

2024 Florida Middle School Mock Trial Competition



Justice
Teaching
Center

FLORIDA SOUTHERN COLLEGE



Jesse McGee

v.

Kasey Moore

A special thanks to the South Carolina Bar, Dallas Bar Association, and the Bar Association of Metropolitan St. Louis for use of the original case and fact pattern. Solana Millik served as editor of the case materials.

Questions? Email: apitts@flsouthern.edu



Florida Middle School Mock Trial Competition 2023-2024

Dear Educators,

Thank you for your interest in the Middle School Mock Trial Competition sponsored by the Justice Teaching Center for Civic Learning. This mock trial program is tailored to meet the needs of middle school students and to take place within two or more class periods with the final product being a sixty-two-minute recorded trial simulation. When you are ready to videotape your trial, you may conduct the trial in your classroom or you may consider taping the simulation in a real courtroom. Projects must be submitted by midnight on February 15, 2024. You will have several months to prepare using the case materials.

The program objectives are as follows:

- Increase student understanding of and interest in the legal system, institutions, and processes;
- Generate interest in law-related careers; and
- Improve civic literacy skills including critical thinking, public speaking, and legal reasoning

Should any questions about terminology, the case materials, rules of competition, rules of evidence, or anything else arise, please contact us at apitts@flsouthern.edu. The main goal for this competition is first and foremost to educate and allow students to explore the trial process. This program will assist you in meeting the following benchmarks based upon Florida State Standards:

SS.7.CG.2.5 Describe the trial process and the role of juries in the administration of justice at the state and federal levels.

SS.7.CG.3.9 Explain the structure, functions and processes of the judicial branch of government.

Examples and more information can be found on our website (with the link found below). Please review the rules carefully and watch the video clips on our website under Middle School Mock Trial Competition.

<https://www.flsouthern.edu/academic-life/academic-centers/justice-teaching/other-programs/middle-school-mock-trial-competition>

The Hypothetical Case, Law, and Instructions

This year's case is a recycled hypothetical civil case involving a car accident and the death of a bull that had escaped from a farm. Additional resources are available and aligned with state standards in civics and government to supplement your instruction if needed.

Trial Overview

- I. The presiding judge will ask each side if they are ready for trial
- II. Opening Statements – Plaintiff/Prosecution goes first followed by Defense. No objections allowed.
- III. Cases presented (All witnesses must be called per side.)
- IV. Closing Arguments – No objections are allowed. Plaintiff/prosecution may reserve time for a rebuttal.

Video submissions may be no longer than 62 minutes. See Rule IX: Time Limits in the Middle School Rules of Competition for further information. Voir dire is not part of the recorded trial.

Competition Schedule

- Early September of 2023: Case released to schools (estimated release)
- February 15, 2024: Video submissions are due by midnight
- March 1 – April 1: Judging Panels
- April 15: Information released about final rounds (estimated)
- April 19-30: Final round via Zoom or in-person

Instructions

Read the Middle School Mock Trial Rules of Competition and case materials. Watch the videos at the bottom of the Middle School Mock Trial webpage. As part of your civics or law instruction, differentiate between civil and criminal trials; trial and appellate courts; court procedures; and the role of the jury in the administration of justice. Contact apitts@flsouthern.edu to request information on partnerships with the legal and judicial communities. A new lesson is available on the jury system.

1. Assign students roles and work to prepare opening and closing arguments, develop questions for direct and cross examination, and practice the simulation. This project may include roles for attorneys, witnesses, jury members, bailiff, etc. You may ask a local attorney or judge to preside over your mock trial.
2. After practicing the simulation, videotape the trial and submit the link through the online form available on the Middle School Mock Trial page of the Justice Teaching Center website. This video will serve as your entry into the Florida Middle School Mock Trial competition and will be assessed based on the attached rubric and score sheet. Videos are limited to a maximum of 62 minutes per Rule IX of the Middle

School Rules of Competition. Teams will be limited to 2 minutes for student introductions and 60 minutes for trial presentation.

- a. YouTube videos automatically upload as public videos. Be sure to unlist your video so that it is not accessible to the public. To learn how to make your video private or unlisted, view the following tutorial:
<https://support.google.com/youtube/answer/157177?hl=en>
 - b. Instructions for sharing a private video are also provided at the link above. You will also need to upload your photo and video release forms, which are included below. Please contact apitts@flsouthern.edu for any questions
3. The online registration link is available on the Middle School Mock Trial page of our website at <https://www.flsouthern.edu/academic-life/academic-centers/justice-teaching/other-programs/middle-school-mock-trial-competition/registration-form>.
The form to submit your video is available at the link below.
[Virtual Middle School Mock Trial Registration - Florida Southern College in Lakeland, FL \(flsouthern.edu\)](#)
 4. You will need to complete the form online, including the YouTube link, by midnight on February 15, 2024.
 5. Winners and feedback will be announced later in the school year.
 6. More information regarding a Finals Competition Round for the top-ranking teams will be announced soon after.

Parental Consent Form for Student Videos/Photographs

Student's Name (PLEASE PRINT): _____

School Name (PLEASE PRINT): _____

Parent/Guardian's Name (PLEASE PRINT): _____

Your child has chosen or been chosen to participate in the Florida Middle School Mock Trial Virtual Competition. This competition requires that students be filmed in their classroom competing against one another and their faculty sponsor must upload the video to Youtube.com. Additionally, students will be featured in appropriate newsletter publications, websites, and social media platforms.

Please take a moment to let us know your preferences regarding our use of videos and/or photographs taken of your children while participating in this competition:

YES. I grant permission to the Justice Teaching Center to use and publish photos and videos of my child on Youtube.com, websites, and other social media platforms for competition and program-related purposes only. I understand that YouTube's privacy settings vary and the general public may be able to access the video of my child competing.

-OR-

NO. Please do NOT take or use any videos or photographs of my child. I understand that if I have checked this box my child cannot participate in the Florida Middle School Mock Trial Virtual Competition.

(Parent/Guardian's Signature)

(Date)

Rules of Competition Synopsis

This program is a competition where students from the same school will present both sides of the case in one trial (i.e. prosecution/plaintiff and defense are from the same school). After practicing the simulation, teams will record their trial and submit it by midnight on February 15th, 2024 for evaluation. There may be a final round between the top two teams depending on team availability and travel restrictions.

This competition is open to all students in grades 6-8 in Florida schools. All team members must be enrolled at the same school. Students will portray both sides of a singular case. Witness roles, with some rare exceptions, do not have a specified gender. Students of any gender may play any role. At the beginning of filming, teachers should introduce themselves. (Please do NOT announce the name of your school, as all video submissions will be coded by teacher name.) After the teachers have introduced themselves, the students should also introduce themselves by their name and what role they will be portraying. Students in an attorney-roles should state what tasks they will be performing.

Stipulations listed in the case packet may not be disputed at trial. Witness statements in the case packet may not be altered. All witnesses listed must be called.

This trial uses the Florida Mock Trial Simplified Rules of Evidence to rule on evidentiary matters in the case. These rules detail how to handle evidence, testimony, and exhibits. Teachers may also wish to review the full high school mock trial videos on the Justice Teaching website. This will provide a full trial that students may review in advance of their recording.

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Witnesses List

The following witnesses are available and all witnesses **must** be called by the parties.

For the Plaintiff:

Jesse McGee

Mel Hinnant

Hunter Brown

For the Defense:

Kasey Moore

Sung Ye

Wesley Walle

Exhibits List

The parties have stipulated to the authenticity of the trial exhibits listed below. The trial exhibits may be introduced by either the Plaintiff or the Defense, subject to the Rules of Evidence and the Stipulations contained in the materials. The exhibits are pre-marked and are to be referred to by number as follows:

<u>Exhibit No.</u>	<u>Exhibit Descriptions:</u>
1	Photo of Pete the Bull
2	Bill of Sale for Pete the Bull
3	Ledger of Earnings from Pete the Bull
4	Photo of Damaged Vehicle #2
5	Investigation Report
6	Map of Accident Scene
7	Estimate for Repair Bill and Towing
8	Bill for Sunglasses

Complaint, Answer, and Stipulations

IN THE 21ST JUDICIAL CIRCUIT IN AND FOR BRYAN COUNTY, FLORIDA

**JESSE MCGEE,
PLAINTIFF,**

V.

**KASEY MOORE,
DEFENDANT.**

**Case No. CV – 10 – 2022
Judge Stephen Renick**

**COMPLAINT
(NEGLIGENCE)
JURY TRIAL DEMANDED**

Comes now, the Plaintiff, who would respectfully allege and show unto this Honorable Court that:

1. The Plaintiff is a citizen and resident of Bryan, Bryan County, Florida.
2. Upon information and belief, the Defendant is a citizen and resident of Bryan, Bryan County, Florida.
3. The facts and circumstances giving rise to this action occurred on State Road 377 (SR-377) between the intersections with Reynolds Road and County Road 42 (CR-42), in Bryan, Bryan County, Florida.
4. On March 23, 2022, at approximately 8:30 a.m., Mel Hinnant was operating a Chevrolet Tahoe in the eastbound lane of SR-377 in Bryan, Bryan County, Florida, approaching its intersection with CR-42, adjacent to the Plaintiff's property, known as Spring Garden Farms. Hinnant observed a bull, owned by the Plaintiff, who had inadvertently escaped from Spring Garden Farms and wandered into the roadway in Hinnant's path. Hinnant appropriately slowed and stopped the vehicle to avoid colliding with the Plaintiff's bull, when suddenly and without warning Hinnant's vehicle was struck violently from behind by a minivan being operated by the Defendant, forcing Hinnant to lose control of the vehicle, resulting in a collision with the Plaintiff's bull. The resulting injuries to the Plaintiff's bull were so severe the bull had to be euthanized.
5. As a result of the collision, the Plaintiff suffered damages, in particular:

- a. Loss of the bull, valued at \$50,000; and,
 - b. Loss of future earnings from the bull of \$10,000 per year for a period of five years.
6. The Defendant's conduct was negligent, careless, reckless, grossly negligent, willful and wanton in one or more of the following particulars:
- a. Failure to obey the posted speed limit;
 - b. Failure to slow the vehicle upon cresting a hill;
 - c. Following Hinnant's vehicle too closely;
 - d. Failing to keep a proper lookout for vehicles and other obstructions in the roadway;
 - e. Failing to exercise that degree of reasonable and ordinary skill and care necessary to avoid injury and damages to others.
7. The Defendant's conduct was the direct and proximate cause of the damages suffered by the Plaintiff for which the Plaintiff is entitled to relief in the form of judgment against the Defendant.

WHEREFORE, the Plaintiff requests judgment against the Defendant for:

- a. Actual damages;
- b. The costs of bringing this action; and,
- c. Such other and further relief as the court deems appropriate.

Coconut, Florida
September 18, 2022

Boggs Law Firm, LLC

Christopher J. Boggs

Christopher J. Boggs
Attorney for the Plaintiff
Post Office Box 112233
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IN THE 21ST JUDICIAL CIRCUIT IN AND FOR BRYAN COUNTY, FLORIDA

**JESSE MCGEE,
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**ANSWER
AND
COUNTERCLAIM**

The Defendant in this matter, answering the Plaintiff's Complaint, alleges as follows:

1. Each and every allegation in the Plaintiff's Complaint, unless specifically admitted herein, is denied.
2. Admits Paragraph 1.
3. Admits Paragraph 2.
4. Admits Paragraph 3.
5. Admits only so much of Paragraph 4 that alleges that a bull owned by the Plaintiff was loose from the Plaintiff's property and was in the eastbound lane of State Road 377 (SR-377) at approximately 8:30 a.m. The Defendant denies all other allegations and demands strict proof thereof.
6. Denies the allegations of Paragraph 5.
7. Denies the allegations of Paragraph 6.
8. Denies the allegations of Paragraph 7.

**FOR A FIRST ALTERNATIVE DEFENSE
(COMPARATIVE NEGLIGENCE)**

9. The Defendant incorporates by reference paragraphs 1 through 8 in this defense as if fully repeated herein.
10. The damages sustained by the Plaintiff, if any, were due solely to the Plaintiff's own negligence, recklessness, wantonness and willfulness in one or more of the following particulars:

- a. Failing to secure livestock, including the bull in question, with proper fencing or other means readily available to the Plaintiff;
 - b. Failing to respond to notice of a down fence with appropriate repairs or other means readily available to the Plaintiff;
 - c. Failing to exercise that degree of reasonable and ordinary skill and care necessary for the protection of the Plaintiff's livestock and the protection of people traveling in the roadway.
 - d. Plaintiff's conduct was the direct and proximate cause of the damages suffered by the Plaintiff, if any, for which the Plaintiff is solely responsible.
11. If it is determined that this Defendant was negligent in contributing to the Plaintiff's damages, if any, the negligence of the Plaintiff as described in Paragraph 10, above, exceeded the negligence of the Defendant and such negligence is a complete bar to the Plaintiff's recovery in this action.
12. In the alternative, if it is determined that the negligence of the Plaintiff as described in Paragraph 10, above, is not greater than the negligence of the Defendant, then the verdict, if any, should be reduced by an amount proportionate to the percentage of the Plaintiff's negligence.

COUNTERCLAIM

13. The Defendant incorporates by reference paragraphs 1 through 12 in this defense as if fully repeated herein.
14. The Plaintiff had a duty to keep their livestock secure and their fencing around Spring Garden Farms in proper working order.
15. The Plaintiff had notice and/or knew that the fencing around Spring Garden Farms had breaks in it.
16. Due to the Plaintiff's utter lack of maintenance, this failure directly led to a bull owned by the Plaintiff to wander aimlessly and dangerously on State Road 377 (SR-377) on March 23, 2022.
17. The Plaintiff's bull then caused an accident in the eastbound lane of State Road 377 (SR-377) just after a small rise in the road.
18. As a direct result of the negligence, recklessness, wantonness and willfulness of the Plaintiff, the Defendant incurred the following and is entitled to recover \$18,234.16 in the following damages:

- | | |
|--|-------------|
| a. Defendant's vehicle; | \$15,506.92 |
| b. Costs of towing the Defendant's vehicle; | \$310.00 |
| c. Total loss of the Defendant's sunglasses; and | \$240.00 |
| d. Rental car fee for 12 days. | \$2,177.24 |

WHEREFORE, the Defendant requests judgment from this Court as follows:

- a. A judgment in favor of the Defendant and against the Plaintiff;
- b. An award of damages from the Plaintiff; and
- c. Such other and further relief as the Court deems appropriate.

Little and Associates, PA

Sara R. Little

Sara Renee Little

Attorney for the Defendant

Post Office Box 112233

Coconut, Florida 29200

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Coconut, Florida
September 18, 2022

IN THE 21ST JUDICIAL CIRCUIT IN AND FOR BRYAN COUNTY, FLORIDA

**JESSE MCGEE,
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DEFENDANT.**

**Case No. CV – 10 – 2022
Judge Stephen Renick**

**PLAINTIFF'S REPLY TO
DEFENDANT'S COUNTERCLAIM**

Comes now, the Plaintiff, who would respectfully allege and show unto this Honorable Court that:

1. Each and every allegation in the Defendant's Counterclaim is denied, unless specifically admitted in this Reply.
2. Paragraphs 1 through 13 are the Defendant's Answers and Affirmative defense to this complaint and require no response. However, to the extent a response is required, these allegations are denied.
3. In response to Paragraph 14, the Plaintiff states that it keeps its fence in working order and specifically denies these allegations.
4. The allegations of Paragraphs 15, 16, 17 and 18 are denied and the Plaintiff demands strict proof thereof.
5. The damages to the Defendant, if any, were the direct result of the Defendant's own negligent, careless, reckless, grossly negligent, willful and wanton conduct, including:
 - a. Failing to obey the posted speed limit;
 - b. Failing to slow the vehicle upon cresting a hill;
 - c. Following Hinnant's vehicle too closely;
 - d. Failing to keep a proper lookout for vehicles and other obstructions in the roadway; and

- e. Failing to exercise that degree of reasonable and ordinary skill and care necessary to avoid injury and damages to the Defendant and the Defendant's own property.

WHEREFORE, the Plaintiff prays for:

- a. A judgment in favor of the Plaintiff with regard to the Defendant's counterclaim;
- b. The costs of defending against the Defendant's counterclaim; and
- c. Such other and further relief as the Court deems appropriate.

Boggs Law Firm, LLC

Christopher J. Boggs

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Coconut, Florida
September 18, 2022

IN THE 21ST JUDICIAL CIRCUIT IN AND FOR BRYAN COUNTY, FLORIDA

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Stipulations and Pretrial Orders

Stipulations shall be considered part of the record. Prosecution/Plaintiff and Defense stipulate to the following:

1. Florida Middle School Mock Trial Rules of Evidence and Procedure apply.
2. All of the exhibits referred to are authentic and accurate copies of the documents. No objections as to the authenticity of the exhibits may be made. Exhibits may still be objectionable under the Florida Middle School Mock Trial Rules of Evidence and Procedure and will require a proper foundation for admission. A foundation must be made for the submission for each piece of evidence, and the documents are not automatically admissible.
3. All witness statements were given under oath.
4. All charging documents were signed by the proper parties.
5. Jurisdiction and venue are proper.
6. The chain of custody for evidence is not in dispute.
7. The absence of photographs and video footage may not be questioned.
8. No video evidence is available or can be used in this mock trial case.
9. All physical evidence and witnesses not provided for in the case are unavailable and their availability may not be questioned.
10. Witnesses are assumed to be constructively sequestered during trial with the exception of party opponents and expert witnesses.
11. The qualifications of expert witnesses as identified in the case materials cannot be challenged.
12. Both parties agree that Exhibit #6 Map of Accident Scene is drawn to scale and agree that the locations pointed out on the map are accurately reflected.
13. Both parties stipulate that Kasey Moore's vehicle was a total loss and was valued at \$15,506.92.

14. No persons in the vehicles driven by Kasey Moore or Mel Hinnant suffered any personal injuries and there are no claims for personal injuries.
15. Mel Hinnant's vehicle was totaled; however, no claims by Mel Hinnant are part of this lawsuit. Mel Hinnant was made whole by other means that are not relevant to this lawsuit.
16. Neither party is seeking punitive damages.
17. Stipulations cannot be contradicted or challenged.

Affidavits

IN THE 21ST JUDICIAL CIRCUIT IN AND FOR BRYAN COUNTY, FLORIDA

**JESSE MCGEE,
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DEFENDANT.**

**Case No. CV – 10 – 2022
Judge Stephen Renick**

JESSE MCGEE

After being duly sworn upon oath, Jesse McGee hereby deposes and states as follows:

1 My name is Jesse McGee. I am the owner of the Spring Garden Farms in Bryan, which is
2 about fifty miles east of Coconut and about twenty miles west of Spartan City. I have lived on this
3 farm since I was born. I inherited the property from my parents, who got it from their parents.
4 Spartan City is getting closer and closer to my property all the time. Houses and stuff are getting
5 built on what used to be good farming land. It makes me so angry that the city people move out
6 here to get away from it all and then they bring the city with them - drug stores, gas stations, frozen
7 yogurt. They subdivide acres of land that have been farmed for generations and give these
8 crowded, cookie-cutter subdivisions ironic names like Mendenhall Meadows and Guilford Farms.
9 If my greedy neighbors Sung Ye and Sean Hinshaw, the owners of the Cotten-Hinshaw Farms
10 adjacent to mine, have their way, all of Bryan County will be swallowed up by Spartan City pretty
11 soon. So far, I have been able to keep Sung Ye and Sean from selling the land to developers. Sean
12 inherited that land, and the inheritance clearly was not appreciated. I was going to buy the land,
13 but Sung Ye is bent on selling to developers from Spartan City.

14 I know that Sung Ye and Sean want to sell and move back to New York. A few years ago,
15 right when they got down here, they tried to sell the land to a developer with a reputation for
16 building subdivisions and strip malls. That is the last thing that we need out here. So, I fought
17 that sale and won, fair and square. Then, I put together a bid on the land and went through a real
18 estate broker, so Sung Ye and Sean would not know it was me. They declined the offer, saying it
19 was too low. I would be interested in buying their land, just not at a premium. Sung Ye and Sean
20 are in cahoots with people from the city with money – like Kasey Moore. We have never spoken
21 to each other, but I know Moore from county council meetings, where I spoke on behalf of the
22 families who want to keep the land undeveloped because they have lived here since Spartan City
23 was one intersection with a flashing light. My presentations to the county council have been

24 successful in slowing the growth somewhat, but it takes a lot of work. We really have to keep our
25 eyes open for developers swooping in and destroying our way of life.

26 When I blocked the sale of the Cotten-Hinshaw Farms, Sung Ye basically threatened me
27 with vague claims about my animals getting out of my fence. I had suspected that Sung Ye was
28 cutting my fence and letting my livestock out, but to me, that statement just confirmed it.

29 Now cars speed up and down State Road 377 (SR-377), the road that goes beside my farm,
30 because lots of people live in these new houses, but they work or go to school in Spartan City. The
31 speed limit on State Road 377 is 45 miles per hour. I doubt any of the drivers who go on that road
32 ever drive that slowly. It is amazing that we have not had more wrecks, the way people drive
33 around here. People think they are in the city, but there is still a lot of farm land around here; you
34 can come upon a tractor, an animal, a slow moving truck, or something every day. No matter how
35 careful you are, it is inevitable that an animal will escape every now and then.

36 I have not reported the speeding to Sheriff Walle, because there is no use. The sheriff just
37 wants to get re-elected and needs the new residents' votes. The sheriff is not about to upset the
38 residents or lose their votes. Sheriff Walle will not go after the speeders, even if it is dangerous to
39 those of us who have been living here for a long time and who were loyal to the sheriff well before
40 any of the newcomers were ever here.

41 On the morning of March 23, 2022, I noticed I had missed a phone call. I looked at the
42 caller ID and saw that it was from Sung Ye. I recognized the number because s/he was always
43 calling to complain about something. I did not check the message or return the call. I had better
44 things to do. I had breakfast and went about my day. While I was outside, I got a call from the
45 sheriff. Sheriff Walle was calling to tell me one of my bulls had escaped the fence and was lying
46 in the road due to a car accident out on State Road 377. Sheriff Walle told me I had better bring a
47 gun.

48 I got in my truck and drove the entire length of my fence line that goes by County Road 42
49 and finally I saw a place where the fence was down. The wreck was just down the road from the
50 cut fence. It was not hard to find because of the flashing lights from the sheriff's car. I drove to
51 the wreck and saw a minivan and an SUV stopped in the middle of State Road 377 facing east. My
52 poor bull, Pete, was lying in front of the SUV. I was pretty surprised to see him there because I
53 do not believe he has ever gotten out of the fence. It was a terrible sight. All four of Pete's legs
54 were broken. I had no choice but to put him down right then and there.

55 In looking at the scene of the accident, it looked to me like the driver of the minivan was
56 tailgating the driver of the SUV. I talked to both drivers. I spoke with Mel Hinnant, who was
57 driving the SUV. Mel told me that s/he was driving down State Road 377 when Mel saw Pete in
58 the road. While slowing to a stop, Mel's SUV was hit from behind and pushed into Pete. Mel was
59 pretty upset at the time. Mel had raised Pete from a calf. Even after I bought Pete, Mel would
60 occasionally stop by the farm to see him.

61 I have been friends with Mel Hinnant's family for years. Mel's dad and I grew up together.
62 I will admit that I paid a premium for Pete, but it turned out to be the best investment I ever made
63 on livestock. Perhaps it helped Mel attend college, but that was not the purpose of my purchase.
64 I paid \$50,000 for Pete and have earned an average of \$10,000 per year on fees since then, which
65 can be seen on Exhibit #3. I think Pete had at least five good years left in him. A photo of Pete
66 taken the year I got him from Mel is marked as Exhibit #1.

67 In the months following the accident, there were some allegations that my farm was
68 responsible for the wreck, since my bull escaped. My fence was in fine condition and I had no
69 reason to think Pete could get loose. I replaced Mel's Tahoe. It had nothing to do with me being
70 responsible for this incident and certainly was not at all related to the testimony Mel has provided
71 in this case.

72 Frankly, I think Sung Ye let Pete out. I believe that Sung Ye will do stuff like that and
73 then say my fence is down or something. I did take a good look at the fence and I could tell it had
74 been cut. I can tell the difference between fence that has been cut and fence that has broken over
75 time. I suspect Sung Ye cut my fence just to get back at me for stopping them from selling their
76 land. I did have someone mend the fence right away so my other livestock would not get out, but
77 we did not save the cut wire.

78 I understand that Mel said that I promised not to sue the Hinnant family if I could count on
79 Mel to testify for me. That is a misstatement of what really went on. I told Mel that I had no
80 intention of suing him/her at all and I never did believe Mel was at all responsible for Pete's death.
81 I never promised not to sue, because I was not planning to sue Mel.

82 I am suing Kasey Moore because, although I believe that my fence was deliberately cut,
83 Sheriff Walle told me that Moore could have avoided the collision with proper attention to the
84 road. I am suing Moore for \$50,000 for the loss of my prize bull.

85 I hereby attest to having read the above statement and swear or affirm it to be my own. By
86 signing this document I swear to or affirm the truthfulness of its content. I understand that I have
87 an opportunity to update this affidavit and that unless such is done prior to such a time whereas I
88 may be called upon to testify in court, and that in such an event a copy of my updated statement is
89 given to all parties involved in this case, I am bound by the content herein.

Signed,

Jesse McGee

Jesse McGee

Annette Pitts

Annette Pitts, Notary Public

State of Florida

My Commission Expires: 9/31/2030

IN THE 21ST JUDICIAL CIRCUIT IN AND FOR BRYAN COUNTY, FLORIDA

**JESSE MCGEE,
PLAINTIFF,**

V.

**KASEY MOORE,
DEFENDANT.**

**Case No. CV – 10 – 2022
Judge Stephen Renick**

MEL HINNANT

After being duly sworn upon oath, Mel Hinnant hereby deposes and states as follows:

1 My name is Mel Hinnant. I am 21 years old and I have lived in Bryan County my whole
2 life. My father is a long-time farmer, and I grew up living on the farm. I currently attend
3 Community College in Spartan City. I really have no idea what I want to do with my life, but I
4 know I want to get out of Bryan County. I do not want to take over my father’s farm. The farm is
5 up Reynolds Road from where the accident happened.

6 I have known Jesse McGee my whole life. My dad and Jesse grew up together and work
7 closely together in the farming business. I would not consider Jesse to be a friend of mine. Jesse is
8 much older than me, and was another parent figure for me when I was growing up.

9 On March 23, 2022, at about 8:30 a.m., I was involved in a car accident with a minivan
10 driven by Kasey Moore and one of Jesse McGee’s bulls. On that day, I was heading to my biology
11 class at the Community College, which started at 8:30 a.m. I was running a little late, but that was
12 normal for me. I often walk into class fifteen minutes late, so running behind does not make me
13 rush, and I was only about fifteen minutes away from campus. I was driving my 2017 Chevrolet
14 Tahoe, which I bought at an auction. At the time of the accident, I was on State Road 377 (SR-
15 377) by the McGee property, which is also known as Spring Garden Farms.

16 As I came over a crest in the road, I saw a huge bull standing in the middle of the road. I
17 slammed on my brakes and came to a stop about two feet short of the bull. At that point, I realized
18 it was Pete. He just stood there staring at me. I was surprised he did not move when I started
19 honking. Within a matter of seconds, I was hit from behind by Kasey Moore, who hit me so hard
20 that my Tahoe slammed into Pete, breaking all of his legs. I called 911 to report the accident and
21 let them know a bull was injured.

22 I do not believe I was speeding. The speed limit is 45 miles per hour on State Road 377. I
23 generally drive right around 45 miles per hour on that stretch of road. It was sunny, so I had no

24 trouble seeing the bull in the road after cresting a small hill about 50 yards from where Pete was
25 standing. I was raised in this area and know these roads very well.

26 I drive down State Road 377 by Jesse's property several times a week. It is the only way
27 for me to get from my house to school. The week before the accident, I saw a bull roaming around
28 near the road outside the fence. It might have been Pete, but I am not 100% sure it was, because I
29 did not really get a good look at him. I have noticed some damage to the fence on Jesse's property
30 in the past, but lots of fences get damaged. I cannot recall if the fence was damaged on the day of
31 the accident.

32 I was not injured in the accident, but my Tahoe was totaled. The only one hurt in the
33 accident was Pete, so far as I know. Sadly, Pete's legs were broken so badly, that Jesse had to put
34 him down.

35 This was a real tragedy for me. I raised Pete from a calf. When I was in the seventh grade,
36 I thought I wanted to be a farmer, so I joined the Future Farmers of America. I saved all my money
37 one year, and bought Pete from a farm in Georgia. I had no idea that Pete would turn out like he
38 did. In the ninth grade, I entered him in the State Fair's Livestock Show and he was the Grand
39 Champion. Jesse McGee bought Pete in 2016 for \$50,000. My heart is broken because of Pete's
40 death. Even though I sold him, I still considered Pete to be mine.

41 Sheriff Walle responded to the accident. I knew Sheriff Walle immediately, because the
42 sheriff has given me several tickets in the past. I told the sheriff that Kasey Moore was either
43 driving too fast or was talking on a cell phone, texting or something, because there was plenty of
44 time to see me and stop. I mean, I managed to stop before hitting Pete. Kasey Moore was clearly
45 at fault for Pete's death.

46 Jesse and I have discussed the facts of this case, and we both agree as to what happened. I
47 saw Pete. I stopped my car two feet from him. Kasey Moore slammed into the back of me, pushing
48 me forward so violently that my Tahoe broke Pete's legs.

49 Jesse has not paid me for my testimony. I do not plan to sue because Jesse is not at fault.
50 Jesse did tell me that I would not be sued if I was able to tell how the accident happened. Jesse
51 replaced my Tahoe, which is why I have not sued anyone. I would not have sued Jesse anyway since
52 Jesse is not responsible for Pete getting loose. If I was going to sue anyone, it would have been
53 Kasey Moore for hitting me. Escaped animals are a part of life in the country. That is why drivers
54 need to pay careful attention when they drive in farming communities.

55 I hereby attest to having read the above statement and swear or affirm it to be my own.
56 By signing this document, I swear to or affirm the truthfulness of its content. I understand that I
57 have an opportunity to update this affidavit and that unless such is done prior to such a time
58 whereas I may be called upon to testify in court, and that in such an event a copy of my updated
59 statement is given to all parties involved in this case, I am bound by the content herein.

Signed,

Mel Hinnant

Mel Hinnant

Solana Millik

Solana Millik, Notary Public

State of Florida

My Commission Expires: 11/30/2028

60

IN THE 21ST JUDICIAL CIRCUIT IN AND FOR BRYAN COUNTY, FLORIDA

**JESSE MCGEE,
PLAINTIFF,**

V.

**KASEY MOORE,
DEFENDANT.**

**Case No. CV – 10 – 2022
Judge Stephen Renick**

HUNTER BROWN

After being duly sworn upon oath, Hunter Brown hereby deposes and states as follows:

1 My name is Hunter Brown. I live on Spring Garden Farms, where I am employed as the
2 farm manager. I live with my spouse, Kerry Brown, who is the assistant manager. Spring Garden
3 Farms is located on State Road 377 (SR-377) in Bryan County.

4 My career in farming began at a very young age. I was born and raised in Montana, where
5 my parents owned a cattle ranch. We ran 2,000 head of cattle on 150,000 acres. I loved life in
6 Montana. I learned to ride horses when I was six, and by the age of ten, I would ride out with the
7 farm hands to help with feeding, checking fence line, caring for sick animals, and of course the
8 round-ups when we would move cattle from the high country to the low country in the winter,
9 and then back up into the high prairies in the summer.

10 My life on the ranch in Montana came to a sudden halt shortly after my fifteenth birthday.
11 Dad was called in to help with a group of hikers who were lost in the mountains in Glacier
12 National Park. Dad went in, but he never came out. Mom was devastated. We stayed in Montana
13 for another year, but her heart was no longer in it. She sold the ranch to a large commercial
14 operation. Leaving the ranch was the second saddest day of my life.

15 We moved to Spartan City, Florida. It was a different life, for sure. I had been raised
16 outdoors, roping and riding. "City life" is not my thing. I missed my horses. After graduating
17 from Guilford High School, I enrolled at Florida Southern College. I received a dual degree in animal
18 husbandry and vet tech. Florida is different from Montana. Some farmers raise cows and bulls,
19 but there is no real cattle ranching here. Farmers around here treat cattle more like a hobby or
20 like pets, giving them cute names and taking them to the state fair. I wanted to work at a big
21 ranch after college and even maybe go back home, but it didn't happen. I would have left,
22 right out of college, and headed to Texas or even back to Montana, but it was not in the cards for
23 me. I met Kerry in college and we got married before our senior year. Shortly after we graduated,

24 Kerry's grandmother was in poor health with no other living relatives. We stayed to take care of
25 her and we have been here ever since.

26 After college, I was hired by Jesse McGee, owner of Spring Garden Farms. Kerry got hired
27 shortly after I did. Given my background, I cannot say that it is an ideal place for me to work,
28 but Jesse does have some cattle. Dairy cows, mainly, and a few bulls. Jesse had only just acquired
29 Pete when I came on. I think Jesse bought Pete from Mel Hinnant to help Mel out with college.
30 That turned out to be very lucrative for the farm, so much that Jesse bought a few more bulls. Quite
31 frankly, Pete was past his prime. Fees had tapered off and I had recommended replacing him, but
32 Jesse had an attachment to Pete. Jesse and the hands on the farm are not very good at cattle ranching,
33 and the place really was not set up for it. I did the best I could with funds available to upgrade
34 the pastures to keep the livestock and horses safe and secured.

35 I think Jesse always knew I was not happy on the farm. Several years ago, Jesse came to
36 me and offered to put up my filing fees and campaign costs to run against Sheriff Wesley Walle.
37 Although it is not my first choice, I prefer being a farm manager to a sheriff. Sheriff Walle and I
38 always got along fine, no reason to jeopardize that. Elections are coming up again in a couple of
39 years. Jesse has asked me to run again. I am pretty sure I am not going to run, but Kerry might.

40 Our daily life at Spring Garden Farms is what you might expect. We wake up at 4:00 a.m.
41 every morning. After breakfast, I saddle up and check the livestock. While I prefer to ride out
42 on horseback, Kerry takes the ATV. In addition to checking the livestock, we also keep a close
43 eye on the fence lines. As they say, the grass is always greener on the other side of the fence.
44 That is how a cow thinks, anyway.

45 Our biggest problem with the fence line is on the northwestern section where State Road
46 377 intersects with Reynolds Road. We never had much of a problem with escaping livestock,
47 although it did happen from time to time. Then, this past fall we started noticing cuts in the fence
48 line. I have been riding fence for 20 years, and know a cut from a break. These were definitely
49 cuts. We started monitoring the fence real closely in that same area, and the cuts continued to
50 appear every couple of weeks, usually right after a Friday or Saturday night.

51 The wreck happened on March 23, 2022, a Wednesday. I know that we checked that fence
52 line Monday morning and there was one hole in the fence on the northeast side, but we fixed it.
53 We had to string three new strands for 300 feet total used. We made sure it was good and tight. I
54 am certain that there was new wire at that corner there by County Road 42.

55 The morning of the crash, I was riding my horse out to the south pasture to check on the
56 livestock. Kerry was close behind me on the ATV. I had my radio with me, and got a call from
57 Jess. I was told that there was a wreck on State Road 377 near County Road 42 – the same area
58 where we had fixed the latest hole in the fence. Jesse wanted to know why the fence had not been
59 repaired. I said that it had been repaired, and talked about the 300 feet of new barbed wire that
60 we replaced. Jesse told me that one of the bulls was hit by a SUV. I swear I had fixed that line.
61 Kerry sped off on the ATV and I took my horse at a full gallop to the north pasture to check it
62 out.

63 I got to the scene of the accident and saw Jesse standing next to the remains of Pete. Jesse
64 and I spoke briefly. Then, Kerry and I immediately rode the fence and found a new break in the
65 line near the accident. It was in the area we had repaired earlier. We showed it to the sheriff and
66 put up a temporary fence and called the farm hands to fix it. No doubt, the fence was cut. I could
67 not tell how long it had been cut, but it was. No question.

68 After Pete was removed from the road, Kerry and I split up and rode the entire fence. I got
69 to a part of the fence on the west side adjacent to the Cotten-Hinshaw Farms and noticed that
70 some of the fence was down. I immediately rode back to the scene of the accident and found the
71 sheriff still there. I let the sheriff know of the other break I found. The sheriff showed me a
72 drawing of the farm boundaries. I marked where the break was that we repaired on County Road
73 42, where the new break was on County Road 42, and where the other break was on Reynolds
74 Road. We immediately had that break fixed too. This second break was not near the accident, and
75 now that I think of it, I probably should have taken a picture of the break where the accident
76 happened.

77 I suspect Sung Ye and Sean of cutting our line. They have been nothing but trouble since
78 moving to the Cotten-Hinshaw Farms. And it always seems that those calls about a broken fence
79 or a loose animal occur near the same time these events happen. I do not want to accuse anyone
80 without proof, but there are coincidences, and there are some things that are not.

81 I do not know Kasey Moore, but I have seen that minivan racing up and down State Road
82 377 almost every day for a year now. I have even commented to Kerry when we were riding
83 fences together that someone was going to get hurt or even killed if those commuters from the
84 city did not start slowing down.

85 I hereby attest to having read the above statement and swear or affirm it to be my own.
86 By signing this document, I swear to or affirm the truthfulness of its content. I understand that I
87 have an opportunity to update this affidavit and that unless such is done prior to such a time
88 whereas I may be called upon to testify in court, and that in such an event a copy of my updated
89 statement is given to all parties involved in this case, I am bound by the content herein.

Signed,

Hunter Brown

Hunter Brown

Fernando Yzquierdo

Fernando Yzquierdo, Notary Public

State of Florida

My Commission Expires: 10/30/2028

90

IN THE 21ST JUDICIAL CIRCUIT IN AND FOR BRYAN COUNTY, FLORIDA

**JESSE MCGEE,
PLAINTIFF,**

V.

**KASEY MOORE,
DEFENDANT.**

**Case No. CV – 10 – 2022
Judge Stephen Renick**

KASEY MOORE

After being duly sworn upon oath, Kasey Moore hereby deposes and states as follows:

1 My name is Kasey Moore. I have three kids - ages nine, six and four. I am a single
2 parent, as my spouse died in a boating accident in January of 2020. Most of my free time is
3 spent running the road and carting the kids to various activities. I am constantly running from
4 one place to another.

5 I grew up in Spartan City. I finished college in 2000, got a job as an investment banker
6 and then got married. My work as an investment banker turned out to be particularly lucrative.
7 We were doing so well that my spouse and I were able to consider living options apart from a
8 small place in the city. We did not like the thought of raising children in the city with all the
9 traffic, so we decided to move to the suburbs. We bought a lot in a new subdivision called
10 Guilford Farms. We broke ground on our house September 2019. Tragically, my spouse did not
11 live to see it completed. The kids and I moved into the house February 15, 2021. Living out
12 there makes for a hectic commute and lots of time on the road, especially since I am a single
13 parent now.

14 I am familiar with Jesse McGee, who has showed up to a few county council meetings
15 with complaints about construction and development of farmland in the area. McGee is fighting
16 a losing battle. People love living out there. Personally, I cannot wait until more of the farm
17 land is sold. I own almost an acre and have a pool and enough room for the kids to play. In
18 fact, I am looking into becoming partners with the builders that are trying to develop the area,
19 since it is only twenty-two miles from the center of Spartan City. Getting in on the ground floor
20 could really solidify my financial future.

21 When the accident happened on March 23, 2022, I was driving the minivan. I was taking
22 the boys to school, which started at 9:00 a.m. My four year old daughter, also in the minivan,
23 spilled milk all over the place, so needless to say she was upset and crying. Then the boys started

24 arguing, and it made me mad. I yelled at the kids to keep quiet, because I was talking to a co-
25 worker on the speaker phone about a big meeting we had coming up. I remember that the
26 accident happened on a Wednesday morning, because the boys had karate lessons after school
27 that day. In fact, I recall now that they were arguing about which one forgot the uniform bag. I
28 was considering turning around and going back home for the uniforms when the wreck
29 happened. We only live about fifteen minutes away from the school, so I probably could have
30 made it back home and to the school without making the boys late; although I might have been
31 late for work. It does not really matter now. After all that, the boys did not make it to school
32 that day and I had to cancel my meetings for the day as well.

33 Of course, I was paying attention to my driving. I always do. It was daylight, and the
34 weather was clear, and I was not speeding. I remember that I was following this SUV as we
35 went up a small hill, and when I crested it, the sun blasted me in the eyes. Just then, the SUV
36 slammed on its brakes. I braked, but everything happened so fast. I am pretty sure that the SUV
37 hit something, which turned out to be a bull in the road, before I hit the SUV. Fortunately,
38 everyone was strapped in their seatbelts and no one was hurt in the accident. At the time of the
39 accident, I was talking on the phone, but I was using the hands free ability with the car's phone,
40 navigation and emergency system, linked to my smart phone. Both of my hands were on the
41 wheel, and I was looking straight ahead.

42 I remembered the SUV passed me just a little ways back before we started going up the
43 hill. It was definitely speeding. I was following along behind as we went up the hill and was a
44 usual distance behind, maybe three to four car lengths. The accident caused my sunglasses to
45 fly off, hit the windshield and break. I think the SUV hit the bull before I hit it. I could see the
46 back of the SUV, and it looked to me like it came to a stop in a way that was not normal. Like
47 it hit something, because it seemed to me like it kind of bounced. Everything happened very
48 fast and I was braking and worrying about the kids all at the same time.

49 After the accident, we were sitting there and my emergency system was instantly
50 activated. The operator asked if everything was okay. My airbags had deployed and there was
51 all this airbag powder in the van. Anyway, I told the operator that we were in an accident and
52 needed help. We all stayed in the minivan until the sheriff got there. I got out to talk to the
53 sheriff and the other driver. I made sure the kids stayed in the van so they would not see the
54 injured bull.

55 I remember that I was standing near the sheriff when Jesse McGee showed up. They
56 seemed to know each other, but not in a good way, you know? It was almost like McGee was
57 unhappy that the sheriff was out there investigating the accident. McGee and the sheriff talked
58 briefly and then McGee put the bull down. At one point, I overheard McGee say to the other
59 driver something about suing someone, and I knew then that I was going to get sued over this.
60 Jesse McGee and the other driver also seemed to know each other. In fact, I am certain that I
61 heard McGee say to the other driver something like, “We know what happened here, right?”
62 And the other driver definitely said, “that’s what we get for letting these city people out here....”
63 About ten minutes later, McGee’s assistant got there.

64 After that, some farm hands came with a backhoe and hauled the bull off. There was
65 this one person who was talking with McGee for a long time. I remember that this person rode
66 off on a horse and stayed right up next to the fence. I quit paying attention to them after a few
67 minutes. I was the only person Jesse McGee did not speak to at the scene of the accident. Jesse
68 McGee did not even bother to come and check to see if my kids and I were okay.

69 Eventually a tow truck showed up from the Golden Dealership in Spartan City. They do
70 car repairs, rentals and sales. My minivan was a total loss. I am countersuing Jesse McGee for
71 the value of my vehicle, my sunglasses, the cost of towing and the rental car fee. My car would
72 not have been totaled if McGee maintained the pasture fence. The estimate for repair and bill
73 for the towing and rental are marked as Exhibit #7. A photograph of my damaged minivan is
74 marked as Exhibit #4. I am also claiming damages to my sunglasses, which cost me \$240,
75 marked as Exhibit #8.

76 I hereby attest to having read the above statement and swear or affirm it to be my own. By
77 signing this document I swear to or affirm the truthfulness of its content. I understand that I have
78 an opportunity to update this affidavit and that unless such is done prior to such a time whereas I
79 may be called upon to testify in court, and that in such an event a copy of my updated statement is
80 given to all parties involved in this case, I am bound by the content herein.

Signed,

Kasey Moore

Kasey Moore

Sebastian Aviles

Sebastian Aviles, Notary Public

State of Florida

My Commission Expires: 02/28/2025

IN THE 21ST JUDICIAL CIRCUIT IN AND FOR BRYAN COUNTY, FLORIDA

**JESSE MCGEE,
PLAINTIFF,**

V.

**KASEY MOORE,
DEFENDANT.**

**Case No. CV – 10 – 2022
Judge Stephen Renick**

SUNG YE

After being duly sworn upon oath, Sung Ye hereby deposes and states as follows:

1 My name is Sung Ye. Fortunately, I am not from Bryan County. I grew up in New York
2 City and lived most of my life in Manhattan. I always loved the hustle and bustle of the greatest
3 city in the world.

4 The other love of my life is my spouse, Sean Hinshaw. We were introduced by a mutual
5 friend at a party in New York. Sean was living there at the time, working as a freelance
6 photographer. Sean and I had completely different upbringings. Sean grew up on a family farm,
7 the Cotten-Hinshaw Farms, which is outside of Columbia county. When we were dating and after
8 we were married, we visited the farm together several times. But rural life is way too boring for
9 me. I could deal with short weekend trips, but I always told Sean that I could never live in a place
10 like that.

11 Sean and I were married exactly two years after we first met. We lived in Manhattan until
12 February 2017, when Sean’s mother passed away leaving Sean the house and farm. At the time,
13 money was relatively tight. I was working at the NYC parking authority, and our landlord was
14 trying to raise the rent. Sean asked me if we should move back to the farm because it would save
15 us money. I did not want to move, and I do not think Sean wanted to move either, but our money
16 situation sort of left us no choice. I agreed to move to Florida, but on the condition that we try to
17 sell the property as soon as possible. We were planning to move back to New York once we sold
18 the property.

19 The farm was exactly the same boring place I remembered; only now it was not just a
20 vacation. Spartan City – well, they call it a “city” but there really was not all that much to it. I
21 was miserable. I immediately started looking for a buyer for the farm. I found a buyer in the fall
22 of 2017. At that time Spartan City was starting to grow, and land developers were looking to
23 make large land purchases in the county. The Cotten-Hinshaw Farms was a little further out than

24 most of the developments, but I thought for sure the sale would go through, and we would be
25 back in New York before the New Year. The sale of the farm was prevented by one person – Jess
26 McGee.

27 McGee and I did not get along from the start. McGee owns Spring Garden Farms, which
28 borders the Cotten-Hinshaw Farms, with Reynolds Road as the dividing line. McGee was a very
29 vocal opponent of me selling any of Sean’s family farm. Early in the negotiations with our buyer,
30 I was approached by McGee, who told me there was no way our farm would be turned into one of
31 those commuter neighborhoods. McGee made a big stink with the county council that scared
32 away our buyer, and that was that. Then, real estate prices started to drop and anyone who might
33 have been interested in buying out there knew there would be a fight with the locals to be able to
34 actually build. After that, we only got one offer relayed by our agent, but it was way too low. So
35 we are stuck here.

36 Spring Garden Farms is quite a bit larger than our farm, but we still have enough land to
37 make for a very nice housing community. Given that I have been told that lots of people out there
38 want to sell to the developers, it just makes sense. We are sort of waiting for prices to start back
39 up. McGee has not been completely successful in keeping people from selling their land to
40 developers. Several new housing developments have been popping up several miles down the
41 road on the way to Spartan City. There is still mostly farmland between us and those
42 developments, but that is changing, too.

43 McGee is not careful with the fence. Do you know how many times I have had to call about
44 those animals getting out? The answer is dozens. Whenever I I saw a hole in the fence, I
45 would call and leave a message with McGee and the sheriff about it. I mean, I never wanted their
46 animals loose or in the roads. The sheriff always told me that I should call McGee and be
47 “neighborly.” When I called McGee, I did it during the day, since I knew that McGee
48 would be out working and I wanted to avoid confrontation. The last time I tried calling, McGee
49 got really angry and accused me and Sean of deliberately sabotaging the fence in order to stir up
50 complaints about Spring Garden’s livestock escaping.

51 I guess that I have called McGee a lot. When Robert Frost said that “good fences make
52 good neighbors,” he never met Jesse McGee. There is no fence that good. Whenever I left McGee
53 a message reporting the fence being down, it was generally fixed pretty quickly. But the fact is

54 that those fences were down way too much. Someone should have done something, like move the
55 livestock to a different part of the farm or use a better fence.

56 On the evening of March 22, 2022, Sean and I were driving along State Road 377 on our
57 way to the airport. We were going to see some friends in New York and ran into Spartan City for
58 some last minute gifts. As we passed Spring Garden Farms on our way to Spartan City, we saw a
59 huge hole in McGee's fence and his big black bull was standing near the hole, but inside the
60 property. I gave McGee a call right then to say "come fix the fence." I got voice mail, even
61 though it was after 7:00 p.m. I left a voicemail message letting Jesse know about the hole in the
62 fence. It was not until we got back a few days later that we heard about the accident. That is when
63 I called Kasey Moore and offered my information.

64 I hereby attest to having read the above statement and swear or affirm it to be my own. By
65 signing this document, I swear to or affirm the truthfulness of its content. I understand that I have
66 an opportunity to update this affidavit and that unless such is done prior to such a time whereas I
67 may be called upon to testify in court, and that in such an event a copy of my updated statement
68 is given to all parties involved in this case, I am bound by the content herein.

Signed,

Sung Ye

Sung Ye

Nancy Jewett

Nancy Jewett, Notary Public

State of Florida

My Commission Expires: 04/30/2029

IN THE 21ST JUDICIAL CIRCUIT IN AND FOR BRYAN COUNTY, FLORIDA

**JESSE MCGEE,
PLAINTIFF,**

V.

**KASEY MOORE,
DEFENDANT.**

**Case No. CV – 10 – 2022
Judge Stephen Renick**

WESLEY WALLE

After being duly sworn upon oath, Wesley Walle hereby deposes and states as follows:

1 My name is Sheriff Wesley Walle. I am 47 years old and live in Bryan County. I was born
2 and raised in rural Florida and enjoy the country life. As sheriff, I am responsible for the law
3 enforcement in a county where there are not many cities and there are even fewer people.

4 After graduating high school, I went to Community College to study criminal justice. My
5 daddy was a deputy sheriff and his daddy was too, so I pretty much knew from a young age that
6 I would be following the path they laid for me. After finishing my associate's degree in criminal
7 justice, I was hired by the Spartan City Police Department (SCPD). The department put me
8 through the Criminal Justice Academy after that. I liked working for the SCPD, but I always
9 wanted to be closer to home, so I accepted a position as deputy under the old sheriff in 2012.

10 Truth be told, I really wanted to be a sheriff from the time I was little. As I grew up,
11 I learned that being sheriff was as much about politics as it was about police work, so I joined
12 some organizations as soon as I got out of the academy and started working on my political
13 contacts. I got a chance to run for election in 2016 when Sheriff Langevin decided to retire. I
14 won the election by 30 votes. Nobody ran against me in 2020, and I am not up again until 2024.

15 On March 23, 2022, I was sitting in Hamm's Diner, having coffee with Mark Dossey, one
16 of my deputies. I got a call over the radio from one of our dispatchers, who said they received
17 two calls about an accident out on State Road 377 between Reynolds Road and County Road 42
18 involving a bull and a couple of cars. The dispatcher said the bull was hurt badly, but there were
19 no reports of injuries to the people in the cars. I told Deputy Dossey to pay the tab and meet me
20 at the scene. I got in my patrol car and immediately headed out there.

21 I left Hamm's at 08:39 and arrived on scene at 09:03. After exiting my patrol car, I saw
22 Mel Hinnant standing by the vehicles in the road and Kasey Moore was still in the minivan. I
23 quickly surveyed the scene and saw the bull in front of the lead vehicle. I looked at the bull from

24 a safe distance and it looked to me like it had four broken legs. Jesse McGee's farm was along
25 that stretch of State Road 377, so I assumed the bull was from there. I called and told Jesse what
26 happened and that someone had best get on over here. When Jesse looked at the bull he decided
27 to euthanize him. I hated to see it, but there was no question the bull had to be put down.

28 State Road 377 is a two lane black top road running east and west, striped with fog lines
29 and a center line. The speed limit on State Road 377 is 45 miles per hour, mainly because of all
30 the farm equipment used on that road. At the point where the accident occurred, there are farms
31 on either side of the road with fences separating the farms. Spring Garden Farms is a pretty good
32 size farm with about 2.5 miles of frontage on State Road 377. The two vehicles were situated in
33 the eastbound lane, one behind the other. The lead vehicle, a Chevrolet Tahoe driven by Mel
34 Hinnant, had damage to the front and rear. The trailing vehicle, a Dodge minivan driven by Kasey
35 Moore, was only damaged in the front where it hit Hinnant's vehicle. It was not clear how all that
36 happened, so I separated the two drivers and questioned each of them individually.

37 I have had some past run-ins with Hinnant, but it has been awhile since I have written
38 him/her any tickets. As you might have guessed, Hinnant said "that van rear ended me." Moore
39 said "I came over this little rise and there was his/her car, stopped in the middle of my lane."
40 Now, it is hard to say whether Hinnant hit the bull before being rear ended by Moore or the other
41 way around. Hinnant claimed to have stopped before hitting the bull and said that Moore pushed
42 his/her car into the bull. Moore claimed to have seen, immediately before hitting Hinnant, the
43 bull lying in the road and said Hinnant's car was a bit sideways from hitting the bull. Both Hinnant
44 and Moore told me they were traveling "around 45" at the time of the collision. I checked the
45 road for indicators for the speed and braking of the vehicles. It appeared both cars laid down
46 some skid marks. Sometimes when we have collisions like this I will call in the state troopers,
47 since they could have examined the scene and told us how fast everyone was going, but I did not
48 in this case because, except for the bull, no one was hurt.

49 About this time, Deputy Dossey arrived on scene, so I had him make a drawing of the
50 accident scene marked as Exhibit #6. I drew on the map the location of the wreck and the small
51 rise in the road. Dossey also took pictures of the scene and the vehicles using his mobile phone.
52 We tried to measure the skid marks, but there was so much overlap that we could not tell which
53 mark came from which car, so I had Dossey pick up the debris from the vehicles. I also had him
54 call the dispatcher on the radio and ask for a couple of tow trucks to come out to the scene of the

55 accident and clear the road. The tow trucks arrived about 30 minutes later and towed the two
56 vehicles. McGee had some of the farm hands use a front end loader to remove the bull.

57 As part of my investigation, I tried to figure out how the bull got in the road. The fence
58 was not down in the immediate area near the collision. Before I could begin to examine the fence
59 in detail, Hunter Brown, the farm manager for Spring Garden Farms, arrived on scene. I asked
60 Hunter about the fence. Hunter said they had been having some problems with cuts in the fence.
61 They rode that fence line two days before the collision and repaired a hole on the north side.

62 I inspected the fence in the immediate area of the scene, and it was not down. Hunter then
63 showed me a place that looked like where the bull could have gotten out near the intersection with
64 County Road 42, about a quarter mile from where the collision occurred. The barbed wire was
65 either cut or broken, but I could not tell which. It was not rusted, worn or old in that area. McGee's
66 farmhands were called to fix the repair in the fence near the accident. Before I left the scene of
67 the accident, Hunter Brown returned indicating that s/he found another break in the fence on the
68 west side of the farm on Reynolds Road. I showed Hunter the map that I had indicating where the
69 accident was on the map and asked Hunter to mark on the map showing where the breaks were;
70 the break near the accident, the recently repaired break, and the one s/he had just found on
71 Reynolds Road.

72 At the point of the collision, State Road 377 is straight, but there is a small rise about fifty
73 yards to the west. Based on my investigation, the bull would probably not have been visible to
74 an eastbound driver until cresting the hill. It was a clear morning. I did not write any citations for
75 this collision. I was unable to determine who was at fault. That said, the bull was far enough
76 from the little hill that the collision could have been avoided by either driver.

77 With Dossey's assistance, I reviewed and approved Dossey's written report of the
78 investigation, which is marked as Exhibit #5. As far as the pictures he took with his phone, when
79 I reviewed my file in preparation for giving this statement, the photos were not there. About a
80 month after the collision, Dossey's reserve unit was deployed, and he remains with the unit today.
81 I have been unable to reach him to ask about the photographs.

82 Jesse McGee and I grew up together, but we do not get along all that well. Jesse financed
83 someone to run against me in 2016, but apparently could not find anyone to run against me in
84 2020. I do know that I heard that Jesse wanted someone to challenge me in that election. I expect

85 a challenger in 2024. I am not really sure what the tension is, but I am not against the new
86 residential expansion in the county and Jesse McGee is.

87 McGee also never reported that someone cut the fence at Spring Garden Farms. I have
88 seen cut wire before – we had some problems with livestock theft several years ago. Sung Ye
89 (who married Sean Hinshaw and moved down from New York when Sean’s mama died) had
90 called a few times about McGee’s fence being down on the west side of the property. I always
91 tried to tell Sung Ye that a down fence was not a crime and recommended Sung Ye call McGee
92 directly.

93 I hereby attest to having read the above statement and swear or affirm it to be my own. By
94 signing this document I swear to or affirm the truthfulness of its content. I understand that I have
95 an opportunity to update this affidavit and that unless such is done prior to such a time whereas I
96 may be called upon to testify in court, and that in such an event a copy of my updated statement is
97 given to all parties involved in this case, I am bound by the content herein.

Signed,

Wesley Walle

Wesley Walle

Michael Jewett

Michael Jewett, Notary Public

State of Florida

My Commission Expires: 04/30/2029

Exhibits



State of Florida
County of Bryan

\$50,000.00 USD

Bill of Sale of Animal

IN CONSIDERATION of the sum of fifty thousand (\$50,000.00) USD, inclusive of all sales taxes, paid in cash, the receipt of which consideration is acknowledged, Mel Hinnant (the 'Seller') of P.O. Box 35620, Bryan, FL, 33801, SELLS AND DELIVERS to Jesse McGee (the 'Purchaser') of P.O. Box 4531, Bryan, FL 33801, the following animal:

One Bull

The seller warrants that (1) the Seller is the legal owner of the Animal; (2) the Animal is free from all liens and encumbrances; (3) the Seller has the right to sell the Animal; and (4) the Seller will warrant and defend the title of the Animal against any and all claims and demands of all persons.

Date of Sale and Delivery: 02/28/2016

Signature of 'Seller' Mel Hinnant:

Mel Hinnant

Signature of 'Purchaser' Jesse McGee:

Jesse McGee

Signature of 'Witness' Tom Hall:

Tom Hall

Ledger of Pete's Earnings			
Date	Purchaser	Amount	Total Amount
03/21/2016	Toby Kelly	\$2,000.	\$2,000.
04/18/2016	Dakota Spence	\$2,000.	\$4,000.
05/01/2016	Ron Cole	\$2,000.	\$6,000.
07/08/2016	Shelby Thomas	\$2,000.	\$8,000.
08/15/2016	Jay Harper	\$2,000.	\$10,000.
10/21/2016	Morgan Shelley	\$2,000.	\$12,000.
11/14/2016	Charlie Coker	\$2,000.	\$14,000.
01/18/2017	Spencer West	\$2,000.	\$16,000.
02/26/2017	Toby Kelly	\$2,000.	\$18,000.
09/22/2017	Buzzie Breeland	\$2,000.	\$20,000.
10/13/2017	Kerry Stanton	\$2,000.	\$22,000.
01/24/2018	Dagan Thompson	\$2,000.	\$24,000.
03/15/2018	Dakota Spence	\$2,000.	\$26,000.
06/01/2018	Frankie Matthews	\$2,000.	\$28,000.
07/26/2018	Eason Bridges	\$2,000.	\$30,000.
09/05/2018	Alex Summers	\$2,000.	\$32,000.
11/21/2018	Davis Wells	\$2,000.	\$34,000.
12/07/2018	Jasper Winson	\$2,000.	\$36,000.
01/30/2019	Toby Kelly	\$2,000.	\$38,000.
03/03/2019	Leslie Spears	\$2,000.	\$40,000.
07/14/2019	Buzzie Breeland	\$2,000.	\$42,000.
08/27/2019	Grant Coleman	\$2,000.	\$44,000.
03/09/2020	Rory Grant	\$2,000.	\$46,000.
06/22/2020	Shelby Thomas	\$2,000.	\$48,000.
10/13/2020	Charlie Coker	\$2,000.	\$50,000.
01/15/2021	Spencer West	\$2,000.	\$52,000.
03/10/2021	Robin Winters	\$2,000.	\$54,000.



Exhibit 4

ORIGINAL

D.P.S. USE ONLY		Page #	TRAFFIC COLLISION REPORT FORM		# of Units	Arrested / Attach Copy of Original Report	Notified	Arrived		
		1 / 2	TR-310 (Rev. 01/2001)		2		08:39	09:07		
Date	Time	County	1- Interstate 2- US Primary 3- FL Primary	4- Secondary 5- County	Collision Location (Rt # / Name)	0- Main 1- Alternate 5- Spur	6- Connection 7- Business	Miles: 20	Dir: N S W	In / Near City or Town of: Spartan City
Lane # / Div.	Distance Offset	Direction	1- Interstate 2- US Primary 3- FL Primary	4- Secondary 5- County 6- Other	Base Intersection (Rt # / Name)	0- Main 2- Alternate 5- Spur	6- Connection 7- Business 9- Other	ASRU code	MP/Grd	
# / Of	Miles	Feet	N S W	E S W	From: Reynolds Road			Latitude		
R.R. Id.	From	Ramp Only	To	1- Interstate 2- US Primary 3- FL Primary	4- Secondary 5- County 6- Other	Second Intersection (Rt # / Name)	0- Main 2- Alternate 5- Spur	6- Connection 7- Business 9- Other	Longitude	
	N E S W	1 - Entrance 2 - Exit	N E S W			CR-42				
B-300094 Driver/Pedestrian's Full Name: mei hinnant					B-300095 Driver/Pedestrian's Full Name: Kasey Moore					
Unit #	Sex	Race	Street/R.F.D.		Unit #	Sex	Race	Street/R.F.D.		
1			P.O. Box 35620		2			1313 MAGNOLIA LANE		
Birth Date	City, State, & Zip		BRYAN, FL 29400		Birth Date	City, State, & Zip		Bryan, FL 29400		
State	Driver's License #	Insurance Company		State	Driver's License #	Insurance Company				
FL	562018985245-C	All Farmers Co-op		FL	00625854158 C	Fast Ins. Co.				
Year	Body	Vehicle Make	VIN #	Year	Body	Vehicle Make	VIN #			
17	SUV	Chev.	2V46GNOLKS695870	12	Van	Dodge	1D356UNVOW008921			
State	Year	License Plate #	Owner's D.L. #	State	Year	License Plate #	Owner's D.L. #			
FL	2021	BRN 268	same	FL	2021	KCD 285	same			
Home Telephone	Owner's Full Name		Home Telephone		Owner's Full Name					
555-555-3681	same		555-555-0919		same					
Bus. Telephone	Street/R.F.D.		Bus. Telephone		Street/R.F.D.					
()	()		()		()					
Contributed To Collision	City, State, & Zip		Contributed To Collision		City, State, & Zip					
Yes	No		Yes		No					
Estimated Speed	Speed Limit	C.D.L. Req. Yes No	T/R S Req. Yes No	Alt/Drg Info (see back) Yes No	Estimated Speed	Speed Limit	C.D.L. Req. Yes No	T/R S Req. Yes No	Alt/Drg Info (see back) Yes No	
45	45				45	45				
Summons #	Code	Summons #	Code	Towed By	Summons #	Code	Summons #	Code	Towed By	
				Body Works					Golden	
B-300096 Driver/Pedestrian's Full Name					State Year License Plate # Owner's D.L. #					
Unit # Sex Race Street/R.F.D.					Home Telephone Owner's Full Name					
Birth Date City, State, & Zip					Bus. Telephone Street/R.F.D.					
State Driver's License # Insurance Company					Contributed To Collision City, State, & Zip					
Year Body Vehicle Make VIN #					Estimated Speed Speed Limit C.D.L. Req. Yes No T/R S Req. Yes No Alt/Drg Info (see back) Yes No					
Dir. of Travel Unit 1: N S E W Unit 2: N S E W Unit 3: N S E W					Summons # Code Summons # Code Towed By					
<p>SR 377</p>					Unit 1 Dam.	Unit 2 Dam.	Unit 3 Dam.	Prop. Dam. 1	Prop. Dam. 2	
					\$10,000.	\$5,000.	\$	\$25,000.	\$	
					Property Owner/Witness: Jess McGee		Property Owner/Witness			
					Address: SR-377, Box 15		Address			
State: SC Zip: 29400 Phone: 555-555-4201		State: Zip: Phone:								
Photo: Describe What Happened (Refer to Units by Number)										
Y N Unit #1 struck bull - total loss.										
Unit #2 was traveling behind Unit #1.										
Driver of unit #1 said crested hill and saw bull on road. Unit #1 braked hard, and was hit by unit #2 causing unit #1 to hit bull.										
Unit #2 driver states that "unit #1 braked suddenly and may have hit something before I hit them." Owner of bull was notified. No obvious way for bull to be on road. Owner put bull down due to injuries.										
NOTICE - THE TR-310 IS FOR STATISTICAL REPORTING PURPOSES ONLY AND IS A REFLECTION OF THE OFFICER'S BEST KNOWLEDGE, OPINION, AND BELIEF COVERING THE COLLISION BUT NO WARRANTY IS MADE AS TO THE FACTUAL ACCURACY THEREOF.										
Investigating Officer's Name: M. Dossey		Rank: M. Dossey	Badge #: 263	Code:	Date: 3/23/22	Reporter's Name: W. Walle		Rank: Shrf.	Internal Agency Code:	

Exhibit 5

Page 1 of 2

Unit	Date of Birth	Sex	Race	R/NJ	Seat	R/S/D	A.B.D.	Eject	LAI	Tran	Name	Street Address	Zip Code
1	03/07/01				01	13	N	1	2		Mel Hinnant	P.O. Box 35620	29400
2	10/18/77				01	13	N	1	2		Kasey Moore	1313 MAGNOLIA LANE	29400
2	02/15/12				03	13	N	1	2		Dillon Moore	Same	
2	11/22/14				04	13	N	1	2		Braden Moore	Same	
2	08/01/17				06	21	N	1	2		Alyssa Moore	Same	

Race	A - Asian/Pacific Islander	W - Caucasian	a) Injury Status	2 - Non-Incapacitating	Seating Loc.	20 - Pedestrian	60 - Sleeper of Cab	Restraint/Safety Device
B - African American	H - Hispanic	O - Other	0 - Not Injured	3 - Incapacitating	01 02 03	30 - Trailing Unit	70 - Riding on Unit Exterior	60 - None Used
I - Alaskan Native or American Indian	U - Unk.		1 - Possible	4 - Fatal	04 05 06	40 - Bus or Van (4th row or Higher)	80 - Lap	11 - Shoulder Belt Only
			b) Motorcycle Only		07 08 09	50 - Other Enclosed Area (nontrailing)	99 - Unk./NA	12 - Lap Belt Only
Air Bag Deployment / Switch	Ejection	Head Injury	1 - Yes	2 - No	Transported to Medical Facility	51 - Other Unenclosed Area (nontrailing)		13 - Shoulder & Lap Belt
1 - Deployed Front	4 - Not Deployed	1 - Not Ejected			a) 1 - Yes			99 - Unk.
2 - Deployed Side	7 - Not Applicable	2 - Part Ejected	Location After Impact	3 - Freed (non-mech.)	b) 2 - No			31 - Helmet
3 - Deployed Both	9 - Deployment Unk.	3 - Tot. Ejected	1 - Not Trapped	4 - Not Applicable	3 - Unknown			51 - Reflective Clothing
4 - Switch In On Position	3 - No Switch	7 - Not App.	2 - Ejected (Mechanical Means)	9 - Unknown	1 - EMS			41 - Protective Pads
5 - Switch in Off Position	9 - Unk.	9 - Unk.			2 - Police			61 - Lighting

Sequence of Events	Mail Drop: TR-310 to: Office of Financial Responsibility, PO Box 1498, Blythewood, SC 29016
01 - Cargo/Equip. Loss or Shift	04 - Equipment Failure
02 - Cross Median/Center Line	05 - Fire/Explosion
03 - Downhill Runaway	06 - Overturn/Rollover
04 - Event	07 - Jammed
05 - Event	08 - Immersion
06 - Event	09 - Ran off Road Left
07 - Event	10 - Ran off Road Right
08 - Event	11 - Separation of Units
09 - Event	12 - Spin (no Wheel/Veh.)
10 - Event	13 - 18 - Other Non-collision
11 - Event	14 - 19 - Unk. Non-collision
12 - Event	15 - 20 - Armadillo (Door Only)
13 - Event	21 - Armadillo (All Other)
14 - Event	22 - Motor Veh. on Turn
15 - Event	23 - Motor Veh. (Disposed)
16 - Event	24 - Motor Veh. (Parked)
17 - Event	25 - Motor Veh. (Parked)
18 - Event	26 - Motorcycle
19 - Event	27 - Pedestrian
20 - Event	28 - Railway Veh.
21 - Event	29 - Work Zone
22 - Event	30 - Other Manmade Object
23 - Event	31 - Link Movable Object
24 - Event	32 - Link Movable Object
25 - Event	33 - Link Movable Object
26 - Event	34 - Link Movable Object
27 - Event	35 - Link Movable Object
28 - Event	36 - Link Movable Object
29 - Event	37 - Link Movable Object
30 - Event	38 - Link Movable Object
31 - Event	39 - Link Movable Object
32 - Event	40 - Link Movable Object
33 - Event	41 - Link Movable Object
34 - Event	42 - Link Movable Object
35 - Event	43 - Link Movable Object
36 - Event	44 - Link Movable Object
37 - Event	45 - Link Movable Object
38 - Event	46 - Link Movable Object
39 - Event	47 - Link Movable Object
40 - Event	48 - Link Movable Object
41 - Event	49 - Link Movable Object
42 - Event	50 - Link Movable Object
43 - Event	51 - Link Movable Object
44 - Event	52 - Link Movable Object
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88 - Event	96 - Link Movable Object
89 - Event	97 - Link Movable Object
90 - Event	98 - Link Movable Object
91 - Event	99 - Link Movable Object
92 - Event	100 - Link Movable Object

Manner of Collision (Struck Veh.)	30 - Rear-to-Rear	59 - Sideswipe Same Dir.
10 - Not Coll. W/Motor Veh.	41 - Angle (↘) (A) (A)	60 - Sideswipe Opposite Dir.
10 - Rear End	42 - Angle (→) (A) (A)	70 - Backed Into
20 - Head On	43 - Angle (↘) (A) (A)	99 - Unknown

Vehicle Type	15 - Full Size Van	27 - Pedalcycle	61 - School Bus
01 - Automobile	16 - Mini Van	38 - Animal (Ridden)	62 - Passenger Bus
12 - Pickup/Truck	17 - Sport Utility	39 - Animal (Ridden)	98 - Other
13 - Truck Tractor	25 - Motorcycle	41 - Pedestrian	99 - Unk. (Hit and Run Only)
14 - Other Truck	26 - Other Motorbike	51 - Train	
02 - Personal	04 - Ambulance	06 - Farm Use	12 - Fire Fighting
03 - Driver Training	05 - Military	09 - Wrecker or Tow	13 - Logging
04 - Construction/Maint.	07 - Transport Passengers	10 - Police	16 - Other
05 - Construction/Maint.	08 - Transport Property	11 - Government	41 - Pedestrian
4 - Utility Trailer	8 - Towed Motor Vehicle	C - Other Tanker	
1 - None	5 - Farm Trailer	9 - Petroleum Tanker	D - Flat Bed
2 - Mobile Home	6 - Trailer w/Boat	A - Lowboy Trailer	E - Twin Trailers
3 - Semi-Trailer	7 - Camper Trailer	B - Autocarrier Trailer	F - Other

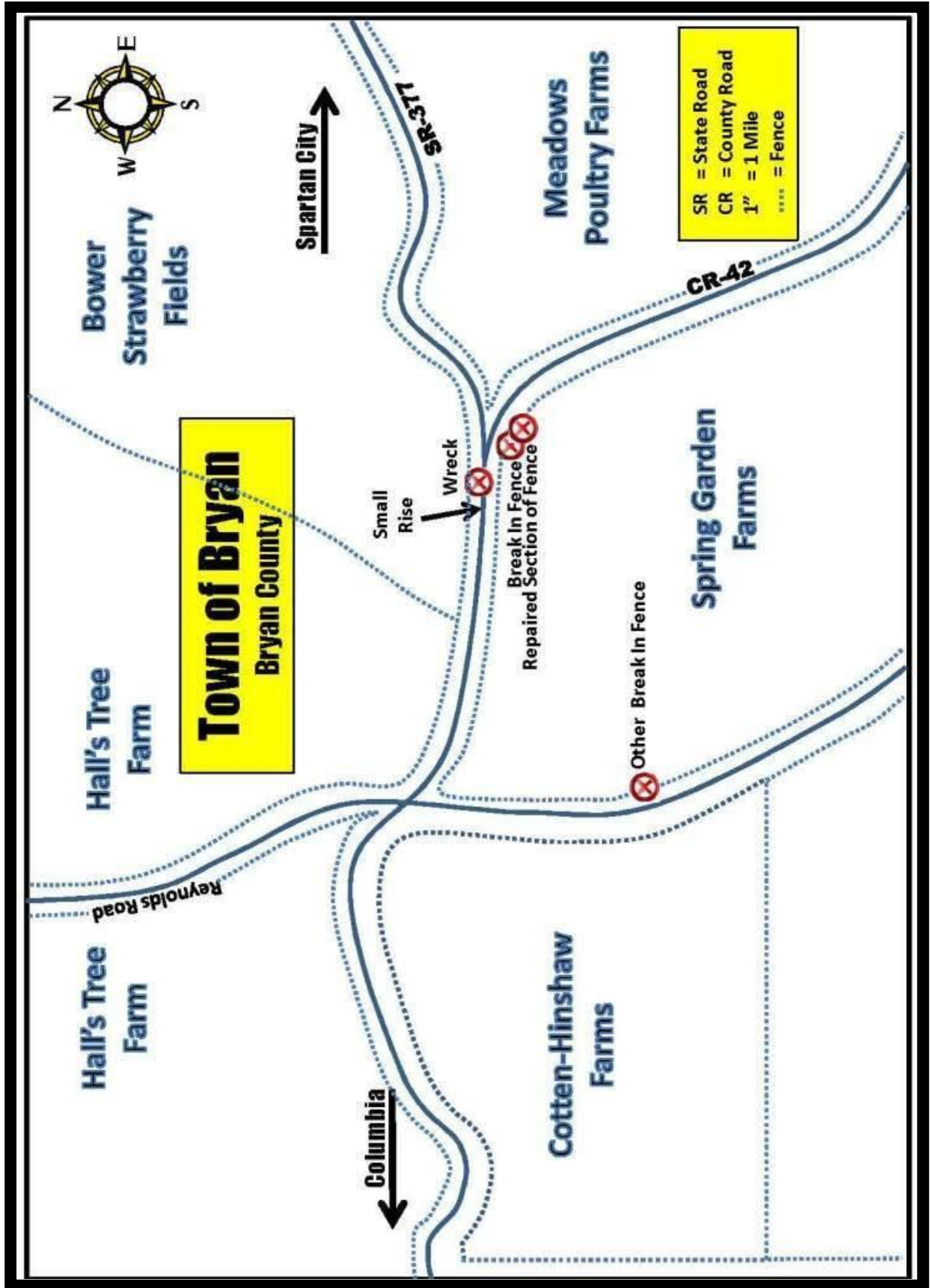
Action Prior to Impact (Vehicle)	01 - Backing	08 - Parked	21 - Approaching/Leaving Vehicle
02 - Changing Lanes	09 - Slowing or Stopped in Traffic	22 - Entering/Crossing Location	
03 - Entering Traffic Lane	10 - Turning Left	23 - Playing/Working on Vehicle	
04 - Leaving Traffic Lane	11 - Turning Right	24 - Pushing Vehicle	
05 - Making U-turn	12 - Topping Right	25 - Standing	
06 - Movements Essentially Straight Ahead	13 - Walking, Playing, Cycling	26 - Walking, Playing, Cycling	
07 - Overtaking/Passing	14 - Other	27 - Working	

Weather Condition	1 - Clear (no adverse conditions)	4 - Sleet, Hail	7 - Blowing Sand, Oil, Dirt or Snow	9 - Unk.
2 - Rain	3 - Snow	5 - Fog, Smog, Smoke	6 - Severe Crosswinds	
3 - Daylight	4 - Dark (Lighting Unspecified)	5 - Dark (Street Lamp Not Lit)	6 - Dark (No Lights)	
1 - Daylight	2 - Dawn	3 - Dark	4 - Dark (Street Lamp Lit)	

Junction Type	01 - Crossover	04 - Four-way Intersection	08 - T-Intersection	13 - Nonjunction
02 - Driveway	03 - Five/Way Points	05 - Railway Grade Crossing	09 - Traffic Circle	99 - Unk.

Primary	02	Contributing Factors	09 - Make an Improper Turn	30 - Debris	48 - Other	50 - Inattentive	66 - Under the Infl.	62 - Obstruction
01 - Distracted/Inattention	02	12 - Aggressive Operation of Vehicle	13 - Over-correcting/Over-steering	31 - Non-Highway Work	40 - Unk.	51 - Lying &/or Illegally in Roadway	61 - Glare	63 - Weather Cond.
03 - Driving Too Fast for Conditions	03	14 - Swerving to Avoiding Object	15 - Wrong Side or Wrong Way	32 - Obstruction in Roadway	41 - Unk.	52 - Failure to Yield R. of W.	62 - Other	69 - Unk.
04 - Exceeded Authorized Speed Limit	04	16 - Under the Influence	17 - Vision Obscured (Within Unit)	33 - Road Surface Condition (i.e., Wet)	42 - Unk.	53 - Not Visible (Dark Clothing)	63 - Brake	76 - Windows/Shield
05 - Failed to Yield Right of Way	05	18 - Impaired Lane Usage/Change	19 - Cell Phone	34 - Flat, Holes, Bumps	43 - Unk.	54 - Disregard Sign, Signal, Fr.	71 - Steering	77 - Restraint System
06 - Ran off Road	06	20 - Other Improper Action	21 - Unk.	35 - Shoulders (Haze, Low, Soft, High)	44 - Unk.	55 - Improper Crossing	72 - Power Plant	78 - Truck Coupling
07 - Fatigued/Asleep	07	22 - Other Improper Action	23 - Unk.	36 - Traffic Control Device (i.e., Missing)	45 - Unk.	56 - Daring	73 - Tires/Wheel	79 - Cargo
08 - Followed Too Closely	08	24 - Other Improper Action	25 - Unk.	37 - Work Zone (Const./Maint./Alt/My)	46 - Unk.	57 - Wrong Side of Road	74 - Lights	80 - Fuel System
		26 - Other Improper Action	27 - Unk.	38 - Worn, Travel-Polished Surface	47 - Unk.	58 - Other	75 - Signals	81 - Other
		28 - Other Improper Action	29 - Unk.	39 - Worn, Travel-Polished Surface	48 - Other	59 - Unk.		82 - Other
		29 - Other Improper Action	30 - Unk.	40 - Worn, Travel-Polished Surface	49 - Other	60 - Unk.		83 - Other
		30 - Other Improper Action	31 - Unk.	41 - Worn, Travel-Polished Surface	50 - Other	61 - Unk.		84 - Other
		31 - Other Improper Action	32 - Unk.	42 - Worn, Travel-Polished Surface	51 - Other	62 - Unk.		85 - Other
		32 - Other Improper Action	33 - Unk.	43 - Worn, Travel-Polished Surface	52 - Other	63 - Unk.		86 - Other
		33 - Other Improper Action	34 - Unk.	44 - Worn, Travel-Polished Surface	53 - Other	64 - Unk.		87 - Other
		34 - Other Improper Action	35 - Unk.	45 - Worn, Travel-Polished Surface	54 - Other	65 - Unk.		88 - Other
		35 - Other Improper Action	36 - Unk.	46 - Worn, Travel-Polished Surface	55 - Other	66 - Unk.		89 - Other
		36 - Other Improper Action	37 - Unk.	47 - Worn, Travel-Polished Surface	56 - Other	67 - Unk.		90 - Other
		37 - Other Improper Action	38 - Unk.	48 - Worn, Travel-Polished Surface	57 - Other	68 - Unk.		91 - Other
		38 - Other Improper Action	39 - Unk.	49 - Worn, Travel-Polished Surface	58 - Other	69 - Unk.		92 - Other
		39 - Other Improper Action	40 - Unk.	50 - Worn, Travel-Polished Surface	59 - Other	70 - Unk.		93 - Other
		40 - Other Improper Action	41 - Unk.	60 - Worn, Travel-Polished Surface	60 - Other	71 - Unk.		94 - Other
		41 - Other Improper Action	42 - Unk.	70 - Worn, Travel-Polished Surface	61 - Other	72 - Unk.		95 - Other
		42 - Other Improper Action	43 - Unk.	80 - Worn, Travel-Polished Surface	62 - Other	73 - Unk.		96 - Other
		43 - Other Improper Action	44 - Unk.	90 - Worn, Travel-Polished Surface	63 - Other	74 - Unk.		97 - Other
		44 - Other Improper Action	45 - Unk.	100 - Worn, Travel-Polished Surface	64 - Other	75 - Unk.		98 - Other
		45 - Other Improper Action	46 - Unk.		65 - Other	76 - Unk.		99 - Other
		46 - Other Improper Action	47 - Unk.		66 - Other	77 - Unk.		100 - Other

Exhibit 5



Estimated Parts to be Purchased

QTY.	PART NO. & DESCRIPTION	AMOUNT
1 qt.	Primer - Dual Stage	219.98
2 qt.	Aquamarine Paint #Vx19	379.98
2 qt.	High Solids Clear Coat	479.96
	Paint Preparation Supplies	210.00
1	Hood w/ Latches	565.90
2	Fenders (1ea - L&R)	751.00
1	Radiator Support	299.98
1	Radiator	219.98
1	AC Condenser	379.96
2	Headlights (1ea - L&R)	1,085.92
1	Grille	106.84
1	Bumper Support & Cover	303.22
1	Front Airbags and Module	3,931.98
Estimated Parts Sub-Total		\$8,934.70

Golden Dealership



3436 Golden Highway
Spartan City, Florida
(222) 333-4444

ESTIMATE #06-0348

INVOICE #06-0348

Estimated Description of Mechanical & Paint Labor	Hours	Amount	Estimated Description of Mechanical & Paint Labor	Hours	Amount
Frame Machine (\$25 per hr)	20	1000.00	Headlights	1	150.00
Remove and Replace			Hood Remove & Replace	2	300.00
• Airbags and module	1.5	225.00	Paint Preparation	2	300.00
• Fenders	1	150.00	Painting of Hood and Fender and Bumper Cover	4	600.00
• Hood	.5	75.00	Paint Sealant	3	450.00
• Headlights	1	150.00	Curative Process (\$15 per hr)	10	300.00
• Bumper Support	1	150.00	Panels Replacement and Alignment	2.5	375.00
• Bumper Cover	1	150.00	Paint Blend as Necessary on Doors	2	300.00
• Radiator	1	150.00			
• Radiator Support	3	450.00			
• AC Condenser	2	300.00			
Estimated Mechanical and Paint Labor Sub-Total			58.5	\$5,575.00	

ESTIMATE			ESTIMATE		
Total Parts	8,934.70		Minivan Rental (3/23-4/6/2021)		
Total Labor (Mechanical and Paint)	5,575.00		2 Weeks Car Rental @ \$971.98	1,943.96	
Waste Disposal	80.00		Sub-Total	1,943.96	
Sub-Total	14,589.70		State Rental Surcharge (5%)	97.20	
Shop Supplies (2% of sub-total)	291.80		Tax (7%)	136.08	
Tax (7% tax applied only to parts)	625.42		TOTAL RENTAL CHARGE	\$2,177.24	
Less Deposit	0.00		Towing	310.00	
REPAIR ESTIMATE TOTAL	\$15,506.92		TOTAL TOWING CHARGE:	\$310.00	
All estimates are valid for up to 30 days.			TOTAL DUE:	\$2,487.24	

Exhibit 7



Fun Frames

Spartan City Store #313

(111) 222-3333

RECEIPT

Quantity	Item #	Description	Cost
1	01-15432	Bright 600 Polarized Sunglasses	\$224.30
		- Steel Colored	
		Sub-Total:	\$224.30
		Sales Tax (7%):	\$15.70
		Total:	\$240.00

Thank you for doing business with us!

Exhibit 8

IN THE 21ST JUDICIAL CIRCUIT IN AND FOR BRYAN COUNTY, FLORIDA

**JESSE MCGEE,
PLAINTIFF,**

V.

**KASEY MOORE,
DEFENDANT.**

**Case No. CV – 10 – 2022
Judge Stephen Renick**

Jury Instructions

The Court hereby approves the following preliminary jury instructions in the above-captioned case. It notes that the presentation of evidence at trial may warrant additional instructions, and it will consider those instructions at a later date.

A. The Jury: Finders of the Facts

Under our constitution and code of laws, only you -- the jury -- can make the findings of fact in this case. I am not permitted to tell you how I feel about the evidence which has been presented. And throughout this trial, I have intended to be fair and impartial toward each of the parties involved.

To determine the facts in this case, you will have to evaluate the credibility -- or believability of witnesses. You are the sole judges of the credibility of the witnesses, and, in passing upon their credibility, you may take into consideration many things, such as:

1. How would you describe the appearance and manner of the witness on the stand, sometimes referred to as the demeanor of the witness?
2. Was the witness forthright or hesitant?
3. Was the witness' testimony consistent, or did it contain discrepancies?
4. What was the ability of the witness to know the facts about which he or she testified?
5. Did the witness have a cause or a reason to be biased and prejudiced in favor of the testimony he or she gave?
6. Was the testimony of the witness corroborated or made stronger by other testimony and evidence, or was it made weaker or impeached by such other testimony and evidence?

You can believe as much or as little of each witness' testimony as you think proper. You may believe the testimony of a single witness against that of many witnesses -- or just the opposite.

Of course, you do not determine the truth merely by counting the number of witnesses presented by each side. Throughout this process you have but one objective -- to seek the truth, regardless of its source.

B. Evidence

There are two types of evidence generally presented during a trial -- direct evidence and circumstantial evidence. Direct evidence is the testimony of a person who asserts or claims to have actual knowledge of a fact, such as an eyewitness. Circumstantial evidence is proof of a chain of facts and circumstances indicating the existence of a fact in issue. The law makes absolutely no distinction between the weight or value to be given to either direct or circumstantial evidence.

You should weigh all the evidence in the case in arriving at a verdict.

C. The Judge: Instructor of the Law

The same laws which designate and make you the finders of the facts also make me the instructor of the law. You must accept the law as I give it to you. I caution you that that does not mean what you think the law should be.

D. Elements of a Cause of Action

To state a cause of action against a Defendant, the law requires a Plaintiff to set out in his or her complaint the essential claims which make up that Cause of Action. In his or her complaint, the Plaintiff in this action has set forth the essential claims of each cause of action, each of which is denied by the Defendant.

E. Defenses

In his/her Answer to the Plaintiff's Complaint, the Defendant has set forth various defenses.

The first defense is what is called a qualified general denial. By this defense, the Defendant admits the truthfulness of certain claims --such as the time and date of the occurrence -- but denies each and every claim that would make the Defendant responsible for the Plaintiff's injuries.

By doing this, the Defendant is placing upon the Plaintiff the burden of proving those necessary elements I told you about earlier.

In addition to this qualified general denial, the Defendant puts forth defenses to the particular Causes of Action. Those will be discussed with the specific Causes of Action.

F. Burden of Proof

The Plaintiff has the burden of proof on his or her cause of action. She or he must meet this burden by proving his or her claims by the preponderance -- or the greater weight -- of the evidence.

Of course, there is no way to weigh evidence, except through the exercise of your good common sense and judgment. It is entirely a mental process -- and the evidence you should give the most weight to is that which convinces you of its truth, regardless of the source from which it comes.

The Defendant in this case also asserted a counterclaim for damages. For the same reasons noted above, the Defendant has the burden of proving his or her counterclaim.

G. Impartial Jury

Now you have been sworn to give all parties in this case a fair and impartial trial, and when you have done so, you will have complied with your oath. You must not be influenced by opinions or expressions of opinion you may have heard outside of this courtroom, but rather should base your verdict only on the testimony of the sworn witnesses who took the stand, along with the other evidence.

You must not be swayed by passion, prejudice or improper sympathy for or against any of the parties in this case.

H. Negligence

Negligence is the breach of duty of care owed to the Plaintiff by the Defendant. This is a negligence case. In order to recover for damages, the party claiming the other party is negligent must establish the following elements by a preponderance of the evidence. The term "preponderance of the evidence" means the greater weight of credible evidence admitted in this case.

To sustain the burden of proof, the Plaintiff must prove that the Defendant was negligent in the operation of the Defendant's vehicle, which was a cause of the damages to the Plaintiff's property:

1. The Defendant owed a duty of reasonable care in the operation of the Defendant's vehicle;
2. The Defendant acted unreasonably and breached the duty of care;
3. The Defendant's unreasonable conduct caused the damages to the Plaintiff's property; and,
4. The Plaintiff is entitled to compensation.

In this case, the Defendant has made a counterclaim against the Plaintiff for damages caused to the Defendant's vehicle. In order to recover for damages from the Plaintiff, the

Defendant must prove by a preponderance of the evidence that the Plaintiff was negligent in the containment of the Plaintiff's bull, which was a cause of the damages to the Defendant's property:

1. The Plaintiff owed a duty of reasonable care in the containment of the Plaintiff's bull;
2. The Plaintiff acted unreasonably and breached the duty of care;
3. The Plaintiff's unreasonable conduct caused the damages to the Defendant's property; and,
4. The Defendant is entitled to compensation.

The law sets forth the following tests to determine whether or not these elements are proven:

1. **Duty of Reasonable Care:** Whenever a person's conduct creates a foreseeable risk of harm, that person owes a duty of reasonable care to avoid that harm. A person owes a duty to anyone within the zone of danger created by the person's conduct. Foreseeability analysis requires that you turn back the clock to the time when the conduct occurred and examine the circumstances. From those circumstances, could the person have reasonably anticipated that harm could come to someone? If so, the harm was foreseeable and a duty of reasonable care was owed.
2. **Breach of the Duty of Reasonable Care:** A person has breached the duty of reasonable care when s/he fails to do what a reasonable person would have done under the same circumstances. To determine what a reasonable person would have done under the same circumstances, you should examine all of the information that the person had or should have had at the time s/he engaged in the conduct and weigh the foreseeable risks of engaging in the conduct against the costs of not engaging in the conduct.
3. **Causation:** In order to establish causation, the person claiming the harm must show that the other person's conduct was a cause of the harm. There may be more than one cause of harm. If it is more likely than not that the harm would not have occurred but-for the conduct or that the conduct was a substantial factor in bringing about the harm, then the conduct is said to be the cause. In order to be a cause, the act or omission complained of must be such that a person using reasonable care would have foreseen that the harm, or some similar harm, might result.
4. **Compensation:** A person is entitled to compensation for damages that are proven to have resulted from another's unreasonable conduct. Also known as "actual" damages, compensatory damages include all losses actually sustained by as a result of negligence. A judgment for compensatory damages is intended to make

a person whole, or return that person to the state s/he was in prior to the negligent act. Compensatory damages may include economic and noneconomic damages.

I. Comparative Fault

In this case, both the Defendant and the Plaintiff allege that damages incurred by the other, if any, resulted from the Plaintiff's and/or Defendant's own conduct. This is an affirmative defense that is separate from the counterclaim and answer to the counterclaim pled by the Defendant and the Plaintiff respectively. If you determine, after deliberation, that either party contributed in any way to the other's damages, you are required to apportion fault between the parties. If the Plaintiff's fault is greater than the Defendant's fault, then the Plaintiff recovers nothing under the Plaintiff's main cause of action. If the Defendant's fault is equal to or greater than the Plaintiff's fault, then the Plaintiff's recovery will be reduced by the percentage of fault attributed to the Plaintiff.

Conversely, if the Defendant's fault is greater than the Plaintiff's fault on the Defendant's counterclaim, then the Defendant recovers nothing under the counterclaim. If the Plaintiff's fault is equal to or greater than the Defendant's fault on the Defendant's counterclaim, then the Defendant's recovery under the counterclaim is reduced by the percentage of fault attributed to the Defendant. You will decide the total amount of damages, if any, and the relative fault of the parties. I, the presiding judge, will then calculate the damages award based on your findings.

IN THE 21ST JUDICIAL CIRCUIT IN AND FOR BRYAN COUNTY, FLORIDA

**JESSE MCGEE,
PLAINTIFF,**

V.

**KASEY MOORE,
DEFENDANT.**

**Case No. CV – 10 – 2022
Judge Stephen Renick**

Jury Verdict Form

We, the jury, find as follows:

1) Did Jesse McGee suffer damages as a result of the collision?

Yes

No

If you answered yes, state the amount of damages incurred by Kasey Moore.
Damages incurred by Jesse McGee: \$ _____

2) Did Kasey Moore suffer damages as a result of the collision?

Yes

No

If you answered yes, state the amount of damages incurred by Kasey Moore.
Damages incurred by Kasey Moore: \$ _____

3) Did the negligence, if any, of those named below cause the collision? Answer “Yes” or “No” for each of the following:

- a. Jesse McGee _____
- b. Kasey Moore _____

4) Answer this only if you found both parties to be negligent in response to Question Number Three:

Assign percentages of responsibility only to those you found caused or contributed to cause the collision. The percentages must be expressed in whole numbers. The percentages you find must total 100 percent.

For each person you found caused or contributed to the cause the collision, find the percentage of responsibility attributed to each:

- a. Jesse McGee _____ %
- b. Kasey Moore _____ %
- c. Total _____ %

Jury Foreperson

Rules of Competition

This program is a video competition where students from the same school will present both sides of the case in one trial (i.e. prosecution/plaintiff and defense are from the same school). After practicing the simulation, teams will record their trial and submit it by the designated due date for evaluation. There may be a final round between the top two teams depending on team availability and circumstances.

Description and Goals

The annual statewide middle school mock trial simulation and competition provides opportunities for students to learn about the legal process, the courts, and the jury system through a classroom activity aligned with the civics and government benchmarks for middle school. The competition provides an avenue for middle school students to participate in a simulated trial in the classroom or at a local courthouse. Local judges or attorney volunteers can serve as the presiding judge for the activity. Teams should videotape the trial and submit using the directions in the case materials. You can locate video clips from previous years on the Justice Teaching Center's website, <https://www.flsouthern.edu/arts-centers/centers-institutes/justice-teaching-center/other-programs/middle-school-mock-trial-competition.aspx>.

The middle school mock trial program is designed to:

- Increase student understanding of and interest in the legal process, the courts, and the jury system;
- Generate interest in law-related careers; and
- Improve civic literacy skills including critical thinking, public speaking, and legal reasoning.

We have aligned the case materials with the middle school civics benchmarks including:

SS.7.C.2.6 Simulate the trial process and the role of juries in the administration of justice.

Supplemental classroom materials are provided. For additional assistance, contact Annette Boyd Pitts at apitts@flsouthern.edu .

Rules

Rule I: Team Competition / Presentation

- A. The competition is open to students currently enrolled in grades 6-8 in Florida schools. All students on a team, whether they represent the prosecution/plaintiff or defense, **must be enrolled in the same school** or members of a club at the same school. Each team must have a teacher sponsor who accompanies the team at any level of competition.
- B. **Only one video per school will be accepted.**
- C. The video shall consist of at least twelve students **from the same school** to be used in any manner deemed appropriate by the teacher and coach, as long as the distribution of duties does not conflict with other competition rules. Roles include attorneys, witnesses, members of the jury, and other roles as determined by the teacher such as a bailiff. Teams who have less than 12 students can have students play more than one role for witnesses as opposed to attorneys.
- D. Each school must present both sides of the case in one trial. (Prosecution/Plaintiff and Defense/Defendant).
- E. Students of either gender may portray the role of any witness. The competition will strive to make roles gender neutral. However, some cases will warrant a specific gender role. In such cases, students of either gender may portray the role but the gender of the witness may not change from the case as presented.
- F. Team Roster/"Roll" Call
 - a. Teams should introduce themselves and teacher/coaches at the beginning of the filming as well as their corresponding roles and duties before beginning the trial.

Rule II: The Case

- A. The case may contain any or all of the following documents: stipulations, narratives, exhibits, witness statements, etc.
- B. The stipulations (and fact statements, if any) may not be disputed at the trial. Witness statements may not be altered.
- C. All witnesses must be called.

Rule III: Trial Presentation

- A. The trial proceedings will be governed by the Florida Mock Trial Simplified Rules of Evidence. Other more complex rules may not be raised at the trial. Questions or interpretations of these rules are within the discretion of the State Mock Trial Advisory Committee, whose decision is final.
- B. Each witness is bound by the facts contained in his/her own witness statement, the Statement of Facts, if present, and/or any necessary documentation relevant to his/her testimony. Fair extrapolations may be allowed, provided reasonable inference may be made from the witness' statement. If, in direct examination, an attorney asks a question which calls for extrapolated information pivotal to the facts at issue, the information is subject to objection outside the scope of the problem. If, on cross-examination, an attorney asks for unknown information, the witness may or may not respond, so long as any response is consistent with the witness' statement or affidavit and does not materially affect the witness' testimony. Adding facts that are inconsistent with the witness statement or with the Stipulated Facts and which would be relevant with respect to any issue in the case is not permitted. Examples include, but are not limited to
 - a. Creating a physical or mental disability,
 - b. Giving a witness a criminal or bad record when none is suggested by the statements, (c) Creating facts which give a witness standing as an expert and;
 - c. Materially changing the witness' profession, character, and memory, mental or physical ability from the witness' statement by testifying to "recent changes."
 - d. If certain witnesses are stipulated to as experts, their expert qualifications may not be challenged or impeached by the opposing side. However, their testimony concerning the facts of the case may be challenged.
- C. On direct examination, the witness is limited to the facts given. If a witness testifies in contradiction to the facts given in the witness statement, that testimony may be impeached on cross-examination by the opposition through the correct use of the affidavit. The procedure is outlined in the Rules of Evidence.
- D. On cross-examination, no restrictions will be made on the witness or the cross examination, except that the answer must be responsive and the witness can be impeached (more information on impeachment can be found in the Simplified Rules of Evidence and Procedure Section I, subsection b). If the attorney who is cross-examining

the witness asks a question, the answer to which is not contained in the stipulations or affidavit then the witness may respond to that question with any answer as long as the answer does not contradict or materially change the affidavit. If the answer by the witness is contrary to the stipulations or the affidavit, the cross examination attorney may impeach the witness.

- E. Use of voir dire examination of a witness is not permitted.
- F. It is recommended that teams be less scripted in the delivery of the trial; less reading is recommended.**

Rule IV: Student Attorneys

- A. Team members are to evenly divide their duties. During the video, each of the three attorneys for each side (Prosecution/Plaintiff and Defense) will conduct one direct examination and one cross examination. Of those three plaintiff/prosecution attorneys, one will deliver the opening statement and a different attorney will deliver the closing argument. Of those three defense attorneys, one will deliver the opening statement and a different attorney will deliver the closing argument. In other words, the attorney duties for each team will be divided as follows:
 - a. One attorney will be responsible for the direct examination of one witness and the cross-examination of one witness;
 - b. One attorney will be responsible for the direct examination of one witness, the cross-examination of one witness, and the opening statement; and
 - c. One attorney will be responsible for the direct examination of one witness, the cross-examination of one witness, and the closing argument (including rebuttal, if any).
- B. An attorney may not portray an attorney on both the plaintiff/prosecution and the defense side. An attorney may not portray multiple of the above roles for the same side of the case. Witnesses may not portray more than one role. If there are less than twelve students competing, please contact us at apitts@flsouthern.edu.
- C. Opening statements must be given by both sides at the beginning of the trial.
- D. The attorney who will examine a particular witness on direct examination is the only person who may make the objections to the opposing attorney's questions of that witness

on cross examination, and the attorney who will cross-examine a witness will be the only one permitted to make objections during the direct examination of that witness.

- E. Each side must call the three witnesses listed in the case materials. Witnesses must be called only by their own side and examined by opposing counsel. Witnesses may not be recalled.
- F. Attorneys may use notes in presenting their cases. However, it is preferable for students to avoid reading directly from their notes.
- G. Witnesses should not use notes while testifying during the trial.
- H. To permit judges to hear and see better, attorneys will stand during opening and closing statements, direct and cross-examinations, all objections, and whenever addressing the presiding judge. Students may move from the podium only with the permission of the presiding judge.

Rule V: Swearing of Witnesses

The presiding judge will indicate that all witnesses are assumed to be sworn.

Rule VI: Case Materials

Students may read other cases, materials, and articles in preparation for the mock trial. However, students may cite only the case materials given, and they may introduce into evidence only those documents given in the official packet. In addition, students may not use, even for demonstrative purposes, any materials that are not provided in the official packet.

Rule VII: Conduct/Attire

All participants are expected to demonstrate proper courtroom decorum and display collegial sportsmanlike conduct. No props are permitted. Proper courtroom attire is expected. **Costuming of witnesses is not permitted.** Costuming is defined as hairstyles, clothing, accessories, or make up which are case specific. An accent is not considered costuming.

Rule VIII: Jury Trial

For purposes of the competition, students will assume this is a jury trial. The presiding judge is the trial judge. Students should address the jury and the presiding judge.

Rule IX: Time Limits

- A. The video recording of the simulated case should be no longer than 62 minutes, this being inclusive of the trial presentation and introductions. No more than 60 minutes may be used for the trial presentation. No more than 2 minutes may be used for introductions.
- B. Opening and closing statements should be no longer than 5 minutes per side.
 - a. The Prosecution/Plaintiff gives the opening statement first. The Prosecution/Plaintiff gives the closing argument first.
 - b. The Prosecution/Plaintiff may use up to one minute of their total 5 minutes of closing arguments for a rebuttal. The Prosecution's/Plaintiff's rebuttal is limited to the scope of the defense's closing argument. Attorneys are not required to use the entire time allotted.
 - c. A rebuttal is only permitted for the Prosecution/Plaintiff. The Defense may not deliver a rebuttal.

Rule X: Judging

- A. The presiding judge will oversee the trial and rule on objections and evidentiary matters. The presiding judge may be the attorney coach or another local attorney or judge. Make sure they are aware of the rules and timing prior to taping.
 - a. Presiding judges can be selected from a range of community volunteers. The following is a list of suggestions: sitting/retired judges, attorneys, and law professors. Teachers should use their discretion when selecting a presiding judge. Teams are not being evaluated based on their presiding judge.

Rule XI: Eligibility

- A. Both sides of the case must be presented by students enrolled in the same school.
- B. Each school may only send in one video/electronic recording.

Rule XII: Video Submission

- A. Submission of videos should be through Google drive or YouTube using the Justice Teaching website link.
 - a. If submitted through YouTube, please remove your video from public access. You can do this by choosing to unlist your video and provide us with a link. Unlisted videos can only be viewed by people who have the link to it. These

videos will not appear on your channel page and they will not appear in the search. To share an unlisted video, you have to directly share the link. DO NOT set to private or we will not be able to access or judge the video.

- B. Please provide team photos of students as opposed to individual photos.
- C. **The submission should be one continuous video without editing.**

Simplified Rules of Evidence and Procedure

In American courts, elaborate rules are used to regulate the kind of proof (i.e., spoken testimony by witnesses or physical evidence) that can be used in trials. These rules are designed to ensure that both parties receive a fair hearing. Under the rules, any testimony or physical objects deemed irrelevant, incompetent, untrustworthy, or unduly prejudicial may be kept out of the trial.

If it appears that a rule of evidence is being violated, an attorney may raise an objection to the judge. Usually, the attorney stands and says, "I object, your honor," and then gives the reason for the objection. Sometimes the attorney whose questions or actions are being objected to will then explain why he or she thinks the rule was not violated. The judge then decides whether the rule has been violated and whether the testimony or physical items must be excluded from the trial.

Official rules of evidence are quite complicated. They also differ depending on the kind of court where the trial occurs. For purposes of this mock trial competition, the rules of evidence you will use have been made less complicated than those used in actual courts. The ideas behind these simplified rules are similar to actual rules of evidence.

I. Witness Examination / Questioning

a. Direct Examination

Attorneys call and question their own witnesses using direct as opposed to leading questions. Example:

Elyse Roberts is called by her attorney to explain the events leading up to her filing suit against Potomac County.

"Ms. Roberts, where do you work? How long have you worked there?"

Please describe your working relationship with Mr. Kevin Murphy during the first month of employment. Why did you meet with your supervisor, Fran Troy? Did you seek advice from a therapist during this time?"

Questions such as the above do not suggest the answer. Instead, they introduce a witness to a particular area of importance, leaving the witness free to relate the facts. Obviously, the witness will have been prepared to answer such questions in a particular way. But the question by its terms does not "lead" to the answer.

i. Leading Questions

A leading question is one that suggests the answer. It does not simply call the attention of the witness to a subject. Rather, it indicates or tells the witness what the answer should be about that subject. Leading questions are not permitted on direct examination, but questions on cross-examination should be leading. Examples:

“Mrs. Roberts, despite repeated invitations, you chose not to participate in office social functions, correct?”

“Isn't it true, that due to all the stress from work you decided to go to a therapist?”

These questions are obviously in contrast to the direct examination questions in the preceding section. Leading questions suggest the answer to the witness. This is not proper for direct examination when a party is questioning its own witness.

ii. Narration

While the purpose of direct examination is to get the witness to tell a story, the questions must ask for specific information. The questions must not be so broad that the witness is allowed to wander or "narrate" a whole story. At times, the answer of the witness to a direct question may go beyond the facts asked for by the question asked. Narrative questions are objectionable.

Example Narrative Question:

“Ms. Roberts, please tell the court about the events that contributed to your decision to sue the county.”

Example Narrative Answer:

“It all began the night I found out that it was the county that was dumping on my land. At first I thought it was my neighbors, but they denied having any part in the dumping. I decided to watch my vacant lot and see if I could catch the person responsible. I drove down to my lot the night of the 13th and parked in a place where I could see the lot but no one could see me...”

iii. Scope of Witness Examination

Direct examination may cover all facts relevant to the case of which the witness has first-hand knowledge.

iv. Character

For the purpose of this mock trial, evidence about the character of a party may not be introduced unless the person's character is an issue in the case.

a. Methods of Proving Character (Section 90.405):

- i. Reputation:** When evidence of the character of a person or of a trait of his/her character is admissible, proof may be made by testimony about his/her reputation. 2.
- ii. Specific Instances of Conduct:** When character or a trait of character of a person is an essential element of a charge, claim, or defense, proof may be made of specific instances of his/her conduct.

v. Refreshing Recollection

When a witness uses a writing or other item to refresh his/her memory while testifying, an adverse party is entitled to have such writing or other item produced at the hearing to inspect it, to cross-examine the witness thereon, and to introduce it, or in the case of writing, to introduce those portions which relate to the testimony of the witness, in evidence.

b. Cross Examination (Questioning the opposing side's witnesses)

Cross-examination should involve leading questions. In fact, it is customary to present a witness with a proposition and ask the witness to either agree or disagree.

Thus, good cross-examination calls only for a yes or no answer.

Examples:

1. "Mr. Roberts, in direct examination you testified that litigation was very stressful for you, correct? In fact, you were so stressed that you did work at home or called in sick. Isn't this true?"

2. “As an assistant district attorney, you knew that trying only three cases while settling 75 cases was not a job performance your supervisor would rate highly, didn't you?”
3. “Thus given the stress you felt, your poor attendance at work and poor job performance, it was not unusual for your supervisor to transfer you to another Bureau, was it?”

Leading questions are permissible on cross-examination. Questions tending to evoke a narrative answer should be avoided.

ii. Scope of Witness Examination

Cross-examination is not limited. Attorneys may ask questions of a particular witness that relate to matters brought out by the opposing side on direct examination of that witness, matters relating to the credibility of the witness, and additional matters otherwise admissible, that were not covered on direct examination.

iii. Impeachment

On cross-examination, the attorney may want to show the court that the witness should not be believed. The credibility of witnesses may be impeached by showing evidence of the character and conduct of the witness, prior convictions, and prior inconsistent statements. If the witness testifies differently from the information in their sworn affidavit, it may then be necessary to "impeach" the witness. That is, the attorney will want to show that the witness previously said something that contradicts the testimony on the stand.

1. Impeachment Procedure

Impeachment may be done by comparing what a witness says on the witness stand at trial to what is contained in the affidavit of that witness. By pointing out the differences between what a witness now says and what the affidavit says, the attorney shows that the witness has contradicted himself or herself.

2. Who May Impeach?

Any party, including the party calling the witness, may attack the credibility of a witness by:

- i.** Introducing statements of the witness which are inconsistent with his/her present testimony;
- ii.** Showing that the witness is biased;
- iii.** Attacking the character of the witness in accordance with the state mock trial competition if permissible under the rules of evidence and procedure;
- iv.** Showing a defect of capacity, ability, or opportunity in the witness to observe, remember, or recount the matters about which he/she testified; and
- v.** Proof by other witnesses that material facts are not as testified to by the witness being impeached.

3. Section 90.610 Conviction of Certain Crimes as Impeachment

A party may attack the credibility of any witness, including an accused, by evidence that the witness has been convicted of a crime if the crime was punishable by death or imprisonment in excess of 1 year under the law under which he was convicted, or if the crime involved dishonesty or a false statement regardless of the punishment, with the following exceptions:

- i.** Evidence of any such conviction is inadmissible in a civil trial if it is so remote in time as to have no bearing on the present character of the witness.
- ii.** Evidence of juvenile adjudications is inadmissible under this subsection

4. Section 90.614 Prior Statements of Witness

- a.** When witness is examined concerning his prior written statement or concerning an oral statement that has been reduced to writing, the court, on motion of the adverse party, shall order the statement to be shown to the witness or its contents disclosed to him.

- b. Extrinsic evidence of a prior inconsistent statement by a witness is inadmissible unless the witness is first afforded an opportunity to explain or deny the prior statement and the opposing party is afforded an opportunity to interrogate him on it, or the interests of justice otherwise require. If a witness denies making or does not distinctly admit that he has made the prior inconsistent statement, extrinsic evidence of such statement is admissible. This subsection is not applicable to admissions of a party-opponent.
- c. Re-direct and re-cross examination/questioning. If the credibility or reputation for truthfulness of the witness has been attacked on cross-examination, the attorney whose witness has been damaged may wish to ask several more questions. These questions should be limited to the damage the attorney thinks has been done and should be phrased to try to "save" the truth-telling image of the witness in the eyes of the court. Re-direct examination is limited to issues raised by the attorney on cross-examination. Re-cross examinations follows re-direct examination but is limited to the issues raised on re-direct only and should avoid repetition. The presiding judge may exercise reasonable control over questioning so as to make questioning effective to ascertain truth, avoid needless waste of time, and protect witnesses from harassment.

II. Objections

An attorney can object any time the opposing attorneys have violated the rules of evidence. The attorney wishing to object should stand up and do so at the time of the violation. When an objection is made, the judge may ask the reason for it. Then the judge may turn to the attorney whose question or action is being objected to, and that attorney usually will have a chance to explain why the judge should not accept the objection. The judge will then decide whether a question or answer must be discarded because it has violated a rule of evidence or whether to allow the question or answer to

be considered as evidence. The legal term “objection sustained” means that the judge agrees with the objection and excludes the testimony or item objected to. The legal term “objection overruled” means that the judge disagrees with the objection and allows the testimony or item to be considered as evidence.

a. Standard Objections on Direct and Cross Examination:

- i. Irrelevant Evidence:** “I object, your honor. This testimony is irrelevant to the facts of this case.”
- ii. Leading Questions:** “Objection. Counsel is leading the witness.” Remember, this is only objectionable when done on direct examination (Ref. Section A1.a).
- iii. Narrative Questions and Answers:** may be objectionable (Ref. Section A1.b).
- iv. Improper Character Testimony:** “Objection. The witness’ character or reputation has not been put in issue or “Objection. Only the witness’ reputation/character for truthfulness is at issue here.”
- v. Hearsay:** “Objection. Counsel’s question/the witness’ answer is based on hearsay.” If the witness makes a hearsay statement, the attorney should also say, “and I ask that the statement be stricken from the record.”
- vi. Opinion:** “Objection. Counsel is asking the witness to give an opinion.”
- vii. Lack of Personal Knowledge:** “Objection. Counsel is asking the witness to give an opinion.”
- viii. Lack of Proper Predicate:** Exhibits will not be admitted into evidence until they have been identified and shown to be authentic (unless identification and/or authenticity have been stipulated). Even after proper predicate has been laid, the exhibits may still be objectionable due to relevance, hearsay, etc.
- ix. Ambiguous Question:** An attorney shall not ask questions that are capable of being understood in two or more possible ways.
- x. Non-responsive Answer:** A witness’ answer is objectionable if it fails to respond to the question asked.

- xi. Argumentative Question:** An attorney shall not ask a question that asks the witness to agree to a conclusion drawn by the questioner without eliciting testimony as to new facts. However, the Court may, in its discretion, allow limited use of argumentative questions on cross-examination.
- xii. Unfair Extrapolation/Beyond the Scope of the Statement of Facts :**

Attorneys shall not ask questions calling for information outside the scope of the case materials or requesting an unfair extrapolation. Unfair extrapolations are best attacked through impeachment and closing arguments and are to be dealt with in the course of the trial. A fair extrapolation is one that is neutral.

 - 1. Note:** Fair extrapolations may be allowed, provided reasonable inference may be made from the witness’s statement. If, in direct examination, an attorney asks a question which calls for extrapolated information pivotal to the facts at issue, the information is subject to objection Outside the Scope of the Problem. If in CROSS-examination, an attorney asks for unknown information, the witness may or may not respond, so long as any response is consistent with the witness’ statement or affidavit and does not materially affect the witness’ testimony.
- xiii. Asked and Answered:** “Objection. Your honor, the question has already been asked and answered.”
- xiv. Objections Not Recognized in This Jurisdiction:** An objection that is not contained in these materials shall not be considered by the Court. However, if counsel responding to the objection does not point out to the judge the application of this rule, the Court may exercise its discretion in considering such objection.

Note: Attorneys should stand during objections, examinations, and statements. No objections should be made during opening/closing statements but afterwards the attorneys may indicate what the objection would have been. The opposing counsel should stand to be recognized by the judge and may say, “If I had been permitted to object during closing arguments, I would have objected to the opposing team’s statement that .” The presiding judge will not rule on this objection individually and no rebuttal from the opposing team will be heard.

III. Opinions of Witnesses

a. Expert Opinion

i. Section 90.702 Testimony by Experts

If scientific, technical, or other specialized knowledge will assist the trier of fact in understanding the evidence or in determining a fact in issue, a witness qualified as an expert by knowledge, skill, experience, training or education may testify about it in the form of an opinion; however, the opinion is admissible only if it can be applied to evidence at trial.

ii. Section 90.703 Opinions on Ultimate Issue

Testimony in the form of an opinion or inference otherwise admissible is not objectionable because it included an ultimate issue to be decided by the trier of fact.

iii. Section 90.704 Basis of Opinion Testimony by Experts

The facts or data upon which an expert bases an opinion or inference may be those perceived by, or made known to, him at or before the trial. If the facts or data are of a type reasonably relied upon by experts in the subject to support the opinion expressed, the facts or data need not be admissible in evidence.

iv. Expert Opinion

An expert shall not express an opinion as to the guilt or innocence of the accused.

b. Lay Opinion

i. Section 90.701 Opinions Testimony of Lay Witnesses

The facts or data upon which an expert bases an opinion or inference may be those perceived by, or made known to, him at or before the trial. If the facts or data are of a type reasonably relied upon by experts in the subject to support the opinion expressed, the facts or data need not be admissible in evidence.

1. The witness cannot readily, and with equal accuracy and adequacy, communicate what he has perceived to the trier of fact without

testifying in terms of inferences or opinions and his use of inferences or opinions will not mislead the trier of fact to the prejudice of the objecting party; and

2. The opinions and inferences do not require a special knowledge, skill, experience, or training.

ii. Additional Information

All witnesses may offer opinions based on the common experience of laypersons in the community and of which the witnesses have first-hand knowledge. A lay opinion may also be obtained. For example, Sandy Yu, as the personnel director, would know of other complaints of sexual harassment in the office and any formal reprimands, even though he is not an expert in sexual harassment. They may be asked questions within that range of experience. No witness, not even an expert, may give an opinion about how the case should be decided.

The cross-examination of opinions proceeds much like the cross-examination of any witness. Questions, as indicated above, may be based upon the prior statement of the witness. Inconsistencies may be shown. In addition, the witness may be asked whether he or she has been employed by any party, to show bias or interest. Or a witness giving an opinion may be asked the limits of certainty in that opinion, as follows:

“Dr. Isaacs, please read this portion of your sworn statement to the court.”

"I have studied the records of this case, and have conducted two one-hour interviews with Elyse Roberts on March 29 and 31st. In those interviews, she described to me her family history, her work environment, the actions of her co-workers and supervisor and her resulting feelings."

“This is your statement, is it not, Dr. Isaacs? Ms. Roberts selected you because of your expertise in sexual harassment in the workplace, correct? During your two-hour interview you were only concerned with evaluating Ms. Roberts’ working environment and not other

psychological factors that may have caused her problems. Thus you really can't say that Ms. Roberts' difficulty on the job was only caused by the actions of Mr. Murphy, can you?"

The point of these questions is not to discredit the witness. Rather, the objective is simply to treat the witness as a responsible professional who will acknowledge the limits of her or his expertise and testimony. If the witness refuses to acknowledge those limits, the witness then is discredited.

It is always important in cross-examination to avoid arguing with the witness. It is particularly important with an expert. Thus, the cross-examination should be carefully constructed to call only for facts or to draw upon statements the witness has already made.

iii. Lack of Personal Knowledge

A witness may not testify to any matter of which the witness has no personal knowledge. The legal term for testimony of which the witness has no personal knowledge is "incompetent."

IV. Relevance of Testimony and Physical Objects

Generally, only relevant testimony may be presented. Relevant evidence is physical evidence and testimony that makes a fact that is important to the case more or less probable than the fact would be without the evidence. However, if the relevant evidence is unfairly prejudicial, may confuse the issues, or is a waste of time, it may be excluded by the court. Such relevant but excludable evidence - 12 - may be testimony, physical evidence, or demonstrations that have no direct bearing on the issues of the case or do not make the issues clearer.

- a.** Show exhibit and have it marked by the judge. Say "Your Honor, I ask that this be marked for identification as Plaintiff's/Defendant's Exhibit No. "
- b.** Show the exhibit to opposing counsel for possible objection. Ask the witness to identify the exhibit. "I now hand you what is marked as Exhibit No. 1. Do you recognize this document?"
- c.** At this point the attorney may proceed to ask the witness a series of questions about the exhibit.

- d. If the attorney wishes to place the document into evidence, say, “Your Honor, I offer this marked as Plaintiff's/Defendant's Exhibit No. 1 into evidence and ask the Court to so admit it.”
- e. Court: “Is there any objection?”
- f. Opposing Counsel: “No, your Honor.” or “Yes, your Honor.” (then state objection).
- g. Court: “Plaintiff's/Defendant's Exhibit No. 1 is (is not) admitted.”

NOTE: A witness may be asked questions about his/her statement without its introduction into evidence; but to read from it or submit it to the judge, it must first be admitted into evidence. Exhibits can be pre-marked.

To observe this process, teams may want to watch a clip from the Florida High School Mock Trial Competition final round.

V. Hearsay and Exceptions to this Ruling

a. What is Hearsay?

Hearsay evidence is normally excluded from a trial because it is deemed untrustworthy. “Hearsay” is a statement other than one made by the witness testifying at the trial, offered in evidence to prove that the matter asserted in the statement is true. An example of hearsay is a witness testifying that he heard another person saying something about the facts in the case. The reason that hearsay is untrustworthy is because the opposing side has no way of testing the credibility of the out of court statement or the person who supposedly made the statement. Thus, for example, the following questions would be objectionable as “hearsay” if you are trying to prove that the color of the door was red:

Mr. Edwards what color did Bob say the door was?”

This is hearsay. Mr. Edwards is using Bob's statement for him to prove the color of the door. Instead, Bob or someone who saw the door needs to be called to testify as to the color of the door.

b. Reasons for Prohibiting Hearsay

Our legal system is designed to promote the discovery of truth in a fair way. One way it seeks to accomplish this goal is by ensuring that the evidence presented in court is

“reliable”; that is, we can be fairly certain the evidence is true. Hearsay evidence is said to be “unreliable” for four reasons:

1. The hearsay statement might be distorted or misinterpreted by the witness relating it in court.
2. The hearsay statement is not made in court and is not made under oath
3. The hearsay statement is not made in court, and the person who made it cannot be observed by the judge or jury (this is important because the judge or jury should be allowed to observe a witness' behavior and evaluate his/her credibility).
4. The hearsay statement is not made in court and the person who made it cannot be challenged by cross-examination

c. When Can Hearsay Evidence Be Admitted?

Although hearsay is generally not admissible, there are certain out-of-court statements that are treated as not being hearsay, and there are out-of-court statements that are allowed into evidence as exceptions to the rule prohibiting hearsay. Statements that are not hearsay are prior statements made by the witness himself and admissions made by a party opponent.

i. Exceptions

Hearsay is not admissible, except as provided by these rules. For purposes of this mock trial, the following exceptions to the hearsay rule will be allowed; even though the declarant is available as a witness.

1. Spontaneous Statement

A statement describing or explaining an event or condition made while the declarant perceived the event or condition, or immediately thereafter, except when such statement is made under circumstances that indicate its lack of trustworthiness.

2. Excited Utterance

A statement or excited utterance relating to a startling event or condition made while the declarant was under the stress of excitement caused by the event or condition.

3. Medical Statements

Statements made for the purpose of medical diagnosis or treatment by a person seeking the diagnosis, or made by an individual who has knowledge of the facts and is legally responsible for the person who is unable to communicate the facts, which statements describe medical history, past or present symptoms, pain, or sensations, or the inception or general character of the cause or external source thereof, insofar as reasonably pertinent to diagnosis or treatment. Records of a Regularly Conducted Activity

4. 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 - 14 - accurately, shown to have been made by the witness when the matter was fresh in his memory and to reflect that knowledge correctly. A party may read into evidence a memorandum or record when it is admitted, but no such memorandum or record is admissible as an exhibit unless offered by an adverse party.

5. Records of a Regularly Conducted Activity

- a. A memorandum, report, record, or data compilation, in any form, of acts, events, conditions, opinion, 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 and if it was the regular practice of that business activity to make such memorandum, report, record, or data compilation, all as shown by testimony of the custodian or other qualified witness, unless the sources of information or other circumstances show lack of trustworthiness. The term “business” as used in this paragraph includes a business, institution, association, profession, occupation, and calling for every kind, whether or not conducted for profit.

- a. No evidence in the form of an opinion or diagnosis is admissible under paragraph (a) unless such opinion or diagnosis would otherwise be admissible if the person whose opinion is recorded were to testify to the opinion directly.

2. Learned Treatises

No evidence in the form of an opinion or diagnosis is admissible under paragraph (a) unless such opinion or diagnosis would otherwise be admissible if the person whose opinion is recorded were to testify to the opinion directly.

3. Then Existing Mental, Emotional, or Physical Condition

- a. A statement of the declarant's then existing state of mind, emotion, or physical sensation, including a statement of intent, plan, motive, design, mental feeling, pain, or bodily health, when such evidence is offered to:
 - i. Prove the declarant's state of mind, emotion, or physical sensation at that time or at any other time when such state is an issue in the action.
 - ii. Prove or explain acts of subsequent conduct of the declarant.
- b. However, this subsection does not make admissible:
 - i. An after-the-fact statement of memory or belief to prove the fact remembered or believed, unless such a statement relates to the execution, revocation, identification, or terms of the declarant's will.
 - ii. A statement made under circumstances that indicate its lack of trustworthiness.

VI. Trial Motions

No trial motions are allowed except for special jury instructions as permitted in these case materials.

Examples:

Directed verdict, dismissal, acquittal, motion in limine, motion to sequester witnesses.

Exception:

Motion for Recess may only be used in emergency situations.

Florida Middle School Mock Trial Competition

SCORE SHEET / BALLOT

P = Plaintiff / Prosecution: _____ D = Defendant: _____
(Team Code) (Team Code)

Date: _____ Round: (circle one) 1 2 3 4 F

Using a scale of **1** to **10**, rate the **P** and **D** in the categories below.
 Do **NOT** use fractional points. Please use a ballpoint pen.

Not Effective	Fair	Good	Excellent	Outstanding
1 2	3 4	5 6	7 8	9 10

Score Sheet / Ballot		P		D
Opening Statement		()		()
Prosecution's First Witness	Direct Examination	()	Cross Examination	()
	Witness Presentation	()		
Prosecution's Second Witness	Direct Examination	()	Cross Examination	()
	Witness Presentation	()		
Prosecution's Third Witness	Direct Examination	()	Cross Examination	()
	Witness Presentation	()		
Defense's First Witness	Cross Examination	()	Direct Examination	()
			Witness Presentation	()
Defense's Second Witness	Cross Examination	()	Direct Examination	()
			Witness Presentation	()
Defense's Third Witness	Cross Examination	()	Direct Examination	()
			Witness Presentation	()
Closing Argument		()		()
Ethical Conduct		()		()
Team Performance		()		()
Column Totals: DO NOT TIE TEAMS		()		()

Note: Any errors in ADDITION will be corrected by score room staff. Please review your individual scores and return to trial coordinator.

(Judge's Signature)

Florida Middle School Mock Trial Competition

EXPLANATIONS OF RATINGS USED ON THE SCORE SHEET / BALLOT

Participants will be rated in the categories on the ballot on a scale of 1-10 points (10 being the highest), according to their roles in the trial. Each video will consist of a plaintiff/prosecution side and defendant/defense side from the same school.

POINT(S)	PERFORMANCE	CRITERIA FOR EVALUATING STUDENT PERFORMANCE
1-2	Not Effective	Exhibits lack of preparation/understanding of the case materials. Communication unclear, disorganized, and ineffective. Unsure of self, does not think well on feet, reads heavily from script or notes
3-4	Fair	Exhibits minimal preparation/understanding of the case materials. Communication minimally clear and organized, but lacking in fluency and persuasiveness. Minimally self-assured, but lacks confidence under pressure. Reads from notes.
5-6	Good	Exhibits adequate preparation/understanding of the case materials. Communications are clear and understandable, but could be stronger in fluency and persuasiveness. Generally self-assured, reads from notes very little.
7-8	Excellent	Exhibits mastery of the case materials. Communication is clear, organized, fluent and persuasive. Thinks well on feet, poised under pressure, uses notes as bullet points. Attorneys use notes minimally.
9-10	Outstanding	Superior in qualities listed for 7-8 points' performance. Attorneys use notes minimally if at all.