

**25<sup>th</sup> ANNUAL  
COLORADO BAR ASSOCIATION  
2010 HIGH SCHOOL MOCK TRIAL  
PROGRAM**

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**Sunny Overturf, as Representative of the  
Estate of Keri Overturf, Deceased,  
Plaintiff**

**v.**

**Ryanne Seastress  
Defendant**

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Presented by the  
COLORADO BAR ASSOCIATION'S  
Mock Trial Committee  
and the Public Legal Education Department  
1900 Grant St. Ste. 900  
Denver, CO 80203



August 4, 2009

Dear Mock Trial Teacher and Attorney Coaches:

On behalf of the Colorado Bar Association's Mock Trial Committee, we invite you to participate in the 2010 Colorado High School Mock Trial Program. The Mock Trial Committee proudly presents this year's case, Sunny Overturf, as Representative of the Estate of Keri Overturf, Deceased, Plaintiff v. Ryanne Seastress, Defendant.

Important message for teacher and attorney coaches: It is your responsibility to review, know, and teach your students the rules of this mock trial program. All teams are responsible for knowing these rules, and coaches are responsible for teaching the rules to their students.

We continue our commitment to ensure professionalism by all participants and supporters of this program. Teachers: It is your responsibility to keep attorney coaches focused on the purpose of this program – education of these students. Attorney coaches: As a representative of the Colorado Bar Association and the legal profession, we strongly remind you that this program's first and foremost purpose is to provide the students with a positive educational experience that is focused more on learning and less on winning. Teachers and attorneys: The CBA expects professional conduct at all times during participation in this program.

Gallery observers and tournament volunteers are expected to conduct themselves inside and outside of the courtrooms in the utmost professional manner. They should serve as role models of professionalism and representatives of the code of ethics of the legal industry, and demonstrate good sportsmanship for our student participants.

Read the Code of Ethical Conduct memo that is included in the case materials with your students and their parents. Additionally, there is a Code of Ethical and Professional Conduct for both the teachers and attorneys participating in this program. Contentious behavior and poor sportsmanship-like conduct by anyone involved with this program at any related program event will not be tolerated. After serious consideration by the Mock Trial Committee, any team coach who behaves beneath this expectation will subject his or her team to disqualification from current or future mock trial participation.

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

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

- To heighten the awareness of current social and legal issues; and
- To provide an educational event that supports communication, cooperation, and respect for students of diverse abilities, backgrounds, and interests.

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

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

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

Very truly yours,

Honorable David P. Cain, Co-Chair, CBA Mock Trial Committee  
Mary Roudebush, Co-Chair, CBA Mock Trial Committee

## **Special Acknowledgments**

### **CBA Litigation Section**

for its continued and generous support of the costs associated with the implementation and coordination of the CBA High School Mock Trial Program.

### **The Colorado Bar Foundation**

for its continued and generous support of the regional tournaments and the 2010 Colorado State Champion's travel to the National High School Tournament.

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

# **2010 COLORADO MOCK TRIAL CASE PROBLEM**

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**Sunny Overturf, as Representative of the Estate of  
Keri Overturf, Deceased,  
Plaintiff**

**v.**

**Ryanne Seastress  
Defendant**

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*The 25th Annual CBA High School Mock Trial Program  
is a sponsored activity of the*

**Colorado Bar Association Mock Trial Committee  
Honorable David P. Cain, Co-Chair  
Mary Roudebush, Co-Chair**

*Organized by the*  
**Colorado Bar Association Mock Trial Committee**

*State Coordinator*  
Carolyn P. Gravit  
Director, Public Legal Education  
Colorado Bar Association

*Program Coordinator*  
Meghan Bush  
Program Coordinator, Public Legal Education  
Colorado Bar Association

*Case Materials*  
Members of the CBA Mock Trial Committee  
Georgia State Bar Association

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

# **COLORADO HIGH SCHOOL MOCK TRIAL PROGRAM**

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

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

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

In 2009, more than 100 mock trial teams participated in the CBA Mock Trial Program. Only twenty-two teams advanced to the State tournament, and only one of these teams was named the State Champion. We remind teachers and attorney coaches that they must prepare their students to be ready to accept the reality that they may experience disappointment. The expectations of the Colorado Bar Association and its Mock Trial Committee are that students, teacher coaches and attorney coaches, as well as gallery observers, accept the outcome in a mature and professional manner. Coaches can help prepare students for a successful outcome by placing the highest value on excellent preparation and performance, rather than winning or losing. Students need to be prepared to handle the rigors of the tournament with dignity and class. Anger, bad sportsmanship, and frustration demonstrated by students and teacher/attorney coaches are not the objectives of the mock trial program, and will not be tolerated by the organizing committee.

Our goal is to create an event in which students and coaches alike approach their participation as an enjoyable and rewarding learning experience.

## 2009–2010 Colorado Mock Trial Dates to Remember

<b>August 15, 2009</b>	Case Announcement/ Registration Brochure Released
<b>November 2, 2009</b>	Case Materials Available-Internet
<b>December 1, 2009</b>	Early Registration (\$125/ team) Deadline
<b>December 18, 2009</b>	Late Registration (\$225/ team) Deadline
<b>December 18, 2009</b>	Deadline to drop a team
<b>January 9, 2010</b>	Annual Coaches Meeting/Coaches College
<b>Between February 6-27, 2010</b>	Regional Tournaments
<b>March 12 - 13, 2010</b>	State Tournament – Colorado Springs
<b>May 6-8, 2010</b>	National Championship - Philadelphia, Pennsylvania

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

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

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

Any schools that drop a registered team prior to the December 18, 2009 deadline will be charged a \$35 administration fee that will be deducted from the registration refund. **Any teams that drop after the December 18, 2009 team drop deadline will forfeit their entire registration fee.**

Visit [www.coloradohighschoolmocktrial.com](http://www.coloradohighschoolmocktrial.com) for more information.

## **2010 Regional Tournaments Dates and Contact Information**

### **1<sup>st</sup> JD – Jefferson County**

**Date:** February 23-26, 2010

**Coordinator:** Magistrate K.J. Moore (303) 271-6209; Amanda Cruser (303) 986-5769

### **Adams/Broomfield Counties**

**Date:** February 19 & 20, 2010

**Coordinator:** Cynthia Kowert (303) 659-7720

### **Arapahoe County**

**Date:** February 26 & 27, 2010

**Coordinators:** Julie Anderson (303) 739-6508; Suzanne Staiert (720) 795-3725

### **City of Aurora**

**Date:** Feb. 5 & 6, 2010

**Coordinator:** TBD

### **Boulder County**

**Date:** February 19 & 20, 2010

**Coordinator:** Christine Hylbert (303) 440-4758

### **Denver City/County**

**Date:** February 12 & 13, 2010

**Coordinators:** Elsa Martinez Tenreiro (303) 831-7670

### **Southern Colorado**

**Date:** February 5, 6 & 9, 2010

**Coordinators:** Jason Downie (719) 579-6500; Patricia Kelly (719) 385-5909

### **Northern Colorado**

**Date:** February 19 & 20, 2010

**Coordinator:** Stacey Aurzada (970) 350-9758

### **Western Slope**

**Date:** February 19 & 20, 2010

**Coordinator:** John Siddeek (970) 986-3400

### **Colorado High School Mock Trial State Tournament**

**Date:** March 12 & 13, 2010

**Location:** Colorado Springs, CO

### **National High School Mock Trial Tournament**

**Date:** May 6-8, 2010

**Location:** Philadelphia, Pennsylvania

### **CBA Mock Trial State Coordinator:**

Carolyn P. Gravit (303) 824-5323 or 1-800-332-6736



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## General Information

The following rules of the Colorado Mock Trial Program will govern conduct of programs at local and state tournaments. However, local tournaments may deviate from these rules. Therefore, it is advisable to check with your regional tournament coordinator prior to local tournaments regarding any unique local changes and/or deviations from these guidelines. For example, the local tournament may or may not power-match, and may or may not include a championship round.

**A. Local Discretion:** Regional tournament coordinators the responsibility to conduct their tournaments as determined by their local bar association and by the needs of the local courts. The manner in which the tournaments are scheduled, teams are matched, teams are scored, teams advance, and winners are named is as determined by the local Tournament Coordinator. However, deviations from the state procedures should be approved by the Colorado Bar Association (CBA) Mock Trial Committee prior to the commencement of the local tournament.

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

**C. Mock Trial Rules:** The Colorado Mock Trial State and regional programs are governed by the enclosed rules. Any request for clarification of these rules or the case materials shall be submitted to the CBA Mock Trial Committee **in writing no later than January 1, 2010** to CBA Mock Trial Committee, 1900 Grant St., Ste. 900, Denver, CO 80203. Written responses with the posed questions will be provided to all registered teams as soon as practical and prior to the scheduled program (local or state championship tournament) via the CBA Mock Trial Program website at : <http://www.coloradohighschoolmocktrial.com/> where all teams may be informed of any clarifications or changes. All teams are fully responsible for being apprised of these clarifications or changes when preparing their mock trials. The mock trial case problem will be posted on the mock trial website.

**D. Program Conduct:** All teams are responsible for the conduct of persons associated with their teams throughout the mock trial event, including their volunteer attorney coaches, parents, peers and other team supporters. Failure of team associates to observe appropriate conduct may subject the team to disqualification at the sole discretion of the local tournament or state coordinator and/or coordinating committees. Inappropriate behavior may include, but is not limited to, coaching (audible or visual) from the gallery, demonstrative reactions to rulings or results, or disruptions from any individual in the courtroom.

# Tournament Format

## A. Local Tournaments

1. **Tournament Assignments:** After registration closes, teams will be assigned to local tournaments based on geography and local bar association resources. Some teams may be assigned to different local tournaments to create an even number of teams for the tournament. Each local tournament will advance its fair share of teams to compete in the state tournament. Fair share will be determined by calculating the ratio of the number of teams in the state tournament to the number of teams registered in the state. Each local tournament will advance that same percentage of teams to the state tournament. For example, if there are 72 teams registered statewide and a total of 18 advances to the state tournament, then 25% of a local tournament field will advance. Thus, if a local tournament has 13 teams, that tournament will advance 25% of its field, or 3 teams (25% of 13 = 3.25 or 3 teams), to the state tournament. The state coordinator will notify regional tournament coordinators of their advancement numbers prior to the first scheduled regional tournament.

2. **Minimum Number of Teams:** A regional tournament should have at least six teams registered with the CBA to advance a team to the state tournament. A tournament may be held with fewer than six teams at the discretion of the CBA Mock Trial Committee. The Committee reserves the right to determine the geographical boundaries for any local tournament, as well as to determine the number of teams local tournaments may advance to the state championship tournament.

3. **Minimum Number of Schools:** A regional tournament must have at least two high schools represented to advance a team to the state tournament. A tournament may be held with only one high school involved; however, such a tournament would not be allowed to advance a team to the state tournament.

4. **Tournament Structure:** Tournament coordinators are encouraged to structure their tournaments to include the following:

- a. Four rounds of competition, with a random first-round draw and subsequent rounds paired using a modified Swiss power matching;
- b. An optional championship round;
- c. Keeping the results of individual rounds confidential until completion of the tournament; and
- d. State tournament procedures regarding composition of scoring panels, judging, and scoring considerations.

5. Tournaments may be scheduled over several weekdays, over a weekend, or during weeknights to take advantage of local resources (*e.g.*, judges, courtrooms, and scoring panelists).

6. Regional tournaments must be scheduled to conclude no later than two weeks prior to the state tournament.

7. Tournament coordinators are encouraged to provide judge and scoring panelist training prior to each round in the tournament. Areas to emphasize include: scoring

ranges and definitions, disputes, performance vs. merit-scoring, technical vs. performance-scoring, no unfair extrapolations, witnesses bound by statements, and material omissions.

8. Regional tournament coordinators should restrict gallery attendance of the championship round to teams (members and coaches) that will NOT be advancing to the state tournament, and family, friends, and supporters of the competing teams.

9. Tournament coordinators are encouraged to send copies of score sheets to the competitors following the conclusion of their tournaments.

10. Tournament coordinators will notify the CBA State Coordinator of the teams they are advancing to the state tournament, as well as which team is their number one seed by certification.

11. Certification requires that the tournament coordinators collect an official team roster (submitted at the start of the local tournament) from each team competing in a local tournament. The official team rosters of those teams advancing to the state tournament must be forwarded to the State Coordinator immediately upon completion of the local tournament. This procedure will verify that only the team members listed on the local tournament roster will be allowed to compete in the state tournament.

12. Tournament Coordinators are encouraged to provide students with certificates of participation.

13. Local bar associations may deviate from these guidelines as required by limitations on local facilities and volunteer resources. Deviations from these guidelines should be approved by the CBA Mock Trial Committee prior to the commencement of the local tournament.

## **B. State Tournament**

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

2. **Maximum Number of Teams from One School:** No more than two teams from any one school may advance to the state tournament.

3. **Tournament Structure:** The state tournament shall be conducted as follows:

a. Four rounds of competition, with a random first round draw (with the exception that no regional number one seed will be paired against another regional number one seed) and subsequent rounds paired using modified Swiss power matching;

b. A championship round;

c. The results of individual rounds will be kept confidential until completion of the tournament;

d. State tournament procedures regarding composition of scoring panels, judging, and scoring considerations; and

- e. The winner of the championship round will be eligible to represent Colorado at the National High School Mock Trial Tournament in May.
4. **Tournament Dates:** The state tournament will be a two-day tournament, preferably Friday and Saturday, with two trial rounds of competition on Friday afternoon and two rounds of competition and the championship round on Saturday.
5. **Tournament Results:** Copies of score sheets and final team standings will be mailed to the competitors following the conclusion of the competition.
6. **Advancement to Nationals:** The Colorado State Champion team has two weeks from the last date of the State Tournament to inform the State Coordinator whether or not they will be able to attend the National Mock Trial Tournament. If the State Coordinator does not receive notice, the State Coordinator will assume that the Champion team cannot attend. If, for any reason, the Colorado champion cannot participate at Nationals, the second place team will be eligible. If neither of these teams can participate, the CBA Mock Trial Committee may select a representative team.
7. **Team Composition at Nationals:** At the national tournament, each state is limited to eight students (six participating as witnesses and attorneys, and two alternates). The Colorado Bar Association, thanks to a grant from the Colorado Bar Foundation and the Colorado Bar Litigation Section, normally will make a financial donation to the team participating in the national championship to help defray travel expenses; however, the team and its school will be primarily responsible to raise funds as needed.

# Rules of Competition

## A. Administration

### **Rule 1.1        Rules**

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

Questions or requests for interpretation of these rules shall be submitted to the State Coordinator and the CBA Mock Trial Committee at 1900 Grant St., Ste. 900, Denver, CO 80203.

### **Rule 1.2        Code of Ethical Conduct**

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

Excessive littering of, or property damage to a courtroom will result in an automatic cleaning and/or replacement fee. Cleaning fees generally run a minimum of \$250. Should the assessed team refuse to pay; an assessment of the costs will be added to the following year's competition registration fee.

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

#### **Rule 1.2.1       Team Conduct**

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

#### **Rule 1.2.2       Coach's Conduct**

Attorney and teacher coaches shall uphold the Rules of Competition, the Code of Ethical Conduct and the rules of the specific courthouse. Additionally, coaches shall comply with their own employment professional codes, rules, and ethical standards. Finally, coaches shall instill in their student team members, team

parents, and other team gallery observers the highest standards of sportsmanship and ethical behavior.

### **Rule 1.2.3 Gallery Conduct**

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

## **B. Teams**

### **Rule 2.1 Team Composition**

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

#### **Rule 2.1.1 Student Eligibility**

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

Teams must be comprised of students from the same high school.

Requests for exceptions to this rule must be submitted to the CBA Mock Trial Committee.

#### **Rule 2.1.2 Timekeeper**

Each team shall provide a timekeeper. The timekeeper may not be a participating team member, a team teacher coach or a team attorney coach.

### **Rule 2.2 General Team Duties**

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

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

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

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

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

#### **Rule 2.2.1 Code of Ethical Conduct (Team Roster)**

The original Code of Ethical Conduct must be signed by each member of the team, the timekeeper(s), and coach (es), and be submitted at the time of the tournament check-in. Teams shall use the Code of Ethical Conduct Team Roster attached to these rules or visit the program website at [www.coloradohighschoolmocktrial.com](http://www.coloradohighschoolmocktrial.com) for all forms. Copies of the Code of Ethical Conduct should not be provided to the presiding judges or the scoring panelists during the rounds of competition.

#### **Rule 2.2.2 Trial Rosters**

Copies of the trial roster must be completed and duplicated by each team prior to arrival at the courthouse. Teams must be identified on the roster by the code assigned to them at registration. No team origin identifying comments, symbols, or pictures shall appear on the form. Before the beginning of the trial, the teams must exchange copies of the trial roster. Teams shall use the Trial Roster attached to these rules or visit the program website at [www.coloradohighschoolmocktrial.com](http://www.coloradohighschoolmocktrial.com) for all forms.

### **C. The Problem**

#### **Rule 3.1 The Problem**

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

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

#### **Rule 3.1.1 Stipulations**

Stipulations may not be disputed at trial.



### **Rule 3.1.2      Witness Statements**

Witness statements may not be altered.

## **D. Trial Logistics**

### **Rule 4.1      Scoring Panel Composition**

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

One presiding judge and three attorneys as scoring judges

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

One presiding/scoring judge and two attorneys as scoring judges

One presiding/scoring judge, one attorney, and one educator/community representative as scoring judges

### **Rule 4.2      Videotaping/Photography**

Any team has the option to refuse participation in videotaping, audio recording, and still photography by opposing teams. However, videotaping, audio recording, and still photography by the media and the Colorado Bar Association will be allowed.

If either competing team videotapes or audio tapes a trial round, the trial tapes are only to be used by the two competing teams. These audio tapes shall not be given to, traded, exchanged, or sold to another team under any circumstances without the express written consent of the CBA Mock Trial Committee. Violations of this rule may result in sanctions up to and including disqualification.

### **Rule 4.3      Viewing a Trial**

Non-participating team members (team members outside the bar), alternates, coaches, teacher-sponsors, parents, siblings, and any other persons directly associated with a mock trial team are not allowed to view another team's performance, even if the team is from the same school, so long as the individual's team remains in the competition. There are two exceptions to this rule. See Rule 4.3.1 and 4.3.2.

**Rule 4.3.1** Exception 1: Teacher coaches or attorney coaches who are the parents of students competing on a team other than the team the teacher or attorney is coaching may watch his/her child during the fourth round and the championship round of competition.

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

#### **Rule 4.4 Trial Communication**

Coaches, teachers, non-participating team members, and observers shall not talk to, signal, hand notes to, communicate with, or coach their teams during trial. This rule remains enforced during any recess taken. Participating team members (those inside the bar) may, among themselves, communicate during the trial *only verbally or through notes*; however, no disruptive communication is allowed. No one (including, but not limited to, team members, coaches, teachers, and observers) shall communicate during trial by using any device capable of communicating (including, but not limited to, laptops, computers, pagers, beepers, phones, PDAs, organizers, radios, headsets, tape players, MP3 players, and portable fax machines); during trial any and all devices capable of communicating shall be turned "off" completely so they cannot, and will not, be used in any way during trial. Coaches, teachers, non-participating team members (those outside the bar), and observers must remain outside the bar in the gallery of the courtroom at all times during the trial, even if an emergency recess is taken.

If the CBA Mock Trial Committee does not provide a timekeeper and a team chooses to use its own timekeeper, the team may place the timekeeper inside the bar. Signaling of time by the team's timekeeper shall not be considered a violation of this rule.

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

#### **Rule 4.5 Courtroom Seating**

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

#### **Rule 4.6 Jury Trial**

The case will be tried to a jury which shall consist of the scoring panelists. Presentations are to be made to the presiding judge and scoring panelists. Teams may address the scoring panel as the jury.

#### **Rule 4.7 Precursory Documents**

A copy of the trial roster shall be provided to the presiding judge and the scoring panelists at the commencement of the trial. It is recommended that a copy be presented to opposing team. Additionally, the Prosecution/Plaintiff's attorney

presenting the opening statement shall provide a copy of the stipulations to the presiding judge and the scoring panelists just prior to beginning the opening statement.

Team members may collect these documents at the end of the trial for use in subsequent rounds.

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

#### **Rule 4.8 Supplemental Material/Costuming**

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

The only documents that teams may present to the presiding judge or scoring panelists are the trial rosters and the individual exhibits provided in the case material. These exhibits may be tendered to the presiding judge and scoring panelists at the discretion of the team. Exhibit notebooks are not permitted. However, this rule does not prohibit the introduction of witness statements if admissible by the Mock Trial Rules of Evidence and if permitted by the Judge.

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

#### **Rule 4.9 Courtroom Decorum**

All team members will act in a polite and professional manner at all times.

##### **Rule 4.9.1 Attorney Demeanor**

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

##### **Rule 4.9.2 Addressing Opposing Counsel**

Attorneys should not address opposing counsel directly during the trial.

##### **Rule 4.9.3 Addressing the Presiding Judge**

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

#### **Rule 4.9.4      Witness Demeanor**

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

#### **E. Presiding Judge Pre-Trial Procedures**

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

1.      Ask each side if it is ready for trial.
2.      Ask each side to provide the judge and scoring panelists with copies of its trial roster with the team's code. No words, symbols, or other marks that identify the team by its school shall be on the trial roster.
3.      Confirm that if video recorders are present and being used, that both teams have approved the taping of the round. (Coaches/gallery are not permitted to tape the trials without permission.)
4.      Inform teams, as well as gallery members, that the Colorado Bar Association may be taking photographs of the competition during the round, and that team participation in the state tournament grants automatic permission and the use of these photos by the Colorado Bar Association.
5.      Ask anyone in the gallery who is connected with teams not competing in that round (student members and coaches of other schools or of the same school but a different team) to leave the courtroom. There are two exceptions to this rule. See Rule 4.3.
6.      Remind the teams that no recesses will be allowed, with the exception of those granted for a health emergency, and especially not between the end of witness examination and the beginning of closing arguments.
7.      Ask the scoring panelists if they recognize either team or any of the team members. If any panelist recognizes a team or a team member, the judge will notify the courtroom monitor, the State Tournament Coordinator, or a CBA Mock Trial Committee member, and arrangements may be made to replace the panelist. (Team members and team coaches may raise an objection regarding a particular scoring panelist at this time as a preliminary matter. The objection is deemed waived if it is not made as a preliminary matter.)
8.      Remind the teams and coaches that any disputes arising out of this competition must be reported in accordance with the competition rules.
9.      Remind the teams that their compliance with time requirements will be considered in scoring individual performances.
10.     Confirm that no coach or team member (other than a timekeeper, if a timekeeper is not provided by the competition committee) is seated in the jury box.

11. Ask each side to introduce the participating team members (attorneys and witnesses).
12. Swear in the team members, the gallery, the scoring panelists, and the witnesses.

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

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

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

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

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

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

## **F. General Trial Information**

### **Rule 5.1        Sequestration**

The teams may not invoke the rule of witness sequestration.

### **Rule 5.2        Bench Conferences**

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

### **Rule 5.3        Motions**

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

#### **Rule 5.3.1      Emergencies**

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

**Rule 5.4            Offers of Proof**

No offers of proof may be requested or tendered.

**Rule 5.5            Voir Dire**

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

**Rule 5.6            Use of Notes**

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

**G. Trial**

**Rule 6.1            Trial Sequence**

The trial sequence is as follows:

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

- a. Defense direct examination of its first witness.
  - b. Plaintiff/Prosecution cross-examination of the first witness.
  - c. Defense re-direct examination of first witness (optional and only with permission of presiding judge).
  - d. Plaintiff/Prosecution re-cross-examination of the first witness (optional and only if re-direct has occurred). Re-cross will be limited to the scope of re-direct.
  - e. Same process as steps a-d for the second witness.
  - f. Same process as steps a-d for the third witness.
5. Prosecution/Plaintiff Closing Argument
  6. Defense Closing Argument
  7. Prosecution/Plaintiff Rebuttal Argument if properly reserved (optional) and at the presiding judge's discretion.

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

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

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

#### **Rule 6.2 Re-Direct and Re-Cross-Examinations**

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

#### **Rule 6.3 Scope of Closing Arguments**

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

## **Rule 6.4 Time Keeping**

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

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

Opening statement	5 minutes per side
Direct examination and optional re-direct	25 minutes per side
Cross examination and optional re-cross	20 minutes per side
Plaintiff/Prosecution closing argument and	
Optional rebuttal argument	Up to 5 minutes (depends on reserved time)
Defense closing argument	Up to 5 minutes (depends on reserved time)

### **Rule 6.4.1 Time Extensions**

The presiding judge shall not grant time extensions.

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

### **Rule 6.4.2 Timing Objections, Delays or Bench Conferences**

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

Time does not stop for introduction of exhibits.

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

### **Rule 6.4.3 Time Keeping Aids**

Student timekeepers should use time keeping place cards. These cards may not exceed 8 1/2 X 11" in size. Additionally, student timekeepers should use a stopwatch or similar timing device. All timekeepers should have time keeping place cards in the following increments: 20 minutes, 15 minutes, 10 minutes, 5 minutes, 4 minutes, 3 minutes, 2 minutes, 1 minute, 40 seconds, and 20 seconds. Teams may use additional place cards at different increments at their discretion.



#### **Rule 6.4.4 Discrepancies in Time Between Team Timekeepers**

If timing variations of 15 seconds or more occur at the completion of any segment of the trial, timekeepers are to notify the presiding judge that a time discrepancy has occurred.

The presiding judge will rule on any time discrepancy before the trial continues. Timekeepers will synchronize stopwatches to match the presiding judge's ruling (for example if the Plaintiff/Prosecution stopwatch indicates 2 minutes left on a direct examination and the Defense stopwatch indicates time is expired, the presiding judge might decide to split the difference in the timing variation and give Plaintiff/Prosecution 1 minute to conclude the direct examination. Defense would adjust timing to allow for the 1 minute timing decision.)

Any discrepancies between timekeepers less than 15 seconds will not be considered a violation.

Timekeepers may raise time discrepancies only at the end of each segment of the trial presentation. No time disputes will be entertained after the trial concludes. The decisions of the presiding judge regarding the resolution of timing disputes are final.

#### **Rule 6.5 Witnesses Bound by Statements**

Each witness is bound by the facts contained in his/her own statement/affidavit, the Stipulated Facts and the exhibits.

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

##### **Rule 6.5.1 No Unfair Extrapolations**

Unfair extrapolations are not permitted. During trial, unfair extrapolations are to be addressed only through impeachment and/or closing arguments. Thus, by way of example, but not limitation, objections and the dispute form will not be used during trial to address unfair extrapolation.

Specifically, unfair extrapolations are:

- a. statements made by a witness that are not contained in the witness's statement/affidavit but touch on a pivotal issue in the case; or
- b. statements made by a witness that are not contained in the Stipulated Facts or covered by an event in the Stipulated Facts that the witness was present for but touch on a pivotal issue in the case; or
- c. statements made by a witness that are not contained in any necessary documentation relevant to the witness's testimony but touch on a pivotal issue in the case; or
- d. statements made by a witness that are not a reasonable inference from the witness's statement, affidavit, Stipulated Facts or necessary

documentation relevant to the witness's testimony, but touch on a pivotal issue in the case.

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

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

#### **Rule 6.5.2 No Unfair Extrapolation Objection**

No unfair extrapolation objections are permitted. During trial, unfair extrapolations are to be addressed only through impeachment and/or in closing arguments. See Rule 6.5.1 and Rule 6.6.3.

### **Rule 6.6 Objections**

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

#### **Rule 6.6.1 List of Objections**

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

- a. Ambiguous or Unintelligible
- b. Argumentative
- c. Asked and Answered
- d. Assuming Facts Not in Evidence
- e. Compound Question
- f. Cumulative
- g. Hearsay
- h. Improper Foundation
- i. Improper Lay Opinion

- j. Lack of Foundation
- k. Lack of Personal Knowledge
- l. Leading
- m. Narrative
- n. Relevant
- o. Speculative

#### **Rule 6.6.2 Opening Statement or Closing Argument Objections**

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

#### **Rule 6.6.3 No Unfair Extrapolation Objection**

No unfair extrapolation objections are permitted. During trial, unfair extrapolations are to be addressed only through impeachment and/or in closing arguments. See Rule 6.5.1 and 6.5.2

### **Rule 6.7 Exhibits**

Exhibits can be admitted into evidence only when a sequence of proper procedural steps has been followed. These steps are part of a litany that should be smoothly and efficiently demonstrated by the attorney for each exhibit admitted. All evidence is pre-marked as exhibits.

#### **Rule 6.7.1 Steps for Exhibit Admission**

The following are only offered as examples.

- a. Show the exhibit to opposing counsel or offer them a copy of the exhibit. "Your Honor, let the record reflect that I (am showing/have given) opposing counsel a copy of what has been marked as Exhibit A."
- b. Obtain permission of the presiding judge to approach the witness. "Your honor, may I approach the witness."
- c. Show the exhibit to the witness. "Your Honor, let the record reflect I am showing the witness a copy of Exhibit A."

- d. Lay the proper foundation for the exhibit.
- e. Move for admission of the exhibit into evidence. “Your Honor, at this time I move for the admission of Exhibit A.”
- f. Obtain permission of the presiding judge to publish the exhibit to the jury. “Your Honor, permission to publish Exhibit A to the jury.”
- g. Publish the exhibit.

## **H. TRIAL CONCLUSION**

### **Rule 7.1 Disputes**

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

#### **Rule 7.1.1 Reporting an Inside the Bar Dispute**

If any participating team member believes that a substantial rules violation has occurred, a student attorney must complete the “Team Dispute Form” for “Inside the Bar”, in writing, and file it with the presiding judge immediately following the conclusion of the trial round for which the team intends to file a dispute. The student attorney will record the nature of the dispute on the designated Form. The student may communicate briefly with participating team members (counsel and/or student witnesses) before completing and filing the Form.

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

All forms are on the program website at [www.coloradohighschoolmocktrial.com](http://www.coloradohighschoolmocktrial.com)

#### **Rule 7.1.2 Dispute Resolution Procedure for an Inside the Bar Dispute**

The presiding judge will review the written Form for an Inside the Bar Dispute and determine whether the dispute should be heard or denied. If the dispute is denied, the judge will record his/her reasons on the Form, announce her/his decision to the court, retire to complete his/her score sheet (if applicable), and turn the dispute Form into the State Tournament Coordinator. If the judge feels the grounds for the dispute merit a hearing, the Form will be shown to opposing counsel for its written response. After the team has recorded its response and transmitted it to

the judge, the judge will ask each team to designate a spokesperson. After the spokespersons have had time (not to exceed three minutes) to prepare their arguments, the judge will conduct a hearing on the dispute, allotting each team's spokesperson three minutes for a presentation. The spokespersons may be questioned by the judge. At no time in this process may team sponsors or coaches communicate or consult with the student attorneys. After the hearing, the presiding judge will enter her/his ruling on the dispute on the dispute form. The presiding judge may take a recess to consult with the State Tournament Coordinator and/or CBA Mock Trial Committee members.

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

#### **Rule 7.1.3      Reporting an Outside-the-Bar Dispute**

If any participating team member believes that a substantial rules violation has occurred outside the bar, a teacher or attorney coach must indicate to the State Tournament Coordinator or a CBA Mock Trial Committee member the nature of the dispute in writing on the designated "Team Dispute Form" for "Outside the Bar". The completed Form will be provided to the State Tournament Coordinator, whereupon a dispute resolution panel will (a) notify all pertinent parties of the dispute; (b) allow time for a response, if appropriate; (c) conduct a hearing, if needed; (d) rule on the charge; and (e) assess a penalty, if appropriate.

The dispute resolution panel will be designated by the State Tournament Coordinator and CBA Mock Trial Committee members. The teams will be notified once a decision is made. All forms are on the program website at [www.coloradohighschoolmocktrial.com](http://www.coloradohighschoolmocktrial.com)

#### **Rule 7.1.4      Code of Ethical Conduct Violations**

Allegations of Code of Ethical Conduct violations must be reported immediately to the State Tournament Coordinator or a CBA Mock Trial Committee member. A student, Teacher coach, or Attorney coach may report an alleged violation of the Code of Ethical Conduct. The State Tournament Coordinator or a dispute resolution panel will (a) notify all pertinent parties of the alleged violation; (b) allow time for a response, if appropriate; (c) conduct a hearing, if needed; (d) rule on the charge; and (e) assess a penalty, if appropriate.

The dispute resolution panel will be designated by the State Tournament Coordinator and CBA Mock Trial Committee members. The teams will be notified once a decision is made.

### **I. Judging and Team Advancement**

#### **Rule 8.1      Scoring Guidelines**

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

#### **Rule 8.1.1      Completing the Scoring Sheets**

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

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

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

#### **Rule 8.1.2      Team Role Assignments**

Teams have options concerning attorney/witness role assignment, order of calling witnesses, and selecting who presents opening and closing arguments, which are explained in the mock trial rules. Scoring panelists are not to pass judgment or impact a point score on how teams make assignments.

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

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

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

**Example 2, Substituted Witness, Participating Team Member:** A team does not have one of its witnesses, and a participating team member steps into a second role.

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

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

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

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

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

If the same attorney does not conduct a cross-examination of a witness, that attorney will receive a “0” point score. The opposing team’s witness and the attorney who conducted the direct-examination will both receive “10” point scores.

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

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

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

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

### **Rule 8.1.3 Merits of the Case**

The responsibility of the scoring panelists is to score the student performance for each element of the trial round, not the merits of the legal case and applicable law. In other words, the scoring panelists are

scoring the performance of each of the students as attorneys and witnesses to determine the winning team.

#### **Rule 8.1.4 Mathematical Errors**

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

### **Rule 8.2 Student Critique**

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

### **Rule 8.3 Team Advancement**

#### **Rule 8.3.1 Team Rankings**

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

- a. Win/loss record
- b. Total number of ballots
- c. Total number of points spread between a team and their opponents
- d. Total number of points accumulated by the team

#### **Rule 8.3.2 Team Matching**

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

Modified Swiss power matching provides that the top teams will play other top teams; each team will be paired with comparably ranked team based upon performance in the previous round (s). Team assignments in rounds two, three, four, and the championship round will be determined by the following criteria in the order listed:

- a. Win/loss record
- b. Total number of ballots



- c. Total number of points spread between a team and their opponents
- d. Total number of points accumulated by the team

Adjustments may be made at the discretion of the State Tournament Coordinator or CBA Mock Trial Committee for the following situations:

- a. An odd number of teams are participating in the tournament
- b. Two teams already have competed against each other in an earlier round
- c. A team is due to present the other side of the case. To the greatest extent possible, teams will equally present both sides of the case, i.e. two times for each side in a four round tournament.

#### **Rule 8.3.3      Bye Round Assignments**

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

- a. The team drawing the “bye” in the first round will receive a win and three ballots for that round. For the purpose of power matching, the team will receive the average of the points spread and points earned by the top 50% of teams.
- b. The team drawing the “bye” in the second through fourth rounds will receive a win and three ballots for that round. For the purpose of power matching, the team will receive the average of its points earned in its preceding trials.

#### **Rule 8.4          Championship Round**

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

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

The championship round may have a larger scoring panel than described in Rule 4.1. Teams participating in the state tournament need to plan on having an additional seven copies of all round materials for this round. If the tournament schedule allows, both teams will have approximately thirty minutes from the coin toss to regroup and prepare for the championship round. When possible and resources are available, teams will each be provided a private area to confer prior to the round. Teams will be advised as to their report time to the Championship Round Courtroom.

## **J. Review of Decisions**

### **Rule 9.1          Finality**

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

# Mock Trial Rules of Evidence

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

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

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

## Article I. General Provisions

### Rule 101. Scope

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

### Rule 102. Purpose and Construction

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

**Article II. Judicial Notice**-Not applicable.

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

## Article IV. Relevancy and its Limits

### Rule 401. Definition of “Relevant Evidence”

“Relevant evidence” means evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence.

### Rule 402. Relevant Evidence Generally Admissible

Irrelevant Evidence Inadmissible—Relevant evidence is admissible, except as otherwise provided in these Rules. Irrelevant evidence is not admissible.

### Rule 403. Exclusion of Relevant Evidence on Grounds of Prejudice, Confusion, or Waste of Time

Although relevant, evidence may be excluded if its probative value is outweighed by the danger of unfair prejudice; if it confuses the issues; if it is misleading; or if it causes undue delay, wastes time, or is a needless presentation of cumulative evidence.

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

- (a) Character Evidence—Evidence of a person’s character or character trait is not admissible to prove action regarding a particular occasion, except:
- (1) Character of accused—Evidence of a pertinent character trait offered by an accused or by the prosecution to rebut same;
  - (2) Character of victim—Evidence of a pertinent character trait of the victim of the crime offered by an accused or by the prosecution to rebut same, or evidence of a character trait of peacefulness of the victim offered by the prosecution in a homicide case to rebut evidence that the victim was the aggressor;
  - (3) Character of witness—Evidence of the character of a witness as provided in Rules 607, 608, and 609.
- (b) Other Crimes, Wrongs, or Acts—Evidence of other crimes, wrongs, or acts is not admissible to prove character of a person to show an action conforms to character. It may, however, be admissible for other purposes, such as proof of motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or accident.

Rule 405. Methods of Proving Character

- (a) Reputation or Opinion—In all cases where evidence of character or a character trait is admissible, proof may be made by testimony as to reputation or in the form of an opinion. On cross-examination, questions may be asked regarding relevant, specific conduct.
- (b) Specific Instances of Conduct—In cases where character or a character trait is an essential element of a charge, claim, or defense, proof also may be made of specific instances of that person’s conduct.

Rule 406. Habit; Routine Practice

Evidence of the habit of a person or the routine practice of an organization, whether corroborated or not and regardless of the presence of eye-witnesses, is relevant to prove that the conduct of the person or organization, on a particular occasion, was in conformity with the habit or routine practice.

Rule 407. Subsequent Remedial Measures

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

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

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

- (1) a plea of guilty which was later withdrawn;
- (2) a plea of *nolo contendere*;
- (3) any statement made in the course of any proceeding under Rule 11 of the Mock Trial Rules of Criminal Procedure or comparable state procedure regarding either of the forgoing pleas; or

- (4) any statement made in the course of plea discussions with an attorney for the prosecuting authority that do not result in a plea of guilty or that results in a plea of guilty that is later withdrawn.

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

Rule 411. Liability Insurance (civil case only)

Evidence that a person was or was not insured against liability is not admissible concerning the issue of whether the person acted negligently or otherwise wrongfully. This Rule does not require the exclusion of evidence of insurance against liability when offered for another purpose, such as proof of agency, ownership, or control, or bias or prejudice of a witness.

**Article V. Privileges**

Rule 501. General Rule

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

- (1) communications between husband and wife;
- (2) communications between attorney and client;
- (3) communications among grand jurors;
- (4) secrets of state; and
- (5) communications between physician and patient.

**Article VI. Witnesses**

Rule 601. General Rule of Competency

Every person is competent to be a witness.

Rule 602. Lack of Personal Knowledge

A witness may not testify to a matter unless the witness has personal knowledge of the matter. Evidence to prove personal knowledge may, but need not, consist of the witness' own testimony. This Rule is subject to the provisions of Rule 703, related to opinion testimony by expert witnesses. (See Rule 3.1.2)

Rule 607. Who may Impeach

The credibility of a witness may be attacked by any party, including the party calling the witness.

Rule 608. Evidence of Character and Conduct of Witness

- (a) Opinion and reputation evidence of character —The credibility of a witness may be attacked or supported by evidence in the form of opinion or reputation, but subject to these limitations:
  - (1) the evidence may refer only to character for truthfulness or untruthfulness, and;

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

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

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

- (a) General Rule—For the purpose of attacking the credibility of a witness, evidence that a witness other than the accused has been convicted of a crime shall be admitted if elicited from the witness or established by public record during cross-examination, but only if the crime was punishable by death or imprisonment in excess of one year, and the Court determines that the probative value of admitting this evidence outweighs its prejudicial effect to the accused. Evidence that any witness has been convicted of a crime shall be admitted if it involved dishonesty or false statement, regardless of the punishment.
- (b) Time Limit—Evidence of a conviction under this Rule is not admissible if a period of more than ten years has elapsed since the date of the conviction or of the release of the witness from the confinement imposed for that conviction, whichever is the later date, unless the Court determines that the value of the conviction substantially outweighs its prejudicial effect. However, evidence of a conviction more than ten years old as calculated herein is not admissible unless the proponent gives to the adverse party sufficient advance written notice of intent to use such evidence to provide the adverse party with a fair opportunity to contest the use of such evidence.
- (c) Effect of Pardon, Annulment, or Certificate of Rehabilitation—Evidence of a conviction is not admissible if
  - (1) The conviction has been the subject of a pardon or other equivalent procedure based on a finding of the rehabilitation of the person convicted of a subsequent crime that was punishable by death or imprisonment in excess of one year, or
  - (2) The conviction has been the subject of a pardon or other equivalent procedure based on a finding of innocence.
- (d) Juvenile Adjudications—Evidence of juvenile adjudications generally is not admissible under this rule. The Court may, however, in a criminal case allow evidence of a juvenile adjudication of a witness other than the accused, if conviction of the offense would be admissible to attack the credibility of an adult and the Court is satisfied that admission in evidence is necessary for a fair determination of the issue of guilt or innocence.
- (e) Not Applicable.

#### Rule 610. Religious Beliefs or Opinions

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

#### Rule 611. Mode and Order of Interrogation and Presentation

- (a) Control by Court—The Court shall exercise reasonable control over questioning of witnesses and presenting evidence so as to:
  - (1) make the questioning and presentation of evidence effective for ascertaining the truth,
  - (2) avoid needless waste of time, and
  - (3) protect witnesses from harassment or undue embarrassment.
- (b) Scope of Cross-Examination — The scope of cross-examination shall not be limited to the scope of the direct examination but may inquire into any relevant facts or matters contained in the witness' statement.
- (c) Leading Questions — Leading questions should not be used on direct examination of a witness (except as may be necessary to develop the witness' testimony). Ordinarily, leading questions are permitted on cross-examination. When a party calls a hostile witness, an adverse party, or a witness identified with an adverse party, leading questions may be used.
- (d) Redirect/Re-cross—After cross-examination, additional questions may be asked by the direct examining attorney, but questions must be limited to matters raised by the attorney on cross-examination. Likewise, additional questions may be asked by the cross-examining attorney on re-cross, but such questions must be limited to matters raised on redirect examination and should avoid repetition.

#### Rule 612. Writing Used to Refresh Memory

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

#### Rule 613. Prior Statements of Witnesses

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

Extrinsic Evidence of Prior Inconsistent Statement of Witness—Extrinsic evidence of a prior inconsistent statement by a witness is not admissible unless the witness is afforded an opportunity to explain or deny the same and the opposite party is afforded an opportunity to interrogate.

### **Article VII. Opinions and Expert Testimony**

#### Rule 701. Opinion Testimony by Lay Witness

If the witness is not testifying as an expert, the witness' testimony in the form of opinions or inferences is limited to those opinions or inferences that are

- (a) rationally based on the perception of the witness and
- (b) helpful to a clear understanding of the witness' testimony or the determination of a fact in issue.

Rule 702. Testimony by Experts

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

Rule 703. Bases of Opinion Testimony by Experts

The facts or data on which an expert bases an opinion may be those perceived by or made known to the expert at or before the hearing. If of a type reasonably relied on by experts in the field in forming opinions or inferences, the facts or data need not be admissible in evidence.

Rule 704. Opinion on Ultimate Issue

- (a) Opinion or inference testimony otherwise admissible is not objectionable because it embraces an issue to be decided by the trier of fact.
- (b) In a criminal case, an expert witness shall not express an opinion as to the guilt or innocence of the accused.

Rule 705. Disclosure of Facts or Data Underlying Expert Opinion

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

**Article VIII. Hearsay**

Rule 801. Definitions

The following definitions apply under this Article:

- (a) Statement—A “statement” is an oral or written assertion or nonverbal conduct of a person if it is intended by the person as an assertion.
- (b) Declarant—A “declarant” is a person who makes a statement.
- (c) Hearsay—“Hearsay” is a statement, other than one made by the declarant while testifying at the trial or hearing, offered in evidence to prove the truth of the matter asserted.
- (d) Statements that are not hearsay—A statement is not hearsay if:
  - (1) Prior statement by witness—The declarant testifies at the trial or hearing and is subject to cross-examination concerning the statement and the statement is (A) inconsistent with the declarant's testimony, and was given under oath subject to the penalty of perjury at a trial, hearing, or other proceeding, or in a deposition, or (B) consistent with the declarant's testimony and is offered to rebut an express or implied charge against the declarant of recent fabrication or improper influence or motive, or (C) one of identification of a person made after perceiving the person; or
  - (2) Admission by a party-opponent—The statement is offered against a party and is (A) the party's own statement in either an individual or a representative capacity



or (B) a statement of which the party has manifested an adoption or its truth, or (C) a statement by a person authorized by the party to make a statement concerning the subject, or (D) a statement by the party's agent or servant concerning a matter within the scope of the agency or, made during the existence of the relationship, or (E) a statement by a co-conspirator of a party during the course in furtherance of the conspiracy.

Rule 802. Hearsay Rule

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

Rule 803. Hearsay Exceptions. Availability of Declarant Immaterial

The following are not excluded by the hearsay rule, even though the declarant is available as a witness:

- (1) Present Sense Impression—A statement describing or explaining an event or condition made while the declarant was perceiving the event or condition, or immediately thereafter.
- (2) Excited Utterance—A statement relating to a startling event or condition made while the declarant was under the stress of excitement caused by the event or condition.
- (3) Then Existing Mental, Emotional, or Physical Conditions—A statement of the declarant's then existing state of mind, emotion, sensation, or physical condition (such as intent, plan, motive, design, mental feeling, pain, and bodily health), but not including a statement of memory or belief to prove the fact or believed unless it relates to the execution, revocation, identification, or terms of declarant's will.
- (4) Statements For Purposes of Medical Diagnosis or Treatment — Statements made for the purpose of medical diagnosis or treatment.
- (5) Recorded Recollection—A memorandum or record concerning a matter about which a witness once had knowledge but now has insufficient recollection to enable the witness to testify fully and accurately, shown to have been made or adopted by the witness when the matter was fresh in the witness' memory and to reflect that knowledge correctly.
- (6) Business Records—Records of regularly conducted activity. A memorandum, report, record, or data compilation, in any form, of acts, events, conditions, opinions, or diagnosis, made at or near the time by, or from information transmitted by, a person with knowledge, if kept in the course of a regularly conducted business activity to make the memorandum, report, record, or data compilation, all as shown by the testimony of the custodian or other qualified witness, unless the source of the information or the method or circumstances of preparation indicate lack of trustworthiness. The term "business" as used in this paragraph includes business, institution, association, profession, occupation, and calling of every kind, whether or not conducted for profit.
- (18) Learned Treatises — To the extent called to the attention of an expert witness upon cross-examination or relied upon by the expert witness in a direct examination, statements contained in published treatises, periodicals, or pamphlets on a subject of history, medicine, or other science or art, established as a reliable authority by the testimony or admission of the witness or by other expert testimony or by judicial notice.
- (21) Reputation as to Character—Reputation of a person's character among associates or in the community.

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

Rule 804. Hearsay Exceptions; Declarant Unavailable

- (a) Definition of unavailability. “Unavailability as a witness” includes situations in which the declarant—
- (1) is exempted by ruling of the Court on the ground of privilege from testifying concerning the subject matter of the declarant’s statement; or
  - (2) persists in refusing to testify concerning the subject matter of the declarant’s statement despite an order of the Court to do so; or
  - (3) testifies to a lack of memory of the subject matter of the declarant’s statement; or
  - (4) is unable to be present or to testify at the hearing because of death or then existing physical or mental illness or infirmity; or
  - (5) is absent from the hearing and the proponent of a statement has been unable to procure the declarant’s attendance (or in the case of a hearsay exception under subdivision (b)(2), (3), or (4), the declarant’s attendance or testimony) by process or other reasonable means.

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

- (b) Hearsay exceptions-The following are not excluded by the hearsay Rule if the declarant is unavailable as a witness:
- (1) Former testimony-Testimony given as a witness at another hearing of the same or a different proceeding, or in a deposition taken in compliance with law in the course of the same or another proceeding, if the party against whom the testimony is now offered or, in a civil action or proceeding, a predecessor in interest had an opportunity and similar motive to develop the testimony by direct, cross, or redirect examination.
  - (2) Statement under belief of impending death-In a prosecution for homicide or in a civil action or proceeding, a statement made by a declarant while believing that the declarant’s death is imminent, concerning the cause or circumstances of what the declarant believed to be impending death.
  - (3) Statement against interest-A statement that was at the time of its making so far contrary to the declarant’s pecuniary or proprietary interest, or so far tended to subject the declarant to civil or criminal liability, or to render invalid a claim by the declarant against another, that a reasonable person in the declarant’s position would not have made the statement unless believing it to be true. A statement tending to expose the declarant to criminal liability and offering to exculpate the accused is not admissible unless corroborating circumstances clearly indicate the trustworthiness of the statement.

- (4) Statement of personal or family history-(A) A statement concerning the declarant's own birth, adoption, marriage, divorce, legitimacy, relationship by blood, ancestry, or other similar fact of personal or family history, even though declarant had no means of acquiring personal knowledge of the matter stated; (B) a statement concerning the foregoing matters, and death also, of another person, if the declarant was related to the other by blood, adoption, or marriage or was so intimately associated with the other's family as to be likely to have accurate information concerning the matter declared.
- (5) Forfeiture by wrongdoing-A statement offered against a party that has engaged or acquiesced in wrongdoing that was intended to, and did, procure the unavailability of the declarant as a witness.

Rule 805. Hearsay within Hearsay

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

Rule 902. Self-authentication

Extrinsic evidence of authenticity as a condition precedent to admissibility is not required with respect to the following:

- (5) Official publications. Books, pamphlets, or other publications purporting to be issued by public authority.
- (6) Newspapers and periodicals. Printed materials purporting to be newspapers or periodicals.

Memorandum

**To:** All Mock Trial Team Members, Attorney Coaches, Teachers, and Observers  
**From:** Colorado Bar Association  
**Date:** September 15, 2009  
**Subject:** CODE OF ETHICAL CONDUCT for all Participants of the Colorado Mock Trial Competition

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

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

# *Official Team Roster*

## *Signatures of Team Members & Coaches*

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**SCHOOL & TEAM NAME**

*(Please duplicate for additional teams registered)*

We, the undersigned, agree to uphold the Code of Ethical Conduct in each round of the Colorado Mock Trial Program, as well as during any program related activities. Additionally, by signing below, we affirm that we (teachers, attorney coaches, and students) have read the 2010 Mock Trial Program rules, and that we understand and agree to abide by all of the rules during the tournament.

**TEAM MEMBERS:**

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**TEACHER COACH(ES):**

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**ATTORNEY COACH(ES):**

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**STUDENT TIMEKEEPERS:**

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**NOTE:** Only one Team Roster will need to be submitted to your Regional Coordinator at the beginning of your regional and/or at the State tournament.

# COLORADO HIGH SCHOOL MOCK TRIAL PROGRAM

## REGIONAL OR STATE TOURNAMENT TRIAL ROSTER

This sheet is to be completed by each team prior to *each* round and copies presented to the presiding judge, opposing counsel, and the panel of scoring judges. Please bring extra copies to your Regional and/or State tournament.

### TEAM IDENTIFICATION (CODE ONLY!) \_\_\_\_\_

**Circle one:**    Round            I            II            III            IV            Championship Round

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

#### PLAINTIFF

#### DEFENSE

**Name of Student Portraying Attorney:**

**Tasks (circle):**

1. \_\_\_\_\_

Opening / Direct / Cross / Closing

2. \_\_\_\_\_

Opening / Direct / Cross / Closing

3. \_\_\_\_\_

Opening / Direct / Cross / Closing

**Name of Student Portraying Witness:**

**Role Portrayed:**

*(Please indicate gender by circling M or F)*

1. \_\_\_\_\_ (m/f)    Plaintiff Witness 1 \_\_\_\_\_

2. \_\_\_\_\_ (m/f)    Plaintiff Witness 2 \_\_\_\_\_

3. \_\_\_\_\_ (m/f)    Plaintiff Witness 3 \_\_\_\_\_

4. \_\_\_\_\_ (m/f)    Defense Witness 1 \_\_\_\_\_

5. \_\_\_\_\_ (m/f)    Defense Witness 2 \_\_\_\_\_

6. \_\_\_\_\_ (m/f)    Defense Witness 3 \_\_\_\_\_

*(Duplicate for use in all mock trial rounds!)*

# TEAM DISPUTE FORM

Inside the Bar

[Rules 7.1.1 & 7.1.2]

(Please Print)

**Note: File Immediately After, Never During, Affected Trial Round**

Round (*circle one*) 1 2 3 4

**TEAM LODGING DISPUTE:** \_\_\_\_\_ (Enter Team Code Only)

**Grounds for Dispute:**

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Initials of Team Spokesperson: \_\_\_\_\_

**HEARING WARRANTED:** YES NO

If **NO**, Presiding Judge's Reason(s) for Denying Hearing:

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If **YES**,

**OPPOSING TEAM:** \_\_\_\_\_ (Enter Team Code Only)

**Opposing Team's Response:**

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Initials of Opposing Team Spokesperson: \_\_\_\_\_

**PRESIDING JUDGE'S DECISION:** GRANT DENY

**PRESIDING JUDGE'S DECISION AND RULING REGARDING DISPUTE:**

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**Return to Trial Coordinator along with  
the score sheets of all the panelists.**

\_\_\_\_\_  
**Signature of Presiding Judge**

**TEAM DISPUTE FORM**  
**Outside the Bar [Rules 7.1.1 & 7.1.2] or**  
**Code of Conduct [Rule 7.1.4]**  
**(Please Print)**

**Note: Do Not File During a Trial Round**

Round (*circle one*)   1      2      3      4

**PERSON LODGING DISPUTE:** \_\_\_\_\_

**AFFILIATED WITH:** \_\_\_\_\_ (Enter Team Code)

**Grounds for Dispute:**

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Initials of Trial Coordinator: \_\_\_\_\_ Date & Time Received: \_\_\_\_\_

**HEARING WARRANTED:**                      **YES**                      **NO**

If **NO**, Dispute Panel's Reason(s) for Denying Hearing:

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If **YES**,

**OPPOSING TEAM:** \_\_\_\_\_ (Enter Team Code)

**PERSON RESPONDING:** \_\_\_\_\_

**Opposing Team's Response:**

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**Note:** Prior to decision, the Dispute Panel, in its discretion, may contact the presiding judge, the scoring panelists, or others if the Panel believes that might be helpful.

**DISPUTE PANEL'S DECISION/ACTION:**

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\_\_\_\_\_  
**Signature of Trial Coordinator**

\_\_\_\_\_  
**Date & Time of Decision**



## SCORING

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

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

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

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

CRITERIA FOR EVALUATING STUDENTS' DIRECT AND CROSS EXAMINATIONS	PERFORMANCE DESCRIPTION
<b>Organization:</b> <ul style="list-style-type: none"> <li>Progressive, logical with an easy to follow pattern of questioning</li> <li>Organization was consistent with theory/theme of case, opening statement and other examinations</li> <li>Used appropriate transitions</li> </ul> <b>Delivery:</b> <ul style="list-style-type: none"> <li>Pace (speed) of examination was appropriate for dramatic effect and emphasis of points</li> </ul>	<p style="text-align: center;"><b>OUTSTANDING</b> <b>9-10</b> (The student exhibited 90 to 100% of the listed criteria.)</p> <p style="text-align: center;"><b>EXCELLENT</b> <b>7-8</b> (The student exhibited 80 to 89% of the listed criteria.)</p>

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

COLORADO STATE MOCK TRIAL COMPETITION SCORESHEET

Date: \_\_\_\_\_

Round I II III IV      Championship Round

Prosecution: \_\_\_\_\_ (team code)      Defense: \_\_\_\_\_ (team code)

On a scale of 1 to 10 (Not Effective 1 2 3 4 5 6 7 8 9 10 Outstanding) ,  
 rate the Prosecution and Defense Attorneys and Witnesses in the categories below based on Scoring Criteria provided.  
**DO NOT USE FRACTIONS OR PARTIAL POINTS -- Score each of the listed categories**

	PROSECUTION ATTORNEY	DEFENSE ATTORNEY	WITNESS	NOTES
	OPENING STATEMENT <input type="text"/>	OPENING STATEMENT <input type="text"/>		
II's 1st Witness	Direct Examination <input type="text"/>	Cross Examination <input type="text"/>	II Witness Performance (Direct and Cross Examination) <input type="text"/>	
II's 2nd Witness	Direct Examination <input type="text"/>	Cross Examination <input type="text"/>	II Witness Performance (Direct and Cross Examination) <input type="text"/>	
II's 3rd Witness	Direct Examination <input type="text"/>	Cross Examination <input type="text"/>	II Witness Performance (Direct and Cross Examination) <input type="text"/> Prosecution Witness Subtotal <input type="text"/> Maximum Points - 30	
Δ's 1st Witness	Cross Examination <input type="text"/>	Direct Examination <input type="text"/>	Δ Witness Performance (Direct and Cross Examination) <input type="text"/>	
Δ's 2nd Witness	Cross Examination <input type="text"/>	Direct Examination <input type="text"/>	Δ Witness Performance (Direct and Cross Examination) <input type="text"/>	
Δ's 3rd Witness	Cross Examination <input type="text"/>	Direct Examination <input type="text"/>	Δ Witness Performance (Direct and Cross Examination) <input type="text"/> Defense Witness Subtotal <input type="text"/> Maximum Points - 30	
	CLOSING ARGUMENT <input type="text"/>	CLOSING ARGUMENT <input type="text"/>		
	Prosecution Attorney Performance Subtotal <input type="text"/> Maximum Points - 80	Defense Attorney Performance Subtotal <input type="text"/> Maximum Points - 80		
	PROSECUTION TOTAL POINTS (Attorney Plus Plaintiff witness performance) Maximum Points - 110 <input type="text"/>	DEFENSE TOTAL POINTS (Attorney Plus defense witness performance) Maximum Points - 110 <input type="text"/>		

The WINNER of the round based on TOTAL POINTS was: (circle one)      PROSECUTION      DEFENSE

(Evaluator's Signature) \_\_\_\_\_ (Print Last Name) \_\_\_\_\_

# THE PROBLEM

## CASE SUMMARY

There was a simmering feud with a fashionable flair

Be it Paris, Milan, New York, or Bel-Air

But one night in Aspen at the Fashion Hall

A model named Keri's final curtain would fall.

On that fateful night

A terrible sight

With charity for all, but malice for one,

Just how did Taylor get that gun?

Did the defendant have some nefarious role?

Who is to pay or not for this poor murdered soul?

On Friday, March 6, 2009, the fashion world was turned upside-down. Keri Overturf, famous supermodel and up-and-coming designer, was shot dead during the grand finale of the First Annual Aspen Fashion Week Final Extravaganza fashion show supporting the local charity The Right Door. Her uncle Taylor Overturf was the killer. Then, Keri's personal security guard, Jordan Sparkle, gunned down Taylor shortly after Keri was killed. Rumors abound about Taylor, his relationship with Ryanne Seastress of Kaw Designs & Manufacturing, Inc., his affiliation with shady underworld characters and his dependence on drugs and alcohol. Keri's parent, Sunny Overturf and Marlin Kaw, the deceased founder of Kaw Designs, have been feuding ever since attending design school together in the late 1970's. Ryanne Seastress, Marlin Kaw's successor, continues with the traditions and policies that Marlin began over 20 years ago. Seastress is known as a shark in the industry, and s/he takes great pride in that reputation. Alexx Lamb is new on the fashion scene, full of energy and ambition, while Kris Alton has seen brighter days. Pauli Abdone puts all s/he sees and hears on the web for the world to read. Each one knows his/her part in this drama and each plays an important role in piecing together what happened that night.

DISTRICT COURT, COUNTY OF EL PASO, STATE OF COLORADO Court Address: Judicial Complex 270 S. Tejon St. Colorado Springs, CO 80903	<div style="text-align: center; margin-top: 100px;">▲ Court Use Only ▲</div> <hr style="width: 20%; margin-left: auto; margin-right: auto;"/> <div style="margin-top: 100px;"> <b>Case No.</b> </div> <div style="margin-top: 100px;"> <b>Division/Courtroom:</b> </div>
<b>Plaintiff: SUNNY OVERTURF, as Representative of the Estate of KERI OVERTURF, Deceased v.</b>  <b>Defendant: RYANNE SEASTRESS</b>	
Attorney for Plaintiff: Name: Colorado High School Mock Trial Student Address: 123 Main Street Everytown, CO 80999 Phone No.: 303-555-5000 Fax No.: 303-555-5028 Email: Coloradohighschoolmocktrial.com Atty. Reg. #:  Attorney for Defendant: Name: Colorado High School Mock Trial Student Address: 123 Main Street Everytown, CO 80999 Phone No.: 303-555-5001 Fax No.: 303-555-5029 Email: Coloradohighschoolmocktrial.com Atty. Reg. #:	
<b>COMPLAINT AND JURY DEMAND</b>	

**COMES NOW**, the Plaintiff, Sunny Overturf, as Parent and Heir at Law of Keri Overturf (Deceased), by and through their attorneys, Colorado High School Student Law Office, and for this Complaint against the Defendant, states and alleges as follows:

1. The Plaintiff Sunny Overturf is the sole heir of his/her child, Keri Overturf (deceased).
2. Taylor Overturf shot Keri Overturf on March 6, 2009, during the grand finale of the First Annual Aspen Fashion Week Final Extravaganza fashion show. Keri Overturf died as a result of the injuries she sustained from this gunfire.
3. The Defendant RYANNE Seastress, with malice and murderous intent, conspired with Taylor Overturf to deliberately murder Keri Overturf. The Defendant's intentional acts with respect to the murder included, but are not limited to, planning this murder in advance with Taylor Overturf, providing the gun to Taylor Overturf that he used for the murder, paying Taylor Overturf for the murder, and/or otherwise conspiring with Taylor Overturf to kill Keri Overturf. This murder was the result of a long-standing feud.

4. Keri Overturf's wrongful death occurred as a direct result of the conspiracy between Taylor Overturf and Ryanne Seastress to kill Keri Overturf.

5. This Action is brought pursuant to Colorado's wrongful death statutes in Colo. Rev. Stat. §§ 213-21-201 et. seq.

**WHEREFORE**, the Plaintiff Sunny Overturf demands a jury trial.

**WHEREFORE**, the Plaintiff Sunny Overturf, as the sole heir of Keri Overturf, prays for a judgment to be entered in favor of the Plaintiff Sunny Overturf and against the Defendant Ryanne Seastress for an unspecified sum in excess of the jurisdictional minimums to include not only economic damages (including, but not limited to, medical, burial, funeral, and lost earnings if the person had lived), but also non-economic damages (including, but not limited to, grief, loss of companionship, pain and suffering, and emotional stress), costs, interest, attorney fees, and for such other relief as the Court may deem just and equitable.

SUNNY OVERTURF, PARENT AND HEIR OF  
KERI OVERTURF, DECEASED, Plaintiff

*Colorado High School Student*

By: \_\_\_\_\_  
His/Her Attorney

DISTRICT COURT, COUNTY OF EL PASO, STATE OF COLORADO Court Address: Judicial Complex 270 S. Tejon St. Colorado Springs, CO 80903	<div style="text-align: center; padding-top: 100px;">▲ Court Use Only ▲</div> <hr style="width: 20%; margin-left: auto; margin-right: auto;"/> <div style="text-align: center;">Case No.</div>  <div style="text-align: center;">Division/Courtroom:</div>
<b>Plaintiff: SUNNY OVERTURF, as Representative of the Estate of KERI OVERTURF, Deceased v.</b>  <b>Defendant: RYANNE SEASTRESS</b>	
Attorney for Plaintiff: Name: Colorado High School Mock Trial Student Address: 123 Main Street Everytown, CO 80999 Phone No.: 303-555-5000 Fax No.: 303-555-5028 Email: Coloradohighschoolmocktrial.com Atty. Reg. #:  Attorney for Defendant: Name: Colorado High School Mock Trial Student Address: 123 Main Street Everytown, CO 80999 Phone No.: 303-555-5001 Fax No.: 303-555-5029 Email: Coloradohighschoolmocktrial.com Atty. Reg. #:	
<b>ANSWER</b>	

**COMES NOW** the Defendant RYANNE Seastress and responds to the allegations in the Complaint as follows:

1. The Defendant agrees that the allegations in Paragraphs 1, 2, and 5 of the Complaint are true.
2. The Defendant denies the allegations in Paragraphs 3 and 4 of the Complaint.
3. The Defendant denies that any damages of any kind for any reason are owed to the Plaintiff.

RYANNE SEASTRESS, Defendant  
 By: *Colorado High School Student*

\_\_\_\_\_  
 His/Her Attorney



## **STIPULATED FACTS**

1. All exhibits included in the problem are authentic and accurate in all respects, and no objections to the authenticity of the exhibits shall be entertained.
2. The signatures on the witness statements and all other documents are authentic.
3. Chain of custody for evidence is not in dispute.
4. Stipulations cannot be contradicted or challenged.
5. The Case Summary is of no legal consequence in terms of the trial and is not admissible for impeachment purposes or for any other purpose.
6. The cause of death for Keri Overturf was a gunshot wound to the chest, inflicted by Taylor Overturf.
7. The cause of death for Taylor Overturf was a gunshot wound to the chest, inflicted by Jordan Sparkle.
8. The gun Taylor Overturf used to kill Keri Overturf is the gun pictured in Exhibit 5 and it is an accurate police photograph of evidence recovered from the scene of the shooting on 3/6/09 at the The Sky Hotel.
9. The gun pictured in Exhibit 5 is registered to Ryanne Seastress and was reported stolen by Seastress on Wednesday, 3/4/09.
10. Exhibit 1 fairly and accurately reflects the scene, view or geography it purports to depict. The locations ("X") indicated on Exhibit 1 show where the bodies of Kerri and Taylor Overturf fell after being shot.
11. Exhibit 4 was recovered from the body of Taylor Overturf by the Office of the Aspen Sheriff and released to Sunny Overturf.
12. Exhibits 3, 7 and 8 and all contents thereof are stipulated to be admissible without further foundation.
13. Exhibit 9 was among Taylor Overturf's personal effects released to Sunny Overturf by the Office of the Aspen Sheriff. Analysis of the handwriting on the note was inconclusive.
14. There are no costume options permitted as an exception to Rule 4.8.
17. Sunny Overturf is the only living parent of Keri Overturf. Keri Overturf never married and never had a child.
18. Ryanne Seastress was never criminally charged in connection with the death of Keri Overturf.
19. Damages will not be considered at this trial. If, and only if, the jury at this trial finds the Defendant Ryanne Seastress liable, then a separate trial will be held to determine damages.

## **EXHIBITS**

The following exhibits may be used by teams in competition. They may be marked by the individual teams and should be referred to by number, as follows:

**Exhibit 1    Diagram of fashion show venue**

**Exhibit 2    “Fashion Flare” article from Glad Rags Mag.**

**Exhibit 3    Security plan for fashion show**

**Exhibit 4    Fashion Show ticket**

**Exhibit 5    Gun**

**Exhibit 6    E-mails**

**Exhibit 7    Ballistics Report**

**Exhibit 8    Ryanne Seastress’s Firearms License**

**Exhibit 9    Note**

## **SUNNY OVERTURF - WITNESS STATEMENT- PLAINTIFF**

1. My name is Sunny Overturf. My daughter is Keri Overturf. I'm still in shock that my beloved, gorgeous, precious daughter is dead. I miss her smile, her humor, her friendship, her companionship and her talents every day of my life. She will never grow old. She will never marry. She will never have her own children. It's just so painful to know that my best friend is gone. No parent should ever lose a child.

2. Keri is a supermodel. I'm sure you've heard of her. She's as good as Heidi Klum or Tyra Banks. Her future was guaranteed until she was shot dead. Additionally, she is a great clothing designer. She loves clothes. She understands what people love to wear. She understands what fits. She understands how to use colors and neutrals to make everyone look stupendous.

3. But what happened? My twin brother Taylor Overturf and that Ryanne Seastress could not stand seeing my Keri be successful. Greed, jealousy, hatred and evil drive that twosome. Taylor may have pulled the trigger, but I'm sure Ryanne was behind it and is just as guilty. Taylor would never have murdered Keri unless he was getting paid by someone like Ryanne. Besides, Taylor obviously was not in charge of the planning for the murder. If he had been, surely he would have had some workable get-away plan—besides his own death. No, this was planned by Ryanne—right down to Taylor's death. With all that security, Ryanne had to know that Taylor surely would not survive to “rat” on Ryanne. Ryanne was the mastermind behind the murder. My instincts leave no doubt. Trust me a parent knows.

4. Ryanne needs to suffer the consequences of his/her treachery and for his/her involvement in Keri's murder. But no amount of money will ever be enough to replace my daughter, she's irreplaceable and priceless.

5. I'll never forget that fateful night—seeing my precious Keri murdered. It was dark. The lights had dimmed for just a moment before the grand finale. I could hardly see anything as I slowly crept down the aisle and back to my seat. I had a couple of cocktails in my hands and I was careful not to spill a drop on anyone as I eased past other spectators in the row. My seat

was in the middle of the row. I remember seeing Kris Alton on the runway near Keri. I thought this was odd, since Kris had served me my first gin and tonic as a waiter/waitress when I arrived earlier in the evening before the show started.

6. Yes, Kris was up there with Keri and Ryanne and Alexx Lamb too. Since the show was a Kaw Designs production, Ryanne was naturally the emcee. S/he was babbling into the microphone about something obnoxious. The next thing I know, I see Taylor making a beeline right past Ryanne and towards Keri. Then I saw Taylor pull out a gun and shoot my poor Keri right there in front of me. I'll never get that gruesome scene out of my mind. Shocked, I dropped the drinks I was carrying. I'm sure someone got wet, but I didn't care. I scrambled to get to my poor Keri as quickly as I could. I was still trying to get out of the row when I heard another gunshot, and then I saw Taylor fall. I looked over to where Ryanne was standing with that smug, arrogant, self-satisfied look on his/her face; everyone else had a look of horror and terror on their faces.

7. Kris was already by Keri's side when I made it there, but Keri was apparently unconscious. Kris looked at me, but that was all, as three or four doctors who had been attending the show started to examine Keri. They looked at me and shook their heads. The ambulance came and took her to the hospital anyway. I was numb. Keri was dead and Taylor was the one who shot her. Nothing made sense. To my surprise, Ryanne was one of the first to offer his/her condolences at the hospital. "Too bad," s/he said. "Keri was about to really hit it big." But there was something too smug, too smirky about his/her look. Anyway, Ryanne left as quickly as s/he arrived and I wasn't complaining. I had other matters to attend to. My Keri was gone. At the time, I didn't know why or how. Now, I do.

8. But here's some family history. My Daddy was a biker and a mechanic. He was good with his hands, which were rough, yet skilled, but his true, secret love was haberdashery. He adored men's clothes and hats, and he kept a studio in a tiny room I referred to as "The Closet," out of site of the "rag wearers." That's what he called anyone who wore clothes off the rack.

To this day, he is the only man I've ever known who could repair a greasy intake manifold during the day and a silky inseam at night.

9. He designed and made all of my clothes growing up! Daddy never really marketed his clothes, but he would create marvelous outfits, made mostly of leather and denim, for his biker friends when they needed to dress up nice for court dates and the like. As the years passed, Daddy came out of "the closet", literally, as mannequins adorned in partially completed designs took up residence in every room of our doublewide trailer. He rode his chopper less and less, but his sewing machine would sing long into the night. Momma grew frustrated. She fell for Daddy when he was a young raging rebel, riding free on the open road, his long auburn hair flowing in the wind. Well, Daddy's hair stayed long, but it was graying and he kept it pulled back in a ponytail most of time. He couldn't thread a needle with hair in his eyes, he said one day. With that Momma had had enough, I guess. That's what she yelled, anyway, as she hopped a train and headed west, never to be seen or heard from again. I was almost fourteen. She left Daddy to raise me and my fraternal twin, Taylor, on his own. Daddy always said Momma had a wandering soul and for some reason he never seemed bitter, as if he believed she'd return one day. I knew better. She left us cold and never looked back. And neither did I. Daddy was all I needed. He was a giving, warm man, especially when he was not drinking. He had his issues, but he did his best to include us in his lifestyle, as mixed up as it was. Maybe that's why I have, or had such an attachment to Keri. I always tried to be there for Keri, like Daddy was there for me.

10. Of course, I fell under Daddy's influence...when it came to clothing design, that is. I think I learned to sew before I could walk. He taught me to appreciate fine clothing as an expression of one's inner self, as keenly crafted works of art. To him – and me – a finely tailored men's three-button pure wool suit in a deep navy solid or in a charcoal grey with pinstripes could evoke tears of joy. Designing and sewing special clothes was a way for me to make a living.

11. But Taylor was not interested in fashion. Ol' Taylor is a different breed of cat! He took after Daddy's "other" persona. He rode his "hog" fast and furious and just like Daddy, Taylor could be loud and hard to handle after a few too many beers. Taylor used to manage Daddy's repair shop, before it went belly up when Daddy stepped back to focus on fashion. In between guest stops at the county "lock up" for alcohol and illegal drugs, Taylor has worked as a "collection agent" for a locally owned and operated loan office, which was run out of the back of a butcher shop. Taylor was the one with the drug problem—not my Keri. I can't believe all the lies being told about my Keri being a drug addict—now that she's dead. I would have known if Keri were into drugs. She wasn't.

12. Taylor and I are not very close. I haven't talked to him since April Fool's Day last year. I think I teed him off then because I put the kibosh on his hair-brained plan to publish pictures of Keri wearing a skimpy swimsuit in a cheesy calendar sponsored by some "off shore" sports book with which Taylor did business. I thought he was joking when he told me how many "boxes of ziti" he stood to lose if he failed to deliver Keri. I didn't know what he was talking about. I thought Italian food gave him bad heartburn. I told Keri I was sorry, but it just wasn't the image we at *team Keri* were looking to project. Keri did not need to promote the services of my sibling's low-life associates. Of course, Keri screamed and yelled, but Taylor said he understood before he left in a huff.

13. Excuse me for my digression. I tend to lose my train of thought, now that Keri's gone. She was my...my...my...no, not my "meal ticket," thank you very much. She was my rock, my mountain, my inspiration. It is true that if it weren't for the insurance money collected from the policies I took out on Keri, I would have closed shop by now. I own a small clothing boutique and design firm downtown in the loft district. It's now called Summit High Fashion. Keri thought of the name. She was extremely creative and talented. I miss her so much. The shop just isn't the same anymore without her even though she joined the business only about a year ago. I opened the doors at Summit High Fashion after a stint as a designer at a top clothing firm in New York, a prestigious job I landed right out of design school. I beat out that

slimy Kaw for the position and he hated me until the day he died last year when his yacht sank during a bad storm. Kaw didn't take losing well. I can't believe we used to be friends when we were in school, training – and hoping – to be designers. Kaw came from money and I guess that attracted me. Daddy's repair shop never made much profit and sustaining a pseudo-haberdashery was expensive, especially when the clothes Daddy actually completed were more for show than dough. Kaw was confident, smart and shrewd, but his design skills were limited. I think he only attended school to meet women, but he was so competitive, he aced all the marketing classes. Kaw quickly realized the money that could be made by creating a hot, sought-after design, even back then, when New York's fashion industry was not yet on par with Paris and Milan.

14. Now, fashion is everywhere and everyone who is anyone understands the importance of wearing the right clothes. Miami and Los Angeles currently also rank as elite fashion cities. Even Aspen, is rising up the ranks in the fashion world due largely to its status as a mecca for young, hip music performers, world-class skiers and Hollywood celebrities (and their entourages), many of whom have been outfitted exclusively by Summit High Fashion. Kevin Costner, Antonio Banderas and TomKat are all clients. I get so much press when the Cruise clan stops in! Aspen is the chicest mountain town in the U.S. Keri helped me design these clothes, but she got all the credit. She wore them as a model. She marketed them. She was constantly photographed by national and international paparazzi as she mingled with the rich and famous. Reports and stories about our designs were splashed all over magazines, television and the internet. My clothes, I mean our clothes, were hot and Keri was the flame. And Pauli Abdone turned on the stove.

15. I've known Abdone for many years and his/her early stories about our designs were simply delicious. Keri credited them for getting her noticed. I admit I grew weary when Abdone's follow-up pieces seemed to focus more on Keri than the clothes, but it did not cause friction. Abdone is a good writer, blogger and a great snoop. S/he can dig up the dirt, and I've paid Abdone before, to find information. Whether the true facts Abdone uncovers make it to the

web, his/hers is a different story. Abdone's allegation that other than Ryanne Seastress and Kaw Designs was behind Keri's death is pure fiction. Sounds like Abdone is negotiating a book deal and his/her publishers have requested a juicier plot.

16. With Keri's assistance, I finally felt the boutique, and all it stands for, was making inroads on Kaw's empire. Yes, Kaw did quite well for himself. After I took his expected job, he immediately borrowed some money from his father and started his own clothing-manufacturing firm. He was a pioneer in reaping the economic benefits of utilizing "sweatshop labor" from overseas. Like I said, Kaw was a smart man. Why deal with labor unions and high wages here, when he could pay mere pennies to make clothes perfectly acceptable to today's "rag wearers." For many years, Kaw sold more clothes in a week than I made in a year. Of course, my boutique caters to a different clientele. My customers appreciate quality and craftsmanship. Buying my clothes has never been a chore; it's an experience. Keri appreciated this fact and she took it several steps further. Yes, we were doing very well financially just prior to Keri's death and the outlook was promising. Now, her spark—her talent--has been extinguished. The publicity surrounding Keri's death has subsided and the "sympathy" sales spike has run its course. We are holding on, but I need a sizable infusion of cash...I mean capital. I'm tired of it, though. Competition is greater than ever as the market has become saturated with all these young wannabe designers. God bless them, but I don't see how they are going to make it and that's 20 years of experience talking. Clothing manufacturers like Kaw are ruthless and will stop at nothing to achieve market dominance. From his grave, Kaw continues to attack me and my business, through his henchman/woman, Ryanne Seastress. With Kaw and me, it was always a personal feud and now Ryanne, after years of tutelage by Kaw, has joined the fray.

17. Ryanne has a "must win at all costs" attitude. Ryanne killed my daughter. Ryanne ordered the deed and Ryanne had it carried out. I know this in my heart, just as I know Ryanne is a power-hungry tyrant, bent on crushing my company. Ryanne told me as much when I saw him/her at a celebrity charity fundraiser tennis tournament last fall. Keri and I were playing



doubles against Tara and Andrea Miller, twin sisters who were models. We were tied 1-1 going to the third set. As we exchanged sides of the court, Ryanne came up to me out of the stands. "If it wasn't for Keri," Ryanne boasted with a mean grin, "You would've been toast already." I thought he/she was talking about the tennis match back then, but now I realize s/he meant serious business. Since taking over for Kaw, Ryanne has bulldozed at least three competitors, and s/he wants Summit High Fashion to be the next victim.

18. I'm sure the jury will see through Ryanne's treachery. He/she had Alexx Lamb spying on us when s/he came to work for Summit High Fashion. Keri warned me Alexx was a snake and couldn't be trusted, but I thought s/he was of the old school and just needed a chance to get out from under Ryanne's grip. My, was I wrong. I wouldn't let him/her sew a hem, now. Jordan Sparkle gave me all the proof I needed to show Alexx was feeding Ryanne inside information. Alexx was jealous of Keri even before I canned him/her. Of course, Alexx is testifying for Ryanne. Kaw is still the only manufacturer buying Alexx's amateur rags now that Alexx is an independent.

19. I wasn't able to put the pieces together about Ryanne's scheme until Kris Alton courageously came forward. I have known Kris for several years as s/he has done some runway work and print ads for us before. Kris has an interesting look and a solid portfolio but s/he has blown out a lot of candles, if you know what I mean. Kris told Jordan Sparkle and me about Ryanne's previous plot to "take out" Keri and how the plot failed. I accepted Kris's apology because I know how hypnotically persuasive Ryanne can be. It was all I could do to keep Keri from Ryanne's clutches earlier in her career. I believe Kris's story, especially after the hours of cross-examination Jordan put her/him through.

20. With the help of Jordan, I have been able to put two and two together. However, the icing on the cake was when I was called to the morgue to gather Taylor's personal effects. I'd never seen Taylor with that much cash he must have had on him that night. It looked like John Dillinger walking around money! He also had a comp ticket to the show with a personal note written on it from Ryanne. And that note, that Taylor had on him the night he died, I know

that's Ryanne's handwriting. I'd know it anywhere! Ryanne had my Keri killed, and I'm going to make him/her pay dearly for that.

Subscribed and Sworn to on this 21 Day of July, 2009

*Sunny Overturf*

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Witness Signature

## **JORDAN SPARKLE – WITNESS STATEMENT - PLAINTIFF**

1. My name is Jordan Sparkle, and I am the president of Rambo Investigations; you might say, I “am” Rambo Investigations. My cousin, Sammy "the Bull" Sparkle, helped me stake claim to my own PI shop once I retired from the Aspen-Snowmass P.D. Some new "goody two-shoes" captain came on board and decided he didn't like how we detectives were doing things. You know, you give a little here to get a little later-- one hand washes the other – *you get it?* The new guy says that wasn't going to fly. But, if you are going to work with dogs, you are going to pick up a few fleas, so you might as well make the best of it from time to time. But anyway, this choirboy decides that's no good anymore, and he frames me for borrowing office supplies to start a new biz: a correspondence course through Jane Marple's College of Criminal Justice, where I happened to study myself. The new broom cans me --after seven years as a decorated detective! I mean, come on!

2. But I showed him; after I left the force, Sammy helped me get into a real detective agency. Sammy the Bull knows a lot of people who need detectives. He knows more who don't realize they need my help though, so he sends me to talk to them occasionally. Then, bam, I'm rolling in more green than I ever did as an official detective!

3. One client who needed no persuading was Sunny Overturf. You might not think a hoity-toity designer would have gumshoe problems, but let me tell you, they do! It's as cutthroat in the suites as in the streets; everybody's trying to rip somebody off. Marlin Kaw and Sunny Overturf have been at each other for years. When what you're selling is gossamer rather than pork bellies, every day still might be your last! I started out on the “gossip run” pimping leads for Sunny Overturf's business, *Summit High Fashion*, on which celebrity is doing what, with whom, and how can they be convinced to do it in a trademarked Summit High Fashion original. Then I moved up to meatier issues. Sunny's a prodigy, a natural, but s/he is no businessperson. There were a lot of shady issues with copied designs, spies in the workrooms, that kind of thing.

4. The fashion models are worse than neurotic cloth cutters, worse than chain-smoking seamstresses, and even worse than Sammy's spoiled kids. Sammy always sent me to nursemaid

one or another through some crisis. Take Kris Alton for example, after the shooting Kris told me about Seastress twirling the gun and suggesting s/he get rid of Keri her/himself. I think Alton was oblivious at the time to the real motives behind Seastress' solicitation for a hit. That realization has really sent Alton for a loop. Of course, it also just could be that Alton was out-of-work at the time I interviewed him/her. It could've been because Kris' just high-strung. Since then, Seastress had hired and fired him/her again. S/he was always coming to Sunny with all sorts of new conspiracies.

5. Regardless of Alton's personality though, where there's smoke, there's fire. Sunny Overturf used me to put out all sorts of fires. For a while, I was sheep-dogging Keri Overturf on her way up to the catwalk. Too bad I wasn't out front on the day of the show. I might've saved her. Sunny had me assigned backstage, where I was only in time to take down Taylor afterwards. Another on-going assignment was getting the goods on how Kaw tried to deep-six Summit High Fashion: specifically how they'd planted Alexx Lamb to sabotage the business and steal Overturf's designs, which is kind of ironic, considering how things turned out.

6. When I was on the force, the other detectives used to tease me about my filing system: "Which pile on your desk is this case in Jordan or did you tab the file with chili or ballpark mustard?" There has always been a method to my madness though, starting with the desire to avoid having anybody looking over my shoulder. Working for myself now, I scope out the design rivalry in my own way.

7. Not all of them orthodox, I grant you that. However, Sammy's concerned as a consultant (and maybe as a Summit High Fashion investor too --you learn not to ask him too many questions), that Sunny Overturf not be put out of business, so there's little room for the restrictions my "do-gooder" ex-captain would've wanted.

8. But they get results. Gaining access to e-mails, through the network administrator at the Summit High Fashion site, I zeroed in on particular IP and e-mail addresses. No "official" addresses for Ryanne Seastress, personally, or Marlin Kaw, but some anonymous ones being provided to Lamb on the sly through some hack-master. Then by taking advantage of old friends

on the Force and some new “friends” I made through Sammy, I arranged to monitor all e-mails sent to and from those addresses. I also arranged for some associates of Sammy to accompany me to the physical mirror site where Alexx Lamb’s ISP was administered in order to persuade the techies to look the other way as to our monitoring of Alexx. The results were interesting. Who would have suspected Sunny’s own twin? The family that spies together.

9. It seems that Lamb, who's a bit of a sponge and always has been, was sent to get a job at Sunny’s place. At that time, Lamb was a nobody. The general opinion is that Alexx is, or was, pretty derivative. Of course, sometimes that sells. Lamb had gone to Summit High Fashion to throw monkey-wrenches into the gears then steal what ideas s/he could from the wreckage. Sammy had warned me that Overturf’s place was never very businesslike, so it wouldn’t have taken much. It was only later, probably, that Lamb became a tool for more sinister operations. To be fair, Sunny probably took Lamb in partially to recruit a sneak who’d ferret out gossip about Marlin Kaw, that is, after all, what Sunny had me doing at the same time, but I’m not one of them, if you get my drift; I’m a working stiff not an “artiste,” so my potential to get “inside” was limited.

10. Lamb is no artiste either, but fate can be fickle. And so can the buying public. Lamb’s designs took off. Strangely, having been so blind to business administration elsewhere, Sunny nevertheless somehow managed to get Lamb on a tight contract; all those hot new ideas belonged to Summit High Fashion. Lamb was angry about that when s/he left to go out on his/her own, let me tell you. I think that’s why Lamb played with Keri’s head, feeding the kid’s dreams of showing Sunny what Keri could do as the prodigy kid got more and more independently hot as a model. Keri and Sunny, in spite of being family, had a volatile relationship, although certainly not as volatile as Keri and Taylor’s. From what I can tell, Taylor has always been a bit of an odd duck. That mix was fire and gasoline - or should I say Keri’s flame-dyed hairstyle and Taylor’s developing fluid!

11. Even as a minor, Keri was a naturally better businessperson than Sunny, and Keri’s unexpected success was a prime reason for her parents’ shop getting back on the upswing. And

that was good, but the kid always had issues with Sunny and the co-dependency there made matters worse. Keri's was being promoted in Pauli Abdone's Fashion Scout on-line magazine and blog didn't help matters either. A brilliant kid with issues doesn't need a pal like Abdone. In turn, I think that's why Lamb feels a bit guilty now that Keri's dead. S/he lured the kid into the situation at fashion week. A career-changing offer, indeed!

12. The day of the big show. Friday, March 6, 2009, I'll never forget it! I'd gone early to scope out the venue. Marlin's, now RYANNE's, shows have been hostile territory for Summit High Fashion for some time. RYANNE decided to hold the fashion show at that brand new, state of the art Sky Hotel. It was profiled on *60 Minutes* a few weeks ago and it is right down the road from Seastress's multi-million dollar, high-security estate. Guess s/he wasn't thinking that some of us, who didn't live in the lap of luxury near Sky, would have to take the long drive over there. S/he probably doesn't care. Anyway, there's no treachery like that between former friends. Since I was private security for Sunny and Keri, I was packing. I still have my license to carry a concealed weapon from my detective days, and the metal detector going off nearly gave that poor rent-a-cop Simon Cowlick apoplexy. Would've been fun except, for what happened later.

13. Anyway, while Cowlick was breathing heavy into his handkerchief and all the surrounding guests were staring at me wide-eyed, Taylor Overturf marched up to the security station bold as brass. He stared at me and I stared back with my eyes kind of hooded, like I do when I want to intimidate. As I've said before, I'm not one of them. I'm a working stiff not an artiste. In other words, Taylor and I don't get along. Never have, really. But I wasn't so busy that I didn't glance at the detector's gauges as Taylor walked through. I know on my own that the device was working and since Taylor didn't set it off, he didn't have the pistol then. My theory is that it was given to him inside the show or left for him somewhere inside. I mean come on, we have all seen the famous Godfather restaurant scene when Michael Corleone kills the rival gangster Sollozzo with a gun that was hidden in the restroom! My old pals on the Force leaked to me that the registration on the pistol was to Seastress and it was for protection. Come on, how bad could Kaw's Designs be that they have to hold up their customers at gunpoint!

14. My job was to skulk around looking for trouble. I wandered around the catwalk, looking for anything amiss, until the room began to fill. Then I went backstage, leaving the beautiful people to fill the seats around Sunny. I noticed Pauli bug-eying all the celebrities, frantically taking down names and noting costumes for his/her next blog or tweet or whatever. The reporter had a better seat than some of the buyers, which just goes to show you today's priorities.

15. Backstage, Lamb, thrusting herself/himself into the heart of things, was flitting about like a hummingbird on Red Bull, air-kissing everybody. Well, not quite everybody; standing behind a curtain, I was close enough to hear the stage whispers between Alexx and Ryanne; there was nothing flighty about those. To the contrary, the tone was urgent and tense. I heard one of them say, "What about Keri Overturf? Oh, didn't you hear, our pint-sized prodigy's forever 'up in flames' just like her coif. After my stunning finale, she'll truly belong to the ages. Ah, but aside from that, Mrs. Lincoln..." I never saw them talking to Taylor that evening, but once the stage is set, does anyone really need one more rehearsal before the curtain rises?

16. Toward the end of the show, I noticed a disturbance at the other end of the dressing rooms. Alton was throwing a snit. Prima donnas! Before Ryanne seemed to have had time to summon him, Seastress had just been whispering to Lamb, Cowlick came huffing backstage to smooth things over. It only took me a moment to understand the gnawing sense in my gut that something was awry. Cowlick, being the most innocuous-looking of the security detail, thus the least likely to distress the invited guests, had been assigned to monitor access right beside where the runway goes backstage. A crucial piece of the perimeter.

17. Some sort of throbbing ruckus started out front; I think it was some hip hop music for the grand finale. Recalling my duty to Keri Overturf, I turned away from Alton's temper-tantrum which happened to be about the priority in the designers' queue --whose creation would follow and upstage whose and headed towards the wings where I could observe the now security-less catwalk for myself. Just as I reached the proscenium, I realized the audible pyrotechnics weren't part of the climax. That and the realization that the tone of the screams from out front was

agony, not ecstasy.

18. Pushing through the curtain, my weapon drawn, I spotted Taylor standing on the runway, a peculiar look on his face. More to the point, I spied a gun in Taylor's hand, and panicked models huddled over a limp form at the end of the stage. The only way he could have made it to that point on the catwalk before me was by slipping by that "Barney Fife" Cowlick.

19. Amid the pulsing strobe flashes, I detected a growing pool of red. Time slowed for a moment. I was aware, while the audience mostly drew back in horror, Abdone was pushing closer. Hungry for scandal, I suppose. It had only been a moment. Taylor had had just enough time to lose the stupid confused expression and glance, as if looking for someone, towards the curtains where I stood. Not me though, and without much thought beyond neutralizing the threat, my training took over and I shot.

20. I'm a good shot if I do say so myself. Taylor wasn't getting up again. Still, in the confusion I hadn't made an entirely clean strike. Now there were two growing pools of blood -- Taylor's dripping over the edge, Keri's on the catwalk. Not yet realizing Keri had been killed, I walked quickly to where Taylor had fallen. I was there in time to hear Taylor's dying words "I got to Lamb hold the jury, but only so long. Marlin and Seastress had me in their debt, so I had to shut down Keri's career." I've heard that Pauli, breathing down my neck with morbid glee as I leaned over Taylor Overturf, doesn't quite agree with my version of that night. Par for the course.

21. Pauli Abdone has been around: writing coverage "to suit" as it were, and making a little extra by catering to fashion models who want to lose body weight while not losing the energy to party all night with the beautiful people. I think Pauli knows more than s/he lets on about Alton's real problem on the runway; I think Pauli could shed some light on just how a copy-cat like Lamb got so hot so suddenly or how a kid like Keri became such a contest butterfly at just the right moment.

22. I even suspect Pauli knows more than s/he's telling about Taylor's real role at the fashion show, not that any of the truth will make it into his/her upcoming tell all book though. In my



opinion, Pauli Abdone is a talented fiction writer but not a journalist.

Subscribed and Sworn to on this 21 Day of July, 2009

*Jordan Sparkle*

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Witness Signature

## **KRIS ALTON – WITNESS STATEMENT – PLAINTIFF**

1. You have probably heard of me before--I'm Kris Alton--famous runway model and prolific cover model for Teen Model magazine! I just turned 29 -- totally hot, sexy and completely awesome! I have been a model since I was a babe in diapers! But right now, because of this Keri Overturf thing, I am in-between gigs. I'm waiting for the hot new fashion designer, Alexx Lamb, owner of Alexx - the hippest clothing scene in Colorado Springs and all of Colorado, to come to his/her senses and sign an exclusive modeling contract with me. If Alexx knows what is good for him/her, I won't be kept waiting much longer. I have so much dirt on Alexx. I would hate to spill the beans about him/her copying dearly departed Keri Overturf's last designs. The designs that were still on her drafting board when he/she was brutally murdered! Oops!

2. I have to admit that Keri Overturf was not my favorite person. After all, she was my competition. Life was way too easy for Keri, with her parent, Sunny Overturf, owning a design firm and boutique in Aspen and all. Keri didn't have to work hard for anything. Keri was guaranteed a job as a designer and then she thought she was hot enough to model, too. But I have to admit that Keri did save the business from going under when she entered the scene with her new designs and then modeled them too. My problem with Keri was that I was top model at Summit High Fashion until she hit the scene, and then Sunny dropped me like a hot potato because he/she had Keri to model and design the new fashions. And of course, Keri was family!

3. After Sunny did me wrong, Rianne Seastress from Kaw Designs immediately picked up my contract. It was a little odd being out in Aspen, not in Colorado Springs or Denver, but hey, the money was fabulous and Aspen does have its share of really hot celebrities to hang out with and chic places to be seen. A little quieter than Colorado Springs, but if you know where to look, there's always something to keep you from being bored! But looking back now, I guess Rianne thought s/he was going to have me do more than model. Rianne suggested to me that Kaw and I would be better off with Keri gone from the fashion scene. Rianne showed me a gun and as s/he twirled it around like s/he was a Wild West sharpshooter and casually remarked that "this gun could be used to get rid of Keri" and to get Kaw and I back on top where we both belonged.

Ryanne jokingly suggested that I use this gun for the *Sopranos*-themed photo shoot coming up instead of the prop and perhaps it could “accidentally go off when I was in the vicinity of Keri”. I thought Ryanne was kidding and I told him/her so. I really did not give it another thought until now. That photo the attorney showed me is the gun that I saw. I’ll never forget what it looks like.

4. Thinking back now, I remember seeing Keri’s low-life uncle Taylor, leaving Ryanne’s office a few days after Ryanne joked to me about getting rid of Keri. As Taylor walked by me, he had a roll of cash in his hand and was stuffing it inside his jacket pocket. Taylor sneered at me and called me a wimp and said that if I was not going to do anything about Keri, he would. Taylor remarked that Keri had borrowed “all the dope she was going to get” and would “have to pay up or pay with her life”. That is when I realized that Ryanne might have been serious about really getting rid of Keri for good. I immediately told Ryanne that I was not going to be part of a murder plot, even if I would be better off with Keri gone from the modeling scene. Of course, Ryanne retaliated by firing me on the spot and saying something lame, like “you should check into a mental hospital” because s/he said that s/he did not know what murder plot I was babbling about. Ryanne told everyone that s/he fired me because s/he caught me buying dope from Taylor Overturf and for being high at a shoot. How lame! I’ve been mostly clean for over a year and everyone knows it!

5. Well, regardless of the truth, the rumor Ryanne started got me totally blackballed from the fashion scene, so I was reduced to waiting tables while plotting my comeback. That’s why I was originally supposed to be at the show that night during Aspen Fashion Week – the caterer hired me to run cocktails out to all the fashion big-wigs sitting around the catwalk on the floor of the hall. I was at the hall, near the security area, on Thursday afternoon, going over my duties with the event manager, when I heard the metal detector going off. Security had been working to set up the detectors all morning and when I heard the alarm going off, I looked up and saw Ryanne walking past the security guard. I heard him/her say to the guard over his/her shoulder, “It’s OK, I have a license.” S/he just kept walking. It didn’t look like a big deal and the guard

didn't do or say anything, so I went back to listening to what my manager was saying... keep the glasses full... blah, blah, and blah.

6. I got my chance for that comeback when one of the runway models got sick the night of Keri's murder and the producer called me to fill in. Imagine my surprise when I saw Ryanne, Alexx and Taylor chatting backstage about 5 minutes before the finale. I was really close to Keri on the catwalk, waiting to start my walk for the finale, when that moronic security guard, Simon Cowlick, came up and nearly broke my arm pulling me off the stage. Cowlick said that Ryanne told him I was having a fit and throwing things at the wardrobe girls backstage, and that he was going to throw me out of the show if I didn't straighten up. It was really no big deal and was all over with by that time anyway... it was just that my leather pants did not fit right and the girls in wardrobe could not get it through their thick heads that I was not going to be seen at Aspen Fashion Week with wrinkles in my leather. To make my point, I threw the closest thing I could find, which happened to be a box of straight pins at one of those dumb girls. Right before Cowlick pulled me off stage, I saw Taylor Overturf running toward the catwalk from behind the curtains. Taylor was pulling something shiny out of his inside coat pocket. I tried to tell Cowlick that something was going on with Taylor, but Cowlick said he was probably stopping me from getting my fix from Taylor. It was then that we both heard gunshots. While Cowlick was roughing me up, Taylor shot Keri, and then Jordan Sparkle shot Taylor. I later heard that Keri owed Taylor big bucks for some dope she purchased on loan and that she had told Taylor she did not have to pay up since they were kin.

7. Oh well, after all the excitement, with Keri dead and gone, I was once again elevated back to my top model status and Ryanne Seastress begged me on bended knee to come back to work for Kaw Designs. S/he said I would get big bucks, my own dressing room and limo if I could just let bygones be bygones. A couple of days later, at a big show in Denver, while I was parading down the catwalk, the heel of my boot came off and I tripped on an uneven plank on the stage and fell. I nearly fell off the runway and broke my neck, but after a minute, I was able to get up and limp off stage. Before the show started, I remember seeing Ryanne head over to the

shoe rack and I just know that s/he loosened the heel on the boot I was planning to wear at the end of the show on purpose in order to get rid of me. At the beginning of the show, when I went out on the runway the first time, there was no uneven plank. Ryanne was out there after me during the intermission messing with something on the floor near where my heel came off and I tripped.

8. To add insult to injury, that poor excuse for a writer, Pauli Abdone really dissed me in his/her column and called me an over-the-hill, washed-up has-been! Pauli also wrote that I must be up to my old tricks of using, since Ryanne fired me again after that show. Of course, I think Ryanne heard me tell Alexx Lamb how much these new Kaw designs looked like Keri Overturf rip-offs and how I would much rather work for Alexx, who is younger and hotter on the fashion scene. Also, Ryanne knows that I know that s/he was the one who hired Taylor to get rid of Keri. After what happened with my heel and that stage plank, I'm convinced that s/he planned to get rid of me, just like s/he did Keri. I wanted to go on to greener *turf* – no pun intended, sorry - and I know too much about what went on and I'm willing to tell the truth about it. In fact, I am going to go out and hire a lawyer right now and file suit against Ryanne and Kaw Designs, too, because of the attempt Ryanne made to kill me.

Subscribed and Sworn to on this 21 Day of July, 2009

*Kris Alton*

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Witness Signature

## **ALEX LAMB – WITNESS STATEMENT – DEFENSE**

1. My name is Alex Lamb. I am a 21-year-old fashion designer, and yes, I am the owner of *Alex's* - the hippest clothing store in Colorado Springs. I always wanted to be a fashion designer. As a child, I was dazzled by the style world as portrayed in magazines, on television, and on websites like Style.com. After all, fashion designers are the new rock stars. Therefore, I enrolled at the High School of Fashion Industry in New York and studied fashion illustration at the Fashion Institute of Technology. I confess it is satisfying to finally have the world recognize one's genius. After all, I am the latest fashion prodigy following Yves St. Laurent, who took over at Christian Dior when he was 21, and Esteban Cortazar, who was just 18 when he unveiled his first collection in New York. I knew that if no talents like Jessica Simpson, Sean Combs, Jay-Z, Jennifer Lopez and Beyoncé could market their own lines, then I could too. However, I did not want to stay in New York to be the next Donna Karan or Oscar de la Renta. I wanted to establish myself here in Colorado as a designer in my own right. Therefore, I left New York three years ago and came back home.

2. My first job was as a fashion designer for Kaw Design and Manufacturing, Inc. over in Aspen. Aspen's a good-sized place, with suburbs of its own. They have a really active artist community and a pretty hot nightlife for a town its size, but the lifestyle is a little more laid back out there. I interviewed with Ryanne Seastress and s/he hired me on the spot. Ryanne wanted to tap into the new wave of young Indie designers from the artsy enclaves where fashion mixes with hip-hop and punk rock music. I enjoy the coffee house and club scene. I was the first to start having undiscovered musicians wear my clothes on stage, at select parties and at art openings at galleries - places sure to attract stylists, writers, bloggers and fashion assistants. However, corporate types, like Ryanne, don't understand that young customers are a bit jaded and can tell the difference between a corporation who has figured them out on paper versus a designer, like me, who is hanging out in the same scene. My type of authenticity has a new premium. Young people are paying attention to what young stars are wearing in the weekly tabloids. All it takes is for a band to have one great video with one great song, and the style is out there.

3. Therefore, I am very much associated with the underground music scene. Musicians appreciate the avant-guardism of my designs. Many designers grew up jaded in an era where marketing by association was a way of life. My designs, and the young musicians that I work with, are disdainful of being told what to make and what to wear by corporate entities and I look to express myself in the face of that. That is why I work with unconventional materials like glue and black felt tip pens. I also make creations from old newspapers and fabrics from dollar stores. Everyone at Kaw's was so self-conscious. Believe me, the uptight corporate culture at Kaw starts right at the top with Ryanne. I tried to destroy that uptight business culture by creating a spectacle with my designs. But alas, I was the round peg in the square corporate world that is Kaw. Therefore, after about a year, I left Kaw when an opportunity came along to work for Sunny Overturf back in Aspen. Surprisingly, Ryanne didn't protest my leaving. What was even more surprising was that when I went to work for Sunny at Summit High Fashion, a direct competitor of Kaw's, Ryanne didn't even try to enforce the Covenant Not to Compete contract which s/he made me sign when I started work at Kaw's. Ryanne has a well-known reputation as a cut throat take no prisoners CEO. I was really surprised Kaw didn't even try to stop me from working for Summit High Fashion.

4. My employment with Sunny Overturf at Summit High Fashion also was short-lived. Although Summit High Fashion was supposed to be more of a friendly environment for an artist like myself, I found working there no more satisfying than working at Kaw's. One of the things I detested about Summit High Fashion was Sunny's sleaze bag brother Taylor who worked as a photographer for the company. If you've hung out in as many clubs as I have, you can recognize a junkie like Taylor from a mile away. The relationship between Sunny and Taylor was very dark and stormy. On many occasions, I heard them arguing and yelling at each other. From what I could tell, the arguments usually concerned money. Taylor always wanted Sunny to give him more money. I heard Taylor telling Sunny that he owed money to people who would "hurt him if they didn't get paid." It was pretty widely known around Summit High Fashion that Taylor had a bad gambling problem in addition to hitting the booze and drugs pretty hard. One night when I

was working late at Summit High Fashion, two big goons approached me in the parking lot and asked me if I knew where Taylor was. Although I knew Taylor was in the office with Keri, I said I didn't know and got out of there quick. The next day when I saw Taylor, he looked like someone had worked him over pretty good from all the cuts and bruises. It was a few days after that that Taylor started bragging to everyone at Summit High Fashion that he had this brilliant idea to use Keri as a model in some cheesy pin-up calendar. Taylor also told me that, with the money he expected to make from the calendar, that he would finally be able to pay back the money he owed to Sammy the Bull, at least I think that was the name he said. I could tell that Taylor was desperate for this calendar plan to work by the sound of his voice and how he acted. Of course, the junkie could have just as easily needed a "hit" at the time.

5. However, you should have seen the fight that ensued that day in the office at Summit High Fashion when Taylor told Keri and Sunny about his calendar idea. In her typical prima donna fashion, Keri went absolutely ballistic and threw a temper tantrum like you've never seen. Keri went through the office smashing things, knocking stuff over and yelling that a pin-up calendar was beneath the dignity of a superstar diva like Keri and that she was no "cheap tramp like Paris Hilton." Sunny also was yelling at Taylor that this time he had gone "too far" in asking that Sunny's "precious little princess" participate in such a cheap and tawdry project. That's when Taylor said, "I'll get you – I'll get even with both of you if it is the last thing I do. And it very well may be." In fact, Sunny was always transfixed with that no-talent daughter of his/hers, Keri. Keri had no real talent, other than stealing my designs. Keri's "signature" creations, such as the cropped black bolero jacket with hot pink curls of wire-covered fabric doubling as pouffed Victorian sleeves, were designs she stole from me. When I complained to Sunny that Keri was stealing my designs, Sunny fired me on the spot. Sunny couldn't believe that his/her little princess, who had become a walking billboard for his/her corporation, would dare do something so underhanded. But I knew better.

6. In any event, leaving Sunny Overturf's was the best thing that ever happened to me. I am now an independent designer with my own store. I give free perks and discounts to rock bands



because my customers like that the cool bands wear my stuff. It adds a bit of romance to my label. Ever since retro-garage rock bands like the Strokes, the White Stripes, Interpol, and the Hives showed up on MTV a couple years ago in skinny ties, blazers and shaggy hair, the push to dress more like rock stars and less like record geeks - baggy jeans and tee shirts - has gained momentum. Now a second wave of alternative rockers such as Franz Ferdinand, the Killers and the Darkness have all raised the ante to a full-blown polished look. It's definitely trendy for band members to look more fashionable. So many underground bands are paying tribute to style icons from the 1980's like Duran Duran and Morrissey. In the past, everyone thought that these were foppish dandies and their fashion really laughable. But now it's more acceptable to dress like them because it's tongue-in-cheek. The idea that a band can't pay attention to their style and their music at the same time is so 1995.

7. Although I am an independent contractor, I have recently been making big money selling some of my designs to Kaw. Generally, I think Kaw's clothing is tacky and derivative. However, I was intrigued when Ryanne Seastress proposed the idea that Kaw, Sunny and I each collaborate for a collection and do a charity fashion show together. I had done a few collections in the past and generally found the whole scene boring. However, the outfits I designed for this show looked amazing. My inspiration for the show was white mountain snow and cool toned colors. For Keri, I designed a pink colored sheath with diamonds and faux mink accessories. Pink is the new black. It looked amazing. The show was going great, too, until the grand finale. For the finale, I was about to walk out on stage to take a bow with all the models when, out of the corner of my right eye, I see someone rushing towards the stage from the audience. I looked to my right and there, pressed up against the stage right below Keri, was Taylor with a wild look on his face. Like a second later, I heard shots ringing out, Keri collapsed on the stage and everyone started screaming and running. Everyone just panicked and there was lots of screaming. I turned to my left and ran for safety off stage with about a dozen terrified models. I had never seen anyone killed before and it was the most traumatic thing I've ever witnessed.

8. Sure, the bad blood and rivalry between Sunny Overturf and Kaw was well known. On more than one occasion when I worked at Kaw, Ryanne Seastress bragged that s/he had been able to “run a dozen or so competitors out of the business, but that nothing would make him/her happier than to destroy Sunny Overturfs’ business once and for all.” As for those e-mails Jordan Sparkle dug up, I have no idea who wrote them or where they came from. Ryanne and I never talked about playing a joke on Jordan and I never had an e-mail conversation like that with Ryanne or with anyone else. And this “spy” business that Sparkle’s been alluding to, it’s all part of some delusional conspiracy theory that’s brought about by poor business practices and a horrible fashion sense. Nevertheless, I don’t believe Ryanne Seastress is a murderer nor do I believe Ryanne Seastress was behind Keri Overturfs’ murder. Taylor was the black sheep of the Overturf’s family and was bound to snap someday and destroy himself or someone else. The get rich quick calendar scheme was probably the last straw.

Subscribed and Sworn to on this 21 Day of July, 2009

*Alexx Lamb*

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Witness Signature

## PAULI ABDONE – WITNESS STATEMENT – DEFENSE

1. My name is Pauli Abdone. I am sure that must sound familiar to you from my days as a reporter in the Big Apple. That's right. I used to write for the *New York Times* before my fall from grace was chronicled in the tabloids. "From Rising Star to Fallen Idol" was the way one headline put it. Thank goodness, my career is back on track now that I'm writing the "Fashion Flair" blog for *Glad Rags Mag*.

2. The tabloids had a field day with their reports that I was using freelancers to do my work and that it ultimately got me fired from the *New York Times*. My theory is that the tabloids made a big deal out of this because they were jealous that I was tapping in to their network of writers and were looking for anything to ruin my reputation.

3. I started hiring freelancers to do my work when the *New York Times* editors decided to turn the paper into a national publication and overloaded me with assignments. The editors wanted me to chronicle every tragedy that struck in backwater towns of America. Even with the best travel agent ever, it was impossible to be in as many places as they wanted coverage. On one typical week, I was flying to Atlanta on Monday morning to pick up a rental car to drive a couple hours south that afternoon to Willacoochee to cover the devastating tornado that had recently touched down. I immediately had to get back to the Atlanta airport to fly to Colorado so that on Tuesday I could chronicle the efforts to rescue a fallen hiker on Pikes Peak. Then I was off to Bangor on Wednesday to write about the big fire in an apartment complex that killed a family of eight that had just emigrated from Russia. The editors wanted me to then fly to Flagstaff to write about a drought in the Snow Bowl that was ruining the skiing. Next, I was off to San Diego on Friday to meet the return of a Navy carrier and the reunion of sailors and their families after months of being apart. You get the picture. If I'd been stretched any thinner, I would have been invisible. Thank goodness, I had weekends off.

4. When I became too exhausted to enjoy the frequent flyer miles, I realized I could reduce my misery by staying home and just hiring freelance reporters to do the work for me. Sure there were

some quality control issues and a few mistakes crept into the articles, but nothing that couldn't be handled in the little correction box along with my fellow staff writers' mistakes. I just disguised the freelance fees on my expense account and the *New York Times* was none the wiser because the writers I was hiring were cheaper than plane fares. I was able to pocket the difference, along with my salary. This arrangement allowed me to pick and choose the assignments I wanted to do myself and left me enough free time to do some lucrative freelance pieces of my own for publications way more hip than the *New York Times*.

5. The problem is that the tabloids discovered my use of freelancers around the same time as my eyewitness account of the death of Keri Overturf appeared in the *New York Times*. The tabloids screamed: "Faking It, Not Really Making It" when they questioned whether I was missing from the media circus that formed in Aspen to cover the grand finale of the First Annual Aspen Fashion Week Final Extravaganza fashion show supporting The Right Door. The collaborative effort that brought that hot young designer Alexx Lambert together with the rival design firms Summit High Fashion and Kaw Designs and Manufacturing, Inc., was unprecedented and the mainstream press, as well as the tabloids, were out in force.

6. Anyone who knows me would tell you that I'd never miss the opportunity to sit on the front row and watch Keri Overturf come down the catwalk. I chronicled Keri's rise as one of those rare supermodels that also is a fabulous designer. I live for plum assignments like Aspen Fashion Week. That's one of the reasons it's beneficial to me to have freelancers handle all those depressing articles about murder and mayhem. That way I could be in a positive mood when it comes to covering Keri Overturf. Sadly, my coverage of the fashion show was anything but upbeat because I found myself in the midst of the murder and mayhem I've worked so hard, or should I say have hired so resourcefully, to escape.

7. As the charity show was coming to a close, I was already reeling from the fashions that the designers had chosen. According to the program describing all the fashions on display that night, Alexx Lamb was the sole designer of the clothes to be featured in the finale and had found inspiration in "white mountain snow and cool toned colors". Okay. Whatever. But despite this

far-out “inspiration”, the clothes were genius! Keri was the last model out during the finale and Alexx designed this pink covered sheath with real diamonds and faux mink accessories for Keri. It gave Keri an odd, gangly sort of appearance that was so stylized and old-fashioned it was cutting edge.

8. The lights went dim for Keri’s grand entrance and very dramatically came back up. Keri paused for the tiniest instant for effect. Keri was a pro at the job! She started to strut down the catwalk and to my horror, just as Keri was coming down the walk, a gunshot rang out. Instinctively, I turned in the direction of the gunfire and saw Taylor Overturf tucking a pistol into a jacket pocket and trying to leave the catwalk in the direction of the closest exit sign. But then my attention was immediately diverted, because at that moment Keri fell from the catwalk and landed at my feet, retching blood on my shoes. Then, another shot rang out. Again, I looked in the direction of the gunfire and this time I saw Taylor Overturf crumbling to the ground as Jordan Sparkle and several others in the crowd wrestled Taylor to the ground on the catwalk. Although I was only a few feet away from Taylor Overturf and understandably distracted by the doctors in the audience who rushed to assist Keri, I thought most certainly that I heard Taylor say, “Let the record show that I’ll take injuries only so long. It never registered on the brat that I was the best shutterbug for Keri’s career.”

9. The next thing I knew, Kris Alton had come down off the catwalk and was pulling me aside. Kris's eyes were wide with horror. Kris whispered to me that some weeks earlier Ryanne Seastress had tried to give Kris a gun and tried to convince Kris to kill Keri. Ryanne mentioned something about using the gun during some *Sopranos*-theme show or something. Until the shooting during the charity show, Kris had thought Ryanne was either kidding, or if serious, could be thwarted simply by being ignored. Kris said that after the shooting, Kris felt guilty for not going to the police to warn them about Ryanne’s plans. With Kris pointing the finger at Ryanne (who was standing and staring right beside Alexx), I knew I had a real scoop that was better than anything any of the other reporters at the show could write. Kris even claimed that the

gun Taylor used was the same gun that Seastress had tried to give Kris earlier. Regardless, I must say that I was already feeling somewhat skeptical of Kris.

10. The problem was that I knew from one of the assignments that I had farmed out to a freelancer, an article that wound up being spiked by one of the editors at the *New York Times*, that Taylor Overturf hardly even knew Ryanne Seastress. It simply didn't make sense for Taylor to do anything for Ryanne that would harm his own family, especially given the length of the feud between Overturf and the Kaw firm. I had heard rumors that Taylor was somehow related to a string of "robberies" in which trucks carrying loads of Summit High Fashion designs were being "held up" by young fellows trying to get "made," when in fact they were all staged to sanitize bogus reports of losses to the insurance company.

11. What I didn't count on, considering the media frenzy at the charity show, was that when hundreds of reporters, not to mention the paparazzi, descend upon a news event, it doesn't take long for some reporters to turn around and fix their gaze on the media coverage. Next thing I knew, *Inquiring Minds* magazine was running an article showing photos of the press gathered in the aftermath of the shootings, in which my face is nowhere to be seen, along with cropped copies of my byline articles of my eyewitness account. To my mind, that doesn't prove that I was or wasn't there. Besides, they probably snapped those photos while Kris Alton had me cornered. Like I said, even though I was supposed to be an objective reporter, I was mad for Keri Overturf. I never would have missed an opportunity to see Keri strut down the catwalk.

12. Unfortunately, my editors at the *New York Times* didn't see it that way, especially after the news broke about my using freelancers and putting them on my padded expense accounts. They fired me in a face-saving move, even though they knew that I was definitely on the scene at the charity show shooting.

13. The firing came just as *Glad Rags Mag* was seeking to expand its market beyond fashionistas to the more mainstream audience on the web. *Glad Rags Mag* didn't care that the tabloids were speculating that my first person narrative of Keri Overturf's last march down the catwalk was at

worst just a piece of fiction or at best was co-opted from a freelancer. So, *Glad Rags Mag.* hired me to write an article exploring Taylor Overturf's underworld connections and to pen a new column, "Fashion Flair."

14. Lucky for me *Glad Rags Mag* had over one million web views with all this additional coverage from the tabloids. *Glad Rags Mag.* publisher Brian Bush recognized that having me on his staff would boost long-term sales when he signed me to write the "Fashion Flair" online blog. Thank goodness Brian came to my rescue with the new job. I think he is the only one who understood how traumatic it was for me to have seen Keri shot to death. Probably because he was still suffering from the horror of seeing his little dog Rags, his magazine's namesake, swept off in his own backyard by a coyote.

15. All of my critics, including Jordan Sparkle, can take a flying leap. Journalism is hard work.

Subscribed and Sworn to on this 21 Day of July, 2009

*Pauli Abdone*

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Witness Signature

## **RYANNE SEASTRESS – WITNESS STATEMENT – DEFENSE**

1. My name is Ryanne Seastress. I am thirty-five years old. I am the youngest Chief Executive Officer working in the world fashion industry. I run Kaw Designs and Manufacturing, Inc., ever since the death of my mentor, Marlin Kaw. You probably know the work of several of our properties: we use some of Alexx Lamb's designs, as well as those of other cutting edge designers. We're located in Aspen, Colorado, Marlin's hometown. He was very big on supporting the economy of the place that inspired him in his younger years and on being active in and giving back to his community. I've continued that tradition since Marlin's death and have decided to keep the company here in Aspen, despite pressure from many different directions to move our operations to L.A. or New York. I live here, too, in that new development at Buttermilk. I love Aspen. You can party with the Hollywood crowd in town or just chill out in the mountains when you get stressed.

2. I learned everything I know about the fashion industry from Marlin Kaw, who died so suspiciously last spring. As you know, he created the craze for torn clothes, safety pins, and o-rings in the '80s that became known as the punk look. As the look became more refined, he outfitted The Cure and Duran Duran in their early tours. The man was brilliant. Marlin always looked to people in the club scene for inspiration, and the younger the better. If you wore a cropped top and low riders for the millennium, don't thank Britney, thank Marlin Kaw.

3. Marlin went to fashion school with Overturf, but they never saw the industry the same way. S/he has always been something of a copycat for Marlin's styles. Oh sure, s/he did have that fad with the parachute pants back in the day, but who remembers that? All s/he ever did was take one of Marlin's styles and exaggerate it. If Marlin's showing pink, s/he makes it neon. Sometimes they catch on, like with the micro-mini skirt, but mostly we dominate the market for the 18 to 29 demographic.

4. Marlin's strength was his eye for trends, but let's face it, who makes money off of o-rings and safety pins? Any kid can get that stuff at Wal-Mart and look trendy. That's where I came in. I began working for Marlin as an intern right out of high school. I've always loved the fashion scene, but I realized that we could make a lot more money by promoting styles that couldn't be



found or imitated anywhere else. One of the slick ways we found to cut some of our costs was to use up and coming bands to wear our fashions at gigs. Its lots cheaper than hiring a bunch of coat hangars from some overpriced modeling agency out of the Big Apple, and you get the merchandise into the clubs where your target demo gives you immediate feedback. Kind of like focus group market research. We'd let the audience look at the clothes and tell us what they liked about them. Even better, if a band hits it big it might show up on the net or a cable TV music video and our designs will be seen by a national or international audience. Nothing like cheap, I mean like free, publicity.

5. This is exactly what we used to do with Alexx Lamb's work, when s/he worked exclusively for us. S/he found some hot bands to promote his/her designs. There was one kid s/he used a lot, some hip-hop banjo player called Lil' Nemesis T - really enthusiastic - but that didn't work out. Alexx's designs were just not that popular at the time. S/he liked combinations that our audience found a little off-the wall. You know what I mean. Like mini kilts with hooded capes in neon colors. They just never caught on. That's why we had no problem when Alexx left to go in house with Sunny Overturf. After Alexx went out on his/her own, s/he knew we had better connections with the big retail outlets to promote his/her designs, which is why s/he still worked with us on occasion. Purely as an independent contractor, though.

6. I knew Sunny's would do anything to rip off our designs. We never used industrial spies like Jordan Sparkle, though we knew who had hired him/her. We had a lot of fun leading Jordan on a wild goose chase. Even got Alexx involved in it, leaving phone messages about secret meetings, and stuff like that. It had nothing to do with Keri. They were just arranging to promote some of Alexx's spring designs. Jordan really is a chump. Truth be told, I met Sparkle some years ago when s/he was spying for one of our competitors. I paid him/her a nice stash of cash to honor what you might call a "non-compete" agreement. That agreement didn't apply to Jordan, though.

7. Jordan did do some collections work for us, too. You know, when we'd front some of our properties some money to do a job, like a photo shoot, or a design job, we wouldn't always get

back our capital. Jordan would help to encourage people to pay us back. Taylor Overturf was one of the photographers we'd had a problem with. We used him for a location shoot, sent models and materials to Barbados, yet he never came through with the pictures or paid us back for the investment. I heard he had a drug problem, like a lot of people in the industry, which made it even harder to collect from him. I told Jordan to get in touch with him, but the last I'd heard, no luck.

8. Keri and Taylor had an ugly history, too, if the tabloid accounts are true. Of course, Keri was just overexposed in more ways than one. Like most properties, she had her place in the scheme of things. Models like Kris and Keri can really market product if handled properly. With Pauli Abdone drooling over her every hair flip, Keri was positioned to rocket Sunny Overturf out of obscurity into the fashion stratosphere. Unfortunately for Sunny, Keri just was too unstable to handle the pressures of stardom. Not to speak ill of the dead, but with all the partying and drinking she was into, it was hard for her to maintain her best weight. The truth is some industry people were starting to call her Keri Overweight Overturf or just plain Overweight. Of course I would never say such things, especially now. Kris said Keri and Taylor fought constantly about having him do her shoots. Keri seemed to think Taylor was some sort of washed-up has-been.

9. As for any claims that I tried to have Kris shoot Keri: that's just absurd. Sure, Keri was competition, but I assure you we would have burst her little bubble without needing to resort to violence. I believe in healthy competition, not guns, and we had plenty of competitive advantages at our disposal to put down the Overturfs' little uprising. To the extent Kris is fueling this, that's just sour grapes. S/he is getting past his/her optimal selling point. There is nothing worse for your product than a property that is too senile to stay upright on the catwalk, which is why we let him/her go. Don't think Kris didn't know Keri was on the rise, and s/he was headed out to pasture. S/he only interested me to the extent s/he could sell our clothes.

10. Anyway, after Marlin died, I felt it would be better for business to court the competition a bit. You know, bury the hatchet with the Overturfs. That's why I asked Sunny and Alexx to design some things for our The Right Door Charity fashion show. The Right Door is a local Aspen charity that was founded through a community initiative to tackle drug and alcohol

problems in Pitkin County, Colorado. Since then, The Right Door has helped hundreds of people locally and nationally get the support they need. All the proceeds from the show were to go to The Right Door. With the trend toward more eclectic designs, Alexx had the whole “mountain snow” theme, Chanel did the formalwear, and Nicholas Barker designed some active wear for us, etc. etc. We got some of the hottest model properties, Keri, Kris, Natalie Barker, the Miller twins, and the Manoll twins. Twins are always a great seller. The designs were just the kind of thing to appeal to our demographic, and hard to imitate too. I knew we were going to make a killing selling this stuff through our retailers without fear of somebody flooding the big box stores with cheap knock-offs. We had invited all the right people, too.

11. The plan for the grand finale was that all the models would come out to the end of the catwalk and pose with the designers during a tribute to one of our past residents with a resounding chorus of “Rocky Mountain High” by John Denver. Of course, Sunny would rather sit in the audience and knock down enough gin and tonic to float a battleship than promote his/her designs. S/he always left that up to Keri. No wonder his/her clothing line never went anywhere before Keri caught fire on the fashion scene.

12. Anyway, the finale wasn’t what anyone expected. I was on the floor as the emcee, and I got a call from Alexx backstage. Apparently, Kris was having some sort of hissy fit. S/he didn’t like how things were fitting and started throwing straight pins at the fitters like they were dart boards or something. Alexx thought some of the models might get hurt, so I directed this guard, Simon Cowlick, who was right beside me at the front of the stage to go back and break it up. Little did I know Taylor had gotten through all of our security measures with a gun? The models came out for the finale, Keri got to the end of the catwalk, and Taylor just appeared out of nowhere and shot her. It was horrible. I have absolutely no idea where Taylor came from or how he got on stage. For that matter, I didn’t even know he was at the show. As far as the ticket he had on him with my handwriting on it, I write little vague notes on all my comp tickets. I still don’t know how he got hold of one.

13. Worse yet, the police said the gun Taylor used was the same one that was stolen from me. I have a Glock 9mm for my personal protection. Someone in my position is always a target. I would only use it in self-defense, though. The only place I'd ever fired it was at the range. Anyway, I had reported my 9mm stolen just two days before this, and the serial number on the gun Taylor used turned out to be the same. I have no idea how Taylor got my gun. Of course, it would be easy for someone like Taylor to pick up a stolen gun from someone off the street, I just can't figure out how he got past all the security and metal detectors we had set up. Only someone with special credentials could do that. As far as I know, the list of people allowed on the floor with weapons was limited to security and bodyguards of the various properties and me.

14. I never asked Taylor to shoot Keri, anymore than I asked Kris to do it. Sure, I sent Taylor a note demanding Kaw's money. He owed us. But I would never expect anyone to commit any act of violence. Just look at my charitable record. I contribute to more anti-violence charities than anyone in the fashion world. I just don't believe in it.

15. Even though we're competitors, I'm really sorry about Sunny's loss. Keri's death is definitely going to ruin him/her, but this hit-man connection idea is just part of Sunny's pathetic paranoia.

Subscribed and Sworn to on this 21 Day of July, 2009

*Ryanne Seastress*

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Witness Signature

## **COLORADO LAW & CASE**

(as modified for the mock trial)

### C.R.S. § 213-21-201 Damages for Death

(1) When any person dies from any injury resulting from or occasioned by the negligence, carelessness, recklessness, intentional act, or conspiracy to commit an intentional act (including but limited to deliberate murder), then the person causing the death, including any co-conspirator, may be sued for wrongful death and recovery may be received by the

- (a) spouse of the deceased; or
- (b) if no spouse, the child or children of the deceased; or
- (c) if no spouse and no children, by a parent or parents of the deceased.

(2) For purposes of subsection (1) above, a person is a co-conspirator engaged in a civil conspiracy if such person acts in concert or combination with another person (including by way of example but not limitation planning, plotting, procuring, acting, or joint effort) to cause injury to a third person when injury to such third person does result.

### C.R.S. § 213-21-202 Action Notwithstanding Death

When the death of a person is caused by a wrongful act, neglect, or default of another, and the act, neglect, or default is such as would, if death had not ensued, have entitled the party injured to maintain an action and recover damages in respect thereof, then, and in every such case, the person who would have been liable, if death had not ensued, shall be liable in an action for damages notwithstanding the death of the party injured.

### C.R.S. § 213-21-203 Measure of Damages

(1) All damages accruing under section 213-21-202 shall be sued for and recovered by the same parties and in the same manner as provided in section 213-21-201, and in every such action the jury may give such damages as they may deem fair and just, with reference to the necessary injury resulting from such death, including not only economic damages (which include, but are not limited to, medical, burial, funeral, and lost earnings if the person had lived), but also damages for noneconomic loss or injury (including but not limited to grief, loss of companionship, pain and suffering, and emotional stress, to the surviving parties who may be entitled to sue); and also having regard to the mitigating or aggravating circumstances attending any such wrongful act, neglect, or default. There shall be only one civil action for recovery of damages for the wrongful death of any one decedent.

(2) In all actions brought under 213-21-201 or 213-21-202 in which damages are assessed by the trier of fact, and the death complained of is attended by circumstances of fraud, malice, or willful and wanton conduct, the trier of fact, in addition to the actual damages, may award reasonable exemplary damages (also known as punitive damages). The amount of such exemplary damages shall not exceed an amount that is equal to the amount of the actual damages awarded to the injured party multiplied by three times. For purposes of this subsection (2), “willful and wanton conduct” shall mean conduct purposefully committed which the actor must have realized as dangerous, done heedlessly and recklessly, without regard to consequences, or of the rights and safety of others, particularly the person who died.

### Christopher v. Turner, 445 P.3d 960 (Colo. S.Ct. 2008)

Criminal and civil trials are different and have different burdens of proof. A person charged with a crime is presumed innocent until found guilty at trial. At a criminal trial, the prosecutor, on behalf of the state, has the burden to prove that the defendant is guilty of a crime beyond a

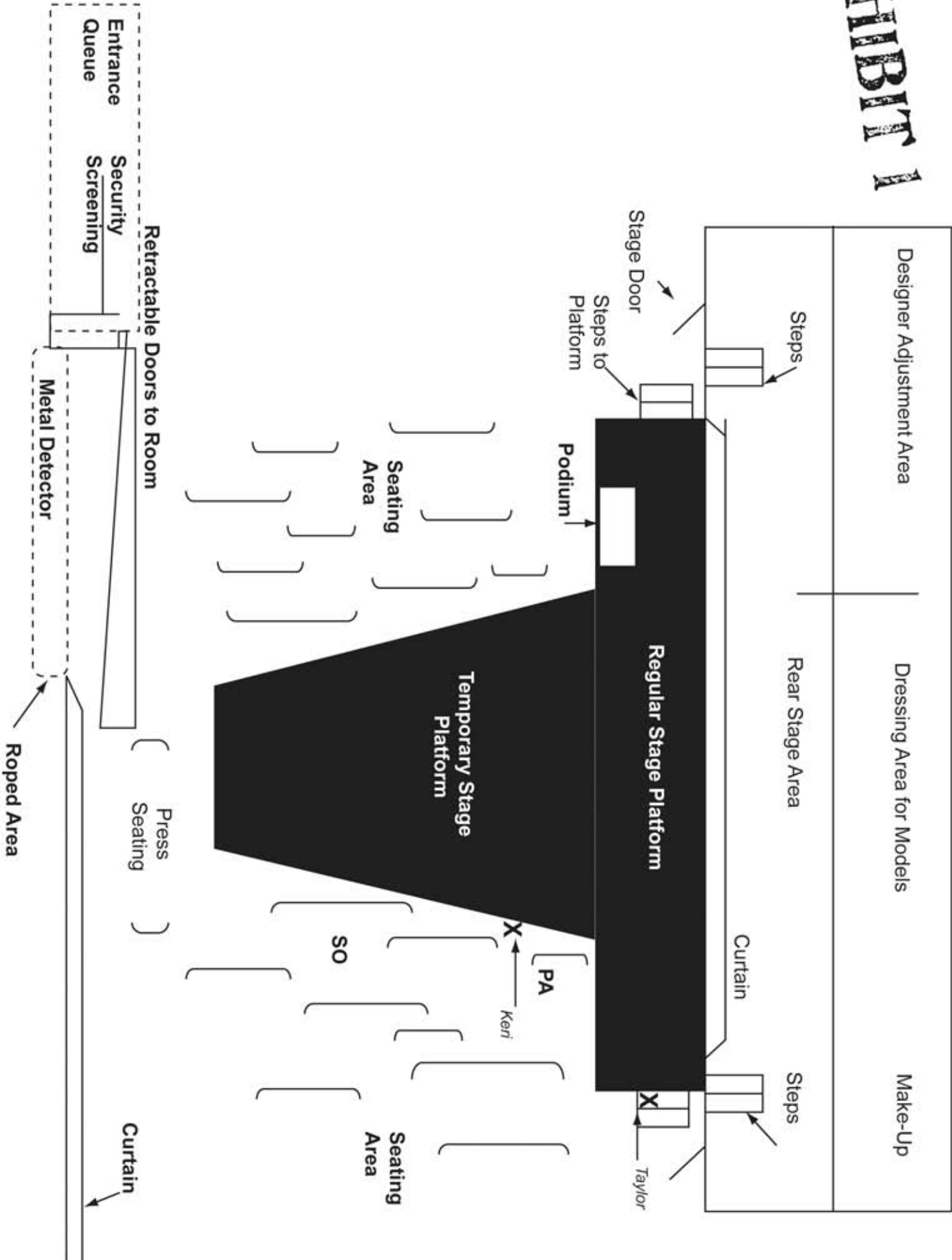
reasonable doubt. This burden does not require proof beyond *any* doubt or a shadow of a doubt, but it is a high standard. This standard requires the jury to be convinced to a moral certainty of the defendant's guilt; the facts presented must be so probative that they establish guilt.

In a civil trial, a plaintiff sues a defendant for damages, such as damages for wrongful death. In order to prevail, the plaintiff has the burden to prove his/her case beyond a preponderance of the evidence. This is a lesser standard than beyond a reasonable doubt. Preponderance of the evidence requires the plaintiff to provide sufficient evidence to incline a reasonable and impartial mind to one side of the issue rather than the other. Thus, the plaintiff must to some degree provide evidence that outweighs the defense. The plaintiff's evidence must be more credible and convincing than the defendant's evidence. Preponderance of the evidence is not determined by the number of witnesses, nor by the number of exhibits, but by which side has the greater weight after consideration of all of the evidence. Stated succinctly, in order to prevail, the plaintiff must have sufficient evidence to prove that more likely than not the plaintiff's claim is true.

Most notoriously, California charged O.J. Simpson with two murders—Nicole Brown Simpson and Ron Goldman. At the criminal trial, O.J. Simpson was acquitted—found not guilty—of the criminal charges. The prosecution failed to prove the criminal charges beyond a reasonable doubt. Next, their families sued O.J. Simpson in a civil suit for damages for wrongfully causing their deaths (i.e., wrongful death). Because the civil suit has a lower burden of proof—a preponderance of the evidence--it is possible to be acquitted of all criminal charges, but still be found liable for damages in a civil wrongful death suit.

Thus, when there is a criminal conviction for murder, that fact may be used in a subsequent wrongful death suit as evidence of wrongdoing. However, when no criminal conviction occurs—either because the defendant is acquitted or because the prosecutor decides not to pursue criminal charges given the high “beyond a reasonable doubt” standard, that does not prevent a successful civil trial for wrongful death based on the lower “preponderance of the evidence” standard. Nor, should the absence of any conviction be used as evidence in a civil wrongful death suit to try to exonerate the defendant of liability in the civil suit.

EXHIBIT I



## FASHIONFLAIR

BY PAULI ABDONE



Above: This is the image I will always remember. The sight of Keri Overturf modeling one of her chic designs on her next-to-last trip down the runway before an assassin's bullet sent her plummeting to her death.

### GETTING TO THE BOTTOM OF DOUBLE RUNWAY MURDERS

The tabloid investigation into my coverage of the murder of Keri Overturf has turned into a cross between two types of word games - Gossip and My Word - focusing entirely on the interplay of words. Those of you who recall my eye-witness account in the world-renowned *New York Times* in which I related the cold, villainous look in Taylor's eyes before he pulled the trigger (an image that will remain forever etched into my mind) will also remember that I reported with certainty that Keri's assassin, Taylor Overturf, stated: "Let the record show that I'll take injuries only so long. It never registered on the brat that I was the best shutterbug for Keri's career," after being felled up by Jordan Sparkle's bullet. For reasons that escape me now, Jordan claims that I misquoted Taylor's dying words. The next thing I knew, the tabloid press was claiming that I wasn't even at the show. This they say of the person who still suffers nightmares from the sight of Keri, retching blood on my shoes, as she entered the other world at my feet. I vow to devote my next article in *Glad Rags Mag.* to an expose of Taylor's underworld connections, making clear not only the motive for felling Keri Overturf, but also the reason why the credibility of my eye-witness account is being questioned. Until that time, the only way to keep myself sane was by focusing on the visual memory of my dear Keri at her loveliest. As I always say, accentuate the positive, eliminate the negative. At least until next month.



# Security Plan for the Annual Charity Fashion Show Supporting The Right Door *Sky Hotel Grand Ball Room Aspen, Colorado*

3/6/09 - 9:00 a.m.	<b>Equipment Set-Up</b> S. Cowlick begin installation of metal detectors in entry area - test metal detector functionality.
3/6/09- 4:00 p.m.	<b>Begin Security Plan Implementation</b> S. Smith to secure retractable doors to Grand Ballroom West and draw curtains to entrance of security line. K. Wood to place rope barricades. S. Cowlick to test metal detector functionality.
4:15 p.m.	<b>All security to report to screening area for final instructions.</b>
4:30-5:15 p.m.	<b>Models/Designers Arrival</b>  S. Cowlick - Metal Detector Screener S. Smith, K. Wood - Entrance Queue P. Caldwell - VIP Seating
5:15 p.m.	<b>Additional Event Security to report to Screening Area</b>
5:15-5:30 p.m.	<b>VIP/Press Check-in</b> G. Carley, J. Mann - Backstage Doors J. Culhane - Backstage S. Cowlick - Metal Detector Screen S. Smith, K. Wood - Entrance Queue P. Caldwell - VIP Seating
5:30 p.m. - 6:00 p.m.	<b>General Admittance</b>  G. Carley, J. Mann, - Backstage Doors S. Cowlick - Metal Detector Screen P. Caldwell - VIP Seating J. Culhane - Backstage S. Smith, K. Wood- Backstage Doors
6:05 p.m. -6:10 p.m.	<b>Security to take places for Event</b>
6:15-6:50 p.m.	G. Carley, J. Mann - Rear Ballroom S. Cowlick - Below Announcer Podium S. Smith, K. Wood - Backstage Doors P. Caldwell - Patrol outside Ballroom J. Culhane - Screening Area for Late Arrivals
7:00 p.m.	<b>Show Begins</b>
7:50-8:55 p.m.	G. Carley, J. Mann, move to positions for crowd exit.
9:00 p.m.	<b>Grande Finale</b> Following designer bows, G. Carley, J. Mann retracts back Ballroom doors. S. Smith, K. Wood secures backstage doors and remains backstage until Designers/Models exit. J. Culhane, P. Caldwell and S. Cowlick -crowd control outside Ballroom entrance

# EXHIBIT 4

*Annual Aspen Fashion Week  
Final Extravaganza Fashion Show  
to support*

## *The Right Door*

*Friday, the 6 of March 2009  
(VIP and Press entries at 5:15 p.m.)*

*At The Sky Hotel  
Aspen, Colorado*

*Lets stop substance abuse  
right after this show! RS*





- **GLOCK 17 9MM (9X19)**
- **ACTION:** Double Action Only
- **SAFETY:** Trigger, Firing Pin, Drop (3 safeties)
- **TRIGGER:** Safe Action System
- **CAPACITY:** 10
- **BARREL LENGTH:** 4.49 Inches
- **SIGHTS:** Adjustable, Fixed, Fixed Night Sights
- **OVERALL LENGTH:** 7.32 Inches
- **OVERALL WIDTH:** 1.18 Inches
- **OVERALL HEIGHT:** 5.43 Inches (including magazine)
- **WEIGHT:** 22.04 oz. (without magazine)
- **GRIPS:** Black Polymer
- **FRAME:** Synthetic Polymer
- **FINISH:** Black Polymer
- **SLIDE:** Tenifer treated Metal



**ATTACHMENTS:** C:\covert\designs\ 02134.jpg; C:\covert\designs\ 02134.doc; C:\covert\designs\ 059073.jpg; C:\covert\designs\ 02134.doc; C:\covert\designs\ 08743.jpg; C:\covert\designs\ 08743.doc

X-MAILER

X-RUSHNBEARS-IP: [www.rushnbears.com](http://www.rushnbears.com)

X- RUSHNBEARS -Language: English

X-ELNK-AV

RS-

As anticipated, my work here has been outstanding: for me if not for Kaw Designs. Not much to add. Am nervous about this. What if we're caught? I'm on front lines, but you...?

-AL

>>>>>>>>>>>>>>>>>>>>>>original<message<<<<<<<<<<<<<<<<<<<

**TO:** [BABALU@rushnbears.com](mailto:BABALU@rushnbears.com)

**SENT:** Wednesday, February 25, 2009 4:17 a.m.

**FROM:** [NCR@rushnbears.com](mailto:NCR@rushnbears.com)

**SUBJECT** RE: Project Chapeau

X-MAILER

X-RUSHNBEARS-IP: [www.rushnbears.com](http://www.rushnbears.com)

X- RUSHNBEARS -Language: English

X-ELNK-AV

AL-

Good. Plans to deal with the problem through the back door –or should I say the bassinet– have stalled KA has proven inadequate. Still... “there is another,” as the film says! Stick to your assignment and await further instructions. Report.

-RS

>>>>>>>>>>>>>>>>>>>>>original<message<<<<<<<<<<<<<<<<<<<

**TO:** [NCR@rushnbears.com](mailto:NCR@rushnbears.com)

**SENT:** Tuesday, February 24, 2009 9:30 a.m.

**FROM:** [BABALU@rushnbears.com](mailto:BABALU@rushnbears.com)

**SUBJECT** RE: Project Chapeau

**ATTACHMENTS:** C:\covert\designs\ 05400.jpg; C:\covert\designs\ 05400.doc; C:\covert\designs\ 04781.jpg; C:\covert\designs\ 04781.doc

X-MAILER

X-RUSHNBEARS-IP: [www.rushnbears.com](http://www.rushnbears.com)

X- RUSHNBEARS -Language: English

X-ELNK-AV

RS-

In place. Summit High knows nothing, the self-absorbed fools. Such mediocrity, it bleeds into their designs. See first efforts attached will report more when...

-AL

## OFFICIAL REPORT

Division of Forensic Sciences  
Colorado Bureau of Investigation  
State of Colorado

Headquarters  
DOFS Case #: 2004-080696  
Report Date: 06/05/09

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Linda Cowen  
*Deputy Director*

\*ISO 25342 Accredited  
\*ASCLD/LAB Accredited

**REQUESTED SERVICE:** Firearms  
Agency: Office of the Aspen Sheriff  
Agency Ref. #: D0243580  
Requested by: B. Hodges

**CASE SUBJECTS:**  
Suspect: Taylor Overturf  
Victim: Keri Overturf

**EVIDENCE:**

On 3/7/09, the laboratory received the following evidence from the Aspen Sheriff's Office via Lockbox.

001 Sealed package containing evidence for firearms analysis  
001A Glock 9mm pistol serial #974216  
001B One 9mm cartridge case  
001C One 9mm metal jacketed bullet  
002 Sealed package containing evidence for firearms analysis  
002A Glock 9mm pistol serial #199306  
002B Two .380 calibre cartridge cases  
002C Two .380 calibre metal jackets bullets

**RESULTS AND CONCLUSIONS:**


Microscopic examination and comparison reveals the bullet and cartridge case, Items 001B and 001C, were fired from the firearm, Item 001A.

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Only those items discussed in the results above were analyzed for this report. The above represents the interpretations/opinions of the undersigned analyst. Evidence analyzed in this report will be returned to the submitting agency. Biological evidence (body fluids and tissues) will be destroyed after one year. This report may not be reproduced except in full without written permission of the laboratory.

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/s/  
Richard Dyrland  
*Firearms Scientist*  
678/123-4567

Colorado Firearms License		
<b>Pitkin County</b>	<b>No. 196-010</b>	
Ryanne Seastress		Expires:
1486 E. Durant Ave		3/01/2009
Aspen, CO 81611		<u>/S/</u>
Applicant's signature		
		
<u>12/31/69</u>	<u>09/30/2005</u>	
Date of Birth	Issue Date	Applicant's Right
<u>Susan Tate</u>		Index Finger
Judge, Probate Court		

*Front (enlarged from original)*

<b>License Invalid Unless Signed by Sheriff, Seal Affixed and Laminated</b>
---

*Back (enlarged from original)*

EXHIBIT <sup>9</sup>  
RS

Pay Up Deadbeat

cc: Sammy