



2021-2022

The Vincent J. Apruzzese High School

Mock Trial

Competition



HIGH SCHOOL WORKBOOK



Celebrating 40 years of service to the educational community



*Sponsored by the New Jersey State Bar Foundation in cooperation with
New Jersey's county bar associations and the New Jersey State Bar Association*

ATTENTION TEACHER-COACHES

CASE CLARIFICATIONS

We do not send mock trial case clarifications or updates by mail or email. It will be your responsibility to check our website, www.njsbf.org, periodically for possible updates or corrections.

CONTEST SCHEDULES

Amendment to Rule 2:2-2: It is the responsibility of the teacher-coach to review the dates (including snow dates) and times provided by the county coordinator with all team members, and to arrange for substitutes if needed (see R.2:13). The county coordinator may not be able to accommodate differing vacation and/or testing schedules.

Amendments to Rules 2:10, 2:11 and 2:12: It is the responsibility of the teacher-coach to be prepared for rescheduling in the event of inclement weather, and to arrange for substitutes if needed, as previously discussed in R.2:2-2. (If virtual, also see Online Rule 1.10). As with county competitions, the state coordinator may not be able to accommodate differing vacation and/or testing schedules.

CODE OF CONDUCT

Teacher-and attorney-coaches, students, parents & observers are expected to abide by the provisions of the competition's Code of Conduct and the Online Rules, if virtual.

UPDATES

Some changes have been made to the Rules of Evidence in Part VI. Please review carefully.

Mock Trial Competition

Statement of Goals

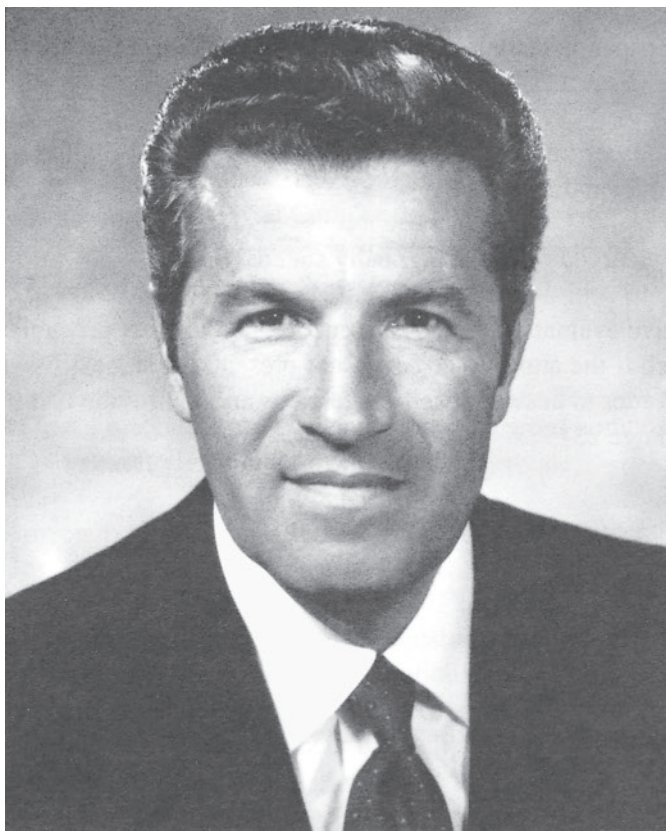
To increase comprehension of the historical, ethical and philosophical basis of the American system of justice.

To demystify the operation of the law, court procedures and the legal system.

To help students increase basic life and leadership skills such as listening, speaking, writing, reading and analyzing.

To heighten appreciation for academic studies and promote positive scholastic achievements.

To bring law to life for students through active preparation for and participation in the competitions. The goal is not to win for the sake of winning, but to learn and understand the meaning of good citizenship in a democracy vis-a-vis our system of law and justice. In this sense, all the students who participate will be winners.



Vincent J. Apruzzese, Esq.

In recognition of his many years of service, the New Jersey State Bar Foundation named its Mock Trial Competition in honor of Vincent J. Apruzzese, Esq. in 1991. Mr. Apruzzese is a past president of the New Jersey State Bar Association. He led the drive to build the New Jersey Law Center, served as the first chairman of the New Jersey State Bar Foundation, and was chair of the Foundation's Public Education Committee for several years. This competition is a fitting tribute to his leadership, indefatigable spirit and insight in implementing free law-related education programs for the public and particularly for young people.

Mock on! Our High School Mock Trial Competition Turns 40 This Season

The New Jersey State Bar Foundation invites veteran and new teams to join us as we mark our 40th year of service to the educational community. Over the years the Vincent J. Apruzzese High School Mock Trial Competition has taught more than 114,000 New Jersey students the fundamentals of our court system while developing critical thinking and public speaking skills.

Last season we were successful in adapting our High School Mock Trial Competition to an online format. Although we anticipated that mock trial contests would be in person this year, unfortunately circumstances will not now permit. So while you will see references to in-person competition, as well as virtual competition, in this workbook, at press time the Mock Trial Committee had determined that, for reasons of safety and fairness, the competition be virtual. See Part XII for the Online Rules Addendum.

Please review the following:

Technology Needs

- All trials will be hosted online via Zoom.
- Participants will need: access to reliable internet: device for using Zoom (must meet Zoom's system requirements); webcam and microphone. External microphone/speakers are permitted; however, if they produce feedback during the trial, they will need to be immediately disabled.

How It Works

- The teacher-coach must register the team online on our website, njsbf.org (Online registration is required for in-person or virtual competition.)
- Team registration closes October 22, 2021.
- Prior to the trials, the County Mock Trial Coordinator will email coaches a link to the Zoom “courtroom.”
- At the appointed day and time, teams will login to the Zoom “courtroom.”
- Refer to the Online Rules Addendum in this Mock Trial Workbook for rules that impact the proceedings of mock trial online.

Jurors

In virtual competition there will not be student juries. Those students who would have served as jurors should be trained as understudies for the attorneys and witnesses. See Rule 2:3-3.

Timekeepers

Whether in-person or virtual, each team must appoint a student timekeeper. See Rule 2:9.

Questions?

Contact Sheila Boro, Director of Mock Trial Programs, at sboro@njsbf.org.

VINCENT J. APRUZZESE
HIGH SCHOOL MOCK TRIAL COMPETITION
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*Adapted with permission from the New York State Bar Association, Copyright 2020 Law, Youth and Citizenship Program of the New York State Bar Association from *The United States v. Phoenix Jones*.

The New Jersey State Bar Foundation gratefully acknowledges the assistance of case editor Ronald C. Appleby Jr., Esq., chair of the Mock Trial Committee, and members of the committee.

The Vincent J. Apruzzese High School Mock Trial Competition is sponsored by the New Jersey State Bar Foundation in cooperation with the New Jersey State Bar Association and New Jersey's County Bar Associations, and is funded by the IOLTA Fund of the Bar of New Jersey.

PART I
CODE OF CONDUCT
For Participants in the
Vincent J. Apruzzese High School Mock Trial Competition

Please review the following revised code carefully. It is the teacher-coach's responsibility to obtain all required signatures.

OVERALL PURPOSE AND SPIRIT OF THE COMPETITION

The Vincent J. Apruzzese High School Mock Trial Competition ("Mock Trial Competition") has been created for the purpose of stimulating and encouraging a deeper understanding and appreciation of the American legal system by high school students. Because of the competition's experiential educational format, learning derives from various sources and results from both articulated and unarticulated messages. The students learn proper comportment from each other, their teacher-coaches, their attorney-coaches, the volunteer mock trial judges and their parents and other guest-observers in the courtroom. Given the multifarious sources of student learning in the Mock Trial Competition, this Code of Conduct interprets "Participants" to include not only the students, but all of those who have the potential to influence student learning. In keeping with this interpretation, "Extensions" of this Code of Conduct must be executed by the team members, the teacher-coach and the attorney-coach. **In addition, each teacher-coach is required to provide parents and other guest-observers with copies of this Code of Conduct.**

SPECIFIC GOALS OF THE MOCK TRIAL COMPETITION

All Participants shall in manner and in deed do their parts in helping the Mock Trial Competition achieve the following specific goals:

- Promote cooperation, academic integrity, honesty and fair play among students.
- Promote good sportsmanship and respect for others in both victory and defeat. Participants must also demonstrate respect for County Mock Trial Coordinators, mock trial personnel, mock trial judges and other volunteers who make this competition possible.
- Promote good faith adherence to the Mock Trial Competition rules and procedures.
- Improve proficiency in speaking, listening, reading, reasoning and analytical skills.
- Promote respect for the judicial system and instill a notion of proper courtroom decorum. This includes respect for the courthouse and other venues where mock trials take place.
- Promote congeniality and open communication between the educational and legal communities.

SPECIFICALLY PROHIBITED NEGATIVE BEHAVIORS

Although not exhaustive, the following list contains behaviors that are directly opposed to the goals and objectives of the Mock Trial Competition and which, if engaged in, will constitute grounds for such disciplinary action as the County Coordinator at the local level (or Mock Trial Committee at state regional, semi-final and final levels) deems appropriate given the circumstances:

- Failure of the teacher-coach (a) to familiarize all parents and guest-observers with the contents of this Code of Conduct, or (b) to submit Extensions of this Code of Conduct executed by the team members, teacher-coach, and attorney-coach to the County Coordinator prior to the first round of competition.
- Use of communications technology (audio recording, visual recording, cell phone recording, text-messaging by phone, laptop or other telecommunications device) by a team member (a) to communicate with any member of its team or anyone else during an ongoing mock trial round, or (b) to record or in any way memorialize any portion of a round of the competition in which the team is not a participant. Students are not permitted to use iPads, laptops, cell phones or any electronic or telecommunication devices while competing in person. Online Rules 1.4 and 1.11 will be in effect in the event of virtual competition.

- Acceptance of an audio, video, DVD recording, or other transcription of the performance of another team in a round that the recipient did not participate in, even if the recipient has not viewed the material, listened to the recording or read the transcript.
- Plagiarism by any member of a team or any team's use of material plagiarized by its teacher-coach, its attorney-coach, or by the parents or guest-observers of team members.
- Direct verbal or written communication outside of the courtroom with a volunteer mock trial judge by any team, its teacher-coach, its attorney-coach or the parents or guest-observers of team members.

ACCOUNTABILITY FOR AND CONSEQUENCES OF ENGAGING IN PROHIBITED CONDUCT

All Participants, including parents and guest-observers, must adhere to the rules and procedures of the Mock Trial Competition and this Code of Conduct (which includes by this reference the Extensions signed by the students, teacher-coaches and attorney-coaches). Teacher-coaches, attorney-coaches and students must digitally submit the Extensions prior to the first round of the local competitions. Failure to abide by the Mock Trial Code of Conduct is sufficient grounds for disqualification and dismissal of the team with which the offender(s) is directly or indirectly connected at the sole discretion of the County Coordinator at the local level or the Mock Trial Committee at the state regional, semi-final and final levels.

EXTENSION OF CODE OF CONDUCT

To Be Signed by Teacher-Coach Participants in the Vincent J. Apruzzese High School Mock Trial Competition

I have read and fully commit myself to the overall purpose and spirit of the Mock Trial Competition. Moreover, I endorse the specific goals of the Mock Trial Competition as set forth in the Code of Conduct and agree not to engage in or condone any of the negative behaviors set forth therein. I execute this Extension of said Code of Conduct in my role as teacher-coach, hereby agreeing to focus attention on the educational value of the Mock Trial Competition.

I agree to act as an adult role model for my students and to discourage willful violations of the rules. I will instruct my students as to proper procedure and decorum and will assist them in understanding and abiding by the competition rules and procedures as well as adhering to the spirit of this Code of Conduct. By action and by deed, I will teach my students the importance of treating others with respect and courtesy. In my interaction with other teacher-coaches, attorney-coaches, mock trial judges, county mock trial coordinators, other volunteers and mock trial personnel, I will set an example that my students can follow.

I understand that I have the following responsibilities for which I, alone, am accountable:

- Training students to fulfill the role of jurors and bringing a sufficient number of student jurors to each round of competition.
- Circulating the Code of Conduct to all parents and guest-observers in advance of their attending any of the rounds of competition.

I agree that I will not disseminate any reproduction of any portion of this competition without the express written consent of each student and the parent/guardian of each, of my team as well as opposing teams, as well as the permission or consent of the student's own coach, whose images may be captured on film or other telecommunications technology. I will not post any images from this competition on Facebook, Twitter or any other social networking site without the permission as set forth above. I will not encourage or permit anyone else to do so, and will report same if it happens. I further agree that any violation of this rule subjects me to removal from the competition and places my entire team in jeopardy of being severely penalized for my actions. See R.2:5-3 and Online Rule 1.11 (the latter rule is in the event of a virtual competition).

I agree to act as a role model by carrying out my responsibilities as a teacher, never forgetting that I am representing the educational system in addition to coaching high school students as their mock trial advisor. Thus, I will zealously encourage fair play and promote conduct and behavior that is in keeping both with proper courtroom decorum and the spirit of the Mock Trial Competition. I will discourage skirting the rules and engaging in obstructionist behavior that interferes with the orderly flow of courtroom procedures. I agree to inculcate the highest standards of the education profession by discouraging a culture of win-at-any-cost and by promoting a spirit of willing compliance with the rules of the competition and the ethical guidelines provided by this Code of Conduct.

**PLEASE SUBMIT THIS FORM DIGITALLY ON THE
VINCENT J. APRUZZESE PAGE OF OUR WEBSITE
NJSBF.ORG.**

EXTENSION OF CODE OF CONDUCT

To Be Signed by Attorney-Coach Participants in the Vincent J. Apruzzese High School Mock Trial Competition

I have read and fully commit myself to the overall purpose and spirit of the Mock Trial Competition. Moreover, I endorse the specific goals of the Mock Trial Competition as set forth in the Code of Conduct and agree not to engage in or condone any of the negative behaviors set forth therein. I execute this Extension of said Code of Conduct in my role as attorney-coach, hereby agreeing to abide by the rules and procedures of the Mock Trial Competition and to uphold the highest standards of the legal profession.

I agree to act as a role model of our honorable profession by carrying out my responsibilities as an officer of the court, never forgetting that I am representing the judicial system in addition to coaching high school students as their mock trial advisor. Thus, I will zealously encourage fair play and promote conduct and behavior that is in keeping both with proper courtroom decorum and the spirit of the Mock Trial Competition. I will discourage skirting the rules and engaging in obstructionist behavior that interferes with the orderly flow of courtroom procedures. I agree to inculcate the highest standards of the legal profession by discouraging a culture of win-at-any-cost and by promoting a spirit of willing compliance with the rules of the competition and the ethical guidelines provided by this Code of Conduct.

I agree that I will not disseminate any reproduction of any portion of this competition without the express written consent of each student and the parent/guardian of each, of my team as well as opposing teams, as well as the permission or consent of the student's own coach, whose images may be captured on film or other telecommunications technology. I will not post any images from this competition on Facebook, Twitter or any other social networking site without the permission as set forth above. I will not encourage or permit anyone else to do so, and will report same if it happens. I further agree that any violation of this rule subjects me to removal from the competition and places my entire team in jeopardy of being severely penalized for my actions. See R.2:5-3 and Online Rule 1.11 (the latter rule is in the event of a virtual competition).

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EXTENSION OF CODE OF CONDUCT

To Be Signed by Student Team Member Participants in the Vincent J. Apruzzese High School Mock Trial Competition

As a Team Member/Juror of _____ High School, I state that I have read and fully commit myself to the overall purpose and spirit of the Mock Trial Competition. Moreover, I endorse the specific goals of the Mock Trial Competition as set forth in the Code of Conduct and agree not to engage in or condone any of the negative behaviors set forth therein. I execute this Extension of said Code of Conduct as a condition of participation in the Mock Trial Competition and hereby promise to compete with the highest standards of comportment, showing respect for my fellow students, opponents, judges, attorney-coaches, teacher-coaches, county mock trial coordinators and mock trial personnel.

I agree to accept both defeat and success with dignity and restraint. I promise to avoid all tactics that I know are wrong or in violation of the rules. I make a commitment to comply with the rules of the competition in spirit and in practice. I will not plagiarize or accept plagiarized material. I will not use telecommunications technology to circumvent the rules or to gain unfair advantage. I understand that use of telecommunications technology in the courtroom by any Participant (with the exception of permissible video recording by participating teams per R.2:5-3) seeking to gain advantage for a team subjects that team to the risk of disciplinary action, which could result in an expulsion of the team from the competition or in the lesser penalty of a score reduction. I understand that I may be photographed, video recorded or audio recorded as part of my participation in the competition. See Online Rule 1.11 (the latter rule is in the event of a virtual competition).

I agree that I will not disseminate any reproduction of any portion of this competition without the express written consent of each student and the parent/guardian of each, of my team as well as opposing teams, as well as the permission or consent of the student's own coach, whose images may be captured on film or other telecommunications technology. I will not post any images from this competition on Facebook, Twitter or any other social networking site without the permission as set forth above. I will not encourage or permit anyone else to do so, and will report same if it happens. I further agree that any violation of this rule subjects me to removal from the competition and places my entire team in jeopardy of being severely penalized for my actions. See R.2:5-3 and Online Rule 1.11 (the latter rule is in the event of a virtual competition).

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PART II

RULES OF GENERAL APPLICATION

RULE 2:1 APPLICABILITY, SCOPE, CONSTRUCTION AND CITATION OF RULES

2:1-1 APPLICABILITY; SCOPE

The Vincent J. Apruzzese Mock Trial Competition is governed by these Rules of Procedure and Evidence. Additional rules regarding the competition and its procedures are contained throughout this workbook. Please read the entire workbook carefully. **Other rules of procedure or evidence may not be raised.**

2:1-2 CONSTRUCTION

These rules shall be construed to secure a just determination, simplicity in procedure, and fairness in administration of the competition.

2:1-3 CITATION

Attorneys should be prepared to cite the specific rule number upon which an objection is based if requested to do so by judges.

RULE 2:2 GENERAL CONTEST FORMAT

2:2-1 LOCAL COMPETITIONS

Each team must compete in at least two trials, switching sides for the second trial. If there are an uneven number of teams in the initial two trials, the County Mock Trial Coordinator has the discretion to ask teams to volunteer to play both sides at the same time or to randomly assign team(s) to do so. Contestants must be prepared to field both sides simultaneously if necessary. If a team does not have enough members to play both sides at once, the teacher-coach must notify the County Mock Trial Coordinator in advance.

In the event of an emergency, last-minute cancellation by a team, or failure of a team to appear, which may create an uneven number of teams competing, the County Mock Trial Coordinator shall designate one team to field both sides.

After each team has had an opportunity to play both sides, the County Mock Trial Coordinator may elect to utilize a single-elimination or other format. The County Mock Trial Coordinator has the authority to configure local contest schedules. The County Mock Trial Coordinator will determine which teams advance based upon win/loss record and point scores. In a configuration where teams play only two rounds initially, a team with two losses should not advance and a team with two wins should advance. Where three rounds of competition are initially scheduled, a team with three losses should not advance and a team with three wins should advance.

If a team has questions about the local competition, the teacher-coach should contact the County Mock Trial Coordinator. Names and phone numbers of County Mock Trial Coordinators are posted on our website, www.njsbf.org.

2:2-2 DATES AND TIMES; FAILURE TO APPEAR

Local contest dates and times will be determined by county coordinators. **Failure to appear on the dates specified by the County Mock Trial Coordinator will result in forfeiture.** The county coordinator works very hard to arrange contest schedules, and teams should make every effort to participate in the local contest once they have entered. Last-minute cancellations create scheduling difficulties for everyone.

It is the responsibility of the teacher-coach to review the dates (including snow dates) and times provided by the county coordinator with all team members, and to arrange for substitutes if needed (see R.2:13). Remember that your jurors are permitted to serve as understudies per the parameters outlined in R. 2:13. The county coordinator may not be able to accommodate differing vacation and/or testing schedules due to deadlines for regionals.

2:2-3 POSTPONEMENTS

Postponements may be made only by the county coordinator.

2:2-4 CHANGES TO RULES AND PROCEDURES

No rule or procedure may be changed after the 30th day preceding the first contest.

2:2-5 OFFICIAL REPRESENTATIVE OF EACH TEAM

The official representative of a mock trial team is the teacher-coach, not students, lawyer-coaches or others. All communications regarding a team must be made by and through the teacher-coach as official team representative.

Communications received from students will not be answered. See R.2:14-15. Teacher-coaches and attorney-coaches are prohibited from coaching more than one team in any given year.

2:2-6 WORKBOOKS

Workbooks may be photocopied as necessary, and permission to photocopy a workbook is hereby granted. Please download the workbook from the Foundation's website, www.njsbf.org.

RULE 2:3 TEAMS

2:3-1 TEAM MEMBERS

A competing team in any given round shall consist of no more than TEN (10) students—two (2) attorneys, three (3) witnesses and alternates—plus the teacher-coach. A school may enter ONE (1) team only. For any single trial, a team must consist of two (2) attorneys and three (3) witnesses. The competition is open to New Jersey high schools only. **For our policy regarding a combined team, please see the back of this workbook.**

2:3-2 IDENTIFICATION OF TEAMS

Teams will be identified by I.D. numbers, not high school names, and when in person, teams should not bring materials, such as notebooks, T-shirts, school newspapers, etc., that would identify their schools. Guests of each team should similarly be requested to refrain from wearing or bringing items to contests that would identify the schools with which they are affiliated. When virtual, this includes your Zoom background (see Online Rule 1.4). Contestants are not permitted to identify their school or the opposing team's school to the judges.

2:3-3 STUDENT JURIES

There will be student juries if the trials are in person, but not in online competition. We encourage you to train students who serve as jurors as substitutes for attorneys and witnesses. See Rule 2.13.

RULE 2:5 GENERAL PROCEDURE FOR TRIALS

2:5-1 DETERMINATION OF SIDES — STATE LEVEL

Determination of which team will be prosecution/plaintiff and which team will be defense at the state level, which includes regionals, regional finals and state semi-finals as well as the final round, will be made by drawing lots a few minutes before each trial begins. However, if the same two teams have previously met in the statewide semi-finals and have both qualified for the statewide finals, the teams must switch sides in the championship round. At the regionals, teams that are eligible to advance to the next round will switch sides if possible. Where it is impossible for both teams to switch sides, a drawing of lots or coin flip must be used to determine assignments in the next round.

2:5-2 DETERMINATION OF SIDES — LOCAL/COUNTY LEVEL

At the local/county level, sides for the initial round of competition may be preassigned at the discretion of the County Mock Trial Coordinator. Contestants in any subsequent round of a competition should automatically switch sides in the case for the next round (provided that they are eligible to advance to the next round). Where it is impossible for both teams to switch sides, a drawing of lots or coin flip must be used to determine assignments in the subsequent round.

2:5-3 OBSERVATION OF TRIALS BY NON-PARTICIPANTS

If in person, teams are permitted to observe mock trial contests, even if they are not participating in those contests. Note-taking by observers by any means during competitions is not permitted except for teacher-coaches and attorney-coaches of teams participating in that round. Teams that are not participating in a round shall not audio record or video record or use any other technological means to obtain auditory or visual information. Only participating teams will be allowed to video record or audio record mock trial contests. Each school will be allowed to designate one official video recorder/audio recorder. Experience has demonstrated that careful preparation has more impact on the quality of presentation and the final result than last-minute changes based on the above.

In online competition, teams are not permitted to observe mock trial contests in which they are not participating. See Online Rules 1.2 and 1.9. Note-taking by observers by any means during competitions is not permitted except for teacher-coaches and attorney-coaches of teams participating in that round. Teams that are not participating in a round shall not audio record or video record or use any other technological means to obtain auditory or visual information. Only participating teams will be allowed to video record or audio record mock trial contests. See Online Rule 1.11.

Those who are designated as the official recorders are reminded of the last paragraphs of the Extensions to the Code of Conduct which prohibit the distribution/dissemination/reproduction in ANY FORM of any portion of the competition without the express written consent of each student and parent/guardian as well as the student's coach, and Online Rule 1.11 (if virtual).

RULE 2:6 PREPARATION OF MOCK TRIAL CONTESTS

2:6-1 MEETINGS WITH ASSIGNED ATTORNEYS

All teams are to work with their assigned attorneys in preparing their cases. It is recommended that teams meet with their lawyer-advisers at least six times prior to the contest. See Part VII for suggestions regarding the attorney-adviser's role in helping a team prepare for the competition.

2:6-2 DRESS REHEARSALS

All teams are required to conduct one full trial enactment (dress rehearsal) with attorney-advisers in attendance based on the case prior to the first round of the competition. Additional sessions devoted to the attorneys' questioning of individual witnesses are also recommended.

RULE 2:7 DECISIONS

The judge(s) will render a decision based on the quality of the students' performance in the case and the best team presentation. The judges have been instructed to rate the performance of all witnesses and attorneys on the team. (See Performance Rating Sheet.)

Judges will provide qualitative evaluations only, based on the categories in the rating sheet. Numerical scores will not be released. The purpose of this procedure is to re-emphasize the educational goals of the competition.

Judges will provide evaluations and announce the winning team before the jury delivers its verdict if in person. The jury verdict is not significant in the judges' evaluation. Contestants may, as always, discuss their trials with judges after each contest if time permits.

However, contestants are prohibited from contacting competition judges directly to complain about competition results. See Rule 2:14 and Rule 2:15.

The student jury will decide on the merits of the legal case and the applicable law. This decision of guilt or innocence in a criminal case, or finding in favor of the plaintiff or defendant in a civil case, does **not** determine which team wins or advances to the next round.

At the end of a virtual trial, if time permits, teacher and/or attorney-coaches may stay logged on to confer with the judges. See Online Rule 1.5 and Rule 5:3-6.

The decisions of the judges are final.

RULE 2:8 SCORING PERFORMANCES

While all possible measures are taken to encourage consistency in scoring, not all mock trial judges evaluate the performance of students identically. Even with rules and evaluation criteria for guidance, the competition reflects the subjective quality present in all human activities.

Please review the score sheet at the back of this workbook very carefully.

RULE 2:9 TIME LIMITS

The following time limits will be in effect:

Opening Statements—4 minutes for each side

Direct Examination—6 minutes for each witness

Cross-Examination—7 minutes for each witness

Closing Statements—8 minutes for each side

Every effort shall be made to respect these time limits. Whether in person or virtual, each team must appoint a timekeeper. Timekeepers may issue one-minute warnings verbally or with a card in person, but only through the use of the Zoom chat when virtual. See Online Rule 1.8 regarding student timekeepers when virtual. When time is up, judge(s) must halt the trial. Regarding objections, the clock will be stopped. Challenges to timekeeping will not be considered.

Re-direct and re-cross (optional, to be used at the discretion of the team)—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 re-direct examination and should avoid repetition. **One minute will be allowed for re-direct and re-cross respectively. Judges should not deduct points if a team decides not to re-direct or re-cross. (See Part VIII.)**

RULE 2:10 REGIONAL COMPETITION

To reach the statewide finals, a team will have to compete in a two-part regional competition. Winning teams from each county qualify for the first stage of the regionals, consisting of two, single-elimination trials. Winners of the first stage will return for regional playoffs. Winners of the regional playoffs qualify for the statewide semi-finals. Winning semi-finalists will be eligible to compete in the statewide finals. If there is a tie score, the judge(s) will make the final determination based on overall team performance.

Please take note of all of the following contest dates before entering the competition in order to make sure your team can attend.

The New Jersey State Bar Foundation will be responsible for coordinating the regional competitions. **All regionals will be conducted as follows: North - February 1, 2022; South - February 2, 2022; and Central - February 3, 2022. Regional playoffs will be held on March 1, 2022.** Please reserve these dates. Inability to attend will result in forfeiture.

To find out which regional your county belongs in, please e-mail sboro@njsbf.org.

It is the responsibility of the teacher-coach to be prepared for rescheduling in the event of inclement weather, and to arrange for substitutes if needed, as previously discussed in R. 2:2-2 and Online Rule 1.10. As with county competitions, the state coordinator may not be able to accommodate differing vacation and/or testing schedules.

RULE 2:11 SEMI-FINALS

Regional finals winners are eligible to compete in the statewide semi-finals scheduled for **March 8, 2022** at the New Jersey Law Center in New Brunswick. Please reserve this date. Inability to attend will result in forfeiture.

It is the responsibility of the teacher-coach to be prepared for rescheduling in the event of inclement weather, and to arrange for substitutes if needed, as previously discussed in R. 2:2-2 and Online Rule 1.10. As with county competitions, the state coordinator may not be able to accommodate differing vacation and/or testing schedules.

RULE 2:12 STATEWIDE FINALS

The winners of the semi-finals are eligible to compete in the statewide championship round in March 23, 2022. Inability of finalist teams to attend will result in forfeiture. This will be a single elimination round. The judges' decision will be final.

It is the responsibility of the teacher-coach to be prepared for rescheduling in the event of inclement weather, and to arrange for substitutes if needed, as previously discussed in R. 2:2-2 and Online Rule 1.10. As with county competitions, the state coordinator may not be able to accommodate differing vacation and/or testing schedules.

2:13 SUBSTITUTION

In the event that one or more members of a team cannot compete, another member or members of that team may substitute for them. The substitutes must be team members who are not already playing in that round. One attorney cannot play the roles of both attorneys in any given round. Likewise, one witness cannot play the roles of other witnesses in the same round. A student-lawyer cannot play the role of a witness in the same round nor can a witness play the role of a lawyer in the same round. See Online Rule 1.10. It is recommended that teacher-coaches prepare understudies in case of illness, other conflicts or technical difficulties.

2:14 COMPLAINT PROCEDURE

No one shall contact any competition judge to complain about competition results. **Only teacher- or attorney-coaches are authorized to communicate about questions, problems, comments or complaints about contests. Communications received from students will not be answered.** Students should discuss issues or concerns with their teacher-coaches. Complaints about county competitions must be submitted in writing, via e-mail to your County Mock Trial Coordinator. Names and addresses of the County Mock Trial Coordinators will be posted on the New Jersey State Bar Foundation's website, www.njsbf.org. Please remember that, as stated in R. 2:7, the decisions of the judges are final. If a teacher-coach, as official team representative, wishes to file a grievance regarding another coach's/team's conduct or alleged rule violation, such complaint should be emailed promptly to the County Coordinator at the county level or to the Mock Trial Committee at the state regional, semi-final and final level. The County Coordinator or Mock Trial Committee shall forward the grievance to the teacher-coach of the team against which it is lodged and shall give that party a specific time period in which to respond. Final disposition of the grievance rests with the County Coordinator at the local level or the Mock Trial Committee at the state level.

2:15 QUESTIONS REGARDING CASE OR RULES

Contestants who have questions about the mock trial case and/or rules should submit them through their teacher- or attorney-coaches. Teacher- or attorney-coaches should e-mail their questions to Sheila Boro, director of mock trial programs, at sboro@njsbf.org. **Communications received from students will not be answered.** Please identify yourself, your school, whether you are the teacher-or attorney-coach, and provide a daytime phone number.

PART III

HINTS ON PREPARING FOR A MOCK TRIAL COMPETITION

The following tips have been developed from previous experiences in training a mock trial team.

All students should read the entire set of materials and discuss the information/procedures and rules used in the mock trial contest.

The facts of the case, witnesses' testimony, and the points for each side in the case then should be examined and discussed. Key information should be listed as discussion proceeds so that it can be referred to at some later time.

All team roles in the case should be assigned and practiced.

Credibility of witnesses is very important to a team's presentation of its case. As a result, students acting as witnesses need to really "get into" their roles and attempt to think like the persons they are playing. Students who are witnesses should read over their statements (affidavits) many times and have other members of the team or their class ask them questions about the facts until they know them cold.

Student team members have primary responsibility for deciding what possible questions should be asked of each witness on direct and cross-examination. Questions for each witness should be written down and/or recorded.

The best teams generally have students prepare their own questions, with the teacher-coach and attorney-adviser giving the team continual feedback and assistance on the assignment as it is completed. Based on the experience of these practice sessions, attorneys should revise their questions, and witnesses should restudy the parts of their witness statements where they are weak.

Opening and closing statements should also be written out by team members. Legal and/or non-legal language should be avoided where its meaning is not completely understood by attorneys and witnesses.

Closing statements should not be totally composed before trial, as they are supposed to highlight the important developments for the prosecution or plaintiff and the defense which have occurred during the trial. The more relaxed and informal such statements are, the more effective they are likely to be. Students should be prepared for interruptions by judges who like to question the attorneys, especially during closing argument.

As a team gets closer to the first round of the contest, the competition requires that it conduct at least one complete trial as a kind of "dress rehearsal." All formalities should be followed and notes taken by the teacher-coach and students concerning how the team's presentation might be improved. A team's attorney-adviser should be invited to attend this session and comment on the enactment. [Rehearsals may be conducted online if necessary.]

The ability of a team to adapt to different situations is often a key part in a mock trial enactment since each judge—or lawyer acting as a judge—has his or her own way of doing things. Since the proceedings or conduct of the trial often depend in no small part on the judge who presides, student attorneys and other team members should be prepared to adapt to judicial rulings and requests, even if they appear contrary to outlined contest procedures and rules.

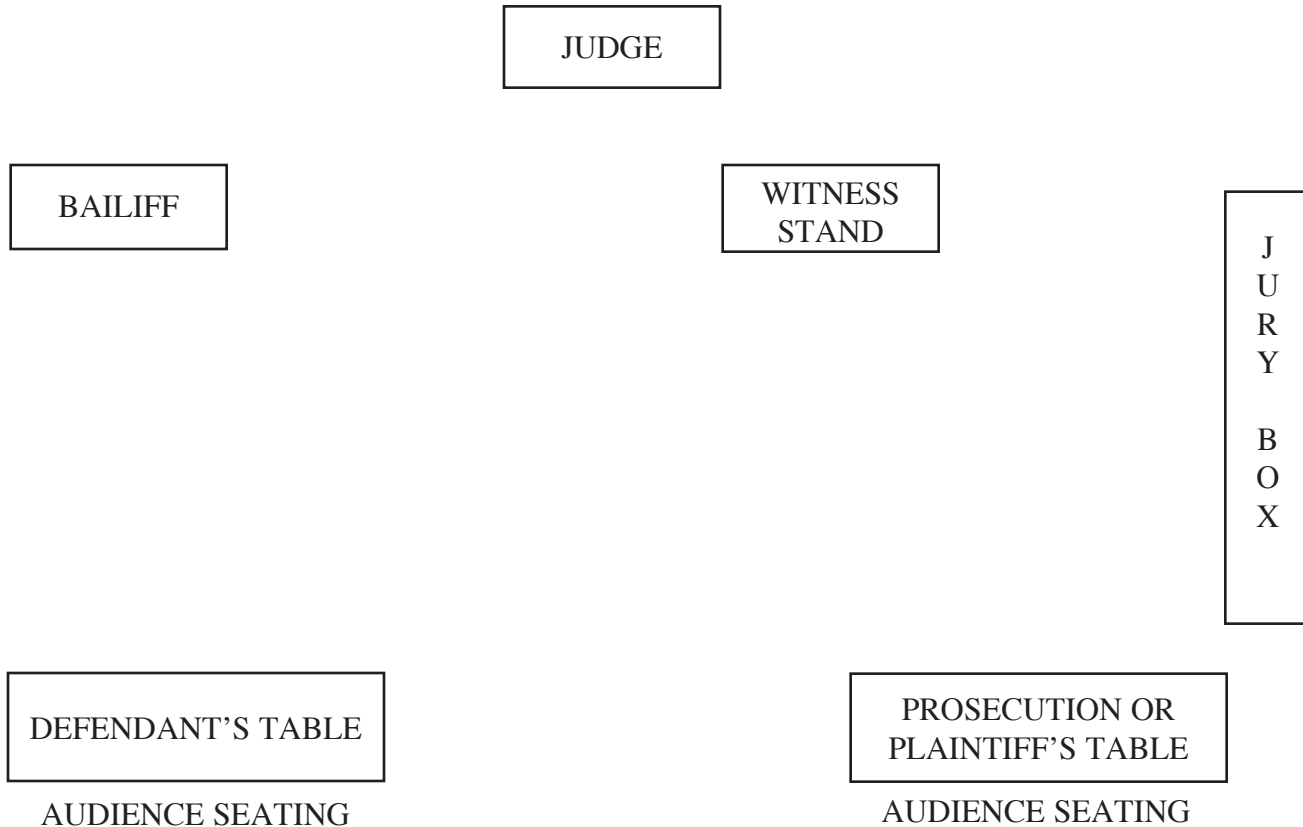
Some of the things most difficult for team members to learn to do are:

- (a) To decide which are the most important points to prove their side of the case and to make sure such proof takes place;
- (b) To tell clearly what they intend to prove in an opening statement and to argue effectively in their closing statement that the facts and evidence presented have proven their case;
- (c) To follow the formality of court, e.g., when addressing the judge, to call the judge “your honor,” etc.;
- (d) To phrase questions on direct examination that are not leading (carefully review the rules and watch for this type of questioning in practice sessions);
- (e) Not to ask so many questions on cross-examinations that well-made points are lost. When a witness has been contradicted or otherwise discredited, student attorneys tend to ask additional questions which often lessen the impact of points previously made. (Stop — recognize what questions are likely to require answers that will make good points for your side. Rely on the use of these questions. Avoid pointless questions!)
- (f) To think quickly on their feet when a witness gives an unexpected answer, an attorney asks unexpected questions, or a judge throws questions at the attorney or witness. (Practice sessions will help prepare for this.)

PART IV TRIAL PROCEDURES

Before participating in a mock trial, it is important to be familiar with the physical setting of the courtroom as well as with the events that generally take place during the exercise and the order in which they occur.

COURTROOM LAYOUT



PARTICIPANTS

The Judge(s)

The Attorneys

Prosecutor–Defendant (Criminal Case)

Plaintiff–Defendant (Civil Case)

The Witnesses

Prosecutor–Defendant (Criminal Case)

Plaintiff–Defendant (Civil Case)

STEPS IN MOCK TRIALS

The Opening of the Court

Either the clerk of the Court or the judge will call the Court to order.

The case will be announced, i.e., “The Court will now hear the case of _____ v. _____ .”

The judge will then ask the attorneys for each side if they are ready.

Appearances

Opening Statements to the Jury

(1) Prosecution (in criminal case)/Plaintiff (in civil case)

The prosecutor in a criminal case (or plaintiff's attorney in a civil case) summarizes the evidence which will be presented to prove the case.

(2) Defendant (in criminal or civil case)

The defendant's attorney in a criminal or civil case summarizes the evidence which will be presented to rebut the case the prosecution or plaintiff's attorney has made.

Direct Examination by Prosecution or Plaintiff's Attorney

The prosecutor(s) or plaintiff's attorney(s) conduct direct examination (questioning) of each of their own witnesses. At this time, testimony and other evidence to prove the prosecution's or plaintiff's case will be presented. The purpose of direct examination is to allow the witness to narrate the facts in support of the case. Direct examination is limited by the scope of the affidavits and/or the exhibits contained in this workbook.

NOTE: The attorneys for both sides, on both direct and cross-examination, should remember that their **only function is to ask questions which elicit the most important facts of the case**; attorneys themselves may not testify or give evidence, and they must avoid phrasing questions in a way that might violate this rule.

Cross-Examination by Defendant's Attorney

After the attorney for the prosecution or plaintiff has completed questioning each witness, the judge then allows the other party (i.e., defense attorney) to cross-examine the witness. The cross-examiner seeks to clarify or cast doubt upon the testimony of opposing witnesses. Inconsistency in stories, bias, and other damaging facts may be pointed out through cross-examination.

Direct Examination by Defendant's Attorneys

Direct examination of each defense witness follows the same pattern as the preceding which describes the process for prosecution's/plaintiff's witnesses.

Cross-Examination by Prosecution or Plaintiff's Attorneys

Cross-examination of each defense witness follows the same pattern as the step above for cross-examination by the defense.

Closing Arguments to the Jury

(1) Defense

The closing statement for the defense is essentially the same as for the prosecution/plaintiff. Counsel for the defense reviews the evidence as presented, indicates how the evidence does not satisfy the elements of the charge or claim, stresses the facts favorable to the defense and asks for a finding (verdict) of not guilty (criminal case) or judgment for the defense (civil case). The defense will give its closing argument first, followed by the prosecution/plaintiff, as done in real trials.

(2) Prosecution or Plaintiff

A closing statement is a review of the evidence presented. It should indicate how the evidence has satisfied the elements of the case, and ask for a finding (verdict) of guilty (criminal case).

THE JUDGE'S ROLE

The judge is the person who presides over the trial to ensure that the parties' rights are protected, and that the attorneys follow the rules of evidence and trial procedure. In trials held without a jury, the judge also has the function of determining the facts of the case and rendering a judgment. (The student jurors will render a verdict, but will not determine which team wins. That will be decided by the judges.)

At all levels of the competition, a panel of two judges will judge the contests wherever possible. This may include two judges, sitting or retired, one judge and one lawyer, or two lawyers. If, for any reason, only one judge is available for any given contest, the contest shall proceed with one judge.

THE STAFF'S ROLE

Staff of the New Jersey State Bar Foundation, when in person, attend the regional, semi-final and final contests in order to handle room and luncheon arrangements. **Please do not ask staffers to get involved in the competition proceedings. Student team members are responsible for pointing out infractions, if any, to judge(s). The judge(s) will then decide.**(See Parts V and VI for further details, particularly the section dealing with objections.)

PART V

RULES OF PROCEDURE

RULE 5:1 GENERAL PROCEDURE DURING TRIALS

5:1-1 USE OF EXHIBITS

The use of evidentiary or demonstrative exhibits not contained in this Mock Trial Workbook is not permitted. Use of props, visual and illustrative aids, other than what is specified in this workbook, is prohibited. Case materials cannot be enlarged unless specifically stated. It is assumed that once an exhibit has been put into evidence, it has been published to the jury. See Online Rule 1.7 (if virtual).

5:1-2 STATEMENT OF FACTS AND STIPULATIONS

The Statement of Facts, if provided, and any additional stipulations may not be disputed. The Statement of Facts is not admissible as an exhibit.

5:1-3 MOTIONS

No motions of any kind are allowed. For example, defense cannot make a motion to dismiss after the prosecution has rested its case. Motion for directed verdict is also prohibited.

5:1-4 VOIR DIRE

Voir dire, the preliminary examination of a witness or juror to determine his or her competency to give or hear evidence, is prohibited.

5:1-5 COURTROOM DECORUM

Usual rules of courtroom decorum apply to all participants. Appropriate, neat appearance is required.

RULE 5:2 OBJECTIONS

5:2-1 IN GENERAL

Procedural objections and objections to evidence are restricted to those in the Mock Trial Rules of Evidence. Other objections found in the New Jersey and Federal Rules of Evidence are not permitted. All objections, except those relating to openings or closings, shall be raised immediately by the appropriate attorney. When an objection is made, each side will usually have at least one fair opportunity to argue the objection before the presiding judge rules. Sidebars are not permitted. Competitors shall refrain from interrupting an adversary during opening statements or closing arguments. See Mock Trial Rule of Evidence 1201.

5:2-2 TIME FOR OBJECTIONS

A student attorney can object any time that the opposing team has violated the rules of evidence or has violated the rules or procedures of the Mock Trial Competition. **IMPORTANT:** Only student attorneys may object to any violations they believe have occurred, and they must object directly to the judge during the trial at the time of the violation, except with respect to opening statements and closing arguments. See Mock Trial Rule of Evidence 1201.

5:2-3 LIMITATION ON OBJECTIONS

Objections made after the trial has concluded cannot be addressed. NJSBF staff members cannot object on your behalf. Please do not ask staffers to intervene in the competition.

5:2-4 MANNER OF OBJECTIONS

The attorney wishing to object should do so at the time of the violation, except as set forth in Rule 1201. Also see Online Rule 1.5. When an objection is made, the judge will ask the reason for it. Then the judge will turn to the attorney who asked the question, and that attorney usually will have a chance to explain why the objection should not be accepted (“sustained”) by the judge. The judge will then decide whether a question or answer must be disregarded because it has violated a rule of evidence or mock trial procedure (“objection sustained”) or whether to allow the question or answer to remain on the trial record (“objection overruled”). When objecting to a competition rule or procedural violation, student attorneys should be prepared to refer to the appropriate rule number in this workbook if requested to do so by judges. All objections should be made succinctly, with the reason for the objection publicly stated.

RULE 5:3 PROCEDURE REGARDING ATTORNEYS

5:3-1 MANDATORY ATTORNEY PARTICIPATION IN EXAMINATIONS

Each attorney shall conduct the examination of three witnesses (1 direct and 2 cross-examinations or 2 direct and 1 cross-examination).

5:3-2 ATTORNEY OPENINGS/CLOSINGS

Each team must present an opening statement and closing argument. An attorney for a team presenting the opening statement may not make the closing argument. An attorney is not permitted to advise of facts in opening for which there is no good faith basis in the Mock Trial Workbook materials. In closing argument, an attorney is not permitted to comment on evidence that was not presented or evidence which was excluded by the presiding judge. In an opening or closing, an attorney is allowed to make arguments from a fair extrapolation of the facts in the Mock Trial Workbook. "Fair extrapolation" refers to an inference that can be reasonably made from the facts stated in the Mock Trial Workbook or from testimony adduced during the course of the trial. The defendant's attorney shall make the first closing statement, followed by the prosecuting/plaintiff attorney. No rebuttal statements are permitted.

5:3-3 DESIGNATION OF ATTORNEY PERMITTED TO OBJECT

Only one attorney may address any one witness. The attorney who will examine or cross-examine the witness is the only attorney who may make an objection. Likewise, only the attorney who will open may object to the opposition's opening statement and only the lawyer who will close may object to the opposition's closing.

5:3-4 USE OF NOTES BY ATTORNEYS

Attorneys are permitted to use notes in presenting their cases.

5:3-5 COMMUNICATION BETWEEN AND AMONG TEAM MEMBERS AND OTHERS

A. During a trial, law instructors, coaches, and all other observers may not talk to, signal or otherwise communicate, in any manner whatsoever, with or, in any way, coach or attempt to coach any members of the team.

B. No team member shall seek to communicate, verbally, non-verbally or in writing, with any witness who is in the act of testifying.

C. If virtual, see Online Rule 1.4 prohibiting communication among team members and others during the trial.

5:3-6 COMMUNICATION WITH JUDGES

No one affiliated with a competing team is permitted to have any contact with competition judges before or during the competition. Only student-attorneys and student-witnesses may communicate with the judges during a trial. At the end of the trial, if time permits, teacher- and/or attorney coaches may stay logged on to confer with the judges. If virtual, see Online Rule 1.5.

RULE 5:4 WITNESS TESTIMONY

5:4-1 FACTS RELIED UPON FOR TESTIMONY

Each witness is bound by the facts contained in his/her own witness statement, the facts contained in the Statement of Facts, if provided, and the necessary documentation provided in the competition workbook. A witness is not bound by facts contained in other witness statements.

5:4-2 WITNESS' PHYSICAL APPEARANCE

A witness' physical appearance in the case is as he or she appears in the trial enactment.

5:4-3 WITNESS' GENDER

Contestants cannot change the gender of witnesses as provided in the case unless it is indicated that a witness can be male or female. Male or female contestants, however, may play the roles of any witnesses.

5:4-4 REQUIRED EXAMINATION OF WITNESSES

Each team of attorneys must engage in either the direct examination or cross-examination of each witness. Direct examination is limited by the scope of the affidavits and/or the exhibits contained in the workbook.

5:4-5 FAIR EXTRAPOLATION

A witness who is testifying may use fair extrapolations from his or her own statement. "Fair extrapolation" refers to an inference that can be reasonably made from the facts stated in the witness statement of the testifying witness. A witness who is testifying on direct examination, in responding to questions of counsel, may utilize the reasonable and logical inferences from his or her own statement. Testimony which is unsupported by the facts in a witness' own statement and/or intended solely for the purpose of materially strengthening his or her team's position, is "unfair extrapolation" and is in violation of the rules and spirit of the competition. If a witness invents an answer which is favorable to his or her side, but not fair extrapolation, the opposition may object; the judge will decide whether to allow the testimony. An exception to this rule can occur when an attorney on cross-examination asks a question, the answer to which is not included in the witness statement. The witness is then free to "create" an answer.

5:4-6 IMPEACHMENT

On cross-examination, the attorney may want to show the court that the witness should not be believed. This is called impeaching the witness. A witness may be impeached by showing that he or she has given a prior statement that differs from his or her trial testimony, that he or she has some interest in the outcome of the case, that he or she has a bias for or against any other party or person, that he or she has some other motivation to either lie or be untruthful, or that he or she is simply mistaken as to what he or she has seen or heard. If virtual, see Online Rule 1.7.

5:4-7 USE OF NOTES BY WITNESSES

Witnesses are not permitted to use notes while testifying during the trial.

5:4-8 REQUIRED WITNESSES

All three witnesses for each side must testify. Teams may not call another team's witnesses.

5:4-9 SEQUESTERING WITNESSES

Sequestering witnesses is not permitted.

RULE 5:5 INTRODUCTION OF PHYSICAL EVIDENCE

5:5-1 PRE-TRIAL CONFERENCE

Physical evidence must be relevant to the case and the attorney must be prepared to define its use on that basis. In an actual trial an attorney introduces a physical object or document for identification and/or use as evidence during the trial. **For the purposes of this mock trial competition, there will be a pre-trial conference, lasting no more than five minutes, in which both prosecution's/plaintiff's and defendant's attorneys get together to present pre-marked exhibits for identification before trial. The issue of admissibility cannot be addressed at this stage.**

The purpose of the pre-trial procedure is to avoid eroding into each team's time limitations during the trial and to help students understand that attorneys, while they are adversaries, can also work cooperatively to benefit their clients. During this pre-trial, students should introduce themselves and the roles they will play. Remember to give your County or State Coordinator scoresheets with the names of the students in advance of your trial. See "Important Notice" preceding scoresheets for details.

PART VI

MOCK TRIAL RULES OF EVIDENCE

In American courts, complex rules are used to govern the admission of proof (both oral and physical evidence). These rules are to ensure all parties a fair hearing as well as to exclude evidence deemed irrelevant, incompetent, untrustworthy, unduly prejudicial, or otherwise improper. Attorneys must use the evidence rules, by making objections, to protect their client and fairly limit the actions of opposing counsel and their witnesses.

For purposes of mock trial competition, the Rules of Evidence have been modified and simplified. They are based on the Federal Rules of Evidence and the New Jersey Rules of Evidence and their parallel numbering system. **Where rule numbers or letters are skipped, those rules were not deemed applicable to mock trial procedure.** The High School Mock Trial Rules of Evidence are fully set forth below. DO NOT refer to any other outside materials or source other than these rules when making or responding to objections. Rules 1201 and 1202 have been added as no parallel rules exist in either the Federal or State Rules of Evidence.

Not all judges will interpret the Rules of Evidence (or procedure) in the same way, and mock trial attorneys should be prepared to point out specific rules for reference (quoting, if necessary) and to argue persuasively for the interpretation and application of the rule they think appropriate. Judges are asked to adjust scoring to reflect how well attorneys pose and respond to objections. Judges are encouraged to have attorneys explain their positions more than might be expected in a real courtroom, so you may demonstrate your knowledge of how the evidence rules apply in court.

While the evidence rules are numbered, attorneys are expected to refer to the rules by description but may also refer to them by number. Memorizing the evidence rule numbers is not necessary. However, if a Judge asks for a rule number, the mock trial attorney should be prepared to give the rule number referenced. Note that multiple evidence objections may be under a single rule number. Additionally, where a witness makes a statement which is objected to and the Judge sustains the objection, the mock trial attorney may also request: “I ask that the jury be directed to disregard the witness’s last statement” or “I ask that the witness’s last statement be stricken from the record.”

ARTICLE IV. RELEVANCY AND ITS LIMITS

Rule 401. Test for Relevant Evidence

Evidence is relevant if:

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

Rule 402. General Admissibility of Relevant Evidence

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

Example of objection to irrelevant evidence: “I object, your Honor. This testimony is not relevant to the facts of the case.”

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

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

The probative value of evidence is the tendency of the evidence to establish the proposition that it is offered to prove. In determining the probative value of evidence, the focus is upon the logical connection between the proffered evidence and the fact in issue.

Example of objection to compound question: “Objection. Counsel is asking the witness a compound question.”

Example of objection to mischaracterization of testimony: “Objection. Counsel is mischaracterizing the witness’s testimony.”

Example of objection to assuming facts not in evidence: “Objection. Counsel’s question (or closing argument) assumes facts which are not in evidence.”

Example of objection to unfair extrapolation: “Objection, the witness’ unfair extrapolation is in violation of Rule 5:4-5 in that it goes beyond the witness’ statement/deposition/testimony or any reasonable inference to be drawn therefrom.”

NOTE: While “needless presentation of cumulative evidence” may support the objection that a question was already “asked and answered,” this objection is **not** allowed in Mock Trial Rules. The prescribed time limits already discourage repetitive questioning.

Rule 404. Character Evidence not Admissible to Prove Conduct; Exceptions

(a) Character Evidence Generally. Evidence of a person’s character or character trait, including a trait of care or skill or lack thereof, is not admissible for the purpose of proving that on a particular occasion the person acted in accordance with the character or character trait.

This rule does not apply to evidence admissible under Rule 406, however.

Example of objection to improper character testimony: “Objection. Counsel’s question is inadmissible, as it goes to the witness’s character.”

NOTE: That is, you cannot show that someone acted a certain way just because they did a similar act in the past. BUT see habit evidence, Rule 406, below.

(b) Crimes, Wrongs, or Other Acts

(1) Prohibited Uses. Evidence of a crime, wrong or other act is not admissible to prove a person’s character in order to show that on a particular occasion the person acted in accordance with the character.

(2) Permitted Uses. This evidence may be admissible for another purpose, such as proving motive, opportunity, intent, preparation, plan, knowledge, identity, absence of mistake or lack of accident when such matters are relevant to a material issue in dispute.

(c) Character and Character Trait in Issue. Evidence of a person’s character or trait of character is admissible *when that character or trait is an element of a claim or defense*.

Rule 405. Methods of Proving Character

(a) Reputation or opinion. When evidence of character or a trait of character of a person 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. When character or a trait of character of a person is an essential element of a charge, claim, or defense, evidence of specific instances of conduct may also be admitted.

Rule 406. Habit, Routine Practice

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

The witness’ knowledge must be that the person or organization has engaged in the habit or routine practice on many occasions.

The habit or routine practice must be specific, or else it is inadmissible under Rule 404(a) as character evidence.

NOTE: For example, if a witness knows X *always* uses his/her seatbelt when getting into a car, as the witness has often seen him/her get into a car many times and buckle the seatbelt, the witness may be permitted to testify to this habit. The key to admissibility is that X engages in the conduct of wearing his/her seatbelt on a regular basis. The habit must be specific or routine must be specific in nature. The witness cannot make the broad statement, for example, that X is a careful driver.

ARTICLE VI. WITNESSES

Rule 601. Competency to be a Witness

Each mock trial witness is competent to be a witness and may testify in accordance with his/her witness statement, deposition, prior testimony, the facts contained in the Statement of Facts and the documents provided. A witness may testify as to any reasonable inference to be drawn from these facts.

Example of objection to unfair extrapolation: “Objection, the witness’ unfair extrapolation is in violation of Rule 5:4-5 in that it goes beyond the witness’ statement/deposition/testimony/Statement of Facts/documents or any reasonable inference to be drawn therefrom.”

Rule 602. Need for Personal Knowledge

A witness may testify to a matter only if evidence is introduced establishing that the witness has personal knowledge of the matter. Evidence to prove personal knowledge may consist of the witness’s own testimony. This rule does not apply to a witness’s expert testimony, which is governed by Rule 703.

Example of objection to lack of personal knowledge: “Objection. The witness has no personal knowledge that would enable him/her to answer this question.”

Example of objection to speculation: “Objection. The question calls for speculation on the part of the witness.”

Rule 607. Who May Impeach a Witness

Any party, including the party that called the witness, may attack the witness’s credibility. Also see R.5:4-6.

NOTE: That is, an attorney may ask questions to show that the witness is lying or lied on a prior occasion.

Rule 608. Evidence of Character for Truthfulness or Untruthfulness and Conduct of Witnesses

(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, provided, however, that (1) the evidence relates only to the witness’ 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’ character for truthfulness may not be proved by extrinsic evidence. They may, however, in the discretion of the court, if probative of truthfulness or untruthfulness, be inquired into 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.

Rule 611. Mode and Order of Interrogation and Presentation

(a) Control by the Court; Purposes.

The court should exercise reasonable control over the mode and order of examining witnesses and presenting evidence so as to

- (1) make those procedures effective for determining the truth and
- (2) protect witnesses from harassment or undue embarrassment.

Example of objection to argumentative question: “Objection. Counsel’s question is argumentative.”

(b) Leading and Narrative Questions.

Leading questions should not be used on direct examination or re-direct examination of one's own witness. Ordinarily, the court should allow leading questions on cross-examination and re-cross-exam. Narrative questions (questions that call for a narrative answer) are generally not permitted on direct or re-direct exam or cross or re-cross exam.

NOTE: Direct examination may cover all facts relevant to the case of which the witness has firsthand knowledge. It is limited by the scope of the witness statements and/or the exhibits in this workbook and the Statement of Facts or stipulated facts if he/she has knowledge of them. Any factual areas examined on direct examination may be subject to cross-examination. On direct examination, a witness is not permitted to quote from the witness statement of another witness. Fair extrapolation, as defined in Rule 5:4-5, is permitted.

In direct examination, attorneys call and question witnesses. Witnesses may not be asked leading questions by the attorney who calls them. A leading question is one that suggests to the witness the answer desired by the examiner, and often suggests a "yes" or "no" answer. Direct questions generally are phrased to evoke a set of facts from the witness.

Example of direct question: "Mr. Hudson, when did you meet June Harris?"

Example of a leading question: "Mr. Hudson, isn't it true that you first met June Harris on April 14, 1981?"

Example of objection to leading question: "Objection. Counsel is leading the witness." (Remember, this is only objectionable when done on direct examination or re-direct examination of one's own witness).

Example of objection to non-responsive answer: "Objection. The answer is not responsive."

Example of objection to question calling for a narrative answer: "Objection. Counsel's question calls for a narrative answer."

Note: Narrative questions (questions that call for a narrative answer) and narrative answers are generally not permitted, especially in direct examination. While the purpose of direct examination is to get the witness to tell a story, the questions must ask for specific information. The questions should not be so broad that the witness is allowed to wander or narrate a whole story. The opposing team will likely want to object to a question on direct examination calling for a narrative response.

At times, a direct question may be appropriate, but the witness' answer may go beyond the facts for which the question was asked. This may also happen when a leading question is asked on cross-examination and the answer given is in a narrative form.

(c) 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, including all reasonable inferences that can be drawn from those facts and matters. Opposing counsel may also inquire into any omissions from the witness' statement that are otherwise material and admissible and/or into any issue potentially affecting the credibility of the witness.

NOTE: An attorney may ask leading questions when cross-examining the opponent's witnesses, but asking that opposing witness a narrative question is generally not wise, since it gives the witness an opportunity to stress facts that favor his/her own side.

While the purpose of direct examination is to get the witness to tell a story, the questions in cross-examination and re-cross should ask for specific information. It is not in the cross-examining team's interest to ask an opposing witness questions that are so broad that the witness is allowed to wander or narrate a whole story. Questions tending to evoke a narrative answer often begin with "how," "why" or "explain." An example of a narrative question is: "Mr. Hudson, what went wrong with your marriage?"

On cross-examination, a witness is permitted to invent an answer which is not included in his/her witness statement only as permitted by Rule 5:4-5. If that answer is inconsistent with any other evidence, including statements of that witness, the Statement of Facts, or any other stipulations, the cross-examining attorney may impeach or object as may be appropriate. For example, he/she may object to an answer as being non-responsive.

(d) Re-Direct and Re-Cross Examination.

After cross-examination, additional non-leading questions may be asked by the direct-examining attorney on re-direct examination, but questions must be limited to matters raised by the opposing 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 re-direct.

NOTE: Re-direct and re-cross are optional, to be used at the discretion of the team. One minute will be allowed for re-direct and re-cross respectively. Judges should not deduct points if a team decides not to re-direct or re-cross.

Example of objection to questions beyond the scope: On re-direct or re-cross, the opposing party may object as follows: “Objection. This question is beyond the scope of cross-examination (or re-direct).”

(e) Permitted Motions.

The judge is presumed to strike testimony elicited by a question following a successful objection to its admission.

NOTE: For the purpose of mock trial, it is assumed that when an objection is sustained, the response is stricken. If the witness has responded in a meaningful way, mock trial attorneys need not but may move to have the testimony stricken from the record. Counsel should **not** refer to stricken testimony in closing arguments.

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

A written statement is used to refresh the memory of a witness, but while on direct examination, a witness cannot read from the witness’ own statements to bolster testimony (that is, to show that the witness said something earlier). The adverse party may cross-examine the witness on the material and introduce into evidence those portions of the written statement that relate to the testimony of the witness.

Rule 613. Witness’s Prior Statement

The statements of witnesses, whether in affidavit or deposition format, are not admissible into evidence, but may be used during cross-examination for impeachment purposes. When examining a witness about the witness’ prior statement, a party need not show it or disclose its contents to the witness. But the party must, on request, indicate the relevant segment of the statement for opposing counsel. Counsel may show the document for impeachment, or on re-direct examination, may show the same document to rebut the impeachment.

NOTE: It is best to briefly show the exhibit you are going to show a witness to opposing counsel just as you are about to approach the witness with it. When asking the witness about the document, it is best to refer to the page and line number. For example:

“Ms. Jones, I am showing you what has been marked as S-1 for identification. Do you recognize S-1?” (The witness should say “yes” and identify the document. After the witness identifies S-1, ask, “I would like you to read line X of page Y. . . .” When referring to the witness’ own statement, mock trial attorneys may ask the witness if the statement was given under oath, but are not required to do so and may refer to it in summation.

Otherwise, opposing counsel may ask the court: “Can I have the page and line number (counsel is referring to)?”

If your witness is impeached by his or her statement, but the words used were taken out of context, not fairly showing what the witness meant, on re-direct you may want to show the statement to your witness and “rehabilitate” him/her. For example, if cross-examination brings out that the witness said “I did not shoot the victim,” in response to police asking if s/he did so, you may ask your witness to add what s/he said after that phrase:

“Witness, you were asked if you said to police, “I did not shoot the victim?” “Yes.” “Do you remember your complete response to police?” “No.” “I am showing you S-1 again, the same line opposing counsel showed you. Do you now remember your *complete* answer to that question?” “Yes.” “What was that full response?” “I did not shoot the victim until he pointed a gun in my face.””

After the exhibits have been agreed upon, the attorneys may ask witnesses about the documents.

For example, if an attorney decides to show a letter (already agreed upon as an exhibit by both sides) to a witness, an attorney may show the letter to him/her, asking: “Mr. Davis, do you recognize this document which is marked Plaintiff’s P-1 for identification?” (The witness should say yes and identify the document.)

At this point the attorney may proceed to ask the witness questions about P-1.

If the attorney wishes to place the document into evidence, say, “Your Honor, I offer this letter for admission into evidence as Plaintiff’s P-1 and ask the court to so admit it.” Moving a document into evidence must occur either at the time the document is identified or at the end of the parties’ case.

Get a ruling from the court on admissibility and hand the document to the judge.

Bringing physical evidence to the trial, e.g., a weapon in the case of a murder trial, is prohibited unless otherwise indicated. It is sufficient to rely upon the documents provided in this workbook for exhibits. Use of props, visual and illustrative aids, other than what is specified in the workbook, is prohibited, under Rule 5:1-1.

ARTICLE VII. OPINIONS AND EXPERT TESTIMONY

Rule 701. Opinion Testimony by Lay Witness

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

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

NOTE: Lay witnesses are any witnesses not admitted as experts in the trial. A lay witness may offer testimony in the form of an opinion based on the common experience of laypersons in the community and of which the witness has firsthand knowledge. Examples include: what things look like; how someone is acting (e.g., drunk, tired, happy); speed, distance, sound, size, weight, degree of darkness, and general weather conditions.

A witness may not testify to any matter of which the witness has no personal knowledge (except for expert witnesses, in exceptions listed below).

For example: If Mrs. Davis was not present at the scene of an intersectional collision between a Ford Explorer and a bus, she could not say, “The bus went through the red light.”

Example of objection to improper request for opinion: “Objection. The witness is not qualified as an expert on this topic and counsel is asking the witness to give an expert opinion.”

Example for lay witnesses: “Objection. Counsel is asking the witness to give an opinion on a topic about which the witness has no personal knowledge.”

Rule 702. Testimony by Experts

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

- (a) the expert’s scientific, technical, or other specialized knowledge will help the trier of fact to understand the evidence or to determine a fact in issue;
- (b) the testimony is based on sufficient facts or data;
- (c) the testimony is the product of reliable principles and methods; and
- (d) the expert has reliably applied the principles and methods to the facts of the case.

NOTE: Certain witnesses who have special knowledge or qualifications may be qualified as “experts.” An expert must be qualified by the attorney for the party for which the expert is testifying; this means that before an expert can be asked an expert opinion, the questioning attorney must bring out the expert’s qualifications and experience.

An expert witness may offer testimony in the form of an opinion only if the subject matter is within the expert’s area of expertise.

Rule 703. Bases of Opinion Testimony by Experts

An expert may base an opinion on facts or data in the case that the expert has been made aware of or personally observed. If experts in the particular field would reasonably rely on those kinds of facts or data in forming an opinion on the subject, this is sufficient grounds for the admissibility of the expert’s opinion in the case at hand.

NOTE: An expert may testify to things that are otherwise not admissible under the rules of evidence, if the expert relied upon that information to come up with his or her opinion. For example, if an expert physician relied upon medical records of treatment, he or she can testify to them.

Rule 704. Opinion on Ultimate Issue

No witness may give an opinion about how the case should be decided. This is called the “ultimate issue” question. An expert witness must not state an opinion about whether the defendant did or did not have a mental state or condition that constitutes an element of the crime charged (i.e. purposeful, knowing or recklessness).

Rule 705. Disclosing the Facts or Data Underlying an Expert’s Opinion

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

NOTE: In mock trial, however, we have limited the presentation of an expert’s facts and data to streamline the case. Parties should not use invention on direct examination of their own expert witnesses to enhance their testimony.

ARTICLE VIII. HEARSAY

Rule 801. Definitions

The following definitions apply under this article:

- (a) “Statement” means a person’s oral assertion, written assertion, or nonverbal conduct if the person intended it as an assertion.
- (b) “Declarant” means the person who made the statement.
- (c) Hearsay is a statement attributed to a declarant *who is not a witness in the case* which is offered to prove the truth of the statement. A witness is not permitted on direct examination to quote from the witness statement of another witness.

Example: Mrs. Mills is testifying. Her witness statement contains the following statement: “Mr. Hudson told me he was at the scene of the crime.” This is inadmissible hearsay (if offered to prove that Mr. Hudson was at the scene of the crime) unless Mr. Hudson is also a witness in the case. If Mr. Hudson is a witness in the case, then the statement is not hearsay.

Example: Mrs. Mills is testifying. Mr. Hudson is a witness in the case. His witness statement contains the following statement: “I heard Mrs. Harris threaten my son.” Mrs. Mills may not testify that “Mr. Hudson said that Mrs. Harris threatened his son.” The statement is not contained in the witness statement of Mrs. Mills. Such testimony is inadmissible hearsay and also violates the mock trial rule that prohibits a witness on direct examination from quoting from the witness statement of another witness.

(d) Statements That Are Not Hearsay.

A statement that meets the following conditions is not hearsay:

(1) Party Declarant’s Admission against Interest

A statement may be admissible if it was said by a party in the case and contains evidence that goes against the party’s interest (e.g., in a murder case, the defendant told someone he committed the murder).

(2) Opposing Party's Statement

A statement may be admissible if it is offered against an opposing party and was made by the party.

(3) Relied upon by Expert

A statement may be admissible if it was relied upon by an expert witness and forms the basis for the expert's opinion. See Rule 703, above.

Rule 802. Hearsay Rule

Hearsay is not admissible except as provided by these Rules.

Example of objection to hearsay: "Objection. Counsel's question/the witness' answer is based on hearsay." (If the witness makes a hearsay statement, the attorney should also say, "and I ask that the jury be directed to disregard the witness' last statement" or "and I ask that the witness' last statement be stricken from the record.")

Rule 803. Exceptions to the Rule against Hearsay

The following exceptions to the hearsay rule are not dependent on whether the declarant is available as a witness or not:

(1) **Present Sense Impression.** A statement describing or explaining an event or condition, made while or immediately after the declarant perceived it and without opportunity to deliberate or fabricate.

(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 and without opportunity to deliberate or fabricate.

(3) **State of Mind.** A statement of the declarant's then-existing state of mind (such as motive, intent or plan).

NOTE: Understand that the statement may not be used to prove the truth of the matter asserted, however, if it comes in, it is only to establish the speaker's "state of mind."

(5) **Recorded Recollection.** A statement concerning a matter about which the witness is unable to testify fully and accurately because of insufficient present recollection if the statement is contained in a writing or other record that; (A) was made at a time when the fact recorded actually occurred or was fresh in the memory of the witness; and (B) was made by the witness or under the witness' direction or by some other person for the purpose of recording the statement when it was made; and (C) the statement concerns a matter of which the witness had knowledge when it was made. This exception does not apply if unless the circumstances indicate that the statement is not trustworthy. When the witness does not remember part or all of the contents of a writing, the portion the witness does not remember may be read into evidence but shall not be introduced as an exhibit over objection.

(6) **Records of a Regularly Conducted Activity.** A statement contained in a writing or other record of acts, events, conditions, made at or near the time of observation by a person with actual knowledge or from information supplied by such a person, if the writing or other record was made in the regular course of business and it was the regular practice of that business to make such writing or other record. This exception does not apply if the sources of information or the method, purpose or circumstances of preparation indicate that it is not trustworthy.

(25) **Statement against Interest.** A statement that a reasonable person in the declarant's position would have made only if the person believed it to be true because, when made, it was so contrary to the declarant's proprietary, pecuniary or social interest, or had so great a tendency to invalidate the declarant's claim against another or to expose the declarant to civil or criminal liability.

Rule 805. Hearsay within Hearsay

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

ARTICLE XII. OTHER OBJECTIONS

Rule 1201. Objections to Openings and Closings

Attorneys may not interrupt or object during the opposition's opening or closing, but must raise any objections to openings or closings immediately after the opposing attorney concludes. The presiding judge will then rule on the objections and instruct the jury as may be necessary.

Rule 1202. Number of Objections

While there is no limit on the number of objections attorneys may raise, teams should be aware that judges may assess scoring penalties for objections which are frivolous.

Rule 1203. Other Standard Objections

Other standard forms of evidentiary objections allowed in the Mock Trial Competition are as follows. These “other objections” may be altered from year to year depending on the nature of the case.

Example of objection to lack of proper foundation: “Objection. Counsel has not laid a proper foundation for the question (or for admission of an exhibit).”

Example of objection to conclusion of law improperly called for by question: “Objection. Counsel is calling for the witness to make a conclusion of law.”

PART VII

GUIDELINES FOR ATTORNEY TEAM ADVISERS

The rules of evidence governing trial practice have been modified and simplified for the purposes of this mock trial competition (see Part VI of this packet.) Other more complex rules are **not** to be raised during the trial enactment.

Team members cannot contradict the witness statement sheets for the case (see Part X of this packet) nor introduce any evidence that is not included in this packet of materials.

ALL WITNESSES MUST TAKE THE STAND.

The decision of the judge(s) in any mock trial enactment determines which team advances. This decision is to be based on the quality of the students' performance.

The preparation phase of the contest is intended to be a cooperative effort among students, teacher-coach and attorney-adviser. **Remember:** The official representative of a mock trial team is the teacher-coach, **not** students, lawyer-coaches or others. All communications regarding a mock trial team will be made by and through the teacher-coach as official team representative.

When assisting students, attorney-advisers should avoid use of highly complicated legal terminology unless such terminology is pertinent to the comprehension of the case.

Attorneys should not "script" or prepare the cases for the students. As part of the educational goals of the competition, students are expected to read, study and analyze the case. Attorney-coaches may then help students to refine their strategy.

The first session with a student team should be devoted to the following tasks:

- answering questions which students may have concerning general trial practices;
- explaining the reasons for the sequence of events/procedures in a trial;
- listening to the students' approach to the assigned case; and
- discussing general strategies as well as raising key questions regarding the enactment.

A second and subsequent session with students should center on the development of proper questioning techniques by the student attorneys and sound testimony by the witnesses. Here an attorney can **best** serve as constructive observer and critic-teacher, i.e., listening, suggesting, demonstrating to the team.

PART VIII

GENERAL GUIDELINES TO PRESENTATIONS FOR JUDGES

Under contest rules, student-attorneys are allowed to use notes in presenting their cases; witnesses may **not** use notes in testifying.

Attorneys and witnesses may neither contradict the witness statement sheets for the case nor introduce any evidence that is not included in this packet of materials.

Only **one** opening and closing statement is allowed.

Except for opening the court, general procedural instructions, rulings on objections, etc., it is best to keep judicial involvement/participation to a minimum during the trial enactment.

Each attorney (two for each side) shall conduct the examination of three witnesses. See R.5:3-1.

The Mock Trial Rules of Evidence have been revised. (See Part VI of this workbook). They are to govern proceedings. Other more complex rules are **not** to be raised during the trial enactment.

Witness statements may be used by attorneys to “refresh” a witness’ memory and/or impeach the witness’ testimony in court.

Attorneys have been asked to keep their presentations within the following guidelines: Opening Statements—4 minutes; Closing Statements—8 minutes; Direct Examination—6 minutes/witness; and Cross-Examination—7 minutes/witness. Regarding objections, the clock will stop. One minute will be allowed for re-direct and re-cross respectively. See rule 2:9 on “Time Limits” for details. Judges should **not** deduct points if a team decides not to re-direct or re-cross.

The decision of the judge(s) determines which team advances and which team is eliminated.

In the event of a tie score, the judge(s) shall make a final determination based on overall team performance. Judges may award an additional point to the team with the better overall team performance in order to break a tie. See Part XI for details.

Judges may include in their rating of overall team performance an evaluation of civility and compliance with the Code of Conduct in this workbook as well as compliance with mock trial rules.

If a team fails to adhere to the established guidelines/rules set forth for the competition, a judge may (depending upon the circumstances of the violation) lessen his/her rating of that team.

Better understanding is promoted among students and teachers if the judge(s) in a mock trial takes a few minutes following the enactment to explain his/her decision(s) regarding the teams’ presentation. Judges will provide a qualitative evaluation of each team’s performance. They will not release numerical scores. At the end of the trial, if time permits, teacher-and/or attorney-coaches may stay logged on to confer with the judges. See Rule 2:7, Rule 5:3-6, and Online Rule 1.5.

The judges’ decisions are final.

PART IX

MOCK TRIAL VIDEOS

Watch championship teams battle for the state title in our instructional video on our website, njsbf.org. You’ll see examples of opening statements, direct and cross-examinations of witnesses and closing arguments, which were excerpted from the final round of the New Jersey State Bar Foundation’s 2018-2019 Vincent J. Apruzzese High School Mock Trial Competition.

Last season we conducted our first ever virtual Mock Trial Competition. You can watch the final round, which took place on March 18, 2021, on our website.

PART X

State of Metropolitan v. Perry Jordan

STATEMENT OF FACTS

Perry Jordan is a college dropout who lives in a room in a rooming house at 1010 Main Street in the central district of Metropolitan City. It is alleged that, from June to September of 2019, Perry Jordan knowingly dealt in the trafficking of stolen property, mostly high-end jewelry. The State further alleges that Jordan, using an assumed name, Emery Rose, transported the property to Big Tom's Reseller, a pawn shop business, with its sole location also in the central district of Metropolitan. Transport of these items was said to be via a mailing service, then via the Rover delivery service, to Big Tom's. Perry Jordan asserts that s/he never posed as Emery Rose and never trafficked in stolen property. S/he also insists that the money found in his/her room was earned honestly.

Exhibits

Exhibit A - Text photograph of instant messages

Exhibit B - Excerpt from *Bling and Bucks: The Economics of Luxury*, by Kaden Keller

Stipulations

1. All witness statements are deemed sworn or affirmed, and duly notarized.
2. The retail value and sale costs of the four watches and a 24-carat gold laptop are stipulated to.
3. The Omega Datejust Pearl Oyster Luxury watch and the Norval Square Sapphire men's ring are both engraved with the initials "CNR."
4. The Omega Datejust Pearl Oyster Luxury watch is a special edition that has an alarm.
5. As specified in the indictment, it is stipulated that Big Tom Clark is an unindicted co-conspirator in the case of *State of Metropolitan v. Perry Jordan*.
6. From 2:30 p.m. until 2:59 p.m., on September 12, 2019, the cell phone bought by Perry Jordan, and found on his/her person upon arrest, pinged in the area of Big Tom's Reseller. The area would also include the entire city block, including Moby's Coffee, several doors down, on the other end of the block.
7. The Duop cellular phone company records were kept in the ordinary course of business, and may be referred to by witnesses Jewel, Jordan, Thompson or Keller.

8. The “ping” from the Duop cellular phone company records indicates that a cellular phone was being used in the three-block radius that comprises part of Metropolitan’s downtown district, on September 12, 2019.
9. Moby’s Coffee closed due to Covid protocols in March of 2020 and never reopened. Moby’s Coffee had free Wi-Fi service while it was in business.
10. The 88-year-old man from Arizona who was robbed, is too ill to travel to Metropolitan to testify in the trial of this matter.
11. The evidence repository building, containing the physical evidence in this case, was flooded, and declared a biohazard zone by the State Department of Environmental Protection, and so no evidence could be recovered from the evidence vault therein.
12. No other stipulations shall be made between the prosecution and the defense, except as to the admissibility of evidentiary exhibits provided herein.
13. Kaden Keller may testify that s/he knows Perry Jordan to be an honest person, and to have a reputation for honesty in the community.
14. The hearsay rule shall not apply to what is said by Cameron Clark to be Big Tom’s ledger, listing alleged payments from “Emery Rose” and sale values for those items.
15. The hearsay rule shall not apply to what is said by a Christian Dior representative to Parris Jewel regarding the reported theft of the Christian Dior VIII Grand Bal Women’s Luxury Watch.
16. Cecilia Thomas is dead, but Officer Parris Jewel may testify to the alleged theft of the watch, ring and Gucci bag.
17. The Bling 24-carat gold Mac laptop was reported stolen from Bling to Oakland, California Police on June 1, 2019.
18. Jules Thompson is acknowledged to be an expert in ByteCoin and other cryptocurrencies, their creation, and their use and transactions, as well as an expert in the nature and operations of organized crime in San Francisco.
19. Kaden Keller is acknowledged to be an expert in the marketing and sale of luxury goods, including watches.
20. Costumes, make-up and props are prohibited.
21. Witnesses may be male or female.

22. The trial judge shall dispense with the reading of the jury charge, and it shall be stipulated that all jurors are familiar with its contents. There will not be a student jury in this year's virtual competition.
23. The only place that sells Antelope cigarettes of any kind is the Diamond Indian reservation in Northern New Mexico, in person and online.
24. Cameron Clark may testify to what Big Tom and "Emery" allegedly said, as per Clark's witness statement.
25. Blair Overland may testify to what Big Tom and Cameron Clark allegedly said, as per Overland's witness statement.
26. The area code 415 is assigned to San Francisco, California, and 416 is assigned to Toronto, Ontario, in Canada.

Prosecution Witnesses

Parris Jewel

Cameron Clark

Jules Thompson

Defense Witnesses

Perry Jordan

Blair Overland

Kaden Keller

These materials are produced for education purposes only. All characters, names, events and circumstances are fictitious. No resemblance or reference to real individuals, events or circumstances is intended or should be inferred.

JURY CHARGE

Before you retire to deliberate and reach your verdict, it is my obligation to instruct you as to the principles of law applicable to this case. You shall consider my instructions in their entirety and not pick out any particular instruction and overemphasize it.

These instructions consist of four parts. The first part deals with the general principles of law that apply to a criminal case. The second part describes the evidence that you may consider in your deliberations. The third part is about the portions of the Metropolitan Criminal Code that you must apply to the facts you find in this case to determine whether the State has proven beyond a reasonable doubt that the defendant violated a specific criminal statute. Finally, the fourth part of the instructions tells you how to go about conducting your deliberations. You must accept and apply this law for this case as I give it to you in this charge. Any ideas you have of what the law is or what the law should be or any statements by the attorneys as to what the law may be, must be disregarded by you, if they are in conflict with my charge.

Now, beginning with the general principles of law that apply to a criminal case, the defendant stands before you on an indictment returned by the grand jury charging him/her with receiving stolen property and dealing in stolen property.

The indictment is not evidence of the defendant's guilt on the charge. An indictment is a step in the procedure to bring the matter before the court and jury for the jury's ultimate determination as to whether the defendant is guilty or not guilty on the charge stated in it. The defendant has pleaded not guilty to the charge.

The defendant on trial is presumed to be innocent and unless each and every essential element of an offense charged is proved beyond a reasonable doubt, the defendant must be found not guilty of that charge. The burden of proving each element of a charge beyond a reasonable doubt rests upon the State and that burden never shifts to the defendant. The defendant in a criminal case has no obligation or duty to prove his/her innocence or offer any proof relating to his/her innocence. The prosecution must prove its case by more than a mere preponderance of the evidence, yet not

necessarily to an absolute certainty.

The State has the burden of proving the defendant guilty beyond a reasonable doubt. Some of you may have served as jurors in civil cases, where you were told that it is necessary to prove only that a fact is more likely true than not true. In criminal cases, the State's proof must be more powerful than that. It must be beyond a reasonable doubt. A reasonable doubt is an honest and reasonable uncertainty in your minds about the guilt of the defendant after you have given full and impartial consideration to all of the evidence. A reasonable doubt may arise from the evidence itself or from a lack of evidence. It is a doubt that a reasonable person hearing the same evidence would have.

Proof beyond a reasonable doubt is proof, for example, that leaves you firmly convinced of the defendant's guilt. In this world, we know very few things with absolute certainty. In criminal cases the law does not require proof that overcomes every possible doubt. If, based on your consideration of the evidence, you are firmly convinced that the defendant is guilty of the crime charged, you must find him/her guilty. If, on the other hand, you are not firmly convinced of defendant's guilt, you must give defendant the benefit of the doubt and find him/her not guilty.

The function of the judge is separate and distinct from the function of the jury. It is my responsibility to determine all questions of law arising during trial and to instruct the jury as to the law which applies in this case. You must accept the law as given to you by me and apply it to the facts as you find them to be. You are to do so in order to reach a fair and impartial verdict.

During the course of the trial, I was required to make certain rulings on the admissibility of the evidence either in or outside of your presence. These rulings involved questions of law. The comments of the attorneys on these matters were not evidence. In ruling, I have decided questions of law and, whatever the ruling may have been in any particular instance, you should understand that it was not an expression or opinion by me on the merits of the case. Neither should my other rulings on any other aspect of the trial be taken as favoring one side or the other. Each matter was decided on its own merits.

I may have sustained objections to some questions asked by counsel which may have contained

statements of certain facts. The mere fact that an attorney asks a question and inserts facts or comments or opinions in that question in no way proves the existence of those facts. You will only consider such facts which in your judgment have been proven by the testimony of witnesses or from exhibits admitted into evidence by the court.

The fact that I may have asked questions of a witness in the case must not influence you in any way in your deliberations. The fact that I asked such questions does not indicate that I hold any opinion one way or the other as to the testimony given by the witness. Any remarks made by me to counsel or by counsel to me or between counsel, are not evidence and should not affect or play any part in your deliberations.

You will have to apply the law as I give it to you regardless of your own personal feelings about it. You are the sole judges of the facts, so you must remain impartial throughout the trial. You must decide the facts of this case solely from the evidence produced in this courtroom and nothing else. It would be unfair and a violation of your oath as jurors to base your decision about the facts of this case upon something that was said to you or discovered by you outside this courtroom. As judges of the facts, you are to determine the credibility of the various witnesses as well as the weight to be attached to their testimony. You and you alone are the sole and exclusive judges of the evidence, of the credibility of the witnesses and the weight to be attached to the testimony of each witness.

Regardless of what counsel said or I may have said recalling the evidence in this case, it is your recollection of the evidence that should guide you as judges of the facts. Arguments, statements, remarks, openings and summations of counsel are not evidence and must not be treated as evidence. Although the attorneys may point out what they think important in this case, you must rely solely upon your understanding and recollection of the evidence that was admitted during the trial. Whether or not the defendant has been proven guilty beyond a reasonable doubt is for you to determine based on all the evidence presented during the trial. Any comments by counsel are not controlling.

It is your sworn duty to arrive at a just conclusion after considering all the evidence which was

presented during the course of the trial.

Now I will move on to the second part of the instructions and discuss the evidence that you may consider in judging the facts of the case. When I use the term “evidence” I mean the testimony you have heard and seen from this witness box, any stipulations and the exhibits that have been admitted into evidence. Any exhibit that has not been admitted into evidence cannot be given to you in the jury room even though it may have been marked for identification. Only those items admitted into evidence can be given to you.

Any testimony that I may have had occasion to strike is not evidence and shall not enter in your final deliberations. It must be disregarded by you. This means that even though you may remember the testimony you are not to use it in your discussions or deliberations. Further, if I gave a limiting instruction as to how to use certain evidence, that evidence must be considered by you for that purpose only. You cannot use it for any other purpose.

As jurors, it is your duty to weigh the evidence calmly and without passion, prejudice or sympathy. Any influence caused by these emotions has the potential to deprive both the State and the defendant(s) of what you promised them - a fair and impartial trial by fair and impartial jurors. Also, speculation, conjecture and other forms of guessing play no role in the performance of your duty.

Evidence may be either direct or circumstantial. Direct evidence means evidence that directly proves a fact, without an inference, and which in itself, if true, conclusively establishes that fact. On the other hand, circumstantial evidence means evidence that proves a fact from which an inference of the existence of another fact may be drawn.

An inference is a deduction of fact that may logically and reasonably be drawn from another fact or group of facts established by the evidence. Whether or not inferences should be drawn is for you to decide using your own common sense, knowledge and everyday experience. Ask yourselves is it probable, logical and reasonable.

It is not necessary that all the facts be proven by direct evidence. They may be proven by direct

evidence, circumstantial evidence or by a combination of direct and circumstantial evidence. All are acceptable as a means of proof. In many cases, circumstantial evidence may be more certain, satisfying and persuasive than direct evidence.

However, direct and circumstantial evidence should be scrutinized and evaluated carefully. A verdict of guilty may be based on direct evidence alone, circumstantial evidence alone or a combination of direct evidence and circumstantial evidence provided, of course, that it convinces you of a defendant's guilt beyond a reasonable doubt. The reverse is also true, a defendant may be found not guilty by reason of direct evidence, circumstantial evidence, a combination of the two or a lack of evidence if it raises in your mind a reasonable doubt as to the defendant's guilt.

As the judges of the facts, you are to determine the credibility of the witnesses and, in determining whether a witness is worthy of belief and therefore credible, you may take into consideration: the appearance and demeanor of the witness; the manner in which s/he may have testified; the witness' interest in the outcome of the trial if any; his or her means of obtaining knowledge of the facts; the witness' power of discernment meaning his or her judgment - understanding; his or her ability to reason, observe, recollect and relate; the possible bias, if any, in favor of the side for whom the witness testified; the extent to which, if at all, each witness is either corroborated or contradicted, supported or discredited by other evidence; whether the witness testified with an intent to deceive you; the reasonableness or unreasonableness of the testimony the witness has given; whether the witness made any inconsistent or contradictory statement; and any and all other matters in the evidence which serve to support or discredit his or her testimony.

Through this analysis, as the judges of the facts, you weigh the testimony of each witness and then determine the weight to give to it. Through that process you may accept all of it, a portion of it or none of it.

Now, I will instruct you on the third part of the instructions on the portions of the Criminal Code that you must apply to the facts you find to determine whether the State has proven beyond a reasonable doubt that the defendant violated a specific criminal statute. The statute read together

with the indictment identifies the elements which the State must prove beyond a reasonable doubt to establish the guilt of the defendant on each of the counts in the indictment.

RECEIVING STOLEN PROPERTY

(Metropolitan Statute 2C:20-7a)

The defendant is charged with the crime of receiving stolen property, specifically a laptop computer and several luxury watches. This charge is based on a statute which reads:

A person is guilty of theft if s/he knowingly receives (or brings into this State) movable property of another knowing that it has been stolen, or believing that it has probably been stolen.

Under this statute the State must prove three elements beyond a reasonable doubt to establish that a defendant is guilty of receiving stolen property. These elements are:

1. That the defendant knowingly received (or brought into this State) movable property of another;
2. That the property was stolen;
3. That the defendant either knew that the property had been stolen or believed that it had probably been stolen at the time he/she received the property (or brought the property into this State).

The first element that the State must prove beyond a reasonable doubt is that the defendant knowingly received (or brought into this State) movable property of another. The term “receive” means to acquire possession, control, or title (or to lend on the security) of the property.

POSSESSION (Metropolitan Statute 2C:2-1)

To “possess” an item under the law, one must have a knowing, intentional control of that item accompanied by a knowledge of its character. So, a person who possesses an item such as a watch or a laptop must know or be aware that he/she possesses it, and he/she must know what it is that he/she possesses or controls (that it is a watch or a laptop). In other words, to “possess” an

item, one must knowingly procure or receive an item or be aware of his/her control thereof for a sufficient period of time to have been able to relinquish his/her control if he/she chose to do so.

The State must prove beyond a reasonable doubt that a possessor acted knowingly in possessing the item. A person acts knowingly with respect to the nature of his/her conduct or the attendant circumstances if he/she is aware that his/her conduct is of that nature, or that such circumstances exist, or he/she is aware of the high probability of their existence. A person acts knowingly as to a result of his/her conduct if he/she is aware that it is practically certain that the conduct will cause such a result. Knowing, with knowledge, or equivalent terms have the same meaning.

Knowledge is a condition of the mind. It cannot be seen. It can only be determined by inferences from conduct, words or acts. Therefore, it is not necessary for the State to produce witnesses to testify that a particular defendant stated, for example, that he/she acted with knowledge when he/she had control over a particular thing. It is within your power to find that proof of knowledge has been furnished beyond a reasonable doubt by inference which may arise from the nature of the acts and the surrounding circumstances.

A person may possess an item, such as a watch, even though it was not physically on his/her person at the time of the arrest, if he/she had in fact, at some time prior to his/her arrest, had control over it.

Possession means a conscious, knowing possession, either actual or constructive.

ACTUAL POSSESSION

A person is in actual possession of an item when he/she first, knows what it is: that is, he/she has knowledge of its character, and second, knowingly has it on his/her person at a given time.

CONSTRUCTIVE POSSESSION

Possession may be constructive instead of actual. As I just stated, a person who, with knowledge of its character, knowingly has direct physical control over an item at a given time is in actual possession of it.

Constructive possession means possession in which the possessor does not physically have the item on his or her person but is aware that the item is present and is able to and has the intention to exercise control over it. So, someone who has knowledge of the character of an item and knowingly has both the power and the intention at a given time to exercise control over it, either directly or through another person or persons, is then in constructive possession of that item.

JOINT POSSESSION

Possession may be sole or joint. If one person alone has actual or constructive possession of an item, possession is sole. If two or more persons share actual or constructive knowing possession of an item, possession is joint.

The term “movable property” means property, the location of which can be changed (including things growing on, affixed to, or found in land, and documents, although the rights represented thereby have no physical location).

The term “property” means anything of value. “Property of another” means property in which the defendant does not have a lawful interest. The State need not, however, prove the identity of the owner, the identity of the original thief, or the identity of the person from whom the defendant received the property.

A person acts knowingly with respect to the nature of his/her conduct or the attendant circumstances if he/she is aware that his/her conduct is of that nature, or that such circumstances exist, or he/she is aware of a high probability of their existence. A person acts knowingly with respect to a result of his/her conduct if he/she is aware that it is practically certain that his/her conduct will cause such a result. “Knowing,” “with knowledge” or equivalent terms have the same meaning.

The second element that the State must prove beyond a reasonable doubt is that the property was stolen. Stolen property means property that has been the subject of any unlawful taking. An unlawful taking occurs when a person takes or exercises unlawful control over the property of another with the purpose, that is, the conscious object, of depriving the other of it permanently or for so extended a period as to appropriate a substantial portion of its economic value.

A person acts purposely with respect to the nature of his/her conduct or a result of his/her conduct if it is the person's conscious object to engage in conduct of that nature or to cause such a result. That is, a person acts purposely if he/she means to act in a certain way or to cause a certain result. A person acts purposely with respect to attendant circumstances if the person is aware of the existence of such circumstances or believes or hopes that they exist.

The third element that the State must prove beyond a reasonable doubt is that the defendant either knew that the property had been stolen or believed that it had probably been stolen at the time the defendant received the property (or brought the property into this State).

Mere proof that the property was stolen is not sufficient to establish this element. Rather, what the State must prove is that the defendant either knew that the property was stolen or believed that it had probably been stolen. I have already defined the term “knowing” to you in discussing the first element and I will not repeat it here. A belief that property has probably been stolen is a belief that it is more likely than not that the property had been stolen.

You must realize that knowledge, purpose, and belief are states of mind which cannot be seen but can only be determined by drawing inferences from one's conduct, words or actions, and from all of the surrounding circumstances. It therefore is not necessary that the State provide witness testimony that the defendant said he/she knew or believed the property was stolen. His/her state of mind is to be determined by you after you examine his/her conduct and actions, all that was said or done at that particular time and place, and all the surrounding circumstances.

To reiterate, the three elements which the State must prove are:

1. That the defendant knowingly received (or brought into this State) movable property of another;
2. That the property was stolen;
3. That the defendant either knew that the property had been stolen or believed that it had probably been stolen when he/she received it (or brought it into this State).

If you find that the State has proven all three elements of this offense beyond a reasonable doubt, you must find the defendant guilty. On the other hand, if you find that the State has failed to prove any element beyond a reasonable doubt, you must find the defendant not guilty.

GRADING

The State must prove the amount (or value) of the property beyond a reasonable doubt. If you find the defendant guilty of the offense, then you must indicate whether you find the amount of money (or value of the property) involved:

- (1) is \$75,000.00 or more;
- (2) exceeds \$500.00, but is less than \$75,000.00;
- (3) is at least \$200.00, but does not exceed \$500.00; or
- (4) is less than \$200.00.

Value means the fair market value of the property at the time and place of the alleged theft. Fair market value is the price that a buyer would be willing to pay and a seller would be willing to accept if both parties were aware of all the relevant surrounding circumstances and neither party were under any compulsion to buy or sell, and the buyer believing that the property has not been stolen.

The State has the burden of proving the fair market value of the property involved. This means that the State must prove beyond a reasonable doubt that the property is worth what the State claims.

If you find that the amounts involved were taken in thefts committed pursuant to one scheme or course of conduct, the amounts may be added together to form a single total amount, whether stolen from one person or from several persons.

DEALING IN STOLEN PROPERTY

(M.S.A. 2C:20-7.1(b))

The defendant is charged with the crime of dealing in stolen property. The statute on which this charge is based reads as follows:

A person is guilty of dealing in stolen property if he traffics in, or initiates, organizes, plans, finances, directs, manages or supervises trafficking in stolen property.

Under our law, a person is guilty of dealing in stolen property although he/she did not steal the property himself/herself, when, with knowledge that the property has been stolen, he/she deals in stolen property with the awareness or knowledge of what he/she is doing. The identity of the person from whom he/she received the property is immaterial. Merely dealing in property that has been stolen is not an offense. It becomes a criminal act when one deals in stolen property knowing it has been stolen.

Thus, the elements that the State must prove beyond a reasonable doubt to convict the defendant of this charge are:

- (1) That the property was stolen.
- (2) That the defendant trafficked in or initiated, organized, planned, financed, directed, managed or supervised trafficking in stolen property.
- (3) That in doing those acts the defendant acted knowingly.
- (4) That at the time he/she dealt in the property he/she knew it had been stolen.

The first element that the State must prove beyond a reasonable doubt is that the property was stolen.

Property means anything of value. Stolen property means property that has been the subject of any unlawful taking.

The second element that the State must prove beyond a reasonable doubt is that the defendant trafficked in or initiated, organized, planned, financed, directed, managed or supervised trafficking in stolen property.

“Traffic” means 1) To sell, transfer, distribute, dispense or otherwise dispose of property to another person; or 2) To buy, receive, possess or obtain control of or use property, with intent to sell, transfer, distribute, dispense or otherwise dispose of such property to another person.

The third element that the State must prove beyond a reasonable doubt is that the defendant acted knowingly in trafficking in or initiating, organizing, planning, financing, directing, managing or supervising trafficking in stolen property.

A person acts knowingly with respect to the nature of his/her conduct or the attendant circumstances if he/she is aware that his/her conduct is of that nature, or that such circumstances exist, or he/she is aware of a high probability of their existence. A person acts knowingly with respect to a result of his/her conduct if he/she is aware that it is practically certain that his/her conduct will cause such a result. “Knowing,” “with knowledge” or equivalent terms have the same meaning. You must realize that knowledge is a state of mind which can be determined by drawing an inference from one’s conduct, words or actions, and from all of the surrounding circumstances. It, therefore, is not necessary that the State produce witnesses to testify that the defendant said he/she knew the property was stolen. His/her state of mind is to be determined by you after you examine his/her conduct and actions, all that was said or done at that particular time and place, and all the surrounding circumstances.

The fourth element that the State must prove beyond a reasonable doubt is that at the time the defendant dealt in the property he/she knew it had been stolen.

(1) If you find proof of the purchase or sale of property by the defendant at a price substantially below its fair market value, unless satisfactorily explained, you may infer that the defendant knew that it had been stolen;

and/or

(2) If you find proof of the purchase or sale of property by a dealer in that property, out of the regular course of business, or without the usual indicia of ownership other than mere

possession, or the property or the job lot of which it is a part was bought, received, possessed or controlled in broken succession or title, so that it cannot be traced, by appropriate documents, in unbroken succession to the manufacturer, in all cases where the regular course of business reasonably indicates records of purchase, transfer or sale, unless satisfactorily explained, you may infer that the person buying or selling the property knew that it had been stolen.

“Dealer in property” means a person who buys and sells property as a business.

and/or

(3) If you find proof that a person buying or selling property of the sort received, obtained such property without having ascertained by reasonable inquiry that the person from whom he/she obtained it had a legal right to possess or control it, you may infer that such person knew that it had been stolen.

You are never required or compelled to draw any inference. It is your exclusive province to determine whether the facts and circumstances shown by the evidence support any inferences and you are always free to accept or reject them if you wish.

If you find that the State has proven each of these elements beyond a reasonable doubt, then you must find the defendant guilty. If on the other hand you find that the State has failed to prove one or more of these elements beyond a reasonable doubt, then you must find the defendant not guilty.

The defendant may have contended that he/she:

- (1) Was unaware that the property or service was that of another and/or
- (2) Acted under an honest claim of right to the property or service involved or that
he/she had a right to acquire or dispose of it as he/she did.

The defendant is not required to prove his/her contentions; rather the burden is on the State to prove that the defendant was unaware that the property was that of another and/or did not act under an honest claim of right to the property or service involved or that he/she had a right to acquire or dispose of it as he/she did.

If you find that the State has proven each of the elements of the crime beyond a reasonable doubt and has also proven beyond a reasonable doubt that the defendant was aware that the property was that of another (and) (that the defendant did not act under an honest claim of right to the property or a belief that he/she had the right to acquire or dispose of it as he/she did), then you must find the defendant guilty. If, on the other hand, you find that the State has failed to prove one or more of the elements beyond a reasonable doubt or that the State has failed to prove beyond a reasonable doubt that the defendant was aware that the property was that of another (or that the defendant did not act under an honest claim of right to the property or a belief that he/she had the right to acquire or dispose of it as he/she did), then you must find the defendant not guilty.

Since the value of the property involved determines the degree or severity of the crime, the State must also prove its value beyond a reasonable doubt. If you find the defendant guilty, then you must indicate whether you find the value of the property involved:

- (1) exceeds \$75,000;
- (1) exceeds \$500, but does not exceed \$75,000;
- (2) is at least \$200, but does not exceed \$500; or
- (3) is less than \$200.

Value is to be determined by the fair market value of the property at the time the defendant is alleged to have trafficked in, or initiated, organized, planned, financed, directed, managed, or supervised trafficking in stolen property. Fair market value means the price that a buyer would be willing to pay and a seller would be willing to accept if both parties were aware of all the relevant surrounding circumstances and neither party were under any compulsion to buy or sell.

EXPERT TESTIMONY

As a general rule, witnesses can testify only as to facts known by them. This rule ordinarily does not permit the opinion of a witness to be received as evidence. However, an exception to this rule exists in the case of an expert witness who may give (his/her) opinion as to any matter in which (he/she) is versed which is material to the case. In legal terminology, an expert witness is a witness who has some special knowledge, skill, experience or training that is not possessed by the ordinary juror and who thus may be able to provide assistance to the jury in understanding the

evidence presented and determine the facts in this case.

In this case, Jules Thompson, testifying for the State, was presented as an expert in ByteCoin and other cryptocurrencies, their creation, and their use and transactions, as well as an expert in the nature and operations of organized crime in San Francisco. Kaden Keller, who testified for the defense, was presented as an expert in the marketing and sale of luxury goods, including watches

You are not bound by such expert's opinion, but you should consider each opinion and give it the weight to which you deem it is entitled, whether that be great or slight, or you may reject it. In examining each opinion, you may consider the reasons given for it, if any, and you may also consider the qualifications and credibility of the expert.

It is always within the special function of the jury to determine whether the facts on which the answer or testimony of an expert is based actually exist. The value or weight of the opinion of the expert is dependent upon, and is no stronger than, the facts on which it is based. In other words, the probative value of the opinion will depend upon whether from all of the evidence in the case, you find that those facts are true. You may, in fact, determine from the evidence in the case that the facts that form the basis of the opinion are true, are not true, or are true in part only, and, in light of such findings, you should decide what affect such determination has upon the weight to be given to the opinion of the expert. Your acceptance or rejection of the expert opinion will depend, therefore, to some extent on your findings as to the truth of the facts relied upon.

The ultimate determination of whether or not the State has proven defendant's guilt beyond a reasonable doubt is to be made only by the jury.

TESTIMONY OF CHARACTER WITNESS

Evidence of good character or reputation of an accused is always competent in the trial of a criminal action, and is entitled to be considered by you.

You, the jury, should consider all of the relevant testimony, including that relating to the defendant's good character or reputation, and if, on such consideration, there exists a reasonable doubt of his/her guilt, even though that doubt may arise merely from his/her previous good repute, he/she is entitled to an acquittal; but if, from the entire evidence in this case, including that relating

to good character, you believe the defendant guilty beyond a reasonable doubt, he/she should be convicted and the evidence of good character should not alter the verdict.

Conclusion

There is nothing different in the way a jury is to consider the proof in a criminal case from that in which all reasonable persons treat any questions depending upon evidence presented to them. You are expected to use your own good common sense; consider the evidence for only those purposes for which it has been admitted and give it a reasonable and fair construction in the light of your knowledge of how people behave. It is the quality of the evidence, not simply the number of witnesses that control. As I said before, any exhibit that has not been marked into evidence cannot be given to you in the jury room even though it may have been marked for identification. Only those items marked in evidence can be given to you. You are to apply the law as I have instructed you to the facts as you find them to be, for the purpose of arriving at a fair and correct verdict. The verdict must represent the considered judgment of each juror and must be unanimous as to each charge. This means all of you must agree if the defendant is guilty or not guilty on each charge. It is your duty, as jurors, to consult with one another and to deliberate with a view to reaching an agreement, if you can do so without violence to individual judgment. Each of you must decide the case for yourself, but do so only after an impartial consideration of the evidence with your fellow jurors. In the course of your deliberations, do not hesitate to re-examine your own views and change your opinion if convinced it is erroneous but do not surrender your honest conviction as to the weight or effect of evidence solely because of the opinion of your fellow jurors, or for the mere purpose of returning a verdict. You are not partisans. You are judges--judges of the facts. You may return on each crime charged a verdict of either not guilty or guilty. Your verdict, whatever it may be as to each crime charged, must be unanimous. Each of the members of the deliberating jury must agree as to the verdict. To assist you in reporting a verdict I have prepared a verdict sheet for you. You will have this with you in the jury room. This verdict form is not evidence. This form is only to be used to report your verdict.

**SUPERIOR COURT OF
METROPOLITAN
METROPOLITAN COUNTY**

STATE OF METROPOLITAN

Case No. **19-10-00123**

**v.
PERRY JORDAN**

INDICTMENT

COUNT ONE

THE GRAND JURORS OF THE STATE OF METROPOLITAN, upon their oath, by this indictment, accuse PERRY JORDAN, did, on or about or before June 1, 2019 to on or about September 16, 2019, in the State of Metropolitan, knowingly receive movable property of another, with a value of over \$75,000.00, knowing that it has been stolen, or believing that it has probably been stolen, contrary to the provisions of Metropolitan Statutes Annotated (M.S.A.) 2C:20-7a, against the peace of this state, the government and dignity of same. Said crime being of the second degree.

COUNT TWO

THE GRAND JURORS OF THE STATE OF METROPOLITAN, upon their oath, by this indictment, accuse PERRY JORDAN, did, on or about or before June 1, 2019 to on or about September 16, 2019, in the State of Metropolitan, knowingly deal in stolen property, by trafficking in, or initiating, organizing, planning, financing, directing, managing or supervising trafficking in stolen property., with a value of over \$75,000.00, contrary to the provisions of M.S.A. 2C:20-7.1b, against the peace of this state, the government and dignity of same. Said crime being of the second degree.

ENDORSED AS A TRUE BILL

Amanda Roofem

Assistant Prosecutor Amanda Roofem

Sam Witschmaker

Jury Foreperson Sam Witschmaker

JURY VERDICT FORM

STATE OF METROPOLITAN

Case No. 19-10-00123

**v.
PERRY JORDAN**

RECEIVING STOLEN PROPERTY

How do you find as to Count One of the indictment, charging the defendant, Perry Jordan with knowingly receiving stolen property of another?

Our verdict is:

Not Guilty _____ Guilty _____

If you have found the defendant guilty, how do you find as to the value of the property involved (choose only one):

_____ Over \$75,000
_____ Exceeds \$500, but does not exceed \$75,000
_____ Is at least \$200, but does not exceed \$500
_____ Is less than \$200

DEAL IN STOLEN PROPERTY

How do you find as to Count Two of the indictment, charging the defendant, Perry Jordan with knowingly dealing in stolen property of another?

Not Guilty _____ Guilty _____

If you have found the defendant guilty, how do you find as to the value of the property involved (choose only one):

_____ Over \$75,000
_____ Exceeds \$500, but does not exceed \$75,000
_____ Is at least \$200, but does not exceed \$500
_____ Is less than \$200

STATEMENT OF INVESTIGATOR PARRIS JEWEL

1. My name is Parris Jewel. I am an investigator in the Metropolitan City Police Department. I have been with the Department for the past 25 years. I reside in Metropolitan.
2. I am a 1995 graduate of Northern State College with a bachelor's degree in Criminal Justice. Right after graduation, I underwent the six-month training at the Metropolitan Police Academy and became a police officer for the Metropolitan City Police Department in 1996.
3. I was promoted to detective in 2001 and was assigned to the property crimes unit. We would investigate burglaries, home invasions, shoplifting, snatch and grabs, and all other incidents involving theft of property. We recovered all kinds of stolen property and did our best to return the property to the rightful owner. These thieves, who prey upon vulnerable people, are some of the worst human beings alive, and it gives me great pleasure to see them locked up and off the streets for as long as the law allows.
4. In 2012, Metropolitan City Police Department received a large grant for fighting cybercrime. The Department was looking for someone with property crime investigatory skills to work in the emerging cybercrime unit. I fit the bill, and was hired to run the unit. The grant came from the Department of Justice, which had noticed, that, with the explosion of commerce on the internet, stolen property was also starting to be sold in an ever-increasing amount over the worldwide web. In fact, as most police would prefer more traditional crime-fighting, especially crime that occurs in their own hometown, there is a federal law requiring police to at least write up reports of cybertheft and other kinds of cybercrime. Otherwise, an officer in another part of the country, say me, for instance, would not have leads to work from.
5. My job mostly centers on chasing down the criminal transportation of stolen goods in

interstate commerce, so one of the first things I did was to establish a relationship with the package delivery services in the area, such as the U.S. Postal Service, DHL and UPS-affiliated stores. I requested that they call me if they ever received suspicious packages at their facilities. I have received many calls over the years. Most of the calls were false alarms. Some of the calls, however, were fruitful, and resulted in the imposition of criminal charges, and subsequently, in convictions. I remember that, there was a large shipment of counterfeit Air Jordans that would have hit the streets if we had not intercepted it. The Air Jordan counterfeiters were convicted and received lengthy sentences. In 2013, I investigated the suspected sale of stolen iPhones, iPads, MS Surfaces, and other high-end computer devices. These perps were caught red-handed, and they all pled guilty.

6. Big name brand corporations especially appreciate the efforts of officers like me. Nike gave me a plaque for the Air Jordans bust. Back in the day, the National Association of Record Companies used to give free fancy dinner parties for law enforcement and private security who caught ne'er do wells trucking in stolen CD music discs. Later, the focus was on DVDs. Those were the good old days. The entertainment companies lobbied the state legislature to make dealing in such copyright crimes a higher level felony, and they got it. I testified in trials involving stolen DVDs and Blu-ray discs of movies. I ended up with a lot of free discs of blockbuster movies for my trouble. What remains now are mostly the luxury brand goods. Companies like Tiffany's and Gucci's have staff to assist officers like me, to see whether goods are the real thing, to place a value on goods, etc. In a really big case, you might get flown into their headquarters and get comped for a nice hotel room, either to work on a case, or to take a course on recognizing counterfeit goods and the rackets for selling them.
7. Although I no longer exclusively investigate cybercrime, it is one of my duties. The fact is that the grant finally ran out, so there is no cybercrime unit to be the head of. Another gravy train lost to foolish government cost-cutting. I no longer have a staff, but I labor on, fighting cybercriminals. And the luxury brand companies still recognize my good

work. I got a plaque from Rolex last year for my work for my involvement in the successful prosecution of a purveyor of phony Rolex watches.

8. When I got the call from the Metropolitan U-Pack-It Store, on August 22, 2019 that a suspicious package had been received at their facility for an Emery Rose, my team and I, which included an explosives expert, rushed right over, with me in charge of the investigation. After this foray, I worked the case alone, as I normally have to work these cases nowadays. The U-Pack-It worker's interest was piqued because a ticking sound was emanating from the box. Before opening the box, my expert used sophisticated bomb-detection equipment and determined that the box was safe to open. I proceeded to open the box and, lo and behold, we found a treasure trove of goods. There were many high-priced items, such as a Rolex watch, an iPhone X, a Norval square sapphire men's ring, gold earrings, a pearl necklace and many other very expensive goods. They all looked genuine to me. I've encountered plenty of fake Rolex watches in my career, and I can tell the difference in the quality. All the items appeared to be used, and there were no receipts enclosed, which suggested that they were stolen. In fact, the ticking sound was the alarm of an Omega Datejust Pearl Oyster Luxury men's watch. Good thing the owner had set the alarm! The watch doesn't need batteries to work. The movements of the wearer's wrist operates like a battery. In this case, I'm sure the watch had been moved around in transit enough to keep it going.
9. My plan was to execute a controlled delivery. In cases where contraband, most often drugs, are found in transit via the mail or a delivery service, law enforcement will have the item delivered to the recipient, using surveillance to see who collects it. I re-taped the box and allowed the postal service to deliver it to the virtual mailbox of this Emery Rose at the Ted-Rex Dinko's location on Community Drive in Metropolitan. I suspected Emery Rose was a fake name, and I subsequently determined that the name was fake, because if it was not, I would have found him/her by now, using law enforcement databases and my own computer methods to find people. The only "Emery Rose" was a seventeen-year-old in Ireland, so I crossed him off the list. Few internet criminals use their own names. Perry Jordan's mistake was in using the wrong fake

names, it turned out.

10. I followed the truck as it delivered the box to Ted-Rex Dinko's. After the Ted-Rex Dinko's clerk accepted the package, I identified myself as a police officer and asked the clerk whether s/he knew Emery Rose. S/he said no. I then asked him/her to pull Emery Rose's records so that I could get whatever information was on file. S/he said that s/he could not do that, and that I would need to talk to the store manager. The store manager was out of town on vacation and not reachable, so I just decided to wait around the store to see whether Emery Rose would come to claim the box. I told the clerk that s/he should not tell the person picking up the package that I was a police detective, or that I had inquired about the package.
11. I waited in the store for approximately 15 minutes and was about to leave when a person came into the store, identified himself/herself as a Rover driver, gave the clerk a code and asked for the Emery Rose package. Rover is a ride-hailing service like Uber and Lyft. Apparently, the Rover driver had instructions from Emery Rose to provide a code number in order to pick up the package. I allowed the Rover driver to take the box, and I followed him/her surreptitiously, being in plain clothes. The Rover driver delivered the package to Big Tom's Reseller on Central Avenue, one of the largest pawnshops in Metropolitan. After the Rover driver (Blair Overland) gave the box to the counter clerk (Cameron Clark), I showed my badge and asked the Rover driver to tell me who Emery Rose was. S/he said that s/he did not personally know Emery Rose, had never seen Emery Rose, and was just delivering the package as ordered by his/her dispatcher.
12. I then asked Cameron Clark whether s/he knew this Emery Rose. S/he said that s/he did not know anyone named Emery Rose and did not believe s/he had ever seen him/her. I asked him/her about the owner of the pawn shop, Big Tom Clark. S/he said that Big Tom was his/her uncle. Clark said that Big Tom had suffered a massive stroke in early August 2019, was in a deep coma and was not expected to emerge from the coma any time soon. I told Clark to call me if anyone s/he does not know comes into the shop asking about the Emery Rose package and asking for Big Tom. I gave Clark one of my

business cards and told him/her to make sure the surveillance camera inside the shop is working properly every day. I also gave the Rover driver my business card and told him/her to call me if Emery Rose ever contacts him/her. I took the box of stolen goods and left the pawn shop.

13. On September 12, 2019, I received a call from Clark informing me that someone using the name Emery had just come into the shop and asked for Big Tom. Clark said s/he told the person that Big Tom was going to be away from the shop for a while. Clark then said the person looked distressed upon hearing the news about Big Tom, mumbled about Big Tom's "big alcohol problem," and quickly left the shop without saying anything else. Clark told me that "behind this person was the wall clock, which I clearly remember showed it was 3 o'clock p.m. sharp," referring to the analog wall clock in the store.
14. I immediately went to the pawn shop to get a copy of the surveillance video. I'm pretty sure Emery Rose had come to inquire about his/her share of the proceeds from the sale of the stolen goods being that s/he would not have heard from Big Tom since early August.
15. The video clip matched what Clark said to a "T." In particular, Clark described the left wrist as wearing a bracelet, made of blue and gold string, with a few beads on it. The only two beads with writing spelled out "P" and "J." Clark said the beads seemed to be made of wood. In fact, the one store camera looks right down on where the masked, hooded one was standing, where it can clearly show items someone is selling to the shop. It shows such a bracelet with those very letters. Sadly, the video was a victim of the hundred-year storm which flooded the Raritan River, next to the Prosecutor's evidence building, wiping out our evidence vault. Any evidence like that video would be considered hazardous waste, after the brew of evidence items, including drugs, mixed together. Unfortunately, the angle of the surveillance video does not show the clock. "Emery's" right wrist was bare.

16. The next step was to figure out who “Emery Rose” really was. I got records from the phone company that owned the nearest cellular service towers. Operating cell phones “ping” off the nearest towers. I was able to triangulate and see who was in the general area of the pawn shop at the time of “Emery Rose’s” encounter with Cameron Clark. It shows literally dozens of phones’ signals. For every phone using the tower, I received the record owner of the phone in question. Unfortunately, several had no record owner, indicating that they were “burner phones” bought anonymously with a prepaid number of minutes of phone service. Several, however, were registered to people with the initials “PJ.” Of those three, one person was over seventy years old, so I discarded that possibility. As my old chief was fond of saying, “crime is a game for the young.” The second person with the initials “PJ” had died in May of 2019. So, of course, someone else was using the phone, not that “PJ.” Not all cell phones are used by their registered owner, after all. I was worried that the cell phone records would not point to the culprit. The third and last “PJ,” however, was none other than Perry Jordan.
17. On the morning of September 16, 2019, I took a photograph of Perry Jordan to the pawn shop and asked Clark whether s/he recognized the person. Clark, as honest as the day is long, explained that “Emery” had been so covered up that an identification was impossible. S/he emphasized that s/he was not saying the person in the photo was not “Emery.” S/he said, in fact, that s/he could not rule out the person in the photo as being the “Emery” s/he had seen in the store. From Clark’s vantage point, on the raised floor behind the counter, Clark could not even hazard to say the height of the stranger. Thank goodness Jordan screwed up with that bracelet. Also, Clark described him/her as sneezing twice, really loud. Poor, sick Jordan.
18. I arrested Perry Jordan in the afternoon of September 16th, and we executed a search warrant for his/her attic.
19. When Perry Jordan was arrested in his/her one-room attic apartment, we found \$7,500 stuffed in an Eastern State University logo duffel bag underneath his/her bed. Jordan’s claim that the money was stuffed between the mattress and box spring is just made up.

These criminals will say anything to escape responsibility. Besides, \$7,500 is a lot of money for someone who is not working full-time. I don't believe Jordan's part-time "gig" job as a web developer would generate that kind of money in the few months since s/he moved out of his/her parents' house. I'm sure the money is from the sale of stolen goods. Moreover, I would bet my bottom dollar that the rest of the money Jordan received from his/her little criminal enterprise is tied up in cryptocurrency, and, consequently, hidden. More interesting was the discovery in Jordan's nightstand, of two square wooden beads, holed for jewelry, like a bracelet. One bead read "P on each of the unholed sides, and "J" on the other. Showing them to Clark, s/he identified them as part of the bracelet the masked person was wearing into the shop on September 12th. There might have been, say, a handful of beads, maybe more, all with different letters. I do not recall, as I only retained the crucial two letters.

20. When we are investigating cases, we look at everything that will assist in the prosecution of a defendant. We often look at the social media of persons who might have a connection with the suspect. When we looked at the WhatsUp page of Jordan's mother, we saw something very interesting. On the public portion of her WhatsUp page, she had information about a deceased family member. It showed that Jordan's mother had a younger brother named Emerald Rose who was born on February 15, 1980 and passed away in January 1983, just before his third birthday. That is the same date of birth on the Rover Car Service account of Emery Rose (aka Perry Jordan). So, this perp stole his/her uncle's identity to aid in the commission of this crime. How disgusting is that?! It's probably true that someone else could have easily stolen Emerald Rose's identity since it was up on WhatsUp, but I'm pretty sure Jordan did it.
21. During my interview with Blair Overland, the Rover driver, I learned that the creator of the Rover Account used one of those pre-paid VEZA cards where you don't need to provide an address or real phone number. All transactions are over the Internet, and the card can be replenished anonymously by using non-banking services like PayPass.
22. On September 23, 2019, Cameron Clark visited my office and gave me a notebook that

belonged to Big Tom. The notebook contains a long list of very expensive items. There was an indication that some of the items were sold and the amount each one had been sold for. There is also a column showing how much “Emery Rose” (aka Perry Jordan) had received as his/her share for each item. It looks like Perry Jordan was giving the items to Big Tom on consignment, and getting about 45% of each sale, with Big Tom keeping the rest as commission. I noticed that the list was started on June 1, 2019 – about one month after Perry Jordan had moved to the boarding house. Clark was able to locate the only unsold item, the women’s Omega wristwatch—I took possession of that item. The other items had already been sold. I never threatened Clark that the pawn shop would be closed if s/he did not cooperate in the investigation, but I did make it clear to him/her that good citizens cooperate with law enforcement. I did warn him/her that someone in his/her position *could* be prosecuted for knowingly possessing stolen property.

23. Cameron Clark also gave me what appears to be an e-mail receipt, dated July 5, 2019, showing the purchase of two Bytecoins. I checked on Goolag and found that one Bytecoin in July 2019 was selling for about \$4,200.00. Clark said s/he found the receipt in the same desk drawer where Big Tom’s notebook was discovered. The receipt was made out to Emery Rose. Near the bottom of the receipt was a hand-written note that said: “Big Tom, Just bought more Bs so that I can pull down more hot stuff from the web. You should get into crypto. Expect another shipment soon. Emery.” The word “hot” means “stolen” in underworld parlance. If you look closely at the handwritten name “Emery,” you will notice that someone, let’s say Perry Jordan, started to write the letter “P” and then apparently caught himself/herself by writing over the “P” with the name “Emery.” (Sadly, this slip of paper is gone with the rest of the evidence now). Another slip up by PJ?! The \$8,400.00 that Perry Jordan paid for the two Bytecoins is about equal to the amount of the proceeds s/he received from Big Tom between June 1st and July 1st. I checked with the e-mail domain provider DMail.com to get information about this Emery Rose. All of the information that they had on file was bogus. DMail appears to be one of those ISPs that does not verify the signup information, which consisted of another email address, name and age. I suspect that whenever Perry Jordan

would access the Internet to commit his/her crimes, s/he would use a non-logging Virtual Private Network (“VPN”) that spoofs the Internet Protocol (“IP”) address that identifies the computer connection and location. When we checked the Internet activity of Emery Rose using the IP address, supposedly belonging to Rose, that we had obtained from DMail.com, the IP address was reported to be in Montreal, Canada. Jordan was trying to cover his/her tracks!

24. My boss, Metropolitan County Asst. Prosecutor Kelly Klain, sent a subpoena to CoinBay, where the Bitcoins were purchased, to get information about Emery Rose. CoinBay responded to the subpoena by providing the dates Emery Rose purchased the cryptocurrencies, the amounts and the dates on which trades were made. CoinBay had no other information about this Emery Rose.
25. I had confiscated Perry Jordan’s desktop computer on the day s/he was arrested and, after examining the computer, I did not find a VPN account on it. But checking Jordan’s Goolag search history, I found something very interesting. On June 15, 2019, Jordan did a search on what a used iPhone X would cost. If you take a look at Big Tom’s notebook, you will see that Big Tom received a used iPhone X from Emery Rose on June 21st. The Goolag search history also shows that on June 15th Jordan sought information on the value of a Bitcoin. Two days later (June 17th), Emery Rose bought two Bitcoins. The high-tech guru Jordan forgot to clear his/her Goolag search history.
26. When searching Jordan’s room following the arrest, I noticed a receipt for a laptop computer purchased on May 15, 2019. I’m pretty sure Jordan used the laptop to do his/her criminal activities, which would explain why, except for the used iPhone X and the Bitcoin searches, there is no other proof of criminal activity on his/her desktop. I asked Jordan about the laptop. S/he claims, without proof, that the laptop was stolen from him/her on August 20, 2019 when s/he left it on a table at Moby’s Coffee to go visit the restroom. How convenient! S/he said s/he did not report the theft to the police, nor complain to Moby’s personnel. The laptop is probably stashed away in storage somewhere. A computer genius like Jordan should have installed a “find” program to

locate where the laptop had gone to. I checked all of the storage facilities near Jordan's boarding house and found that Storage-R-Us at 3245 Main Street in Metropolitan, exactly two miles away, had an account for Emery Rose that was opened on May 8, 2019, one week after Perry Jordan moved to the boarding house. The storage facility records show that the account was closed on September 13, 2019, one day after Jordan learned that Big Tom was ill and would not be returning to the pawn shop any time soon. The counter clerk at Storage-R-Us who set up the account for Emery Rose was fired about three weeks ago on suspicion of stealing property from some of the storage units. The manager of the facility does not know the current whereabouts of the former clerk and suspects he might have moved out to Venice Beach. Rose's address on the sales receipt is fake. The address is for an abandoned building about half a mile from Jordan's boarding house. I'm sure the laptop is in storage under another assumed name Jordan may be using. Finally, found in the room were three unopened cartons of Antelope cigarettes. Not 100s, and not menthols, but the incredibly rare Antelope brand. So rare I had never heard of them before. Just because we didn't find any cigarette butts or loose packs or ashtrays in PJ's room means nothing. Plenty of people have rules that you are not allowed to smoke inside the house.

27. The new men's Hublot Exclusive Classic Fusion Chronograph Watch with a 45mm face, showing the current moon phase, was sold by Big Tom's Reseller for \$15,000.00 plus tax, according to store records, but it retails for \$30,000.00. I called four stores inquiring about buying one, but none of them had it in stock, for any price. Big Tom's bought it from Emery Rose for \$10,000.00.
28. The "lightly used" (as per Big Tom's records) women's Omega Datejust Pearl Oyster Luxury Watch, sold for \$7000.00, but selling, if in "brilliant condition," for \$15,000.00 in two of those four stores. It was interesting that the prices of these luxury items never varied from store to store. Big Tom's bought it from Emery Rose for \$5000.00. This item had been photographed by Big Tom, and was in records Clark reviewed. We saw it had the initials "CNR" on the back.

29. The new Breitling Bentley Supersports Titanium Men's Rare Limited XX/25 Watch, with a bunch of dials, including one for leap year, retails for a whopping \$22,000.00, but was sold at Big Tom's for \$12,000.00. Big Tom's bought it from Emery Rose for \$10,000.00.
30. The new men's Breitling Premier Automatic Day & Date 40 watch sold for \$3000.00, but retails for \$6000.00, and likewise was unavailable at the same four luxury watch stores, even though the model was released in 2020. The only feature is that it shows you the day of the week and date of the month (but not the month itself) on the dial. Big Tom's bought it from Emery Rose for \$2,000.00.
31. The new women's Christian Dior VIII Grand Bal Women's Luxury Watch, with 211 tiny diamonds set on the bezel, with a total diamond weight of nearly one carat, sold for \$8,000.00, but really normally sells for \$10,000.00. Another current model also unavailable at all four stores. Big Tom's bought it from Emery Rose for \$6,000.00. There were only 500 made, the manufacturer's representative told me, and the Christian Dior website noted this as well. The photos of the watch showed that this was number 250 of the series of 500. That watch was reported stolen to Christian Dior themselves, a representative told me. That way, when someone wanted to buy that watch, if they called Dior to confirm its provenance (that is, where it was from) and its authenticity, they would be told that it was hot.
32. Sadly, I could only trace two watches, as they were new or nearly so, and only the Omega was monogrammed. They all came with their original boxes and certificates of authenticity, as Big Tom's photos show, but, of course, no sales receipts. All of the watches were sold in August and early September. Adding up Big Tom's business records, the watches alone were worth \$83,00.00, well over \$75,000.00, and so I had charged him in the complaint for theft of over \$75,000.00 of movable property.
33. Perry Jordan never gives the game away. In an ironic stroke, s/he only had a single watch in that room, a no-name retro LED watch with a jelly rubber watchband. It couldn't have been worth more than ten bucks, if it were not broken, which it was. I couldn't even get it to work with a new battery. Now it will be picked up by an

environmental cleanup crew just like the other junk destroyed by the great Raritan River flood.

34. I accessed the NCIC database again to determine whether the two items I physically got from Cameron Clark on September 23rd had ever been reported stolen. I was elated when I came across a San Francisco police report showing that the Omega watch, engraved with the initials “CNR,” the 3-carat diamond ring and a Gucci Handbag with bamboo handles were stolen in that city from a vehicle on June 6, 2019. Unfortunately, I recently learned that the victim of the San Francisco theft, a Ms. Cecilia Thomas, was involved in a horrific car accident and is deceased. I was hoping to reach her through the San Francisco Police Department, and that is when I was informed of her demise.
35. The evidence of Perry Jordan’s guilt is overwhelming: the identity theft of his/her deceased uncle Emerald Rose so that s/he could engage in this criminal scheme; no visible means of support; found in possession of \$7,500; when shown a photo of Perry Jordan, the pawn shop clerk (Clark) believes the person inquiring about Big Tom was Jordan; the pawn shop is located on Central Avenue, only a few blocks away from the boarding house at 1010 Main Street where Jordan resides; Big Tom’s notebook showing very expensive items being sold, and someone named Emery Rose (who we believe to be Perry Jordan) getting paid for each item; the Goolag search history of June 15th found on Jordan’s desktop computer; an entry in Big Tom’s notebook shows that Emery Rose, on July 29, 2019, received \$7,500 for the 24-carat gold MacBook Pro computer, the exact amount of money found in Jordan’s duffel bag; Jordan has the computer skills to pull off this scheme; Jordan is very knowledgeable about cryptocurrency and the dark web; the receipt from the cryptocurrency broker CoinBay to Emery Rose showing a recent purchase of Bytecoins; these new-age criminals are using cryptocurrency to hide their web transactions because it is virtually impossible to trace; although Jordan had gained lots of money from his/her criminal enterprise, s/he continued to live modestly for now so as to not draw unwanted attention to himself/herself. But the name Emery Rose first surfaced just one week after Jordan moved to the boarding house as evident by the Storage-R-Us

sales receipt. It's clear that Perry Jordan is Emery Rose. No doubt in my mind.

36. We know that the 24-carat gold computer was stolen, as photos taken by Big Tom's Reseller show the tag number of the laptop, which was sold to the Bling company in Oakland, California, just across the San Francisco Bay from San Francisco. Bling was in the business of adding jewels and other design to laptops. This one was stolen from their inventory, post-production. Bling had filed a theft report with the police.
37. Jordan, trying to appear like s/he had nothing to hide, consented to have us take custody of and search his/her cell phone. The screenshot I took from Jordan's phone is a stunning admission to some acquaintance that Jordan was pulling off successful theft enterprises, or "licks," as they are known in the underworld. Unfortunately, our evidence building was next to the Raritan River when we had that once-in-a-hundred-year flood last month. Much evidence was lost, including that cell phone. We had not yet mirror-imaged the phone's SIM card, the flash drive containing the cell phone's memory, as we customarily do, and so we will never know what other damning evidence would have been recovered from there.
38. PJ claimed that the "licks" referred to guitar licks, but there was no guitar found in that attic. I did find guitar picks in the nightstand, but they appeared to be unused, at least to my untrained eye.
39. The cell phone registered by cell service provider Duop to Jordan was pinged on September 12, 2019, at almost exactly 2:00 p.m., in the area which includes Big Tom's Reseller, and its signal to the tower repeats fairly continuously until exactly 3:05 p.m. The area also includes many office buildings, some residences, and some shops, including, I admit, the late, great Moby's Coffee. Funny, I was a regular at that cafe, in part because they gave officers like me free coffee, in recognition of our service to the community, and yet I never saw Perry Jordan there once!
40. Duop, the cell service provider for the phone, showed that Jordan had a cheap old-

fashioned “minutes” plan, with only 200 minutes a month. The bills show that Jordan would always come close to the 200 minute limit every month, but never go over, perhaps due to the exorbitant prices for each additional minute. Jordan had used nearly 200 minutes on September 12th. Admittedly, the cell phone toll records showed no incriminating calls, such as to thieves or fences, to obtain stolen goods. Of course, Jordan would use wi-fi with an app to make those communications. Without the physical cell phone to forensically review, we will never be able to recover that kind of smoking gun. By the way, Jordan paid cash for the minutes, one year ahead.

41. I interviewed the Rover driver, Blair Overland, on October 1st and s/he told me about the heated conversation in June 2019 between Big Tom and a person in a hoodie, whom Overland never got to see, face to face. Overland said that Big Tom referred to the person using the nickname “Jay.” Most likely, their argument involved a dispute over payment of Jordan’s share of the proceeds of stolen property from a shipment Jordan thought had already been delivered. Perry Jordan had probably gone to see Big Tom because s/he had not heard from him about what was going on with that shipment. I would guess that maybe Jordan thought that s/he was being stiffed. When the package was finally delivered by Overland, Jordan, or should I say “J,” was then apparently satisfied that Big Tom was not cheating him/her. Overland’s claim that the person arguing with Big Tom did not look like Jordan is just the Rover driver trying to protect his/her job. It’s probably safe to say that the Rover company would not want to be involved in assisting a criminal enterprise.

42. A key clue is that “Emery Rose” was smoking Antelope 100s menthol cigarettes in Big Tom’s store. Jordan was searched incident to arrest, and, wouldn’t you know, in his/her pants pocket was an empty pack of Antelope cigarettes. Not 100s or menthols, but Antelopes, just the same. I dig some digging and found that the only place that sells Antelope cigarettes of any kind is an Indian reservation in Northern New Mexico. It is true that they also sell their cigarettes online, only in the US. I received, pursuant to subpoena, from Bruno Malley, representative of Antelope Distinguished Cigarettes, sales records, showing that Antelope sold 240 million cigarettes, three-quarters of them

online, and the rest from the reservation. That may sound like a lot, but federal figures show that 240 billion with “B” cigarettes were sold in the US last year, which means that the odds of a match are one in a thousand. Even less, when you figure how many are smoked in the Southwestern US, near where the reservation is.

43. Well, that Professor Kaden Keller is a real piece of work. After learning that s/he might be a witness for Jordan, I did some checking and found that s/he was once accused of trying to buy Quaaludes over the Internet. S/he got snared in a sting operation. The good professor claimed s/he was just doing “research.” Yeah, right! His/her attorney managed to get the charge dropped, but I don’t believe s/he was some little innocent academic researcher. Now the professor has a vendetta against law enforcement. S/he should have been prosecuted to the hilt! Our expert witness, Professor Thompson, is absolutely right about cryptocurrency. It is not easy tracking down perpetrators of illicit schemes when they use cryptocurrency due in large part to the secrecy afforded to this new age currency. That’s why sophisticated criminals are resorting more and more to the use of cryptocurrency. Professor Keller is trying to help this very undeserving defendant, while taking a cheap shot at us.

44. According to the latest FBI stats, nearly one-and-a-half billion worth of jewelry and precious metals were reported stolen in 2018. I’m pretty sure much more will be shown to have been stolen in 2019 once the statistics come out. I’m also sure that our computer whiz kid, Perry Jordan, contributed to the 2019 stats. Jordan will be convicted and will spend a lot of time, not on the dark web, but in a dark prison cell.

45. This case that I cracked was a big one. Stealing over \$75,000.00 value of goods is a second-degree crime. I added up the value of these items, using Big Tom’s records, as totaling over \$92,000.00, in retail value, and confirmed myself the big-ticket items, themselves totaling nearly \$70,000.00, if bought from a reputable, official dealer in these luxury items. The fact that this is a second-degree theft garnered me some attention with my superiors. It’s yet another feather in my cap.

I affirm the veracity of this statement.

Dated: October 8, 2019

Parris Jewel

Parris Jewel

STATEMENT OF CAMERON CLARK

1. My name is Cameron Clark. I am 19 years old and live with my parents at 822 Woodhill Lane in Metropolitan. I graduated from Metropolitan East High School in May 2018 and plan to attend Chautauqua County Community College within the next year or two. I want to study computer engineering and hope to work in data science after I graduate. I particularly want to be an agent with the FBI, or work with the NSA or some other alphabet agency, using high tech to catch bad guys. Investigator Parris Jewel made a big impression on me, seeing him/her at work. I think my involvement in this case could be an important first step in my work life.
2. In September 2018, I began working as a clerk at Big Tom's Reseller, a pawn shop business at 1559 Central Avenue in Metropolitan. Tom Clark, the owner of the shop, is my uncle. My uncle hired me to work a few hours, Monday through Saturday, to give him time to get lunch and run errands. He trusted me, being family and all. He said he had too many "rip-off artists" work for him before. I'm saving my earnings to pay for college tuition and expenses. I hope to save enough money so that I don't have to take out student loans when I start college.
3. Big Tom's Reseller is a high-volume business with lots of customers buying and selling all kinds of merchandise. It's not unusual for ride-hailing services like Rover to deliver items to the shop for regular customers. My uncle trained me to be efficient, professional, and not to ask customers a lot of questions. He said people are busy and don't want us prying into their business. If a big guy comes in with a tiny size ring, and claims it's his, don't ask questions. As Big Tom would say, "Ask me no questions and I'll tell you no lies." Big Tom has a lot of weird, old-time sayings like that.
4. Big Tom suffered a massive stroke in early August 2019 and is in a deep coma. After

Big Tom's stroke, I started working full-time. This was the only way that my uncle's shop could stay in business. My parents occasionally help me at lunchtime so that I can have a break. We lost a few long-time business associates after Big Tom was out of the picture. Specifically, the people who had always insisted on talking to Big Tom himself, and not some kid like me. On top of that, Big Tom had some big debts. Turns out he was deep into gambling on the internet. Big Tom obviously had a secret side to him that I couldn't see, not even right under my nose. I guess I'm not a very observant person. When Big Tom was running the store, much of the time I had my head in the clouds, or I was focused on my cell phone. Well, the plan is to close the shop. Looks like I'll be pursuing that criminal justice degree sooner than I'd thought!

5. On August 22, 2019, a Rover driver came to the shop, followed shortly after by someone who I thought was just a customer. The Rover driver said, "This package from Emery Rose is for Big Tom." I told the driver that Big Tom wasn't available, but I would accept the package for him. While the Rover driver was still in the shop, the person who I thought was a customer approached me and the driver, identified himself/herself as a police officer, and asked, "Who is Emery Rose and where does s/he reside?" The Rover driver said s/he did not know Rose and was just delivering a package as requested by the dispatch office. I told Investigator Jewel that I didn't personally know an Emery Rose and had no information about Rose. I also explained that Big Tom had suffered a massive stroke and that he was in a coma and was not expected to return to work anytime soon.
6. Investigator Jewel confiscated the package and gave me and the Rover driver his/her card. Investigator Jewel told me to call him/her immediately if anyone I did not know came into the shop asking for Big Tom. S/he also asked me to make sure that the surveillance camera was functioning properly. Jewel made it clear that s/he expected me to cooperate in the investigation; otherwise, s/he would see to it that the pawn shop was shut down on suspicion of receiving stolen goods. I desperately need this job to support myself and my educational goals. There are not a lot of employment opportunities in Metropolitan, and I certainly don't want to go to prison, so I told Inspector Jewel that I would make sure the surveillance camera was working properly and would fully

cooperate in the investigation in every way possible. I later realized that cooperation was also important as a possible mention in my college application.

7. On September 12, 2019, a person in big, baggy clothes, who I did not recognize, entered the shop and asked for Big Tom. I focused on this encounter, one of thousands I've had in the shop, because I thought that this person was awfully bundled up for a late summer day. I said, "Who should I say is asking for him?" The person said "Emery." The voice sounded weird, like someone trying to disguise his or her voice. I then told Emery that Big Tom was ill and that I wasn't sure when he would be back at work. Emery, who was wearing an oversized hoodie that exposed only his/her face below the eyebrows, fidgeted as if distressed upon hearing the news, shaking his or her head furiously and dropping a couple of curses about Big Tom, using that weird voice, then quickly leaving the shop. In fact, Emery Rose was so nervous s/he dropped a cigarette. S/he had taken it out of a pants pocket and light it, then dropped the cigarette and quickly stuffed a fancy sterling silver lighter into the same pocket. Unfortunately, these actions took place below the area captured by the surveillance camera. "Emery" then left in a hurry. After leaving, I ran around the corner, and went just outside the front door to see where this character had left. I saw "Emery" heading in the direction of Moby's Coffee and other local shops. Then I went back inside, in a hurry to call Officer Jewel. I hate litter, so I immediately went to pick up the cigarette, although I had to look around to find it. It had rolled under the counter, and I picked it up with a disgusting dust bunny. Big Tom wasn't the neatnik I am. While normal at first glance, the name on the cigarette was distinctive. It had a green stripe, the kind you see on menthol cigarettes, and the word "Antelope." It was just like the ones that Big Tom himself smoked! I know, because he used to smoke them one after another, all day long, in the shop. I kept it on the counter, but someone must have seen it and throw it away, because, a short time later, it was gone, no doubt in the trash, and the trash went out the next day. I could not bring myself to look through the trash cans. They were full of messy stuff, and I'm too grossed out to pick through garbage. Big Tom would say that "garbage picking is second nature for pawn dealers." If so, I'm not cut out to be one. A real pity. That cigarette would have surely had a match with Perry Jordan's DNA!

8. But I had one more crucial fact for the police. When “Emery Rose’s” left hand was out, shakily holding the cigarette, I could plainly see that s/he was wearing a bracelet, consisting of wound blue and yellow string, with several square wood charms on it. Two charms spelled out “PJ.” I could see it as clear as day. The colors of the thread making up the bracelet were yellow and blue. Fortunately, just before leaving, “Emery’s” hand went up, revealing the bracelet on the camera. It showed the “PJ” charm and everything.
9. As I say, after this encounter, I called Investigator Jewel to report that a suspicious person using the name Emery had entered the shop and asked for Big Tom. I also mentioned that the person looked troubled and abruptly left after learning that Big Tom wasn’t expected back for some time. About a half hour after I called, Investigator Jewel came to the shop. I gave him/her the video footage of the suspicious person, for what that was worth. Turns out the yellow and blue were to show off some college smarty-pants went to. I did tell Investigator Jewel that day that, “behind this person as a wall clock, which I clearly remember showed it was 3 o’clock p.m. sharp.” I realize that the time does not coincide with the time when Perry Jordan was on his/her cell phone. But I also realize now that the clock was off by as much as 15 minutes. It is an analog clock and when the batteries get weak, it slows down.
10. Sometime later – I believe it was September 16, 2019 – Investigator Jewel returned to the shop and showed me a picture. S/he asked whether the person in the picture looked like the person claiming to be Emery. I was hesitant to say one way or the other. After Jewel pressed me a little bit, I finally admitted that I just could not say. I can’t even be sure of Emery Rose’s height, as I was in a raised area behind the counter, making everyone look small to me. Also, I was too embarrassed to tell the officer my mistake with the clock. I wanted Jewel to be please with me.
11. I now recall that Big Tom, on a few occasions, complained about a person named Emery who was doing things that could get both Big Tom and Emery in trouble with the law. One Saturday afternoon in mid-June, Big Tom, during one of his musings out loud, stated that most of the items Emery was bringing to him were stolen. He told me not to repeat

that to anybody. Big Tom also told me that “Emery” was not the person’s real name, telling me that shady people like Emery don’t use their own names. Big Tom said, “I don’t know Emery’s real name or his/her nickname.” I’m sure he never told me Emery’s real name out of concern for me. Big Tom wouldn’t want to see me get into any trouble.

12. Prior to September 12th, I don’t believe Emery Rose, or whatever his/her real name is, was ever in the shop when I was there. I have a sense Big Tom made sure that was the case.
13. After my September 16th meeting with Investigator Jewel, I started snooping around the shop. I found a notebook in a drawer in Big Tom’s desk; the desk is in the back office. I also found in the desk drawer, an email receipt showing the purchase of some Bytecoins by this Emery Rose. The notebook contains a long list of very expensive items. Some of the items had indications that they had been sold and the amount each one had been sold for. There is also a column showing how much this Emery Rose had received for each item sold. The only item appearing on the list as unsold that I was able to locate was the women’s Omega wristwatch.
14. I suspect that Big Tom kept the other unsold items in a special location because those items were not in the regular inventory. I’m sorry my uncle ever got involved with Perry Jordan.
15. At the bottom of the Bytecoin receipt, there was a handwritten note to Big Tom. I don’t remember what the note said, but at the end of the handwritten note was the name “Emery.” The pawn shop was probably closed one day when Emery stopped by and s/he left the receipt bearing the note for Big Tom in the locked mailbox slot in the front door. Big Tom is the only person who had the key to the locked mailbox until I took over the shop in early August.
16. On September 23, 2019, I gave the notebook, the Bytecoin receipt, the Omega wristwatch and the diamond ring to Investigator Jewel. S/he noticed that the list was started on June 1, 2019, about one month after Perry Jordan had moved to the boarding house.

I affirm the veracity of the foregoing statement.

Dated: October 25, 2019

Cameron Clark

Cameron Clark

STATEMENT OF PROF. JULES THOMPSON

1. My name is Jules Thompson. I am 50 years old and reside in Glencoe, Illinois, a suburban village just north of San Francisco. I am a business professor at the University of San Francisco.
2. I received my B.A. in Economics magna cum laude from the University of Michigan in 1991. Between 1991 and 1993, I attended the University of Chicago where I received a master's in business administration. I then went on to the University of California at Los Angeles, where in 1997, I received a Ph.D. in Business, with a concentration in information systems management. I started teaching at the University of San Francisco in September 1998 and became a tenured professor in 2008.
3. I have authored numerous peer-reviewed articles in professional business journals and books on such topics as e-commerce, business technology, management systems and the economics of business. In 2005, I co-authored a textbook, along with a University of Pennsylvania colleague, entitled *Introduction to Business Management Systems*. The textbook, which went through four editions, was widely used by business schools for more than ten years. In 2010, I wrote an article for the University of San Francisco's *Business Journal* entitled "Cybersecurity: What Business Information Systems Must Do to Guard Against Hacking." I have lectured on numerous occasions in the United States and in European countries on hacking and cybersecurity. Some of the lectures have appeared on C-Span. I have testified in at least twelve court proceedings about hacking and the harm caused to business systems as a result of such attacks. My fee is \$300 per hour for out-of-court preparation and \$500 per hour for in-court testimony. I charge governmental entities half my usual rate. For my services in this case, I expect to bill the government approximately \$1,100 (4 hours preparation and 2 hours in court) plus travel and lodging.
4. As it relates to this criminal matter, I wrote a scholarly treatise for the trade magazine, *Global Business*, entitled "Cryptocurrency: The Future of Money or the Rise of New Criminality." In the article, which was published in July 2017, I described how cryptocurrency, like Bitcoin, is increasingly being used in legitimate commercial

transactions, but warned that the criminal element is using the technology for nefarious purposes.

5. Criminals, including drug dealers, pornographers and thieves, have started to use cryptocurrency and the Silk Road (aka the dark web) to shield their identities. The secrecy provided by cryptocurrency is not a difficult concept to understand. In my “crypto for dummies” explanation of cryptocurrency, I start by stating that cryptocurrency, like Bitcoin, is simply a digital currency. You can buy a digital currency like Bytecoin. There exist digital currency exchanges on the internet, like Coinbay, and there are even ATM machines around the world that dispense cryptocurrencies in exchange for old-fashioned money. There is another way to obtain cryptocurrencies, however, by “mining” them.
6. To understand this mining, you first have to understand the nature of cryptocurrency itself. You cannot hold a Bitcoin or a Bytecoin in your hand. Rather, it exists as a series of zeroes and ones on computer servers. Cryptocurrencies are decentralized digital currencies that allow peer-to-peer transfers without any intermediaries such as banks, governments, agents or brokers, using the underlying technology of blockchain. Anybody who ever downloaded a movie on a peer-to-peer network witnessed pretty much the same thing, with the movie file being shared. Anyone around the world on the network can transfer bitcoins to someone else on the network regardless of geographic location; you just need to open an account on the Bitcoin network and have some bitcoins in it, and then you can transfer those bitcoins. The bad guys used to use gold to make their payments for drugs and other forms of contraband. They could do so with “shares” of gold, with the gold being in a vault somewhere, anywhere really. Using “crypto,” however, is even harder to track. When you hear about hackers taking control of some company’s computer system, and ransoming it, the random they ask for is always a form of crypto, like Bitcoin or Bytecoin.
7. There are approximately 15 million Bytecoins, the cryptocurrency allegedly used by Perry Jordan in committing his/her crime, currently in circulation. I believe the maximum number of Bytecoins that can exist is 20 million. So, there are only 5 million more that

can be created or “mined.” Mining is how you enter the cryptocurrency ecosystem. It is not a simple exercise and requires significant computer skills and computer power to accomplish the task. Miners who wish to acquire Bitcoins must solve a complex mathematical problem (referred to as “proof of work”), which allows them to chain together a block of transactions known as the blockchain.

8. In short, the Bitcoin blockchain is simply a shared public ledger showing all the transactions made on the Bitcoin network. While the ledger is public, however, the identities of seller and buyer are kept hidden. Before a new transaction can be made, all nodes on the network must agree to the transaction and confirm it. Confirmation allows the miner’s Bitcoin “wallet” to calculate the miner’s spendable balance for future transactions. Note that the wallet does not actually contain the amount of Bitcoins the miner owns. Rather, the wallet is computer code that stores encrypted public and private keys that can be used to calculate the amount of Bitcoins the owner has. The keys are also used to make new transactions. So, while transactions in the blockchain are visible, personal information about the users is limited to their encrypted digital username. Consequently, the key, so to speak, to cryptocurrency’s anonymity is the wallet. That’s all you need to know about cryptocurrencies like Bitcoin. Crypto wallets are so secure that there are stories of owners losing their complicated password to their crypto wallet, which results in the crypto inside being inaccessible forever.
9. I don’t believe Perry Jordan got his/her Bitcoins by mining. Jordan may have superior computing skills, but mining requires specialized high-end computing equipment and an enormous amount of electricity. I suspect Jordan did not have the necessary technology to do mining, and I’m pretty sure that the electrical panel at his/her old boarding house could not handle the amount of electricity required for mining. More likely than not, Jordan bought his/her Bitcoins from a cryptocurrency broker like Coinbase or Cryptolite.
10. When combining cryptocurrency with the dark web, you have a witch’s cauldron of criminality. With the secrecy and anonymity, drug dealers can move narcotics around the

world, pornographers are able to peddle their filth to each other, and thieves can sell their ill-gotten goods to (sometimes) unwitting buyers. From what I have learned about this case, it seems that Perry Jordan engaged in an elaborate scheme to fence stolen goods. S/he used Bytecoins, as I described, to purchase the goods from sellers on the dark web. Pursuant to the scheme, the dark web sellers would send the goods through the regular mail to Emery Rose at his/her mailbox address at Ted-Rex Dinko's. Emery Rose, or should I say Perry Jordan, would arrange to have Rover, a ride-hailing service, pick up the package and deliver it to Big Tom's Reseller. Investigator Jewel believed that the business arrangement between Perry Jordan and Big Tom was that Big Tom would sell the items and they would split the proceeds 55/45, with the higher percentage going to Big Tom. There is very little government oversight and regulation of these pawn shops. In Metropolitan in particular, Big Tom need not photograph the products he deals in, or keep detailed descriptions of them. The business model for these types of shops almost encourages this kind of criminality. Some questionable people pawn luxury items. The type of stuff, that, were they to offer it to you, they might explain that the merchandise fell off the back of a truck.

11. In preparing to testify, I reviewed Investigator Parris Jewel's entire file of this matter. I also discussed the case with said investigator. I was not told what to say, but only to give my expert opinion and to testify truthfully so that the court could understand how cryptocurrency can be used by criminals. The scheme Perry Jordan concocted with Big Tom, together with the use of Bytecoins, provided enough anonymity to Jordan and shielded him/her from detection for a long time. It was the suspicion of a package service worker, after hearing a sound emanating from the box addressed to Emery Rose, that started the process of identifying Jordan as the architect of this criminal enterprise. Who knows how long Jordan's criminality would have continued if someone's suspicion had not been aroused? If the investigators cannot find all the money Jordan obtained as a result of his/her illegal activity, it may be that s/he has secreted the ill-gotten proceeds in cryptocurrency. Perhaps in a hard drive in a location only known to him/her.
12. I reviewed the police records from the San Francisco theft. It was a car burglary, in

Fisherman's Wharf. This is part of what's called San Fran's "Central Station." Car burglaries are common there, and goods are usually fenced to other parts of the country. The reason is that most car burglars there are part of sophisticated, organized theft rings, and the police monitor all incoming purchases at second-hand stores, unlike in Metropolitan. As soon as an item is sold or pawned to such an establishment, high resolution photos of the item are uploaded to a database shared with local law enforcement, together with a copy of the ID of the seller. Sadly, as prosecution is lax in San Francisco, there are many crimes of this kind. I wrote an article on a peer-reviewed journal on the fencing of high-value goods from San Francisco to other parts of the country, and testified in a local San Francisco court about it once last year. In the paper, I note how the willing buyers are normally found on the "dark web," and payment is usually made using cryptocurrency, most commonly ByteCoin.

13. I myself was a victim of this type of criminality. Several years ago, my two kids, my spouse and I experienced a devastating crime. We lived, and still live, in Pacific Heights, one of the richest, but also safest, areas of all San Francisco. While on vacation to Europe, our house was burglarized. All our family heirlooms, jewelry, paintings, TVs, computers and other electronic devices were taken. Insurance compensated us for only a small part of our losses. I'm sure many of our stolen items were sold on the dark web and quite possibly bought and resold by Perry Jordan. I did have a budding watch collection, including a Breitling which I treasured. I have no proof of that, but it angers me greatly that there is this possibility that Jordan could have been involved in the sale of property stolen from my home. I will go wherever, and do whatever, to get these miscreants like Perry Jordan off the street and locked up for a long, long time. That's why I wrote that paper, and that's why I am an expert for the prosecution.

I affirm the veracity of the foregoing statement.

Dated: November 8, 2019

Jules Thompson

Prof. Jules Thompson

STATEMENT OF PERRY JORDAN

1. My name is Perry Jordan and I am 20 years old. Until May of 2019, I resided with my parents at 534 South Percy Street, Metropolitan. I now reside in an inexpensive boarding house at 1010 Main Street in the central district of Metropolitan City. This one-room apartment, really just an attic, is all I can afford given my limited financial resources. I was in school at Eastern State College until the spring semester of the academic year 2018-2019, when I dropped out in the middle of sophomore year. I was about to declare my major in computer science. However, the academic requirements to get a BS degree were just so uninspiring and unchallenging that I decided to call it quits. Who needs all that world history and geography and civics?! I just wanted to do computer programming and web development. I am really good at that. However, I did like my Economics 201 Macroeconomic course. The professor, Kaden Keller, is very cool and understands me. Anyway, my parents always said that if I was not in school or working, I could not live at home. I moved out on May 1, 2019, so here I am in my four-cornered room. Since I wasn't in college and I did not have a "career," I was no longer welcome in my parents' home. "My house, my rules" is their mantra. I'm not much for following rules, myself.
2. I used to stay in a downstairs bedroom of the rooming house, but the house dog, a Great Dane, already had claimed the bed as his. Sharing a twin-size bed with a 150-pound dog, who thinks he's a lap dog, is an impossible situation. So I was offered the attic by my roommates. Nobody had slept up there before. The problem was that it was, and still is, loaded with stuff that belongs to my roommates, as well as to ex-roommates. That includes the nightstand table the police rummaged through. The deal was that I got to have this big room, but only as much of it as I could arrange for myself. Little of the stuff up there the police went through is mine, especially the mountain of boxes and junk on the side of the room opposite my bed. Most I had never gone through myself. I just shoved it to the far side of the room, making enough space for that bed, which I stole from the Great Dane, nightstand, merely to put my clock on, and small desk, for my laptop computer. That laptop, by the way, is my own only computer, after the other was stolen. Notably, the police never found a mask when they searched the attic, even with all that was in there.

3. At first, however, the attic had been even more stuffed, because I brought over my own stuff. I had been a pack rat all my life, and I had inherited a bunch of weird stuff from the estates of elderly relatives. To cover my expenses until I could find a job, I started to sell or pawn a lot of my personal property. Some of the items were in my room, and the rest were in storage in a facility further up Main Street. None were in my parents' house – against the rules. I don't remember the exact address. I gave the storage facility clerk my name, but I don't believe he wrote it down. I believe I then gave him \$120.00 for a six-month rental and he gave me a locker number. I slapped on a combination lock and was in business. That clerk looked a little shady and probably pocketed the money. Anyway, I sold some items like computer accessories and components on eBase. I pawned the rest of the items so that I could get money right away I'm still looking for formal employment. I am a product of the gig economy, I guess, doing website design here and there.
4. I sold used items at a lot of pawn shops around the city. I don't remember ever going to Big Tom's Reseller, but I could have. I now know it is located on Central Avenue, just a few blocks from my boarding house. That's the same block as Moby's Coffee. I normally use the Wi-Fi of my one of my roommates, but the signal is really weak in the attic, even with my Wi-Fi extender. So sometimes I go to Moby's Coffee for the free Wi-Fi they have. I don't shell out money for the fancy drinks. They have a policy to not kick anyone out, even if they don't buy anything. If someone said I was at Big Tom's nearby, once or twice, then maybe I was. I just don't have any present recollection of ever going to Big Tom's. Anyway, there is no requirement that I go to Big Tom's Reseller even if it is the closest reseller store to my home. The fact that I have no receipts for the sale of those items just reflects the fact that I am not a paper person. I always ask for an e-receipt. If I get a piece of paper, I throw it away. If it is important, I take a photo of the receipt before I toss it. After all, there is enough mess in that attic!
5. So, on September 16, 2019, a day that will live in infamy for me (maybe freshman history was some use after all!) – I was in my room, and I heard a loud bang on my door. Opening the door, which actually means lifting the door, I heard yelling. The stairway leads to an area of the ceiling that's really a door. Luckily, that Great Dane can't get up there. I'm

afraid of big dogs. I was ordered to come down by a menacing- sounding voice. I did, greeted by a slew of police officers. My housemates were all home, and I was embarrassed. So when they asked me whether we could talk in private, back at the police station, I agreed. I was assured that I was not under arrest. I was just a “person of interest,” whatever that means. Back at the station, I was escorted to a small windowless room. In came an officer announcing himself/herself as Parris Jewel. Reading me my right to remain silent, I agreed to talk. I wanted to know what this was all about, and, besides, what did I have to hide? Jewel started asking me questions about an Emery Rose. I told him/her that I did not know an Emery Rose, but that I have a deceased maternal uncle named Emerald Rose. My mother’s maiden name is Emily Rose. Jewel then asked me whether I ever went by the name Emery Rose. I said no and asked him/her, rhetorically, “Why would I need to use that name?” Jewel then proceeded to tell me that Emery Rose is a suspect in a conspiracy to possess and sell expensive stolen property. The officer further stated that all indications are that I, Perry Jordan, have gone by the name Emery Rose. I then told Jewel that I was not answering any more questions and that I planned to talk to a lawyer. Jewel proceeded to place me under arrest, and hauled me off to jail. My parents posted bail on September 17, 2019, and I was released back to my hovel.

6. My parents hired a prominent law firm to represent me. The lawyers explained the government’s case against me. Through what my lawyers referred to as pre-trial discovery, they learned that the State of Metropolitan has been investigating, all over the state, the rash of thefts in the homes and offices of very wealthy people and the transportation of this stolen property by use of the dark web. As the investigation relates to me, the lawyers said that a U-Pack-It employee alerted Jewel that a suspicious package had been received at their facility. After opening the box, Jewel suspected that the items contained therein were stolen. Jewel allowed the package to be delivered to Emery Rose at a Ted-Rex Dinko’s in Metropolitan. A Rover driver arrived at Ted-Rex Dinko’s to retrieve the package and delivered it to Big Tom’s.
7. My lawyers informed me that Jewel asked the Rover driver to provide him/her any information the Rover driver had on Emery Rose. The Rover driver told Jewel that s/he

never met, or even talked to, Emery Rose. The driver said that s/he was just following instructions from the dispatcher to deliver the package to Big Tom's Reseller. Anyway, I have never used Rover. I use Uber or Lyft.

8. My lawyers told me that Jewel also asked the counter clerk at Big Tom's about the whereabouts of Big Tom. The clerk told Jewel that Big Tom had suffered a stroke and was in no shape to speak to anyone. Jewel asked the clerk about Emery Rose, and the clerk told Jewel that s/he did not personally know Emery Rose and has no information about Rose. My lawyers learned that the counter clerk began snooping around the pawn shop after his/her first encounter with Jewel and found a notebook containing a long list of expensive items, and the amount for which Big Tom had sold each item. The notebook also referred to someone called Emery Rose and noted the share of the proceeds Emery Rose received for each sale. My lawyers and I agree that it is purely coincidental that Big Tom started this notebook list about one month after I moved to the boarding house. So what?!
9. The state's theory of the case, according to my lawyers, is that I, using the name Emery Rose, bought stolen items over the dark web from unsavory characters, using the cryptocurrency Bytecoin, to shield my identity. I once bought some Bytecoins from a cryptocurrency broker when I was in college just to learn how cryptocurrency works. In fact, I wrote a paper in my Econ 201 class about the benefits and the hazards of cryptocurrency. The paper was well-written – even if I do say so myself – and I even received an A on the paper from Prof. Keller. You can say I know a lot about cryptocurrency.
10. The only crypto I ever owned was Bytecoin, and then only for like a semester of college. I kick myself every time I think of how I spent my Bytecoin. Had I held onto it, I would have made quite a profit. During the time I owned Bytecoins, I did buy some items over the Internet. I don't believe I ever bought anything over the dark web. I could have, but I just do not remember. That counter clerk at the pawn shop also found what Jewel claims is a receipt of a Bytecoin purchase that I supposedly made. I have never seen this receipt. My lawyers, who have seen this document, said that the e-mail receipt is made out to Emery

Rose. So, it has nothing to do with me. Anyway, I warned in my paper that the dark web is a dangerous place to do business because identities are shielded and the criminal elements that occupy that space cannot be trusted. People on the dark web use fake names like Emery Rose to deceive other people. The adage that “There is no honor among thieves” is true.

11. I never knew Bobby J’s real name. That’s his street name. He was from the other side of the tracks, don’t know where exactly, but he had great timing on the drums. Sometimes we’d play sets at open mike nights, with me on guitar. I know that “licks” are street language for successful thefts. But “licks” are also great improvisations in a song, by somebody playing an instrument. Me, I’m good at guitar licks. Bobby J is one of those guys who knows how to play along, and when to stop playing, and let the guitarist solo. Were some of my licks stolen from the great, one-and-only Jimi Hendrix? I’d like to agree with Bobby J on that! If Metropolitan’s Finest, as the Metro Police like to call themselves, hadn’t have drowned my phone, I’d have his number to back me up on that.
12. Jewel has no proof that I have ever gone by the name Emery Rose. The claim that I stole my Uncle Emerald Rose’s identity is ludicrous and insulting. Emerald passed away before his third birthday. My mother, who was five years older than Emerald, was devastated. She would occasionally talk about poor, sweet “Emmy,” and I thought of this forever-child as “Emmy Rose,” never as “Emery Rose” or the formal “Emerald Rose.” I would never do anything that would cause more suffering for my mother, who would do anything for me. So what if Emery Rose and my uncle Emerald have the same birthdate of February 15, 1980?! Anyway, my mom, on what would have been Uncle Emerald’s 35th birthday (February 15, 2015), posted information about him on the public section of her WhatsUp page. I tried to talk her out of doing this, but she did it anyway. So, anyone looking to steal Emerald’s identity could have obtained information about Emerald from my mom’s WhatsUp page and/or from other public records.
13. This whole ordeal has me very upset, going back to how I was so-called “identified” as Emery Rose. My lawyers tell me that someone in a hoodie entered Big Tom’s pawn shop

about three weeks after the suspected package was delivered and asked to speak to Big Tom. I admit that I own several hoodies. I don't know anyone my age that does not own a hoodie. The black hoodie they found in my room, however, was not mine. It is too big for me.

14. It's shameful that Jewel is using the counter clerk at Big Tom's Reseller to frame me. S/he threatened the clerk that the pawn shop would be closed and that the clerk would be prosecuted on suspicion of possessing stolen goods if the clerk was unwilling to state that I was Emery Rose. The poor clerk is scared to death and will say anything Jewel wants him/her to say. This has been nothing but a sham investigation from the start. I'm frustrated that, now that all of the evidence was made unavailable, due to the stupidity of putting evidence building next to a river, now nobody else will ever see this surveillance video, including me, the accused! And obviously the police never did anything to try to get any other surveillance video.
15. I don't own a watch, and never have. I don't think I know anyone who does wear a watch, except my cousin, who is a big Apple fan, and has an Apple watch.
16. Jewel comes to the incredible conclusion that I am this Emery Rose and the perpetrator of this elaborate criminal enterprise. Give me a break! Sure, my Aunt Sara got me a flimsy bracelet when I was a kid. The bracelet broke, and I threw it in a junk drawer- The junk drawer was full of useless stuff – mostly gifts from Aunt Sara, which I'd have to wear whenever my cousins came over. One of my parents' rules. So long as I lived in their house. So I told Jewel that. But later on, when I heard the description of these "beads," I knew that I never had such beads. I don't remember any beads on my aunt's ratty charm bracelet. Sure, my high school's colors were gold and blue. Go Metro West Roosters! And Eastern State U's colors are maize and blue. Same difference, I guess. But why would I wear those colors? I dropped out of college, and I hated high school.
17. I am a very good computer programmer and web developer. In addition to selling my personal items, I support myself by designing websites for small businesses located in the county. I don't make a lot of money but I get by. I am paid in cash and off the books. When

Jewel searched my room following my arrest, s/he found \$7,500 I had hidden under my mattress. I don't trust banks! Jewel claimed that the money was in an Eastern State University duffel bag. That duffel bag had been all the way on the other side of the room, and I'd never touched it!

18. My lawyers wondered why I live in a crappy one-room apartment when I had \$7,500 and could afford a nicer place. Jewel suggests that I have chosen to stay in the boarding house to avoid drawing attention to myself as I go about engaging in the alleged criminal activity. That is all untrue. I could not afford to move out of my small room at the time. The \$7,500 was to last me for a while until I was able to get full-time employment. Now that Jewel has my money, I am really stuck here. Do you know how many ramen noodle dinners I had to put up with to save \$7,500? Not to mention, I got all my clothing from Goodwill. By the way, I never smoked 100's. And I only ever had one drag off a menthol cigarette in my life. Ughh! I had given up smoking entirely when I moved out of my folks' home, in order to save money.
19. Jewel tries to make a big deal about the \$7,500. It appears that one of the entries in Big Tom's notebook is a payment to Emery Rose on July 29, 2019 in the amount of \$6,825 for a 24-carat gold MacBook Pro computer. Another entry on that date is for a Gucci handbag that sold for \$675, for a total of \$7,500. So, what if that is the same amount of money I had stuffed under my mattress? Jewel's claim that I am Emery Rose, is a ridiculous assertion and completely without basis.
20. I do smoke, but I'd never smoke any off brand like Antelope. I would smoke Newports. If I could afford cigarettes at all. Funny how Jewel and company didn't find a single cigarette butt or ashtray in my room! I can only conclude that the cartons of Antelope cigarettes were left in my room by a previous tenant. Before I moved in, the attic had purely been a storage area, and, in fact, some things in that room are things others left there before I ever came. I just stuck all their junk in piles at the far side of the room, where you bump your head if you stand, given the way the roof slants.

21. The money was really from my eBase/pawn shop transactions and my web development activities. You know, I don't want to identify all the businesses for which I did web development. They should not be dragged into this mess. I can tell you I did work for businesses like Carol's Cut and Curl and Bob's Bistro in Metropolitan. I had every intention of paying state and federal taxes on the money I received for my web development, and if I didn't, it would be an IRS/state tax matter, not a case of conspiracy to receive and sell stolen property, for heaven's sake!
22. I have no knowledge about this alleged criminal matter, except what my lawyers learned from the pre-trial discovery motions they filed. I do know that I am not Emery Rose and that there is insufficient proof that I was involved in any scheme to receive stolen property. The fact that some Rover driver overheard pawn shop owner, Big Tom, refer to a customer by the nickname PJ has nothing to do with me. There are a lot of people with the nickname PJ, such as Pat Johnson, Perry Joseph, Parker Jackson, etc. Why is Jewel targeting me? S/he was probably under heavy pressure to solve this case and crafted this false narrative. It's bad enough that Jewel confiscated my desktop computer but trying to manufacture a case by pointing to two Goolag searches I may have made is beyond the pale. I needed to get a cell phone and I was looking at a used iPhone X. Why pay \$1,300 for a new one when an old one works just as well?! Also, thousands of people, every day, I bet, do Goolag searches on Bytecoin. Are they all involved in criminal activity? And so what if I go on WhatsUp a couple of times a day? I like to see what my mom is posting about our family and friends. As far as I am concerned, Jewel did not find any suspicious activity on my desktop. I wish my laptop had not been stolen back in August. If I had it now, I would be able to prove that I am not Emery Rose and that I was not involved in any scheme to buy and sell stolen goods. I did not report the theft of my laptop because I do not like dealing with cops. Also, I did not want to involve the Moby's employees because it was my stupidity in leaving the laptop unattended that led to the theft. Besides, it was just one of those cheap Chromebooks that sells for only a couple hundred dollars. Anyway, it does not appear to matter to Jewel whether a person is guilty or not, and I just happen to be the convenient scapegoat. When this whole thing blows up in his/her face, s/he should be fired for this misguided prosecution.

I affirm the veracity of the foregoing statement.

Dated: October 18, 2019

Perry Jordan

Perry Jordan

STATEMENT OF BLAIR OVERLAND

1. My name is Blair Overland. I am 29 years old and reside at 259 Niagara Street in Metropolitan.
2. I graduated from East Metropolitan University with a bachelor's degree in sociology seven years ago. Right after college, I got married and just one year later, we welcomed our first child. Two years after that, we had a second child. While nothing makes me happier than my family, and I would do anything for them, money can get pretty tight around here, so I have always had a full-time job and a side hustle.
3. Right now, I work as a residential aide in a group home from 11 p.m. until 7 a.m. I make \$17.50 per hour, plus family health insurance coverage. I chose the graveyard shift because I was told there would be a lot of opportunity for overtime, but that really hasn't materialized.
4. I thought about driving for one of those larger, nationally known ride-hailing services, but because of some youthful indiscretions and a DUI conviction ten years ago, I did not pass their screening procedures. Then Rover contacted me. Rover is a smaller, franchise-based ride-hailing service with a more forgiving attitude towards its employees' past indiscretions. I drive for Rover during the busiest hours for ride-hailing, and along with premium pricing, I get some primo tips!
5. One of my favorite runs is for Rover's customer, Emery Rose, who has one of those virtual mailbox addresses at Ted-Rex Dinko's, just outside of town. I have never met Emery, but I frequently get a gig to pick up packages at Ted-Rex Dinko's and take them to Big Tom's Reseller, a large pawn shop on Central Avenue in Metropolitan. Someone who uses Rover's services texts a passcode to a dispatcher, who then sends a driver, like me, to a requested destination. I was shown records, which I recognize as Rover records, of delivery of eight packages for Emery Rose from Ted-Rex Dinko's to Big Tom's, starting in early June 2019 through August 2019. I just get the package and take it where I am told. I am paid immediately, usually with a very large tip, by Big Tom himself, once I arrive at Big Tom's. All payments, including tips to Rover drivers are, of course, by credit/debit card

and made electronically. As best I can recall, Big Tom was always present when I arrived, until the stroke, and he himself would serve me. And yet I did see Tom's only coworker, who called him "Uncle Tom," when everyone else referred to him as Big Tom. The coworker introduced him/herself as Cameron Clark. The last time I went there, and Big Tom was there, he called out "special delivery," loudly, and Clark came out from the back room, rubbing his/her hands with glee, looking at the package I'd just left on the counter, saying s/he could use a new watch, as his/her watch had just broke. It seemed to just be a joke, and I didn't think much of it at the time. I was focused on how much my tip would be, as I needed to pay the electricity bill, or else me and my family would soon be left in the dark. Every dollar counts, and Big Tom always paid the tip in cash. Technically, it's a no-no with Rover, as any tip should be paid electronically, but Big Tom told me the first time I delivered to him, as he handed me a portrait of Andrew Jackson as a tip (that is, a \$20 bill), "let's just leave the tax man out of this. Keep it on your second set of books, like I do!" That's the same amount that Emery would tip me, so I would get \$40 on a single trip. Not too shabby! That Clark, by the way, is really cheap, just giving me \$2 as a tip. Can you imagine!

6. To tell you the truth, Big Tom's Reseller is more of a pawn shop than one of those secondhand stores you see all over the place. Let's just say it's not a very high-end retail establishment with a polished staff and classy customers. In fact, I remember one day in late June 2019 – probably June 21st if my memory serves me correctly – when I observed Big Tom arguing fiercely with a customer who was wearing a sleeveless hoodie covering his/her entire head and ears. They were both standing at the far end of the counter, away from the door. I didn't want to interrupt, and it's never a good idea to stare at people you don't know; so I just went up to the end of the counter closest to the door and informed Big Tom that I had a package for him from Emery Rose. Big Tom yelled, "It's about time! See PJ, I told you there was nothing to worry about." Without saying goodbye, this PJ quickly left the shop, nearly bumping into me as s/he was leaving.
7. On August 22, 2019, we got another hail from Emery to pick up a package at Ted-Rex Dinko's for delivery to Big Tom's. On route to Big Tom's, I thought I saw someone following me, but to be honest, I didn't think much about it. However, once I got to the

pawn shop, I noticed that the driver of the other vehicle followed me in. I told the clerk that I had a package from Emery for Big Tom. The clerk said Big Tom wasn't there, but s/he would sign off on the package for him. The creepy person who was following me then demanded to know who Emery Rose was and where Rose lived. I told him/her I don't know – I'm just the delivery driver. S/he then flashed his/her police ID badge, which identified him/her as Investigator Parris Jewel. S/he gave me a business card and told me to call him/her if I could ascertain anything about Emery Rose's identity. Reluctantly, I said sure, but there's no way I am going to be accusing or involving Rover customers in crimes, especially such a good tipper as Emery.

8. I was nosing around the Rover office on September 30, 2019 and just happened to come across Emery Rose's customer account file. It appears that Emery used one of those pre-paid VEZA cards to pay for his/her Rover transactions. I've bought these type of pre-paid credit cards over the years for my nieces and nephews as gifts. It does not take much to set up and maintain these cards. You can probably use any name you want when registering the card.
9. I received a text once from someone claiming to be Emery Rose, shortly after I spoke to Parris Jewel. It said, "Hey, this is Emery. Is the coast clear?" I never responded. I'd never knowingly get involved in anything sketchy. I was going to contact Jewel about it, but then I remembered Jewel's threats and bullying, and thought better of it. Shortly thereafter, that cell phone was lost. Well, probably stolen. I just know I never did find it. The number started either 415 or 416. I looked it up – 415 is San Francisco, California, and 416 is Toronto, Ontario, in Canada.
10. In late September 2019, Investigator Jewel called to invite me down to the Metropolitan City Police headquarters for a brief interview. On October 1, 2019, I met with Jewel at his/her office. I told Jewel about Emery Rose's Rover account and about the pre-paid VEZA credit card used to maintain the account. During my interview, I mentioned the altercation I observed between Big Tom and the person he called PJ. Jewel thanked me for

the information and said that the government lawyers handling this case will likely subpoena Rover for the customer account information log.

11. I really don't know anything more about this case beyond what I have already stated.

During the October 1st interview with Jewel, s/he showed me a picture of Perry Jordan. I really did not get a good look at the person arguing with Big Tom back in late June because of the hoodie s/he was wearing, but I can say that the person Big Tom referred to as PJ appeared to have the same facial features as Perry Jordan. Jewel was pushing me for more information, but I told him/her that the statement by Big Tom is all I know. Anyway, if I am pressed, I would have to say that the person talking to Big Tom was probably not Jordan. Several days before my interview with Jewel, I was chatting with a co-worker, and he was saying that it is not a good idea for me and the company to be involved, knowingly or unknowingly, in the transportation of stolen goods. He said that people could get fired and/or go to jail. I agree with my co-worker on that point. Besides, I cannot afford to lose this job, and I certainly do not want to go to jail.

12. "Emery Rose" is not as uncommon as the detectives make out. One of my side hustles has been to deliver flowers every Valentine's Day and every Mother's Day. I find that, if I dress really nice, and act really sweet to the customers, the tips are even sweeter. I started my own holiday flower delivery business, to cut out the middleman, a few years ago. I would buy roses from a dude who owns a chain of gas stations, that also sell flowers on these two holidays. The roses he sells me happen to be *Emery* roses. It says so on the plastic surrounding each bunch of roses, which I cut off, to replace with fancier wrapping. Now Emery, that's not the name of the company. It's like the type or variety of the rose. All I know is that they're red and they don't wilt before I can get them delivered.

13. I was subpoenaed by the defense to appear at trial and to testify, and I am not happy about losing my rest time or the money from my side hustle. I have mouths to feed, you know!

I affirm the veracity of the foregoing statement.

Dated: November 1, 2019

Blair Overland

Blair Overland

STATEMENT OF PROF. KADEN KELLER

1. My name is Kaden Keller. I am 53 years old and reside at 2020 Civics Circle in Metropolitan. I am an economics professor at Metropolitan State College.
2. I received a bachelor of arts degree in political science from the U.S. Military Academy in 1985. In 1991, I earned a master's in business administration from the State University of New York at New Paltz. I received a Ph.D. in economics from SUNY at Albany in 1995. What can I say? I love the Adirondack and Catskill Mountains. In August 1996, I was hired by Metropolitan State as an assistant professor. In 2003, I was promoted to an associate professorship with full tenure. I sometimes teach at other colleges on loan for the semester, usually where there's good skiing.
3. Although I do some research, I prefer to just teach, especially freshman students. Many of them are very bright and inquisitive, and the semesters just fly by. I have written several books, the latest entitled *Political Economics: How and Why Countries Fail* (Univ. of Podunk Press, 2003). I have written many articles in scholarly journals on topics such as GDP, business trends, economic development and mass marketing over the Internet. I have also testified in numerous personal injury cases on the issue of economic loss. This is my first time testifying in a criminal trial. I ordinarily charge a fee when I testify. However, in this case, I am testifying in support of one of my former students and will not charge a fee.
4. Perry Jordan was a student in my Economic 201 Macroeconomic course in the fall semester of the academic year 2018-2019. Perry, as we called him/her, never a trite name like PJ, was one of those bright and inquisitive students that made teaching easy. I was exceedingly disappointed when I learned s/he had dropped out of school. Perhaps it was my fault. I had a couple after-class meetings with Perry. We would pull up a couple chairs near my teaching lectern and I would add all of the details about what I was teaching, if there were only class time to do so. Most students, alas, would scoop up their laptops and shoot out the door as soon as the bell rang. Not Perry. One time, I regaled Perry about all of the entrepreneurs who became billionaires, after dropping out of college. It makes for an

impressive list: Ted Turner, who started CNN, David Geffen, music producer, Sergey Brin and Larry Page, who started Google, Mark Zuckerberg, king of all social media, Steve Jobs, of course, and Bill Gates, who went from co-starting Microsoft to goodness knows what-all. But, surprisingly, Perry was most interested in Ralph Lauren, who worked at Brooks Brothers selling preppy, expensive clothing, then started his own necktie business, Polo. Perry picked my brain about all of Lauren's branching out into luxury offerings. While Perry dressed like your average college student, s/he was obviously interested in the finer things in life. I hope that drive takes him/her far in life. When s/he was in my class, I was able to engage Perry on a high level and challenge him/her intellectually. The other instructors, with their humdrum approach to teaching, failed to reach Perry at the level s/he required and demanded.

5. I discussed this case with the defense attorneys prior to preparing this affidavit, although no one memorialized what was said, to my knowledge. The attorneys did not assist me in the drafting of the affidavit, nor suggested what points I might want to make. While I might be a character witness as much as an expert witness here, I was nevertheless intrigued by the prosecution's apparent misunderstanding of the so-called "secrecy" afforded to cryptocurrency.
6. Perry has excellent computer skills and an exceptional grasp on the full potential of the Internet. I don't doubt s/he could carry out a scheme of the manner that Investigator Jewel has accused him/her of doing, but I am confident s/he did not. Don't ask me how I know s/he did not do this crime; it is just based on a feeling. For the required writing assignment in my Econ 201 course, Perry wrote a paper on cryptocurrency and the dark web, and s/he demonstrated a great understanding of the theoretical and practical underpinnings of the two technologies, and their interrelationship in criminality. Perry's paper showed a belief that cryptocurrency provides a level of security and anonymity that is, for all practical purposes, impenetrable.
7. I disagreed with Perry regarding the level of anonymity provided by cryptocurrency, but s/he received an "A" on the paper, nevertheless. Bytecoin transactions are what I call

“pseudo-anonymous.” Anybody using Bytecoin can be tracked down by examining the person’s public address information and Internet Protocol (IP) address that are recorded with the transaction in the blockchain that is visible to everyone. A person looking for more anonymity may be able to use a VPN (virtual private network) to complete the transaction, but will run the risk of not having the transaction confirmed by all the nodes on the Bytecoin network, and the transaction will fail. Also, while VPNs profess to delete logs of all activity, and not keep logs of which IP addresses are using which virtual private networks at any given time, some have been known to lie, and a subpoena could uncover the source-IP address, and hence the computer used. So, with a little ingenuity and less laziness, the investigators could discover these perpetrators who use cryptocurrency and easily put an end to this kind of dark web criminal activity.

8. Those pinhead, ivory tower elitists like Professor Thompson think they know everything about everything. I know a lot about cryptocurrency and the dark web and could teach the good San Francisco professor a thing or two about these topics. For the professor to travel this far to testify for what is relatively a minor criminal case suggests to me that s/he has an axe to grind. I don’t think the prosecution is getting its (crypto-) money’s worth with Professor Thompson.
9. Professor Thompson knows little to nothing about the price of luxury items. I am a consultant to Sotheby’s auction house, and I am an expert on luxury watches in particular. I concede that luxury items are sometimes worth even more than their retail value, as I wrote in my latest book, excerpted in an exhibit. The items in question are from luxury brands, true, but they are not “exclusive” items worth more than the retail price the brands place on them. In my expert opinion, there is just no way that the items attributed to my ex-student add up to over \$75,000 value. The Rolex model, in particular, is a model that flopped financially.
10. I was once accused, or should I say falsely accused, of having committed a crime using the Internet. In 2004, I was an associate professor and was doing research on how illegal drugs were starting to be sold on the worldwide web. While at home one night, I went to

this one suspicious site and put in a fake name, a fake address and a fake credit card number along with an order for Quaaludes. I did not plan to hit the order button since I just want to see how far along one could get. I then got a phone call and left my computer. My then five-year-old precocious son was playing with the computer mouse and hit the button placing the order. When I got back to my computer, I saw what had happened and admonished him. I didn't think much of it since all the information was fake. Well, two days later, federal agents, in the early morning hours, broke down my door, terrorized my family, arrested me for attempted drug possession and took my computer with all my important research. That drug website turned out to be a government operation, and the agents used my IP address to track me down. The criminal charge was subsequently dropped after my attorney was able to convince those knuckleheads that I was simply engaging in academic research. That is, I had no criminal intent to buy a controlled drug without a prescription. The whole ordeal, however, was extremely traumatic for me and my family, and we are still suffering psychologically from it to this day. I also believe the agents' improper conduct delayed me in receiving a full professorship by at least a year and a half. The actions of these abusive agents, like Jewel, are unforgivable.

11. Perry is really a great person. Although I have not seen Perry since the time s/he was in my Econ 201 class, and while I don't know what s/he has been up to since that time, I, nevertheless, don't believe s/he would resort to this kind of criminal activity. I have since learned that s/he may have fallen on hard times since moving out of his/her parents' home, and tough times often cause some people to make bad decisions. However, when Perry was in my class, I spoke to him/her often and s/he never said anything that would lead me to believe that s/he did not have a high moral character. Accordingly, I would testify that Perry is, in my estimation, honest and trustworthy, and that s/he has a reputation for honesty and trustworthiness in the community.

I affirm the veracity of the foregoing statement.

Dated: November 15, 2019

Kaden Keller

Prof. Kaden Keller

Exhibit A

Text photograph of instant message from the screen of the cell phone obtained from Perry Jordan's person upon arrest:

From Perry Jordan: You've got to admit I know some mean licks.

"Bobby J" (labeled by that name in the text box): Those licks were from Hendrix!

From Perry Jordan: They're mine now.

Exhibit B

Excerpt from *Bling and Bucks: The Economics of Luxury*, by Kaden Keller:

The diamond-water paradox is that some things, like diamonds, have no everyday uses or value, and yet are cherished and highly priced, and then other things, like water and simple foodstuffs, have little sale value at all. Unless you are drilling hard bedrock in the earth, diamonds have little utility. Yet they have a high retail price. That is in part due to what was a monopoly on diamonds for many years, by DeBeers, a huge company with mines in Africa and around the world. They would keep many diamonds in storage, to make them artificially rare. Meanwhile, they came up with an advertising campaign in the US and Western Europe about how it was important to give a diamond ring for engagement and marriage. It took off from there. Marilyn Monroe would sing about how “Diamonds are a girl’s best friend,” and the money kept rolling in.

The ability to make artificial diamonds for a lower and lower price has largely destroyed that monopoly, however. We can easily move on from diamonds and may do so one day.

Tomorrow’s diamond need not even be a real object at all. Tanzanite is a completely made-up gem, in that it is not naturally blue. It has to be heated at a high temperature to give its color. Now, NFTs, as “non-fungible tokens” are better known, are selling for tidy sums. I attended the NFT.NYC conference in Manhattan in February of 2019, where digital blockchains “tokenize” items, like digital movie posters. Nothing has been sold for high sums yet, but that may change soon.

At the heart of the luxury market is scarcity, be it diamonds of a large size or rare color, or anything else, like a single copy of a digital movie poster. As the “haves” become richer, and the “have-nots” become poorer, the rich have the conundrum of having to show their taste for the finer things, by having what their associates, competitors and neighbors cannot have.

Luxury companies have solved this problem. The idea is for high-end brands to make their most coveted items artificially scarce. For instance, anyone can buy a Gucci handbag or wallet from any one of their nearly 500 stores. There is a 100th anniversary handbag, however, that only a

certain few select, rich, dedicated Gucci buyers can get their hands on, for any price. Such a customer would not dare to enter the Metropolitan Mall, much less the Gucci store located there. Instead, going by appointment to a flagship store, on Fifth Avenue in New York City, or in Milan or Dubai, they are waited on exclusively, and spend a fortune at every visit. At these events, they, or a personal assistant of theirs, can buy special items for say, a retail price of \$20,000.00. Truth be told, they could walk out and sell it on eBay for twice the price. But places like Gucci do not fear this eventuality, because their fêted buyers yearn for the social standing and éclat that the items give them. To those who would question this behavior of the very rich, I would ask why people in this day and age would wear a watch at all, or why anyone would wear a necklace, or earrings. Style will never go out of style; I am pleased to say!

PART XI

EXPLANATION OF PERFORMANCE RATINGS USED ON MOCK TRIAL COMPETITION SCORESHEETS

Please consider the criteria listed below when evaluating student performances. Participants will be rated in the categories listed in the score sheet on a scale of **5-10**. **Fractional points are NOT to be awarded.**

Please use the following guide when awarding points:

5-6: Average (exhibiting only a few of criteria listed below)

7-8: Very Good (exhibiting many of the criteria listed below)

9-10: Excellent (exhibiting virtually all of the criteria listed below)

The judge(s) will score student performance in each category, not the legal merits of the case. Each category on the score sheet must be evaluated separately. Note that one team must be awarded more total points than the other. **There are no ties. The tiebreaker category is overall team performance. In the event of a tie score, the judge(s) shall make a final determination based on overall team performance. While this category must be rated like all other categories, judges may award an additional point to the team with the better overall team performance in order to break a tie.** This category is designed to measure whether the team stayed within established time limits, followed mock trial rules and procedures, and demonstrated excellent teamwork. See Part VIII for more information.

Also please note that all post-trial evaluations by the judge(s) will be qualitative. Numerical scores will not be released. The purpose is to re-emphasize the educational goals of the competition.

EVALUATIVE CRITERIA

Attorneys

Opening/Closing Statements:

- Establishes theory of the case (opening)/continues theory of case (closing).
- Clearly provides overview of team's case and position in a persuasive fashion.
- Addresses strengths of own case, and weaknesses of opponent's case.
- Demonstrates a thorough understanding of the issues.
- Exhibits mastery of case and materials.
- Applies applicable law effectively.
- Refers to key witnesses.
- Is articulate and professional in presentation, with minimal use of notes.
- Discusses burden of proof.
- States relief requested.
- Displays appropriate decorum to judges, opposing team and teammates.
- Demonstrates spontaneity, summarizes evidence and incorporates examples from actual trial (closing).

Direct Examination:

- Effective in phrasing straightforward questions and eliciting information.
- Exhibits mastery of case and materials.
- Observes rules of competition at all times.
- Demonstrates understanding of mock trial procedures and rules of evidence.
- Uses case theory appropriately and effectively.

- Avoids leading and narrative questions.
- Responds effectively to opponent's objections.
- Demonstrates proper use of objections in cross-examination.
- Makes effective use of time.
- Interacts well with witnesses.
- Demonstrates confidence and speaks sufficiently loudly and clearly to be heard and understood.

Cross Examination:

- Skillfully utilizes leading questions.
- Does not ask "one too many" questions, i.e. cross examines witnesses judiciously.
- Does not invite invention.
- Effectively able to rephrase questions.
- Exhibits mastery of case and materials.
- Observes rules of competition at all times.
- Demonstrates understanding of mock trial procedures and rules of evidence.
- Responds effectively to opponent's objections.
- Demonstrates proper use of objections in direct examination.
- Effectively exposes contradictions or weaknesses of other side's case.
- Interacts well with witnesses. Confidently manages difficult witnesses.
- Able to proceed without reading from prepared script.
- Demonstrates confidence and speaks sufficiently loudly and clearly to be heard and understood.

Witnesses

Direct Examination:

- Dress and demeanor are appropriate for witness being portrayed. (Costumes are not allowed. See case stipulations.)
- Demonstrates extensive knowledge of the facts and theory of team's case.
- Observes rules of competition at all times.
- Convincingly and credibly portrays character throughout testimony, without relying on notes. (See R.5:4-7.)
- Shows emotion appropriate to the role.
- Effectively responds to questions without inventing material facts.
- Demonstrates confidence and speaks sufficiently loudly and clearly to be heard and understood.

Cross Examination:

- Convincingly and credibly portrays character throughout testimony, without relying on notes. (See R.5:4-7.)
- Able to field questions with confidence and poise.
- Observes rules of competition at all times.
- Does not become flustered or uncertain when responding to unanticipated or leading questions.
- Able to avoid impeachment.
- Employs invention but only appropriately.
- Demonstrates confidence and speaks sufficiently loudly and clearly to be heard and understood.

IMPORTANT NOTICE

Teams must enter the names of the students and roles they are playing **on the score sheet** and submit same to the County or State Mock Trial Coordinator in advance of the trial. Prepare one sheet for the prosecution/plaintiff and one for the defense. Permission is granted to enlarge the score sheet on a photocopier if necessary in order to include this information. **Please type or print clearly.**

2021-2022 VINCENT J. APRUZZESE MOCK TRIAL COMPETITION Score Sheet

Prosecution/Plaintiff: _____ Defendant: _____
(Team Code) (Team Code)

Date: _____ **Competition Level:** _____ **Round:** _____

On a scale of **5 to 10** rate the Prosecution/Plaintiff and Defendant in the categories below.

DO NOT USE FRACTIONS.

	PROSECUTION/PLAINTIFF		DEFENDANT	
	Name	Score	Name	Score
Opening Statements				
Prosecution/Plaintiff's First Witness				
Witness Performance — Direct Examination:				
Witness Performance — Cross Examination:				
Attorney — Direct Examination:				
Attorney — Cross Examination:				
Prosecution/Plaintiff's Second Witness				
Witness Performance — Direct Examination:				
Witness Performance — Cross Examination:				
Attorney — Direct Examination:				
Attorney — Cross Examination:				
Prosecution/Plaintiff's Third Witness				
Witness Performance — Direct Examination:				
Witness Performance — Cross Examination:				
Attorney — Direct Examination:				
Attorney — Cross Examination:				
Column Subtotals:				

(Continued on next page.)

2021-2022 VINCENT J. APRUZZESE MOCK TRIAL COMPETITION

Score Sheet

Prosecution/Plaintiff: _____ Defendant: _____
(Team Code) (Team Code)

Date: _____ **Competition Level:** _____ **Round:** _____

On a scale of **5 to 10** rate the Prosecution/Plaintiff and Defendant in the categories below.

DO NOT USE FRACTIONS.

	PROSECUTION/PLAINTIFF		DEFENDANT	
	Name	Score	Name	Score
Defense's First Witness				
Witness Performance — Direct Examination:				
Witness Performance — Cross Examination:				
Attorney — Direct Examination:				
Attorney — Cross Examination:				
Defense's Second Witness				
Witness Performance — Direct Examination:				
Witness Performance — Cross Examination:				
Attorney — Direct Examination:				
Attorney — Cross Examination:				
Defense's Third Witness				
Witness Performance — Direct Examination:				
Witness Performance — Cross Examination:				
Attorney — Direct Examination:				
Attorney — Cross Examination:				
Closing Arguments				
Overall Team Performance*				
Column Subtotals:				
Subtotals from preceding page				
Column Totals				

Please advise county or state coordinator of scores before critique.

Judge(s) Signature(s)

***This category MUST be graded with all the other categories, and can also be used as a tiebreaker.**

7

WINNER (P or D)

NJSBF HIGH SCHOOL MOCK TRIAL POLICY REGARDING A COMBINED TEAM

The intent of the New Jersey State Bar Foundation (NJSBF) High School Mock Trial policy regarding a combined team is to encourage schools, which would otherwise be unable to compete because of an inability to field a full team, to request permission to combine their students with those of another school. In order to form a combined or cooperative mock trial team under the above circumstances, the boards of education or governing bodies of both schools must submit a joint request to the Mock Trial Committee of the New Jersey State Bar Foundation. Teams that combine without such permission will be disqualified.

The intent of the cooperative mock trial program is to afford greater opportunity to students to participate in mock trial only when the enrollment of their high school would not allow either the initiation of such a program or its continuance. Only schools that qualify under the specific enrollment requirements will be permitted to apply to form a combined team with any other equally qualified school. No cooperative mock trial team should be undertaken to enhance the competitive advantage of a member school or for the purpose of “venue shopping.”

The following guidelines were adopted by the New Jersey State Bar Foundation’s Mock Trial Committee and will be utilized to implement cooperative mock trial teams in order to afford the opportunity for as many students as possible to participate in the NJSBF Vincent J. Apruzzese Mock Trial Competition. Factors considered in granting approval of a combined team include, but are not limited to, the following:

- The boards of education or governing bodies of both schools approve the request to form a combined team.
- The host school accepts the responsibilities and obligations that go along with that designation. The combined team will compete in the county in which the host school is located. (See #7 of application form regarding designation of the host school.)
- The total student population of each school involved is under 200 students per class year (800 for a 4-year high school and 600 for a 3-year high school).
- A pattern of declining enrollment in mock trial, i.e., insufficient number of team members in or from the previous year to field a team.
- The schools involved have made a good faith effort to recruit students for mock trial without success.
- The boards of education or governing bodies of both schools certify that they are not applying to form a combined team for the purpose of strengthening their current teams.
- The boards of education or governing bodies of both schools certify that, without a combined team, the schools involved would not be able to participate in the competition.

The Mock Trial Committee will review requests on a case-by-case basis and will advise applicants of its decision in writing. The application form follows on the next page.

The application must be approved by both boards of education or other governing bodies, signed by both school principals and submitted to the State Bar Foundation’s Mock Trial Committee with the approval of their County Mock Trial Coordinator(s). The application form will be reviewed by the Mock Trial Committee and its decision will be final. Schools must make an application **prior** to their enrollment in NJSBF’s Vincent J. Apruzzese Mock Trial Competition and, if approved, must enroll in mock trial as one single team and remain as a single team throughout the competition school year. Approval is only for the school year in which it is given.

NJSBF VINCENT J. APRUZZESE MOCK TRIAL COMPETITION COMBINED TEAM APPLICATION

Combined Team Application for School Year: _____

Cooperating Schools

School #1 (Sponsoring/Host)

Address _____

Principal Name & Email _____

Enrollment _____

School #2

Address _____

Principal Name & Email _____

Enrollment _____

Combined enrollment: (no. of pupils) _____

1. Mock trial is open to all students in both schools in grades 9 through 12. Both schools represent that they have made a good faith effort to recruit students for a mock trial team without success and that one or both schools has been unable to obtain enough student participation to field a team for the school year for which a cooperative team approval is sought. Both schools certify that they are not applying to form a combined team for the purpose of strengthening their current teams.

Please attach a sheet outlining the circumstances in both schools which have led to this cooperative team application specifically setting forth why, without a combined team, the schools involved would not be able to participate in the competition.

2. Approved (public schools): Both Boards of Education Yes_____ No_____ Date_____

3. Approved (non-public schools): Superintendent(s)/ School Governing Bodies Yes_____ No_____ Date_____

4. County Coordinator approval:

_____, Coordinator, _____ Approved: Yes_____ No_____ Date_____
(signature) (County)

County Coordinator approval:

_____, Coordinator, _____ Approved: Yes_____ No_____ Date_____
(signature) (County)

5. Public Schools Agreement: _____ agrees to act as the Sponsoring/Host school.
(name of school)

Non-Public Schools Agreement: _____ agrees to act as the Sponsoring/ Host school.
(name of school)

6. The participating schools shall agree on the legal, financial, staff and personnel responsibilities of each school, including but not limited to, such considerations as transportation, release time, rules, and supervisory services.

7. The Sponsoring/Host School for the combined mock trial team shall be the larger of the two schools based on enrollment of grades 9-12. The combined mock trial team shall function as any other extracurricular activity in that school and will compete in the NJSBF Mock Trial Program in the county in which the host school is located.

8. A participating school shall not withdraw from a Cooperative Program until the completion of the involved Mock Trial Competition season.

9. The Sponsoring/Host School will be considered the home site, and as such will be entitled to all county and state awards.

10. The student participants shall be subject to NJSBF's Vincent J. Apruzzese Mock Trial Competition eligibility rules as well as the eligibility rules of both schools; where rules are at variance, the more stringent rules will be in effect.

11. The decision of the NJSBF State Mock Trial Committee will be final, with NO appeals.

I hereby attest to the accuracy of all facts contained herein. I have also read and agree to abide by all qualifications set forth in the application.

_____, Principal _____, School #1

_____, Principal _____, School #2

This agreement shall terminate at the end of the school year for which cooperation is sought. Renewal must be accompanied by a new application.

New Jersey State Bar Foundation Approval: Yes___ No___

_____, Executive Director, NJSBF

_____, Chair, NJSBF Mock Trial Committee

Please scan and email to Sheila Boro, Director of Mock Trial Programs, at sboro@njsbf.org.

PART XII

ONLINE RULES ADDENDUM

Online Rule 1.1. Photo/ Video Release

By registering to compete in the New Jersey State Bar Foundation's Mock Trial Competition, each participant grants the New Jersey State Bar Foundation the right to photograph, record, or stream trials and use them for any mock trial related purpose, including educational or promotional materials. If a participant does not wish to be photographed or recorded, that teacher-coach must notify the County Mock Trial Coordinator, or State Mock Trial Director at advanced levels, in writing prior to the date of the first round of competition.

Online Rule 1.2. Zoom Security Measures

1. The Zoom waiting room feature and password will be used. A link to the Zoom "courtroom" will be emailed to participants prior to the tournament.
2. It is not permissible to share Zoom links with anyone that is not a competing team member, coach or observer. Do not post links on social media or other platforms.
3. Anyone who violates Zoom security will be automatically disqualified from the Mock Trial Competition.

Online Rule 1.3. Naming Rules

To be admitted from the waiting room to the main room and to trial rooms, each person must use the following renaming rules. Participants must have a valid team code and use their real name:

- **Competing team members:** Courtroom Number (P/D) First and Last name.
Example: 3 (P) Frodo Baggins
- **Witnesses:** add "playing witness name"
Example: 3 (P) Samwise Gamgee playing Luke Skywalker
- **Timekeeper:** Courtroom Number (P/D) TIMEKEEPER First and Last name
Example: 4 (P) TIMEKEEPER Gandalf the Grey
- **Coaches:** Courtroom Number (P/D)- COACH First and Last name
Example: 2 (D)- COACH Bilbo Baggins
- **Judges:** Courtroom Number JUDGE- First and Last name
Example: 5 JUDGE- Hermoine Granger
- **Observer:** Courtroom Number (P/D)- OBSERVER First and Last name
Example: 6 (D)- OBSERVER Bell Gamgee

Online Rule 1.4. Presentation in Zoom

1. Background: No virtual backgrounds are allowed except for solid color black or white. It is the duty of the participants to remove distractions from the background.
2. One person per screen at a time. The naming rules need to be followed for each participant.
3. All participants will mute their audio and video when not performing. For example, when "Witness Mr. Defendant" is testifying, the only students who may be displayed or heard are those portraying, directing, and crossing the witness.
4. With the exception of the timekeeper, the Zoom chat is not to be used during the trial for communications, including the private chat feature. Team members are not allowed to communicate privately with one another or anyone else using other methods such as text (with phones on vibrate or silent), or a different chat platform. This is a violation of the Code of Conduct.
5. All cell phones need to be silenced or on vibrate. Participants need to take precautions to have a quiet background during their performance.

Online Rule 1.5. Trial Functions in Zoom

- 1. Pretrial Check In:** While waiting for the trial to begin, all participants will have their camera on and mic off. When the judges are all present, they will ask the lead attorney if all competing team members are present. All judges will stay on camera with their mic muted. The judges will remain on camera and start the trial.
- 2. Pretrial Matters:** During team introductions, team members will have their camera and mic on. For pretrial matters, only the judges and presenting attorneys will have their camera and mic on; all other participants will have the camera off and mic muted.
- 3. Attorney:** Attorney participants will sit for scored functions (opening, closing, witness exams) and for other functions (introductions, housekeeping, objections).
- 4. Witness:** Witnesses will be seated for their examination.
- 5. Timekeeper:** The timekeeper will remain off camera and will use the chat for one-minute warnings.
- 6. Post Trial Comments:** All competing student participants and judges will have their camera on and mics muted unless speaking. At the end of the trial, if time permits, teacher- and/or attorney-coaches may stay logged on to confer with the judges. See R.2:7 and R.5:3-6 in the Mock Trial Workbook.

Online Rule 1.6. Location

Teams may determine location needs as based on their individual team needs (internet accessibility) and school regulations. If any team members are meeting in the same building, they must use one screen per person at a time and individual students need to compete from individual rooms. Students must be far enough away in the building to avoid microphone feedback and sound quality/echo issues.

Online Rule 1.7. Use of Exhibits/ Affidavits in Online Format

1. All participants must possess hard copies of all relevant materials, including exhibits and witness statements. When referenced, students must be able to access documents quickly.
2. Students need not show opposing counsel documents prior to the admission of those documents.
3. Exhibits will not be shared on the screen. It is sufficient to refer to the exhibits. See #1 above.
4. All students have access to all case documents. Judges will be instructed to penalize students who deny having exhibits or who attempt to manipulate time in locating a document.

Online Rule 1.8. Timekeeper

- a. Each team is required to provide one student who will serve as the timekeeper for that team. Timekeepers are responsible for fairly and accurately keeping and reporting the time during the trial presentation. Timekeepers are not to communicate with their respective teams during the course of the trial presentation except to indicate a one-minute time warning using the chat.
- b. See R.2:9 regarding time limits in the Mock Trial Workbook.
- c. The timekeeper shall time their own team and will input the one-minute warning time in the Zoom chat for everyone to see.
- d. Timekeepers time is final and not disputable.

Online Rule 1.9. Trial Access

Each team will be allowed up to 17 devices logged into Zoom per trial. Participants include competing team members, timekeeper, and coach(es). It will be at the team's discretion to use devices logged into Zoom for non-competing team members, coaching staff, and observers.

Online Rule 1.10. Technical Difficulties

In the event of technical difficulties during the trial in a virtual competition, the presiding judges shall have discretion to declare a brief recess to resolve any technical difficulty substantially impairing a participant's participation in the trial. If the technical difficulty cannot be resolved within a reasonable,

but brief, amount of time, then the trial will continue with another member of the impacted team substituting for the impacted team member. The emergency substitute must be a member of the same team as the impacted participant.

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

If no substitute is available, or the team chooses not to use a substitute, the judges will score a zero for the affected role(s) and the trial will proceed.

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

Once the presiding judges determine either at the request of the team or *sua sponte* that a student is unable to compete in a role due to technical difficulties, to minimize disruption, the impacted student is not permitted to return and compete in the role for which a substitution was made.

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

In the event of a loss of connection for a timekeeper, that team shall defer to its opponent’s timekeeper for that trial segment. The team whose timekeeper lost connection may substitute another timekeeper for the remaining trial segments. See Online R.1.8. regarding timekeeping.

In the event that a technical emergency prevents an entire team from completing in part or all of a round, the presiding judges shall declare a recess of up to 15 minutes, to allow that team to reconnect, either via video or by connecting on audio-only via telephone. If reconnection is impossible, a forfeit shall be declared in favor of the team that maintains its connection.

No student or team may feign technical difficulty or invoke the technical difficulty rule for purposes other than a genuine technical difficulty. Such an act may be subject to point deductions or other means up to and including disqualification from the competition.

Online Rule 1.11. Trial Recording in Zoom

If a team would like to record a trial, follow these instructions:

Before the trial

- Get permission from the competing team’s coach to record the trial. Both teams must agree to recording.
- Prior to the trial’s start, the recording coach will need to visit the Main Room to obtain Zoom permission to record. The Mock Trial Coordinator will set this up.

Trial Recording Procedures

- At the beginning of the trial, the recording coach will hit the record button.
- When the round finishes, the video is processed by Zoom and saved on the recording coach’s personal computer.

Sharing the Recordings

- It is the responsibility of the recording coach to upload the trial on YouTube (unlisted setting) and share the link with the other team's coach. The recordings may be viewed by coaches only.
- However, the recordings are NOT to be replayed or viewed in any manner by anyone else until AFTER the state season concludes, and only in compliance with the Code of Conduct in the Mock Trial Workbook.

Online Rule 1.12. Swearing in of Witnesses

- All witnesses are deemed to be sworn.

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CIVICS

CIVICS PUBLICATIONS for elementary, middle and high school students (see reverse for a complete list)

BLOGS containing timely posts on social justice and/or civics issues for grades 5 and up, including *The Informed Citizen*, our civics blog. All blog posts include discussion questions and relevant glossary words for ready-made lesson plans that can be distributed to students

THE LEGAL EAGLE, a legal newspaper for elementary, middle and high school students

RESPECT, a newsletter about law and diversity for middle and high school students

SPEAKERS BUREAU covering many law-related topics

MOCK TRIAL

LAW FAIR COMPETITION and programs for grades 3–6

LAW ADVENTURE COMPETITION and programs for grades 7 and 8

VINCENT J. APRUZZESE HIGH SCHOOL MOCK TRIAL COMPETITION

MOCK TRIAL WEBINARS for elementary, middle and high school teachers

COURTROOM ART CONTEST for high school students

SEL AND ANTI-BIAS TRAINING (virtual and in-person)

BEYOND BIAS addresses Unconscious Bias, Talking About Race, and Being an Antiracist

UNDERSTANDING HIB CHARACTERISTICS helps educators identify and address HIB incidents

THE ROLE OF THE SCHOOL CLIMATE TEAM focuses on how to be proactive in creating a positive climate

CONFLICT RESOLUTION introduces methods to address normal conflict among students

PEER MEDIATION for educators who believe students have agency to solve their own conflicts

SOCIAL EMOTIONAL CHARACTER DEVELOPMENT offers social and emotional skills and habits for educators to incorporate into their learning environments

HOW TO TEACH THE HOLOCAUST for educators who want to know effective pedagogy to teach the Holocaust

BREAKING BIAS: LESSONS FROM THE AMISTAD focuses on teaching African American history through an anti-bias lens and highlights the contributions African Americans have made to the United States

TRAUMA SENSITIVE SCHOOLS Helps educators create trauma sensitive classrooms in order to prevent violence

WEBINARS, such as:

- *Resilience: Getting Through Stressful Times*
- *Motivation: Keeping it Up*
- *Self-Awareness: A Boost for Ourselves*

The New Jersey State Bar Foundation is a New Jersey professional development provider.

FREE NJSBF PUBLICATIONS

The following FREE publications may be obtained by visiting the New Jersey State Bar Foundation's website at njsbf.org or calling 1-800-FREE LAW. Some publications are available in alternate formats, including Spanish, Braille and CD.

SCHOOL-BASED PUBLICATIONS

BEYOND THE BILL OF RIGHTS is a 24-page newsletter that explains the 17 amendments added to the U.S. Constitution after the Bill of Rights was ratified in 1791. Geared to middle and high school students.

BILL OF RIGHTS BULLETIN is a newsletter packed with articles on the Bill of Rights, as well as puzzles, constitutional trivia and much more. Geared to elementary and middle school students.

THE BILL OF RIGHTS UP CLOSE is a 28-page newsletter that takes a deep dive into the Bill of Rights. Geared to middle and high school students.

CONSTITUTIONALLY NEW JERSEY is a 12-page newsletter devoted to the New Jersey Constitution. Geared to elementary, middle and high school students. **ONLINE ONLY**

HISTORICAL DOCUMENTS OF NEW JERSEY AND THE UNITED STATES contains the Declaration of Independence, The Articles of Confederation, as well as the U.S. and New Jersey Constitutions. **ONLINE ONLY**

HIGH SCHOOL MOCK TRIAL WORKBOOK contains the procedures, rules and mock trial case for the annual Vincent J. Apruzzese High School Mock Trial Competition. **ONLINE ONLY**

LAW FAIR AND LAW ADVENTURE COMPETITION BOOKLETS provide rules and procedures for these mock trial contests for grades three to six and seven and eight respectively. **ONLINE ONLY**

MINI-COURT TEACHER'S GUIDE provides two mock trial lesson plans and related classroom activities and resources. Designed to introduce age-appropriate legal concepts to children in kindergarten through second grade.

MOCK TRIAL EXERCISE BOOKLETS are available for grades three through six and for grades seven and eight. The booklets feature the winning Law Fair and Law Adventure original mock trial cases from previous competitions. **ONLINE ONLY**

STUDENTS' RIGHTS HANDBOOK was written by the American Civil Liberties Union of New Jersey and addresses the responsibilities and rights affecting students in school today. **ONLINE ONLY**

TURNING 18 IN NJ covers issues relevant to becoming an adult, including establishing credit, being a good citizen and much more. **ONLINE ONLY**

WHAT YOU NEED TO KNOW ABOUT PLAGIARISM discusses different forms of plagiarism including copying out of encyclopedias and cutting and pasting information directly from the Internet.

PUBLICATIONS FOR ADULTS

AIDS AND THE LAW IN NEW JERSEY (second edition) covers such topics as confidentiality, discrimination, insurance and referrals.

AVOIDING NOTARIO FRAUD IN NJ explains what notario fraud is and the laws that provide protection from it. The printed booklet contains both the English and Spanish versions.

A BASIC GUIDE TO PERSONAL BANKRUPTCY (second edition) explains the different types of personal bankruptcy options available and the advantages and disadvantages of each.

CONSUMER'S GUIDE TO NEW JERSEY LAW gives an overview of 24 areas of law, including wills, divorce, auto insurance and much more.

DISABILITY LAW: A LEGAL PRIMER (sixth edition) helps individuals with disabilities and their advocates understand their legal rights.

DOMESTIC VIOLENCE: THE LAW AND YOU examines the Prevention of Domestic Violence Act and the legal process for obtaining temporary and permanent restraining orders. It also includes a domestic violence checklist to assist victims in documenting their abuse.

EDUCATIONAL GUIDE FOR TRIAL JURORS (third edition) explains the important role of jurors within our judicial system and how lawsuits are tried. The guide was produced with assistance from the Administrative Office of the Courts.

HOW TO BECOME A LAWYER outlines the general requirements for becoming a lawyer in New Jersey. **ONLINE ONLY**

LAW POINTS FOR SENIOR CITIZENS is published in a question-and-answer format, and outlines several topics of interest to seniors, including Medicare, Social Security and guardianship.

RESIDENTIAL CONSTRUCTION AND RENOVATION: A LEGAL GUIDE FOR NEW JERSEY HOMEOWNERS helps homeowners navigate the laws surrounding home repair contracts and renovations. **ONLINE ONLY**

STARTING AND SUCCEEDING WITH A NEW BUSINESS examines everything an entrepreneur needs to know when starting a new business. **ONLINE ONLY**

YOUR GUIDE TO MUNICIPAL COURT is a 12-page pamphlet that highlights your basic rights when appearing in municipal court.



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