



MOCK TRIAL EXERCISES

Featuring winning cases from the
New Jersey State Bar Foundation's

Law Fair 2022
COMPETITION

FOR GRADES 3–6



PREFACE

Since 1992, the **New Jersey State Bar Foundation** has sponsored a unique, law-related education opportunity for elementary school students—the Law Fair Competition.

Students in grades three through six are invited to create original mock trial cases. The cases are judged on the basis of originality and educational value in teaching students about their legal rights and responsibilities. Winners are selected in each grade level. The trials are then conducted before student audiences at special Law Fair programs in the spring. The third- through sixth-grade audiences serve as juries.

Following are the winning students' cases from the Law Fair 2022 Competition.

They may be used as a guide to prepare a submission to the Law Fair Competition or as a classroom exercise. Law Fair helps to fulfill civics education requirements, such as New Jersey Learning Standard 6.3.8 CivicsPR.5, engagement in simulated democratic processes which includes judicial proceedings.

Please note that some of the cases may contain “laws” created by the students for the

purposes of this competition, which may not necessarily be actual laws. Since these mock trials were written by children, the content should not be considered technically accurate.

These materials are produced for educational 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.

Because this booklet contains cases written by students from third through sixth grades, teachers should review the cases written by students in the upper grades before distribution in order to determine whether they are appropriate for younger children.

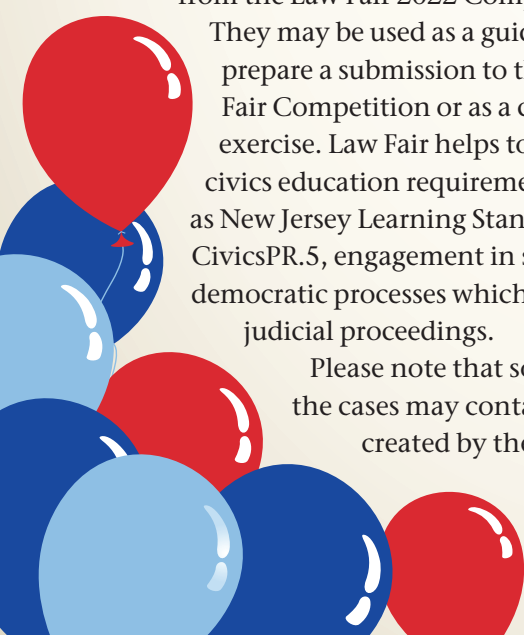
Law Fair has won national recognition for educational excellence from the American Bar Association and the American Society of Association Executives.

This project is made possible by funding from the IOLTA Fund of the Bar of New Jersey.

If you would like to participate in the Law Fair Competition, please call 732-937-7519 or email sboro@njsbf.org.

For information about other free, law-related education services available from the New Jersey State Bar Foundation, visit us online at njsbf.org.

© 2022 New Jersey State Bar Foundation.
All rights reserved.





CONTENTS

**The Case of the Bowling Alley Backfire:
The Lane Family v. All Winners Bowling Alley 2**

State v. Mr. Switcher 7

The Case of the Golden Ceiling: Brook N. Law v. Bill Der Birch 12

The Case of the Maimed Model: Miller v. Smith 16

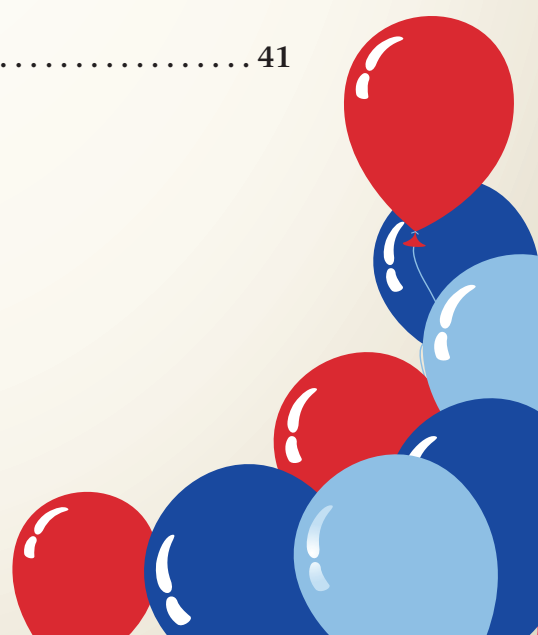
State v. Burr: The Case of the Break-in on 47 Rose Drive..... 21

The Case of the Captured Card: State v. Finderskeepers 26

The Case of the Stolen Diamond: State v. Karen 31

**The Case of the Fast Break:
The State of New Jersey v. Sally Sweetheart 35**

Don’t Drink That!: Thompson v. Hall 41





THE CASE OF THE BOWLING ALLEY BACKFIRE

THE LANE FAMILY v.
ALL WINNERS BOWLING ALLEY

SCHOOL

Fairview Elementary
Bloomfield
Grade 4
First Place

TEACHERS

Mary Donovan
Karen Magliacano

STUDENTS

Briley Drake Castro
Aiyan Choudhury
Victoria Heaney

FACTS

On Sunday, April 17, 2020 at 11:15 a.m., Mr. and Mrs. Lane, along with their teenage son Jake, were having a birthday party for their four-year-old daughter, Alley Lane. The party was taking place at the All Winners Bowling Alley, a popular place for children's birthday celebrations. At approximately 12:00 p.m., Mr. and Mrs. Lane were walking to the door of the establishment to get pizza that was being delivered for the party guests. At that time, a teenager named Striker Bowl who was bowling in the neighboring lane, picked up a very heavy bowling ball. There were signs stating that the balls in that section were for adults only. Striker was an experienced bowler, so he saw no problem with using an adult-sized bowling ball. There were also signs clearly stating that no one was allowed to walk onto the bowling lanes for any reason and that children were not to be left unsupervised.

Alley Lane was only four years old and could not read at the time. When her bowling ball stopped in the middle of the lane, she went right after it. Her big brother Jake did not see her. The parents had left all responsibility to their teenager, but he was texting his friend at the time.

The ball roller, Striker Bowl, tried to send his ball down the lane, but as it was too heavy, it dropped and bounced into the next lane. Charlie Pin, the manager of the bowling alley, saw Striker struggle to throw the ball correctly and witnessed the ball hit Alley Lane. Mr. Pin couldn't stop the ball and Alley got hit hard directly in the ankle. Alley screamed and fell hard onto the wooden lane, as her parents, all the workers, her brother, as well all the party guests came running to see what had happened. Striker immediately dialed 911 for help.

The injuries Alley suffered were severe and required immediate medical attention. The Lane family is suing the All Winners Bowling Alley and Striker Bowl for all medical expenses resulting from their daughter's injuries, which include unconsciousness and treatment for a broken ankle.

ISSUE

Is the All Winners Bowling Alley responsible for the injuries that Alley Lane suffered because of negligence or due to an unsafe environment? Is Striker Bowl at fault for using an adult-sized bowling ball when signs clearly stated not to?

WITNESSES

For The Plaintiff

Jesse Lane
Alley Lane

For the Defense

Striker Bowl
Charlie Pin

WITNESS STATEMENTS

Testimony of Jesse Lane

My name is Jesse Lane and I am suing The All Winners Bowling Alley as well as Striker Bowl for the injuries suffered by my daughter that occurred on April 17, 2020. My husband James and I had planned this birthday party for her months before the event and we expected a fun day with no problems. Everything was running smoothly. At lunchtime, we were just going to get food for our children. The call came through that the pizza had arrived, so we were simply walking to the door to pick it up. We got the food but when we came back, we found Jake, our oldest son, holding Alley, who was unconscious! My baby

wasn't moving! I was filled with fear and could only think the worst.

Thankfully, she regained consciousness quickly. Apparently, an irresponsible kid rolled his ball into Alley's lane and my little girl got hit and fell hard onto her head. I found out later that he took his bowling ball from the adult shelf which had signs right in front of it stating, "For Adults Only. Ages 18 or older." My daughter was in the middle of the next lane! He should have waited for Alley to get her bowling ball and not rolled his own ball until the lane was clear. And maybe if he followed the rules, the lighter ball which he was supposed to be using would not have resulted in such horrible injuries. Alley was rushed to the hospital. She suffered a broken ankle from the force of the ball that hit her and was kept overnight due to the concussion she had as a result of her fall.

My oldest son, Jake, was watching Alley the whole time but there was nothing he could do to stop this. I also blame the owner of the All Winners Bowling Alley because he did not have enough supervision in his establishment. No one was watching what was going on and it was very crowded that day. My daughter is scarred for life! She was on crutches for six weeks. We always loved to bowl as a family. It was excellent bonding time. Now she screams whenever we mention the idea of going to a bowling alley! I want The All Winners Bowling Alley to take responsibility for this and pay for all my child's medical expenses.

Testimony of Alley Lane

I'm Alley Lane and I love to bowl! Well...I used to love it. I don't anymore. On the day I got hurt I was trying to bowl a strike. I never did before and I love watching all of the pins go down at once. My brother

wasn't watching me very closely when my parents went to get our pizza, so I was trying to get his attention by bowling a strike to make the explosion sound and get a "congrats" from the speakers at the alley. But I'm kind of little and my ball stopped in the middle of the lane. My parents taught me to be responsible for my own actions so I didn't want to bother my big brother or the boss of the place. I just went for the ball myself.

I was being very careful walking down the slippery lane when I saw something coming towards me. I was so surprised that my body froze and I didn't have enough time to run. I remember hearing a funny "thud" and then something hard and heavy hit my leg. After that they told me I blacked out. I couldn't see anything but it hurt so much! The next thing I remember was waking up in the hospital with worried faces around me. I couldn't feel my leg and then I looked down and saw a cast on it which scared me so much that I started screaming right there in the hospital bed! It hurt so bad! I had to take this medicine which made my stomach feel yucky.

I don't know why that boy threw his heavy bowling ball at me. I'm just a little kid. I will never go back to any bowling alley ever again!

Testimony of Striker Bowl

My name is Striker Bowl. I was enjoying a day of bowling at the All Winners Bowling Alley as it was my week off for Easter break. I planned to go with my friends, but they couldn't come so I decided to go on my own. I am a good bowler and I take it very seriously. I needed to practice my form. I had no intent of hitting the young girl. I didn't even see her! No one looks at another lane when they bowl. I was concentrating

on my own ball. I couldn't see anything going wrong because I was experienced. I have played for over 10 years and never have I had a problem.

Anyway, I had just finished eating the greasy french fries served at this place and the ball slipped right out of my hands! I tried to grab it but it bounced into the next lane! It was an accident. These parents have no right trying to sue me. I did nothing wrong. The All Winners Bowling Alley isn't at fault either, in my opinion. They gave all responsibilities to their son Jake who was texting even though he wasn't supposed to. Alley even said so herself! The Lane family is at fault for being absent and leaving their irresponsible son to watch their young child. The parents should have taught their child better and should not have taken such a risk.

Testimony of Charlie Pin

My name is Charlie Pin. I am the manager of the All Winners Bowling Alley and I blame this entire unfortunate event on Mr. and Mrs. Lane because they left their child unsupervised. I am not at fault for the child's injuries. We have had hundreds of birthday parties over the years and nothing has ever gone wrong before. There was nothing I could do to stop this child from getting hurt. Of course, I feel terrible about what happened to this little girl. I rushed to her side immediately and dialed 911 for help. That is not the sign of someone who is irresponsible. I care about my patrons. But we have signs all over the bowling alley stating that children cannot be left unsupervised and by no means is anyone allowed to walk out onto the bowling lane. For these reasons, we are not at fault for this terrible accident and should not be held responsible for any medical expenses

resulting from this child's injuries.

INSTRUCTIONS

The plaintiffs, Mr. and Mrs. Lane, must prove by a preponderance of the evidence that the All Winners Bowling Alley was negligent for not having proper supervision in their establishment, which directly resulted in the injuries suffered by their daughter Alley Lane.

SUB-ISSUES

1. Were Mr. and Mrs. Lane negligent for not closely supervising their young child in the bowling alley?
2. Should Jake Lane be held responsible for not watching his young sister properly?
3. Is the All Winners Bowling Alley responsible for not having enough security?
4. Is Striker Bowl at fault for using an adult ball when signs clearly stated that these balls were for patrons ages 18 and older?

CONCEPTS

1. Contributory negligence.
2. Parental responsibility.
3. Damages.
4. Negligence.
5. Liability.
6. Credibility of the witnesses.

LAW

1. Danger Signs Notice Act: Posting signs at your establishment that make your employees aware of your policies or the law.
2. Causation: In order to find the defendant liable, you must find the defendant's negligence was a proximate cause of injury.
3. Contributory Negligence: a doctrine of

common law that if a person was injured in part due to his/her contribution to the accident, the injured party would not be entitled to collect any damages from another party who supposedly caused the accident.

4. Parental Responsibility: Parents have an obligation to properly supervise the activities of their minor children. A parent is liable for injuries to his or her minor child if the parental supervision or lack of it is willful or wanton.



STATE v. MR. SWITCHER

SCHOOL

Chesterfield Elementary
Chesterfield
Grade 4
Second Place

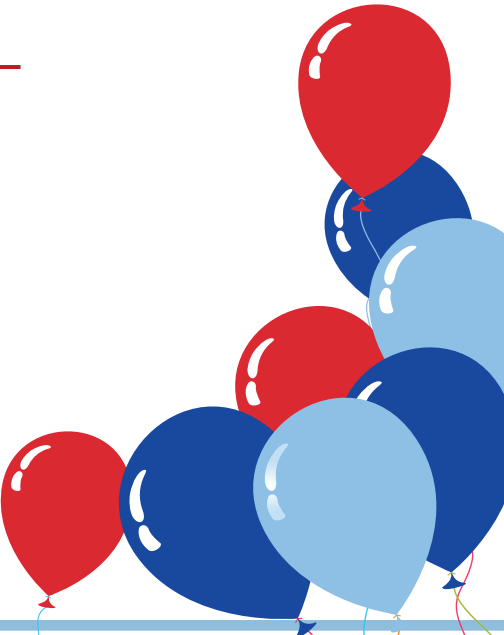
TEACHER

Nicole DiMaiuta

STUDENTS

Anika Bolla
Akshaj Ganga
Pranavi Iruku
Arshia Karthikeyan

Simrit Kaur
Joseph Litt
Akhil Nagineni
Ayan Takate



FACTS

On Wednesday, September 16, 2001 at 2:15 p.m. in Dallas, TX, Mr. Switcher and Mr. Loss went out to get pizza during their lunch break. Mr. Switcher and Mr. Loss are both 42 years old and work for the same company. They were eating slices of pizza from Papa's Pizzeria Extra Cheese in the food court of the mall, until pizza got onto Mr. Switcher's expensive new suit. Mr. Switcher accused Mr. Loss of knocking the pizza onto him on purpose. As a result, he demanded that Mr. Loss should buy him a new one because he ruined the suit.

Mr. Loss claimed that it was an accident, so he ran to get some napkins for Mr. Switcher. When Mr. Loss went to get the napkins, he ended up leaving his wallet on the table. Mr. Loss returned with napkins that Mr. Switcher grabbed and stormed off into the bathroom. After that, Mr. Loss waited about a half an hour for Mr. Switcher to come back from the bathroom. Finally, Mr. Loss left the mall since Mr. Switcher never came back.

One day later, Mr. Loss received a notification from his credit card company, asking if he made a certain charge on his credit card. The company said the charge was made at a formal wear store for \$1,296.00. At that moment, Mr. Loss realized his credit card wasn't in his wallet and started to panic. He called Mr. Switcher, but he didn't pick up the phone. Mr. Switcher is now being accused of credit card fraud.

ISSUE

Is Mr. Switcher guilty of committing the crime of credit card fraud?

WITNESSES

For the Prosecution

Austin Loss

Krista Seen

For the Defense

Sally Witness

William Switcher

WITNESS STATEMENTS

Testimony of Austin Loss

My name is Austin Loss and I am 42 years old. I've worked at the Gucci store for eight years with a coworker and close friend of mine, William Switcher. We've always worked well together, however, he has been known to overreact to things at times. As a result, we've remained friends, but are not as close as we used to be.

On Wednesday, September 16, we went to the mall together, like we always do, during our lunch break to a place called Papa's Pizzeria Extra Cheese in the food court. William and I were eating together until I accidentally knocked a slice of pizza onto his suit. William was furious and yelling about how I needed to buy him a new suit. I explained that it was an accident, but he was overreacting again, so I ran to get him napkins.

When I got back to the table, William snatched the napkins right out of my hands and stormed off to the bathroom. I waited for about 30 minutes, but he never came back. I thought that he left me there, so I went to my car and drove home. Once I got back, I took a shower and when I was done, I finally received a phone call from William. He explained that he had gone home once he used the bathroom since he was so angry and needed to cool off. William continued to say that I still should pay for his suit, since I am the one that ruined it. However, I told him that I couldn't afford it, which made William upset again and he hung up the phone.

A day later, I received a notification on my phone that a charge went through on my credit card. I immediately looked in my

wallet for my credit card and realized that it wasn't there. I started panicking and thought of all of the places that I had used it. Then I remembered that I had left my wallet on the table when I went to get the napkins yesterday. I called Mr. Switcher, but he wasn't picking up, which I found suspicious, so I started to believe that he was the one who took my card. When I checked how much money the charge was for and saw it was \$1,296, I knew for sure that Mr. Switcher was guilty since that is the exact amount he told me he paid for his suit. Therefore, I know Mr. Switcher is guilty of credit card fraud.

Testimony of Krista Seen

My name is Krista Seen and I am 24 years old. I have lived in Dallas, Texas, my whole life. I currently work as a part-time employee at Papa's Pizzeria Extra Cheese, which is located in the food court of the mall. I only work Monday to Thursday, which are usually the days that Mr. Switcher and Mr. Loss come to the food court to eat lunch.

On Wednesday, September 16, 2001, Mr. Switcher and Mr. Loss ordered pizza, just like they always do. As they were eating, I saw pizza fall onto Mr. Switcher's suit. It looked like an accident because Mr. Loss was just eating his pizza when it fell onto Mr. Switcher. He got so angry that we could hear him screaming even in the distance. Mr. Switcher seemed to be yelling about how Mr. Loss owes him a new suit. After that, I saw Mr. Loss running back towards me and when he approached, he frantically asked for a bunch of napkins.

What I saw next was terrible! Sitting at the table, Mr. Switcher leaned over and took a credit card out of the wallet that was on the side where Mr. Loss was sitting. He

quickly placed the card into his pocket and waited for Mr. Loss to get the napkins. Once Mr. Loss went back to the table, I saw Mr. Switcher snatch the napkins out of his hand and watched him storm off. After that, the pizzeria got very busy, so I was helping serve the other customers. When I glanced back to where they were sitting, I saw Mr. Loss get up from the table and leave without Mr. Switcher.

The next day, when I came back to work, I saw Mr. Loss again. I thought he would ask me for his typical order, instead he asked if I had seen his credit card. I said, "No, but I did see Mr. Switcher going through a wallet on the table." Mr. Loss said, "Thank you for the information. I was just asking because I had a charge made on my credit card that wasn't mine. When I looked in my wallet it was gone, so I was just retracing my steps." I think Mr. Switcher is guilty of taking and using Mr. Loss' credit card.

Testimony of Sally Witness

My name is Sally Witness and I am 18 years old. I moved to Dallas, Texas, six months ago and I am a freshman college student. I have known Mr. Switcher since I moved here, mainly because Mr. Switcher is my neighbor that lives down the street. He is a really great person and we always wave hello to each other every day! I know Mr. Loss only because I have seen them arguing outside of Mr. Switcher's house a couple of times. Mr. Switcher also told me that they argue about work stuff and Mr. Loss is harsh on him.

On Wednesday, September 16, 2001, at Papa's Pizzeria Extra Cheese, I arrived at the food court and just finished buying a pizza pie for my friends and me. When I was done ordering, I went back to my table and passed Mr. Loss and Mr. Switcher sitting

together. At that moment, I saw Mr. Loss shove a slice of pizza on Mr. Switcher's suit and I heard him saying "I'm so sorry!" and "It was an accident!" Due to their history, I didn't believe him, so I kept watching to see what would happen next.

After that, I saw Mr. Loss going to fetch napkins for Mr. Switcher. I was looking to see if Mr. Switcher was okay, but he looked like he was gathering his stuff to leave. At that moment, Mr. Loss came back with the napkins and blocked my view. I got a glimpse of Mr. Switcher walking off to the bathroom with the napkins, muttering to himself about his freshly ruined suit. I didn't see Mr. Switcher after that. I thought he had already left, and then I saw Mr. Loss leave.

I know that Mr. Loss is guilty and he framed Mr. Switcher of stealing his credit card. I saw Mr. Switcher with my own eyes and didn't see him steal anything. I also know that Mr. Switcher would never do anything like that because he is a good person inside. Overall, I believe Mr. Switcher is innocent.

Testimony of William Switcher

My name is William Switcher and I am 42 years old. I work part-time at a Gucci store, along with my fellow co-worker, Mr. Loss. Mr. Loss and I have a relationship that's not the best and we do argue a lot. We both probably wouldn't be friends if we weren't coworkers in the same company.

That brings me to Wednesday, September 16, 2001, when we were on a lunch break at about 2:15 p.m. We decided to go to the food court in the mall to eat pizza like we always do. When we were eating pizza together, I accidentally kicked him under the table, and of course he got angry. Then he purposely knocked a slice of

pizza onto my brand new suit, which was about \$1,300. The pizza was so oily and I got pretty mad because of how expensive it was and I said he had to buy me a new one. He told me he couldn't pay for it, so he just went off to get napkins, probably smirking to himself. I took my wallet lying on the table and was getting ready to leave. At that moment, Mr. Loss came back with napkins that I took and went off to the bathroom. In the bathroom, I couldn't get the oil out and was so angry that I took the back entrance of the bathroom and went home.

The next day I got a call from him while I was getting ready for work. I was putting on my jacket and by the time I got to my phone, I already had a missed call notification. It only rang for a little bit, so I figured that it probably wasn't that important. I also knew I would see him at work later that day, so I assumed I'd just talk to him then. When I got to work, I didn't see him, which I thought was strange. As I told you, I did not steal Mr. Loss' credit card and am innocent of the charges against me.

INSTRUCTIONS

The prosecution must prove beyond a reasonable doubt that Mr. Switcher is guilty of committing the crime of credit card fraud.

SUB-ISSUES

1. Did Mr. Switcher grab his own wallet or did he grab Mr. Loss' wallet when he was reaching over?
2. Was the pizza getting onto Mr. Switcher an accident or on purpose?
3. Did Mr. Switcher purposely not answer the phone?
4. How expensive was the actual suit?
5. Did Mr. Switcher actually buy another suit after lunch that day?

6. Could Krista Seen see clearly if she was working from far away?

CONCEPTS

1. Credit card fraud.
2. Credibility of witnesses.
3. Burden of proof: beyond a reasonable doubt.
4. Circumstantial evidence vs. direct proof.

LAW

In Texas, the crime of credit card fraud is when one takes another person's account information and uses it to purchase any unauthorized goods or to remove funds. This crime can result in 6 months to 2 years in prison or a fine of up to \$10,000.

<https://www.findlaw.com/state/texas-law/texas-credit-card-fraud-laws.html>



THE CASE OF THE GOLDEN CEILING

BROOK N. LAW v. BILL DER BIRCH

SCHOOL

Joyce Kilmer
Mahwah
Grade 4
Honorable Mention

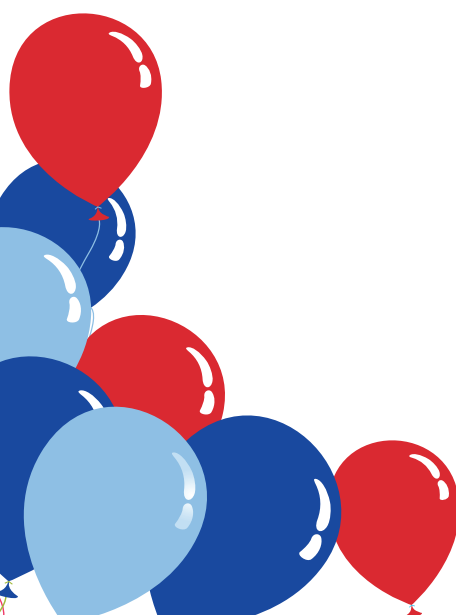
TEACHER

Maureen Schaffner

STUDENTS

Mason Burruano
Marcus Gigante
David Hauck

Karina Kapadia
Jaedyn Teicher
Advait Vyas



FACTS

On July 15, 2018 Mr. and Mrs. Law hired Bill Der Birch to build their fifth mansion. On February 13, 2021, the Laws added a golden ceiling to the plan for their bedroom. The architect had to redesign the plan quickly. Bill Der Birch ordered the golden tiles from the Toppling Tiles company. The directions from the tile company recommended installing the tiles with the stab system, but the architect's plan said the hook system. Bill Der Birch called the architect to say that the new plan did not incorporate the correct structure and may cause problems. But the architect said to continue anyway. Charlie Checker, the inspector, did the final inspection. Everything went smoothly and looked correct. On May 7, 2021, the Laws moved in and hung their crystal chandelier in the bedroom. That night, the Laws were in bed and they heard cracking and the ceiling collapsed. The Laws had injuries.

ISSUE

Is Bill Der Birch responsible for the injuries that the Laws suffered and the damage to the ceiling?

WITNESSES

For the Plaintiff

Brook N. Law
Ceilia Ling

For the Defense

Bill Der Birch
Charlie Checker

WITNESS STATEMENTS

Testimony of Brook N. Law

My name is Brook N. Law, Mr. Law's wife. I've had four mansions built with golden ceilings and none have collapsed. But the

builder who built those mansions for us retired. On July 15, 2018, I hired Bill Der Birch and his construction workers to build my husband and me our fifth mansion.

The builders worked for three years on our mansion. On February 13, 2021, I asked them to install a golden ceiling in our bedroom. They put gold plates on the genuine gold grid. Then when they were finished with construction, Charlie Checker, the inspector, came to do our final inspection. After the inspection, we got the thumbs-up to move into the house. When we entered the house, we saw the finished product. It was brilliant! After we hung our bedroom chandelier, my husband and I were getting ready for bed, when there was a ferocious cracking noise. Suddenly, the ceiling came crashing down on us!!! But I don't remember anything after that, because I was knocked out in the falling process. My husband and I suffered severe injuries.

Testimony of Ceilia Ling

My name is Ceilia Ling, and I manage the Toppling Tiles ceiling manufacturing company. I have managed this company for 23 years, and we have never had a problem with our gold plates. Our gold plates are designed to be incredibly sturdy when attached to a properly constructed ceiling. We have also successfully manufactured 957,763 ceilings without conflict. Our manual clearly states that you should use a stab system. We recommend a stab system for weight support of the tiles. The manual also says do not put too much weight on the finished ceiling.

Testimony of Bill Der Birch

I'm Bill Der Birch, I have been a builder for 20 years. On July 15, 2018, the Laws

hired me to build their fifth mansion. The rough, footing, and backfill inspections went fine. On February 13, 2021 the Laws added a golden ceiling to the plan, when my fellow builders and I were almost done. The architect had to redo the design for the ceiling, but the new ceiling plan didn't fit perfectly with the original plan.

Then I ordered tiles from the Toppling Tiles company because I have always ordered my tiles from there. The box said to install the ceiling tiles with a stab system, but the architect's plan said to incorporate the hook system. I thought it was not strong enough and I called the architect and explained that the new ceiling design did not incorporate the correct structure. The architect said to keep working because redoing the plan again would take too much time since she is very busy. The architect should have known the hook system is for lighter duty work and we are working with gold!

So, we followed the plan. Once we were done, Charlie Checker, the inspector, did the final inspection. I have worked with Charlie and he never found a problem with my work. After the Laws moved in, we found out they added a chandelier to the GOLD ceiling, which is very dangerous because the instructions say not to add things to it that are more than 10 pounds. Later on, we got a call from the Laws that their ceiling fell on them and they thought it was our fault!

Testimony of Charlie Checker

My name is Charlie Checker, the inspector. I work for the town as a home inspector. I have worked as a home inspector for 50 years. I have known Bill for some time before this and checked Bill's work many times before, and he never

failed me.

Three years ago, October 19, 2018, I was at the Laws for their first rounds of inspections. I was there for the footing, backfill, and rough inspections and they were all fine. Three years later, March 23, 2021, I was back for the final inspection. I made sure that the posts, beams and other crucial components were fine. Finally, I checked the plumbing and wires. Everything looked normal. So, the mansion passed the final inspection.

INSTRUCTIONS

The plaintiff must prove by a preponderance of the evidence that Bill Der Birch is responsible for the Laws' injuries and the ceiling damage.

SUB-ISSUES

1. Should Bill Der Birch have followed the instructions from the manual on using a stab system instead of following the architect's instructions on using a hook system for the ceiling?
2. Should the Laws have known that the chandelier would be too heavy for the ceiling?

CONCEPTS

1. Preponderance of evidence.
2. Contracts.
3. Negligence.
4. Reasonableness of actions taken.

LAW

1. Mr. and Mrs. Law signed a contract with Bill Der Birch which stated the rules and terms for his work.
2. To show negligence, there are four parts as follows:
 - a. Was it Bill Der Birch's duty to build a stable ceiling?

- b. Did Bill Der Birch fail to fulfill his promise or duty?
- c. Did Bill Der Birch's actions cause the ceiling to fall?
- d. What were the damages?



THE CASE OF THE MAIMED MODEL

MILLER v. SMITH

SCHOOL

Birches Elementary
Turnersville
Grade 5
First Place

TEACHER

Arlene Gerber

STUDENTS

Travis Bartelt
Abigail Beck
Hannah Cummings
Brody Edelman
Addison Gramble

Reed Haigh
Abigail Hanna
Mia Rose Leibrand
Madeline Rosenbaum
Emma Schumacher

FACTS

Sarah Miller was a swimsuit model for the Cute and Fitting swimsuit company. She was experiencing severe pain in her stomach area for some time, so on February 2, 2019, she went to her doctor, Jeremy Smith, for evaluation and testing. About a month later she got her final test results back and discovered she had large stones in her gallbladder. Dr. Smith recommended surgery, so Sarah took the opportunity. Sarah was eager to have the surgery done, as she was in severe pain and had trouble modeling and travelling back and forth to photo shoots. She signed the surgical consent form right away without reading it.

On March 13, 2019, Dr. Smith began the surgery at the Fredrickson Memorial Surgical Center. He was scheduled to perform a laparoscopic gallbladder removal. As Dr. Smith was making the incisions, he found a 40-millimeter tumor. The tumor looked highly unusual and possibly cancerous. Dr. Smith sent his nurse practitioner Evelyn Emerson to the waiting area to obtain consent from Sarah's father, Mr. Lee, to remove the tumor.

When Sarah woke up several hours later, she was heavily bandaged and could feel a huge incision in her abdomen. She was very agitated because her job was modeling swimsuits and she was promised minimal scarring. She asked the doctor what had happened, and he explained that his nurse practitioner spoke to her father who gave consent to remove the tumor.

Sarah later texted her father and asked him why he would agree to such a thing. Her father said he could not get to the surgical center, so he sent her soon to be ex-husband, Brian Miller, instead. Six weeks after surgery, Sarah returned to modeling but was told by her manager, Bella

Sparkson, that she was fired due to the unsightly scar. At about the same time, the pathology results came back and indicated that the tumor was not cancerous.

ISSUE

Did the defendant, Dr. Jeremy Smith, have consent to remove the plaintiff's tumor, which resulted in the loss of her modeling career?

WITNESSES

For the Plaintiff

Sarah Miller
Bella Sparkson

For the Defense

Dr. Jeremy Smith
Evelyn Emerson

WITNESS STATEMENTS

Testimony of Sarah Miller

My name is Sarah Miller. I am 23 years old. I graduated from Romodel School for modeling about two years ago and have been in the modeling business for about five years. I worked for Cute and Fitting Suits in Glittertown, New Jersey for about two years.

For weeks I was having horrible pains in my stomach, which caused me to miss several days of modeling. On February 2, 2019, I went to Dr. Smith's office to get tested to see what was causing the pain in my stomach. It turns out I had large stones in my gallbladder, and I needed surgery to remove my gallbladder laparoscopically.

On March 13, I went to the surgical center to get my gallbladder removed. My father, Mr. Lee, was in the waiting room. As I was being put to sleep by the anesthesiologist, my dad texted me and informed me that he was not feeling well.

He said he was sending my soon to be ex-husband, Brian, to wait for me. I did not have my phone with me at the time, so I did not see the text. I woke up from the surgery and I saw a large incision on my stomach. I asked the doctor why I had such a large incision, and he told me that he found a tumor during my surgery and that my dad said it was OK to remove it. He said the removal required more invasive surgery. As I texted my father to ask him why he would agree to such a thing, I saw the message that he sent, saying that he sent my husband in his place. I was shocked.

About six weeks later I went back to modeling, but I was later fired because of my scar. I begged my manager to get me my job back and said that I would cover the scar, but she had already found a new model for the position. I called my husband and told him it was all his fault for agreeing to the second surgery, because he knew that I could not have big scars as a model. I also blame Dr. Smith because he did not have my permission to remove the tumor. His nurse practitioner never asked for any type of identification when she asked my ex-husband for permission to perform additional surgery. How could she confuse my husband with my father? To top it all off, the tumor was not even cancerous! I am seeking damages in the amount of \$500,000, which is what I would have earned if I could have continued my career.

Testimony of Bella Sparkson

My name is Bella Sparkson. I live at 667 Clement Rd, Springfield, New Jersey. I have been a modeling agent for 12 years. Sarah hired me as her manager five years ago, and I got her a job at Cute and Fitting Suits. Sarah had a very bright future and was the best model I have ever managed. Sarah was

incredibly good as a swimsuit model, runway model, and magazine cover model. She has a beautiful body and manages a healthy diet very well. The day we left for a photo shoot on January 16, Sarah started having severe pains in her stomach, and it worried me greatly, because I was afraid that this could interfere with our upcoming photo shoot. I remember this because it was for our top client, *Chicx* magazine.

Six weeks later, Sarah informed me that she was going to have her gallbladder removed. I was worried that Sarah would no longer be able to model because our models must not have any scars noticeable to our audience. Yet Sarah told me that the surgery would be nothing to worry about, because her incision would only be about a centimeter wide, which was acceptable. When she returned six weeks after her surgery, Sarah's scar was about four inches long across her stomach. I found out she had gotten more invasive surgery than initially planned. Because the scar was bigger than intended, Cute and Fitting Suits fired her. I tried to get her other modeling jobs, but she did not qualify due to her scar. Because no one had accepted her, Sarah's career was ruined. I anticipate that she would have been able to model for about 10 more years. She made about \$50,000 on average per year, so over the course of time that she would have been able to model, she would have earned \$500,000. I was forced to find another model for the Cute and Fitting modeling job.

Testimony of Dr. Jeremy Smith

I am Dr. Jeremy Smith, and I am 51 years old. I have been a surgeon for 25 years. I have an MD from Harvard University, and I am board certified in general surgery. I have operated on many models before, and all

have been very satisfied.

Sarah Miller came to me on February 2, 2019. She explained that she had severe pain in her abdomen. I did an ultrasound to inspect her gallbladder and the results were inconclusive. About a week later I did blood work on her, and I could tell something was wrong, because of the blood work results. Two weeks later we did a CT scan and discovered what we believed to be gallstones. I then suggested surgery to remove them. She decided to take the opportunity and get her gallbladder removed. I gave her the consent form for the surgery.

About a month later, on March 13, we prepared her to be put under anesthesia for her laparoscopic surgery. She told me her dad was in the waiting room and that he was there in case anything happened during surgery. He was also listed on the consent form as next of kin. About an hour into surgery, my nurse practitioner and I found a 40-millimeter tumor that looked unusual and possibly cancerous. It is standard medical practice to remove any suspicious looking tumors, especially if they present a potentially life-threatening situation. I honestly believed that to be the case with Sarah. At that moment, I realized the surgery would be more involved than routine laparoscopic surgery. Therefore, I sent my nurse practitioner, Evelyn Emerson, to ask consent for the removal of the tumor. She told me that she got verbal consent from the patient's father.

I removed the tumor and sent it for analysis in the pathology lab. When I stitched Sarah up, I knew that the incision was larger than she expected. I tried my best to minimize the impact as much as I could. When she woke up, she scolded me for the large incision. I told her that we found a 40-

millimeter tumor near her gallbladder and that it looked cancerous, so we removed it. I also told her that her father gave consent for removal of the tumor and that the consent form gave me the authority to make informed decisions about patient care.

About six weeks later the pathology report came back, and the tumor was not cancerous. I shared the good news with Sarah when she came to my office for a follow-up visit. Instead of being happy, she was terribly angry because the surgery left her with a four-inch scar. I know she did not expect to have such a large scar, but it resulted from removing the tumor. It was then that she said she intended to sue me.

Testimony of Evelyn Emerson

I am Evelyn Emerson, a nurse practitioner. I work for Dr. Jeremy Smith at Fredrickson Memorial Surgical Center. I have worked as a nurse practitioner for 17 years and I am 42 years old. I have my master's degree in science and my NP from Monmouth University. I am also CPR certified.

I recall March 13, the day of Sarah Miller's laparoscopic surgery. She was having surgery to remove her gallbladder due to gallstones. It was a routine surgery. The surgeon, Dr. Smith, and I found a 40-millimeter tumor by the gallbladder as he was making the incisions. It looked like it could be cancerous, and he asked me to get consent from Sarah's father, Mr. Lee. I checked the consent form, and it indeed said Mr. Lee was the next of kin.

I went outside to the waiting room and noticed that the room was desolate, except for a man that looked like he was in early 40's. I assumed it was her father because he was the only person in the room. I asked for

his consent to take out the cancerous-looking tumor, and he gave his approval. I told Dr. Smith that he had permission to perform the surgery to remove the tumor.

The operation went smoothly until Sarah Miller woke up to find an incision stretching along her stomach. She asked who gave permission for the surgery, and I told her that her father had given his consent. We assured her that we had done everything medically appropriate for her condition. Sarah Miller furiously called her father from her room to ask him about this. Since she was on speaker phone, I heard him say he had not been able to get to the hospital, so he sent her soon-to-be ex-husband, Brian Miller, in his place. Sarah hung up in fury and asked us how we could think that her soon-to-be-ex-husband was her father. I told her that he was the only person in the room.

INSTRUCTIONS

The plaintiff must set out such a convincing case against the defendant that the jury believes by a preponderance of the evidence that the defendant was negligent.

SUB-ISSUES

1. Was the defendant responsible for the nurse practitioner's failure to identify the next of kin, under a theory of agency?
2. Did the defendant have implied consent to proceed with the removal of the tumor?
3. Can the defendant's actions be construed as the standard course of medical care?

CONCEPTS

1. Credibility of witnesses.
2. Burden of proof: preponderance of the evidence.

LAW

1. Negligence and Ordinary Care: Negligence may be defined as failure to exercise, in the given circumstances, that degree of care for the safety of others, which a person of ordinary prudence would exercise under similar circumstances. It may be the doing of an act, which the ordinary prudent person would not have done, or the failure to do that which the ordinary prudent person would have done, under the circumstances then existing.
2. Lack of Informed Consent: Informed Consent requires a doctor to provide material information to the patient in order to permit the patient to make informed decisions regarding their care.
3. Deviation From the Standard of Care: Proper care is defined as that which is recognized as acceptable and appropriate by reasonably prudent similar physicians who work in the same specialty area and/or geographical area.
4. Battery: Medical battery occurs when a doctor or medical professional intentionally causes a harmful or offensive touching to their patients.
5. NJSA 2A:15-5.1. Comparative Negligence: In order to obtain a recovery, an injured plaintiff must be found no more than 50% at fault for causing their injuries.



STATE v. BURR

THE CASE OF THE BREAK-IN ON 47 ROSE DRIVE

SCHOOL

Dr. Gerald H. Woehr Elementary
New Egypt
Grade 5
Second Place

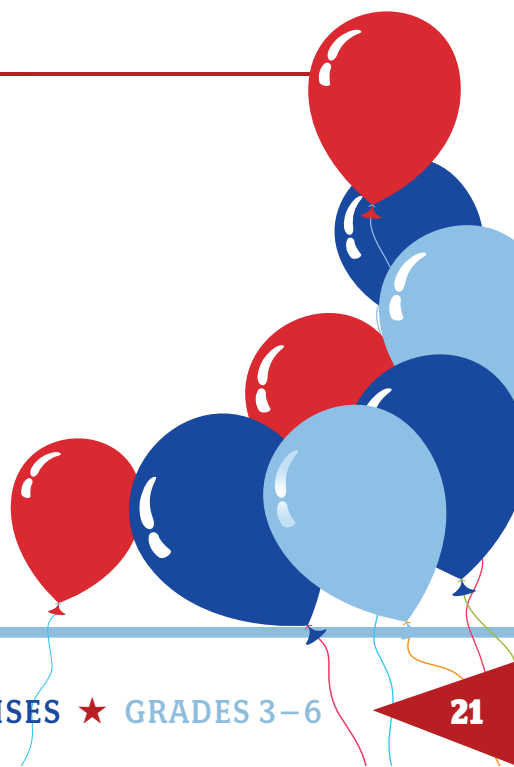
TEACHER

Ginger White

STUDENTS

Caden Adelung
Emily Bloomfield
Breanna Bousenberry
Alexandra Ferreira
Rachel Hammerschmidt

James Emmett Joiner
William Mandeville
Daniel Snyder
Madison Thomson



FACTS

On June 12, 2021, Hope, her sister Cora, and their mom and dad, Skye and Luke Dousenberry, were out at the boardwalk in Shoretown, NJ from 5:30 p.m. to about 8:00 p.m. When they came home at 8:20 p.m., they noticed the police searching around their house. The police informed the Dousenberrys that somebody had reported a break-in at their address. The police took statements from all of the family members and asked them if they were able to see if anything was missing.

After their search, the Dousenberrys discovered they were missing several family heirlooms. The following is a list of the heirlooms that the Dousenberrys claimed to be missing: an 1818 Korean sword valued at \$1,000, a Heywood Hardy Fox Hunt painting valued at \$48,000, an Olympic gold medal valued at \$870, and an assortment of jewelry valued at \$20,000. The total value of the items the Dousenberrys claimed to be stolen was \$69,870.

The night of the break-in, the police also took statements from the Dousenberrys' neighbors. The next-door neighbor, 44-year-old Ms. Ima Witness, claimed to be home at the time of the burglary. Ima claimed she saw a man with a bag the size of four standard-sized pillowcases. She identified the man as Rob Burr. When asked how she was so sure it was Mr. Burr, Ms. Witness claimed he was the owner of the auto body shop that recently closed, where she used to get her car fixed.

Mr. Lookt Atim, a 63-year-old man, happened to be walking past the house at the time of the break-in. Mr. Atim called the police as soon as he felt it was safe for him to do so. In his statement to the police, he claimed to have seen a man pick up

something that seemed to be a rock, and used it to smash a window on the first floor into pieces. When Mr. Atim was called to the station to see suspects in a lineup, he identified Rob Burr as the man who robbed the house.

The police checked the Dousenberrys' homeowners insurance policy. All of the items declared to be stolen had been claimed on their homeowners insurance. This provided the police with proof that the Dousenberrys owned everything they claimed to be missing. When the police searched Rob Burr's residence, none of these items were found.

Detectives later checked all social media for possibilities of how the suspect might have known the Dousenberrys or that they had valuable possessions in their house. They noticed all of the Dousenberrys' accounts were set to public, meaning that anyone has access and can look at their accounts. Family heirlooms were easily seen in videos and pictures posted across different social media sites. When the detectives looked at Mr. Dousenberry's Facebook page, they noticed Mr. Dousenberry had liked Mr. Burr's Auto Body page along with some of Mr. Burr's posts from his business page.

Mr. Burr was arrested by the police and the prosecutor is taking him to court, charging Mr. Burr with the crime of burglary, theft, trespassing and criminal mischief.

ISSUES

Is Rob Burr guilty beyond a reasonable doubt that he committed the crimes of burglary, theft, trespassing and criminal mischief? Who stole the family heirlooms?

WITNESSES

For the Prosecution

Ima Witness

Lookt Atim

For the Defense

Rob Burr

Ali Bi

WITNESS STATEMENTS

Testimony of Ima Witness

At the time of the break-in, I was on my front porch drinking a cup of tea. I recently had surgery on my knee, so I could not do much. It was a nice night, so I sat outside. I was outside on my porch for about 10 minutes when I saw a man run past my house. It looked like he was coming from the Dousenberrys' house. He held a bag that looked like four standard-sized pillowcases sewn together. His bag looked like it had a lot of goods inside. When he ran past the street light, it allowed me to get a good look at his face. I thought I remembered seeing him before, and that's when it hit me! He was the owner of the auto body shop where I used to get my car fixed, however it just closed.

I started to get up when I could not see him anymore. As I started looking for my phone, I realized it was upstairs. By the time I limped up the stairs and called the police, there were already police in the Dousenberrys' driveway. Later, the cops came over and asked me if I saw anything. I told them I saw Rob Burr running past the house with the bag. When the police asked how I knew it was him, I told them that he was the owner of the auto body shop that worked on my car. I'm sure that it was Rob Burr.

Testimony of Lookt Atim

I was on my nightly walk when I saw a man across the street carrying a large bag. The man proceeded to break a window with something he picked up in the yard, probably a rock. After that, he climbed inside. As soon as I felt I was safe and couldn't be seen or heard by the man, I called the police. Later that night, the police called and asked if I was able to come to the station to make a statement. I went to the station and told them everything I saw. The next day, they had me come back to the station to identify suspects in a lineup. I pointed to the man that looked like the guy I saw the night of the robbery. His name is Rob Burr.

Testimony of Rob Burr

On the day of the break-in, I was going to the New Coleter Mall. At 1:35 p.m., I called to make a reservation for 6:30 p.m. at the Fudge Factory. I was at the New Coleter Mall from 1:00 p.m. to about 8:20 p.m. I made reservations at the Fudge Factory for 6:30 p.m., but I got there 10 minutes early. I was seated at 6:29 p.m. I did indeed recently lose my business because they raised the mortgage and I could no longer keep up with the payments. Since then, I found a new job that pays me enough to live. I also have enough money in my savings account from selling my business. I was at the mall and the Fudge Factory at the time of the robbery. I couldn't have robbed the Dousenberrys' house.

Testimony of Ali Bi

I work at the Fudge Factory in the New Coleter Mall. On the day of the break-in, I was at the mall serving people in the Fudge Factory. Since we were short-staffed, I was working as a hostess and waitress that day.

At 1:35 p.m., I took a reservation over the phone for a man named Rob Burr. He made the reservation for 6:30 p.m. At 6:20 p.m., he arrived but did not check in until 6:29 p.m. I remember him leaving around 8:20 p.m. because it was right before my shift ended at 8:30 p.m. The next day, I saw on the news that Rob Burr was accused of robbing the Dousenberrys' house in New Jersey. He couldn't have robbed the house because I was serving him at the time.

INSTRUCTIONS

1. Is there proof beyond a reasonable doubt that Rob Burr committed the crime of burglary?
2. Is there proof beyond a reasonable doubt that Rob Burr committed the crime of theft?
3. Is there proof beyond a reasonable doubt that Rob Burr committed the crime of trespassing?
4. Is there proof beyond a reasonable doubt that Rob Burr committed the crime of criminal mischief?

SUB-ISSUES

1. Did Rob Burr threaten Ali Bi?
2. Is everyone telling the truth?
3. Were any other neighbors home at the time of the robbery? If so, did any of them see Rob Burr?
4. Was there evidence at the scene that connects Rob Burr to the crime such as fingerprints or DNA; was there a motive?
5. Does Ima Witness have an ulterior motive? Was she dissatisfied with the service she got on her car?
6. Do Ima Witness and Lookt Atim have good eyesight?
7. How good was the visibility at that time of night with the weather conditions of

that day?

8. Is there any camera footage of Rob Burr being at the Fudge Factory?
9. Did Rob Burr have time to leave the mall, rob the Dousenberrys' house, and return in time to eat at the Fudge Factory?
10. Did Rob Burr pay with credit or cash throughout the day to prove he was at the mall the whole day?

CONCEPTS

1. Eyewitness: A person who has actually seen an event and can testify in court.
2. Credibility of witnesses: Is the witness telling the truth?
3. Burden of Proof: beyond a reasonable doubt.
4. Malicious destruction of property: A person intentionally destroys, defaces, or injures personal or their real property.
5. Possession of stolen property: possessing stolen property.
6. Trespassing: Entering someone's property without permission.
7. Proof beyond a reasonable doubt: You have no doubt in your mind that someone is guilty of the crimes they are being charged with.
8. Damages: If you break, or harm something, you must pay for it.

LAW

1. Theft: 2C:20-3 Theft is the act of intentionally depriving someone of his or her property. Third Degree Theft: Property amount is more than \$500, but less than \$75,000. Punishable by imprisonment term ranging from 3-5 years and/or a fine up to \$15,000, or double the amount of the victim's loss, whichever is greater.

2. Criminal mischief: 2C:17-3 Purposely or knowingly damages tangible property of another or damages tangible property of another recklessly or negligently in the employment of fire, explosives or other dangerous means. Criminal mischief is a crime of the fourth degree if the actor causes pecuniary loss in excess of \$500.00 but less than \$2000.00. It is a disorderly persons offense if the actor causes pecuniary loss of \$500.00 or less.
3. Burglary: 2C:18-2 Burglary is the unlawful entry into a home or other closed structure, often by force or coercion, with the intent of stealing property from another or committing some other crime. Burglary in New Jersey is most often charged as a third-degree indictable offense (equivalent to a felony). A conviction means a possible sentence of 3 to 5 years in prison and a \$15,000 fine.
4. Trespassing: 2C:18-3 Trespassing is defined as unlawful entry onto a property. Trespassing on school property, in a dwelling (i.e. a home), in a research facility, in a power generation facility, or in any similar facility is considered a fourth-degree crime. Likewise, trespassing by peering is a fourth-degree crime. A conviction for this level of trespassing can mean up to 18 months in prison and a fine of up to \$10,000.

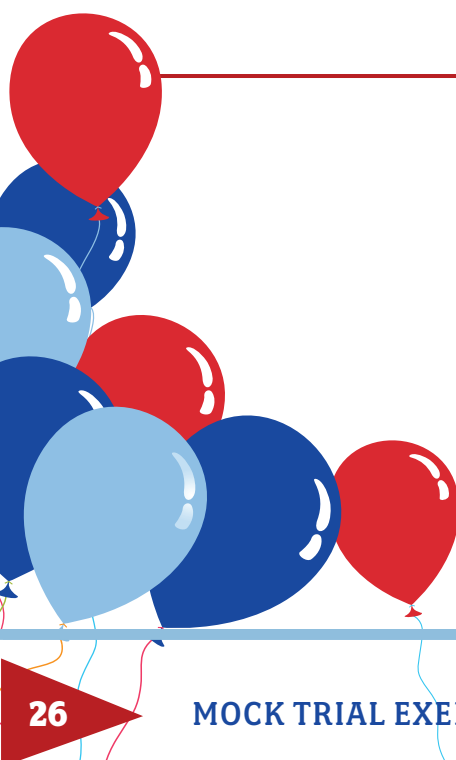


THE CASE OF THE CAPTURED CARD

STATE v. FINDERSKEEPERS

SCHOOL

Bells Elementary
Turnersville
Grade 5
Honorable Mention



FACTS

On the morning of December 16, 2021, an officer was called to a dispute between two individuals at the Dragonite Town Mall. That morning, the mall was hosting a collectors' card show in which there were all sorts of cards like baseball cards, basketball cards, and most importantly, Pokémon cards. The issue was that Ash Lostem and Gary Finderskeepers both claimed to have ownership of a very rare and valuable card, an Illustrator Pikachu. The card is valued at about \$350,000 and only a couple of these exist, making them extremely rare.

Gary Finderskeepers claims to have found the card in the attic of a house he purchased on December 2, 2020 at 2711 Snorlax Street. He discovered the card in a box full of packing peanuts, in a plastic case, last summer.

Finderskeepers was trying to sell this rare card and make a profit, when Mr. Lostem approached his booth, claiming the familiar card belonged to him. Mr. Lostem told Mr. Finderskeepers he could prove that the card was his by checking the back of the case to find his initials, A.L., but it was very blurred out and worn, so it was hard to read. Mr. Lostem said that he must have left the card behind accidentally when he moved. Mr. Finderskeepers claims since he found the card, he owned it and that he tried to tell the owner about it. Mr. Lostem said he purchased the card, and the value has skyrocketed.

ISSUE

Is it Mr. Lostem's fault that he left the Pokémon card or is Mr. Finderskeepers a thief?

WITNESSES

For the Prosecution

Ash Lostem
Helpta Move

For the Defense

Gary Finderskeepers
Trina Byahouse

WITNESS STATEMENTS

Testimony of Ash Lostem

I'm Ash Lostem and about a year ago, I was offered a high-paying job so I quit my old one and planned to move where the job office was located in Philadelphia. I started to pack everything up on Nov. 3, 2020. I was checking the attic one last time to make sure I did not miss any boxes, and before I reached the box with the card, I tripped over a loose board and hit my head.

My neighbors Helpta Move and Tarry Carry were at my house having lunch and helping me move some things. They must have heard me fall, so they ran upstairs to help me back downstairs and into the car.

I was never informed that I had left my card box in the attic by Gary. After we went to the hospital, my wife and I started the drive to our new house, 146 Charmander Street. About $\frac{3}{4}$ of the way through the drive, I felt like we were missing something, but I was not sure. When we got to the house, I still could not remember what I forgot, so I shook it off thinking that my mind was just playing tricks, because I whacked my head when I fell in the attic and I suffered a severe concussion with short-term memory loss.

During the afternoon of November 14, 2020, I held an open house for people to look around the house because I was looking to sell the house.

A couple of months later, I went back to

New Jersey to visit my brother, his wife, and his kids. My brother's kids, Ivan Lostem, and Richard Lostem, love Pokémon as much as me, so I took them to the Dragonite Town Mall for the card show. There, Ivan, Richard, and I were walking around, and looking at the cards that people were trying to sell. I then came across a card that looked remarkably familiar. I then realized that was what I forgot. I forgot the card because I tripped, fell, and hit my head.

Then I walked up to the guy that was trying to sell the card and asked him where he got the card, and if I could look at it. Of course, he said sure because he was looking to sell it. He said he got it in the attic of a house he recently bought. I asked him if he bought the house from Snorlax Street. He replied yes. It immediately clicked, and I knew that it was him. I told him the card belonged to me, and he didn't believe me, so I told him to look at my initials on the back of the card. The problem was, they were blurred out and nearly impossible to read, so people thought I was trying to steal it. After a long dispute, I decided to call the cops to arrest him for property theft. This man revealed himself as Gary Finderskeepers and the cops arrived shortly after.

Testimony of Helpta Move

My name is Helpta Move, I was Ash Lostem's neighbor before he moved. On the day of November 3, 2020, I was helping Ash move his boxes of stuff to the moving van. As I was moving his couch, I heard a loud crash, and me and our other neighbor, Tarry Carry, came into the attic where he was. He was sprawled out on the floor. He didn't appear to be conscious. "Tarry, you grab his arms, and I will grab his legs" I said. We lifted him up and brought him down the attic and

into the car and got his wife, Misty Lostem, who was in the basement packing up.

She drove away to the hospital while Tarry and I continued to move the rest of his stuff into the moving van. A day later Ash called me to make sure I didn't leave anything in his house. I checked everywhere and I didn't see anything. I was about go up to the attic, but my husband called me and said "AHHHH, HELPTA COME HOME, EEVEE WAS TRYING TO MAKE MAC AND CHEESE AND IT CAUGHT ON FIRE—HELP!!" I ran to my house and put the fire out. I figured I probably got everything out of the attic, so I continued my day as normal.

Testimony of Gary Finderskeepers

During the afternoon of November 14, 2020, I went to the open house at 2711 Snorlax Street, because I wanted to live closer to my sister. When I walked in, I looked around to make sure that I liked it. It was big, clean, and everything I wanted. I opened a closet and saw a set of stairs leading to the attic. I looked around the attic and saw about 3–5 boxes. One was labeled "Cards." Curious, I opened it to find a plastic box inside. After opening that box, I found many packing peanuts, and various cards including Pokémon. I wondered which ones were there and found...AN ILLUSTRATOR PIKACHU! These things are worth like \$350,000 and I wondered how the owner got it.... I didn't think they could afford that expensive card.

It looked like these specific boxes might be left in the attic when the owner moved, so I wanted to tell the owner of the house (who I believed was a woman at the open house named Trina Byahouse). She was about to say something when she got a phone call, so I left.

Later when I bought the house, I was putting things in the attic when I realized that the owner had left the box with the card inside. About a year had passed, and I heard that there would be a card show in town. I decided to take the card and sell it at the card show. During the card show, I attempted to sell this rare card and finally found someone willing to pay \$300,000, this was less than its value, but no one wanted to buy for its real price, so this is the best offer I got. I needed the money to pay for my son's medical bills as he is in the hospital with cancer. I went to sell the card so I could help pay the hospital and help him beat it. I owed the hospital almost \$100,000.

As I was showing that the card was real and in perfect condition, a man appeared from nearby and walked over to me. He told me his name was Ash Lostem and the card I had was his. I said that was ridiculous and he told me to turn it over, I did, and it showed some blurred letters. He claimed they were his initials, but no one could make out what the letters were. He started asking questions like "Where did you get this card?" and "Did you possibly buy the house from Snorlax Street?" and I responded truthfully with yes. The man started screaming at me saying, "Did you take the card out of my attic and didn't tell me?!" and so I yelled at him and said "YOU'RE A STALKER! HOW DID YOU KNOW?!" After minutes of arguments, he called the police to settle the dispute. THEY CHARGED ME FOR NOTHING! I don't want to be too rude, but I think this Lostem guy is out of his mind!

Testimony of Trina Byahouse

My name is Trina Byahouse and I had been looking for a new house recently. One

property looked nice, so I went to the open house. While I was there, I saw that it was spacious and beautiful. While there, a man approached me and said that there was some kind of card in the attic and it might be important to the owner of the home. I was about to tell him that I was not the owner when I got an important call. After the call, I reported what he said to the realtor, and he said he would look at it, but he seemed not to care too much. I ended up not buying the house.

INSTRUCTIONS

The prosecution must prove, beyond a reasonable doubt, that Gary Finderskeepers is guilty of theft.

SUB-ISSUES

1. Was Mr. Lostem's concussion bad enough to forget leaving the card?
2. Should Mr. Lostem have known that Mr. Finderskeepers bought his house?
3. Could Mr. Finderskeepers have communicated better with Mr. Lostem?
4. Did Mr. Finderskeepers try to erase Mr. Lostem's initials on the card?
5. Should Mr. Lostem have done a better job proving the card was his at the card show?

CONCEPTS

1. Credibility of witnesses.
2. Theft.
3. Burden of proof: beyond a reasonable doubt.

LAW

In New Jersey if you steal something over \$75,000 it is a second-degree crime. It is illegal (NJSA 2C:20-6) for someone who has found something to purposefully keep it without trying to return it to its original

owner. There are four elements to proving a case under this law.

First, the defendant must have the property of another person. Property includes anything valuable and can include handheld items, like a bag of cash, and untouchable items like Bitcoin and other interests in or claims to riches.

Second, the prosecutor must prove that the item was lost. He must prove the defendant knew the item was lost.

Third, the state must prove that the defendant knew the identity of the owner. For example, if the defendant found a credit card with a name on it the person would most likely know who the owner is. However, if the person found a twenty-dollar bill in the street, with no people around, they would not likely know who the owner is.

Last, the state must prove that the defendant took the property for his or her own use and permanently took property away from the owner.

BIBLIOGRAPHY

1. Finders Keepers or Just Plain Theft?
<https://www.johnzarych.com/finders-keepers-or-just-plain-theft/>
2. The Twelve Most Expensive Pokemon Cards in History.
<https://kotaku.com/the-top-10-most-valuable-pokemon-cards-in-history-1847225621/slides/13>



THE CASE OF THE STOLEN DIAMOND

STATE v. KAREN

SCHOOL

Brigantine Community
Brigantine
Grade 6
First Place

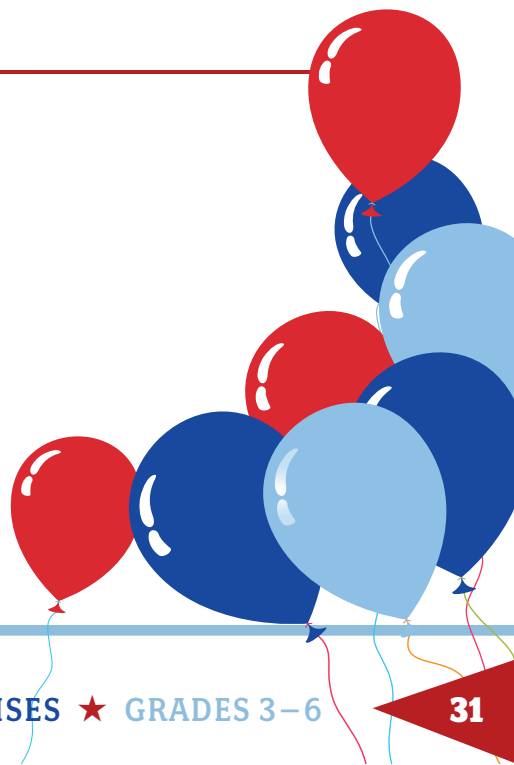
TEACHER

Laura Mittelman

STUDENTS

Zain Abideen
Annabella Casamento
Vincent DiDomenico
Lily Fuller
Addison Goodman
Zoe Jeansonne

Cecelia Repici
Derek Ruggiano
Kendra Stanhope
Carson Tucker
James Williams



FACTS

On Saturday, December 17, 2016 at approximately 4 p.m., Karen Smith went to Murphy's Jewelers in Rumson, New Jersey to try on engagement rings. It was a busy holiday shopping day and the store was filled with people. When Karen walked into the store, she waited for a few minutes to be helped, but eventually was greeted by Steve Tuckerson, a sales associate at Murphy's Jewelers. Karen explained to Steve that she was interested in trying on a 3-carat emerald-cut, diamond engagement ring.

Upon Karen's request, Steve handed Karen the exact ring she was looking for from the display case to try on. Steve explained to Karen that this was one of the finest diamonds Murphy's Jewelers carries, which is why it cost \$50,000. Due to high customer volume in the store on a busy December Saturday, Steve gave Karen a few minutes to think and admire the ring while he helped another customer. After 20 minutes, Steve came back to the area of the store that Karen was in. He discovered that both Karen and the ring were gone. Steve immediately reported the incident to his manager, Lindsey Greene, and the police were notified.

The police arrived about 10 minutes after Steve called. Police officers questioned and collected statements from the staff working in the store that day. Lindsey Greene, the store manager at Murphy's Jewelers, was one of the three people working that day. She said Karen received a phone call and ran out the back door of the store. Lindsey explained to police that this door is used for employees only. She also mentioned that Steve Tuckerson had said he wanted to purchase that ring to propose to his girlfriend. He said that was the ring of her dreams. He also told Lindsey that money

was tight and he wasn't sure that he could afford it right now. Steve was eager to make his end-of-the year bonus.

The security guard working at Murphy's Jewelers that day, Jack Will, told authorities he had seen Karen with the ring last. He reported that he never saw Karen leave through the front door of the building. The police call log noted that Karen left through an employee door. When the police went back to review the security footage from that day, they were unable to see anything other than the contractors working on installing the new shelving in the store. Therefore, the state is charging Karen Smith with shoplifting of the \$50,000 engagement ring.

ISSUE

Did Karen Smith steal the \$50,000 engagement ring from Murphy's Jewelers?

WITNESSES

For the Prosecution

Steve Tuckerson
Jack Will

For the Defense

Karen Smith
Lindsey Greene

WITNESS STATEMENTS

Testimony of Steven Tuckerson

I am a salesman at Murphy's Jewelers. I was working on the afternoon of December 17, 2016. Around 4 p.m., Karen Smith walked into the store. I have helped Karen a few times in the past, but she has never made a purchase from Murphy's Jewelers. When Karen explained the kind of ring she was looking for, I helped her find it. This ring was a beautiful 3- carat, emerald-cut diamond engagement ring. It was a very

expensive ring.

Karen was one of my last customers that I had to assist that day. While she was deciding on the ring, I moved on to help my last customer of the day. When I returned to the side of the store Karen was in, the ring and Karen were gone. After searching for the ring for at least 15 minutes, I decided I couldn't find it. I went to ask my manager, Lindsey Greene, if she knew where the ring was. She said she never saw it. I decided to call the police after I notified Lindsey. Karen was the last person with the ring and she took advantage of the high customer volume to walk away with it. This is why I believe Karen stole the ring.

Testimony of Jack Will

I am a security guard at Murphy's Jewelers. I was working at the jewelry store on Saturday, December 17, 2016. It was a very busy day at the shop and many customers were coming in and out with the upcoming holiday season.

My day became more difficult when a very expensive ring was reported missing. The suspect who was trying on the 3-carat, emerald-cut diamond engagement ring disappeared. The ring was reported stolen by Steve Tuckerson and the police were contacted immediately.

Later that the day, a police officer questioned me. They asked me if I saw a woman acting suspicious with a 3-carat, emerald-cut diamond ring on her finger. I told the officers that I did see a woman trying on that ring, but I did not see her purchase the ring nor leave the building. However, she was the last person I saw wearing the ring before it was reported missing. I do believe that the suspect, Karen Smith, is guilty of shoplifting this ring.

Testimony of Karen Smith

I was informed of the large inventory at Murphy's Jewelers by a friend. I had been to the store a few times before. On Saturday, December 17, 2016, I was shopping for an engagement ring. I was wishing my boyfriend, Tony, would propose to me over the holidays.

When I entered the store, I was greeted by Steve Tuckerson, a sales associate. I told him that I was interested in the 3-carat, emerald-cut diamond ring. Steve walked me to the engagement ring display case and handed me the ring to try on. It was beautiful. Steve left me alone to think about the ring while he was helping another customer. Shortly after Steve walked to the front of the store, I got an emergency call from my elderly mother. She fell and needed me to come help her. I set the ring on the display case counter and ran out of the closest door I could find. I was in a complete panic wanting to get to my mom as soon as possible.

Testimony of Lindsey Greene

I am a co-worker of Steve Tuckerson at Murphy's Jewelers. On the afternoon of December 17, 2016 around 4 p.m., I saw Steve talking to Karen Smith. They were near the engagement ring section in the back of the store. As she was talking to Steve, Karen was admiring one of the rings. A few minutes later, Steve walked away from Karen to assist another customer.

A few minutes had passed when I looked over next. I saw Karen look at her phone, answer a call, and start to panic. She ran out of the employee door. It was very loud in the store with all of the work being done so I couldn't hear why Karen left in a panic. A few minutes after Karen left, Steve came back to the engagement ring section and

realized she wasn't there. He put his hand on the counter and walked to the store phone to call the police.

A couple days before this incident, Steve had expressed to me that he wanted to purchase the 3-carat, emerald-cut diamond engagement ring to propose to his girlfriend. We only had one of these rings in inventory in all of New Jersey. He said it was the ring of his girlfriend's dreams. He then explained to me that money was very tight. He said he needed to refinance his home, sell his car, and desperately needed to make his end-of-the-year bonus to afford that ring.

INSTRUCTIONS

The prosecution must present a convincing case against the defendant to persuade the jury that Karen Smith is guilty of shoplifting the ring beyond a reasonable doubt.

SUB-ISSUES

1. Was the store too busy with customers and noise to see/hear clearly?
2. Did Karen put the ring down on the display case before walking out of the store?
3. Did Steve see the ring on the display case and use it as an opportunity to steal it for his girlfriend?
4. Did Karen see the cameras being repaired? Was there a motive?
5. Could the ring have fallen on the ground and gotten swept underneath of something?
6. Why did Steve walk to the other side of the store and leave an expensive ring unattended?

CONCEPTS

1. Eyewitness credibility.

2. Direct evidence vs. circumstantial evidence.
3. Burden of proof: beyond a reasonable doubt.

LAW

The New Jersey statute on shoplifting includes the following: N.J.S.A. 2C:20-11 can range from a disorderly persons offense to a second degree crime. The degree of crime in which you are charged depends upon the amount of monetary loss involved in the theft. In the event Karen is found guilty, she will be charged with a third degree crime because the ring was appraised at \$50,000. This means Karen could serve 5 years maximum in prison.

BIBLIOGRAPHY

B., Lilia. "N.J.S.A. 2C:20-11 Shoplifting." *New Jersey Shoplifting Lawyers Lubiner Schmidt and Palumbo*, <https://www.lslawyers.com/n-j-s-a-2c-20-11-shoplifting.html#:~:text=In%20New%20Jersey%2C%20shoplifting%20is,to%20a%20second%20degree%20crime.&text=If%20the%20property%20in%20question,to%206%20months%20in%20jail>.



THE CASE OF THE FAST BREAK

THE STATE OF NEW JERSEY
v. SALLY SWEETHEART

SCHOOL

Veterans Memorial Middle
Brick
Grade 6
Second Place

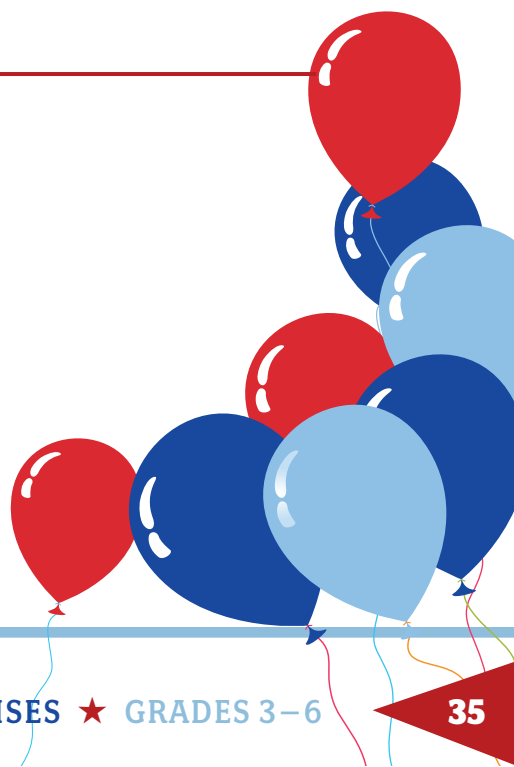
TEACHER

Elayne Reilly

STUDENTS

Trey Cowie
Mia Fitzgerald
Kendall Fredricksen

Liliana Ingenito
Vishva Patel
Laina Roselle



FACTS

Duplicitous Middle School updated their mascot and school colors to align with the local high school. They went from being the red and black cougars to the green and gold mustangs. There was enough money in the school budget to buy new uniforms for the school's sports teams, but not enough to redo the gym so the school gym still reflected the old mascot and school colors. Sydney Swish, the captain of the girl's basketball team, and others were embarrassed when other schools came to play at their school. That's when Sally Sweetheart, the PTA president, came to the rescue. She organized fundraisers big and small to fund the gym makeover.

The biggest fundraiser she planned was a "celebrity" basketball game. The girl's basketball team (which Sally's daughter Sam is a part of) would compete against local "celebrities" on Wednesday, January 5th. Everyone from the town mayor, chief of police, school principal and more would play against the girls. The event was a huge success. From half court fundraising shots, to ticket sales, to cash donations, and a snack stand to salivate over, the event raised over \$20,000 cash at the door that night.

It appeared as though the fundraising goal was met, and the school gym would finally be updated. When Sally Sweetheart was asked to produce the funds, she broke down in tears. She said the night of the fundraiser the cash collected went missing. She was too embarrassed to report the crime that night as she was the one responsible for the cash. She thought she could make up for the missing cash with more fundraisers. Sally's social media accounts led school officials and the police to suspect her of the crime. Sally was arrested for embezzling school funds. Did Sally make a "fast break"

with the cash or is someone else to blame?

ISSUE

Did Sally Sweetheart embezzle the funds she helped raise to redo the gym at Duplicitous Middle School, or did someone else make a "fast break" with the cash?

WITNESSES

For the Prosecution

Coach Winny Fitz

Mayor Michael Mischievous

For the Defense

Sally Sweetheart

Sydney Swish

WITNESS STATEMENTS

Testimony of Coach Winny Fitz

My name is Winny Fitz. I am the Head Girls Basketball coach at Duplicitous Middle School. I have been working as the head coach for 20 years and LOVE what I do. Every year I get such a great group of girls. We have worked so hard together and have been working tirelessly to raise money for a new gym. The girls deserve to play in a gym that they can be proud of. With the help of Sally Sweetheart, who is the PTA president and mom of one of my players, we arranged for a big celebrity exhibition game. The plan was to have my girls play local "celebrities" from our community in a big game and sell tickets to raise the final funds we needed to make over our gym. You see, we used to be the red and black cougars, but we switched to match our local high school to the green and gold mustangs. We have the correct uniforms, but our school gym is still decorated red and black with a cougar logo on the gym floor. This would be the last big fundraiser we needed to do to get that gym makeover we have been working so hard for

and very well deserve.

On Wednesday, January 5th, we hosted the big exhibition game. I was so proud of the girls and so happy when I heard we raised the final \$20,000 we needed. Sally was in charge of all the fundraising money, and it was supposed to be deposited in the PTA bank account. I kept waiting for Sally to give the check to the contractors who would redo the gym. I was getting really frustrated that the process was moving so slowly. What was even more concerning was that Sally was posting pictures of herself holding brand new Gucci bags on her social media accounts. Then Sally's daughter came to practice and said that the Sweethearts were going to Disney World.

A few days later, I saw Sally at the girls' game. I asked her when the work would begin on the gym since we now had raised all the necessary funds. That's when she broke down into tears and said, "I lost it the night of the fundraiser! I don't know where the money went!" I was devastated. I asked her, "What do you mean you lost it? Didn't you have it in your car the night of the exhibition?"

I felt compelled to notify my principal, and he contacted the police. Sally was arrested for the crime of embezzlement. I would never want to see one of my players' parents go to jail, but based upon everything I know, Sally is guilty. She was the one responsible for the money. If it was really stolen, why didn't she call the police that night? She didn't report it stolen until I questioned her. That just does not seem right.

Testimony of Mayor Mike Mischievous

My name is Mike Mischievous, and I am the mayor of our township. Sally Sweetheart invited me to play in the

celebrity basketball game. Not to brag, but I am a really good basketball player, and everyone in the town loves me. So I knew that if I played in the game it would help to sell tons of tickets. The exhibition game was a great idea to raise the much needed money to renovate the middle school gym, and I love basketball so it was an easy decision to participate in the game. I had such a blast, and I had so many points that I lost count. If there was an MVP, I would have won it.

After the event ended, Sally announced that we raised over \$20,000. Sally looked so nervous, and I couldn't leave her like that so I helped clean up the snack stand with her after the event. When Sally was walking out with the duffle bag full of money, she was struggling, so of course I helped her because I'm such a good guy and I wanted to make sure the \$20,000 was secured. I safely put the bag in the front seat of her car.

I was shocked when I heard that Sally said the money was stolen while she was cleaning up the gym. That didn't make any sense because she drove away with the bag full of money safely in her front seat. Why didn't she report the crime that night? I mean the chief of police played in the game. He was right there. If the money had really been stolen, he could have solved the crime that night. After all that effort to play in the game, help her clean up, and secure the money, she just stole it for herself. The PTA president stealing money from a middle school, how dreadful and embarrassing to our town. She let the whole school down by stealing the money for herself.

Testimony of Sally Sweetheart

My name is Sally Sweetheart. I am a stay-at-home mom who volunteers whenever I can. I am fortunate to be able to volunteer

so much of my time since my husband owns a successful general contracting business. I have been PTA president for three years, and everyone appreciates how much I volunteer and loves the creative fundraisers I organize. On several occasions when I was attending my daughter's basketball games, I saw how the other schools were making fun of our school because of our outdated gym. I felt so bad! There was only one thing to do. I decided to fundraise to give our school gym a much needed makeover using the current school colors. I arranged for a number of small fundraisers and then a final main event on January 5th.

The January 5th fundraiser was a blast, and we had a huge turnout from the community. With a great deal of planning and organization, I was able to arrange for a “celebrity” basketball game. The event was a huge success. We raised \$20,000 in cash that night, which I placed in large duffle bag!

After the event, we had to clean up. Mayor Mike, my daughter, and Sydney Swish were all helping with the cleanup. The final thing we had to do was to carry out to my car the unsold snacks from the snack stand.

There was so much to do that day and honestly I was exhausted. That's when I realized I left the money and duffle bag unattended in the gym.

I ran back into the school to get it; it was gone! I was so embarrassed about my mistake. I felt sick to my stomach. I knew everyone would think I was a complete airhead. I was hoping someone would come forward with the bag. So decided not to tell anyone. I now regret that decision.

When Coach Winny Fitz came up to me to a week later at my daughter's game to ask

about the fundraising money, I broke down in tears. I felt so bad that I let down the team by losing the money. I was surprised when I heard Mayor Mike say he saw it in my car. It just didn't make sense. I know everyone thinks that I stole the money because of all the luxury items I had like the Disney trip and my Gucci bag, but my husband has a very successful business that makes over \$100,000 per year so we have enough for those luxuries. The trip was already booked and paid for before the theft. If I could have, I would have replaced the money myself. Please do the right thing and find me not guilty of this horrible crime.

Testimony of Sydney Swish

My name is Sydney Swish. I am in 8th grade, and I go to Duplicitous Middle School (DMS). I am the captain of the basketball team and lately I have realized when other schools come to play, they make fun of us for having green and gold horse shoes on the walls but then red and black cougars on the gym floor. Sally Sweetheart's daughter, Sam Sweetheart, who we call Sam Slamdunk, and I were talking to her mom (Sally Sweetheart) about it. Sally is so kind. She got all excited and said she was going to start fundraising money for our gym makeover. Sally is such a hard-working person that I knew she would work hard to accomplish the gym makeover.

I had so much fun playing basketball with the mayor, the chief of police, the principal, and some of the school teachers at the “celebrity” fundraiser. During the game, I was surprised to see Mayor Mike “stuffing” players when they took a shot and dunking on some of the shorter girls. My parents work as doctors in the

emergency room and the night of the fundraiser they were called in to work. So that night, after the game, the Sweethearts were going to take me home. Since they were taking me home, I decided to help clean up. We took all the leftover snacks from the snack stand and put them in the back of her minivan. Then Mrs. Sweetheart drove me home. Before she dropped me home, Sally asked me if I saw a black duffle bag, and obviously I said no. There was no duffle bag in her car.

If someone is going to be charged for this crime, I think it should be Mayor Mike. I never saw the duffle bag in the car that night and the basketball bag he carried was bulging. It did not look like it just had basketball sneakers in it. I don't think Sally would ever do something to hurt the community; she is loved by all the people and she is always volunteering to help the people around her.

INSTRUCTIONS

In order to convict Sally Sweetheart of embezzlement, the prosecution must have proved beyond a reasonable doubt that Sally Sweetheart did illegally take possession of the \$20,000 in cash raised at the fundraiser.

SUB-ISSUES

1. Did someone other than Sally Sweetheart take the \$20,000 in cash? Was it Coach Fitz? Was it Mayor Mischievous? Was it some other random person who attended the exhibition game?
2. Do we really believe Sally's story? Or did she concoct the theft story to cover her tracks?
3. Why didn't Sally immediately report the cash missing? If the police had been

called immediately, maybe the crime would be solved right now?

4. Why did Sally seemingly have more money to spend after the disappearance of the cash? Does Sally have an explanation for the extra money to afford her new Gucci bag and the Disney trip?
5. Did Mayor Mike really put the bag in Sally's minivan? Or was the duffle bag stuffed in his backpack?
6. Is Sydney Swish a reliable witness, or does her love for Sally motivate her to commit perjury?
7. Is one of the witnesses committing perjury because their stories contradict each other?
8. Why didn't the chief of police offer Sally police protection because that was a great deal of cash for one person to be walking around with?

CONCEPTS

1. Credibility of witnesses.
2. Beyond a reasonable doubt.
3. Perjury.

LAWS

Embezzlement is the fraudulent taking of personal property by someone to whom it was entrusted. Most often associated with the misappropriation of money.

Embezzlement can occur regardless of whether the defendant keeps the personal property or transfers it to a third party.

N.J.S.A 2C:20-3-11: Embezzlement comes into play when you lawfully had possession of the property for a temporary period of time and subsequently decided to keep it.

If you embezzled money or property worth more than \$500 but less than \$75,000, you will be guilty of a third degree crime and can be imprisoned for up to 5

years and fined up to \$15,000.

WORKS CITED

1. <https://www.law.cornell.edu/wex/embezzlement>
2. <https://rosenblumlaw.com/our-services/criminal-defense/embezzlement/>



DON'T DRINK THAT!

THOMPSON v. HALL

SCHOOL

Great Meadows Middle
Great Meadows
Grade 6
Honorable Mention

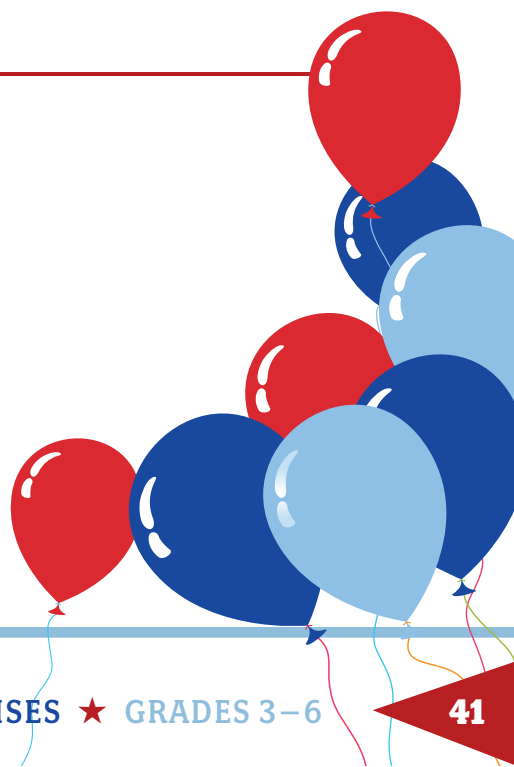
TEACHER

Bill Nutt

STUDENTS

Mia Bonaldi
Willow Butkosky
Anna Crane
Dylan DeSimone
Sydney Dreitzler
Adrienne Meador

Archer Morgan
Isabelle Jean-Louis
Ryleigh Nonez
Gabriel Roguso
Liliya Stepaniuk



FACTS

Atlas Thompson is a 17-year-old senior at Edinburgh High School. He has relatively few friends, and he has been hoping to change that. On the night of December 31, he attended a New Year's Eve party at 56 Cambrian Terrace Drive, the home of Pam Hall, whose son, Alan K. Hall, is in Thompson's class. Atlas arrived at the party around twenty minutes after it started. He noticed that many people were drinking a blue beverage from red plastic cups. Thompson headed downstairs following a group of people as an attempt to make more friends. While in the basement, Atlas looked for something to drink. He spied a mini-refrigerator in one corner of the basement and took from it a cup filled with what he thought was the same blue beverage that the other teens were drinking. Not long after drinking the unidentified beverage, he suffered a violent reaction to the drink, which turned out to contain alcohol. He stumbled over two guests at the party, Allen Hyde and Bea F. Wellington. After crying out for help, he doubled over, fell to the ground, and lost consciousness.

Pam Hall called 911, and Atlas was rushed to the hospital. She also alerted Billith and Lilith Thompson, Atlas' parents, who immediately went to the hospital. Atlas stayed under hospital care for the next 36 hours. Though he recovered, the doctors explained to the Thompsons the serious damage that the alcohol might have done to Atlas' body, including the risk of death.

Because Atlas was late arriving to the party, he had missed the announcement that teens were only supposed to drink the non-alcoholic punch that was being served on the house's main floor. Atlas says he didn't know the drink had alcohol in it because he had seen many people drinking

from the same type of cups, and they seemed completely sober. He didn't recognize the taste or smell of the alcohol in the drink because it was mixed with a very sweet beverage.

Multiple witnesses reported seeing the group head towards the basement, though they had been told they weren't supposed to be down there. The young people went down because Alan K. Hall had wanted to show his friends his new gaming console.

The Thompsons are suing Pam Hall for irresponsibly keeping alcohol in a place where underage teens could mistakenly drink it. For her part, Hall claims that Atlas was in a place he shouldn't have been, and it isn't her fault that he mistakenly drank the beverage.

ISSUE

Was Pam Hall negligent in having alcoholic beverages in the basement refrigerator, and to what extent did that negligence lead to Atlas Thompson's hospitalization?

WITNESSES

For the Plaintiff

Atlas Thompson
Lilith Thompson

For the Defense

Pam Hall
Bea F. Wellington

WITNESS STATEMENTS

Testimony of Atlas Thompson

My name is Atlas Thompson. I'm 17 years old, and I'm a senior at Edinburgh High School. I've been told I'm pretty shy, and I don't usually go to parties. However, now that it's my senior year, I am hoping to change that by going out more and being a

little more social. I was in school on December 21 when I overheard some students talking about a New Year's Eve party at the house of one of the more popular students, Alan K. Hall. I went over to them and asked if I could tag along, and they told me that it shouldn't be a problem but that I should check with Al first. I double-checked with Al, who is in a couple of my classes, and he said he was OK with it. He also said the party would start at 9 p.m. I was super excited to go!

On the day of the party, my parents, Billith and Lilith Thompson, drove me to the Halls' residence on Cambrian Terrace Drive. I arrived at the house around 9:20 p.m.; I guess I was a little late because I was fussy about what I would wear. I arranged for my parents to pick me up around 1 a.m. The party was already underway, and I started wandering around, hoping to make some new friends.

I walked around for a few minutes and spotted several students drinking something blue-colored from red plastic cups. I have to be very careful around alcoholic beverages. Besides the fact that I'm only 17, I have a severe allergy to alcohol. I knew these students were underage, and they all looked completely sober, so I figured the beverage was non-alcoholic - maybe some kind of soda or fruit juice. I followed the kids who were holding the cups down into the basement. I thought I heard someone say that Al was going to show his new gaming console. While we were in the basement, I got thirsty, and I hadn't seen anything to drink upstairs. As I walked around the basement, I saw a small refrigerator in one corner. I opened it and found a container with a blue liquid that looked exactly like what the other people were drinking, so I took some. It was very

sweet; actually I thought it was delicious! I walked around, talked to new people, and finished the drink.

At first, I didn't think there was anything wrong. The drink tasted sweet and refreshing. But not long after, I started to feel pressure on my chest. Then the pain grew unbearably worse. I stumbled into some people and yelled for help. Everything felt dizzy, and not long after, I blacked out. I don't remember anything after that. It turned out that I had alcohol poisoning. I was in the hospital for almost a week.

I was later told that the blue beverage that the other students had been drinking was a non-alcoholic punch that was served upstairs. The drinks in the refrigerator in the basement were alcoholic and were left over from a party for adults; it was just a coincidence that they were the same color as the punch. I learned later that Ms. Hall and Al had announced at the beginning of the party that students were only supposed to drink upstairs, but I had missed that announcement.

I know Ms. Hall and Al didn't mean for anyone underage to get drunk. But I think they could have done a better job making sure no students could have access to the alcohol. They should have locked that refrigerator or made sure no students could go into the basement. Because they were so careless, my family and I are suing them.

Testimony of Lilith Thompson

My name is Lilith Thompson. My husband Billith and I have only one child, Atlas. He's always been a great kid. He listens to rules, he gets good grades, and he's never caused trouble. I suppose Billith and I are a little protective of him, but he's very sensitive. He's generally healthy, but a couple of years ago, we learned that he has a

severe allergy to alcohol. Lately, we've been worried about Atlas. He's a senior, but he's never made any good friends. So when he asked us if he could go to a New Year's Eve party at the house of Alan K. Hall, we said yes without question.

On December 31, we drove Atlas to the party and dropped him off at about 9:20 p.m. Around two hours later, we received a call from Pam Hall, who said that Atlas had had some kind of seizure and needed to go to the hospital. She said the ambulance was already on its way to her house and that we should go directly to Edinburgh Community Hospital. Once there, we were stunned to learn that Atlas had gone into anaphylactic shock from having consumed alcohol. After a tense 36 hours, Atlas was out of any danger and finally in a condition to tell us what had happened.

Following his hospital stay, Atlas needed several weeks of follow-up therapy. Besides having to miss some school time, he has become more withdrawn from school and from his classmates.

Atlas has always been a responsible young man, and we know he would never knowingly indulge in alcohol. My husband and I have to conclude that he had access to that drink only because of carelessness on the part of Ms. Hall. For that reason, we are suing her for the cost of Atlas' medical bills—about \$4,000—and we feel she should do community service work at a local drug and alcohol rehabilitation center.

Testimony of Pam Hall

My name is Pam Hall, and I am the mother of Alan K. Hall. I was the host of a New Year's Eve party for Al and his friends. I was very conscious of the fact that these young people are underage, so I made sure we had NO alcoholic beverages out in the

open for them. We had non-alcoholic punch and soft drinks. At the beginning of the party, Al and I announced that they may only drink what was served upstairs. The only alcohol in the house was left over from a Christmas party we had for my friends a few days previous. I kept the leftover drink in a mini-refrigerator in a far corner of our basement. By coincidence, the beverage for our adult guests was a similar blue color to the punch we were serving the teens. At Al's party, we strictly told everyone that no one was allowed to go down to the basement without my permission.

Right before we were going to have dessert, we realized one of the party guests was missing. Shortly after that, my son's friends, Allen and Bea, ran upstairs from the basement with a worried look on their faces. I immediately knew something was wrong and ran down the stairs to see Atlas seizing on the ground. I called 911. I also called Atlas' parents. Before we knew it, Atlas was in an ambulance on his way to the hospital.

I am very sorry about what happened to Atlas. However, I don't feel it was my fault. The alcohol was in a mini-refrigerator that was where students were not supposed to be. If Atlas had taken the time to ask anyone, he would have known the only beverage he should have had was upstairs.

Testimony of Bea F. Wellington

My name is Bea F. Wellington. I am Alan K. Hall's classmate and a very good friend of his. I came early to the party to help set up the New Year's decorations around the house. Al and his mother ordered catered food from Deborah's Delectables, a restaurant a couple of blocks away, and Al's mom had previously bought soda and punch from the grocery store. She made it

very clear that there was no alcohol for teens. I know sometimes teenagers seem irresponsible, but everyone at the party really took it seriously that alcohol was not permitted.

I saw Atlas follow a group of friends into the basement, but thought nothing of it since I didn't know him too well. Later I was talking with another friend, Allen Hyde, and we saw Atlas stumble around before he collapsed on the floor in the basement, seizing. No one knew what had happened to him. I ran upstairs to alert everyone, and Ms. Hall called 911. Later we found out that Atlas was OK, but he had a seizure because of drinking alcohol.

I feel bad for Atlas, but I can honestly say that there was no alcohol out in the open. If he drank alcohol, he must have gone out of his way to find it.

INSTRUCTIONS

The plaintiff must set out such a convincing case that the jury believes by a preponderance of evidence that the Hall family was negligent in ensuring that anyone underage would not have access to any alcoholic drink.

SUB-ISSUES

1. Was there any sign indicating that teens were only allowed to drink the non-alcoholic punch?
2. Is it Atlas' fault that being late made him miss the announcement about what to drink?
3. Did anyone else arrive late to the party, and were those people made aware to only drink the non-alcoholic punch?
4. Was the mini-refrigerator where anyone could have seen it and reasonably conclude that its contents were for anyone?
5. Should Atlas have taken the drink from the refrigerator without first asking if he had permission?
6. Should the refrigerator have been left unattended?
7. Should Ms. Hall have labeled the refrigerator to indicate it was off limits?

CONCEPTS

1. Credibility of witnesses.
2. Burden of proof: preponderance of evidence.

LAW

If a person is found negligent in not securing alcohol from being consumed by a minor, that person must pay a fine of no more than \$10,000 (including any medical expenses) and/or provide no more than 100 hours of community service at a local drug and alcohol rehabilitation facility.



NEW JERSEY STATE BAR FOUNDATION

One Constitution Square
New Brunswick, NJ 08901-1520
1-800-FREE LAW
njsbf.org

Check out our website
Like us on Facebook
Follow us on Twitter and Instagram

