procedures;
- to build and improve basic life skills such as critical thinking, public speaking, reading, reasoning, team collaboration, persuasive argument, and advocacy;
- to increase communications and cooperation between the legal and educational communities;
- to heighten the awareness of current social and legal issues; and

-- to provide an educational event that supports communication, cooperation and respect for students of diverse abilities, backgrounds and interests.

* These goals are consistent with the goals of the National High School Mock Trial Championship, Inc.

We invite returning teachers and attorneys to encourage other peers and schools to participate in this educational program. In order to encourage greater participation and education of the American Judicial System, we appreciate any support you can offer in promoting this program to other schools, teachers and attorneys in your immediate, and/or surrounding communities.

In response to participating teams last year, we also invite you to serve as “mentor” teacher and attorney coaches to new school teams, or to teams that are short-handed or have no attorney coaches. This mentoring pool allows other team coaches to contact you with basic mock trial program questions and/or a request to visit their team for mock trial consultation

We offer our advance appreciation to all the students, teachers and attorney coaches, judges, scoring panelists, parents and community leaders for supporting and participating in this educational event. Your involvement lends to making this program successful, but more importantly, helps build successful futures for these young participants. We look forward to working with you this year, and wish all of you the best of luck.

Very truly yours,

Honorable Julie Anderson
Co-Chair, CBA Mock Trial Subcommittee
Co-Chair, CBA Public Legal Education

Elsa Martinez Tenreiro, Esq.
Co-Chair, CBA Mock Trial Subcommittee
Co-Chair, CBA Public Legal Education

Special Acknowledgments

Sponsorships CBA Litigation Section

\$7500

in support of the costs associated with the implementation and coordination of the CBA High School Mock Trial Program.

The Colorado Bar Foundation

\$3500

in support of the 2006 Colorado State Champion's travel to the National High School Mock Trial Championship, Inc. in Oklahoma City, Oklahoma.

Our thanks to both the Colorado Bar Foundation and the CBA Litigation Section for their generous support of this law-related educational program!

2006 COLORADO BAR ASSOCIATION MOCK TRIAL CASE PROBLEM

State of Colorado

VS.

Robin Anthony

*The 21st Annual CBA High School Mock Trial Program
is a sponsored activity of the*

**Colorado Bar Association Public Legal Education Committee
Honorable Julie E. Anderson, Co-Chair
Elsa Martinez Tenreiro, Esq., Co-Chair**

Organized by the

**Colorado Bar Association Mock Trial Subcommittee
Honorable Julie E. Anderson, Co-Chair
Elsa Martinez Tenreiro, Esq., Co-Chair**

State Coordinator
**Carolyn Ferber
Director, Public Legal Education
Colorado Bar Association**

Case Materials
**Members of the CBA Mock Trial Subcommittee
Illinois State Bar Association**

Special thanks to:
**Colorado Bar Association Litigation Section
Colorado Bar Foundation
Colorado Bar Association Staff
Aurora Police Department**

COLORADO MOCK TRIAL PROGRAM

Benefits of the mock trial program extend beyond the rewards of competing against one's peers or winning a round of competition. The impact of the program is measured by successfully attaining the following objectives:

- to further the understanding of court procedures and the legal system;
- to improve proficiency in the basic skills of listening, speaking, reading, team collaboration, persuasive argument and reasoning;
- to promote better communication and cooperation between the educational and legal communities;
- to provide an educational and competitive event in an academic atmosphere;
- to promote cooperation among students of various backgrounds, abilities and interests;
- to promote ethical and professional sportsmanship within an arena of team and individual competition.

The education of high school students is the primary goal of the mock trial program. Teachers and attorney coaches are reminded of their responsibilities to keep the competitive spirit at a reasonable and professional level before, during and after tournaments.

In 2005, ninety-five mock trial teams participated in the CBA High School Mock Trial Program. Only twenty-two teams will advance to the State tournament, and only one of these teams will be named the State Champion. With these numbers in mind, we remind teachers and attorney coaches that they must prepare their students to be ready to accept the reality that they may experience disappointment and that losing is a possible outcome. The expectations of the Colorado Bar Association and its Mock Trial Subcommittee are that students, teacher and attorney coaches, as well as gallery observers, accept whichever outcome in a mature and professional manner. Coaches can help prepare students for either outcome by placing the highest value on excellent preparation and performance, rather than on winning or losing. Students need to be prepared to handle whatever outcome with dignity and class. Hurt, anger, bad sportsmanship, and frustration by students AND teacher/attorney coaches are not the objectives of the mock trial program, and will not be tolerated by the organizing committee.

Our goal is to create an event in which students and coaches alike approach their participation as a **fun** and exciting learning experience.

2005/2006 Mock Trial Dates to Remember

Case Materials Available -- Hardcopy	Mailed October 31, 2005
-- Internet/Office Pickup	November 1, 2005
CLE Program for Attorneys Coaches	November 8, 2005 8:00 a.m. – 12:30 p.m.
Early Registration (\$100/team) Deadline*	December 1, 2005
Late Registration (\$200/team) Deadline*	January 3, 2006
Mock Trial Attorney/Teacher Coach Orientation	January 12, 2006 4:00-6:00 p.m.
Case Problem Inquiries Deadline	January 18, 2006
Deadline to Drop a Team**	January 25, 2006
Local Tournaments	Between February 3-18, 2006
State Tournament – Denver, CO	March 3-4, 2006
National Championships – Oklahoma City, OK	May 11-13, 2006

***Team Registration:** Schools should only register those teams they plan to take to local tournaments. Please do not register multiple teams if the intent is to drop teams as they approach tournament time. Please see **Team Drop Penalties** below.

The team sponsor/teacher is responsible for completing the registration process, i.e., responsible for not only the application but also the registration fee. **If your school/district requires an invoice for payment, use the registration form as the invoice for that purpose.**

****Team Drop Penalties:** Dropping teams places a difficult burden on tournament coordinators, especially when doing so results in uneven numbers of teams in tournament fields, as well as volunteer and courtroom issues.

Any schools that drop a registered team prior to the January 25th deadline will be charged a \$35 administration fee that will be deducted from the registration refund. **Any teams that drop after the January 25th team drop deadline will forfeit their entire registration fee.**

2006 Regional Tournaments Dates and Contact Information

Adams/Broomfield Counties

Date: February 10 & 11, 2006

Coordinator: Michael Goodbee, 303-659-7720

Arapahoe County

Date: February 10 & 11, 2006

Coordinators: Angel McCall, 303-797-2227; Magistrate Christine Chauche, 303-649-6260; Judge Nancy Hopf, 303-649-6332

Boulder County

Date: February 10 & 11, 2006

Coordinator: Christine Hilbert, 303-440-4758

Denver City/County

Date: February 10 & 11, 2006

Coordinator: Carolyn Ferber, 303-824-5323

1st JD – Jefferson/Gilpin County North (north of Highway 6)

Date: February 10 & 11, 2006

Coordinator: Tom Walsh, 303-279-7229

1st JD – Jefferson/Gilpin County South (south of Highway 6)

Date: February 14, 15, 16, & 17, 2006

Coordinator: Magistrate KJ Moore, 303-271-6209; Tom Walsh, 303-279-7229

Northern Colorado

Date: February 10 & 11, 2006

Coordinator: Kim Banner, 970-330-6700 or 303-659-7576

Southern Colorado

Date: February 3, 4 & 7, 2006

Coordinators: Jack Donley, 719-471-1650; Jason Downie, 719-579-6500; Patricia Kelly, 719-385-5909

Western Slope

Date: February 10 & 11, 2006

Coordinator: John Siddeek, 970-242-4903

Colorado High School Mock Trial State Tournament

Date: March 3 & 4, 2006

Location: Denver, Colorado

Colorado Mock Trial State Coordinator:

Carolyn Ferber, 303-824-5323 or 1-800-332-6736

National High School Mock Trial Tournament

Date: May 11-13, 2006

Location: Oklahoma City, Oklahoma

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General Information

The following rules of the Colorado Mock Trial Program will govern conduct of regional and state tournaments; however, regional tournaments may deviate from the state tournament format and mock trial program rules. Regional tournament coordinators are instructed to apprise regional teams of these deviations; however, it is advisable that teams check with their regional tournament coordinator prior to regional tournaments regarding any unique regional changes and/or deviations from these guidelines. As an example, the regional tournament may or may not include a championship round.

A. Regional Discretion: Regional tournament coordinators have the liberty and the responsibility to conduct their tournaments as determined by their local bar association and by the needs of the local courts. The manner in which the tournaments are scheduled, teams are matched, teams are scored, teams advance, and winners are named is determined by the regional tournament coordinator; however, regional tournament coordinators must apprise their regional teams as well as the CBA State Mock Trial Coordinator of any deviations from the state procedures prior to the regional tournament.

B. Local Media Coverage: Regional tournament coordinators are encouraged to maximize media coverage of mock trial events. In doing so, the media may attend mock trial rounds to cover the event and take pictures, audio and/or videotape. Media representatives must be briefed by regional tournament coordinators to minimize disruptions to the trial round in process.

C. Mock Trial Rules: The Colorado mock trial regional and state programs are governed by the enclosed rules. Any request for clarification of these rules or the case materials shall be submitted in writing to the CBA Mock Trial Subcommittee, c/o the CBA State Mock Trial Coordinator **in writing no later than January 18, 2006**. Written responses with the posed questions will be provided to all registered teams as soon as practical and prior to the scheduled competition (local or state championship tournament) via the CBA website – www.cobar.org, where all teams may be informed of any clarifications or changes. All teams are fully responsible for being apprised of these clarifications or changes when preparing their mock trials. The regional tournament coordinator must distribute any rule deviations for their regional tournament and clarifications to each registered team.

D. Competition Conduct: All schools and their teams are responsible for the conduct of persons associated with their teams throughout the mock trial event, including their volunteer attorney coaches, parents, peers and other team supporters. **Failure of team associates to observe appropriate conduct at all times during involvement during this program may subject the team to disqualification at the sole discretion of the regional or state tournament coordinator and/or coordinating committees.** Inappropriate behavior may include, but not be limited to, inappropriate behavior unbecoming of attorneys during any related mock trial program activity, coaching (audible or visual) from the gallery, coaching/communication between participating team members and student timekeepers without explicit court permission, demonstrative reactions to rulings or results, or disruptions from any individual in the courtroom, etc.

Tournament Format

A. Regional Tournaments

1. **Tournament Assignments:** After registration closes, teams will be assigned to regional tournaments based on both geography and local bar association resources. Some teams may be assigned to different regional tournaments in order to create an even number of teams for the tournament. Each regional tournament will advance its **fair share** of teams to compete in the state tournament. **Fair share** will be determined by calculating the ratio of the number of teams in the state tournament to the number of teams registered in the state. Each regional tournament will advance that same percentage of teams to the state tournament. For example, if there are 72 teams registered statewide and a total of 18 advance to the state tournament, that means 25% of a regional tournament field will advance. Thus, if a regional tournament has 13 teams, that tournament will advance 25% of its field, or 3 teams (25% of 13 = 3.25 or 3 teams) to the state tournament. The State Coordinator will notify regional tournament coordinators of their advancement numbers prior to the first scheduled regional tournament.
2. **Minimum Number of Teams:** A regional tournament should have at least six teams registered with the CBA in order to advance a team to the state tournament. A tournament may be held with fewer than six teams at the discretion of the CBA Mock Trial Subcommittee. The CBA Mock Trial Subcommittee reserves the right to determine the geographical boundaries for any regional tournament as well as to determine the number of teams that regional tournaments may advance to the state championship tournament.
3. **Minimum Number of Schools:** A regional tournament must have at least two high schools represented in order to advance a team to the state tournament. A tournament may be held with only one high school involved; however, such a tournament would not be allowed to advance a team to the state tournament.
4. **Tournament Structure:** Tournament coordinators are encouraged to structure their tournaments to include the following:
 - a. Four rounds of competition, with a random first round draw and subsequent rounds paired using power matching based on the following criteria used in descending order (wins/losses; total number of ballots won; point spread - margin of victory/defeat; and, total points earned);
 - b. An optional championship round;
 - c. Keeping the results of individual rounds confidential until completion of the tournament; and
 - d. State tournament procedures regarding composition of scoring panels, judging and scoring considerations.

5. Tournaments may be scheduled over several weekdays, over a weekend or during weeknights in order to take advantage of local resources (e.g., judges, courtrooms and scoring panelists).
6. Regional tournaments must be scheduled to conclude no later than two weeks prior to the state tournament.
7. Tournament coordinators are encouraged to provide judge and scoring panelist orientations prior to each round in the tournament. Areas to emphasize include: scoring criteria and score sheets, dispute procedures, performance vs. merit scoring, unfair extrapolations and its objection rules, witnesses bound by statements, material omissions and diversity sensitivity when conducting student critiques.
8. Regional tournament coordinators should restrict gallery attendance of the championship round to family, friends and supporters of the competing teams and then to teams (members and coaches) that will NOT be advancing to the state tournament.
9. Tournament coordinators are encouraged to send copies of score sheets to the regional teams following the conclusion of their tournaments.
10. Tournament coordinators will notify the CBA State Coordinator of the teams they are advancing to the state tournament within 48 hours of concluding their regional tournament, which team is their number 1 seed, and certify their advancing team.
11. Certification requires that the tournament coordinators collect an official team roster (submitted upon the start of the regional tournament) from each team competing in their regional tournament. The official team rosters of those teams advancing to the state tournament must be forwarded to the State Coordinator within 48 hours upon completion of the regional tournament. This procedure will verify that only the team members listed on the regional tournament roster will be allowed to compete in the state tournament.
12. Tournament coordinators are encouraged to provide students with certificates of participation, and/or student awards.
13. All other things considered, local bar associations may deviate from these guidelines as required by limitations on local facilities and volunteer resources. The regional teams, the State Coordinator and the CBA Mock Trial Subcommittee must be apprised of any regional tournament's plans to deviate from these state guidelines prior to the commencement of the regional tournament.

B. State Tournament

1. **Maximum Number of Teams:** The number of teams advancing to the state tournament will be determined after the total number of teams competing at the regional levels throughout the state has been determined. If a school/team that has earned the chance to compete at the state tournament chooses not to advance to the state tournament, the host of the regional tournament will select the team next in line

of succession to advance to the state tournament.

2. **Maximum Number of Teams from One School:** No more than two teams from any one school may advance to the state tournament.
3. **Tournament Structure:** The state tournament shall be conducted as follows:
 - a. Four rounds of competition, with a random first round draw (with the exception that no regional number 1 seed will be paired against another regional number 1 seed) and subsequent rounds paired using power matching based on the following criteria used in descending order (wins/losses; total number of ballots won; point spread - margin of victory/defeat; and, total points earned);
 - b. A championship round;
 - c. The results of individual rounds will be kept confidential until completion of the tournament;
 - d. State tournament procedures regarding composition of scoring panels, judging and scoring considerations; and
 - e. The winner of the championship round will be eligible to represent Colorado at the National High School Mock Trial Tournament on Mother's Day weekend.
4. **Tournament Dates:** The state tournament will be a two-day tournament, preferably Friday and Saturday with two trial rounds of competition on Friday afternoon and with two trial rounds of competition and the championship round on Saturday.
5. **Tournament Results:** Copies of score sheets and final team standings will be mailed to the teams following the conclusion of the tournament.
6. **Advancement to Nationals:** If for any reason the Colorado champion cannot participate at Nationals, the second place team will be eligible. If neither of these teams can participate, the CBA Mock Trial Subcommittee may select a representative team.
7. **Team Composition at Nationals:** At the national tournament, each state is limited to eight students (six participating as witnesses and attorneys, and two alternates) at the national championship. The Colorado Bar Association, thanks to a grant from the Colorado Bar Foundation and the CBA Litigation Section, will normally make a financial donation to the team participating in the national championship to help defray travel expenses; however, the team and its school will be primarily responsible to raise funds as needed.

Rules of the Competition

A. Administration

Rule 1.1 Rules

All trials will be governed by the Rules of the Colorado High School Mock Trial Competition, the Colorado High School Rules of Evidence and the specific courtroom location rules of decorum and security.

Questions or interpretations of these rules shall be submitted to the State Coordinator and the CBA Mock Trial Subcommittee.

Rule 1.2 Code of Ethical Conduct

The Rules of Competition, the attached Code of Ethical Conduct, as well as the rules of the specific courthouse for decorum and security must be followed by all team participants, attorney and teacher coaches, non-participating team members and observers. The regional tournament coordinators, the State Tournament Coordinator and the CBA Mock Trial Subcommittee possess discretion to impose sanctions, up to and including forfeiture of a round or disqualification from the tournament, for any disruptive behavior occurring while a team is present for the state tournament including, but not limited to: flagrant rule violations; horseplay; inappropriate comments; inappropriate reactions to judges' and dispute rulings, team pairings or team results; other unprofessional conduct during any mock trial program activity or outside of and as related to this mock trial program; property damage; and/or, breaches of decorum which affect the conduct of a trial or which impugn the reputation or integrity of any team, school, participant, court officer, judge or the mock trial program.

Excessive littering of, or property damage to, a courtroom will result in an automatic cleaning and/or replacement fee. Cleaning fees generally run a minimum of \$250.00. Should the assessed team refuse to pay; an assessment of the costs will be added to the next year competition registration fee.

Food and beverages are not allowed in the courtrooms or any area of the courthouse not designated as an eating area. Teams bringing food or beverages into the courtrooms or any area not designated for consuming food are subject to sanctions up to and including forfeiture of a round or disqualification from the tournament. Additionally, any offending team may be charged a cleaning fee as described above.

Rule 1.2.1 Team Conduct

Team members are bound by the Rules of Competition, the Code of Ethical Conduct and the rules of the specific location courthouse. **Students shall also strive to model the highest standards of sportsmanship and ethical conduct at all times.**

Rule 1.2.2 Coaches Conduct

Attorney and teacher coaches shall uphold the Rules of Competition, the Code of Ethical Conduct and the rules of the specific location courthouse. Additionally, coaches shall comply with their own employment professional codes, rules and ethical standards at all times during their involvement with this program. Finally, coaches shall instill and role model in their student team members, team parents and other team gallery observers the highest standards of sportsmanship and ethical behavior.

Rule 1.2.3 Gallery Conduct

Gallery observers shall uphold the Code of Ethical Conduct and the rules of the specific location courthouse.

B. Teams

Rule 2.1 Team Composition

Each team shall consist of a minimum of six students and a maximum of twelve students. Only six students on a team may compete in any given round (three attorneys and three witnesses). Each team member shall be listed on the official team roster submitted at the local tournament level. The team roster will become official at the time of its submission at the local tournament level and thereafter remain fixed through the state and national tournaments. At no time will a student who is not listed on the local tournament team roster be allowed to compete at the state or national tournaments.

Rule 2.1.1 Student Eligibility

Students must be currently enrolled as a full-time student in their school in order to participate in the state and national tournaments. There is one exception to this rule for students who have graduated from their school early. To be eligible under this exception the student must have graduated in good standing within one semester of the mock trial competition and have been a full-time student of the current senior class at the beginning of the current school year.

Teams must be composed of persons currently attending the school or facility where the teacher coach is employed. Prior approval from the CBA Mock Trial Subcommittee must be obtained for teams not composed of persons currently attending the school or facility where the teacher coach is employed.

Requests for exceptions to this rule, including requests by home schooled students or students otherwise receiving educational instruction, may be submitted to the CBA Mock Trial Subcommittee. No requests for exceptions are accepted after the Case Inquiry deadline (please see Mock Trial Dates to Remember).

Rule 2.1.2 Timekeeper

Each team shall provide a student timekeeper. The timekeeper may not be a participating team member, a teacher coach, an attorney that has been assisting the team, formally or informally or any adult associated with the team. The student timekeeper shall not have any interactions with participating team members except under direction of the presiding judge.

Rule 2.2 General Team Duties

Teams shall present both sides of the case. For each trial round, teams shall use three students as attorneys and three students as witnesses.

In the event that a team is missing one of its participating team members in a trial round e.g. due to illness or failure to appear, the missing participating team member will receive a "0" point score for each performance part he/she misses in that trial round and the opposing team member(s) impacted by the missing person will receive a "10" point score for their role(s). This rule applies even if another participating team member stands-in for the missing member. A non-participating member may fill in for the missing participating member with no penalty. See **Rule 8.1.2** for more details.

Team members shall evenly divide their duties. Each of the three attorneys will conduct one direct examination and one cross-examination. In addition, one attorney will present the opening statement and another attorney will present the closing argument.

The attorney who examines a particular witness on direct examination is the only team member who may make objections to the opposing attorney's cross examination questions and, the attorney who cross examines a witness will be the only team member permitted to make objections during the direct examination of that witness.

Each team shall call all of their witnesses. The order of the witnesses being called to the stand is at the discretion of the team. Witnesses may only be called to the stand by their own team attorney conducting that witness's direct examination (case-in-chief). Once direct examination is completed, the opposing team may cross-examine the witness. Re-direct and re-cross will only be permitted at the discretion of the presiding judge. Witnesses may not be recalled by either side.

Rule 2.2.1 Code of Ethical Conduct (Team Roster)

The original Code of Ethical Conduct must be signed by each member of the team, the timekeeper(s) and all attorney and teacher coach(es) and submitted at the time of the tournament check-in. **Teams shall use the Code of Ethical Conduct Team Roster attached to these rules.** Copies of the Code of Ethical Conduct and the Team Roster should not be provided to the presiding judges or scoring panelists during the rounds of competition.

Rule 2.2.2 Trial Rosters

Copies of the Trial Roster must be completed and duplicated by each team prior to arrival at the courtroom. Teams must be identified on the roster by the code assigned to them at registration. No team origin identifying comments, symbols or pictures shall appear on the form. Before the beginning of the trial, the teams must exchange copies of the Trial Roster. **Teams shall use the Trial Roster attached to these rules.**

C. The Problem

Rule 3.1 The Problem

The problem will consist of a fact pattern which may contain any or all of the following: statement of facts, indictment, stipulations, witness statements, affidavits, jury instructions, exhibits, case law, etc.

The problem shall consist of three witnesses per side, all of whom shall have names and characteristics which would allow them to be played by either males or females (gender neutral). Each side shall call each of their three witnesses to testify during their case-in-chief.

Rule 3.1.1 Stipulations

Stipulations may not be disputed at trial.

Rule 3.1.2 Witness Statements

Witness statements may not be altered.

D. Trial Logistics

Rule 4.1 Scoring Panel Composition

The scoring panel shall consist of at least three individuals. The composition of the panel and the role of the presiding judge will be set at the discretion of the State Tournament Coordinator. The State Tournament Coordinator is encouraged to integrate educators and community representatives onto scoring panels; however, each panel shall have at least one attorney as a scoring panelist. The following are examples of potential scoring panels.

One presiding judge and three attorneys as scoring panelists

One presiding judge and two attorneys and one educator/community representative as scoring panelists

One presiding/scoring judge and two attorneys as scoring panelists

One presiding/scoring panelist and one attorney and one educator/community representative as scoring panelists

Rule 4.2 Videotaping/Photography

Any team has the option to refuse participation in videotaping, tape recording, and still photography by opposing teams; however, participation in this program automatically grants permission by the team for videotaping, tape recording, and still photography by the media and the Colorado Bar Association to be allowed. Teams may not request exceptions in preliminary trial matters.

If either competing team or team supporters videotapes or tape-records a trial round, the trial tapes are to be used by the two competing teams only. Teams are not obligated to share videotapes but if an arrangement is worked out between the two opposing teams, both teams are expected to honor the arrangement. The CBA and its Mock Trial Subcommittee has no authority over these one to one arrangements. These tapes shall not be given to, traded, exchanged or sold to another team under any circumstances without the express written consent of the CBA Mock Trial Subcommittee. Violations of this rule may result in sanctions up to and including disqualification.

Rule 4.3 Viewing a Trial

Non-participating team members (team members outside the bar), coaches, teacher-sponsors, parents, siblings or any other persons directly associated with a mock trial team are not allowed to view another team's performances even if the team is from the same school, so long as the individual's team remains in the competition.

Rule 4.3.1 Exception 1: Teacher or attorney coaches who are the parents of students competing on a team different than the team the teacher or attorney are coaching may watch their own child during the fourth round and the championship round of competition.

Rule 4.3.2 Exception 2: Any attorney coach, teacher-sponsor, parent, sibling or other spectator associated with the school of a mock trial team may observe another team's round if they obtain permission from each team participating in that round. This exception must be disclosed to the presiding judge during preliminary matters.

Rule 4.4 Trial Communication

Coaches, teachers, non-participating team members and observers shall not talk to, signal, hand notes to, communicate with, or coach their teams during trial. This rule remains in force during any recess taken.

Participating team members (those inside the bar) may, among themselves, communicate during the trial; however, no disruptive communication is allowed. Coaches, teachers, non-participating team members (those outside the bar)

and observers must remain outside the bar in the gallery of the courtroom at all times during the trial even if an emergency recess is taken.

If the CBA Mock Trial Subcommittee does not provide a timekeeper and a team chooses to use their own timekeeper they may place the timekeeper inside the bar. Signaling of time by the team's timekeeper via official time cards shall not be considered a violation of this rule.

Unauthorized communication or signals between the participating team members and their student timekeeper is prohibited. The exception to this rule is when the participating team member requests permission from the court to inquire about their time with their student timekeeper.

Rule 4.5 Courtroom Seating

The Plaintiff/Prosecution shall be seated closest to the jury box. No team shall rearrange the courtroom without prior permission of State Tournament Coordinator, the presiding judge or courtroom monitor. Each team shall have all three witnesses and three attorneys seated inside the bar. It is up to the Defense team whether the Defendant sits at the counsel table during the trial.

Rule 4.6 Jury Trial

The case will be tried to a "jury". Presentations are to be made to the presiding judge and scoring panelists. Teams may address the scoring panel as the jury. No verdicts are rendered.

Rule 4.7 Precursory Documents

Copies of the Trial Roster shall be provided to the presiding judge and the scoring panelists at the commencement of the trial. Additionally, the Prosecution/Plaintiff's attorney presenting the opening statement shall provide a copy of the stipulations to the presiding judge and the scoring panelists just prior to beginning the opening statement.

Team members may collect these documents back at the end of the trial for use in subsequent rounds. Teams are advised to have multiple copies of blank Trial Rosters available.

The stipulations, indictment or the charge to the jury shall not be read into the record. Stipulations shall be considered part of the trial record and can be discussed accordingly throughout the trial.

The teams **shall not** provide copies of the Code of Ethical Conduct (Team Roster) to the presiding judge or the scoring panelists.

Rule 4.8 Supplemental Material/Costuming

Teams may only refer to material provided in the trial packet. No illustrative aids of any kind may be used, unless provided in the case packet. No enlargements of the case materials will be permitted. Absolutely no props or costumes are permitted unless specifically authorized in the case materials. Costuming is defined as hairstyles, clothing, accessories and make-up that are case specific.

In the event a team member appears at trial in costume or uses a prop, at the presiding judge's discretion, the team may be disqualified. If the presiding judge decides to proceed with the trial, the presiding judge will meet with the scoring panel to discuss the penalty assessed against the team. The minimum penalty imposed for use of costumes or props is two ballots (not points but ballots).

The only documents that teams may present to the presiding judge or scoring panelists are the Trial Rosters and the individual exhibits provided in the case material. These exhibits may be tendered to the presiding judge and scoring panelist at the discretion of the team. Exhibit notebooks are not permitted.

Rule 4.9 Courtroom Decorum

All team members will act in a polite and professional manner at all times. Any unprofessional behavior will be considered negatively by scoring panelists on performance scores and professionalism scores.

Rule 4.9.1 Student Attorney Demeanor

Unless excused by the presiding judge, student attorneys will stand during opening statements, direct and cross-examinations, objections and closing arguments.

Rule 4.9.2 Addressing Opposing Counsel

Attorneys should not address opposing counsel directly during the trial.

Rule 4.9.3 Addressing the Presiding Judge

Attorneys shall address the presiding judge as "Your Honor" or "Judge _____".

Rule 4.9.4 Student Witness Demeanor

Witnesses are not permitted to read their statements/affidavits verbatim in the trial. Additionally, the witnesses are not permitted to refer to their written statements/affidavits during the trial, except to refresh recollection (direct) or impeach (cross). If asked questions outside the scope of their statements/affidavits, they may respond in accordance with **Rule 6.5**.

Testimony must not be inconsistent with facts set forth in the witness' statements/affidavits.

E. Presiding Judge Pre-Trial Procedures

At the beginning of the trial, the presiding judge will handle the following pretrial matters:

1. Ask each side if it is ready for trial.
2. Ask each side to provide the judge and scoring panelists with copies of its trial roster with the team's code. No words, symbols or other marks that identify the team by their school shall be on the trial roster.
3. Confirm that if video recorders are present and being used, that both teams have approved the taping of the round. (Coaches/gallery are not permitted to tape the trials without permission.)
4. Inform teams, as well as gallery members, that the Colorado Bar Association may be taking photographs of the competition during the round, and that team participation in the state tournament grants automatic permission and the use of these photos by the Colorado Bar Association.
5. Ask anyone in the gallery who is connected with teams not competing in that round (student members and coaches of other schools or of the same school but a different team) to leave the courtroom. **There are two exceptions to this rule.** First, teacher or attorney coaches who are the parents of students competing on a team different than the team the teacher or attorney are coaching may watch their own child during the fourth round and the championship round of competition. Second, a person not connected to either team may observe with the express permission of both participating teams. This permission should be stated in preliminary matters to the court on the record.
6. Remind the teams that no recesses will be allowed with the exception of those for a health emergency, and especially not between the end of witness examination and the beginning of closing argument.
7. Ask the scoring panelists if they recognize either team or any of the team members. If any panelist recognizes a team or a team member, and either party has a concern regarding conflicts of interest or fairness, the judge will notify the courtroom monitor, the State Tournament Coordinator or a CBA Mock Trial Subcommittee member and arrangements may be made to replace the panelist. (**NOTE:** Team members and team coaches may raise an objection regarding a particular scoring panelist at this time as a preliminary matter. The objection is deemed waived if it is not made as a preliminary matter.)
8. Remind the teams and their coaches that any disputes arising out of this competition must be reported in accordance with the competition rules.

9. Remind the teams that their compliance with time requirements will be considered in scoring individual performances.
10. Confirm that no coach or team member (other than a student timekeeper, if a timekeeper is not provided by the tournament committee) is seated in the jury box.
11. Ask each side to introduce the participating team members (attorneys and witnesses).
12. Swear in the team members, the gallery, the scoring panelists and the witnesses.

The presiding judge will ask all members in the courtroom to stand for the swearing in and explain that in an effort to maintain a level of professionalism and to uphold the code of ethical conduct during and after these mock trial proceedings, all members of the gallery, scoring panels, and teams shall stand for the swearing in on the oath the Code of Ethical Conduct.

“Team members please raise your right hands. Team members, do you promise that the presentation you are about to give will faithfully and truthfully conform to the facts and rules of the mock trial competition?”

“Gallery members, including teacher and attorney coaches, family members and friends, please raise your right hands. Do you promise to represent yourselves as positive role models, and to behave in a manner that exemplifies ethical and professional sportsmanship during and after this mock trial round?”

“Scoring Panelists, please raise your rights hands. Do you promise to adjudicate the mock trial competition as fairly and objectively as possible in accordance with the facts, procedures and rules of the mock trial competition?”

Once all have been sworn to the Code of Ethical Conduct, the presiding judge will ask all but the witnesses to sit. Then the witnesses shall be sworn in as follows:

“Witnesses, do you promise that the testimony you are about to give will faithfully and truthfully conform to the facts, procedures, and rules of the mock trial competition?”

F. General Trial Information

Rule 5.1 Sequestration

The teams may not invoke the rule of witness sequestration.

Rule 5.2 Bench Conferences

Teams should not request bench conferences; however, if a bench conference is requested and granted by the presiding judge, it shall be held in open court for educational and scoring purposes. Time will stop for bench conferences. The timekeeper shall resume time upon the presiding judge's order to proceed.

Rule 5.3 Motions

No motions may be made except a motion for an emergency recess.

Rule 5.3.1 Emergencies

A motion for a recess may be used only in the event of a health emergency. Should the recess be granted, to the greatest extent possible, the team members are to remain in place. Team members are not to communicate with anyone outside the bar or with their student timekeeper during the recess.

Rule 5.4 Offers of Proof

No offers of proof may be requested or tendered.

Rule 5.5 *Voir Dire*

Voir dire examination of a lay witness is not permitted. The presiding judge may allow **brief** *voir dire* of an expert witness regarding the witness's qualifications. Time used for *voir dire* is chargeable time; i.e. counts toward total time of the team's direct and cross examinations time limit.

Rule 5.6 Use of Notes

Attorneys are not restricted from the use of notes while presenting any segment of their case. Additionally, participating attorneys and witnesses may communicate during the trial with each verbally or through the use of notes.

G. Trial

Rule 6.1 Trial Sequence

The trial sequence is as follows:

1. Plaintiff/Prosecution Opening Statement
2. Defense Opening Statement
3. Plaintiff/Prosecution Case-in-Chief
 - a. Plaintiff/Prosecution direct examination of their first witness.
 - b. Defense cross-examination of the first witness.
 - c. Plaintiff/Prosecution re-direct examination of first witness (optional and only with permission of presiding judge).
 - d. Defense re-cross examination of the first witness (optional and only if re-direct has occurred, and only with permission of the presiding judge). Re-cross will be limited to the scope of re-direct.
 - e. Same process as steps a-d for the second witness.
 - f. Same process as steps a-d for the third witness.
4. Defense Case-in-Chief
 - a. Defense direct examination of their first witness.
 - b. Plaintiff/Prosecution cross-examination of the first witness.
 - c. Defense re-direct examination of first witness (optional and only with permission of presiding judge).
 - d. Plaintiff/Prosecution re-cross examination of the first witness (optional and only if re-direct has occurred and only with permission of the presiding judge). Re-cross will be limited to the scope of re-direct.
 - e. Same process as steps a-d for the second witness.
 - f. Same process as steps a-d for the third witness.
5. Prosecution/Plaintiff Closing Argument
6. Defense Closing Argument
7. Prosecution/Plaintiff Rebuttal Argument if properly reserved (optional)

If the Prosecution/Plaintiff reserved a portion of its closing time for a rebuttal, the rebuttal argument shall be limited to the scope of the Defense's closing argument.

Attorneys are not required to use the entire time allotted to each part of the trial.

Time remaining in one part of the trial may not be transferred to another part of the trial.

Rule 6.2 Re-Direct and Re-Cross Examinations

Re-direct and re-cross examinations are permitted at the discretion of the presiding judge. If re-direct examination is permitted, the scope of the re-cross examination will be limited to the scope of the re-direct examination.

Rule 6.3 Scope of Closing Arguments

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

Rule 6.4 Time Keeping

Time limits are mandatory and will be strictly enforced. Only non-participating student timekeepers are allowed to keep time for teams.

When a student timekeeper displays the time remaining to a student performer, the student timekeeper shall also display the time remaining to the presiding judge. Both student timekeepers should track time for both sides and show their time cards during the trial round. Both student timekeepers should confer with each other after each trial segment to ascertain time discrepancies. If student timekeepers have a time discrepancy greater than 15 seconds, they should notify the presiding judge. When time runs out for a specific segment of the trial, the student timekeepers **must stand and say "STOP" in a voice loud enough be heard by the performing student, the presiding judge and the scoring panelists. Failure to do so may subject the violating team to disqualification.** The following time limits shall be used.

Opening statement -	5 minutes per side
Direct examination and optional Re-direct -	25 minutes per side
Cross examination and optional Re-cross -	20 minutes per side
Plaintiff/Prosecution Closing Argument and Optional Rebuttal Argument -	5 minutes
Defense Closing Argument	5 minutes

Rule 6.4.1 Time Extensions

The presiding judge shall not grant time extensions.

If time for a specific segment of the trial has expired and an attorney continues, the scoring panelists will determine individually the impact on the individual's performance score.

Rule 6.4.2 Timing Objections, Delays or Bench Conferences

Time for objections, extensive questioning by the presiding judge or administering of the oaths will not be counted as part of the allotted time during examination of witnesses, opening statements or closing arguments.

Time does not stop for introduction of exhibits.

Time shall stop for bench conferences. Please see **Rule 5.2**.

Rule 6.4.3 Time Keeping Aids

Student timekeepers may use time keeping place cards. These cards may not exceed 8 1/2 X 11" in size. Additionally, student timekeepers may use a stopwatch or similar timing device.

Rule 6.5 Witnesses Bound By Statements

Each witness is bound by the facts contained in his/her own statement/affidavit, the Statement of Facts if the witness was present during the event described in the Statement of Facts, and/or any necessary documentation relevant to his/her testimony.

A witness is not bound by facts contained in other witness statements.

Rule 6.5.1 Unfair Extrapolations

Unfair extrapolations are not permitted. Unfair extrapolations are best addressed through impeachment and/or closing arguments.

Specifically, unfair extrapolations are:

- a. statements made by a witness that are not contained in the witness's statement/affidavit but touch on a pivotal issue in the case, or
- b. statements made by a witness that are not contained in the Statement of Facts or covered by an event in the Statement of Facts that the witness was present for but touch on a pivotal issue in the case, or

- c. statements made by a witness that are not contained in any necessary documentation relevant to the witness's testimony but touch on a pivotal issue in the case, or
- d. statements made by a witness that are not a reasonable inference from the witness's statement, affidavit, Statement of Facts or necessary documentation relevant to the witness's testimony but touch on a pivotal issue in the case.

It shall not be considered an unfair extrapolation for a witness to testify that he/she agrees or disagrees with what is contained in another witness's statement/affidavit.

If a witness is asked a question that calls for an inference, for information that the other side believes to be admissible, or for any information not in the witness' statement, the following response may be used: "I'm sorry that information is not in the case materials. I cannot respond to your question." In the alternative, the witness may respond to the question with a creative reasonable answer as long as the response is not considered an unfair extrapolation. The creative answers must not be inconsistent with the facts contained in the witness's statement/affidavit.

Rule 6.5.2 Unfair Extrapolation Objection

No unfair extrapolation objections are permitted. Unfair extrapolations are best addressed through impeachment and/or in closing arguments. See **Rule 6.5.1** and **Rule 6.6.3**.

Rule 6.6 Objections

Attorneys shall state their objections loudly enough to be heard by the presiding judge, scoring panelists and opposing counsel. Objections should begin by stating, "Objection, your honor." Once an attorney has the attention of the presiding judge, the attorney should state the basis for the objection.

Rule 6.6.1 List of Objections

The following is a list of objections that may be used. This is not an exhaustive list. Teams are not precluded from raising additional objections that are available under the Colorado High School Mock Trial Rules of Evidence.

- a. Ambiguous or Unintelligible
- b. Argumentative
- c. Asked and Answered
- d. Assuming Facts Not in Evidence

- e. Compound Question
- f. Cumulative
- g. Hearsay
- h. Improper Foundation
- i. Improper Lay Opinion
- j. Lack of Foundation
- k. Lack of Personal Knowledge
- l. Leading
- m. Narrative
- n. Relevant
- o. Speculative

Rule 6.6.2 Opening Statement or Closing Argument Objections

No objections shall be raised during opening statements or during closing arguments. If a team believes that an objection would have been proper during the opposing teams' opening statement or closing argument, the team member presenting the same segment of the trial may, following the opening statement or closing argument, stand to be recognized by the presiding judge and once recognized, state, "If I had been permitted to object during the (opening statement/closing argument) I would have objected to _____." The presiding judge will not rule on this "objection." The presiding judge and scoring panelists will weigh the "objection" individually. No rebuttal by the opposing team will be heard.

Rule 6.6.3 Unfair Extrapolation Objection

No unfair extrapolation objections are permitted. Unfair extrapolations are best addressed through impeachment and/or in closing arguments. See **Rule 6.5.1** and **6.5.2**.

Rule 6.7 Exhibits

Exhibits can be admitted into evidence only when a sequence of proper procedural steps has been followed. These steps are part of a litany that should be smoothly and efficiently demonstrated by the attorney for each exhibit admitted, and is part of the performance being scored.

All evidence is pre-marked as exhibits.

Rule 6.7.1 Steps for Exhibit Admission

The following is only offered as an example.

- a. Show the exhibit to opposing counsel or offer them a copy of the exhibit. "Your honor, let the record reflect that I (am showing/have given) opposing counsel a copy of Exhibit A."
- b. Obtain permission of the presiding judge to approach the witness. "Your honor, may I approach the witness."
- c. Show the exhibit to the witness. "Your honor let the record reflect I am showing the witness a copy of Exhibit A."
- d. Lay the proper foundation for the exhibit.
- e. Move for admission of the exhibit into evidence. "Your honor at this time, I move for the admission of Exhibit A."
- f. Obtain permission of the presiding judge to publish the exhibit to the jury. "Your honor, permission to publish Exhibit A to the jury."
- g. Publish the exhibit.

H. TRIAL CONCLUSION

Rule 7.1 Disputes

Allegations of rule violations which occur within the bar must be filed immediately by a participating team member following the conclusion of that trial round with the presiding judge. Allegations of rule violations which occur outside the bar must be brought to the attention of the State Tournament Coordinator or CBA Mock Trial Subcommittee member by the team's teacher or attorney coach as soon as possible but no later than 48 hours after the tournament, or within 48 hours of the time the team knew or should have known that a rules violation occurred. Any disputes received after this time will not be considered.

Rule 7.1.1 Reporting an Inside the Bar Dispute

If any participating team member believes that a substantial rules violation has occurred, a student attorney must indicate to the presiding judge at the conclusion of the trial that the team intends to file a dispute. The student attorney will record the nature of the dispute on the attached dispute form. The student may communicate with participating team members (counsel and/or student witnesses) before lodging the notice of dispute or in preparing the form.

At no time in this process may team sponsors, coaches or non-participating team members communicate or consult with the student attorneys. Only student attorneys may invoke the dispute procedure.

Rule 7.1.2 Dispute Resolution Procedure

The presiding judge will review the written dispute form and determine whether the dispute should be heard or denied. If the dispute is denied, the judge will record his/her reasons on the form, announce her/his decision to the Court, retire to complete his/her score sheet (if applicable), and turn the dispute form into the State Coordinator. If the judge feels the grounds for the dispute merit a hearing, the form will be shown to opposing counsel for their written response. After the team has recorded its response and transmitted it to the judge, the judge will ask each team to designate a spokesperson. After the spokespersons have had time (not to exceed three minutes) to prepare their arguments, the judge will conduct a hearing on the dispute, providing each team's spokesperson three minutes for a presentation. The spokespersons may be questioned by the judge. At no time in this process may team sponsors or coaches communicate or consult with the student attorneys. After the hearing, the presiding judge will enter her/his ruling on the dispute on the dispute form. The presiding judge, at his or her discretion, may take a recess to consult with the State Tournament Coordinator and/or CBA Mock Trial Subcommittee members.

If the presiding judge determines that a substantial rules violation has occurred, the scoring panelists will consider the dispute before reaching their final scoring decisions. The dispute may or may not affect the final decision, but the matter will be left to the discretion of the scoring panelists on individual performance scores.

Rule 7.1.3 Reporting an Outside the Bar Dispute

If any participating team member believes that a substantial rules violation has occurred outside the bar, a teacher or attorney coach must indicate to the State Tournament Coordinator or a CBA Mock Trial Subcommittee member, the nature of the dispute on the attached dispute form. The form will be taken to the tournament's communications center, whereupon a dispute resolution panel will (a) notify all pertinent parties of the dispute; (b) allow time for a response, if appropriate; (c) conduct a hearing, if needed; and (d) rule on the charge. The dispute resolution panel may notify the scoring panelists of the affected courtroom of the ruling on the charge in case they want to reflect the findings on individual performance scores or the dispute resolution panel may assess an appropriate penalty.

The dispute resolution panel will be designated by the State Tournament Coordinator and CBA Mock Trial Subcommittee members.

Rule 7.1.4 Code of Ethical Conduct Violations

Allegations of Code of Ethical Conduct violations must be reported immediately to the State Tournament Coordinator or a CBA Mock Trial Subcommittee member. A student, teacher or attorney may report an alleged violation of the Code of Ethical Conduct. The State Tournament Coordinator or a dispute resolution panel will (a) notify all pertinent parties of the alleged violation; (b) allow time for a response, if appropriate; (c) conduct a hearing, if needed; and (d) rule on the charge. The dispute resolution panel may assess an appropriate penalty which may include point deduction and/or disqualification of a team from a round and/or the tournament.

The dispute resolution panel will be designated by the State Tournament Coordinator and CBA Mock Trial Subcommittee members.

I. Judging and Team Advancement

Rule 8.1 Scoring Guidelines

The score sheets will be completed prior to the beginning of any student performance critique. **Scoring panelists should utilize the attached scoring criteria during the mock trial to determine the performance level of each student as attorney or witness.** This scoring criteria outline will be provided to each scoring panelist as a reference during the adjudication of the mock trial.

Rule 8.1.1 Completing the Scoring Sheets

The score sheets are to be completed individually by each scoring panelist.

The scoring panelists will score participants on a scale of 1-10, according to the performance of their roles during the trial. The panelists will then total these individual performance scores and shall place the sum in the "totals box." The team that earned the highest point value on the individual judge's score sheet is the winner of that judge's ballot. The scoring panelists shall then circle the team's role (Prosecution/Plaintiff or Defense) with the highest total points. The team that receives the majority of the three ballots wins the round.

In the event that a scoring panelist has the same total performance point scores for both teams, the scoring panelist shall circle the team's role (Prosecution/Plaintiff or Defense) that he/she deems the trial round winner of his/her ballot.

Rule 8.1.2 Team Role Assignments

Teams have options concerning attorney/witness role assignment, order of calling witnesses, selecting who presents opening statement and

closing arguments, which are explained in the mock trial rules. Scoring panelists are not to pass judgment or impact a point score on how teams make assignments.

In the event that a team is missing one of its participating team members in a trial round e.g. due to illness or failure to appear, you shall give the missing participating team a "0" point score for each performance part he/she misses in that trial round and make a notation in the remarks section of the ballot. Additionally, you shall score the opposing team member(s) impacted by the missing person with "10" points for each performance in that trial round impacted and make a notation in the remarks section of the ballot. This rule applies even if another participating team member stands-in for the missing member. A non-participating member may fill in for the missing participating member with no penalty.

Example 1, Missing Witness: a team does not have one of their three witnesses during a round.

If a witness role is not conducted, both the witness role and the attorney who would have conducted the direct-examination of the witness will receive "0" point scores. Additionally, the opposing attorney who would have cross-examined the witness will receive a "10" point score.

Example 2, Substituted Witness, Participating Team member: a team does not have one of their witnesses and another participating team member steps into a second role (i.e. doubles).

If a participating team member steps into that role, that role portrayal will be scored with "0" points. The attorney from the opposing team who conducted the cross-examination of the substitute participating team member will be scored with "10" points.

Example 3, Substituted Witness, Non-Participating Team member: a team does not have one of their witnesses and a non-participating team member fills into the role.

If a non-participating team member steps into a witness role, points for all students impacted will be scored as they are earned. No penalties will be assessed.

Example 4, Missing Attorney: a team does not have one of their attorneys during a round.

If an attorney does not conduct a direct-examination of a witness, both that attorney role and the witness he/she was to direct will receive "0" point scores. Additionally, the opposing attorney who would have cross-examined the witness will receive a "10" point score.

If the same attorney does not conduct a cross-examination of a witness,

that attorney will receive a "0" point score. The opposing team's witness and the attorney who conducted the direct-examination will both receive "10" point scores.

Example 5, Substituted Attorney, Participating Team Member: a team does not have one of their attorneys during a round and another participating team member steps into a second role (i.e. doubles).

If a participating team member steps into an attorney role, that team member shall receive a "0" point score for both the direct-examination and the cross-examination impacted by the substitution. The opposing team's witness who is being cross-examined and impacted by the substitution will receive a "10" point score.

Example 6, Substituted Attorney, Non-Participating Team Member: a team does not have one of their attorneys during a round and a non-participating team member fills into the role.

If a non-participating team member fills into an attorney role, points for all students impacted will be scored as they are earned. No penalties will be assessed.

Rule 8.1.3 Merits of the Case

The responsibility of the scoring panelists is to score the student performance for each element of the trial round, **not the merits of the legal case and applicable law**. In other words, the scoring panelists are scoring the **performance** of each of the students as attorneys and witnesses to determine the winning team.

Rule 8.1.4 Mathematical Errors

In the event of a mathematical error in tabulation by a scoring panelist, which when corrected changes the results of the team with the highest point total, such correction will be made and initialed by the State Tournament Coordinator or CBA Mock Trial Subcommittee member.

Rule 8.2 Student Critique

The scoring panelists are allowed fifteen minutes total for debriefing. The timekeeper will monitor the critique allowing each scoring panelist five minutes of constructive feedback. The scoring panelists shall not inform the students of individual performance scores, total team points earned or ballot decisions. Scoring panelists shall be reminded during their orientation by tournament coordinators of the need to be sensitive to student diversity and age when making their remarks.

Rule 8.3 Team Advancement

Rule 8.3.1 Team Rankings

The teams will be ranked at the end of each round based on the following criteria in the order listed.

- a. Win/Loss Record.
- b. Total Number of Ballots.
- c. Total Number of Points Spread Between a Team and Their Opponents.
- d. Total Number of Points Accumulated by the Team.

Rule 8.3.2 Team Matching

The teams are matched randomly in the first round of competition with the exception that teams emerging from their regional tournament as the number 1 seeds will not be paired against each other. Additionally two teams from the same region will not be paired against each other in the first round. Teams will be matched in all subsequent rounds by power matching.

Power matching provides that two brackets will be established, a winners bracket and a losers bracket. Team assignments in rounds two, three, four and the championship round will be determined by the following criteria in the order listed.

- a. Win/Loss Record.
- b. Total Number of Ballots.
- c. Total Number of Points Spread Between a Team and Their Opponents.
- d. Total Number of Points Accumulated by the Team.

The team ranked highest in the bracket will be paired against the team ranked lowest in the bracket. The next highest rank team will be paired against the next lowest and so on until all teams are paired. Adjustments may be made at the discretion of the regional coordinators, state tournament coordinator or CBA Mock Trial Subcommittee for the following situations:

- a. An odd number of teams are participating in the tournament.
- b. An odd number of teams are in one or both of the brackets.

- c. Two teams have already competed against each other in an earlier round.
- d. A team is due to present the other side of the case. To the greatest extent possible, teams will present both sides of the case equally; however, bracket integrity in power matching will supersede alternative side presentation.

Rule 8.3.3 Bye Round Assignments

A "bye" becomes necessary when an odd number of teams are present for any given round of the tournament. It is the intent of the CBA Mock Trial Subcommittee to avoid "bye" round assignments where possible; however, in the event of a circumstance resulting in an odd number of competing teams, the following procedure will be followed.

- a. The team drawing the "bye" in the first round will receive a win and three ballots for that round. For the purpose of power matching, the team will receive the average of the points spread and points earned by all Round One winning teams.
- b. The team drawing the "bye" in the second through fourth rounds will receive a win and three ballots for that round. For the purpose of power matching, the team will receive the average of its points earned in its preceding trials.

Rule 8.4 Championship Round

At the end of four rounds of competition the top two teams will be announced to compete in the championship round. The following procedure will be followed to determine which team will represent which side of the case for the championship round.

- a. The team with the letter/numerical code which comes first alphabetically/numerically will be considered the "designated team".
- b. A coin will be tossed in the air and allowed to drop on the floor unimpeded by the State Tournament Coordinator or designee.
- c. If the coin lands heads up, the designated team shall represent the Plaintiff/Prosecution. If the coin lands tails up, the designated team shall represent the Defense.

The championship round may have a larger scoring panel than described in **Rule 4.1**. Teams participating in the state tournament need to plan on having an additional seven copies of all round materials for this round.

If tournament schedule allows, both teams will have approximately thirty minutes from the coin toss to regroup and prepare for the championship round. When possible and resources are available, teams will each be provided a private area to confer prior to the round. Teams will be advised as to their report time to the Championship Round courtroom.

J. Review of Decisions

Rule 9.1 Finality

All decisions of the regional coordinators and the State Tournament Coordinator and the Colorado Mock Trial Committee are final and not subject to appeal.

MOCK TRIAL RULES OF EVIDENCE

In American trials complex rules are used to govern the admission of proof (i.e., oral or physical evidence). These rules are designed to ensure that all parties receive a fair hearing and to exclude evidence deemed irrelevant, incompetent, untrustworthy, unduly prejudicial, or otherwise improper. If it appears that a rule of evidence is being violated, an attorney may raise an objection to the judge. The judge then decides whether the rule has been violated and whether the evidence must be excluded from the record of the trial. In the absence of a properly made objection, however, the evidence will probably be allowed by the judge. The burden is on the mock trial team to know the Mock Trial Rules of Evidence and to be able to use them to protect their client and fairly limit the actions of opposing counsel and their witnesses.

For purposes of mock trial competition, the Rules of Evidence have been modified and simplified. They are based on the Federal Rules of Evidence, and its numbering system. Where rule numbers or letters are skipped, those rules were not deemed applicable to mock trial procedure. Text in italics or underlined represent simplified or modified language.

Not all judges will interpret the Rules of Evidence (or procedure) the same way, and mock trial attorneys should be prepared to point out specific rules (quoting, if necessary) and to argue persuasively for the interpretation and application of the rule they think appropriate.

The Mock Trial Rules of Competition and these Mock Trial Rules of Evidence govern the competition.

Article I. General Provisions

Rule 101. Scope - These Mock Trial Rules of Evidence govern the trial proceedings of local and state tournaments in Colorado.

Rule 102. Purpose and Construction - These Rules are intended to secure fairness in administration of the trials, eliminate unjust delay, and promote the laws of evidence so that the facts of the case may be ascertained.

Article II. Judicial Notice - Not Applicable

Article III. Presumptions in Civil Actions and Proceedings - Not applicable

Article IV. Relevancy and its Limits

Rule 401. Definition of "Relevant Evidence" - "Relevant evidence" means evidence having any tendency to make the existence of any fact that is of

consequence to the determination of the action more probable or less probable than it would be without the evidence.

Rule 402. Relevant Evidence Generally Admissible; Irrelevant Evidence Inadmissible - Relevant evidence is admissible, except as otherwise provided in these Rules. Irrelevant evidence is not admissible.

Rule 403. Exclusion of Relevant Evidence on Grounds of Prejudice, Confusion, or Waste of Time: Although relevant, evidence may be excluded if its probative value is outweighed by the danger of unfair prejudice, if it confuses the issues, if it is misleading, or if it causes undue delay, wastes time, or is a needless presentation of cumulative evidence.

Rule 404. Character Evidence Not Admissible to Prove Conduct; Exceptions; Other Crimes

(a) Character Evidence -- Evidence of a person's character or character trait is not admissible to prove action regarding a particular occasion, except:

- (1) Character of accused -- Evidence of a pertinent character trait offered by an accused, or by the prosecution to rebut same;
- (2) Character of victim -- Evidence of a pertinent character trait of the victim of the crime offered by an accused, or by the prosecution to rebut same, or evidence of a character trait of peacefulness of the victim offered by the prosecution in a homicide case to rebut evidence that the victim was the aggressor;
- (3) Character of witness -- Evidence of the character of a witness as provided in Rules 607, 608 and 609.

(b) Other crimes, wrongs, or acts -- Evidence of other crimes, wrongs, or acts is not admissible to prove character of a person in order to show an action conforms to character. It may, however, be admissible for other purposes, such as proof of motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or accident.

Rule 405. Methods of Proving Character

(a) Reputation or opinion -- In all cases where evidence of character or a character trait is admissible, proof may be made by testimony as to reputation or in the form of an opinion. On cross-examination, questions may be asked regarding relevant, specific conduct.

(b) Specific instances of conduct -- In cases where character or a character trait is an essential element of a charge, claim, or defense, proof may also be made of specific instances of that person's conduct.

Rule 406. Habit; Routine Practice

Evidence of the habit of a person or the routine practice of an organization, whether corroborated or not and regardless of the presence of eye-witnesses, is

relevant to prove that the conduct of the person or organization, on a particular occasion, was in conformity with the habit or routine practice.

Rule 407. Subsequent Remedial Measures

When measures are taken after an event that, if taken before, would have made the event less likely to occur, evidence of the subsequent measures is not admissible to prove negligence or culpable conduct in connection with the event. This rule does not require the exclusion of evidence of subsequent measures when offered for another purpose; such as proving ownership, control, or feasibility of precautionary measures, if controverted, or impeachment.

Rule 410. Inadmissibility of Pleas, Plea Discussions, and Related Statements. -

Except as otherwise provided in this Rule, evidence of the following is not, in any civil or criminal proceeding, admissible against a defendant who made the plea or was a participant in the plea discussions:

- (1) a plea of guilty which was later withdrawn;
- (2) a plea of *nolo contendere*;
- (3) any statement made in the course of any proceeding under Rule 11 of the Mock Trial Rules of Criminal Procedure or comparable state procedure regarding either of the forgoing pleas; or
- (4) any statement made in the course of plea discussions made in the course plea discussions with an attorney for the prosecuting authority which do not result in a plea of guilty or which result in a plea of guilty which is later withdrawn.

However, such a statement is admissible (i) in any proceeding wherein another statement made in the course of the same plea or plea discussions has been introduced and the statement ought, in fairness be considered with it, or (ii) in a criminal proceeding for perjury or false statement if the statement was made by the defendant under oath, on the record and in the presence of counsel.

Rule 411. Liability Insurance (civil case only) - Evidence that a person was or was not insured against liability is not admissible upon the issue whether the person acted negligently or otherwise wrongfully. This rule does not require the exclusion of evidence of insurance against liability when offered for another purpose, such as proof of agency, ownership, or control, or bias or prejudice of a witness.

Article V. Privileges

Rule 501. General Rule - There are certain admissions and communications excluded from evidence on grounds of public policy. Among these are:

- (1) communications between husband and wife;
- (2) communications between attorney and client;
- (3) communications among grand jurors;

- (4) secrets of state; and
- (5) communications between psychiatrist and patient.

Article VI. Witnesses

Rule 601. General Rule of Competency - Every person is competent to be a witness.

Rule 602. Lack of Personal Knowledge - A witness may not testify to a matter unless the witness has personal knowledge of the matter. Evidence to prove personal knowledge may, but need not, consist of the witness' own testimony. This rule is subject to the provisions of Rule 703, related to opinion testimony by expert witnesses. (See Rule 3)

Rule 607. Who may Impeach - The credibility of a witness may be attacked by any party, including the party calling the witness.

Rule 608. Evidence of Character and Conduct of Witness

(a) Opinion and reputation evidence of character -- The credibility of a witness may be attacked or supported by evidence in the form of opinion or reputation, but subject to these limitations: (1) the evidence may refer only to character for truthfulness or untruthfulness, and (2) evidence of truthful character is admissible only after the character of the witness for truthfulness has been attacked by opinion or reputation evidence or otherwise.

(b) Specific instances of conduct -- Specific instances of the conduct of a witness, for the purpose of attacking or supporting the witness' credibility, other than conviction of crime as provided in Rule 609, may not be proved by extrinsic evidence. They may, however, in the discretion of the Court, if probative of truthfulness or untruthfulness, be asked on cross examination of the witness (1) concerning the witness' character for truthfulness or untruthfulness, or (2) concerning the character for truthfulness or untruthfulness of another witness as to which character the witness being cross-examined has testified.

Testimony, whether by an accused or by any other witness, does not operate as a waiver of the accused or the witness' privilege against self-incrimination with respect to matters related only to credibility.

Rule 609. Impeachment by Evidence of Conviction of Crime (this rule applies only to witnesses with prior convictions.)

(a) General Rule -- For the purpose of attacking the credibility of a witness, evidence that a witness other than the accused has been convicted of a crime shall be admitted if elicited from the witness or established by public record during cross-examination, but only if the crime was punishable by death or imprisonment in excess of one year, and the Court determines that the probative value of admitting this evidence outweighs its prejudicial effect to the accused.

Evidence that any witness has been convicted of a crime shall be admitted if it involved dishonesty or false statement, regardless of the punishment.

(b) Time Limit -- Evidence of a conviction under this Rule is not admissible if a period of more than ten years has elapsed since the date of the conviction or of the release of the witness from the confinement imposed for that conviction, whichever is the later date, unless the Court determines that the value of the conviction substantially outweighs its prejudicial effect. However, evidence of a conviction more than 10 years old as calculated herein, is not admissible unless the proponent gives to the adverse party sufficient advance written notice of intent to use such evidence to provide the adverse party with a fair opportunity to contest the use of such evidence.

(c) Effect of pardon, annulment, or certificate of rehabilitation -- Evidence of a conviction is not admissible if (1) the conviction has been the subject of a pardon or other equivalent procedure based on a finding of the rehabilitation of the person convicted of a subsequent crime which was punishable by death or imprisonment in excess of one year, or (2) the conviction has been the subject of a pardon, or other equivalent procedure based on a finding of innocence.

(d) Juvenile adjudications. Evidence of juvenile adjudications is generally not admissible under this rule. The court may, however, in a criminal case allow evidence of a juvenile adjudication of a witness other than the accused if conviction of the offense would be admissible to attack the credibility of an adult and the court is satisfied that admission in evidence is necessary for a fair determination of the issue of guilt or innocence.

(e) Not applicable.

Rule 610. Religious Beliefs or Opinions - Evidence of the beliefs or opinions of a witness on matters of religion is not admissible for the purpose of showing that by reason of their nature the witness' credibility is impaired or enhanced.

Rule 611. Mode and Order of Interrogation and Presentation

(a) Control by Court -- The Court shall exercise reasonable control over questioning of witnesses and presenting evidence so as to:

- (1) make the questioning and presentation of evidence effective for ascertaining the truth,
- (2) to avoid needless waste of time, and
- (3) protect witnesses from harassment or undue embarrassment.

(b) Scope of cross examination -- The scope of cross examination shall not be limited to the scope of the direct examination but may inquire into any relevant facts or matters contained in the witness' statement.

(c) Leading questions -- Leading questions should not be used on direct examination of a witness (except as may be necessary to develop the witness' testimony). Ordinarily, leading questions are permitted on cross examination. When a party calls a hostile witness, an adverse party, or a witness identified with an adverse party, leading questions may be used.

(d) Redirect/Re-cross -- After cross examination, additional questions may be asked by the direct examining attorney, but questions must be limited to matters raised by the attorney on cross examination. Likewise, additional questions may be asked by the cross examining attorney on re-cross, but such questions must be limited to matters raised on redirect examination and should avoid repetition.

Rule 612. Writing Used to Refresh Memory - If a written statement is used to refresh the memory of a witness either while or before testifying, the Court shall determine that the adverse party is entitled to have the writing produced for inspection. The adverse party may cross examine the witness on the material and introduce into evidence those portions which relate to the testimony of the witness.

Rule 613. Prior Statements of Witnesses

Examining witness concerning prior statement.-- In examining a witness concerning a prior statement made by the witness, whether written or not, the statement need not be shown nor its contents disclosed to the witness at that time, but on request the same shall be shown or disclosed to opposing counsel.

Extrinsic evidence of prior inconsistent statement of witness.-- Extrinsic evidence of a prior inconsistent statement by a witness is not admissible unless the witness is afforded an opportunity to explain or deny the same and the opposite party is afforded an opportunity to interrogate.

Article VII. Opinions and Expert Testimony

Rule 701. Opinion Testimony by Lay Witness - If the witness is not testifying as an expert, the witness' testimony in the form of opinions or inferences is limited to those opinions or inferences which are (a) rationally based on the perception of the witness and (b) helpful to a clear understanding of the witness' testimony or the determination of a fact in issue.

Rule 702. Testimony by Experts - If scientific, technical, or other specialized knowledge will assist the trier of fact to understand the evidence or to determine a fact in issue, a witness qualified as an expert by knowledge, skill, experience, training, or education, may testify in the form of an opinion or otherwise.

Rule 703. Bases of Opinion Testimony by Experts - The facts or data upon which an expert bases an opinion may be those perceived by or made known to the expert at or before the hearing. If of a type reasonably relied upon by experts

in the field in forming opinions or inferences, the facts or data need not be admissible in evidence.

Rule 704. Opinion on Ultimate Issue

(a) Opinion or inference testimony otherwise admissible is not objectional because it embraces an issue to be decided by the trier of fact.

(b) In a criminal case, an expert witness shall not express an opinion as to the guilt or innocence of the accused.

Rule 705. Disclosure of Facts or Data Underlying Expert Opinion - The expert may testify in terms of opinion or inference and give reasons therefore without prior disclosure of the underlying facts or data, unless the Court requires otherwise. The expert may in any event be required to disclose the underlying facts or data on cross examination.

Article VIII. Hearsay

Rule 801. Definitions - The following definitions apply under this article:

(a) Statement -- A "statement" is an oral or written assertion or nonverbal conduct of a person if it is intended by the person as an assertion.

(b) Declarant -- A "declarant" is a person who makes a statement.

(c) Hearsay -- "Hearsay" is a statement, other than one made by the declarant while testifying at the trial or hearing, offered in evidence to prove the truth of the matter asserted.

(d) Statements which are not hearsay -- A statement is not hearsay if:

(1) Prior statement by witness -- The declarant testifies at the trial or hearing and is subject to cross examination concerning the statement and the statement is (A) inconsistent with the declarant's testimony, and was given under oath subject to the penalty of perjury at a trial, hearing, or other proceeding, or in a deposition, or (B) consistent with the declarant's testimony and is offered to rebut an express or implied charge against the declarant of recent fabrication or improper influence or motive, or (C) one of identification of a person made after perceiving the person; or

(2) Admission by a party-opponent -- The statement is offered against a party and is (A) the party's own statement in either an individual or a representative capacity or (B) a statement of which the party has manifested an adoption or in its truth, or (C) a statement by a person authorized by the party to make a statement concerning the subject, or (D) a statement by the party's agent or servant concerning a matter within the scope of the agency or, made during the existence of the relationship, or

(E) a statement by a co-conspirator of a party during the course in furtherance of the conspiracy.

Rule 802. Hearsay Rule - Hearsay is not admissible, except as provided by these rules.

Rule 803. Hearsay Exceptions. Availability of Declarant Immaterial - The following are not excluded by the hearsay rule, even though the declarant is available as a witness:

- (1) Present sense impression -- A statement describing or explaining an event or condition made while the declarant was perceiving the event or condition, immediately thereafter.
- (2) Excited utterance -- A statement relating to a startling event or condition made while the declarant was under the stress of excitement caused by the event or condition.
- (3) Then existing mental, emotional, or physical conditions -- A statement of the declarant's then existing state of mind, emotion, sensation, or physical condition (such as intent, plan, motive, design, mental feeling, pain, and bodily health), but not including a statement of memory or belief to prove the fact or believed unless it relates to the execution, revocation, identification, or terms of declarant's will.
- (4) Statements for purposes of medical diagnosis or treatment -- Statements made for the purpose of medical diagnosis or treatment.
- (5) Recorded Recollection -- A memorandum or record concerning a matter about which a witness once had knowledge but now has insufficient recollection to enable the witness to testify fully and accurately, shown to have been made or adopted by the witness when the matter was fresh in the witness' memory and to reflect that knowledge correctly.
- (6) Business Records - Records of regularly conducted activity. A memorandum, report, record, or data compilation, in any form, of acts, events, conditions, opinions, or diagnosis, made at or near the time by, or from information transmitted by, a person with knowledge, if kept in the course of a regularly conducted business activity to make the memorandum, report, record, or data compilation, all as shown by the testimony of the custodian or other qualified witness, unless the source of the information or the method or circumstances of preparation indicate lack of trustworthiness. The term "business" as used in this paragraph includes business, institution, association, profession, occupation, and calling of every kind, whether or not conducted for profit.

(18) Learned treatises -- To the extent called to the attention of an expert witness upon cross examination or relied upon by the expert witness in direct examination, statements contained in published treatises, periodicals, or pamphlets on a subject of history, medicine, or other science or art, established as a reliable authority by the testimony or admission of the witness or by other expert testimony or by judicial notice.

(21) Reputation as to character -- Reputation of a person's character among associates or in the community.

(22) Judgment of previous conviction -- Evidence of a judgment finding a person guilty of a crime punishable by death or imprisonment in excess of one year, to prove any fact essential to sustain the judgment, but not including, when offered by the Government in a criminal prosecution for purposes other than impeachment, judgments against persons other than the accused.

Rule 804. Hearsay Exceptions; Declarant Unavailable

(a) **Definition of unavailability.** "Unavailability as a witness" includes situations in which the declarant -

(1) is exempted by ruling of the court on the ground of privilege from testifying concerning the subject matter of the declarant's statement; or

(2) persists in refusing to testify concerning the subject matter of the declarant's statement despite an order of the court to do so; or

(3) testifies to a lack of memory of the subject matter of the declarant's statement; or

(4) is unable to be present or to testify at the hearing because of death or then existing physical or mental illness or infirmity; or

(5) is absent from the hearing and the proponent of a statement has been unable to procure the declarant's attendance (or in the case of a hearsay exception under subdivision (b)(2), (3), or (4), the declarant's attendance or testimony) by process or other reasonable means.

A declarant is not unavailable as a witness if exemption, refusal, claim of lack of memory, inability, or absence is due to the procurement or wrongdoing of the proponent of a statement for the purpose of preventing the witness from attending or testifying.

(b) **Hearsay exceptions.** The following are not excluded by the hearsay rule if the declarant is unavailable as a witness:

(1) **Former testimony.** Testimony given as a witness at another hearing of the same or a different proceeding, or in a deposition taken in compliance with law in the course of the same or another proceeding, if the party against whom the testimony is now offered or, in a civil action or

proceeding, a predecessor in interest, had an opportunity and similar motive to develop the testimony by direct, cross, or redirect examination.

(2) **Statement under belief of impending death.** In a prosecution for homicide or in a civil action or proceeding, a statement made by a declarant while believing that the declarant's death imminent, concerning the cause or circumstances of what the declarant believed to be impending death.

(3) **Statement against interest.** A statement which was at the time of its making so far contrary to the declarant's pecuniary or proprietary interest, or so far tended to subject the declarant to civil or criminal liability, or to render invalid a claim by the declarant against another, that a reasonable person in the declarant's position would not have made the statement unless believing it to be true. A statement tending to expose the declarant to criminal liability and offered to exculpate the accused is not admissible unless corroborating circumstances clearly indicate the trustworthiness of the statement.

(4) **Statement of personal or family history.** (A) A statement concerning the declarant's own birth, adoption, marriage, divorce, legitimacy, relationship by blood, ancestry, or other similar fact of personal or family history, even though declarant had no means of acquiring personal knowledge of the matter stated; (B) a statement concerning the foregoing matters, and death also, of another person, if the declarant was related to the other by blood, adoption, or marriage or was so intimately associated with the other's family as to be likely to have accurate information concerning the matter declared.

(5) **Forfeiture by wrongdoing.** A statement offered against a party that has engaged or acquiesced in wrongdoing that was intended to, and did, procure the unavailability of the declarant as a witness.

Rule 805. Hearsay within Hearsay - Hearsay included within hearsay is not excluded under the hearsay rule if each part of the combined statement conforms with an exception to the hearsay rule provided in these rules.

ARTICLE X - Contents of Writing, Recordings and Photographs - Not applicable.

ARTICLE XI – Other



Memorandum

To: All Mock Trial Team Members, Attorney Coaches, Teachers, and Observers
From: Colorado Bar Association
Date: September 30, 2005
Subject: **CODE OF ETHICAL CONDUCT for all Participants of the Colorado Mock Trial Competition**

The purpose of the Colorado Bar Association (CBA) High School Mock Trial Program is to stimulate and encourage a deeper understanding and appreciation of the American legal system. This purpose is accomplished by providing students the opportunity to participate actively in the learning process. **The education of young people is the primary goal of the mock trial program.** Healthy competition helps to achieve this goal. Other important objectives include: improving proficiency in speaking, listening, reading, and reasoning skills; promoting effective communication and cooperation between the educational and legal communities; providing an opportunity to compete in an academic setting; and promoting cooperation among young people of diverse interests and abilities. As a means of diligent application of the CBA High School Mock Trial Program Rules of Competition, the CBA Public Legal Education Committee and its Mock Trial Subcommittee has adopted the following Code of Ethical Conduct for all participants and their observers:

- §1 Team members and all student participants in local and state Mock Trial programs promise to compete with the highest standards of deportment, showing respect for their fellow team members and participants, opponents, judges, evaluators, attorney coaches, teacher coaches and mock trial personnel. All teams, coaches and supporters will focus on accepting defeat and success with dignity and restraint. Trials, contests, and activities will be conducted honestly, fairly, and with the utmost civility. Students, coaches and supporters will avoid all tactics they know are wrong or in violation of the Rules, including the use of unfair extrapolations. Teams, coaches and participants will not willfully violate or misrepresent the Rules of the program in spirit or in practice.
- §2 Teacher Coaches agree to focus the attorney coach and student attention on the educational value of the Mock Trial Program. They shall discourage willful violations of the Rules and the unprofessional and contentious behavior of their attorney coaches, students and supporters. Teachers will instruct students as to proper procedure and decorum and will assist their students in understanding and abiding by the program's Rules and this Code of Ethical Conduct.
- §3 Attorney Coaches agree to uphold the highest standards of the legal profession and will zealously encourage fair play, as well as demonstrate fair play and courteous respect towards their peers at all times during participation in any program-related activities. They will promote conduct and decorum in accordance with the program's Rules and this Code of Ethical Conduct. They will emphasize and focus on the educational value of the experience by requiring that all questions, objections, responses, opening statements, and closing arguments be substantially the work product of the students. Attorney Coaches are reminded that they are in a position of authority and thus serve as positive role models for the students. They shall also conduct themselves a professional manner at all times during any program related meetings.
- §4 All participants (including observers) are bound by all sections of this Code and agree to abide by the provisions. Students, and attorney and teacher coaches, are responsible for insuring that all team observers are aware of and abide by the Code. Students, teacher coaches and attorney coaches will be required to sign a copy of this Code. This signature will serve as evidence of knowledge and agreement to the provisions of this Code. Violations of this Code of Ethical Conduct, either by participants and/or observers, may be grounds for reductions in scores, disqualification from a contest, and/or suspension or expulsion from the Mock Trial Program.
- §5 Presiding judges and evaluators are asked to observe the trials with an objective eye. Interjecting one's own personal style and biases adds no value in the education process. Students have agreed to abide by the Rules and this Code in spirit and in practice; therefore, violations should result in a lowering of the score. All judges and evaluators promise to be prepared and knowledgeable the Rules of the Competition, the problem, and the mock trial procedures. The appearance of impropriety, bias, or favoritism shall be avoided. Presiding judges will conduct trials with objectivity and honesty. Presiding judges and evaluators will also exercise sensitivity and respect to all students of diversity at all times, especially during round after-chats.

Official Team Roster

Signatures of Team Members & Coaches

SCHOOL & TEAM NAME

(Please duplicate for additional teams registered)

We, the undersigned, agree to uphold the Code of Ethical Conduct in each round of the Colorado Mock Trial Program, as well as during any program related activities. Additionally, by signing below, we affirm that we (teachers, attorney coaches and students) have read the 2006 Mock Trial Program rules, and that we understand and agree to abide by all of the rules during the tournament.

TEAM MEMBERS:

TEACHER COACH(ES):

ATTORNEY COACH(ES):

STUDENT TIMEKEEPERS:

NOTE: Only one Team Roster needs to be submitted to your Regional Coordinator at the beginning of your regional and/or state tournament.

COLORADO HIGH SCHOOL MOCK TRIAL PROGRAM

LOCAL OR STATE TOURNAMENT TRIAL ROSTER

This sheet is to be completed by each team prior to EACH round and copies presented to the presiding judge, opposing counsel and the panel of scoring judges.

TEAM IDENTIFICATION (CODE ONLY!) _____

Circle one: Round I II III IV Championship Round

In this round, students listed on this roster will represent (Circle one):

PLAINTIFF

DEFENSE

Name of Student Portraying Attorney:

Tasks (circle):

1. _____

Opening / Direct / Cross / Closing

2. _____

Opening / Direct / Cross / Closing

3. _____

Opening / Direct / Cross / Closing

Name of Student Portraying Witness:

Role Portrayed:

(Please indicate gender by circling M or F)

1. _____ (m/f) Plaintiff Witness 1 _____

2. _____ (m/f) Plaintiff Witness 2 _____

3. _____ (m/f) Plaintiff Witness 3 _____

4. _____ (m/f) Defense Witness 1 _____

5. _____ (m/f) Defense Witness 2 _____

6. _____ (m/f) Defense Witness 3 _____

(Duplicate for use in all mock trial rounds!)

TEAM DISPUTE FORM
Inside the Bar
[Rule 7.1.1 & 7.1.2]

(Please print)

Round (*circle one*): 1 2 3 4

TEAM LODGING DISPUTE: _____ (*Enter Team Code Only!*)

Grounds for Dispute: _____

INITIALS OF TEAM SPOKESPERSON: _____

HEARING DECISION OF PRESIDING JUDGE (*circle one*): **Grant** **Deny**

Reason(s) for Denying Hearing or Response of Opposing Team: _____

INITIALS OF OPPOSING TEAM'S SPOKESPERSON: _____

Judge's Notes from Hearing:

DECISION AND RULING OF JUDGE REGARDING DISPUTE: _____

This form must be returned to the trial coordinator along with the score sheets of all the panelists.

Signature of Presiding Judge

TEAM DISPUTE FORM

Outside the Bar

[Rule 7.1.3]

or

Code of Conduct

[Rule 7.1.4]

(Please print)

Round (*circle one*): 1 2 3 4

PERSON LODGING DISPUTE: _____

AFFILIATED WITH: _____ (*Enter Team Code*)

Grounds for Dispute: _____

INITIALS OF TRIAL COORDINATOR: _____ TIME DISPUTE PRESENTED TO COORDINATOR: _____

HEARING DECISION OF DISPUTE PANEL (*circle one*): **Grant** **Deny**

Reason(s) for Denying Hearing: _____

Notes from Hearing: _____

Decision/Action of Dispute Panel: _____

Signature of Trial Coordinator

Date/time of Decision

SCORING

SCORING PANELISTS & PRESIDING JUDGES: In performing the mock trial case, team members will be courteous, professional, observe general courtroom decorum, speak distinctly and clearly, and have general knowledge of the law and trial procedures. Points shall not be rewarded to students or teams that behave in a contentious or unprofessional manner. All team members shall be involved in the performance of the case and meet time limits.

IMPORTANT FOR ADJUDICATION: It is very important that scoring panelists and presiding judges read the fact situation and witness statements carefully.

Given the mock trial format, students will refer to specific points/facts and make references to certain pages in the text; you need to be familiar with the **pertinent** details. After the team's performance, the scoring panelists will debrief the teams. Constructive criticism for improving the teams' performances, including praise, is greatly appreciated by the students and attorney coaches. All scoring panelists are encouraged to make comments. Positive reinforcement and suggestions to both sides helps ensure a beneficial educational experience for everyone.

CRITERIA FOR EVALUATING STUDENTS' OPENING STATEMENT AND CLOSING ARGUMENT	PERFORMANCE DESCRIPTION
<p>Organization:</p> <ul style="list-style-type: none"> • Progressive, logical and easy to follow • Included an introduction, main points and a conclusion • Had appropriate transitions • Included a clearly stated theory/theme of the case <p>Delivery:</p> <ul style="list-style-type: none"> • Clear, persuasive, articulate and confident delivery • Appropriate style: statement for opening, argumentative for closing • Personalization of the client represented • Captures and holds jurors' attention • Made eye contact with jurors: displayed appropriate gestures • Lawyer's courtroom position was appropriate for delivery style (at podium, or with court's permission, around the room) • Use of notes, if any, (not required) was appropriate for delivery style • Used time effectively <p>Statement of the facts:</p> <ul style="list-style-type: none"> • Presented facts expected to be produced during the trial (open) • Responded to courtroom occurrences during trial, highlighted opponent's weaknesses and weaved jury instructions into closing • Volunteered weaknesses in case when appropriate • Stated facts clearly, using simple, appropriate and direct language • Student did not overstate their position 	<p style="text-align: center;">OUTSTANDING 9-10 (The student exhibited 90 to 100% of the listed criteria.)</p> <p style="text-align: center;">EXCELLENT 7-8 (The student exhibited 80 to 89% of the listed criteria.)</p> <p style="text-align: center;">GOOD 5-6 (The student exhibited 70 to 79% of the listed criteria.)</p> <p style="text-align: center;">FAIR 3-4 (The student exhibited 60 to 69% of the listed criteria.)</p> <p style="text-align: center;">POOR 1-2 (The student exhibited less than 59% of the listed criteria.)</p>

CRITERIA FOR EVALUATING STUDENTS' DIRECT AND CROSS EXAMINATIONS	PERFORMANCE DESCRIPTION
<p>Organization:</p> <ul style="list-style-type: none"> Progressive, logical with an easy to follow pattern of questioning Organization was consistent with theory/theme of case, opening statement and other examinations Used appropriate transitions <p>Delivery:</p> <ul style="list-style-type: none"> Pace (speed) of examination was appropriate for dramatic effect and emphasis of points Used appropriate language and simple, clear, understandable questions: non-leading (direct), leading (cross) Let the witness be the center of attention (Direct) Lawyer courtroom position was appropriate for delivery style (at podium, or with court's permission, around the room) Use of notes, if any (not required), was appropriate for delivery style Lawyer listened to answers and adapted as needed Use of exhibits, if any, (not required), was appropriately handled Lawyer controlled the witness appropriately and/or called for bench assistance when necessary (Cross) Questions were purposeful, consistent with case theory Behavior was professional and respectful toward witness Uses method of impeachment effectively (cross) <p>Objections:</p> <ul style="list-style-type: none"> Objections/Responses to objections were clear, appropriate and concise Objections/Responses consistent with the case theory Objections/Responses demonstrated knowledge of evidence rules Objections/Responses demonstrated knowledge of the procedural rules 	<p>OUTSTANDING 9-10 (The student exhibited 90 to 100% of the listed criteria.)</p> <p>EXCELLENT 7-8 (The student exhibited 80 to 89% of the listed criteria.)</p> <p>GOOD 5-6 (The student exhibited 70 to 79% of the listed criteria.)</p> <p>FAIR 3-4 (The student exhibited 60 to 69% of the listed criteria.)</p> <p>POOR 1-2 (The student exhibited less than 59% of the listed criteria.)</p>
CRITERIA FOR EVALUATING STUDENT WITNESS PORTRAYAL	PERFORMANCE DESCRIPTION
<p>Examination:</p> <ul style="list-style-type: none"> Gave responsive, thorough, factually accurate answers, Answered closed- and open-ended questions appropriately within character's role Treated both attorneys similarly, responded fairly to both examinations Did not offer unsolicited information in effort to help teammate Credible, persuasive portrayal of character; engaging; captures and holds jurors' attention; makes eye contact with jurors Poised, articulate and confident in answering questions Maintained credibility and demeanor during examination Answered questions without unnecessary rambling in an attempt to use up the opponent lawyer's allotted time Did not embellish or introduce new facts to the case beyond the witness' affidavit 	<p>OUTSTANDING 9-10 (The student exhibited 90 to 100% of the listed criteria.)</p> <p>EXCELLENT 7-8 (The student exhibited 80 to 89% of the listed criteria.)</p> <p>GOOD 5-6 (The student exhibited 70 to 79% of the listed criteria.)</p> <p>FAIR 3-4 (The student exhibited 60 to 69% of the listed criteria.)</p> <p>POOR 1-2 (The student exhibited less than 59% of the listed criteria.)</p>

REMINDER: PLEASE BE MINDFUL WHEN WRITING COMMENTS THAT STUDENTS WILL SEE THESE SCORESHEETS. YOUR SENSITIVITY TO DIVERSITY TO STUDENT SOCIO-ECONOMICAL, CULTURAL, RELIGIOUS AND EDUCATIONAL DIVERSITIES IS ENCOURAGED AND APPRECIATED. THANK YOU.

PROSECUTION

DEFENSE

WITNESSES

INDIVIDUAL PERFORMANCE COMMENTS

	OPENING STATEMENT	OPENING STATEMENT		
Π's 1st Witness	Direct Examination	Cross Examination	Π Witness Performance (Direct and Cross Examination)	
Π's 2nd Witness	Direct Examination	Cross Examination	Π Witness Performance (Direct and Cross Examination)	
Π's 3rd Witness	Direct Examination	Cross Examination	Π Witness Performance (Direct and Cross Examination)	
Δ's 1st Witness	Cross Examination	Direct Examination	Δ Witness Performance (Direct and Cross Examination)	
Δ's 2nd Witness	Cross Examination	Direct Examination	Δ Witness Performance (Direct and Cross Examination)	
Δ's 3rd Witness	Cross Examination	Direct Examination	Δ Witness Performance (Direct and Cross Examination)	
	CLOSING ARGUMENT	CLOSING ARGUMENT		
Π	General Team Comments:			
Δ	General Team Comments			

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THE PROBLEM

INTRODUCTION

From Basketball Court to Criminal Court.

The basketball rivalry between Northwest and Southeast High Schools is well known and there was great anticipation for their championship game. But the stakes for this game were high.

An altercation at Northwest's pre-game pep rally the night before didn't help matters. Northwest co-captain, Robin Anthony arrives to see his team's co-captain Leslie Najera showing a piece of paper to their rival team's captain Cameron Camby, who happens to be Leslie's cousin. All three have been friends for a long time. But Robin starts an argument with Cameron who was in attendance at the pep rally to help Leslie talk to Robin about Robin's un-sportsmanship-like conduct during recent basketball games. But Robin believes that Leslie was sharing Northwest's game play strategies with Cameron.

Additionally, rumors abound that NBA talent scouts would be attending the game to check out both Cameron and Robin on the court.

Matters worsen during the fast paced championship game when Robin and Cameron are assigned to guard each other during the fourth quarter. During one play Cameron accidentally elbows Robin in the nose, causing it to bleed. Witnesses say it was clearly an accident, and the referees call the foul. But what happened during the last play of the game when Cameron positions to take a pass is where stories differ. Witnesses claim Robin ran full steam into Cameron, colliding with and forcing him/her into a rack of balls and the bleachers. Robin claims that in an effort to block the pass, s/he slipped and lost balance, pushing into Cameron and forcing them both off the court and into the ball rack and bleachers.

Cameron suffered a fracture to the lower spine from which s/he will recover full use of both legs; however, doctors advise that another trauma to the area could cause paralysis, and that Cameron should never play sports again.

Robin Anthony is charged with aggravated battery for his/her role in the incident that injured Cameron Camby. A Colorado High School Athletic Association's (CHSAA) investigation into Robin's un-sportsmanship like conduct on the court, and the decision of a criminal court jury threaten any future of a college scholarship or a professional contract with the NBA.

The end result: Two basketball players' bright futures dimmed by poor sportsmanship, miscommunication and misunderstanding, and the need to outdo the other to win.

STIPULATIONS

Both parties have agreed to the following stipulations:

1. Robin Anthony was issued a Summons and Complaint on February 11, 2005 by Officer Pat Brown charging him with the offenses of Battery and Reckless Endangerment, both misdemeanors as defined by the statutes contained in this problem.
2. All witness affidavits contained in the case file are authentic and may not be disputed.
3. Dr. Mathewson's letter to Cameron was made and kept in the regular course of the physician's office business and satisfies all the requirements of the business records exception to the hearsay rule.
4. Contents of Dr. Mathewson's letter are an accurate depiction of Cameron Camby's injuries sustained at the basketball game in question.
5. Dr. Mathewson, specialist in orthopedic medicine, is a family friend of Cameron Camby's and has seen Cameron many times in the past for minor sports injuries. Cameron has, during his/her high school sporting career, sustained a sprained wrist and a broken thumb, as well as routine cuts and bruises sustained in the normal course of play.
6. All players on Robin Anthony's team signed, and were considered to be bound by the CHSAA Bylaws and Code of Conduct provided in the mock trial materials.
7. Exhibit 4 – the Basketball Court Diagram demonstrates the approximate position of the players immediately prior to the impact and at the time the pass was made. "R" is Robin Anthony and "C" is Cameron Camby. Bleachers surround the court.

**Basketball Glossary of Terms
for use in the
2006 CBA High School Mock Trial Program**

blocked shot: the successful deflection of a shot by touching part of the ball on its way to the basket, thereby preventing a field goal

blocking: the use of a defender's body position to legally prevent an opponent's advance; the opposite of charging

charging: an offensive foul which occurs when an offensive player runs into a defender who has established position

double team: when two teammates join efforts in guarding a single opponent

drive to the basket: to move rapidly toward the basket with the ball.

elbowing: it is a violation if a player vigorously or excessively swings his/her elbows, even if there is no contact; it is a foul if contact is made, and an automatic ejection if that contact is above shoulder level.

flagrant foul: unnecessary or excessive contact against an opponent

floor violation: a player's action that violates the rules but does not prevent an opponent's movement or cause him/her harm; penalized by a change in possession. i.e. traveling, double-dribbling

foul: actions by players which break the rules but are not floor violations; penalized by a change in possession or free-throw opportunities; see personal foul or technical foul.

foul shot: see free throw

free throw: an unguarded shot taken from the foul line by a player whose opponent committed a personal or technical foul; it is worth 1 point.

full court press: when defenders start guarding the offense in the backcourt.

guarding: the act of following an opponent around the court to prevent him/her from getting close to the basket, taking an open shot or making an easy pass, while avoiding illegal contact.

incidental contact: minor contact usually overlooked by officials.

officials: the crew chief, referee and umpire who control the game, stop and start play, and impose penalties for violations and fouls.

open: when a player is unguarded by a defender.

out of bounds: the area outside of and including the end lines and sidelines.

pass: when a passer throws the ball to a teammate; used to start plays, move the ball down court, keep it away from defenders and get it to a shooter.

passer: the player who passes the ball to a teammate.

personal foul: contact between players that may result in injury or provide one team with an unfair advantage; players may not push, hold, trip, hack, elbow, restrain or charge into an opponent; these are also counted as team fouls.

possession: to be holding or in control of the ball.

rebound: when a player grabs a ball that is coming off the rim or backboard after a shot attempt.

scoring opportunity: when a player gets open for a shot that is likely to score.

sidelines: two boundary lines that run the length of the court.

team fouls: each personal foul committed by a player is also counted against his/her team; when a team goes over the limit, its opponent is awarded free-throw opportunities.

technical fouls: procedural violations and misconduct that officials believe are detrimental to the game; penalized by a single free-throw opportunity to the non-offending team (2 free-throws in college).

timeout: when play is temporarily suspended by an official or at the request of a team to discuss strategy or respond to an injured player.

turnover: when the offense loses possession through its own fault by passing the ball out of bounds or committing a floor violation.

STATEMENT AND TESTIMONY OF LESLIE NAJERA (Minor) (Prosecution Witness)

1. My name is Leslie Najera. I am 17 years old and I go to Northwest High School. I am co-captain of the school's basketball team along with Robin Anthony. I have known Robin since grade school, and we have played on the same basketball teams all through junior high and high school.

2. On the night of our school's pep rally, before the state championship game, I wanted to talk to Robin about the game. We'd been having a few disagreements about the way the team was strategizing games and I was concerned that things had become pretty tense between us lately. The majority of the team was tired of Robin acting like a hotshot all the time. Ever since Robin got a few calls from pro basketball scouts or whatever, his playing style changed. Robin developed a real attitude. The team had asked that I speak to Robin to express our concern. They didn't want to deal with his/her attitude anymore and neither did I.

3. I went to the pep rally early specifically to meet with Robin, so no one else would have to hear it if Robin didn't take the criticism well and we got into it. Cameron, who is my cousin and happens to be the team captain of Southeast High School's basketball team, went with me to make sure Robin didn't over react. We'd all been friends for a long time – we were tight. I had a feeling that Robin wouldn't like seeing me talk to Cameron the night before a game, but Cameron wanted to be there and I wanted Cameron there too. Sometimes two heads are better than one in dealing with sensitive issues.

4. While Cameron and I were waiting for Robin, Cameron showed me a letter she/he'd received from Colorado University. A few months back, Cam had applied there

and gotten his/her letter of acceptance with a full scholarship. Cameron wanted me to know because I am going to go to CU as well. We were thrilled and kidding around, laughing. Cameron was goofing off, doing his/her "I'm all that" dance, you know, like they do in the end zones after a touchdown, and waving the letter around when Robin saw us. That's when Robin walked over, looking pretty angry.

5. Before I could even say anything, Robin started making some pretty nasty comments to Cameron. Robin totally lost her/his cool, I mean, just because I was standing there and talking with my cousin. So what if s/he happened to be on the team we were going to play the next day. Big deal. We're blood. My being with Cameron was totally appropriate, but it didn't matter, Robin was obviously angry.

6. It's just like Cameron to defend me. Cameron is loyal as all get out, a great person and a wonderful cousin... and a tremendous basketball player. I wish we had six players just like Cameron on our team. Robin got all up in Cameron's face and they got into a pretty heated discussion. I kept trying to intervene to keep things from getting out of hand. At one point, I thought Robin might actually get physical. Finally I yelled at Cameron that we should just leave. They stopped fighting, and Robin looked kinda shocked, like s/he couldn't believe I was going to leave with Cameron. I felt bad and told Robin that I was sorry, but Cameron was my cousin and it wasn't cool how Robin was acting on or off the court and that I was done with his behavior.

7. Just as Cameron and I turned to leave, Robin told us that this wasn't over, and that the score would be settled at the game or something like that. Man, it honestly never occurred to me that Robin would lose complete control at a game. It wasn't until later that I learned Robin actually thought I was showing Cameron the plan for our new

full court press play. Unbelievable! Cameron and I had an understanding about our sports: we were rivals on the court but not off. And we'd never shared team secrets. Never, man. Nothing like that had ever entered our minds.

8. During the game, at first I thought Robin had forgotten about the incident. The play was fast-paced and actually fun. We were all having a great time. Southeast and Northwest have always had an intense rivalry. But our teams were evenly matched and I didn't see any problems. It was like any other game. During one of the time-outs, we learned, like we suspected, that a big time recruiter was in the stands watching the game. Coach told us the recruiter was looking at Robin and Cameron. I looked at Robin who was checking out the stands, and man, it was then I immediately got a sinking feeling in my gut.

9. I worried that Robin would start showing off and trying to one-up Cameron. I was worried Cam would become a target. And, that's pretty much what happened in the final few seconds of the game when the score was tied. Southeast had the ball, and despite our full court pressure, Cameron broke free under the basket and was wide open for a lay up that would win the game. Robin was guarding Cameron and knew s/he got beat on the guard. As Cameron was waiting for the pass, Robin ran full steam into her/him, colliding with her/him a split second before the ball got there. Even though some think that Robin was trying to grab the ball, it looked like Robin intentionally pushed Cameron into the rack of balls and then into the bleachers. I've seen quite a few really challenging and heated games, and it's not at all usual for a player to get too aggressive. I think that was Robin's deal. With the pressure of the recruiter watching, being mad about Cam and me talking at the pep rally, and having gotten beat on that last second play, I think

Robin just lost it, crossed a line and went too far. Way too far. So far that Cameron will never be able to play basketball again. What a waste.

10. I have a full academic scholarship just like Cameron. I'd love to continue playing basketball in college, and maybe after that, but it's not everything to me. With Robin, it's all about basketball. That's pretty much the reason Robin exists - to play basketball and win, it would seem at all costs. Robin wants to be a star, and have all the money, fame and attention it will bring.

11. Until this last game, Robin had pretty much been cool, in control of her/his temper on the court. There were a few times when s/he crossed the line and got a little too aggressive, but I don't think any of the play up until that day had been excessive. Our coach wouldn't put up with it from Robin or anyone on the team. There's a "zero tolerance" rule at Northwest that includes the sports arena. We are taught that sportsmanship is all-important, and that winning is important, but playing a good clean game is more important and the better reward. I believe all that. I don't think Robin does or even gets it. Robin is all about winning. Win the game, win the college scholarship, win the recognition. Win the chance to play professionally or in the Olympics, or anywhere Robin can show off to get her/him the ticket to fame s/he craves.

12. Cameron got the foul for that elbow, but it wasn't a technical foul. The referees would obviously know if the elbow was an accident or not. If they thought Cameron had intentionally thrown her/his elbow into Robin's nose, the refs would have given Cameron a technical foul and/or even tossed him/her out of the game. Robin knows that. Everyone knows that.

13. While they were working on Robin's bloody nose, Cam told me s/he felt bad about the foul, especially after getting into it with Robin the night before. Cameron never intended to hit Robin in the face – accidents like that just happen in basketball. S/he also told me that s/he had a bad feeling about it all – like that something was going to happen. Boy, was s/he right about that.

14. I've visited Cameron every day since the accident. It was hard seeing Cam in traction and in pain, knowing that even though he/she can still walk and maybe even run, that Cam won't be able to play basketball ever again. It's crazy - the doctors say that another injury to his/her back could permanently paralyze her/him. I sure wish I could rewind and do things different – like maybe find a better way to deal with Robin that wouldn't have caused so much friction and anger between him/her and Cam.

Subscribed to and sworn to on this 10th day of April, 2005.

Leslie Najera
Witness Signature

WITNESS STATEMENT OF CAMERON CAMBY (Minor) (Prosecution Witness)

1. My name is Cameron Camby and I'm a senior at Southeast High School in Lincoln County, Colorado. I understand that the actions of Robin Anthony are being investigated by the police and the District Attorney's Office. I have been asked to give my recollection of what happened on February 11, the day of the game where I was injured.

2. I guess I should start the night before the tournament game. There was a pep rally at Northwest High School and I went because my cousin who plays for Northwest, Leslie Najera, asked me to be there. Leslie and I are good friends as well as cousins, and Robin's been our friend for a long time too. I didn't see anything unusual about attending the pep rally for our rival school. Leslie wanted me there to help him talk to Robin about his aggressive play on the court lately. And I wanted to go to show Leslie the letter I'd received from the college that I want to attend in the fall. I'd applied some weeks ago and had been keeping my fingers crossed that I'd get a scholarship. The letter said that I'd been accepted with a full academic scholarship. I was really excited and couldn't wait to share my good news with Leslie.

3. I guess Robin saw Leslie and me together and must have thought something strange was going on. Robin came over as I was showing Leslie the letter and made some pretty angry remarks about how Leslie and I were being pretty sneaky right before a big game. I didn't understand what Robin was getting at, but it was obvious he was really angry based on his remarks. I didn't really think anything of it. Robin has a temper, and everybody on both teams knew it. His whole team knows it. Also, the teams

were going to be under a lot of pressure to perform during the game because there were supposed to be college and professional scouts in the stands watching.

4. Because I have a full academic scholarship to Colorado University, I don't need an athletic scholarship to get into a good school. I was glad that I didn't have to worry about it all anymore. My grades are good; I've worked hard to make sure they were as good as I could get. Now I'm happy I did, because now my back is permanently damaged and now I couldn't accept any athletic scholarship, or any offers at all to play basketball again.

5. I think I may have made Robin angrier than he was before when, during the fourth quarter of the game, with the score tied, I accidentally elbowed Robin in the nose causing it to bleed. The game was stopped immediately. I apologized first thing to Robin and drew a foul for the elbow. I thought that would be the end of it. The doctor attended to Robin and s/he came right back into the game. Nose bleeds aren't all that unusual in basketball. It's not supposed to be a contact sport, but it's a fast game with physical players that get in close. It's not impossible or unusual to make contact with someone who's guarding you or trying to get around you to make a play, or going up for a rebound. The refs saw what happened and they didn't give me a technical foul. They correctly realized it had been an accidental bump and not an intentional elbow to the face. If it had been intentional, I would have been tossed out of the game. Believe me, I wasn't going to risk that during this game.

6. I could tell from Robin's face that s/he was really mad and the resentment was building up. During the game, there was nothing I could do about it. So, I pretty much decided I'd talk to Robin right after the final buzzer to see if I could straighten things out.

I never got that chance. At least, I haven't as of yet. I've been in the hospital then at home recovering, and Robin hasn't come to see me.

7. As I recall, during the last play of the game, I was under our basket waiting to see if a pass could get to me. I was in a great position. Robin had been guarding me during that quarter and I saw one of my teammates spot me and begin to pass to me. The next thing I remember is being pushed. Hard. Really hard. Robin had actually hit me. I remember thinking to myself, for crying out loud, this is basketball, not football. I'm not supposed to be tackled.

8. I know Robin saw the surprise in my face. I made eye contact as Robin came right at me. I have to tell you, I was afraid. Robin's face was ugly and totally twisted with anger.

9. I've been told that when I fell, I hit the ball rack, but I don't remember anything at all. I don't remember the game stopping, but I do remember being in the ambulance and hearing the sirens. I remember being told over and over again to hold still and not to move. I was very scared.

10. After getting to the hospital, I was given something for the pain and the doctors met with me and my parents. We were told that I'd sustained a fracture to my lower spine and, even though I had some pretty serious numbness in my legs right then, they hoped I'd regain full function. I am currently undergoing physical therapy. The doctor wrote a letter to me telling me I should never play sports again. The letter is pretty clear. I'll have to be careful for the rest of my life. If I have another trauma in the same area, I could lose the use of my legs.

11. I have given you a copy of the letter from my doctor, Dr. Mathewson. Read it for yourself. Unless maybe they discover some new technology to strengthen the weak spot on my spine, I'll never play sports ever again.

12. My cousin Leslie has been telling me all about Robin's reaction to the police investigation. I guess s/he's pretty scared right now too. I'm bummed that things have turned out this way – Robin, Leslie and I have been friends for a long time. But I'm scared too. I hate the thought that I'll always have to worry about a fender bender in a car taking away my ability to walk...and I keep wondering if someday in the future . . . will I be able to play with or carry my own children? This whole thing just sucks.

Subscribed and Sworn to on this 14th Day of April, 2005

Cameron Camby
Witness Signature

**Statement of Pat Dentley – Southeast High School Basketball Coach
(Prosecution Witness)**

1. My name is Pat Dentley and I have been the head coach of the Southeast High School basketball team for the past 10 years. I was the assistant coach for six years prior to that. I have coached junior high school and summer league teams since the 1970's. I used to referee in the 1980's in our town's summer basketball league. Some of our best rising high school stars were in that summer league. I also run day camps for the town's Biddy Basketball League (also known as the Biddy Ballers). In fact, I think Cameron Camby may have attended a few of those camps as a little boy/girl.

2. I was also the starting point guard my senior year of college at State University in 1970. During that time I was actively recruited by a scout from a team in the old, now defunct Continental Basketball League, and was even contacted by a scout for an Italian team in the European League. Unfortunately that same year, my playing career was cut short when I suffered a leg injury during a pickup game the summer after college graduation. The injury was a result of a hard, but clean, foul, which would probably be classified as an intentional foul in today's game. Those are the breaks though, and I still love the game and all the players and students I have come in contact with through the years.

3. I have been a member of the Board of Control of the Colorado High School Athletic Association (CHSAA) for the past 2 years. Last year I served on the Committee responsible for reviewing CHSAA's Code of Ethics.

4. I have known Cameron Camby for over five years. Cameron is a natural talent, a team leader. S/He's an excellent student and all-around great kid. S/He's also a clutch player who actively seeks out the ball in tight game situations. S/he stays cool when a

lot of players would choke under pressure. Cameron is like having another coach on the floor that the team relies on for leadership. S/He already has an academic scholarship to Colorado University, but I was certain that s/he also would have been offered a Division 1 basketball scholarship or even a pro contract.

5. I also know Robin Anthony. He's the best player at Northwest High this year. I've watched Robin play in both junior high school and summer league competition over the years. Robin has what I call raw talent, based on pure athletic ability, but s/he, unlike Cameron, is more of a one man/woman show than a team player. Robin's teammates have to stand around and watch while Robin plays the game one on five. You always know when Robin is mad by the way he/she curls his/her lip after a ref makes a call s/he doesn't like. Robin's always been a bit of a crybaby when things don't go his/her way. Robin is still a kid on the inside, definitely not a polished mature player. When his/her team is behind s/he becomes a bit of a ball hog, which I'm sure his/her teammates don't appreciate much. Robin always appears to be in his/her own world during a game. During time-outs in our championship game, I'd catch Robin staring at our huddle instead of listening to his/her own coach. I do believe Robin has a chip on his/her shoulder. And I'm sure Robin knew there was a pro scout present during the game; all the kids knew it. That fact alone would have had a big impact on a kid like Robin who would never have the same educational options that Cameron would.

6. The teams for this championship game were very well matched. The lead in the game swung back and forth minute-to-minute. Earlier in the fourth quarter while going after a rebound, Robin was accidentally hit by Cameron in the nose, as a direct result of some intense play. Even though Cameron got whistled for a foul, it was a clean play.

After that, Robin's nose remained reddened for the remainder of the game. I could tell that s/he took the incident personally against Cameron, even though it was an accident. That lip was curled.

7. In the final seconds of the game, as we were attempting to make the go-ahead bucket, Northwest High put on a new variation of a full court press, a defense we hadn't seen before. Cameron was being guarded by Robin, but was able to break free and make him/herself wide open under the basket for a lay up. Robin must have been out maneuvered by a good five to ten feet. Our point guard saw that Cameron was open then made a pass to him/her. At that point, Robin, knowing that s/he had been beaten on the play and obviously in total desperation, decided to take Cameron out with a head-first lunge. From where I was standing on the sideline, just a few feet from where the incident took place, I am sure that there was nothing for Robin to slip on as s/he claims. And there was no water on the floor. Robin just wanted to stop Cameron from making a good play. Robin wouldn't, couldn't stand the thought of a loss due to his/her own defensive mistake. I believe based on the impact it was more than an intentional foul. It was a cheap shot, plain and simple, delivered with completely flagrant force. I'm no lawyer, but it was a classic mugging on the part of Robin Anthony. I haven't seen anything that bad on a basketball court except on opening day of Bidy Baller Camp. The way those new kids throw arms, elbows and body checks to get the ball, you think you were watching professional wrestling. If a pro scout is interested in another Bidy Baller type player with a big ego in his/her league, I guess s/he will still offer Robin a contract, but I believe something has to be done to address aggressive, cheap-shot fouls in the modern game of basketball.

8. Sports can be incredibly motivational. They can lead to bigger and better things, and do for most of the kids. But, every once in awhile, there is a student who believes that winning is everything. They tend to set aside the rules, bend them, and do whatever it takes to bring the team to a level that will enable them to win. That is not always a good thing. Or even an ethical approach. Most of the kids on these teams are there because they love the sport. The kids love the team, the exercise and the challenges. But, it is my firm belief that Robin Anthony is the exception. I honestly believe that Robin crossed a line that should never be crossed and, in doing so, jeopardized the safety of Cameron.

9. Now we are faced with how to manage this event in the media, in the school, in our community, and most importantly in Cameron's life. I have sent school counselors to meet with Cameron and her/his family, in case there are issues that need to be resolved. Cameron's health and well-being are my primary concern right now. As one of my students, I care deeply about Cameron and his/her future. I'm thankful that the District Attorney is taking this as seriously as possible. CHSAA is also looking into this matter.

Subscribed to and Sworn on this 10th day of April, 2005.

Pat Dentley
Witness Signature

**STATEMENT OF ROBIN ANTHONY (Defense Witness)
DEFENDANT/RESPONDENT**

1. My name is Robin Anthony. I am 18 years old and a senior at Northwest High School, where I play on, and am co-captain of the varsity basketball team. My rights have been explained to me by my attorney in the presence of my parents, and I want to give my rights up to tell what really happened. I am making this statement because I want to. I gave an earlier statement to the police about all of this, but I held back on it. It wasn't 100% complete. I said some things then because I was scared, but now I want to clear things up about what really happened; this statement is the complete truth.

2. Both Northwest, and our archrival, Southeast High School, made it to the state championship game. Cameron Camby (the person I accidentally injured) is the team captain for Southeast, as well as a power forward for Southeast. S/he and I have been friendly rivals since we first met at Hoops Basketball Camp about six years ago. We both really like basketball, and we're both very good at it. In many ways we are alike: we both come from humble means and view sports as a way to improve ourselves, and as a potential gateway to college, success, and wealth.

3. The night before the final game, Northwest High School held its traditional pep rally. When I arrived, I was surprised to see Leslie Najera, my teammate and co-captain, with Cameron Camby, who is Leslie's cousin. Now I admit, I couldn't contain my emotions when I saw them. I was really mad. Cameron and Leslie were looking at a piece of paper, and my instincts told me that it was our new full court press. Strong words were spoken, but no physical exchange took place.

4. Rumors are circulating that there was shoving and hitting, but there was none of that. We just had words with each other. As I turned to leave, I told Cameron that I was

disgusted at what s/he and Leslie were trying to do and that the best team, Northwest, would rise above and win, and that things would be settled on the basketball court. That was it. There was no threat – that’s just how I saw it. I didn’t mean anything else by it either, just that I was confident that our team’s skill would prevail over Southeast, even if Leslie shared our secret game plans. I certainly did not make any comment as a threat to do bodily harm to Cameron or anyone.

5. The minute the championship game started, the competition was fierce. Our teams were pretty evenly matched, and, as usual, I was guarding Cameron. In the fourth quarter, the score was tied. I got tangled up with Cameron on a rebound, and Cameron elbowed me squarely in the nose, obviously intending to hurt me, which s/he did. My nose was a mess. Cameron apologized afterward and denied that s/he was trying to hurt me, but it was pretty obvious to me that the elbow was intentional. The ref’s called a foul on Cameron and our coach called a time-out to permit the team doctor to check me out and stop my nosebleed. Although my coach encouraged me to leave the game and stay on the bench, I refused and insisted that I could still play. I felt like the team needed me. There was just too much at stake.

6. The game started again, and after a few points were scored by each side, our coach told us to set up the formation for our new, secret full court press that was specifically designed to put pressure on Cameron and keep him from getting the ball. This is the plan I thought Leslie Najera had shown to Cameron. I could hardly wait to see if I was right. Sure enough, with just a few seconds left, Cameron was trying to get open and did get open under the basket. I needed to intercept the pass intended for Cameron and I was in position to do it. Unfortunately, as I moved to do so, I slipped on

a wet spot on the court and slid into Cameron. The weight of my body falling forced Cameron into the ball rack and the bleachers. I tried to grab for Cameron to help break the fall, but I didn't manage to grab hard enough.

7. I know Cameron saw me coming because s/he looked me right in the eye a fraction of a second before I slid. At the moment of impact, neither Cameron nor I was in possession of the ball. All I heard was Cameron yell, the noise of the balls scattering on the court, and the buzzer, all at once. I knew we were close to the end of the game, but I didn't realize we were that close. The referees whistled me for a foul. One of Cameron's teammates took the foul shot and won the game for Southeast.

8. The team doctor looked at Cameron on the basketball floor and later I heard that he had a broken back. The ambulance came and Cameron was taken off the court on a backboard and to the hospital. Later I learned that Cameron would still be able to walk, and even run, but that the doctor said s/he probably wouldn't be able to play basketball again, since another injury to her/his back might leave her/him paralyzed forever.

9. I think it's really unfortunate that the game wasn't being videotaped. I think an actual tape of the play would show that I had tried to break Cameron's fall, not cause harm.

10. Now, the Colorado High School Athletic Association (CHSAA), the local police and prosecutors are looking into this matter. I was told that the prosecutors are charging me with aggravated battery. I can't believe this is happening to me. Although the incident took place during play, they are saying that I intentionally ran into Cameron, and that this was a deliberate act, a foul, committed for the sole purpose of causing injury to Cameron. They also say that the turn of events the night before - my seeing

Leslie and Cameron looking at that paper and blowing up, along with the elbow to my nose during the game, the prospect of losing the game, and maybe even the opportunity to secure a college scholarship or professional contract for myself made me act out of aggression and seek to hurt Cameron.

11. I swear, I never intended to cause Cameron any harm. I only wanted to intercept that pass. That's all that happened.

12. The school authorities have declined to take corrective action on their own, choosing rather to leave judgment to CHSAA. Kinda convenient that Cameron's coach is involved with CHSAA. I really feel that I'm getting a bum rap. I'm supposed to graduate in May. And I've heard rumors that before that game, I was being seriously considered as a first round draft pick for a pro team. I know there are also rumors that I had it in for Cameron, but those are just not true. That's not how I play the game at all. My motto has always been "let the best person win, let the best team win." I was and hope to still be on my way to a professional career. Why would I do anything as stupid such as intentionally hurt another team's player and screw that up? That just doesn't make sense. I've worked too hard to risk jeopardizing my chances for a future full of potential fame and fortune just to satisfy a vendetta.

Statement on this 15th day of April 2005

Robin Anthony
Witness Signature

**STATEMENT OF ED/EDIE ROONEY - NORTHWEST HIGH SCHOOL PRINCIPAL
(Defense Witness)**

1. My name is Ed/Edie Rooney. I have been the head principal at Northwest High School for the past ten years. During my tenure at Northwest, I have never witnessed a turn of events like what occurred on February 11.

2. The State championship basketball game began like any other game night. Two equally talented, equally matched, competitive teams were ready to engage in this big game. The fans, students and parents were excited. I heard no talk of cross-town rivalries or any hints that there could have been an undercurrent of anger. That's never been a problem in Northwest. Northwest High School and Southeast High School have a friendly rivalry and when the teams aren't playing each other, they support each other like schools from the same district should. In our district, we strive for a family-like atmosphere. Over the years, we've worked extremely hard to carefully cultivate that attitude.

3. Unfortunately, I missed most of the action as I spent the best part of the night walking around the gymnasium and the bleachers. I chat with parents, community leaders and school personnel at every game. It helps keep the fans under control. In the past, we did experience troublesome conduct from over-zealous parents and students that seemed to encourage bad behavior on the basketball court. As a result, I implemented a series of meetings with staff, parents, community leaders and students that explained our policy of zero tolerance for excessive violence in sports, and absolute zero tolerance for violence on school grounds.

4. Northwest High School and its teachers and staff have been trained to encourage and support good sportsmanlike behavior. We encourage our students to participate in a broad range of activities to give them broad experience. All of us strive toward one goal: to give each student the best possible opportunity to become a

responsible, well-rounded citizen. Sports are a tremendous outlet for pent-up energy, both for the players and for the spectators. However, that energy can get out of hand unless it is controlled. We have tried to teach that there is a difference between playing hard and overly aggressive or abusive play.

5. Because I was up in the stands during most of the game, I did not witness all the physical contact that caused Robin's bloody nose. But I strongly believe no harm was intended by that incident or that which occurred later. Bloody noses on the court or the field are fairly common in high school sports and what I consider to be one of the hazards of hard play. It did not surprise me that the referees didn't call a technical foul on Cameron when s/he bloodied Robin's nose during the fourth quarter. The referees obviously felt that the action was not due to over-zealousness or the result of a deliberate act. A foul was called and that warning was sufficient.

6. I think the referees and our coaches do a remarkable job of policing the players. They are a consistently professional group of people who find ways of dealing with some pretty stressful situations. Competitions can become emotional, people become too invested in the outcome, but with consistent adult supervision, things can stay calm and fun for the players and the fans alike.

7. I did witness the incident at the end of the game when Robin lost his/her balance during a last second attempt to intercept a pass intended for Cameron, and, in my opinion, accidentally knocked Cameron into the ball rack and ultimately, into the bleachers.

8. From where I was standing on the sideline, directly parallel to the action, I saw an odd reflection on the floor where Robin slipped and began to fall. It looked like Robin realized that Cameron would fall along with her/him and s/he appeared to reach forward

to help Cameron avoid crashing into the ball rack. I don't believe the act of trying to help Cameron can in any way be characterized as an intentional push.

9. I must say again that Northwest High School prides itself on its reputation for zero tolerance for any exhibition of unsportsman-like behavior. Our school policy mirrors that of the Colorado High School Athletic Association (CHSAA), which strongly discourages violence in school sponsored sporting events. The CHSAA Beliefs, which Northwest High has adopted fully, include the belief that sportsmanship is a core value and its promotion and practice is essential. We have also adopted our own Code of Conduct, which clearly states that players will not participate in or encourage unsportsman-like or disruptive conduct and behavior or excessive violence either on the playing field or off. The student-athletes sign it, their coaches sign it, the parents are given a copy, and it is posted throughout the school as a reminder.

10. I knew a well-known professional basketball scout was in the stands that night. I understand that Robin had received some interest from this scout and others prior to the game. I didn't notice any great change in Robin's demeanor or play, other than there was a certain increase in his/her concentration and focus. Robin hadn't been paying as much attention to the fans in the stands as s/he had previously, and had really been working hard in practice and on the courts. I firmly believe that Robin Anthony will achieve great things in life, especially as a professional basketball player. I would certainly hate to see this tragedy grow in scope and ruin Robin's chances at such a bright future.

11. Every player and every parent out there knows that there are risks involved in sports. In some sports, like basketball, a certain level of contact is expected. While players are encouraged to play fairly, they are also taught to be aggressive and competitive. If problems arise during a sanctioned high school game, it is entirely

appropriate for the school to take corrective action, rather than the police. I don't want our players looking over their shoulders wondering if something they do on the court could land them in jail. I have heard of plenty instances like this one in professional sports, and legal actions rarely arise. I find it unfair and inconsistent that high school kids playing in recreational or school games are being hauled into court for the same or more innocent incidents. Is the threshold for what is tolerated lower for kids than adults?

12. I have known Robin since s/he first entered middle school. I have never known her/him to be in trouble before; it's quite the opposite in fact. Robin has always been a good student, often helping tutor other students and helping those less fortunate. S/He was one of the first athletes to sign the Code of Conduct and worked hard to make sure that all the other athletes at Northwest High School understood and signed the document. I wish Northwest High School had more students with the work ethic and standard of behavior that Robin routinely displays. This was a tragic incident, but it was an accident resulting from two players in full motion, playing aggressively. I am absolutely certain that the act was entirely unintentional. I am also absolutely certain that no high school player on our team would purposely maim or cause permanent harm to another player. Absolutely certain.

Subscribed to and Sworn on this 10th day of April, 2005.

Ed/Edie Rooney
Witness Signature

STATEMENT OF ADRIAN BRANCH (Defense Witness)

1. My name is Adrian Branch. I am a scout for the Denver Nuggets. I have been working as a professional scout for over fifteen years. I also consult with college coaches to review game tapes and develop strategy. Over the span of my career, I've seen hundreds of high school basketball games. I was even asked to help referee high school games while I was in college. Even as a ref I took a few elbows to the nose. I've also played in hundreds of basketball games myself. I played high school basketball and I played college basketball at Duke for a year before I was injured. After I was injured I worked with the coach to develop game strategy and I also kept the team stats. Had I not been injured, I probably would have been a hot prospect for the W/NBA. But, I was injured and had to quit playing. On the bright side, my injury has certainly benefited the Nuggets. Because I cannot play, I had to hone other talents. And, now I am the best in the business at sniffing out good talent.

2. The level of competition in high school basketball sure has risen since I played. There is a fine line between hearty competition and unfair aggression. I may not be able to define when someone crosses that line, but I know it when I see it. I attended the game in which Cameron Camby was hurt.

3. Before this incident, Robin Anthony was a hot prospect, maybe even a hotter prospect than I was back in the day. S/He has the athleticism and talent to bypass the college system altogether and move straight from high school to professional status with the W/NBA. Had Anthony gone to college or junior college first, s/he would probably have entered the draft as an underclassman, and probably would have gone early in the W/NBA draft if s/he skipped college altogether. Unfortunately, once a player earns the

reputation for being difficult, and being un-sportsmanlike as in this case, h/she becomes less attractive to the pros. Cocky attitudes may be common among pro players, but if a player is tagged as not being a team player, then the teams consider whether or not having them around will be worth the hassle. This is all a real shame for such a fine athlete.

4. At the state championship game where the accident occurred, I was sitting in the scouting section, right behind the press table. The coach of one of the local universities, Bobby Day, and I were discussing how hard play, especially on the boards, was becoming routine with high school players. Especially in tournament play, all the players are rougher, in part because they know that coaches, scouts and agents are looking for and watching recruits. Like most of the games I attend, both teams' coaches introduced themselves to me before the game, telling me about their current team and upcoming prospects. They really try and sell their players to me. They know I have a lot of clout in this business.

5. Coaches know that many of these kids have their futures on the line during state championships. A good showing from a top prospect can cement his/her future. A player with borderline talent, if he/she can show something in a big game, can often better his/her chances of going to a good school or getting some financial assistance. Tournament games are often an opportunity for these coaches to showcase their best players to let the scouts see what we need to see.

6. At the time of the collision between Anthony and Camby, the score was tied, and Southeast, Camby's team, had the ball with just a few seconds left. If Camby couldn't get open, or if s/he couldn't get off a last second shot, the game would go into overtime.

It seemed to me that if the game went into overtime, Northwest would probably win because they had the momentum, in large part due to Anthony's defensive play during the fourth quarter. It almost seemed as though being hit in the face by Camby's elbow earlier in the fourth quarter stirred up Anthony, and s/he and the Northwest team began playing much more aggressively.

7. I was watching when Anthony ran into Camby, and I had a clear view of Anthony's face and hands. I've seen hundreds of collisions over my career. While this one was hard, I didn't believe it was unfair or malicious, and was most likely provoked when Anthony took that elbow in her/his nose earlier in the game. Given what was on the line in those last few seconds of the game, I was surprised that Camby did not get up right away and finish the game. I didn't learn until later that s/he was seriously injured.

8. There was certainly a foul. Games at this level are physical. Was it a hard foul? Yes. Was it criminal? Definitely not. It was a high school championship basketball game and the players were simply playing as aggressively and as professionally as they could.

9. There's always talk after an accident about how violent sports have gotten. People start saying that sports have a "dark side" and that there are big problems with how competitive the teams have become. People start complaining that winning is more important and that sportsmanship and camaraderie are falling to the wayside. I don't think that's true. Unlike me, the people that say those things probably never had the talent to compete at such a skilled level. I think students should have a creative outlet for their energy. Besides, we live in an incredibly competitive society. Why not teach the

students how to be competitive, and prepare them for what to expect when they enter the real world? Competition builds character. Even when players get hurt, it's an opportunity to build character. I'm not saying that I think it's good that a player was hurt, or that s/he will never be able to play the game again. I'm saying that sports and the competition probably prepared that student to face the possibility of failure and the real challenges of life.

10. I certainly didn't see anything in the play that I would consider to have been overly aggressive, threatening or intimidating. The coaches had those kids well in hand. This was an accident, plain and simple.

Subscribed to and Sworn on this 10th day of April, 2005.

Adrian Branch

Witness Signature

Denver Police Department Written Statement

Statement of:

Date: 2/11/05

Name: Robin Anthony

DOB: 1/31/87

I have been advised of my rights and I understand that I cannot be compelled to answer any questions or question which might incriminate me. I further understand that anything I may say or write can be used against me in the event I should be brought to trial. No threats, promises or duress have been made to me and with full knowledge of my rights concerning self-incrimination, I hereby voluntarily make the statements which appear below.

In witness of my knowledge and understanding of the foregoing, I place my signature.

Robin Anthony
Signature

My name is Robin Anthony. I am 18 years old. I am a student at Northwest High School in Denver County. I am making this statement of my own free will. My rights have been explained to me in the presence of my parents. I want to give up those rights and tell what really happened during the Northwest versus Southeast state championship basketball game earlier tonight.

I am co-captain and point guard for the Northwest Lions. We were playing in the final game of the state championship. Just before the buzzer sounded, I was guarding Cameron Camby who is team captain of the Southeast Bruins. My coach had just directed us to set up formation for a new full court press specifically designed to keep the ball away from the Bruins' star player, Cameron Camby. Just as the Bruins were setting up a play designed to free up Cameron for the potentially game winning basket, I saw a golden opportunity to intercept a pass intended for Cameron, so I seized it. Unfortunately, I must have tripped or something and I fell into Cameron. The force of my fall set up a chain reaction like a domino effect. The weight of my body forced Cameron into the ball rack and bleachers behind.

I never intended to cause Cameron any harm. I only wanted to intercept that pass and that is what happened. I know there are rumors that I had it in for Cameron as a result of her/him getting my teammate Leslie to reveal our game plan to her/him the night before the game. Nothing could be further from the truth. My motto is and has always been to let the best man/woman win. I'm the best and when I make it to the pros I will have thousands of admirers falling at my feet, so what do I care about stupid high school rumors.

I have read my statement and signed it above.

This statement consisting of 1 pages, of which this is page 1 has been read by me and it is the witness' statement as described to me. I have signed and initialed all corrections which have been made to this statement.

WITNESSED to before me this 11th day of February, 2005, at 23:20 hours.

Signed: Pat Brown
(Officer)

EXHIBIT 2

ADVANCED ORTHOPAEDICS
James Mathewson, M.D.
555 N. Center Plaza Drive
Denver CO 80203
303-555-1234

March 9, 2005

Dear Cameron,

Please be advised that your injury, sustained at last month's basketball game, should be taken seriously. I am **not**, and will **not**, release you to return to the basketball court and strongly advise against any additional trauma to your lower lumbar (back) region. At this time, I am quite certain that with continued physical therapy, you will be able to walk with little or no discomfort or danger to your physical well-being. However, should another similar trauma be sustained, due to sports, traffic accident, or other stress to the injured area, you may sustain permanent, debilitating injury that could cause you to lose the function and feeling in both legs and your lower torso.

As your physician, I strongly encourage you to remember this and take great care in protecting the injured region.

By copy of this letter, I am advising your parents, school principal and team coach that you will be unable to play basketball in the future.

Should you feel compelled to participate in any sport in the future, I would recommend swimming as a wonderful way to gain muscle strength in the injured area without straining the area. However, having said that, I would recommend that you not dive from any great height.

Should you have any questions or concerns, please feel free to contact me at any time.

Sincerely,

JAMES MATHEWSON, M.D.

cc: Mr. & Mrs. Camby
Dick Vernon, Principal, Southeast High School
Pat Dentley, Southeast Team Coach

EXHIBIT 3

Newspaper Article
Section C1

The Rocky Mountain Digest Sports
Tuesday, February 15, 2005 Page 1

NORTHWEST HIGH SCHOOL STAR CHARGED

By Chris Logan

Northwest High School's star basketball player, Robin Anthony, was charged with battery and reckless endangerment for her/his role in the incident last Friday night that injured Southeast High School basketball star, Cameron Camby.

The coach from Southeast High School, Pat Dentley, and one of Anthony's teammates, Leslie Najera, provided statements alleging that Anthony's conduct was "intentional violence" inflicted on Camby because of a prior argument between the two players.

Najera, a senior at Northwest, recounts a heated exchange between Anthony and Camby outside Northwest's pep rally Thursday night, in which Anthony allegedly threatened Camby. "Robin said 'the score would be settled between them at Friday night's game,'" recalls Najera. Visibly shaken, Najera contends, "Robin crossed the line and went too far. Way too far. Cam (Camby) will never play basketball again."

Najera isn't the only person to be visibly shaken by Friday night's incident. The assault on Camby was viewed with concern from the stands. Anthony appeared angry with the Southeast star at times during the game. After the tragic contact, it was impossible for Camby to regain balance.

As Camby lay motionless on the court, teammates and coaches rushed to her/his aid. Anthony seemed unfazed by the screams of onlookers and didn't move until Northwest's principal, Edie Rooney, escorted Anthony to the locker room.

Paramedics and police arrived minutes later. Camby was rushed to Denver Health Medical Center, where s/he is in stable condition with a spinal cord injury. Hospital staff declined to offer a prognosis for full recovery at this time. Anthony was taken to Denver police headquarters shortly after the incident, accompanied by her/his parents. Anthony will appear in Denver County court on March 1st to answer the charges.

Exhibit 4
Basketball Court Diagram

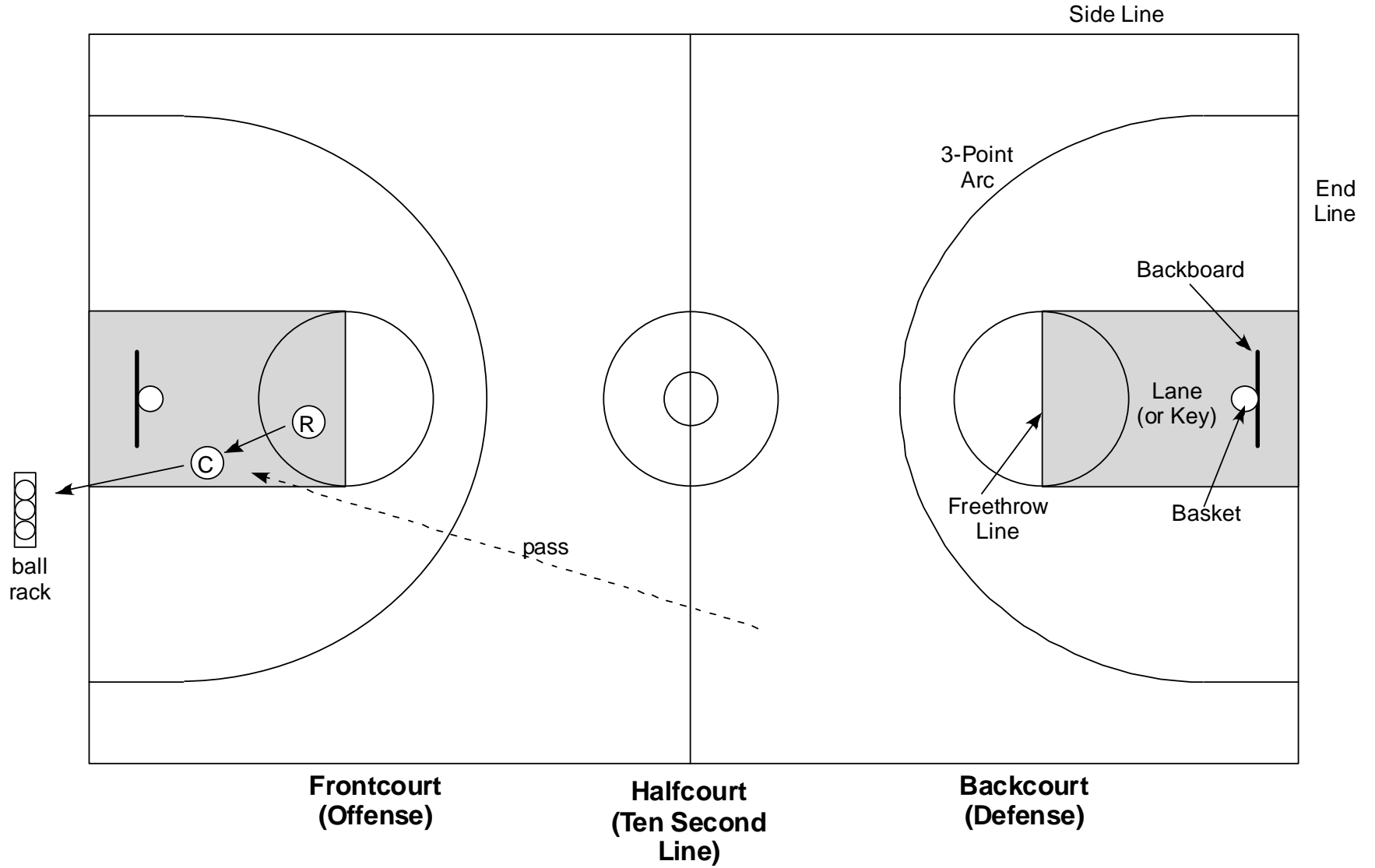


EXHIBIT 5

Excerpts of the Constitution of the Colorado High School Athletic Association

ARTICLE 1 ORGANIZATION NAME

The name of this organization shall be THE COLORADO HIGH SCHOOL ATHLETIC ASSOCIATION (CHSAA).

ARTICLE 2 MISSION STATEMENT

A. In pursuit of educational excellence, the Colorado High School Athletic Association strives to create a positive and equitable environment in which all qualified student participants are challenged and inspired to meet their highest potential.

B. To fulfill this mission, the Colorado High School Athletic Association will:

1. Act as an integral component of the educational process.
2. Administrate, interpret, and seek compliance with the CHSAA By-laws as needed to promote fair play within Colorado activities and athletics.
3. Provide diverse and equitable opportunities for participation that encourages all qualified students to take part in the activity/athletic experience.
4. Provide an environment that enhances personal development through sporting behavior, character, education, teamwork, leadership, and citizenship while increasing values that partner the educational standards of the State of Colorado.
5. Recognize the outstanding accomplishments of Colorado athletes, teams, coaches, and administrators through our academic and activity awards programs.

C. Involvement in interscholastic activities is a privilege. All member schools and their school communities are expected to, and by there mere participation promise to, adhere to the CHSAA standards for the enhancement of interscholastic activities in Colorado and shall adhere to the following beliefs:

1. Equal opportunity and access to all its participants.
2. Interscholastic athletics and activities are an integral component of secondary education.
3. Respect, appreciation, and acceptance of diversity in all participant engagements.
4. Each individual's involvement and acceptance of personal responsibility is critical to achieving outcomes.
5. Sportsmanship is a core value and its promotion and practice are essential.
6. Each member school is equal and equally important to the association's existence.
7. Equality and fairness must be safeguarded at all cost.
8. All persons involved in interscholastic activities need to be positive role models.
9. Each individual is important and that striving to reach one's full potential is the measure of success.
10. Effective communication promotes knowledge, understanding, and collaboration.
11. Pursuit of excellence.
12. CHSAA, to remain effective, must be a self-governing organization where each member school must take responsibility for the enforcement of all rules and regulations.
13. Integrity and honesty are non-negotiable.

EXHIBIT 5

ARTICLE 3 EQUITY CODE

A. The Colorado High School Athletic Association is committed to ensuring that all students have equal access and opportunities to participate in activities and athletics under the Title IX Education Amendment.

B. Member schools shall not participate in or condone unfair discrimination practices in regards to age, gender, race, ethnicity, religion, sexual orientation or disability.

ARTICLE 22

...

2. CONDUCT, SPORTSMANSHIP AND RESPONSIBILITIES OF PARTICIPANTS

2200.2.040 HOST SCHOOL

The host school has the responsibility to ensure that an event is governed in a manner which emphasizes the educational values inherent in interscholastic activities. It is the host school's responsibility to remove any individual(s) creating a disturbance which disrupt(s) the educational goals of the event. Further, individuals, who by their actions, have become a constant disruption to the orderly governance of a high school activity shall be barred indefinitely by the school's principal, or his/her designee, from attending all high school activities at member school(s) and all district, regional and state playoff events. The CHSAA, league and offender must receive written notification of such action.

2200.2.041 FAIR PLAY

Fair play, courtesy, generosity, self control, and friendly feelings for the opposing team or school shall not be sacrificed in the desire to win. Basic to this is the duty of the host school at any athletic contest to take every possible measure to assure courteous, friendly, and fair treatment to visiting players, school officials, fans, and game officials.

2200.2.042 SPORTSMANSHIP OF SCHOOL REPRESENTATIVES

Students, school staff, boards of education, spectators and all other persons connected directly or indirectly with a member school shall practice and promote the highest principles of sportsmanship and the ethics of competition in all interscholastic relationships. The Executive Director shall have authority to investigate allegations and incidents of unsportsmanlike conduct or conduct which adversely affects the ethics of competition in connection with interscholastic contests. The Executive Director shall also have full authority to invoke penalties, in the context of the provisions of Division 6.000 of these Bylaws, against a member school and/or individuals whose conduct in connection with an interscholastic contest violates these principles or ethics.

2200.2.043 CROWD CONTROL

Member schools shall maintain proper crowd control and enforce the principles of good sportsmanship and ethics for all interscholastic activities. The Executive Director shall have authority to investigate reported incidents of unsportsmanlike conduct or conduct which adversely affects the ethics of competition in connection with interscholastic contests and shall have full authority to invoke penalties, in the context of these Bylaws, against a member school which fails to fulfill its obligations as provided in this section.

EXHIBIT 5

3. VIOLATIONS OF BYLAWS

2200.3.150 Misbehavior During Contests

Students participating in interscholastic athletic contests in violation of the Bylaws, or other persons found to be in gross violation of the ethics of competition or the principles of good sportsmanship may be barred by the Board of Directors from interscholastic contests.

...

6. PENALTIES FOR VIOLATIONS OF BYLAWS

2200.6.010 Penalty for Violating Rules

Any violation of the Constitution and/or Bylaws, Terms and Conditions, CHSAA Policies and Guidelines, and/or other rules of the Association shall be reported to the Executive Director, who shall have authority to investigate all alleged violations. The findings of the investigation shall be made known to the school (or schools), person (or persons), alleged to have committed a violation. The Executive Director shall then have full authority to invoke penalties against such school or persons found to have committed violations. Penalties shall include, but not be limited to, written warning or reprimand, requisite affirmative corrective action, up to and including suspension and/or expulsion. Failure to take the corrective action required by any penalty shall be the basis for further action, up to and including suspension and/or expulsion.

2200.6.011 Players Ejected for Unsportsmanlike Conduct

Any player ejected from a contest for unsportsmanlike conduct shall be ineligible for the next interscholastic contest at that level of competition, and all other interscholastic contests or athletic competitions at any level in the interim, in addition to other penalties the CHSAA or the school may assess.

2200.6.012 The number of matches, meets or contests for which the participant has been suspended from competition will decrease the stated maximum allowable matches, meets or contests in each sport for the suspended participant.

2200.6.013 A school may not schedule a contest after an ejection in order to circumvent the penalty.

2200.6.014 If such ejection occurs in the final match or contest of the season, then that player shall be suspended from competition for the first match or contest of the next season of sport that player elects to play. In satisfying the penalty, the player must sit out a game in a sport in which he/she completes the season.

2200.6.015 Any player ejected from a second match or contest during the same season shall be suspended from competition for the next two matches or contests of the same level.

2200.6.016 Any player ejected from a third match or contest during the same season shall be subject to a penalty to be determined by the Commissioner.

2200.6.019 Any player leaving the bench area when a fight occurs during a match or contest will be ejected for the remainder of the match or contest. By-law 2200.6.010 will also be in effect.

EXHIBIT 5

2200.6.020 Taunting is considered any action(s) or comments by coaches, players or spectators that are intended to bait, anger, embarrass, ridicule or demean others, whether or not the deeds or words are vulgar or racist. Game officials shall, in all sports, follow the rules set forth by the National Federation for each sport. Penalties under these rules may include ejection or other penalties for flagrant unsportsmanlike offenses. Taunting in all sports and/or activities is an unsportsmanlike offense which may result in a game ejection with penalties as outlined in the student ejection policy (Rules 2200.6.010 and 2200.6.011).

Note: This rule also relates to the sportsmanship and ejection policies as they relate to Rule 2200.6.010 and Rule 2200.2.040.

CHSAA - Code of Conduct

It is recommended by the CHSAA Board of Directors that, in the context of CHSAA Bylaw 2200.2.040 *et. al.*, every member school establish and maintain a local Code of Conduct, dealing with the problem of the use of tobacco products, alcohol and other illegal, mood-altering and/or performance enhancing drugs or chemicals by students who participate in school athletic and activity programs.

The CHSAA also endorses the statement regarding steroid use, contained in all National Federation of State High School Association sports playing rules publications. This statement points out, in part, that "while steroid use is not rivaling the use of alcohol and other drugs in schools, it is a concern. The use of steroids in sports is cheating. We stand opposed to the use of steroids by athletes and all members of the student body because of health and ethical concerns."

EXHIBIT 5

NORTHWEST HIGH SCHOOL CODE OF CONDUCT

I. ATHLETIC COMPETITION PARTICIPANTS

Northwest High School, Denver County, Colorado

- I will treat my teammates, coaches and referees with respect.
- I will treat opponents with respect: shake hands prior to and after contests.
- I will respect the judgment of contest officials, abide by rules of the contest and display no behavior that could incite fans.
- I will cooperate with officials, coaches or directors and fellow participants to conduct a fair contest.
- I will accept seriously the responsibility and privilege of representing school and community; and display positive public action at all times.
- I will live up to the high standard of sportsmanship and citizenship established by my coaches.
- I will take no illegal or performance enhancing drugs...
- I will not drink alcoholic beverages...
- I will not smoke...
- I will not participate in or encourage unsportsmanlike or disruptive conduct or excessive violence either on the playing field or off.

Signature of Student Robin Anthony Dated: 8-10-04

Signature of Coach or Teacher Sponsor Dan Issel

Dated: 8-10-04

JURY INSTRUCTIONS SPECIFIC TO THE CHARGES

INSTRUCTION NO. ____

The defendant is charged with violating the following section of the State statute:

294-37: BATTERY

Battery is the knowing or reckless use of force or violence upon the person of another. It shall be unlawful to commit battery.

The elements of the offense are:

1. that the defendant,
2. in the County of Denver, State of Colorado,
3. at or about the date and place charged,
4. knowingly or recklessly,
5. used force or violence,
6. upon the person of another.

To the above charge, the defendant has entered a plea of not guilty.

INSTRUCTION NO. ____

The defendant is charged with violating the following section of the State statute:

294-38: RECKLESS ENDANGERMENT

It shall be unlawful to recklessly engage in conduct which creates a substantial risk of serious bodily injury to another person.

The elements of the offense are:

1. that the defendant,
2. in the County of Denver, State of Colorado,
3. at or about the date and place charged,
4. recklessly,
5. engaged in conduct,
6. which created a substantial risk of serious bodily injury,
7. to another person.

To the above charge, the defendant has entered a plea of not guilty.

INSTRUCTION NO. _____

A crime is committed when the defendant has committed a voluntary act prohibited by law accompanied by a culpable mental state. Voluntary act means an act performed consciously as a result of effort or determination.

Culpable mental state means “knowingly or recklessly” as explained in this instruction. Proof of the commission of the act alone is not sufficient that the defendant had the required culpable mental state. The culpable mental state is as much an element of the crime as the act itself, and must be proven beyond a reasonable doubt, either by direct or circumstantial evidence.

A person acts “knowingly” with respect to conduct or to a circumstance described by a statute defining an offense when he is aware that his conduct is of such nature or that such circumstance exists.

A person acts “knowingly: with respect to a result of his conduct when he is aware that his conduct is practically certain to cause the result.

A person acts “recklessly” when he consciously disregards a substantial and unjustified risk that a result will occur or that a circumstance exists.

APPLICABLE STATUTES

294-37 Battery

Battery is the knowing or reckless use of force or violence upon the person of another. It shall be unlawful to commit battery.

294-38 Reckless Endangerment

It shall be unlawful to recklessly engage in conduct which creates a substantial risk of serious bodily injury to another person.

294-01 Definitions

The following definitions are applicable to the determination of culpability requirements for offenses defined in this Code:

- (6) “Knowingly”. A person acts “knowingly” with respect to conduct or to a circumstance described by a statute defining an offense when he is aware that his conduct is of such nature or that such circumstance exists. A person acts “knowingly” with respect to a result of his conduct when he is aware that his conduct is practically certain to cause the result.
- (8) “Recklessly”. A person acts “recklessly” when he consciously disregards a substantial and unjustified risk that a result will occur or that a circumstance exists.