

2023 Florida High School Mock Trial Competition



The R. Fred Lewis High School Mock Trial Competition is hosted by the Justice Teaching Center at Florida Southern College. The 2022-2023 original case materials were created by attorney Stephen Renick with assistance from current and former college mock trial students Fernando Yzquierdo (Florida State University) and Sebastian Aviles (Florida International University). Assistance with annotating, editing, and formatting was provided by Florida Southern College pre-law student Solana Millik.



Justice
Teaching
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FLORIDA SOUTHERN COLLEGE

2023 Florida High School Mock Trial Competition

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TRIAL OVERVIEW

- I. The presiding judge will ask each side if they are ready for trial.
- II. Presiding judge announces that all witnesses are assumed to be sworn. Ask teams if there are any preliminary matters (not motions) that need to be addressed.
- III. Opening Statements - no objections allowed; however, after each opening has concluded, the opposing counsel may stand to be recognized and state that if they could have objected they would have objected to... Please reference *Rule 4.17 Objections During Opening Statement/Closing Statement*. The presiding judge will not rule and just state so noted. No rebuttals allowed.
- IV. Cases presented. See Rules for the trial sequence and time limitations.
- V. Closing Statements - no objections allowed; however, after each closing statement has concluded, the opposing counsel may stand to be recognized and state that if they could have objected - they would have objected to... Please reference *Rule 4.17 Objections During Opening Statement/Closing Statement*. The presiding judge will not rule and just state so noted. An optional rebuttal will be permitted for the Prosecution/Plaintiff.
- VI. No jury instructions need to be read at the conclusion of the trial.

Judges should complete score sheets **before** debriefing. This is crucial and ensures completed score sheets.
- VII. If a material rules violation is entered, teams will adhere to *Rule 6.1.A Material Rules Violation – Disputes at the Conclusion of the Trial – In-Person Competitions*. The presiding judge will follow the rules for this type of dispute.
- VIII. Critique **JUDGES DO NOT ANNOUNCE SCORES OR PERFORMANCE DECISIONS!**
- IX. **ALL DECISIONS OF THE JUDGES ARE FINAL.**

OATH OF ADMISSION TO THE FLORIDA BAR

The general principles which should ever control the lawyer in the practice of the legal profession are clearly set forth in the following oath of admission to the Bar, which the lawyer is sworn on admission to obey and for the willful violation to which disbarment may be had.

"I do solemnly swear:

"I will support the Constitution of the United States and the Constitution of the State of Florida;

"I will maintain the respect due to courts of justice and judicial officers;

"I will not counsel or maintain any suit or proceedings which shall appear to me to be unjust, nor any defense except such as I believe to be honestly debatable under the law of the land;

"I will employ for the purpose of maintaining the causes confided to me such means only as are consistent with truth and honor, and will never seek to mislead the judge or jury by any artifice or false statement of fact or law;

"I will maintain the confidence and preserve inviolate the secrets of my clients, and will accept no compensation in connection with their business except from them or with their knowledge and approval;

"To opposing parties and their counsel, I pledge fairness, integrity, and civility, not only in court, but also in all written and oral communications;

"I will abstain from all offensive personality and advance no fact prejudicial to the honor or reputation of a party or witness, unless required by the justice of the cause with which I am charged;

"I will never reject, from any consideration personal to myself, the cause of the defenseless or oppressed, or delay anyone's cause for lucre or malice. So help me God."

CODE OF ETHICAL CONDUCT

The purpose of the Florida High School Mock Trial Competition is to stimulate and encourage a deeper understanding and appreciation of the American legal system by providing students the opportunity to participate actively in the legal process. The education of young people is the primary goal of the mock trial program. Healthy competition helps to achieve this goal. Other important objectives include improving proficiency in speaking; listening, reading, and reasoning skills; promoting effective communication and cooperation between the educational and legal communities; providing an opportunity to compete in an academic setting; and promoting tolerance, professionalism, and cooperation among young people of diverse interests and abilities.

As a means of diligent application of the Florida High School Mock Trial Competition's Rules of the Competition, the Mock Trial Advisory/Policy Committee has adopted the following Code of Ethical Conduct for all participants.

1. Team members promise to compete with the highest standards of ethics, showing respect for their fellow team members, opponents, judges, evaluators, attorney coaches, teacher coaches, and mock trial personnel. All competitors will focus on accepting defeat and success with dignity and restraint. Trials will be conducted honestly, fairly, and with the utmost civility. Members will avoid all tactics they know are wrong or in violation of the rules, including the use of unfair extrapolations. Members will not willfully violate the rules of the competition in spirit or in practice
2. Teacher coaches agree to focus attention on the educational value of the Mock Trial Competition. They shall discourage willful violations of the rules. Teachers will instruct students as to proper procedure and decorum and will assist their students in understanding and abiding by the competition's rules and this Code of Ethical Conduct.
3. Attorney coaches agree to uphold the highest standards of the legal profession and will zealously encourage fair play. They will promote conduct and decorum in accordance with the competition's rules and this Code of Ethical Conduct. Attorney coaches are reminded that they are in a position of authority and thus serve as positive role models for the students.
4. All participants (including observers) are bound by all sections of this code and agree to abide by the provisions. Teams are responsible for insuring that all observers are aware of the code. Students, teacher coaches, and attorney coaches will be required to sign a copy of this code. This signature will serve as evidence of knowledge and agreement to the provisions of the code. Teams will receive scores on ethical conduct during each round.
5. Staff and Mock Trial Advisory Committee members agree to uphold the rules and procedures of the Florida High School Mock Trial Competition while promoting ethical conduct and the educational values of the program.

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

STATE OF FLORIDA

v.

CASEY OVERSTONE

Defendant

Case No. CV 21 - 5004

Judge Solana Millik

Indictment and Bill of Particulars

STATE OF FLORIDA
COUNTY OF BAYVIEW
In the Year 2022

THE JURORS OF THE GRAND JURY OF THE STATE OF FLORIDA, within and for the body of the County aforesaid, on their oaths, in the name and by the authority of the State of Florida, do find and present that:

COUNT ONE

SECOND-DEGREE MURDER

On or about December 18, 2021, in Bayview County, Florida, Casey Overstone did kill Shelby Pryce by an act imminently dangerous to another and evincing a depraved mind regardless of human life, although without any premeditated design to effect the death of Shelby Pryce, which constitutes the offense of SECOND-DEGREE MURDER, a first-degree felony, in violation of Florida Statute § 782.04 (2), and against the peace and dignity of the State of Florida. To wit: Casey Overstone cut the brake line of the vehicle Shelby Pryce was riding in, knowingly placing Shelby Pryce's life in danger.

COUNT TWO

ATTEMPTED SECOND-DEGREE MURDER

On or about December 18, 2021, in Bayview County, Florida, Casey Overstone did engage in conduct imminently dangerous to another and evincing a depraved mind regardless of human life, although without any premeditated design, which if successful would have caused the death of Reese Brooks, which constitutes the offense of ATTEMPTED SECOND-DEGREE MURDER, a second-degree felony, in violation of Florida Statute § 777.04 (1), and against the peace and dignity of the State of Florida. To wit: Casey Overstone cut the brake line of the vehicle belonging to Reese Brooks, knowingly placing Reese Brooks' life in danger.

Daniel Kaffee

Daniel Kaffee
DISTRICT ATTORNEY
BAYVIEW, FLORIDA

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

STATE OF FLORIDA

v.

CASEY OVERSTONE

Defendant

Case No. CV 21 - 5004

Judge Solana Millik

Jury Instructions

This Court shall (constructively) read these instructions to the jury before closing arguments.

Introduction

1. Members of the jury, the evidence and arguments in this case have been completed. I will now instruct you as to the law in this case. The law that applies to this case is stated in these instructions, and it is your duty to follow all of them. It is your duty to determine the facts and to determine them only from the evidence in this case. You are to apply the law to the facts. Neither sympathy nor prejudice should influence your verdict.

Evidence

2. From time to time, it has been the duty of this Court to rule on the admissibility of evidence. Any evidence that was received for a limited purpose should not be considered by you for any other purpose than that stated by this Court. You should disregard testimony and exhibits, which this Court has refused or stricken.
3. The evidence consists only of the testimony of the witnesses and the exhibits which this Court has received. You should consider all the evidence in the light of your own observations and experience in life.
4. The evidence may be either direct or circumstantial evidence. Direct evidence is testimony about what a witness personally saw, heard, or did. Circumstantial evidence is testimony about one or more facts that logically lead you to believe the truth of another fact. You should consider both direct and circumstantial evidence in reaching your verdict. You may decide the facts in this case based upon circumstantial evidence alone.
5. Neither opening statements nor closing arguments are evidence, and any statement or argument made by the attorneys which is not based on the evidence should be disregarded.

Witnesses

6. Only you are the judges of the believability of the witnesses and of the weight to be given to the testimony of each of them. In considering the testimony of any witness, you may take into account their ability and opportunity to observe, their memory, their manner while testifying, any bias they may have, and the reasonableness of their testimony considered in the light of all the evidence in this case.

7. A witness that is employed by law enforcement was summoned to testify at trial. The fact that a witness is employed in law enforcement does not mean that their testimony deserves more or less consideration than that of any other witness.
8. A witness that is qualified as an expert in a particular field was summoned to testify at trial. Expert witnesses are like other witnesses, with one exception - the law permits an expert witness to give their opinion. However, an expert's opinion is reliable only when given on a subject about which you believe them to be an expert. Like other witnesses, you may believe or disbelieve all or any part of an expert's testimony.
9. The defendant in this case has become a witness. You should apply the same rules to consideration of their testimony that you apply to the testimony of the other witnesses. Ultimately, you may rely upon your own conclusion about the credibility of any witness. You may believe or disbelieve all or any part of the evidence or the testimony of any witness. The defendant testified in this case notwithstanding that they had a constitutional right not to testify.
10. You must consider the testimony of some witnesses with more caution than others. This is particularly true when there is no other evidence tending to agree with what a witness says about the defendant. So, while a witness may be entirely truthful when testifying, you should consider their testimony with more caution. However, if the testimony of such witness convinces you beyond a reasonable doubt of the defendant's guilt, or the other evidence in this case does so, then you should find the defendant guilty.

Charges and Elements

11. The defendant has been charged with two counts. The first is second-degree murder. The second is attempted second-degree murder. The defendant has entered a plea of not guilty for both charges. We will now take those one at a time.
12. To prove the crime of Second-Degree Murder, the state must prove the following elements beyond a reasonable doubt:
 - a. Shelby Pryce is dead.
 - b. The death was caused by the criminal act of Casey Overstone.
 - c. There was an unlawful killing of Shelby Pryce by an act imminently dangerous to another and demonstrating a depraved mind without regard for human life.
13. To prove the crime of Attempted Second-Degree Murder, the state must prove the following elements beyond a reasonable doubt:
 - a. Casey Overstone intentionally committed an act which would have resulted in the death of Reese Brooks except that Casey Overstone failed to do so, either by outside intervention or some other reason.
 - b. The act was imminently dangerous to another and demonstrated a depraved mind without regard for human life.
14. An "act" includes a series of related actions arising from and performed pursuant to a single design or purpose.

15. An act is "imminently dangerous to another and demonstrates a depraved mind" if it is an act or series of acts that:
 - a. A person of ordinary judgment would know is reasonably certain to kill or do serious bodily injury to another; and.
 - b. Is done from ill will, hatred, spite, or an evil intent; and
 - c. Is of such a nature that the act itself indicates an indifference to human life.

Burden and Reasonable Doubt

16. The defendant has entered a plea of not guilty. This means you must presume or believe the defendant is innocent. The presumption stays with the defendant as to each material allegation in the information through each stage of the trial unless it has been overcome by the evidence to the exclusion of and beyond a reasonable doubt.
17. To overcome the defendant's presumption of innocence, the state has the burden of proving the crime with which the defendant is charged was committed and the defendant is the person who committed the crime.
18. The defendant is not required to present evidence or prove anything. Whenever the words "reasonable doubt" are used, you must consider the following: a reasonable doubt is not a mere possible, speculative, imaginary, or forced doubt. Such a doubt must not influence you to return a verdict of not guilty if you have an abiding conviction of guilt. On the other hand, if, after carefully considering, comparing, and weighing all the evidence, there is not an abiding conviction of guilt, or, if, having a conviction, it is one which is not stable but one which wavers and vacillates, then the charge is not proved beyond every reasonable doubt, and you must find the defendant not guilty because the doubt is reasonable.
19. It is to the evidence introduced in this trial, and to it alone, that you are to look for that proof. A reasonable doubt as to the guilt of the defendant may arise from the evidence, conflict in the evidence, or the lack of evidence. If you have a reasonable doubt, you should find the defendant not guilty. If you have no reasonable doubt, you should find the defendant guilty.
20. Whether the state has met its burden of proof does not depend upon the number of witnesses it has called or upon the number of exhibits it has offered, but instead upon the nature and quality of the evidence presented.

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

STATE OF FLORIDA

v.

CASEY OVERSTONE

Defendant

Case No. CV 21 - 5004

Judge Solana Millik

Stipulations and Pretrial Orders

General

1. This Court has proper jurisdiction over this matter. All charging documents were signed by the proper parties. The venue is proper.
2. The State of Florida ("State") has charged Casey Overstone (the "Defendant") with one count of second-degree murder and one count of attempted second-degree murder. The parties may not add or dismiss any charges. The State may not argue for a lesser included offense. The Defendant has entered a plea of Not Guilty. The Defendant has elected not to raise any affirmative defenses.
3. The State, in no particular order, calls Sgt. Quinn Laughlin, Reese Brooks, and Stirling Adams. The Defendant, in no particular order, calls Casey Overstone, Leigh Fuller, and Austin Hayes. No other witnesses are called. All witness statements were given under oath.
4. The only legal authorities that may be cited at trial are these stipulations and pretrial orders, the indictment and bill of Particulars, the jury instructions, Rules of Competition and the Rules of Evidence.
5. Whenever a rule of evidence requires that reasonable notice be given, it has been given.
6. The trial has been bifurcated. This Court will only be hearing matters pertaining to guilt or innocence. If the jury finds the Defendant is guilty, a second trial would occur to determine a sentence.
7. Stipulations cannot be contradicted or challenged

Authenticity

8. All exhibits are true and accurate copies, and their authenticity may not be challenged. However, other objections to the relevance and/or admissibility of the documents can still be argued in accordance with the applicable Rules of Evidence.
9. All signatures on witness statements and other documents are authentic. Any texts or emails are presumed to be authentic.
10. Chain of custody was properly documented for all exhibits, and all exhibits have been properly preserved for trial.

Experts

11. Sgt. Quinn Laughlin and Austin Hayes are stipulated as expert witnesses.
12. The defense has notified this Court that they will be calling Austin Hayes as an expert witness. This Court has ruled that Austin Hayes may sit in the courtroom for the duration of Sgt. Quinn Laughlin's direct and cross examination. Austin Hayes will be constructively sequestered during the testimony of all other witnesses.
13. The reports of Sgt. Quinn Laughlin and Austin Hayes are "affidavits" for the purposes of impeachment. All witnesses who authored reports were under oath and agreed to include any and all knowledge about this case. These witnesses are thus bound by those reports.
14. Any examination, analysis, or experiment conducted by any expert witness is presumed to have been conducted consistent with generally accepted scientific principles pertaining to the field of expertise of the witness.

Exhibits

15. For the convenience of both parties, the Court, and the jury, all exhibits have been pre-labeled and pre-numbered. Those numbers will be used for all purposes at trial, regardless of which party offers the exhibit or the order in which the exhibits are offered.
16. Exhibit 3 accurately reflects the criminal record of Casey Overstone. Defense is prohibited from arguing that Overstone's prior convictions are inaccurate.
17. Exhibit 4 is a fair and accurate representation of the portion of Lilac Lane where the car crash in question happened. Neither party may object on the grounds that the map is not to scale.
18. Reese Brooks voluntarily consented to the blood draw and subsequent blood alcohol content examination contained in Exhibit 5A. Neither party may object on the grounds that the blood draw was performed involuntarily.
19. Exhibit 5B is a custodial document completed by Annelise Palacio, a registered nurse with Bayview Coast Hospital. This document, by itself, does not automatically make Exhibit 5A admissible.
20. Reese Brooks purchased all the alcoholic beverages listed in Exhibit 6.
21. Exhibit 7A is a fair and accurate representation of Belly's Bar and Grill and the surrounding area. Neither party may object on the grounds that the map is not to scale.
22. This Court has ruled that Exhibits 7B and 7C are not admissible. Both exhibits were completed by Reese Brooks and Stirling Adams respectively during the writing of their affidavits. Nonetheless, this Court will allow either party to instruct any witnesses to annotate a copy of Exhibit 7A that will not be admitted into evidence for demonstrative purposes, so long as those markings are not objectionable under the applicable rules of evidence. The annotated copy or copies may be used by either party during closing arguments but may not be published to the jury.

23. Exhibit 10A is a voicemail retrieved from Shelby Pryce's phone. Neither party may argue that the voice in the recording does not belong to Shelby Pryce.
24. Exhibit 10B is a custodial document completed Angela Fajardo, a records custodian of Florida Cellular Services. This document, by itself, does not automatically make Exhibit 10A admissible.
25. Exhibit 11 is a fair and accurate representation of the car service report dated October 3, 2021 for Reese Brooks' 2014 Nissan Rogue.

Special Instructions (Not to be referenced at trial)

26. No witness may refuse to answer any questions based on a witness's Fifth Amendment rights.

No attorney may instruct a witness not to respond based on a witness's Fifth Amendment rights.
27. The Defendant is of sound body and mind. The defense may not argue that the Defendant lacked the physical or mental capacity to carry out the alleged crime.
28. No objection may be raised on the ground that a document or exhibit was altered by printing it in black-and-white.
29. Reese Brooks and Shelby Pryce were in a romantic relationship at the time of the car crash in question. Because the prosecution will be calling Reese Brooks as a witness during the trial, the prosecution may determine the gender of Shelby Pryce. Prior to the start of the trial, the prosecution will inform the defense of Shelby Pryce's gender, as well as Shelby Pryce's preferred pronouns.
30. Both parties have agreed that gender and sexuality are not an issue in this case. As such, the court has prohibited arguments in the case regarding an individual's gender expression, identity, or sexuality.

Judge Solana Millik

Judge Solana Millik

September 29, 2022

Date

WITNESS LIST

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

For the Prosecution

Sgt. Quinn Laughlin
Reese Brooks
Stirling Adams

For the Defendant

Casey Overstone
Leigh Fuller
Austin Hayes

EXHIBITS AVAILABLE TO BOTH PARTIES

The parties have stipulated to the authenticity of the trial exhibits listed below. The court will, therefore, not entertain objections to the authenticity of these trial exhibits. The parties have reserved any objections to the admissibility of any of these exhibits until the trial of the above-captioned matter. The trial exhibits may be introduced by either the Prosecution or the Defense, subject to the Rules of Evidence and stipulations of the parties 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 Description</u>
1A, 1B, and 1C	Series of Photos from Car Crash
2	Close Up Photo of Brake Line
3	Copy of Criminal Record of Casey Overstone
4	Map of Lilac Lane
5A	Toxicology Testing Report
5B	Custodial Document Completed by Annelise Palacio
6	Receipt from Belly's Bar and Grill
7A	Map of Belly's Bar and Grill and Surrounding Areas
7B	Exhibit 7A Annotated by Reese Brooks
7C	Exhibit 7A Annotated by Stirling Adams
8A-1 and 8A-2	Text Messages Between Casey Overstone and Reese Brooks on March 19 th , 2020
8B	Text Messages Between Casey Overstone and Reese Brooks on June 10 th , 2021
8C	Text Messages Between Casey Overstone and Reese Brooks on December 17 th , 2021
9	Brake Line Cutter Found at Overstone Auto Repairs
10A	Florida Cellular Services Transcription
10B	Custodial Document Completed by Angela Fajardo
11	Car Service Report for Reese Brooks' 2014 Nissan Rogue

BAYVIEW POLICE DEPARTMENT		INCIDENT NO.: 22-1
		AGENCY: BYVW PD
REPORTING PARTY NAME (Last, First, Middle)		
N/A		
ADDRESS (Street, City, State, Zip)		PHONE
Lilac Lane, Bayview FL 33333		(333) 555 - 6572
SUSPECT NAME (Last, First, Middle)		
1. CASEY OVERSTONE		
REPORTING OFFICER		BADGE NO.
SERGEANT QUINN LAUGHLIN		BPD2515

BACKGROUND AND EDUCATION

1 I have been a sworn police officer since 3/1/2009. I graduated with a B.S. in Civil Engineering from
2 Florida International University. I then received my certification as a professional engineer. I served
3 five years as a patrol officer for the Bayview Police Department, where I received over one hundred
4 hours of training in investigations of traffic accidents. I've taken classes on BAC testing and
5 dissipation (12 hour course), as well DUI road detection. I have also taken a four-hour accident
6 reconstruction course offered by the BPD, which I passed with flying colors. For two years, I trained
7 in the field as an accident reconstructionist before receiving my certification from the Accreditation
8 Commission for Traffic Accident Reconstructionist in 5/7/2016. I have testified as an expert in
9 accident reconstruction in ten trials. In all those trials, I testified for the prosecution.

INITIAL ACCIDENT REPORT

10 On the early morning of Saturday, December 18, 2021, I was on patrol around Lilac Lane. At
11 approximately 0100 hours, I spotted a Silver Nissan Rogue driving northbound. Using my radar
12 speed gun, I clocked the vehicle traveling at 52 mph. Given that the speed limit on Lilac Lane was
13 posted at 45mph, I decided to tail the vehicle without turning on my sirens.

14 The brake lights on the Nissan turned on. The vehicle noticeable slowed down. I did not measure
15 the vehicle's speed again because I was confident that the driver was traveling at or below the posted

16 speed limit. I continued to observe the vehicle in case the driver resumed speeding. One minute later,
17 the vehicle approached a turn on Lilac Lane. The brake lights of the vehicle turned on, but the car
18 did not slow down. The vehicle veered off the road and onto the grass. The driver then made a sharp
19 left turn. During the overcorrection, the vehicle rolled over completely before landing on its left
20 side. I rushed to the crash site and called for back-up.

21 I rescued the driver, who appeared somewhat conscious. Because of the positioning of the vehicle
22 and the jammed door, I was unable to retrieve the passenger in the backseat. I tended to a severe
23 gash on the driver's head. Due to the driver's medical condition, I could not perform a Breathalyzer
24 or a field sobriety test.

25 Back-up arrived several minutes later to retrieve the second passenger from the vehicle.
26 Unfortunately, after engaging in life-saving efforts, we pronounced the passenger of the vehicle dead
27 at the scene. I learned from the ID card that the decedent was Shelby Pryce. The decedent smelled
28 strongly of alcohol, prompting me to investigate the accident as a potential DUI crash.

29 Paramedics took the driver to the nearest hospital while I secured the scene and instructed my fellow
30 officers to get in contact with the families. At around 0400 hours, I visited the hospital. The driver
31 was more lucid and informed me of their name, Reese Brooks. That's when I recognized Reese as
32 Mayor Brooks' child. I had seen Reese while serving as security detail during Mayor Brooks'
33 campaign. I also attended a barbecue dinner once for Mayor Brooks' election party. Mayor Brooks
34 also promised to appoint me chief of police in the first year he was mayor.

35 Reese told me Reese had been out partying with the decedent and several friends. Brooks admitted
36 to having "two or three drinks." Brooks consented to a blood draw to test their BAC. The blood test
37 revealed that Brooks' blood alcohol content was at 0.06, below the legal limit. Yes, BAC fluctuates
38 over time, but based upon my extensive experience I did not believe sufficient time passed the
39 accident and the blood draw to substantially affect Brooks' BAC. This, along with the lack of
40 between any alcoholic beverages or containers found in the car or around the crash site, led me to
41 suspect that the accident was caused by something other than drunk driving.

ACCIDENT RECONSTRUCTION REPORT

42 Early the next morning, I performed an accident reconstruction on Reese Brooks' 2014 Silver Nissan
43 Rogue. I began by trying to determine the velocity of the vehicle at the time of the crash. Normally,
44 I would do this by using the angle and depth of an impact dent on the vehicle's exterior, along with
45 skid marks left at the scene. However, since there was no collision, I lacked any usable dents. The
46 event data recorder was rendered useless due to the damage sustained. Further, the tire treads in the
47 grass were altered by paramedics and other officers since rescuing the passengers was the initial
48 priority. Given these limitations, I was left to use my own observations to extrapolate the cause of
49 the accident. Even with the lack of evidence, I gave the driver the benefits of the doubt and estimated
50 the vehicle was traveling between 35-45 mph at the time of the rollover.

51 As stated, most of the damage was centered around the front of the vehicle. Although the exterior
52 was rather warped, I found no evidence that the vehicle had been scratched by any external objects,
53 such as a rock, broken glass, or a key.

54 I was curious as to why Brooks' vehicle failed to slow down despite the brake lights turning on, so
55 I examined the brake line. I saw that the brake line had been separated in two. Brooks' brake line
56 used a copper-nickel alloy tubing, which is, to my understanding, incredibly tough. The brake line
57 cut was also located in the rear of the vehicle, which did not sustain as much damage as the front.
58 Moreover, the curvature of the cut was turned inwards on all sides. Had the brake line been broken
59 during the accident, you would expect to see the cut marks curving in the same direction. Uniform
60 inward curvature on a brake line indicates that there was an external force on all sides present in the
61 same moment.

62 There was some fraying present on the brake line, which is expected. While substantial fraying is
63 consistent with brake line corrosion or accidental damage to the brake line, there was minimal
64 fraying in this case. This cut could only have been caused by some sort of brake line tubing cutter.

65 I concluded that a person intentionally cut the brake line of Brooks' vehicle. Brooks' inability to
66 slow the vehicle upon the turn at Lilac Lane resulted in Brooks having to overcorrect with a sharp
67 turn, resulting in a rollover accident. Based upon my investigation, I did not believe this accident
68 was caused by drunk or reckless driving.

69 The fact that Brooks' brake lights turned on is irrelevant, since the brake light system is almost
70 entirely separate from the actual brake system (the lights would turn on when the brake pedal was
71 pressed regardless of whether the brake line was intact). I attribute any slowing of the vehicle that I
72 saw on the night of the accident to Brooks removing their foot from the accelerator, and not to the
73 application of the brakes.

SUPPLEMENTAL NARRATIVE

74 This signified a shift into a potential homicide investigation. That same day, after my reconstruction,
75 I questioned Stirling Adams and Leigh Fuller (employees at the bar Brooks reported being at). These
76 interviews revealed that an individual named Casey Overstone had been spotted in the parking lot
77 some time that night. Brooks later added that Brooks had also seen Overstone. A criminal
78 background search on Overstone revealed two misdemeanor vandalism offenses.

79 Based on the witness statements, the BPD executed a search warrant at the residence of Casey
80 Overstone, as well as Overstone Services at 11:30AM. The morning of December 19, 2021, we also
81 received a search warrant for Overstone's vehicle, but the search of the residence and the vehicle
82 turned up nothing of relevance.

83 During the search, interviews with Overstone's coworkers/family members confirmed that no one
84 had been inside the shop that morning, and that the last person to leave the shop was Casey Overstone
85 on the night of December 17, 2021. Inside, the shop was impeccably clean. Among other equipment,
86 we found a stray brake line cutter on a table. It was soaked in what appeared to be brake line fluid.
87 This seemed very unusual since every other tool was put away in specific location, and the garage
88 was impeccably maintained. Since the fluid was on the brake line cutter, I did not see a need to test
89 the fluid. Brake line fluid is usually reddish in color unless it is extremely old.

90 Upon returning to the BPD, I took a new copper-alloy tubing brake line and cut it with a brake line
91 cutter of the same brand, make and model as the one discovered in Overstone Auto Repairs. The cut
92 that the brake line cutter formed was almost identical to the cut on Brooks' brake line (the new brake
93 line had less fraying than Brooks' brake line). Thus, I determined that the brake line cutter found in
94 Overstone Auto Repairs likely created the cut in Brooks' brake line.

ADDITIONAL EVIDENCE

95 I am familiar with the following Exhibits: Exhibit 1 is a series of photos from the crash. Exhibit 2 is
96 a close-up photo I took of the Nissan Rogue’s brake line during my reconstruction. Exhibit 3 is a
97 copy of Overstone’s criminal record. Exhibit 4 is a map of Lilac Lane that I prepared with some
98 notes. Exhibit 5A and 5B are the results of Brooks’ blood test provided by the hospital, which I
99 incorporate as part of my investigation in this matter, and which I relied upon in formulating my
100 opinion. Exhibit 6 is the receipt Adams provided us of Brooks’ drink orders the night of the accident.
101 Exhibit 9 is a photograph I took of Overstone’s brake line cutter. Exhibit 10 is a voicemail recorded
102 by Shelby Pryce’s phone moments before the car crash. Exhibit 11 is a service report of Brooks’
103 Nissan Rogue.

CERTIFICATION FOR DETERMINATION OF PROBABLE CAUSE

104 Under penalty of perjury under the laws of the State of Florida, I certify that the foregoing is true
105 and correct to the best of my knowledge and belief. Signed and dated by me this 10th day of January
106 2022, at Bayview, Florida.

107 *Sergeant Quinn Laughlin*

Sergeant Quinn Laughlin, Badge No. 2515

STATE OF FLORIDA

v.

CASEY OVERSTONE

Defendant

Case No. CV 21 - 5004

Judge Solana Millik

Affidavit of Reese Brooks

October 1, 2022

AFFIDAVIT OF REESE BROOKS

1 After being duly sworn upon oath, Reese Brooks hereby states as follows: I am twenty-
2 three years old and am competent to make this affidavit.

3 I graduated with my bachelor’s degree in biology from Palm Coast University in May of
4 2021. I have taken some time off since the accident with Shelby Pryce. To be clear, I call it an
5 “accident” because I didn’t intend for it to happen. Don’t get it twisted, though. Casey Overstone
6 is responsible for Shelby Pryce’s death.

7 I had known of Casey for years since we went to the same high school, though we never
8 really spoke until orientation at PCU. During our sophomore year, Casey and I started dating. We
9 were together for two years. In that time, Casey’s psycho side made itself known. Casey would
10 often approach my friends to ask them if I was cheating, and I couldn’t spend an hour alone without
11 Casey tracking my phone and showing up unannounced. Casey’s behavior was what drove me to
12 get intimate with someone else without breaking up with Casey first. Casey eventually found out
13 when Casey walked into my apartment one day while I was in the middle of things with this other
14 person. I ended my relationship with Casey shortly after.

15 Needless to say, Casey did not take it well. For the next several days, Casey would show
16 up at my apartment sobbing. One time, Casey woke me up by banging on my door, screaming
17 things like “how dare you do this to me” and “you will bleed for this!” Two days later, I saw that
18 someone had keyed my car and busted my headlights. It didn’t take much guesswork to figure out
19 who because the initials carved into my door were “CO.” I didn’t file a police report, and I paid

20 for the damage out of pocket instead of filing for an insurance claim. Casey dropped out of college
21 at the end of our junior year, and I'm willing to bet it was because of our breakup.

22 After my graduation, I returned home to Bayview, where I started working with my father.
23 My father owns a real estate development company, and he had just won the mayoral election for
24 Bayview. I worked with my dad on the redevelopment projects that involved taking run-down
25 properties in Bayview and flipping them into attractions to increase the property value. One
26 eyesore that my dad and I wanted to improve was none other than Overstone Auto Repairs, the
27 automobile repair shop owned by Casey's family.

28 Casey's dad was adamant about not selling. It got to a point during negotiations where we
29 were offering triple the price of the property, and Mr. Overstone still turned us down. That's when
30 my father resorted to other tactics. We sent investigators to make sure that the Overstone property
31 was up to code, and every time it wasn't, we would fine them. Some people call this corrupt. My
32 family calls cracking down on the law.

33 This was going on around June of 2021, which is also around the time when I started dating
34 Shelby Pryce. Shelby and I knew each other because Shelby was Casey's best friend. We got to
35 know each other after reuniting during summer break. After our relationship went public, I guess
36 Casey found out, because Casey went ballistic! I would catch Casey following me, Casey would
37 call me and hang up, and Casey began spreading rumors about me around town. Sure, I got with
38 Casey's friend after cheating on Casey, but that did not give Casey the right to harass me.

39 Shelby's twenty-first birthday was on December 17, 2021. I decided I would host Shelby's
40 party by renting out Belly's Bar and Grill, a popular bar in Bayview. That night, the party started
41 at 9 PM and ended at around 1 AM.

42 Since it was Shelby's birthday, I paid for all of Shelby's drinks, and for a few of Shelby's
43 friends as well. I wasn't planning on drinking much because I was going to be Shelby's designated

44 driver. Within the first hour of the party, I had two mixed drinks and a shot of vodka. I didn't drink
45 any other alcohol. I then had plenty of water and some food. I never felt drunk that night.

46 At around 10:00 PM, I sat down at the bar. The DJ for the bar showed up late to work and
47 delayed the karaoke setup. I was frustrated that I was paying all this money only for the DJ to be
48 late, so I made sure to check my phone before confronting the DJ; it was just before 10 PM. After
49 a few choice words with the DJ, I sat at the bar and ordered a drink. As the bartender handed me
50 my glass, I looked out the window into the parking lot. On the street adjacent to the parking lot, I
51 saw a black pickup truck that appeared to be parked under the streetlamp. I immediately recognized
52 the truck as belonging to Casey Overstone because of the faded paintjob.

53 It was a bit difficult to be sure that Casey was in the truck because the streetlamp was
54 creating a dark shadow within the car. The truck was about fifty feet from the entrance of Belly's.
55 Seeing Casey parked outside Belly's put a damper on my mood, so I went to the bathroom to wash
56 my face. I was in the restroom for about a minute or two. By the time I returned, Casey's car was
57 gone. Still, I was unsettled. I have no idea how Casey would've known I was at Belly's.

58 The party ended around 12:45 AM on December 18, 2021. When I entered the parking lot
59 and approached my car, there was a distinct smell of oil. Shelby was pretty wasted, so I helped
60 Shelby lie down on the backseat of the car. I had backed into the parking space when we arrived,
61 so I didn't need to apply my brakes as we left the parking lot. To get Shelby home, I took Lilac
62 Lane. I don't ever recall exceeding the posted speed limit, although I am foggy on my memory
63 that night.

64 Although I have limited recollection of what occurred that evening, I remember that about
65 half a mile out of Belly's, I approached a sharp turn. I took my foot off the accelerator. When I
66 didn't slow down enough to comfortably turn, I pressed down on the brake pedal. The brakes felt
67 oddly soft and mushy. The car seemed to slow down, but not enough, so I pumped on the brakes
68 as hard as I could. That's when I realized something was terribly wrong. Instead of giving any

69 resistance when I applied the brakes, the pedal just slid down to the floor. I tried again and again,
70 but nothing happened. My car didn't slow as I got to the turn, and I think my car was still going
71 over 40 mph. My car hopped the curb, and I was getting closer to a grove of trees. In a panicked
72 decision, I snapped the wheel to the left to avoid crashing. I didn't even think of applying the
73 emergency brake. I guess I turned too sharply, or was going too fast, because that's when the car
74 rolled over.

75 I woke up in a hospital bed where a police officer began asking me a few questions. Officer
76 Laughlin mentioned that Laughlin was following my car for about a minute before the accident. I
77 don't remember seeing a police officer driving behind me. Laughlin also said we had spoken at
78 the scene of the accident; I must've hit my head, because I have no recollection of that either. After
79 I consented to a blood draw, I asked if I could see Shelby. The doctors told me Shelby had died
80 during the accident. I don't think I've ever felt that kind of grief before.

81 Once I was released from the hospital, the police asked me a few more questions about that
82 night. I hadn't mentioned seeing Casey during my first interview at the hospital because I didn't
83 think seeing Casey was relevant. But when Officer Laughlin told me that the brake line of my car
84 was cut, and that another person in the bar also saw Casey, it was easy to put two and two together.
85 I know now that the oil I smelled before getting in my car was likely brake fluid (though I've never
86 actually smelled brake fluid before).

87 My car was a 2014 Nissan Rogue. About two months before the accident, I took the car in
88 to another repair shop because my brakes had become a little squeaky and I had been having some
89 trouble with them. They told me it was just the age of the car and that nothing needed fixing.

90 I am familiar with the following exhibits: Exhibit 1 are photos of the car accident. Exhibit
91 4 is a map of Lilac Lane. Exhibit 6 is a copy of a receipt from the drinks I ordered at Belly's Bar
92 and Grill. That's my signature. Exhibit 7A is a layout of Belly's and the parking lot. Exhibit 7B is
93 the same document, except the markings are notes I made to show the police where I saw

94 everything; the rectangle labeled “CO” is where I saw Casey’s car, the circle with “RB” is where
95 I was sitting, and the rectangle with the triangle is my car. Exhibit 8 are some text messages
96 between Casey and I. 8A are texts from after our breakup; 8B are texts from around June, when
97 Casey found out about me and Shelby; and 8C are the last texts I received from Casey, on the night
98 of the accident (I didn’t see them until I was released from the hospital). I haven’t seen Exhibit 10
99 before, but I recognize it as a fair and accurate transcript of a voicemail Shelby was making right
100 before the crash. Exhibit 11 is the service report I received from the repair shop on my car two
101 months before the accident. I am not familiar with any other exhibits in this case.

102 I swear or affirm the truthfulness of everything stated in this affidavit. Before giving a
103 statement, I was told I should include everything that I know may be relevant to my testimony and
104 I followed those instructions. I know that I can and must update this affidavit if anything new
105 occurs to me until the moment before opening statements begin in this case.

Signed,

Reese Brooks

Reese Brooks

IN THE 21ST JUDICIAL CIRCUIT IN AND FOR BAYVIEW COUNTY, FLORIDA
STATE OF FLORIDA

Case No. CV 21 - 5004

Judge Solana Millik

v.

CASEY OVERSTONE

Affidavit of Stirling Adams

Defendant

October 2, 2022

AFFIDAVIT OF STIRLING ADAMS

1 After being duly sworn upon oath, Stirling Adams hereby states as follows: I am
2 twenty-eight years old and am competent to make this affidavit. I was subpoenaed to testify.

3 I dropped out of Florida State University my sophomore year of college when I realized
4 that a college degree and a desk job wasn't really what I wanted. I dumped everything I saved
5 in tuition to open an authentic Cuban restaurant right here in Bayview! That didn't work.
6 Apparently, a born-and-raised Georgian like me can't call a Cuban restaurant "authentic" by
7 throwing some bread and jam on a plate and calling it a "pastelito." I had to close my
8 restaurant, but my brief experience in the industry landed me a job as a bartender at a local
9 watering hole, Belly's Bar and Grill. I've been working there since 2018.

10 I'll admit that I've gotten in trouble with my boss, Regan Polk, for sneaking in some
11 of my friends through the backdoor or allowing someone with a fake ID to get inside. But
12 Regan is short staffed post-pandemic and desperate not to lose workers after all the trouble he
13 got in last year with his brother, Bobbie, so he keeps me on staff.

14 On December 17, 2021, I opened Belly's at around 7 PM. I was the only one bartending
15 that night, but our DJ, Leigh, was working the dance floor and Regan was in his office. We
16 didn't need anyone else serving drinks that night because Reese Brooks had rented out the
17 entire building for Shelby Pryce's birthday party starting at 9 PM. The Brooks are this

18 incredibly wealthy family with plenty of money to throw around since the father is Bayview's
19 mayor.

20 At around 8:45 PM, Reese and Shelby arrived. Reese approached me and said, "I'm
21 planning on not remembering tonight. Can you open a tab for me and Shelby?" I had noticed
22 that Reese got out of the driver's seat in the parking lot, so I asked if Reese would need me to
23 call a cab later in the night. Reese laughed and said, "don't worry, I can hold my liquor." Reese
24 ordered an amaretto sour and downed it in one gulp.

25 By 9:10 PM, all the guests had showed up. Catering the party was more chaotic than I
26 expected, especially since Leigh was late for his/her shift. Leigh showed up at around 9:45
27 PM and was scrambling to get the karaoke station set up. Reese got all up in Leigh's face,
28 yelling that Reese wasn't "spending an arm and a leg for you to show up late!" Leigh hurried
29 to set up the karaoke while Reese sat at the bar and ordered some fries and chicken tenders.
30 When I came back from the kitchen with Reese's food, I saw Reese glaring out the front
31 window. I followed Reese's gaze and saw a truck parked across the street. I didn't recognize
32 the truck, but I heard Reese say, "what does Casey want now?"

33 Someone stepped out of the driver's side door of the car across the street. In response,
34 Reese got up and left in the direction of the restrooms. I watched the person walk into the
35 parking lot towards Reese's car. When the person got out of the car, they were beneath the
36 streetlight. I was able to get a good look at their face for about three seconds. I thought the
37 person looked like Casey Overstone. Casey has been in the bar several times before, so I
38 recognized Casey. Casey has a reputation of being a psycho. I've had to kick Casey out of the
39 bar a few times for picking fights with other patrons. As the person walked closer, their face
40 became obscured by the darkness.

41 Casey walked right up to Reese's car while holding something, but Casey was too far
42 away for me to see what Casey was holding. I was standing behind the bar looking through
43 the window out into the parking lot the entire time I watched Casey. Casey was about twenty
44 or thirty feet away from me. Casey walked closer until Casey was right next to Reese's car. It
45 looked like Casey was doing something to Reese's car, but from the angle I was watching, I
46 couldn't tell what. After that, Casey turned around and got back in the driver's seat of the
47 truck. But then, Casey got back out of the car a few moments later, and I got another look at
48 Casey's face for a few seconds. Casey walked over to the other side of Reese's car. At this
49 point, Casey walked out of sight from what I could see through the window. The next I saw of
50 Casey was when Casey walked back to his/her truck across the street. I'd say it was forty
51 seconds total from the time Casey stepped out of his/ her truck the second time to when Casey
52 got back in his/her truck, and Casey was around Reese's car for a maximum of two minutes.
53 I never saw Casey pacing or anything like that. Casey walked directly towards Reese's car,
54 and directly back to his/her truck.

55 Just then, Reese emerged from the bathroom, slamming the door on the way out. I
56 looked away from the window. When I looked back, Casey was nowhere to be found. When
57 Reese sat at the bar, Reese ordered four rounds of vodka shots right off the bat, and two more
58 a few karaoke songs later. I watched Reese take only one shot from the ones ordered. Later,
59 Reese again approached the bar and asked for another amaretto sour, except this time, Reese
60 asked for less alcohol in the drink. Reese said, "Those shots got to my head a little too quickly,
61 so I think I'm going to take it easy for the rest of the night." I thought it was weird that Reese
62 said "shots" when I'd only seen Reese take a single shot. I made Reese's drink with more
63 simple syrup than sour mix. Reese was the only person I saw drinking amarettos.

64 By 11:00 PM, Reese looked a little red in the face, but otherwise appeared sober to me.
65 With several years of experience as a bartender, I'm a good judge of when someone has had
66 too much. There was a couple of times that evening I thought Reese should be cut off, but I
67 was not going to suffer the wrath of Reese Brooks with his/her level of intoxication. I spent
68 most of the night making drinks for the guests. I never caught a break because when I was
69 done with one drink, another of the friends was in line to order.

70 People started leaving around 12:45 AM. The patrons' Ubers arrived one by one until
71 it was just Reese and Shelby left. Shelby was clearly blacked-out, but Reese looked relatively
72 sober. Nonetheless, I suggested to Reese and Shelby that they get a taxi. Reese snapped at me
73 and said, "I'm good to drive. I don't feel anything." I offered them a glass of water, but only
74 Shelby accepted. The car pulled out of the parking lot and headed in the direction of Lilac
75 Lane.

76 The next morning, the police arrived at the bar. They informed the manager and I that
77 Reese's car was involved in an accident on Lilac Lane, and that Shelby had died! They asked
78 me about how many drinks I had seen Reese drinking, if I had receipts, and if I had seen any
79 suspicious individuals around the bar that night. I told them everything I'm including in this
80 affidavit.

81 I wouldn't have let Reese and Shelby leave the bar that night if I did not think Reese
82 was good to drive (I could get in serious trouble with the law). I was already on thin ice with
83 my boss on the night of the accident due to other incidents of serving underage minors. Reese
84 seemed good enough to drive when Reese left the bar.

85 I am familiar with the following exhibits: Exhibit 6 is a receipt of the drinks Reese
86 Brooks paid for. Exhibit 7A is a floorplan of Belly's and the surrounding parking lot. Exhibit

87 7C is the same map but with the markings I was asked to make. I marked “SA” where I was
88 standing, and “CO” where I saw Casey Overstone standing; those arrows are where I saw
89 Casey walking around. The lines I drew is generally where I was able to see through the
90 window. The square with “RB” in it is where I saw Reese’s car parked. I’m not familiar with
91 any of the other exhibits in this case.

92 I swear or affirm the truthfulness of everything stated in this affidavit. Before giving a
93 statement, I was told I should include everything that I know may be relevant to my testimony,
94 and I followed those instructions. I know that I can and must update this affidavit if anything
95 new occurs to me until the moment before opening statements begin in this case.

Signed,

Stirling Adams

Stirling Adams

Expert Report of Austin Hayes

7201 Gulf Port Lane

Miami, FL

AHayes@hayesrecon.com

November 1, 2022

INTRODUCTION

1 Defense counsel for Casey Overstone retained me on October 20, 2022, to 1) evaluate the accident
2 reconstruction performed by Sergeant Quinn Laughlin, and 2) perform my own reconstruction of the
3 vehicle owned by Reese Brooks. I was paid \$250/hr for my work in this case, and I invested 80 hours of
4 my time reviewing evidence and forming opinions. If I am called as a witness to testify on behalf of Casey
5 Overstone, I will charge an additional \$15,000 for my trial testimony, travel expenses and hotel costs.

BACKGROUND & EDUCATION

6 I received my B.S. in Mechanical Engineering from the University of Florida in 2008. I then began
7 working for as a product liability investigator for the Florida Department of Transportation. My work
8 involved inspecting automobiles for issues in manufacturing and determining how any errors present
9 contributed to a car accident. During my ten years there, I completed Traffic Accident Reconstruction
10 courses at the University of Miami and took additional training involving tire safety issues and accident
11 scene preservation/investigation techniques. I have since been certified as a professional engineer with
12 the National Society of Automotive Engineers and have received my Accreditation Commission for
13 Traffic Accident Reconstructionist. In addition, part of my training did include 8 hours of continuing
14 education regarding the effect of alcohol on the human body, and the time it takes for the alcohol to
15 dissipate from the body.

16 In 2019, I opened my own private consulting firm, Hayes Accident Reconstruction. I have
17 conducted research into car crash physics, automotive mechanical failures, and the tools accident
18 reconstructionists can retrieve data from a car accident. To date, I have published four peer reviewed
19 articles. I have testified as an expert in seven cases, all for defendants.

MATERIALS REVIEWED

20 In preparing this report, I reviewed the affidavit of Reese Brooks, as well as the police report of
21 Sergeant Quinn Laughlin. Additionally, I reviewed the following exhibits: Exhibit 1 is a series of photos

22 from after the accident. Exhibit 2 is a close-up photo taken of the brake line. Exhibit 4 is a map of Lilac
23 Lane. Exhibit 9 is a photo of the brake line cutter found during the police search of Overstone Services
24 the morning after the accident. I obtained access to the remains of Reese Brook's vehicle and examined
25 the same. I never visited the accident scene, since evaluation of the scene would have been pointless due
26 to the contamination of the accident scene as a result of the time passed since the accident. There was
27 sufficient information in Sgt. Laughlin's report.

DISCUSSION

28 Laughlin's reconstruction of the accident drew two primary conclusions: 1) the brake line was
29 intentionally cut prior to the accident, and 2) the accident was caused because of a cut brake line (not
30 because of drunk or reckless driving). During my subsequent review of the evidence, I took issue with
31 both of these conclusions.

I. Velocity of the Vehicle

32 The first step a reconstructionist should complete during any accident evaluation term is to
33 determine the speed of the vehicle at the time of the accident. Speed is particularly important in Brooks'
34 crash because it was a rollover accident. Rollovers are caused either by impact force, or by a vehicle being
35 overcome by its own inertia during a turn that its center of gravity (the place in a vehicle where the
36 average point of all its mass is located) shifts from its center of balance (the place in a vehicle where it
37 applies most of its stabilizing weight). In virtually all vehicles, the center of balance is the point between
38 all four wheels, and the center of gravity is the located somewhere above the center of balance but below
39 the roof of the vehicle. A car attempting to make a sharp turn, there is a tendency to overcorrect, and a
40 speeding driver is more likely to cause a rollover as a result of this action.

41 Officer Laughlin offers no reliable evidence regarding the speed at which Brooks' vehicle was
42 traveling at the time of the rollover. The only evidence available regarding velocity is that approximately
43 one minute prior to the accident, Laughlin's speedometer clocked the vehicle at 52mph. Yes, Laughlin
44 claims to have observed the vehicle "visibly" slowing down after Laughlin began pursuing the vehicle.
45 However, visual estimations of speed, especially when the person is following behind the subject of their
46 vision, are significantly less reliable than the reading of a speedometer. Without an accurate indicator of
47 Brooks' speed on the night of the accident, it is impossible to determine if speed was a factor in this
48 accident. If Brooks was traveling at a high enough velocity to cause a rollover accident, then that would
49 be indicative of speeding/reckless driving playing a factor in the accident. Determining a speed should

50 have been a priority for Laughlin, and a wide visual estimation of 35-45mph is insufficient. However, if
51 the driver is impaired, the likelihood of an overcorrection due to speed is much greater.

52 **II. The Broken Brake Line**

53 The most concerning element of the car accident in question lies in the broken brake line. I agree
54 with Laughlin's unspoken premise that if the brake line was intentionally cut before the driver got into
55 the vehicle, it could have been the cause (or at least a substantial cause) of Reese Brooks' car crash.
56 However, there is insufficient evidence to determine that Brooks' brake line was intentionally cut before
57 the accident. In fact, the evidence clearly indicates that the line was not cut, but due to age and corrosion,
broke when the brakes were pumped multiple times prior to the accident.

58 **A. Curvature of Brake Line Cut**

59 It appears that the main premise of Officer Laughlin's conclusion comes from the uniform,
60 inward curvature of the cut end of the brake line. The problem is that Laughlin overestimates the rigidity
61 of this particular brake line. The 2014 Nissan Rogue has a brake line made from copper-nickel alloy
62 tubing, which is less durable and has more of a tendency to corrode or fracture than the alternative
63 braided stainless steel brake line. The only protection the copper-nickel brake line has from outside force
64 is a rubber coating; if that coating is compromised in any way, it leaves the tubing more exposed to
65 damage, especially during an accident. If the brake line was already compromised and the brakes are used
66 suddenly and forcefully, this can cause a rupture in an already compromised brake line. Furthermore, if
67 you look at Exhibit 2 showing the brake line, you can see the white spots on the brake line that are
68 indicative of corrosion of the brake line. In addition, you can see the fraying on the left side of the picture,
69 which is consistent with something else compromising the brake line, and not a cut in the brake line. I
70 cannot completely rule out that the brake line could have been partially cut, but based upon the evidence
71 and reasonable scientific probability, the greatest likelihood for the cause of the brake failure was not a
72 cut in the line but the fact the brake line was already compromised with corrosion. This is consistent
73 with the testimony of Officer Laughlin that the brakes appeared to work initially, when the Officer saw
the car visibly slowed down after the brake lights came on

74 Another piece of evidence that supports that the brake line ruptured due to corrosion as opposed
75 to being cut was the service that was performed on Reese Brooks vehicle just **2 months** prior to the
76 accident. That service receipt indicated that there was corrosion on the brake lines and replacement of
77 the brake lines was recommended as soon as possible. This information is indicated in Exhibit 11

78 supports my conclusion that the most likely cause of the brake failure was the rupture as a result of the
79 corrosion on the brake line. Based on my own review of the brake line, I agree with Laughlin that all
80 sides of the cut end are curved inward, but the brake line was frayed. That being said, I have reviewed
81 the brake line cutter photographed in Exhibit 9 and I agree that it is capable of creating the cut observed
82 on the brake line in Brooks' car, just like any other brake line cutter.

B. Brake Line Fluid

83 Brooks describes an odor prior to entering the vehicle with Pryce. If the brake line had been cut
84 prior to ignition, then a puddle of brake line fluid certainly would have formed beneath the car. But the
85 smell of brake line fluid is almost indistinguishable from the smell of oil that Brooks described; it is
86 entirely possible that the oil Brooks smelled was just that – oil. Minor oil leaks are common. However,
87 Officer Laughlin had every opportunity after the accident to go back to Belly's Bar where the car was
88 parked and performed testing on any residue on the ground to confirm that what Reese Brooks smelled
89 was brake fluid, as one would expect a large puddle of brake fluid would be present if a brake line was
90 cut. Officer Laughlin failed to perform this most basic investigation.

91 I find it concerning that Officer Laughlin reached the conclusion that the brake line was cut
92 despite noting that Brooks' vehicle "visibly" slowed down when Laughlin began pursuit. Had Brooks
93 reacted to an officer following the vehicle by pressing down on the brakes, and the vehicle responded by
94 slowing down, that is evidence of the brake line being damaged at some point when Reese was driving,
95 and not prior to the beginning of the drive. It's highly unlikely that Brooks simply lifted their foot from
96 the accelerator and the car "visibly" slowed down. If there was that noticeable of a speed decrease, it
97 would be highly unlikely it would have been caused only by stopping the acceleration of the vehicle. It
98 would be more logical and probable to conclude that the reason Reese Brooks had to push so hard on
99 the brakes to cause a rupture in the already compromised brake line.

INTOXICATION OF THE DRIVER

100 Finally, Officer Laughlin either discounted or ignored Reese Brook's BAC. The accident
101 occurred at approximately 1:00 a.m., but no blood alcohol testing was performed until after 5:00 a.m.,
102 leaving over 4 hours between the accident and the BAC testing. According to Officer Laughlin, Reese
103 Brooks BAC at the time of her test was .06, and Officer Laughlin's conclusion that Reese was not
104 intoxicated at the time of the accident. However, this is a flawed theory. What Officer Laughlin failed

105 to take into consideration is that it is generally accepted that one's blood alcohol content is reduced by
106 .015% per hour after that person stops drinking. Using this formula, Reese Brooks BAC would have
107 been reduced at least .06% in that 4 hours between the accident and testing. Adding the .06% to the
108 .06% when tested, Reese Brooks would have had at least a .12% BAC at the time of his/her accident.
109 This is well in excess of the legal limit of intoxication of .08%. Officer Laughlin failed to take into
110 consideration that Reese Brooks was, more likely than not legally intoxicated that the time of the accident.
111 The actions of Reese Brooks supported anecdotally by Stirling Adams prior to Reese leaving Belly's Bar
112 and Grill also supports this conclusion.

CONCLUSIONS

113 There was a variety of possibilities left unexplored in the conclusion of Laughlin's reconstruction.
114 It is probable that the cause of the accident was the failure of the brake line due to corrosion in Reese
115 Brook's vehicle, as well as driver error in over-correcting upon reaching the curve at too high of a rate
116 of speed. I also cannot rule out that the driver was impaired by alcohol at the time of the accident, which
117 could be a substantial contributing factor the accident. Although I cannot completely rule out the
118 possibility that the brake line was cut, the evidence does not support this conclusion. All my conclusions
119 are made within a reasonable degree of scientific probability.

Signed,

Austin Hayes

Austin Hayes, P.E.

IN THE 21ST JUDICIAL CIRCUIT IN AND FOR BAYVIEW COUNTY, FLORIDA
STATE OF FLORIDA

Case No. CV 21 - 5004

Judge Solana Millik

v.

CASEY OVERSTONE

Affidavit of Leigh Fuller

Defendant

October 8, 2022

AFFIDAVIT OF LEIGH FULLER

1 After being duly sworn upon oath, Leigh Fuller hereby states as follows: I am twenty-six
2 years old and am competent to make this affidavit. I was not subpoenaed to testify and am testifying
3 voluntarily.

4 I graduated from high school without any interest in going to college. I'm very involved with
5 the Bayview contemporary art scene; a college degree wouldn't really offer me anything in terms of
6 improving my sculpting skills. I'm what some might call a modern-day nomad – I live out of my
7 parents' RV instead of succumbing to the antiquated American Dream of a townhouse in suburban
8 oblivion. I've been in a creative slump lately, so you probably haven't seen any of my art.
9 Unfortunately, capitalist America does require some sort of income, so I work most nights as a disc
10 jockey at Belly's Bar and Grill.

11 Before arriving to work, I had to pick up my mom's car from the car shop. It had broken down
12 a week back and was being fixed at the repair shop, specifically Overstone Repairs. The Overstone's
13 and the Fuller's go way back, and our families have been friends for a long time. I've specifically
14 known Casey since we've been in diapers, although we grew apart after high school when Casey left
15 for college. Even when Casey was at school, I remained close with the Overstone family. They offer
16 me a discount on most of the repairs and oil changes I need on my family's car, and they even let me
17 park my RV on their property when my parents and I get into an argument.

18 I arrived at Overstone Repairs at around 8 PM. I was surprised that Casey was working the
19 night I picked up my mom's car. Casey told me that Casey was closing the shop up for the night, but
20 it looked like the shop was nowhere near ready to close with the mess of spare parts and tools lying
21 around the warehouse. I know that Casey's father was meticulous about the garage and all tools being
22 cleaned prior to leaving each night. The shop was immaculate, and Casey's father would get very
23 upset if everything was not cleaned in the garage.

24 While Casey and I were talking, I told Casey that I was working at Belly's that night for a
25 birthday party that Reese Brooks was throwing for Shelby Pryce. I probably should not have said
26 anything because as soon as I said that, Casey grew red in the face and started cursing up a storm. I
27 know the history between Casey and Reese that Reese was dating Shelby, who was Casey's former
28 best friend. I don't like to get involved in anyone's romantic situation, but what Reese did to Casey
29 was so heartless. Combined with all the drama with Reese and her father, Casey seemed to become
30 furious at the mention of Reese's name. Because of everything that was currently happening, as well
31 as Casey's past with Reese, I was worried Casey would do something stupid like when Casey was
32 younger and got in so much trouble with the law.

33 I stayed and chatted with Casey for about an hour (we had a lot of catching up to do). At
34 around 9 PM, I checked my phone and freaked out at the time. I realized there was no way I would
35 be making it to work on time! I left the shop with my mom's car and drove directly to Belly's. As I
36 was leaving, I saw Casey start heading back inside the warehouse. I think Casey said to Casey's
37 brother something to the effect of, "can you take over? I have to go settle a score." I'm not too sure I
38 heard that right, though.

39 I didn't arrive at Belly's until 9:40 PM, when I was supposed to be there to set up at 9:15. As
40 soon as I got there, Reese started yelling at me because the karaoke machine was not set up for their

41 party. Reese was slurring words and it was clear to me that Reese was intoxicated. I managed to get
42 the karaoke set up, but after all of the screaming, I finally told Reese to shut up. Well, my boss heard
43 me and he was not happy. He chewed me out to the point that I just had to get out for some fresh air.

44 When I walked outside of Belly's, I noticed a pickup truck that looked a lot like Casey's truck
45 parked across the street from Belly's. The windows were tinted, so I could not see if s/he was in the
46 truck or not. I thought that maybe I was mistaken that it was Casey's truck. . However, around 5
47 minutes later when I was back inside Belly's, I looked out the window and saw Casey walking toward
48 the front door of Belly's, but stopped at Reese's car. I saw Casey stand at Reese's car for a couple
49 of minutes before walking away. Casey seemed upset, and was saying something. I saw Casey walk
50 back toward the front door once again, and stopped at Reese's car again. I thought Casey was going
51 to come in, but Casey just stood at the car. I looked away for a minute or two and I no longer saw
52 Casey next to Reese's car, but the truck was still there. About 5 minutes later, I saw Casey speed
53 away in the truck.

54 During the rest of the evening, I watched Reese take a few shots of liquor from the rounds
55 that were ordered. Reese also had multiple sips from different cocktails that Shelby was drinking.
56 Over the course of the night, I also saw Reese with two or three of Reese's own mixed drinks. When
57 the party ended a few hours later, I was shocked to see Reese holding the keys to a car. I said to Reese
58 that it would be safer for Reese to order an Uber or something. Reese just looked at me with bloodshot
59 eyes and slurred the phrase, "I am not drunk," and then started laughing uncontrollably. Shelby was
60 passed out in the back seat. I was not going to try to argue with Reese, so I let them leave.

61 The police are saying that the brake line was cut and that caused the accident. They are trying
62 to claim that Casey did it. There was no way Casey had the time or opportunity to do that. I admit I
63 was not watching Casey every minute while Casey was at Belly's but I know enough about cars that

64 you would have to get under the Reese's car, find the brake line, cut it, and leave without anyone
65 seeing Casey. Considering Reese's car was parked right in front of Belly's on a busy night, I don't
66 see how that is possible.

67 I am familiar with the following exhibits: Exhibit 6 is a copy of the bar tab from Reese Brook's
68 party on December 17, 2021. Exhibit 7A is the layout of Belly's Bar and Grill and the outside parking
69 lot.

70 I swear or affirm the truthfulness of everything stated in this affidavit. Before giving a
71 statement, I was told I should include everything that I know may be relevant to my testimony and I
72 followed those instructions. I know that I can and must update this affidavit if anything new occurs
73 to me until the moment before opening statements begin in this case.

Signed,

Leigh Fuller

Leigh Fuller

IN THE 21ST JUDICIAL CIRCUIT IN AND FOR BAYVIEW COUNTY, FLORIDA
STATE OF FLORIDA

Case No. CV 21 - 5004

Judge Solana Millik

v.

CASEY OVERSTONE

Affidavit of Casey Overstone

Defendant

October 10, 2022

AFFIDAVIT OF CASEY OVERSTONE

1 After being duly sworn upon oath, Casey Overstone hereby states as follows: I am twenty-
2 three years old and am competent to make this affidavit. I understand that I have the right to remain
3 silent and that anything I say can and will be used against me. I am aware of my rights protecting
4 against self-incrimination and am voluntarily waiving them by testifying at trial. I am providing this
5 voluntary written statement instead of answering any police questions. I have nothing to hide.

6 I currently reside in Bayview, Florida. On the morning of December 19, 2021, I was arrested
7 by the Bayview Police Department. The first I heard of Reese Brooks' car accident was when Sgt.
8 Laughlin told me during my arrest. Let me be absolutely clear: even though I dislike Reese, I had
9 nothing to do with Reese's crash.

10 Reese and I knew each other from high school, but we became close friends in college when
11 we both attended at Palm Coast University. It was in our sophomore year at PCU that we became
12 intimate. At the beginning, I was head over heels about Reese, but it became clear almost
13 immediately how privileged Reese is.

14 Reese and I dated until our junior year at PCU. I noticed Reese becoming more and more
15 distant. I thought it was just the pressure of school. But then I decided to spend a weekend with my
16 family, and happened to come back early. I went over to see Reese at Reese's apartment. Since we
17 were dating, I had a key. I walked in to find Reese being intimate with someone else! I was shocked

18 and hurt. At that point, I had enough. I broke up with Reese. Reese didn't even seem bothered by it.
19 I come to find out later that Reese started seeing other people less than a week after our separation.
20 I'll admit, I became insanely jealous, and I would send Reese empty threats via text.

21 While all of this was going down, I was working every moment trying to maintain my grades
22 (and my interest) at college. Even though I enjoyed learning about mechanical engineering, I missed
23 working at my family's garage. My father owns Overstone Auto Repairs, and it was passed down to
24 him by my grandfather who built it fifty years ago. Our shop performs all types of mechanical services
25 and automobile repair services. My uncles, cousins and siblings have all worked there. Heck, I have
26 been working around the garage since I was 12 years old. There isn't anything I haven't done around
27 that garage. No one from my family had ever graduated from college, and I wanted to try to break
28 away from the family and do something different.

29 However, after being miserable for a couple of months, I decided that home would be the best
30 place for me, and I left school. There's no doubt in my mind that I would have graduated if Reese
31 hadn't callously broken my heart. I have never forgiven Reese for doing that to me.

32 I came home and immediately buried myself in work at the garage. I was happier than I had
33 ever been, and I was relieved to be away from Reese. I was hoping never to see her again, but I
34 wasn't so lucky. About two years later, I saw Reese back in town. As I soon found out, after
35 graduation, Reese began working for Reese's father's real estate development business. Yes, her
36 father is not only the mayor of Bayview, but he is on a mission to redevelop Bayview from a nice
37 small family town, to a town with chain stores, corporate offices and expanding the residential and
38 business development in Bayview. Reese's father offered to buy my father's building and business
39 since he wanted to redevelop the industrial park where we had our garage to a mixed use residential
40 and business development. My father was not interested, no matter how much they were increasing

41 their offer. However, it was not until Reese got home, and began working for his/her father that
42 more pressure was being placed on my father to sell the business. All of a sudden, we were getting
43 notices of zoning changes proposed to business property, surprise inspections as to how we are
44 disposing of hazardous fluids just to name a couple of things. It was frustrating the entire family,
45 costing the business money to fight the zoning changes, and I was becoming angrier and angrier at
46 Reese.

47 I want to set the record straight on what I did and didn't do on December 17, 2021. That
48 morning, I woke up at around 10 AM. My shift at the repair shop started at 12 PM, which is when I
49 arrived. Since my dad is the manager, and since all the employees are immediate family, we don't
50 have any punch card system or anything. I grabbed a late lunch for everyone at around 3:30 PM. I
51 was scheduled to close the shop that night. Normally, we close at 8 PM and everyone is gone by 9
52 PM. But that night, one of our long-time customers (and a good friend of mine), Leigh Fuller, came
53 to pick up Leigh's mom's car. Once you get Leigh talking, Leigh never stops. It took us about an
54 hour to catch up before Leigh left the shop at 9 PM. Before Leigh left, Leigh mentioned that Reese
55 had rented out Belly's Bar & Grill for a birthday party for Shelby Pryce. Shelby used to be one of
56 my best friends, but I learned that Shelby started dating Reese a few weeks back. I couldn't believe
57 my best friend would date one of my previous love interests, and I was upset with Shelby for not
58 even speaking with me about Reese. Anyway, I knew I had to clean the garage that evening, as my
59 father demanded that the garage be cleaned every night before everyone left. All tools had to be
60 cleaned, and all work surfaces had to be spotless.

61 While I was cleaning the garage, I could not get Reese and Shelby out of my mind. I started
62 thinking that going to Belly's for Shelby's birthday party may be an opportunity to extend an olive
63 branch to both Reese and Shelby, as well as wishing Shelby a happy birthday. On the other hand, I

64 did not want to make a scene or cause problems. I decided to go to Belly's and take a chance to mend
65 fences. Looking back, this probably wasn't the best decision. When I pulled up to Belly's, I saw
66 Reese and Shelby hugging and kissing. I saw both Shelby and Reese drink at least two shots together.
67 However, each time I would start walking toward the front door of Belly's, I would hesitate and walk
68 back to my car. I did this about three times. I just could not get past my anger. That's when I saw
69 Reese's car out front of Belly's and I did something stupid and scratch the car with my key a few
70 times.

71 After scratching Reese's car, I went back to the garage and finished cleaning up. The next
72 morning the police came to the garage with a search warrant. I was informed that Reese and Shelby
73 were involved in an automobile accident after leaving Belly's and Shelby Pryce was killed in the
74 accident. I was in shock! The first thing I thought was that Reese was driving intoxicated again.
75 Reese had a reputation of driving while intoxicated, but Daddy would get Reese cleared with any
76 problems with the police. They searched the garage, but I did not know why at the time. They found
77 a brake line cutter that wasn't cleaned the night before. I mean, sometimes we miss something when
78 we are cleaning, but we use the brake line cutter all the time. Then, Officer Laughlin started asking
79 me about being at Belly's the night before. I did not tell Officer Laughlin I was at Belly's as I knew
80 the optics would not be good. I did change my story later and came clean to Officer Laughlin. That
81 is when the Officer said, "so is that when you cut the brake line on Reese's car?" Cut a brake line?
82 Seriously? Sure, I was upset with Reese and Shelby, but I would never cut Reese's brake line. Also,
83 it is hard enough to find a brake line when it is up on a lift, how could I cut a brake line in a crowded
84 parking lot, when it would take me crawling under a car, with a flashlight, with some type of
85 instrument to cut the line, and not be seen?

86 My attorneys have told me that I should explain why I have a criminal record. I have two
87 misdemeanors for vandalism. The first charge I got when I was sixteen when I got caught graffitiiing
88 my neighbor's fence after they refused to pick up trash that they were throwing over our backyard
89 fence. The second charge was because I slashed three of a classmate's tires in my high school's
90 parking lot. I was eighteen. My parents were going through a divorce, so it wasn't a particularly stable
91 time in my life. A classmate was spreading lies about me, saying that my best friend's significant
92 other was cheating on them with me, so I got even with them.

93 I am familiar with the following exhibits: Exhibit 3 is a copy of my criminal record. Exhibit
94 7A is a layout of Belly's Bar and Grill and the surrounding area. Exhibit 8A-1 and 8A-2 are text
95 messages between me and Reese after our breakup. Exhibit 8B is text messages between Reese and
96 I after our break-up. Exhibit 8C are texts I sent to Reese on the night of the accident. Exhibit 9 is a
97 photo of the brake line cutter that was found at the garage.

98 I swear or affirm the truthfulness of everything stated in this affidavit. Before giving a
99 statement, I was told I should include everything that I know may be relevant to my testimony and
100 I followed those instructions. I know that I can and must update this affidavit if anything new occurs
101 to me until the moment before opening statements begin in this case.

Signed,

Casey Overstone
Casey Overstone

Exhibits

Exhibit 1A



Exhibit 1B



Exhibit 1C



Exhibit 2



Exhibit 3



FLORIDA DEPARTMENT OF LAW ENFORCEMENT

SERVICE ♦ INTEGRITY ♦ RESPECT ♦ QUALITY

FLORIDA PUBLIC RECORDS SEARCH
RESULTS

SEARCH INPUT: Bayview Criminal
Record Request

NAME: Overstone, Casey
JURISDICTION: Bayview County,
FL
RECORDS FOUND: Criminal Records (x2)

SEARCH INPUT: National Criminal
Record Search

NAME: Overstone, Casey
JURISDICTION: Request sent to
National Service RECORDS
FOUND: None

RECORD NAME: Overstone, Casey
JURISDICTION: Bayview County, FL
SEARCH CATEGORY: Criminal Records
SOURCE: Leon County Records Office
of Tallahassee
DATE OF INCIDENT: 9/17/2015

SUMMARY REPORT

ADDRESS: 1460 SW 3rd Ave, Bayview, FL 33100
CASE NO.: 15-5401
DESCRIPTION: Misdemeanor-3; Criminal Mischief -
Vandalism

ARREST REPORT:

Homeowner's call to dispatch reported the juvenile defendant spelling the word "PIG" in red spray paint across homeowner's fence. Defendant was arrested upon arrival. Defendant was kicking and screaming while being loaded into the patrol car. Defendant yelled, "that little [expletive] deserved it and more," as well as, "I'm only sorry that I got caught!"

RESULT: Guilty plea, time served + community service (300hrs)

RECORD NAME: Overstone, Casey
JURISDICTION: Bayview County, FL
SEARCH CATEGORY: Criminal Records
SOURCE: Leon County Records Office
of Tallahassee
DATE OF INCIDENT: 8/4/2017

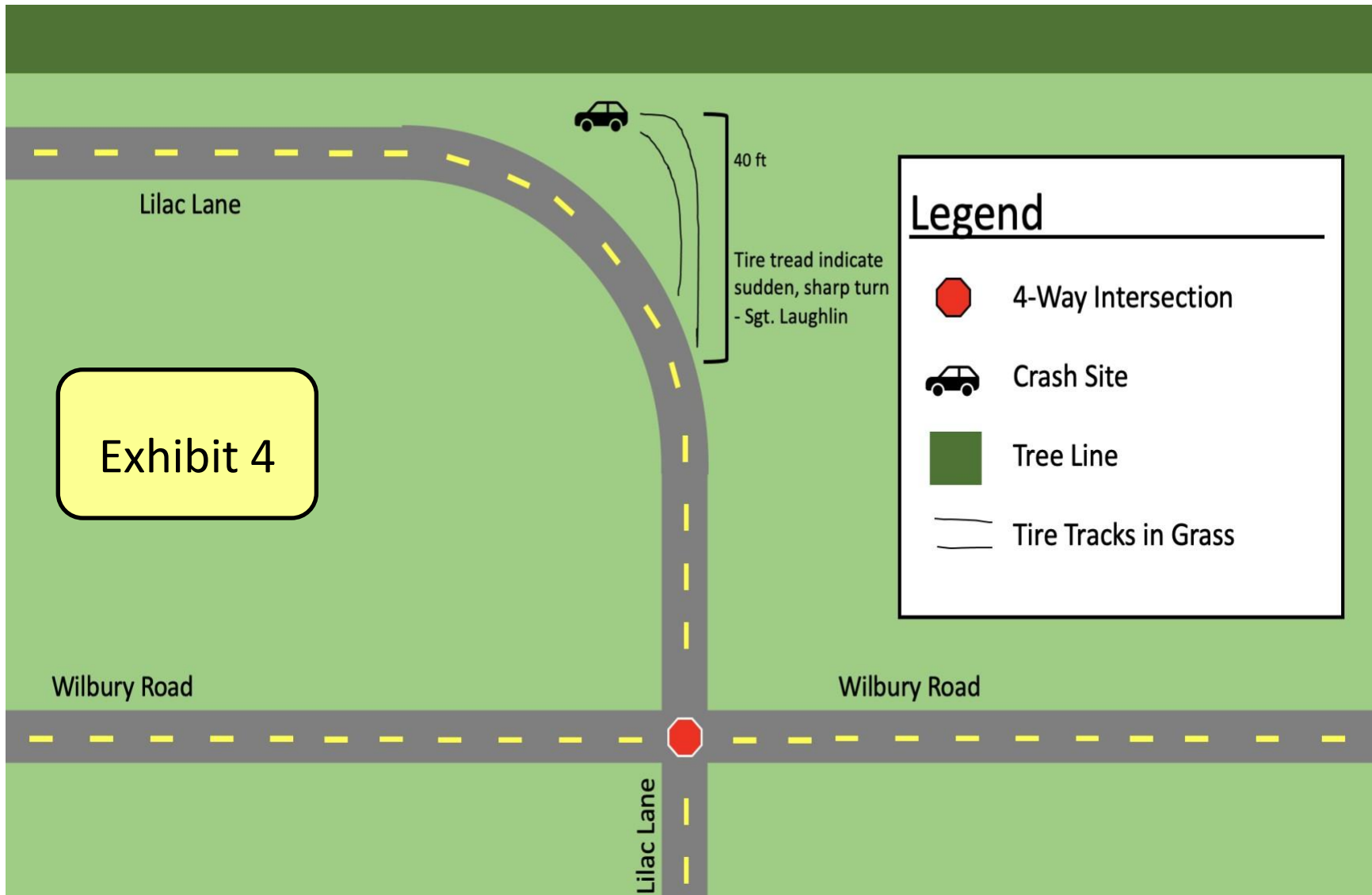
SUMMARY REPORT

ADDRESS: Bayview Senior High School,
32350 NW 40th St, Bayview, FL
33100 CASE NO.: 17-9953
DESCRIPTION: Misdemeanor-3; Criminal
Mischieif - Vandalism

ARREST REPORT:

School security officer reported a suspicious individual in the student parking lot. Defendant was found by law enforcement to be puncturing a vehicle's tires with a screwdriver. Defendant was arrested following a short pursuit through a nearby park. Defendant did not fight with arresting officers, and instead laughed while being loaded into the patrol car. Defendant said, "I just wanted to see what would've happened if that liar got in the car."

RESULT: Guilty plea, time served, community service (400hrs), restitution to vehicle owner for damages.



Prepared by Sergeant Quinn Laughlin

**BAYVIEW COMMUNITY HOSPITAL
EMERGENCY ROOM TRAUMA DIVISION**

Toxicology Testing Report

PATIENT: Reese Brooks

DATE RECEIVED: 12.18.2021

SAMPLE: Blood

Time Drawn: 05:13 AM

Blood Draw Testing:	Results:	Range Comparison:
WBC	6.7 x 10E^3 cells/mcL	[AVERAGE]
RBC	4.8 x 10E^6 cells/mcL	[AVERAGE]
Hemoglobin	14.0 g/dL	[AVERAGE]

Drug Screening		
Opiates:	0.0	[UNDETECTED]
THC:	0.0	[UNDETECTED]
THC – COOH	0.0	[UNDETECTED]
Amphetamines:	0.0	[UNDETECTED]
BAC %: 0.06 %	FL Legal Limit:	[ABNORMAL]
0.08 %		

Blood drawn by: Annelise Palacio, N.P.
Supervisor: Cheney Curls, M.D.

Exhibit 5A

ANNELISE PALACIO DECLARATION

My name is Annelise Palacio. Under penalty of perjury, I declare that the following information is true and accurate to the best of my understanding:

I am a registered nurse practitioner within the State of Florida and am currently employed at Bayview Community Hospital. As part of my duties, I manage and maintain our blood draw test records. On the early morning of the 18th of December of the year 2021, I performed a blood draw on Patient: Reese Brooks. Patient consented to the blood draw. Blood draw was performed based on current medical standards:

- Skin puncture area was cleaned with an antiseptic wipe that did not contain alcohol.
- Blood sample was collected in a glass evacuation tube containing sodium fluoride and an anticoagulant potassium oxalate.
- Immediately after collection, the tube was inverted several times to mix blood with preservative sodium fluoride and anticoagulant potassium oxalate.
- Blood sample was not refrigerated due to rush order placed by Officer Laughlin.

The blood test was performed at 05:13 AM at the Bayview Community Hospital Emergency Room Toxicology Lab. Blood test was supervised by Head of Toxicology Cheney Curls, M.D. and the results were confirmed to be accurate.

Officer Laughlin requested an estimation for what Patient's BAC would have been at around 01:00 AM. No second BAC test was performed. It is also unknown when Patient consumed the last alcoholic beverage. Therefore, it is difficult to estimate what the rate at which Patient's BAC was declining. Dr. Curls suggests Patient's BAC, at the time of the accident, could have been anywhere between 0.09 % and 0.16 %.

The attached blood test for Patient: Reese Brooks and the foregoing declaration were provided to Officer Laughlin on the 19th of December of the year 2021.

Signed:

/s/ Annelise Palacio, N.P.

Exhibit 5B

Belly's Bar & Grill

Belly's Bar & Grill
2191 Lilac Ln
Bayview, FL

Sale

12/18/2021 00:42:47 Cashier: Stirling Adams
ID: Reese Brooks
Card: Visa 7712

6 x ROUND VODKA SHOT	56.40
7 x AMARETTO SOUR	52.00
4 x SHIRLEY TEMPLE COCKTAIL	38.50
3 x SCREWDRIVER	17.29
10 x WHITE CLAW MANGO	20.40
6 x VANILLA IPA DRAFT	48.66
5 x TEQUILA SUNRISE	57.40
8 x LEMONDROP MOJITO	43.05
5 x RUM AND COKE	20.71
5 x BUD LIGHT	9.60
6 x Y BOMB SPECIALS	25.42
3 x BELLY'S LUNCHBOX DRINKS	16.49
5 x WINGS N FRIES PLATTER	61.32
Ranch Side	0.50
BBQ Side	0.50
7 x BELLY'S CHIPPY DIPPY APP	54.17
6 x SLIDIN' BELLY SLIDERS	52.81
Subtotal:	575.22
Sales Tax:	40.27
Total:	615.49
Gratuuity:	<i>200.00</i>
Grand Total:	<i>815.49</i>

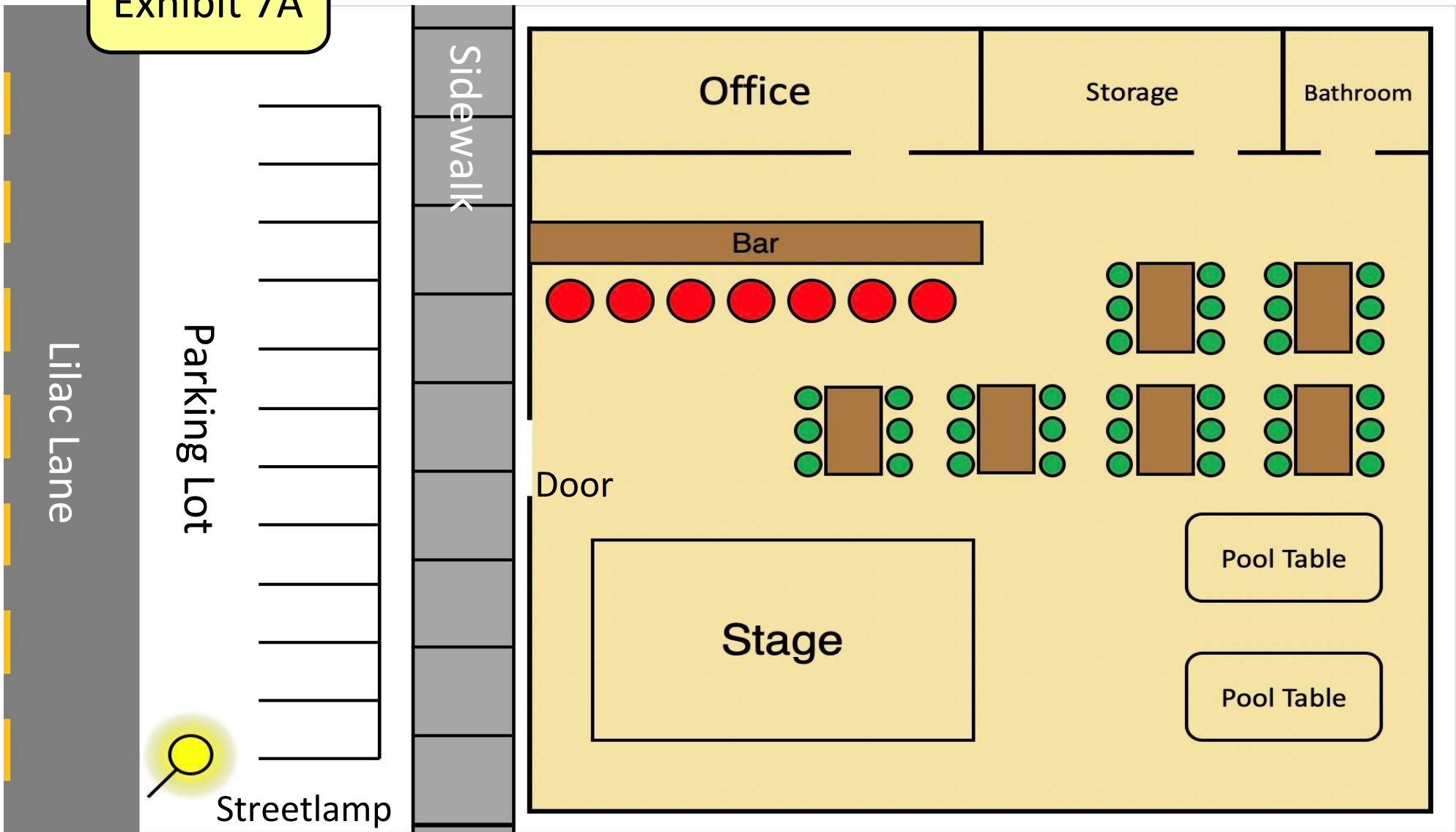
X *Reese Brooks*

SIGNATURE

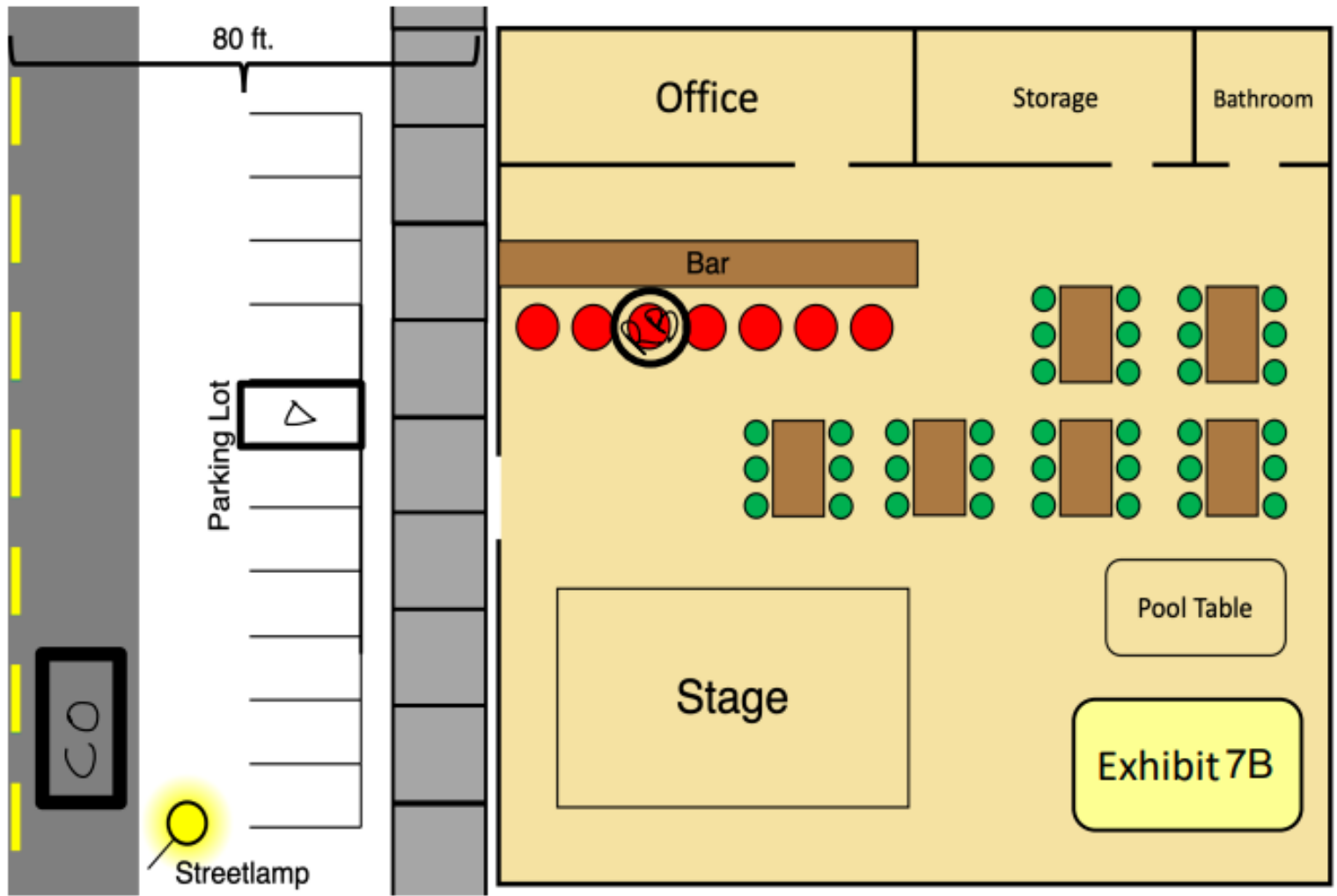
MERCHANT COPY

Exhibit 6

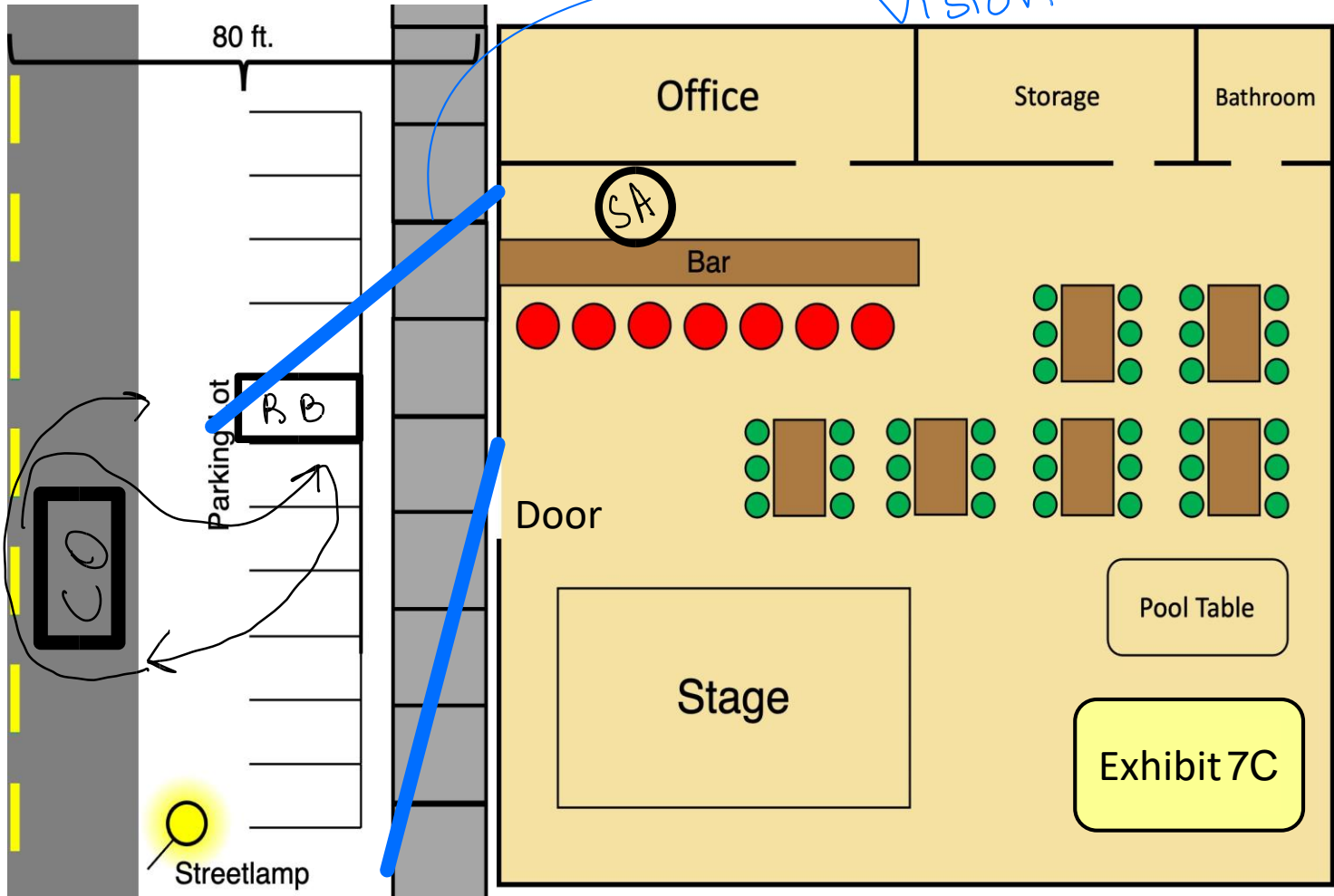
Exhibit 7A



Prepared by Officer Sergeant Quinn Laughlin



Prepared By Reese Brooks



look, I don't want to hear from u anymore than u want to hear from me

can u just lmk when i can pick up my things



Exhibit 8A-1



iMessage



these smores taste better than usual

sweatshirts, photos, and love letters make for a better fire, dontcha think



ARE THOSE MY THINGS???

YOU ARE PSYCHOTIC

Exhibit 8A-2



iMessage



you and shelby? Really?
WOW, you two
backstabbing liars are
perfect for each other

leave us alone. stay out
of our lives. im fine never
speaking to you again,
why aren't you?

Oh, that's great with me.
karma has a special way
of getting even with
traitors like you.

Exhibit 8B



iMessage



happy bday

enjoy your gift


drive home safe 

Exhibit 8C



iMessage



Exhibit 9



FLORIDA CELLULAR SERVICES TRANSCRIPTION

AUDIO ID: Voicemail
TIME OF PRODUCTION: 12:46 AM, December 18, 2021
DURATION: 00:01:41
TRANSMITTED BY: Customer ID – Shelby Pryce
RECEIVED BY: Customer ID – Brianna Pryce

Exhibit 10A

[Message begins]

[Voicemail box: You've reached Brianna Pryce. I couldn't come to the phone right now. You know what to do, leave a message after the beep!]

Hey mom! Super drunk right now, snoozing in the back seat of Reese's car. Have you ever been so madly in love with someone that you can't even believe you're dating them? Like wow...probably shouldn't have told you that. Probably shouldn't be telling you that I'm absolutely plastered right now, either. But anyways, happy birthday to me, right? Finally twenty-one! I'm on the way home right now, sorry for missing curfew, but – woah, babe, slow down! Don't call me dramatic, I'm not dramatic. Okay fine, I'm dramatic, haha! I didn't say that! No, you're not a bad driver, oh my gosh, you're the dramatic one. You're driving fine right now. Anyways, mom, Reese is driving fine, don't worry. Reese maybe had like one or two drinks like a few hours ago like Reese is like totally fine like don't even worry, you know? Love you way too much, mom, I'll see you soon. Wait, is that a cop following us? Hit the brakes. What do you mean you can't slow down, Reese? Hit the brakes. I said hit the – hit the brakes! Reese!

[Message ends]

ANGELA FAJARDO DECLARATION

My name is Angela Fajardo. Under penalty of perjury, I declare that the following information is true and accurate to the best of my understanding:

I am a network data engineer within the State of Florida and am currently employed at Florida Cellular Services. I maintain databases involving voicemail records left between, for, and by FCS customers. This record is maintained in the ordinary course and practice of Florida Consumer Cellular's business. The attached transcript is a true and accurate representation of the voice recording left by Customer ID – Shelby Pryce for Customer ID – Brianna Pryce on the 18 of December of the year 2021 at 12:46 AM. The recording was made at or near the time noted in the transcript

The attached transcript was generated by FCS's transcribing system and was subsequently proofread by me. I made no changes to the transcription provided by FCS's system. I have no reason to doubt the accuracy of the information contained in the attached transcript.

Signed:

/s/ Angela Fajardo

Exhibit 10B

BAYVIEW MECHANICAL SERVICES

October 3, 2021

Service Report - 2014 Nissan Rogue (Silver)

Vehicle Owner - Reese Brooks

Exhibit 11

Ignition

Spark Plugs: No Service Needed

Ignition Coil: No Service Needed

Distributor Cap/Coil: No Service Needed

Filters

Fuel: N/A

Oil: Changed for service

Air Conditioning: Coolant replaced

Belts

Serpentine: Positive inspection - see notes

Timing: Positive inspection

Tensioner: Positive inspection

Hoses

Engine: Positive inspection

Transmission: Changed for service

Power Steering: Positive inspection

Vehicular

Wheels: Four-Wheel alignment performed
requested by vehicle owner

Brake fluid: Positive inspection - see notes

Notes

- Serpentine belt has minor cracking consistent with age of car. May need replacement in the future. Secondary inspection determined this was the cause of the "squeaking" reported by vehicle owner.
- Brake line has non-urgent corrosion consistent with age of car. May need replacement within the next two years.

HIGH SCHOOL MOCK TRIAL CHAMPIONSHIP RULES OF EVIDENCE

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HIGH SCHOOL MOCK TRIAL CHAMPIONSHIP

RULES OF EVIDENCE

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

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

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

The Mock Trial Rules of Competition and these High School Mock Trial Rules of Evidence govern the High School Mock Trial Championship.

Article I. – General Provisions

Rule 101. Scope

These High School Mock Trial Rules of Evidence govern the trial proceedings of the High School Mock Trial Championship.

Rule 102. Purpose and Construction

These rules should be construed so as to administer every proceeding fairly, eliminate unjustifiable expense and delay, and promote the development of evidence law, to the end of ascertaining the truth and securing a just determination.

Rule 105. Limiting Evidence That Is Not Admissible Against Other Parties or for Other Purposes

If the court admits evidence that is admissible against a party or for a purpose — but not against another party or for another purpose — the court, on timely request, must restrict the evidence to its proper scope and instruct the jury accordingly.

Rule 106. Remainder of or Related Writings or Recorded Statements

If a party introduces all or part of a writing or recorded statement, an adverse party may require the introduction, at that time, of any other part — any other writing or recorded statement — that in fairness ought to be considered at the same time.

Article II. – Judicial Notice

Rule 201. Judicial Notice of Adjudicative Facts

- (a) This rule governs judicial notice of an adjudicative fact only, not a legislative fact.
- (b) The court may judicially notice a fact that is not subject to reasonable dispute because it is a matter of mathematical or scientific certainty. For example, the court could take judicial notice that $10 \times 10 = 100$ or that there are 5280 feet in a mile.
- (c) The court:
 - 1) may take judicial notice on its own; or
 - 2) must take judicial notice of a party requests it and the court is supplied with the necessary information.
- (d) The court may take judicial notice at any stage of the proceeding.
- (e) On timely request, a party is entitled to be heard on the propriety of taking judicial notice and the nature of the fact to be noticed. If the court takes judicial notice before notifying a party, the party, on request, is still entitled to be heard.
- (f) In a civil case, the court must instruct the jury to accept the noticed fact as conclusive. In a criminal case, the court must instruct the jury that it may or may not accept the noticed fact as conclusive.

Article III. – Presumptions in Civil Actions and Proceedings -- Not Applicable

Article IV. – Relevancy and its Limits

Rule 401. Test for Relevant Evidence

Evidence is relevant if:

- (a) it has any tendency to make a fact more or less probable than it would be without the evidence; and
- (b) the fact is of consequence in determining the action.

Rule 402. General Admissibility of Relevant Evidence

Relevant evidence is admissible unless these rules provide otherwise. Irrelevant evidence is not admissible.

Rule 403. Excluding Relevant Evidence for Prejudice, Confusion, Waste of Time, or Other Reasons

The court may exclude relevant evidence if its probative value is substantially outweighed by a danger of one or more of the following: unfair prejudice, confusing the issues, misleading the jury, undue delay, wasting time, or needlessly presenting cumulative evidence.

Rule 404. Character Evidence; Crimes or Other Acts

- (a) Character Evidence.
 - (1) Prohibited Uses. Evidence of a person's character or character trait is not admissible to prove that on a particular occasion the person acted in accordance with the character or trait.

- (2) Exceptions for a Defendant or Victim in a Criminal Case. The following exceptions apply in a criminal case:
 - (A) a defendant may offer evidence of the defendant’s pertinent trait, and if the evidence is admitted, the prosecutor may offer evidence to rebut it;
 - (B) a defendant may offer evidence of an alleged victim’s pertinent trait, and if the evidence is admitted, the prosecutor may:
 - (i) offer evidence to rebut it; and
 - (ii) offer evidence of the defendant’s same trait; and
 - (C) in a homicide case, the prosecutor may offer evidence of the alleged victim’s trait of peacefulness to rebut evidence that the victim was the first aggressor.
- (3) Exceptions for a Witness. Evidence of a witness’s character may be admitted under Rules 607, 608, and 609.
- (b) Other Crimes, Wrongs, or Other Acts.
 - (1) Prohibited Uses. Evidence of a crime, wrong, or other act is not admissible to prove a person’s character in order to show that on a particular occasion the person acted in accordance with the character.
 - (2) Permitted Uses. This evidence may be admissible for another purpose, such as proving motive, opportunity, intent, preparation, plan, knowledge, identity, absence of mistake, or lack of accident.

Rule 405. Methods of Proving Character

- (a) **By Reputation or Opinion.** When evidence of a person’s character or character trait is admissible, it may be proved by testimony about the person’s reputation or by testimony in the form of an opinion. On cross-examination of the character witness, the court may allow an inquiry into relevant specific instances of the person’s conduct.
- (b) **By Specific Instances of Conduct.** When a person’s character or character trait is an essential element of a charge, claim, or defense, the character or trait may also be proved by relevant specific instances of the person’s conduct.

Rule 406. Habit, Routine Practice

Evidence of a person’s habit or an organization’s routine practice may be admitted to prove that on a particular occasion the person or organization acted in accordance with the habit or routine practice. The court may admit this evidence regardless of whether it is corroborated or whether there was an eyewitness.

Rule 407. Subsequent Remedial Measures

When measures are taken that would have made an earlier injury or harm less likely to occur, evidence of the subsequent measures is not admissible to prove:

- negligence;
- culpable conduct;
- a defect in a product or its design; or
- a need for a warning or instruction.

But the court may admit this evidence for another purpose, such as impeachment or — if disputed

— proving ownership, control, or the feasibility of precautionary measures.

Rule 408. Compromise Offers and Negotiations

- (a) **Prohibited Uses.** Evidence of the following is not admissible — on behalf of any party — either to prove or disprove the validity or amount of a disputed claim or to impeach by a prior inconsistent statement or a contradiction:
- (1) furnishing, promising, or offering — or accepting, promising to accept, or offering to accept — a valuable consideration in compromising or attempting to compromise the claim; and
 - (2) conduct or a statement made during compromise negotiations about the claim — except when offered in a criminal case and when the negotiations related to a claim by a public office in the exercise of its regulatory, investigative, or enforcement authority.
- (b) **Exceptions.** The court may admit this evidence for another purpose, such as proving a witness’s bias or prejudice, negating a contention of undue delay, or proving an effort to obstruct a criminal investigation or prosecution.

Rule 409. Offers to Pay Medical And Similar Expenses

Evidence of furnishing, promising to pay, or offering to pay medical, hospital, or similar expenses resulting from an injury is not admissible to prove liability for the injury.

Rule 410. Pleas, Plea Discussions, and Related Statements

- (a) **Prohibited Uses.** In a civil or criminal case, evidence of the following is not admissible against the defendant who made the plea or participated in the plea discussions:
- (1) a guilty plea that was later withdrawn;
 - (2) a nolo contendere plea;
 - (3) a statement made during a proceeding on either of those pleas under Federal Rule of Criminal Procedure 11 or a comparable state procedure; or
 - (4) a statement made during plea discussions with an attorney for the prosecuting authority if the discussions did not result in a guilty plea or they resulted in a later-withdrawn guilty plea.
- (b) **Exceptions.** The court may admit a statement described in Rule 410(a)(3) or (4):
- (1) in any proceeding in which another statement made during the same plea or plea discussions has been introduced, if in fairness the statements ought to be considered together; or
 - (2) in a criminal proceeding for perjury or false statement, if the defendant made the statement under oath, on the record, and with counsel present.

Rule 411. Liability Insurance

Evidence that a person was or was not insured against liability is not admissible to prove whether the person acted negligently or otherwise wrongfully. But the court may admit this evidence for another purpose, such as proving a witness’s bias or proving agency, ownership, or control.

Article V. – Privileges

Rule 501. General Rule

There are certain admissions and communications excluded from evidence on

grounds of public policy. Among these are:

- (1) communications between spouses;
- (2) communications between attorney and client;
- (3) communications between medical or mental health care providers and patient.

Article VI. – Witnesses

Rule 601. General Rule of Competency

Every person is competent to be a witness.

Rule 602. Need for Personal Knowledge

A witness may testify to a matter only if evidence is introduced sufficient to support a finding that the witness has personal knowledge of the matter. Evidence to prove personal knowledge may consist of the witness's own testimony. This rule does not apply to a witness's expert testimony under Rule 703. (*See Rule 2.2*)

Rule 607. Who May Impeach A Witness

Any party, including the party that called the witness, may attack the witness's credibility.

Rule 608. A Witness's Character For Truthfulness or Untruthfulness

- (a) **Reputation or Opinion Evidence.** A witness's credibility may be attacked or supported by testimony about the witness's reputation for having a character for truthfulness or untruthfulness, or by testimony in the form of an opinion about that character. But evidence of truthful character is admissible only after the witness's character for truthfulness has been attacked.
- (b) **Specific Instances of Conduct.** Except for a criminal conviction under Rule 609, extrinsic evidence is not admissible to prove specific instances of a witness's conduct in order to attack or support the witness's character for truthfulness. But the court may, on cross-examination, allow them to be inquired into if they are probative of the character for truthfulness or untruthfulness of:
 - (1) the witness; or
 - (2) another witness whose character the witness being cross-examined has testified about.By testifying on another matter, a witness does not waive any privilege against self-incrimination for testimony that relates only to the witness's character for truthfulness.

Rule 609. Impeachment by Evidence of a Criminal Conviction

- (a) **In General.** The following rules apply to attacking a witness's character for truthfulness by evidence of a criminal conviction:
 - (1) for a crime that, in the convicting jurisdiction, was punishable by death or by imprisonment for more than one year, the evidence:
 - (A) must be admitted, subject to Rule 403, in a civil case or in a criminal case in which the witness is not a defendant; and
 - (B) must be admitted in a criminal case in which the witness is a defendant, if the

probative value of the evidence outweighs its prejudicial effect to that defendant;
and

- (2) for any crime regardless of the punishment, the evidence must be admitted if the court can readily determine that establishing the elements of the crime required proving — or the witness’s admitting — a dishonest act or false statement.
- (b) **Limit on Using the Evidence After 10 Years.** This subdivision (b) applies if more than 10 years have passed since the witness’s conviction or release from confinement for it, whichever is later. Evidence of the conviction is admissible only if its probative value, supported by specific facts and circumstances, substantially outweighs its prejudicial effect.
- (c) **Effect of a Pardon, Annulment, or Certificate of Rehabilitation.** Evidence of a conviction is not admissible if:
- (1) the conviction has been the subject of a pardon, annulment, certificate of rehabilitation, or other equivalent procedure based on a finding that the person has been rehabilitated, and the person has not been convicted of a later crime punishable by death or by imprisonment for more than one year; or
 - (2) the conviction has been the subject of a pardon, annulment, or other equivalent procedure based on a finding of innocence.
- (d) **Juvenile Adjudications.** Evidence of a juvenile adjudication is admissible under this rule only if:
- (1) it is offered in a criminal case;
 - (2) the adjudication was of a witness other than the defendant;
 - (3) an adult’s conviction for that offense would be admissible to attack the adult’s credibility; and
 - (4) admitting the evidence is necessary to fairly determine guilt or innocence.
- (e) **Pendency of an Appeal.** A conviction that satisfies this rule is admissible even if an appeal is pending. Evidence of the pendency is also admissible.

Rule 610. Religious Beliefs or Opinions

Evidence of a witness’s religious beliefs or opinions is not admissible to attack or support the witness’s credibility.

Rule 611. Mode and Order of Interrogation and Presentation

- (a) **Control by the Court; Purposes.** The court should exercise reasonable control over the mode and order of examining witnesses and presenting evidence so as to:
 - (1) make those procedures effective for determining the truth;
 - (2) avoid wasting time; and
 - (3) protect witnesses from harassment or undue embarrassment.
- (b) **Scope of cross examination.** The scope of the cross examination shall not be limited to the scope of the direct examination, but may inquire into any relevant facts or matters contained in the witness’ statement and/or exhibits, **including** all reasonable inferences that can be drawn from those facts and matters, and may inquire into any omissions from the witness statement and/or exhibits that are otherwise material and admissible.
- (c) **Leading Questions.** Leading questions should not be used on direct examination except as

necessary to develop the witness's testimony. Ordinarily, the court should allow leading questions:

- (1) on cross-examination; and
- (2) when a party calls a hostile witness, an adverse party, or a witness identified with an adverse party.

Rule 612. Writing Used to Refresh a Witness's Memory

(a) Scope. This rule gives an adverse party certain options when a witness uses a writing to refresh memory:

- (1) while testifying; or
- (2) before testifying, if the court decides that justice requires the party to have those options.

(b) Adverse Party's Options. An adverse party is entitled to have the writing produced at the hearing, to inspect it, to cross-examine the witness about it, and to introduce in evidence any portion that relates to the witness's testimony.

Rule 613. Witness's Prior Statement

- (a) Showing or Disclosing the Statement During Examination. When examining a witness about the witness's prior statement, a party need not show it or disclose its contents to the witness. But the party must, on request, show it or disclose its contents to an adverse party's attorney.
- (b) Extrinsic Evidence of a Prior Inconsistent Statement. Extrinsic evidence of a witness's prior inconsistent statement is admissible only if the witness is given an opportunity to explain or deny the statement and an adverse party is given an opportunity to examine the witness about it, or if justice so requires. This subdivision (b) does not apply to an opposing party's statement under Rule 801(d)(2).

Article VII. – Opinions and Expert Testimony

Rule 701. Opinion Testimony by Lay Witness

If a witness is not testifying as an expert, testimony in the form of an opinion is limited to one that is:

- (a) rationally based on the witness's perception;
- (b) helpful to clearly understanding the witness's testimony or to determining a fact in issue; and
- (c) not based on scientific, technical, or other specialized knowledge within the scope of Rule 702.

Rule 702. Testimony by Experts

A witness who is qualified as an expert by knowledge, skill, experience, training, or education may testify in the form of an opinion or otherwise if:

- (a) the expert's scientific, technical, or other specialized knowledge will help the trier of fact to understand the evidence or to determine a fact in issue; and
- (b) the testimony is based on sufficient facts or data.

Rule 703. Bases of an Expert's Opinion Testimony

An expert may base an opinion on facts or data in the case that the expert has been made aware of or personally observed. If experts in the particular field would reasonably rely on those kinds of facts or data in forming an opinion on the subject, they need not be admissible for the opinion to be admitted. But if the facts or data would otherwise be inadmissible, the proponent of the opinion may disclose

them to the jury only if their probative value in helping the jury evaluate the opinion substantially outweighs their prejudicial effect.

Rule 704. Opinion on Ultimate Issue

- (a) **In General — Not Automatically Objectionable.** An opinion is not objectionable just because it embraces an ultimate issue.
- (b) **Exception.** In a criminal case, an expert witness must not state an opinion about whether the defendant did or did not have a mental state or condition that constitutes an element of the crime charged or of a defense. Those matters are for the trier of fact alone.

Rule 705. Disclosing the Facts or Data Underlying An Expert's Opinion

Unless the court orders otherwise, an expert may state an opinion — and give the reasons for it — without first testifying to the underlying facts or data. But the expert may be required to disclose those facts or data on cross-examination.

Article VIII. – Hearsay

Rule 801. Definitions

The following definitions apply under this article:

- (a) **Statement.** “Statement” means a person’s oral assertion, written assertion, or nonverbal conduct, if the person intended it as an assertion.
- (b) **Declarant.** “Declarant” means the person who made the statement.
- (c) **Hearsay.** “Hearsay” means a statement that:
 - (1) the declarant does not make while testifying at the current trial or hearing; and
 - (2) a party offers in evidence to prove the truth of the matter asserted in the statement.
- (d) **Statements That Are Not Hearsay.** A statement that meets the following conditions is not hearsay:
 - (1) **A Declarant-Witness’s Prior Statement.** The declarant testifies and is subject to cross-examination about a prior statement, and the statement:
 - (A) is inconsistent with the declarant’s testimony and was given under penalty of perjury at a trial, hearing, or other proceeding or in a deposition;
 - (B) is consistent with the declarant’s testimony and is offered:
 - (i) to rebut an express or implied charge that the declarant recently fabricated it or acted from a recent improper influence or motive in so testifying; or
 - (ii) to rehabilitate the declarant’s credibility as a witness when attacked on another ground; or
 - (C) identifies a person as someone the declarant perceived earlier.
 - (2) **An Opposing Party’s Statement.** The statement is offered against an opposing party and:
 - (A) was made by the party in an individual or representative capacity;
 - (B) is one the party manifested that it adopted or believed to be true;
 - (C) was made by a person whom the party authorized to make a statement on the

subject;

- (D) was made by the party's agent or employee on a matter within the scope of that relationship and while it existed; or
- (E) was made by the party's conspirator during and in furtherance of the conspiracy.

The statement must be considered but does not by itself establish the declarant's authority under (C); the existence or scope of the relationship under (D); or the existence of the conspiracy or participation in it under (E).

Rule 802. Hearsay Rule

Hearsay is not admissible except as provided by these Rules.

Rule 803. Exceptions to the Rule Against Hearsay – Regardless of Whether the Declarant is Available as a Witness

The following are not excluded by the hearsay rule, regardless of whether the declarant is available as a witness:

- (1) **Present Sense Impression.** A statement describing or explaining an event or condition, made while or immediately after the declarant perceived it.
- (2) **Excited Utterance.** A statement relating to a startling event or condition, made while the declarant was under the stress of excitement that it caused.
- (3) **Then-Existing Mental, Emotional, or Physical Condition.** A statement of the declarant's then-existing state of mind (such as motive, intent, or plan) or emotional, sensory, or physical condition (such as mental feeling, pain, or bodily health), but not including a statement of memory or belief to prove the fact remembered or believed unless it relates to the validity or terms of the declarant's will.
- (4) **Statement Made for Medical Diagnosis or Treatment.** A statement that:
 - (a) is made for — and is reasonably pertinent to — medical diagnosis or treatment; and
 - (b) describes medical history; past or present symptoms or sensations; their inception; or their general cause.
- (5) **Recorded Recollection.** A record that:
 - (a) is on a matter the witness once knew about but now cannot recall well enough to testify fully and accurately;
 - (b) was made or adopted by the witness when the matter was fresh in the witness's memory; and
 - (c) accurately reflects the witness's knowledge.If admitted, the record may be read into evidence but may be received as an exhibit only if offered by an adverse party.
- (6) **Records of Regularly Conducted Activity.** A record of an act, event, condition, opinion, or diagnosis if:
 - (a) the record was made at or near the time by – or from information transmitted by – someone with knowledge;
 - (b) the record was kept in the course of a regularly conducted activity of a business, organization, occupation, or calling, whether or not for profit;
 - (c) making the record was a regular practice of that activity;

- (d) all these conditions are shown by the testimony of the custodian or another qualified witness; and
- (e) the opponent does not show that the source of information or the method or circumstances of preparation indicate a lack of trustworthiness

(7) **Absence of Regularly Conducted Activity.**

Evidence that a matter is not included in a record described in paragraph (6) if:

- (a) the evidence is admitted to prove that the matter did not occur or exist;
- (b) a record was regularly kept for a matter of that kind; and
- (c) the opponent does not show that the possible source of information or other indicated a lack of trustworthiness.

(8) **Public Records.** A record or statement of a public office if:

- (a) it sets out:
 - (i) the offices activities;
 - (ii) a matter observed while under a legal duty to report, but not including, in a criminal case, a matter observed by law enforcement personal; or
 - (iii) in a civil case or against the government in a criminal case, factual findings from a legally authorized investigation; and
- (b) the opponent does not show that the source of information or other circumstances indicate a lack of trustworthiness.

(10) **Absence of a Public Record.** Testimony that a diligent search failed to disclose a public **record** or statement if the testimony or certification is admitted to prove that:

- (a) the record or statement does not exist; or
- (b) a matter did not occur or exist, if a public office regularly kept a record or statement for a matter of that kind.

(16) **Statements in Ancient Documents.** A statement in a document that was prepared before January 1, 1998, and whose authenticity is established.

(18) **Statements in Learned Treatises, Periodicals, or Pamphlets.** A statement contained in a treatise, periodical, or pamphlet if:

- (a) the statement is called to the attention of an expert witness on cross-examination or relied on by the expert on direct examination; and
- (b) the publication is established as a reliable authority by the expert's admission or testimony, by another expert's testimony, or by judicial notice.

If admitted, the statement may be read into evidence but not received as an exhibit.

(21) **Reputation Concerning Character.** A reputation among a person's associates or in the community concerning the person's character.

(22) **Judgment of a Previous Conviction.** Evidence of a final judgment of conviction if:

- (a) the judgment was entered after a trial or guilty plea, but not a nolo contendere plea;
- (b) the conviction was for a crime punishable by death or by imprisonment for more than a year;

- (c) the evidence is admitted to prove any fact essential to the judgment; and
- (d) when offered by the prosecutor in a criminal case for a purpose other than impeachment, the judgment was against the defendant.

The pendency of an appeal may be shown but does not affect admissibility.

Rule 804. Hearsay Exceptions; Declarant Unavailable

(a) **Criteria for Being Unavailable.** A declarant is considered to be unavailable as a witness if the declarant:

- (1) is exempted from testifying about the subject matter of the declarant's statement because the court rules that a privilege applies;
- (2) refuses to testify about the subject matter despite a court order to do so;
- (3) testifies to not remembering the subject matter;
- (4) cannot be present or testify at the trial or hearing because of death or a then-existing infirmity, physical illness, or mental illness; or
- (5) is absent from the trial or hearing and the statement's proponent has not been able, by process or other reasonable means, to procure:
 - (A) the declarant's attendance, in the case of a hearsay exception under Rule 804(b)(1) or (6); or
 - (B) the declarant's attendance or testimony, in the case of a hearsay exception under Rule 804(b)(2), (3), or (4).

But this subdivision (a) does not apply if the statement's proponent procured or wrongfully caused the declarant's unavailability as a witness in order to prevent the declarant from attending or testifying.

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

- (1) **Former Testimony.** Testimony that:
 - (A) was given as a witness at a trial, hearing, or lawful deposition, whether given during the current proceeding or a different one; and
 - (B) is now offered against a party who had — or, in a civil case, whose predecessor in interest had — an opportunity and similar motive to develop it by direct, cross-, or redirect examination.
- (2) **Statement Under the Belief of Imminent Death.** In a prosecution for homicide or in a civil case, a statement that the declarant, while believing the declarant's death to be imminent, made about its cause or circumstances.
- (3) **Statement Against Interest.** A statement that:
 - (A) a reasonable person in the declarant's position would have made only if the person believed it to be true because, when made, it was so contrary to the declarant's proprietary or pecuniary interest or had so great a tendency to invalidate the declarant's claim against someone else or to expose the declarant to civil or criminal liability; and
 - (B) is supported by corroborating circumstances that clearly indicate its trustworthiness, if it is offered in a criminal case as one that tends to expose the

declarant to criminal liability.

- (4) **Statement of Personal or Family History.** A statement about:
 - (A) the declarant’s own birth, adoption, legitimacy, ancestry, marriage, divorce, relationship by blood, adoption, or marriage, or similar facts of personal or family history, even though the declarant had no way of acquiring personal knowledge about that fact; or
 - (B) another person concerning any of these facts, as well as death, if the declarant was related to the person by blood, adoption, or marriage or was so intimately associated with the person’s family that the declarant’s information is likely to be accurate.
- (5) **Not Applicable**
- (6) **Statement Offered Against a Party That Wrongfully Caused the Declarant’s Unavailability.** A statement offered against a party that wrongfully caused — or acquiesced in wrongfully causing — the declarant’s unavailability as a witness, and did so intending that result.

Rule 805. Hearsay within Hearsay

Hearsay included within hearsay is not excluded by the rule against hearsay if each part of the combined statements conforms with an exception to the rule.

Rule 806. Attacking and Supporting the Declarant’s Credibility

When a hearsay statement — or a statement described in Rule 801(d)(2)(C), (D), or (E) — has been admitted in evidence, the declarant’s credibility may be attacked, and then supported, by any evidence that would be admissible for those purposes if the declarant had testified as a witness. The court may admit evidence of the declarant’s inconsistent statement or conduct, regardless of when it occurred or whether the declarant had an opportunity to explain or deny it. If the party against whom the statement was admitted calls the declarant as a witness, the party may examine the declarant on the statement as if on cross-examination.

Rule 807. Residual Exception

Under the following conditions, a hearsay statement is not excluded by the rule against hearsay even if the statement is not admissible under a hearsay exception in Rule 803 or 804:

- (1) the statement is supported by sufficient guarantees of trustworthiness—after considering the totality of circumstances under which it was made and evidence, if any, corroborating the statement; and
- (2) it is more probative on the point for which it is offered than any other evidence that the proponent can obtain through reasonable efforts.

Article IX. – Authentication and Identification – Not Applicable

Article X. – Contents of Writing, Recordings and Photographs – Not Applicable

Article XI. – Other

Rule 1103. Title

These rules may be known and cited as the Florida High School Mock Trial Rules of Evidence.

FLORIDA HIGH SCHOOL MOCK TRIAL

RULES OF THE COMPETITION

The Florida High School Mock Trial State Competition (“State Competition”) is governed by these Rules of the Competition (“Rules of Competition”) and the Florida High School Mock Trial Rules of Evidence (“Rules of Evidence”). Any clarification of the Rules of Competition, the Rules of Evidence, or the case materials will be issued in writing to all participating teams in a timely manner and no less than two weeks prior to the tournament whenever possible. The State Coordinator, or its designee(s), will distribute to each team any such clarification.

The Rules of Competition and the Rules of Evidence govern the Florida High School Mock Trial State Competition (or State Competition). All teams are responsible for the conduct of persons associated with their teams throughout the Florida High School Mock Trial State Competition.

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FLORIDA HIGH SCHOOL MOCK TRIAL CHAMPIONSHIP RULES OF THE COMPETITION

ADMINISTRATION

Rule 1.1. Rules

All trials will be governed by the Rules of the Florida High School Mock Trial Championship (“Rules of Competition”) and the Florida High School Mock Trial Championship Rules of Evidence (“Rules of Evidence”).

Questions or interpretations of the Rules of Competition and the Rules of Evidence are within the discretion of the State Coordinator, or its designee(s), whose decision is final.

Rule 1.2. Code of Conduct

The Rules of Competition, as well as proper rules of courthouse and courtroom decorum and security, must be followed. The State Coordinator may impose sanctions on teams or individuals for (i) any misconduct occurring while a team is participating in the State Competition, (ii) flagrant rule violations, and (iii) breaches of decorum which affect the conduct of a trial or which impugn the reputation or integrity of any team, school, participant, court officer, judge, or the mock trial program. These sanctions include, but are not limited to, adjustment of points or standings, disqualification, immediate eviction from the Competition events, and forfeiture of all fees and awards (if applicable).

In the Rules of Competition, all references to “participating” include any activity as a part of a State Competition in-person or virtually.

Rule 1.3.A. Emergencies

During a trial, the presiding judge has the discretion to declare an emergency and adjourn the trial for a short period of time to address the emergency. In the event of an emergency, the presiding judge must notify the State Coordinator, or its designee(s), as soon as is practical for further guidance.

Rule 1.3.B. Technical Difficulties in a Virtual Competition

In the event of technical difficulties substantially impairing participation in the trial during a virtual competition, the presiding judge has the discretion to declare a technical emergency and adjourn the virtual trial for a short period of time to resolve the technical difficulties.

If the technical difficulty is substantially impairing a participant’s participation in the trial and cannot be resolved within a reasonable, but brief, amount of time, then the trial will continue with another member of the impacted team substituting for the impacted team member. The emergency substitute must be a member of the same team as the impacted participant.

Before making an emergency substitution, the impacted team must make the presiding judge aware, by stating words to the effect of, “Your honor, before I begin I would like to inform the court that I am [insert name] and I am substituting for [insert name], who is unable to compete due to technical difficulties.” Teams shall advise the State Coordinator of any emergency substitution following the round of competition.

The presentation will be scored based on the performance by the initial team member and the emergency substitute, taken as a whole.

Once the presiding judge determines either at the request of the team or *sua sponte* that a student is unable to compete in a role due to technical difficulties, to minimize disruption, the impacted student is not permitted to return and compete in the role for which a substitution was made. If the technical difficulty is resolved, the impacted participant may return and participate in his or her other roles, if any. For purposes of this rule, a witness examination consisting of direct, cross, any re-direct and any re-cross is one role, so that a participant who requires an emergency substitution for a witness examination may not return and participate until the entire witness examination is completed.

For purposes of this rule, technical difficulties include internet failure, and computer, device, or microphone failure. Failure of a camera only does not permit emergency substitution under this rule. Students who lose internet connection shall rejoin the trial using a telephonic connection, if possible.

In the event of a loss of connection for a timekeeper, that team shall defer to its opponent's timekeeper for that trial segment. The team whose timekeeper lost connection may substitute another timekeeper qualified under Rule 1.4 for the remaining trial segments. The timekeepers shall confer consistent with Rule 4.6(e) regarding time remaining at the beginning of each trial segment.

Technical emergencies resulting from the loss of the connection of a presiding or scoring judge shall be handled in accordance with Rule 5.2.A.

If the technical difficulty prevents an entire team from completing in part or all of a round, the presiding judge shall declare a recess of up to 15 minutes to allow that team to reconnect, either via video or by connecting on audio-only via telephone. If reconnection is impossible, the State Coordinator, or its designee(s), may declare a forfeit in favor of the team that maintains its connection no sooner than the end of the 15 minute recess. If at least five witnesses have been subject to cross-examination, the State Coordinator, or its designee(s), may in its sole discretion complete the ballot, assigning scores equal to their average score on all segments that could not be completed by the disconnected team and a "10" to the team that remained connected.

In the event that a technical emergency prevents an entire team from connecting via video but that team is able to connect via audio-only, the opposing team and all judges shall turn off their video until video connection from both teams has been restored.

No student or team may feign technical difficulty or invoke the technical difficulty rule for purposes other than a genuine technical difficulty. Such an act would violate the Rules of Competition and Code of Ethical Conduct and may be sanctioned in accordance with Rule 1.2.

Rule 1.4. Student Timekeepers

Teams shall provide timekeepers for the State Competition as follows:

- a. Each team participating in the State Competition is responsible for providing at least one student as an official timekeeper. All timekeepers must be official team members.
- b. Any student who will keep time, including any witness who will keep time in accordance with Rule 3.2, is required to attend the scheduled timekeeper orientation.
- c. If a team desires to assign more than one student to the timekeeper role, then all students who will be assigned to the timekeeper role must attend the timekeeper orientation. (See Rule 1.4(b)) The team's official student timekeeper will keep time for both sides during all competition rounds.

Rule 1.5. Relationship to Other Laws; Accommodation of Disability

The Rules of Competition will be interpreted and administered consistent with all applicable laws. Accordingly, should any applicable law require variance from these rules or accommodation of any competitor for any reason, including a legally-recognized disability, that team member or their coach may apply to the State Coordinator, or its designee(s), for accommodation, and such reasonable accommodation as the law requires shall be granted. The State Coordinator will consider all requests and determine what reasonable accommodations can be made consistent with related policies. These accommodations may include adjustment of the Rules of Competition where appropriate. The timeliness of the request for accommodation may be material to whether an accommodation is granted. Where possible, teams competing against the team for which an accommodation was granted shall be informed of the accommodation in advance of a competition round but will ordinarily not be informed of the specific nature of the issue that led to the accommodation.

THE PROBLEM

Rule 2.1. The Problem

The problem will be an original fact pattern, which may contain any or all of the following: statement of facts, pleadings, indictment, stipulations, witness statements/affidavits, jury charges, orders/rulings, and exhibits. Stipulations may not be disputed at trial. Witness statements may not be altered.

The problem shall consist of three witnesses per side, all of whom shall have names and characteristics that would allow them to be played by individuals of any gender. All three of the witnesses must be called.

Rule 2.2. Witnesses Bound by Statements

Each witness is bound by the facts contained in that witness's statement, the Statement of Facts, if present, and/or any necessary documentation relevant to that witness's testimony. Fair extrapolations may be allowed, provided reasonable inference may be made from the witness's statement. If, during direct examination, an attorney asks a question which calls for extrapolated information pivotal to the facts at issue, the information is subject to objection under Rule 2.3, "unfair extrapolation."

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

Rule 2.3. Unfair Extrapolation

A fair extrapolation is one that is neutral. Unfair extrapolations are best attacked through impeachment and closing arguments and are to be dealt with during the trial.

If a witness is asked information not contained in the witness's statement, the answer must be consistent with the statement and may not materially affect the witness's testimony or any substantive issue of the case.

Attorneys for the opposing team may refer a special objection, such as "unfair extrapolation," or "This information is beyond the scope of the statement of facts."

Possible rulings by a judge include:

- a. No extrapolation has occurred;
- b. An unfair extrapolation has occurred;
- c. The extrapolation was fair; or,
- d. Ruling is taken under advisement.

The decision of the presiding judge regarding extrapolations or evidentiary matters is final.

When an attorney objects to an extrapolation, the judge will rule in open court to clarify the course of further proceedings.

Rule 2.4. Gender of Witnesses

All witnesses are gender neutral. Personal pronoun changes in witness statements indicating the preferred gender of the characters may be made. Any student may portray the role of any witness of any gender.

Rule 2.5. Voir Dire

Voir dire examination of a witness is not permitted.

TEAMS

Rule 3.1. Team Eligibility

- a. Subject to the other provisions in this section, an official team competing at the Florida High School Mock Trial Competition

shall be comprised of the following:

1. A minimum of six (6) and a maximum of twelve (12) students, each of whom in the school year of the State Competition:
 - a. Participated on the circuit championship team;
 - i. **If a team has not competed in any level of competition prior to the state competition and seeks to advance from a circuit, the teacher coach must obtain approval from the State Coordinator prior to advancement.**
 - b. Represent the same mock trial team as defined in Rule 3.1.b;
 - c. Were or are enrolled in grades nine (9) through twelve (12).
 2. A teacher, principal, or school administrator **must** accompany the team throughout all levels of the competition (generally referred to as a “teacher coach”)
- b. A mock trial team is composed of students that reside in the same circuit and are enrolled in one of the following that they are representing:
1. A school (whether public, private, charter, parochial, etc.);
 2. A team consisting of home school students; or
 3. Other pre-approved configurations (if a team does not meet the criteria in sections b.1 through b.2 of this Rule, approval from the State Coordinator must be obtained).
- c. The State Coordinator and the teacher-sponsor have an affirmative obligation to verify each mock trial organization’s eligibility. Submission of a roster for the Florida Championship constitutes certification that the status of each participant for the mock trial organization has been verified and that the roster complies with Rule 3.1.
- d. All teacher coaches and students must attend the mandatory general assembly/orientation. Any attorney coach(es) accompanying a team must also be present.
- e. Following the mandatory meeting described in Rule 3.1.d, teacher and attorney coaches affiliated with a participating team must attend a Teacher and Coaches Meeting, which will include a review of the rules and power matching system
- f. At the discretion of the State Coordinator, other mandatory meetings for teacher coaches may be called to ensure a successful mock trial season.
1. Should a teacher coach not be able to attend such meetings, the teacher coach must make alternative arrangements with the State Coordinator.

Rule 3.2. Substitution of Members on the State Competition Team

- a. If the circuit championship team has seven or more students available to compete at the State Competition, it may not add additional students to its roster for the State Competition.
- b. If the circuit championship team has four, five, or six students available to compete in the State Competition, the team may add up to two or three students, to reach a roster size of a maximum of seven students. A circuit championship team may not have a roster size of greater than seven (7) students if any student on the team is a replacement student. Students added to a team as described in this Rule must meet Rule 3.1 Team Eligibility Requirements.
- c. Should the circuit champion be unable to compete or elect not to compete in the State Competition, the Circuit Coordinator has the sole discretion to designate an alternate team from their circuit competition to compete in the State Competition. Absent good cause, Circuit Coordinators should ordinarily designate alternate teams in order of their finish in the circuit competition.

Rule 3.3. Team Composition

Teams consist of six to twelve official team members. Only these official team members may be assigned to attorney, witness, and timekeeper roles representing the prosecution/plaintiff and defense/defendant sides. In each round, three official team members will serve as attorneys, and three different official team members will serve as witnesses. A seventh official team member, if available, will serve as timekeeper. If a team has only six official team members, it must designate two or more of its witnesses to serve as timekeepers in each round. Each timekeeper must meet the requirements of Rule 1.4 as the team’s timekeeper.

Any student outside the declared official team is considered an additional non-competing team member. Additional non-competing team members may neither compete nor keep time for the team at any point during the competition. The Team Roster

will become official at the close of on-site registration for an in-person competition, and at 5:00 p.m. local time of the Host location on the day prior to the first round for a virtual competition.

A maximum of nine students will serve on the team advancing to the national finals.

Rule 3.4. Team Duties

Except as permitted during technical difficulties under Rule 1.3.B, each of the three attorneys will conduct one direct examination and one cross-examination; in addition, one will present the opening statement and another will present the closing arguments. In other words, the attorney duties for each team will be divided as follows:

1. One attorney will be responsible for the direct examination of one witness and the cross-examination of one witness;
2. One attorney will be responsible for the direct examination of one witness, the cross-examination of one witness, and the opening statement; and
3. 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).

Opening Statements must be given by both sides at the beginning of the trial.

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

Each team must present the side assigned to it in each round. Each team must call all three of its assigned witnesses. Witnesses must be called only by their own team during their case-in-chief and examined by both sides. Witnesses may not be recalled by either side.

Rule 3.5. Team Roster Form

Copies of the Team Roster Form must be completed and duplicated by each team prior to arrival at the courtroom for each round of competition for an in-person competition. For a virtual competition, teams must submit Team Roster Forms in accordance with the protocol established and announced for the competition. Teams must be identified by the code assigned at registration. No information identifying team origin should appear on the form.

Before beginning a trial in an in-person competition, the teams must exchange copies of the Team Roster Form. Team Roster Forms will be distributed to judges in a virtual competition according to the protocol established for the competition. The Form should identify the preferred gender of each witness so that references to such parties will be made using the correct pronouns. Copies of the Team Roster Form should also be made available to the judging panel and presiding judge before each round. Teams shall not knowingly disclose their place of origin to any member of the judging panel or to the presiding judge.

THE TRIAL

Rule 4.1. Courtroom Setting

For an in-person competition, the Prosecution/Plaintiff team shall be seated closest to the jury box. No team shall rearrange the courtroom without prior permission of the presiding judge. If a team is granted permission to rearrange the courtroom, that team shall restore the courtroom to its original condition at the conclusion of the trial round.

For a virtual competition, each participant is encouraged to log into the virtual platform separately from a normal personal computer, tablet, cellular phone, or similar device. At a minimum, each of a participating attorney, witness, and timekeeper shall utilize an individual device. Each participant shall use a screen name formatted according to the protocol established and announced for the competition. Once the trial begins, only participants who are competing in a particular trial segment will have their camera turned on. All team members who are not actively participating in that trial segment must have their cameras turned off, except for timekeepers turning on their cameras to display remaining time consistent with Rule 1.4. For purposes of this rule, the witness, direct-examining attorney, and cross-examining attorney must have their cameras turned on for the entire witness examination.

Rule 4.2. Stipulations

Stipulations will be considered a part of the record and already admitted into evidence.

Rule 4.3. Reading into the Record Not Permitted

Neither the stipulations, the indictment, nor the Charge to the Jury will be read into the record.

Rule 4.4. Swearing of Witnesses

The following oath may be used before questioning begins:

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

The swearing of witnesses will occur in one of two ways. Either the presiding judge will indicate that all witnesses are deemed to be sworn using the above oath, or the above oath will be administered by the presiding judge or a bailiff provided by the host. The host will indicate which method will be used during all rounds of the current year’s tournament.

For a virtual competition, all witnesses will be deemed to be sworn.

Rule 4.5. Trial Sequence and Time Limits

The trial sequence and time limits are as follows:

- a. Opening Statement (5 minutes per side)
- b. Direct and Redirect (optional) Examination (25 minutes per side)
- c. Cross and Re-cross (optional) Examination (20 minutes per side)
- d. Closing Argument (5 minutes per side)

The Prosecution/Plaintiff gives the opening statement first. The Prosecution/Plaintiff gives the closing argument first; the Prosecution/Plaintiff may reserve a portion of its closing time for a rebuttal. The Prosecution/Plaintiff need not request or state that it is reserving rebuttal time. The Prosecution/Plaintiff's rebuttal is limited to the scope of the Defendant's closing argument.

Attorneys are not required to use the entire time allotted to each part of the trial. Time remaining in one part of the trial may not be transferred to another part of the trial.

Rule 4.6. Timekeeping

- a. Timekeepers are responsible for fairly and accurately keeping and reporting the time during the trial presentation and during any disputes under Rule 6.2.
- b. During the rounds of the competition, timekeepers are to act as a neutral entity. Timekeepers are not to communicate with their respective teams during the course of the trial presentation, recesses, or during any dispute procedure, except to display the time elapsed or remaining, or to indicate (as directed by the presiding judge) how much time is remaining during a particular part of the trial.
- c. Time limits are mandatory and will be enforced. Time runs from the beginning of the witness examination, opening statement, or closing argument until its conclusion. Introduction of counsel or witnesses prior to the opening statement is not included in the time allotted for opening statements. However, if counsel or witnesses are introduced once the opening statement has commenced, such time is included in the time allotted for the opening statement. Time stops only for objections, questioning from the judge, or administering the oath. Time does not stop for introduction of exhibits. The presiding judge shall have discretion to stop time for technical difficulties in a virtual competition that do not rise to the level of an emergency under Rule 1.3.B.
- d. In trial, each team will use three sets of time cards, one set for openings and closings, one set for direct examination, and one set for cross-examination. Each card will display both the “Time Elapsed” and the “Time Remaining.” The Host may provide a format for time cards. For an in-person competition, the Host may provide copies of time cards for each team. Teams are not permitted to use other time cards. The time cards will be allocated as follows (shown as Time Elapsed/Time Remaining):

1. Opening and Closing: 1:00 / 4:00; 2:00 / 3:00; 2:30 / 2:30; 3:00 / 2:00; 3:30 / 1:30; 4:00 / 1:00; 4:20 / 0:40; 4:30 / 0:30; 4:40 / 0:20; 4:50 / 0:10, STOP
 2. Direct examinations: 3:00 / 22:00; 5:00 / 20:00; 7:00 / 18:00; 10:00 / 15:00; 13:00 / 12:00; 15:00 / 10:00; 18:00 / 7:00; 20:00 / 5:00; 21:00 / 4:00; 22:00 / 3:00; 23:00 / 2:00; 24:00 / 1:00; 24:20 / 0:40; 24:40 / 0:20; STOP
 3. Cross-examinations: 2:30 / 17:30; 5:00 / 15:00; 7:30 / 12:30; 10:00 / 10:00; 12:30 / 7:30; 15:00 / 5:00; 16:00 / 4:00; 17:00 / 3:00; 18:00 / 2:00; 19:00 / 1:00; 19:20 / 0:40; 19:40 / 0:20; STOP
- e. Teams may not use these cards to signal time other than the aggregate time elapsed and remaining.
 - f. At the end of each task during the trial presentation (i.e., at the end of each opening, at the end each direct witness examination, at the end of each cross examination and at the end of each closing argument) if there is more than a 15 second discrepancy between the teams' timekeepers, the timekeepers must notify the presiding judge of the discrepancy. The presiding judge will then rule on the discrepancy, the timekeepers will synchronize their stopwatches accordingly and the trial will continue. Any discrepancies between timekeepers less than 15 seconds will not be considered. No time disputes will be entertained after the trial concludes. The decisions of the presiding judge regarding the resolution of time disputes are final.
 - g. During a virtual competition, timekeepers shall post the time using the "chat" or similar feature visible to all participants at the end of each task during the trial presentation (i.e., at the end of each opening, at the end of each witness direct examination, at the end of each cross examination, and at the end of each closing argument).
 - h. In a virtual competition, the timekeepers must signal time by posting the time signals permitted by subsection a in the chatroom function of the virtual competition platform. The timekeepers also may display Time Remaining cards by activating their camera to do so.
 - i. Students keeping time may use stopwatches or cellular phones. Any cellular phone used for timekeeping must be kept in airplane mode and silenced during the duration of the trial round.

Rule 4.7. Time Extensions and Scoring

The presiding judge has sole discretion to grant time extensions. Such extensions should be granted sparingly and should be limited in duration, for example, to finish a question, answer, or thought. In all other cases, the presiding judge must stop the presentation once time expires. If time has expired and an attorney continues without permission from the court, the scoring judges may individually decide whether to deduct points in a category because of over-runs in time.

Rule 4.8. Motions Prohibited

The only motion permissible is one requesting the presiding judge to strike testimony following a successful objection to its admission.

Rule 4.9. Sequestration and Exclusion

Teams may not request actual or constructive sequestration or exclusion of witnesses.

Rule 4.10. Bench Conferences

Teams may not request bench conferences, and bench conferences are not permitted in either in-person or virtual competitions. Objections are deemed to have occurred at sidebar.

Rule 4.11. Enlargements, Costuming, Props, and Accents

- a. No enlargements of the case materials are permitted except as provided by the Host.
- b. No props are permitted.
- c. No costumes are permitted unless authorized specifically in the case materials. Costuming is defined as hairstyles, clothing, accessories, or make up which are case specific.
- d. An accent is not considered costuming. Competing students may affect an accent that is not their own.

Rule 4.12. Trial Communication

Coaches, teachers, alternates, and observers shall not talk to, signal, communicate with, or coach their teams during trial. This rule remains in force during any emergency recess that may occur. Team members (other than the timekeeper) may, among themselves, communicate during the trial; however, no disruptive communication is allowed and no participant may communicate with a witness while that witness is testifying other than through the course of that witness's questioning. Signaling of time by the teams' timekeepers shall not be considered a violation of this rule.

Coaches, teachers, alternates, and observers must remain outside the bar in the spectator section of the courtroom. Only team members participating in this round may sit inside the bar and communicate with each other.

During a virtual competition, no one may use the "chat," "instant message," or "chatroom" function of the electronic platform, except to: (1) display timekeeping messages, as permitted by Rule 1.4, and (2) to communicate in the case of a technical emergency where audio and video functions are lost but access to the chat or instant messaging function is intact. Observers are not permitted to use the chat or instant messaging functions at any time.

During a virtual competition, only the six participating attorneys and witnesses may communicate with one another. The six participating attorneys and witnesses may use computers, cellular telephones, or other devices to facilitate this communication.

Rule 4.13. Scouting and Viewing Trials

Team members, coaches, and any other persons directly associated with a mock trial team, except for those authorized by the State Coordinator, are not allowed to view other teams' performances in the State Competition, so long as their team remains in the competition. No person shall display anything that identifies their school, state, or organization of origin while in the courtroom.

Team members and individuals associated with competing teams are prohibited from contacting teachers, students, and attorney advisors from any other team in any manner in an effort to obtain information about an opponent. This prohibition is read and will be construed broadly, and it includes, without limitation, any form of personal communication, voice/telephone communication, and/or electronic communication, including electronic mail, instant messaging, and communication or messaging through social media sites.

It is not a violation of this rule for teams to participate voluntarily in practice or scrimmage matches in advance of the State Competition. It is a violation of this rule for teams to seek information about opposing teams in rounds of the State Competition from individuals who observed such scrimmages, including members of the team competing in that scrimmage.

To the extent that a team or its members makes information publicly available that bears on its strategy or other issues that would normally constitute the object of scouting, it shall not constitute scouting for another team to view these materials. For example, if members of a team post videos of their team's performance in exhibitions or scrimmages to the public internet; create publicly-accessible online materials such as scripts or flash cards on an internet site; or post to publicly-accessible social media information about their performance, strategy, or other matters, it is not scouting for a potential opponent of another team to view that material. Teams are strongly discouraged from actively seeking out information of this kind, and it may constitute scouting for a member of a competing team to actively seek on social media information posted about a future opponent, such as social media information posted by members of teams that opponent faced in prior rounds.

Rule 4.14. Videotaping/Photography

All participants must consent to audio and video recording **by the State Coordinator** and consent to electronic posting (including news media, websites, social media, or other platforms) of each performance at the State Competition.

Video or audio recording by teams is expressly prohibited, unless agreed to by both teams for coaching purposes only. If a team wishes to record a round for coaching purposes, the team must complete the Mutual Agreement for Trial Round Videotaping by Team(s). This is a request to video record an opposing team and is required to be completed by both teams if agreed upon voluntarily by both teams. The form does **not** give permission post, share, or otherwise disseminate any recording. Recordings permitted under this form should be done only for the purpose of internal, team coaching.

No team may post, share with another competing team, or otherwise disseminate any recording of any competition round in the State Competition.

Each team shall inform any family member or other observer of this rule. Violations of this rule, even by an individual who is not a team member, may result in sanction of the team affiliated with the individual who recorded and/or posted, shared, or otherwise disseminated the recording up to and **including disqualification from the competition.**

Rule 4.15. Jury Trial

The case will be tried before a jury; arguments are to be made to the presiding judge and the jury. Teams may address the scoring judges as the jury.

Rule 4.16 Standing During Trial

For in-person trials, student attorneys will stand while giving opening statements and closing arguments, during direct and cross examinations, and for all objections, unless excused by the presiding judge. For virtual trials, student attorneys may elect to stand or remain seated during their own examinations, opening statements, and closing arguments, but all objections shall be made while seated.

Rule 4.17. Objections During Opening Statement/Closing Statement

No objections may be raised during opening statements or during closing arguments. If a team believes an objection would have been warranted during the opposing team's opening statement or closing argument, the opposing attorney for that segment may, following the opening statement or following the closing argument, object and provide a basis for the objection. During a virtual competition, the attorney shall make the objection while remaining seated. **The opposing team is then allowed to respond to the objection. The presiding judge will not rule on this objection, and each scoring judge will weigh the objection individually.**

Rule 4.18. Objections

- e. Argumentative Questions: An attorney shall not ask argumentative questions.
- f. Lack of Proper Predicate/Foundation: Attorneys shall lay a proper foundation prior to moving the admission of evidence. After the exhibit has been offered into evidence, the exhibit may still be objected to on other grounds.
- g. Assuming Facts Not in Evidence: Attorneys may not ask a question that assumes unproved facts. However, an expert witness may be asked a question based upon stated assumptions, the truth of which is reasonably supported by evidence (sometimes called a "hypothetical question").
- h. Questions Calling for Narrative or General Answer: Questions must be stated to call for a specific answer. (Example of improper question: "Tell us what you know about this case.")
- i. Non-Responsive Answer: A witness' answer is objectionable if it fails to respond to the question asked.
- j. Repetition: Questions designed to elicit the same testimony or evidence previously presented in its entirety are improper if merely offered as a repetition of the same testimony or evidence from the same or similar source.

Teams are not precluded from raising additional objections that are available under the Florida High School Rules of Evidence.

Rule 4.19 Filibustering or Deliberate Time Wasting

Although a witness may be permitted to give a brief, responsive answer other than a simple "yes" or "no" to questions on cross-examination, consistent with common trial practice, no witness may provide non-responsive or narrative answers on cross-examination in order to consume the other team's cross-examination time. The presiding judge is encouraged to control any effort at marginally responsive, narrative "filibustering" or "deliberate time wasting."

In addition to being objectionable during the trial, an effort to deliberately consume the opposing team's time through these techniques may also violate the Code of Conduct and may be sanctionable under Rule 1.2. A presiding judge who believes that egregious misconduct under this rule has occurred may refer the matter for consideration by the State Coordinator, or its designee(s), immediately following the trial round. Whether to bring this concern to the attention of the State Coordinator is solely at the discretion of the presiding judge; individual teams may not appeal this issue under Rules 6.1 or 6.2.

Scoring judges may deduct points for filibustering or deliberate time wasting whether or not the presiding judge has directed the witness to answer more responsively, and scoring judges should deduct points for filibustering or deliberate time wasting that persists after such a direction by the presiding judge.

Rule 4.20.A Procedure for Introduction of Exhibits – Generally

As an example, the following steps effectively introduce evidence:

1. All evidence will be pre-marked as exhibits.
2. Ask for permission to approach the witness. “Your Honor, may I approach the witness with what has been marked for identification purposes as Exhibit No. ___?”
3. Show the exhibit to opposing counsel.
4. Ask the witness to identify the exhibit. “I now hand you what has been marked for identification as Exhibit No. ___. Would you identify it please?” Witness should answer to identify only.
5. Ask the witness a series of questions that are offered for proof of the admissibility of the exhibit. These questions lay the foundation or predicate for admissibility, including questions of the relevance and materiality of the exhibit.
6. Offer the exhibit into evidence. “Your Honor, we offer Exhibit No. ___ into evidence.”
7. Court: “Is there an objection?” (If opposing counsel believes a proper foundation has not been laid, the attorney should be prepared to object at this time.)
8. Opposing Counsel: “No, Your Honor,” OR “Yes, Your Honor.” If the response is “yes,” the objection will be stated for the record. Court: “Is there any response to the objection?”
9. Court: “Exhibit No. ___ (is/is not) admitted.” If admitted, questions on content may be asked.
10. If an exhibit is introduced into evidence, a team may publish it to the jury at the presiding judge’s discretion.

Rule 4.20.B Procedure for Introduction of Exhibits – Special Rules for a Virtual Competition

During a virtual competition, the procedure in Rule 4.20.A shall be followed, except that:

1. All witnesses shall have all case materials available and in their possession during their testimony but may only refer to them when prompted by an examining attorney.
2. Attorneys will not physically approach witnesses. Instead, attorneys will identify the exhibit they wish to show the witness and request the Court’s permission for the witness to view it.
3. Attorneys will not be required to confirm that they have shown the exhibit to opposing counsel.
4. Instead of the language in Step 4, above, the attorney will say words to the effect of “I now show you what has been marked for identification as Exhibit No. ___. Would you identify it please?” Witness should answer to identify only.
5. When an exhibit – or, during impeachment or refreshment of recollection, some other document – is shown to a witness, a member of the examining attorney’s team shall make that document available to all participants via “screen sharing” or similar technology. The member of the team responsible for posting the exhibit must be a team member competing in the round or the timekeeper for the round.
6. Exhibits or other documents posted in this manner will be deemed not to have been shown to the jury unless they are admitted into evidence and formally published to the jury. Publication to the jury is at the presiding judge’s discretion.
7. Teams may use technology to mark exhibits electronically only to the extent that marking physical exhibits would have been permitted by Rule 4.11. Any marked electronic exhibits may only be used as provided in Rule 4.11.

Rule 4.21. Use of Notes

Attorneys may use notes in presenting their cases. Witnesses are not permitted to use notes while testifying during the trial. Attorneys may consult with each other at counsel table verbally or through notes. The use of laptops or other electronic devices is prohibited, except during a virtual competition.

Rule 4.22 Redirect/Recross

Redirect and recross examinations are permitted, but any redirect and recross examination is limited in scope to matters raised in cross examination and redirect examination, respectively. Re-redirect and re-recross examination are not allowed.

Rule 4.23. Scope of Closing Arguments

Closing Arguments must be based upon the actual evidence and testimony presented during the trial.

Rule 4.24. The Critique

The judging panel is allowed 10 minutes for critiquing. The timekeepers will monitor the critique following the trial. Presiding judges are to limit critique sessions to a combined total of ten (10) minutes.

Judges shall not make a ruling on the legal merits of the trial. Judges may not inform the students of score sheet results.

Rule 4.25 Offers of Proof

No offers of proof may be requested or tendered.

Rule 4.26 Trial Materials; Outside Legal Research Prohibited at Trial

Teams may refer only to materials included in the trial packet. No illustrative aids of any kind may be used, unless provided in the case packet or by the Host.

Rule 4.27 Marking Documents at Trial

No trial exhibits may be modified prior to the trial exhibit being admitted. Once a trial exhibit has been admitted, attorneys and witnesses may in real time highlight, underline, zoom in, or otherwise mark (e.g., circling, drawing an arrow, or making another, similar mark) the admitted exhibits during direct or cross examination, either physically or electronically. No other alterations, animations, or enhancements to the trial exhibit are allowed.

A team may also mark other documents in the case materials during trial, such as by real time highlighting, underlining, zooming in, or otherwise marking a pleading or witness statement. If a team wishes to mark a trial exhibit entered but not marked by the opposing team, it must substitute its own clean copy of that trial exhibit for this purpose before any markings are made.

Rule 4.28 Sharing Documents with Scoring Panel; Using Documents During Argument

Unless otherwise provided in the Case Materials, the only documents which the teams may provide to the presiding judge or scoring panel are the individual trial exhibits as they are introduced into evidence, the Roster Forms, and the Stipulations. **Exhibit notebooks are not to be provided to the presiding judge or scoring panel.**

If a trial exhibit is marked during an examination for demonstrative purposes, the marked exhibit may be used as a demonstrative exhibit during the trial and during closing arguments but may not be entered into evidence as a trial exhibit. Other documents, such as witness statements or pleadings, whether marked under Rule 4.27 or not, may not be entered into evidence, used as demonstratives during closing argument, or otherwise shown to the scoring panel.

During closing argument, teams may show the jury any document introduced as evidence and may use as a demonstrative any trial document marked under Rule 4.27.

Rule 4.29 Reference to Witness Gender and Physical Traits

A witness is prohibited from making reference to the witness's own physical traits or gender, or reference to the other witnesses' physical traits or gender, where such information is not included in any witness statement. (For example, a witness cannot call attention to size to show inability to complete some physical act included in the case materials or state that the witness was treated differently because of the witness's gender.) An attorney is likewise prohibited from making argument pointing out physical traits of a witness not otherwise included in the case materials. Such references are unfair extrapolations. (See Rule 2.3.) Teams are not prohibited, however, from raising issues about general or common human traits and abilities relevant to the case.

Rule 4.30 Roster Forms, Name Tags, and Name Plates

Each team shall complete a roster in the form provided by the Host. No roster forms may be altered except to provide the information requested. Teams must provide their rosters to the presiding judge, scoring panel, and opposing team at the beginning of each trial round.

Unless provided by the Host, name tags or name plates at counsel table are not permitted. The Host may provide an enlarged or alternate version of an exhibit. If so provided, use of that version of that exhibit does not violate these rules.

In a virtual competition, students may be directed to display screen names according to a protocol established and announced for a virtual competition. Such display is not a violation of this rule.

JUDGING AND TEAM ADVANCEMENT

Rule 5.1. Finality of Decisions

All decisions of the judging panel are FINAL.

Rule 5.2.A Composition of Judging Panels

The judging panel will consist of at least three individuals. The composition of the judging panel and the role of the presiding judge will be at the discretion of the Board or its designee.

The scoring judges may be persons including judges, attorneys, individuals with extensive mock trial coaching or scoring experience, and other persons as approved by the State Coordinator when also in compliance with Florida Mock Trial Rules of Competition.

The presiding judge may be a judge, senior judge, administrative hearing officer, magistrate, or attorney.

At the discretion of the host director, the Championship round may have a larger panel.

All presiding and scoring judges will receive the mock trial manual, a memorandum outlining the case, orientation materials, and a briefing in a judges' orientation.

In the event of an emergency (i.e., sudden illness, etc.), if a judging panel member must leave the courtroom or the virtual competition platform, the presiding judge will call for a brief recess and assess whether the judging panel member will be able to return in a reasonably short period of time. If the judging panel member is unable to return to the courtroom or virtual competition platform in a reasonably short period of time, the dispute resolution committee must be informed. Once the panel composition is adjusted by this committee to best meet the requirements of the rules, the round should continue. During any recess under this rule, the teams, whenever possible, should remain in their appropriate positions within the courtroom or in the virtual competition platform until the round resumes.

If the technical or other emergency impacts the presiding judge, a scoring judge may serve as the presiding judge unless otherwise provided by the State Advisory Committee.

Rule 5.2.B Conflicts Between Judges and Teams

The State Coordinator recognizes that conflicts of interest between judges and participants may arise. This program requires extensive volunteer support, and it is assumed all participants will make every effort to identify potential conflicts. The sole discretion for determining whether a judicial conflict exists is vested in the State Coordinator or its designee. The following criteria will be considered:

1. A judge shall notify the State Coordinator, or its designees, when assigned to a trial round when the judge has an obvious or egregious conflict with either team involved in that trial round. Examples of an obvious or egregious conflict include where the judge is a coach of one of the teams, is a relative or close friend of a competing student or one of the team's coaches, or the circuit coordinator for either team.
2. A judge may be excused if that judge or his or her family members attended one of the schools competing or has a personal friendship with a team advisor or parent. However, in the case of such potential conflicts, it is within the discretion of the State Coordinator or its designee to determine whether such a conflict exists.
3. A situation where the judge recognizes a team advisor or student/parent through professional acquaintance or through participation in mock trials in years previous will not ordinarily be considered a conflict, unless there is a closer relationship of the kind that would prevent the judge from fairly scoring a round. Mere recognition of a team or its members is not a basis for disqualification absent a more significant conflict.

A judge who becomes aware of a conflict prior to or during a trial should notify the State Coordinator as soon as possible. If the judge was not aware of the conflict until after he or she has completed the scoresheet, it is left to the discretion of the State Coordinator to determine whether to disqualify the juror.

The State Coordinator will take reasonable steps to avoid any conflict between judges, teams, coaches and coordinators or sponsors of teams. In all such cases, however, the State Coordinator or its designee reserves the right to permit a judge to participate in a trial if there are no reasonable alternatives.

Rule 5.2.C Disqualification of Judges

The State Coordinator, or its designee, has discretion in cases involving juror irregularity to disqualify a scoring judge's score sheet.

Rule 5.2.D Process Following Disqualification of a Ballot

If a scoring judge's ballot needs to be disqualified following the conclusion of a round, the State Advisory Committee will ensure that the minimum number of qualified ballots for a competition round, as based on the Rules of Competition, are completed.

Rule 5.3. Score Sheets/Ballots

The term "ballot" will refer to the decision made by a judge as to which team made the better presentation in the round. The term "score sheet" is used in reference to the form on which points are recorded. In any one round, a combination of presiding and scoring judge ballots may be used. The team that earns the highest points on an individual judge's score sheet is the winner of that ballot. Unless otherwise provided under these Rules, the team that receives the majority of the ballots wins the round. The ballot votes determine the win/loss record of the team for power-matching and ranking purposes. The judging panel should not deliberate on individual scores.

Rule 5.4. Completion of Score Sheets

Throughout the trial, including the championship round, judges will complete appropriate scoresheets/ballots as determined by the Rules of Competition and the State Coordinator. **NO TIE IS ALLOWED IN THE TOTAL POINTS BOXES ON ANY INDIVIDUAL SCORE SHEET.**

In the event of a mathematical error in tabulation by a judge, the scoring room will correct the error.

Rule 5.5. Team Advancement

Teams will be ranked based on the following criteria in the order listed:

1. Win/Loss Record - equals the number of rounds won or lost by a team;
2. Total Number of Ballots - equals the number of judges' votes a team earned in preceding rounds;
3. Total Number of Points Accumulated in Each Round;
4. Point Spread against Opponents - the point spread is the difference between the total points earned by the team whose tie is being broken less the total points of that team's opponent in each previous round. The greatest sum of these point spreads will break the tie in favor of the team with the largest cumulative point spread.

Rule 5.6. Power Matching/Seeding

Pairings for the first round will be determined by random draw. A power-match system will determine opponents for all other rounds. The two teams emerging with the strongest record from the four rounds will advance to the final round. The first-place team will be determined by ballots from the championship round only.

Power matching will provide that:

1. All teams are guaranteed to present each side of the case at least once;
2. Subject to Rule 5.6.6 below, the ranking of teams for purposes of power matching shall be in the order of:
 - a. Total matches won;
 - b. Number of ballots won;
 - c. Total points scored in all rounds to that point;
 - d. Total margin of victory in all rounds to that point.
3. To the greatest extent possible, teams will alternate side presentation in subsequent rounds. Subject to Rule 5.6.6, below, the team with the highest seed in the bracket will be matched with the team with the lowest rank in the bracket, the team with the next highest rank in the bracket will be matched with the team with the next lowest rank in the bracket, and so forth, until all teams are paired.
4. If there is an odd number of teams in a bracket, the top-ranked team from the next lower bracket will be "pulled up" into the higher bracket to create a bracket with an even number of teams. Pairing will occur normally from that point.
5. To the greatest extent possible, teams will not meet the same opponent twice;
6. Choice of side of the case
 - a. The choice of sides in Round 1 shall be random.
 - b. To the greatest extent possible, consistent with the following rules, teams will alternate side presentations in subsequent rounds.
 - c. After Round 1, teams will be paired within a bracket to allow for the greatest number of teams within the bracket to play the opposite side that they played in Round 1.

Rule 5.7. Selection of Sides for Championship Round

In determining which team will represent which side in the Championship Round, the following procedure shall be used:

1. If one team represented the plaintiff/prosecution or the defendant three times prior to the Championship Round, then that team will represent the side which they represented only once in the competition, unless the other team also represented that same side three times. In all other cases, a drawing of a prosecution or defense roles will determine which team will represent which side.

Rule 5.8. Odd Number of Teams Participating in State Competition

A "bye" becomes necessary when an odd number of teams are participating in any given round of the tournament. It is the intent of the Florida High School Mock Trial Championship to avoid byes where possible. To avoid having an odd number of teams to start the state championship, the State Coordinator, upon determining that an odd number of teams have registered, will invite an additional team to participate.

In the event of a circumstance resulting in an odd number of competing teams, the following procedure will apply:

1. The team drawing the “bye” (no opponent for a single trial round) in rounds two through four will, by default, receive a win and three ballots for that round. For the purpose of power matching, the team will temporarily be given points equal to the average of its own points earned in its preceding trials. At the end of the fourth round, the average from all three actual trial rounds participated in by the team will be used for the final points given for that team’s bye round.

For example, a team receiving a bye in round three would receive three ballots and an average of its points earned in rounds one and two. At the end of the fourth round, however, the points actually awarded to the team for the bye round will be adjusted to take into consideration the fourth round performance of the team.

2. A team receiving a bye in round one will be awarded a win, three ballots and the average number of points for all round one winners. The team total will be adjusted at the end of each round to reflect the actual average earned by that team.

DISPUTE RESOLUTION

Rule 6.1.A Material Rules Violation – Disputes at the Conclusion of the Trial – In-Person Competitions

At the conclusion of each trial, the presiding judge should inquire of the teams whether either team believes that a substantial violation of the rules occurred during trial. The competing team members are permitted to consult for a time not to exceed two minutes.

The process for determining that dispute shall be as follows (scoring judges shall remain in the courtroom for the duration of the dispute):

- a. One of the student members of one of the competing teams shall state that the team wishes to file a claim that a substantial rules violation occurred (a “dispute”).
- b. Students will use the Material Rules Violation Form as provided in the case materials on which the student will record in writing the nature of the dispute. No more than two minutes per team shall be allotted for this process. The student may communicate with competing team members from that round.
- c. The team accused of a material rules violation shall have the opportunity to respond in writing. No more than two minutes per team shall be allotted for this process. The student may communicate with her/his competing team members in preparing the Material Rules Violation Form.
- d. One member of each team shall briefly present the team’s position to the presiding judge. No more than two minutes per team shall be allotted for this explanation.
- e. The presiding judge shall ask any questions and perform any additional investigation s/he believes appropriate.
- f. The presiding judge will record the reasons for his/her decision on denying or granting the dispute on the Material Rules Violation Form, no further announcement is necessary. The presiding judge should then dismiss everyone except for judges in the courtroom while the judges prepare for critique.

Rule 6.1.B Disputes at the Conclusion of the Trial – Virtual Competitions

The foregoing rules shall also apply in virtual competitions, except that students shall not complete a Material Rules Violation Form. Instead, students shall have two minutes to prepare an argument regarding their dispute in consultation with coaches and team members, and the presiding judge shall take notes regarding the nature of the dispute and the arguments presented by each team.

Rule 6.2. Effect of Violation on Score

After hearing the teams' arguments, the scoring judges may or may not account for their view of the alleged material rules violation dispute in their scoring. The presiding judge's determination of the dispute is not binding on the scoring judges.

Rule 6.3.A Disputes After the Conclusion of the Trial – In-Person Competition

Disputes which could not have been brought to the attention of the presiding judge may be brought to the attention of the State Coordinator by teacher or attorney coaches exclusively. Such disputes must be made in writing using the Other Competition Dispute Form. This form must promptly be given to the State Coordinator, or its designee(s), and may be presented at any time throughout the State Competition. The form will be taken to the tournament's communications center, whereupon a dispute resolution panel will take the form under advisement.

The dispute resolution panel will determine appropriate next steps and may assess penalties if warranted.

The dispute resolution panel will be designated by the State Coordinator.

Rule 6.3.B Disputes After the Conclusion of the Trial – Virtual Competition

The foregoing rules shall also apply in virtual competitions, except that the State Coordinator, or its designee(s), shall, in consultation with the Host, designate in advance of competition a mechanism for submission and resolution of disputes.

CIRCUIT COMPETITIONS

Rule 7.1 Power Matching/Seeding

The State competition power matching and seeding system is optional for use during circuit competitions.

Team advancement procedures will be the responsibility of circuit coordinators. Circuit coordinators should contact the Justice Teaching Center for approved alternate models.

Score Sheets And Forms

Florida High School Mock Trial Competition

SCORE SHEET/BALLOT

P = Prosecution: _____ D = Defense: _____
 (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	()		
	()	Cross Examination	()
Prosecution's Second Witness	()		
	()	Cross Examination	()
Prosecution's Third Witness	()		
	()	Cross Examination	()
Defense's First Witness		Direct Examination	()
	()	Cross Examination	()
Defense's Second Witness		Direct Examination	()
	()	Cross Examination	()
Defense's Third Witness		Direct Examination	()
	()	Cross Examination	()
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 High School Mock Trial Competition

EXPLANATION 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. The Scoring Judges are scoring **STUDENT PRESENTATION** in each category. The Scoring Judges are **NOT** scoring the legal merits of the case. Each category is to be evaluated separately and fractional points **ARE NOT** to be awarded. One team **MUST** be awarded more total points than the other. The team winning the majority of the ballots shall win the round.

Judging panels also may recognize outstanding individual presentations by selecting one **MOST EFFECTIVE ATTORNEY** and/or one **MOST EFFECTIVE WITNESS** per round. This is a decision made by individual judges.

Judges may **NOT** disclose the score sheet/ballot results or the identities of the Most Effective Attorney and/or Witness to anyone other than the mock trial coordinator. Sign your score sheet/ballot before turning it over to the presiding judge on your panel. **DO NOT ANNOUNCE SCORES OR RESULTS TO THE TEAMS DURING THE CRITIQUE!**

POINT(S)	PERFORMANCE	CRITERIA FOR EVALUATING STUDENT PERFORMANCE
1-2	Not Effective	<ol style="list-style-type: none"> 1. Exhibits lack of preparation/understanding of the case materials. 2. Communication unclear, disorganized, and ineffective. 3. Unsure of self, does not think well on feet, depends heavily on notes.
3-4	Fair	<ol style="list-style-type: none"> 1. Exhibits minimal preparation/understanding of the case materials. 2. Communication minimally clear and organized but lacking in fluency and persuasiveness. 3. Minimally self-assured but lacks confidence under pressure.
5-6	Good	<ol style="list-style-type: none"> 1. Exhibits adequate preparation/understanding of the case materials. 2. Communications are clear and understandable but could be stronger in fluency and persuasiveness. 3. Generally self-assured, reads from notes very little.
7-8	Excellent	<ol style="list-style-type: none"> 1. Exhibits mastery of the case materials. 2. Communication is clear, organized, fluent, and persuasive. 3. Thinks well on feet, poised under pressure, does not read from notes.
9-10	Outstanding	<ol style="list-style-type: none"> 1. Superior in qualities listed for 7-8 points' performance.

Florida High School Mock Trial Competition
PRESIDING JUDGE BALLOT

Prosecution: _____
(Team Code)

Defense: _____
(Team Code)

Round#: _____

Please make your decision, offer some written comments, and hand in this score sheet as soon as possible. Thank you for participating.

I. Performance Evaluation - MANDATORY

Performance Decision: In my opinion the better mock trial performance was shown
by the

PROSECUTION / DEFENSE (Circle One)

This is a team performance score based on the clarity and effectiveness of arguments presented and the professional demeanor exhibited by team members. This is **not based on the legal merits** of a case, but rather the guidelines set forth in the Explanation of Ratings.

Note: Do not announce your performance decision.

II. Comments

Judge's Signature & Date

Florida High School Mock Trial Competition
MOST EFFECTIVE ATTORNEY FORM

(This form may be completed by all judges.)

Date of Competition Round

Team Code

Round

ATTORNEY

I wish to award the following team member the title of
MOST EFFECTIVE ATTORNEY
For this round:

Name of Team Member from Team Roster

Prosecution's Attorney or Defense's Attorney
(Circle One)

Judge's Signature

Florida High School Mock Trial Competition
MOST EFFECTIVE WITNESS FORM

(This form may be completed by all judges.)

Date of Competition Round

Team Code

Round

WITNESS

I wish to award the following team member the title of

MOST EFFECTIVE WITNESS

For this round:

Name of Team Member from Team Roster

Prosecution's Witness or Defense's Witness
(Circle One)

Judge's Signature

Florida High School Mock Trial Competition
LEGAL PROFESSIONALISM AWARD BALLOT

Teachers: Please complete this ballot as your official recommendation for the Legal Professionalism Award. Only one entry per school will be accepted. You may wish to discuss with your students their feelings about the professionalism, spirit, and ethical conduct of other teams to aid in your decision. Please refer to the definition and quotes about professionalism.

Teams should NOT nominate themselves.

Recommendation #1: _____

Comments:

Recommendation #2: _____

Comments:

Submitted By: _____

School: _____

District: _____

Signature: _____

Florida High School Mock Trial State Competition

Team Member / Student Release Form

To be completed by/for each team member

I hereby grant and assign to the Justice Teaching Center for Civic Learning at Florida Southern College, its agents, designees, successors, or its clients, title and interest to video and photographic reproductions of below named student and consent that such footage and photographs may be used in the educational and promotional materials of Florida Southern College and the Justice Teaching Center for Civic Learning.

In giving this consent, I release Florida Southern College, its nominees and designees from liability for any violation of any personal and proprietary right I may have in connection with such reproduction or use.

I am the parent or legal guardians of the minor named below and have the legal authority to execute the above consent and release. I approve the foregoing.

Student's printed name: _____

Signature (parent/guardian): _____

Address: _____

Phone: _____

Email: _____

Date: _____ **Team / School Name:** _____

Teacher Name: _____

Florida High School Mock Trial Competition
COMPLAINT FORM

(Please Print)

Date: _____

Person Lodging Dispute/Complaint: _____

Affiliated With: _____ **(Enter Team Code Only)**

Nature of Dispute/Complaint:

NOTE: This form may be used to inform the Mock Trial Coordinator and Advisory Committee of any disputes or recommendations relating to the competition including complaints regarding judges. Please be specific regarding the nature of the dispute. This form in **no way** replaces the dispute resolution process as outlined in the rules.

Signature

Return to Box at Information Desk in Courthouse

Florida High School Mock Trial Competition
MATERIAL RULES VIOLATION FORM

Date: _____

Round (*Circle one*) **1 2 3 4 Final**

Prosecution: _____
(Team Code)

Defense: _____
(Team Code)

TEAM LODGING DISPUTE: _____
(Team Code)

Grounds for Dispute:

Initials of Team Spokesperson: _____

Response of Opposing Team:

Initials of Opposing Team's Spokesperson: _____

Presiding Judge's Notes from Hearing/Investigation:

This form must be returned to the Mock Trial Coordinator along with the score sheets of the Scoring Judges and the ballot of the Presiding Judge.

Signature of Presiding Judge

Mutual Agreement for Trial Round Videotaping by Team(s)

This form is optional and not required.

If a team wishes to record audio, videotape, or take photographs during a trial round at the State Competition, the teacher or attorney coaches of the teams competing along with the presiding judge of that trial round must sign this form.

The team wishing to record should ensure all members of the opposing team have agreed to the recording, this will be indicated by the signature of the opposing team's teacher or attorney coach. This form is good only for one trial round. If both teams wish to record, only one form must be submitted for that round.

This form should be filled out by teams prior to the start of the trial. Once the trial begins a student attorney (from the team wishing to record) should seek permission from the presiding judge to record during preliminary matters. The presiding judge may elect to allow or not to allow the recording of a trial round regardless of whether both teams have completed this mutual agreement.

If the presiding judge permits the recording of the round, the student attorney may ask to approach the presiding judge to sign the form. The form should remain in the hands of the presiding judge who will then submit it to the State Coordinator, or its designee(s), at the conclusion of the trial round.

If recording is permitted, only one individual per team may record. Under no circumstances may the recorder be inside the bar or in the jury box. The recorder may not move around the courtroom during the trial. Should the recording of the trial round distract from the contents/testimony of the trial, the recorder will be directed to end the recording immediately.

If the presiding judge does not permit the recording of the round, teams are **not** allowed to record audio, videotape, or take photographs during the trial round.

Teams must always remain in compliance with Rule 4.14 Videotaping/Photography in the Rules of Competition. **This form does not give teams permission to post share, or otherwise disseminate any recording of any round of the State Competition.** The purpose of recording a trial round must be only for internal, team coaching.

Teams must submit this agreement to the presiding judge or bailiff. The presiding judge or bailiff must then submit this agreement to the State Coordinator, or its designees.

Round Number (Circle One): 1 2 3 4 F	Date:
Team Code of Prosecution: 	Team Code of Defense:
Team Requesting to Record: <i>If both teams wish to record, write "Both"</i> 	
Signature of Prosecution Team Teacher: 	
Signature of Defense Team Teacher: 	
Signature of Presiding Judge: 	