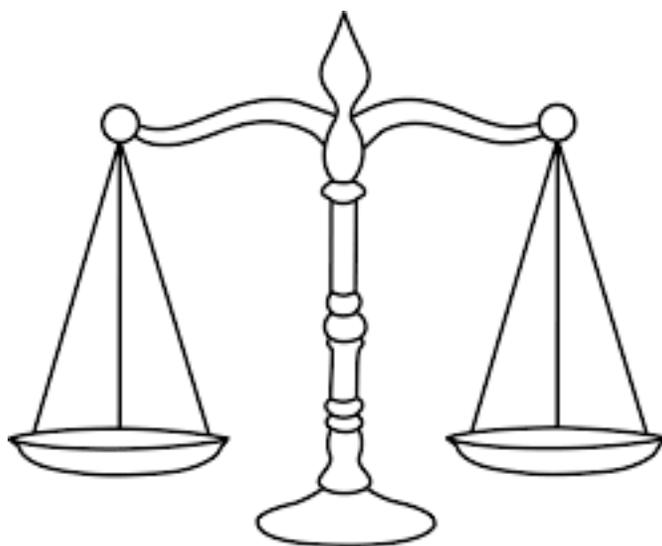


# **The JSerra Junior High School Mock Trial Tournament**



**Spring, 2025**

## **The People vs. Dana Walker**

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## **WELCOME**

JSerra Catholic High School is pleased to have your school join us for our Junior High School Mock Trial Tournament. The goals of this tournament are to introduce your students to many of the aspects and components of a criminal trial. Students will learn about the criminal trial process and the courtroom set up. They will also learn about the elements of a criminal trial and how to present those elements to a presiding judge during a court trial.

As far as personal goals, students will improve their analytical, thinking and reasoning skills, their oral advocacy skills, and develop a personal knowledge of key trial and legal concepts.

Lastly, students will gain experience in working as a team, and an appreciation of the importance of ethical, respectful and polite behavior expected in a courtroom setting.

## **RULES OF CONDUCT**

In order to ensure each student enjoys their experience here at JSerra and in this tournament, it is important to have in place a set of rules/guidelines for student conduct. Everyone must recognize this experience as a great learning opportunity for all the teams involved. Sportsmanship is meant to be held at a very high standard here at JSerra.

There will be all levels of team and individual abilities being tested here in this tournament. We are providing a safe and welcoming environment for every student. No matter what skill level each team and student may possess, everyone must be treated with dignity and respect. In order to ensure this occurs, teams will be scored on their ability to show good sportsmanship, and courtesy/respect for opposing teams, the trial process and the court.

## **THE TRIALS**

JSerra will create several courtrooms at our campus facility in San Juan Capistrano. Each participating junior high school team will be given the opportunity on **Saturday, February 14th, 2026**, to participate in four (4) mock trials at the JSerra campus. The trials will begin promptly at 8:00 AM.

**Please note this February 14th date is a four day holiday weekend. Parents and students should be aware of this so they do not schedule a vacation and take themselves out of the competition.**

Teams are advised to arrive at the JSerra campus by no later than 7:30 AM so we can check your teams in and direct you to the appropriate courtrooms. Each trial will

last approximately 56 minutes. The trials will end at about 1:15 PM. At that point, we will move to the quad area of the school for an awards luncheon for all students, chaperones, teachers, coaches and parents. The luncheon will start at about 1:30 pm and end at 3:00 PM. Trophies will be awarded to the top four (4) teams. At the end of the trials, each team coach will choose their own team MVP. This MVP will receive special awards acknowledging their outstanding performance.

Teams will be required to provide their own transportation to and from this event.

### **STUDENT CLOTHING/ATTIRE**

Student attire should be either a school uniform or appropriate conservative clothing for a legal proceeding. Students do not have to go out and purchase new clothing or suits.

### **WITNESSES**

Witnesses in this mock trial can only testify about what is contained in their specific witness statement. They cannot testify about anything which might be included in another witness' statement.

### **MOTIONS**

There is only one type of motion which is allowed in this mock trial. That motion is a motion to admit evidence. The manner in which a student will 'move' to admit evidence into this mock trial will be explained later in this case packet.

### **STUDENT PRESENTATION/MATERIALS**

Students may not bring or use props, charts, or any other support materials/ computers or any other similar items to aid in the presentation of opening statements, the evidence, and final arguments.

Students may use their own written or typed notes during their presentations. Witnesses may not use any notes while testifying on the witness stand.

### **TEAM COMPOSITION**

School teams must have a minimum of nine (9) students and cannot exceed 24 students. A team must not have more than 50% of their participating students coming from the 8th grade level. For example, a team of 14 can only have a maximum of

seven (7) 8th grade students. The remainder of the team must come from 6th and/or 7th grade students. Each school team must provide a prosecution side and a defense side. After each of the four (4) rounds, a team will switch roles from prosecution to defense, or defense to prosecution. Each school team will do two (2) prosecution presentations and two (2) defense presentations during the tournament.

There are multiple attorney role opportunities, three (3) witnesses, and a bailiff role as well. Here are some examples of a team layout for a minimum nine (9) students.

**Example of a school team with a minimum nine (9) students (5 attorneys, 3 witnesses; one student would serve as the bailiff during the prosecution case):**

**Prosecution Attorney Roles:**

First prosecution attorney (1)

Completes the opening statement

Second Prosecution attorney (2)

Completes direct examination of the Witness Moore  
Completes cross-examination of the Defendant

Third prosecution attorney (3)

Completes direct examination of the Witness Detective Wilson  
Completes cross-examination of the Witness Johnson

Fourth prosecution attorney (4)

Completes direct examination of the Witness Nelson  
Completes cross-examination of the Witness Martin

Fifth prosecution attorney (5)

Completes closing argument

**Witness Roles:**

Prosecution Witness 1: Moore (6)

Prosecution Witness 2: Detective Wilson (7)

Prosecution Witness 3: Nelson (8)

Bailiff (9)

## **Defense Attorney Roles:**

### First defense attorney (1)

Completes the opening statement

### Second defense attorney (2)

Completes direct examination of the Defendant  
Completes cross-examination of the Witness Moore

### Third defense attorney (3)

Completes direct examination of the Witness Johnson  
Completes cross-examination of the Witness Detective Wilson

### Fourth defense attorney (4)

Completes direct examination of the Witness Martin  
Completes cross-examination of the Witness Nelson

### Fifth defense attorney (5)

Completes closing argument

## **Witness Roles:**

Defense Witness 1: The Defendant (6)

Defense Witness 2: Johnson (7)

Defense Witness 3: Martin (8)

Court timer (9) (optional; We usually will provide a timer or a team can do so).

Teams are welcome to arrange their teams in any manner they choose except that the opening statement attorney and the closing argument attorney **cannot** be the same student, and witnesses **cannot** be attorneys in the same trial. For example, a team could have one student do all of the direct examinations, or all of the cross-examinations. Other combinations consistent with this paragraph are also welcome. Teams may also have more attorneys as well in order to increase the student participation.

## **SCORING THE TRIALS**

The scoring for these mock trials will be on a ten (10) point scale system for attorneys, witnesses, and the team score. 2-4 points will be awarded for average performance, 5-7 points for above average performance, and 8-10 points for excellent performance. The point scale system for the official clerk and the bailiff will be a 1-3 scale. Witnesses, attorneys, official clerks, and bailiffs will be scored individually in this competition. There will also be an overall team score which takes into account the requirements noted in the Rules of Conduct on page 4. Also, the final verdict expressed by the judge does not count in the calculation for the team's final score for the trial. A team could actually have a verdict against them and still win the round. Please see the scoring requirements matrix in Appendix A for the breakdown of the requirements for the scoring criteria.

There will only be one person scoring each trial. The scoring will be done by the judge presiding over the trial. There will not be any additional attorney scorers. At the end of each trial during all rounds, the two team coaches and a representative from JSerra will sit down together and tabulate the score sheet for the trial. Teams will then know immediately the results of the scoring for that trial.

Additionally, the scoring sheets provided to the judges will have new deduction categories as well. These categories will include possible point deductions for the running of a witness' time, coaching and/or improper contact between coaches and team members of a team by a coach during the trial, a rules violation category, making repeated objections which are not authorized during the trial, a witness repeatedly making up statements which are not contained in the witness' statement, and a general unsportsmanlike conduct category.

Judges will have the discretion to make deductions from any and all of these categories if warranted during the trial and/or at the conclusion of the trial. The range of possible point deductions will be listed on the score sheet for each of the above noted categories and the judge's scoring in these areas is not subject to appeal or review after the trial. The judge may make deductions based on requests by the participating teams, or based solely on the judge's own observations.

## **TRIAL EXHIBITS**

There are eight (8) trial exhibits provided in this case packet. No other exhibits may be used in trial. JSerra will have the exhibits in the courtrooms for you to use during trial. Teams do not have to bring their own. This will ensure that each team uses the same type of exhibit during the trial.

## **COMMUNICATIONS WITH COACHES/TEACHERS**

Once the trial begins, coaches and teachers cannot not interrupt the proceedings or communicate with their teams. If there should occur an instance where such communication becomes necessary, it will be within the judge's discretion to grant such communications.

At the end of each trial, each team will be given a minute to confer with their coaches to discuss if there were any rule violations which need to be brought to the attention of the judge. The judge will address any concerns raised and their decision on the matter will be final. If a violation is found, the judge will determine what point deductions should be made, if any.

## **OBJECTIONS**

During the direct and cross-examination part of the trials, **any team member** may raise an objection on their side of the case. The making of objections is not limited to only one particular student questioning a witness. Also, the only objections which may be made are strictly limited to the allowable objections list contained on pages 38. No other objections may be made. Failure to follow this requirement will result in point deductions as noted above in the Scoring the Trials Section.

## **PROPER METHOD FOR IMPEACHING A WITNESS**

Prior to the start of the questioning of a witness such as during cross-examination, the questioning attorney should advise the judge that the attorney will be cross-examining this witness and their witness statement begins on page \_\_\_\_\_ (Give the judge the page number) of the case packet. The judge should then turn to that noted page in the case packet.

When impeaching a witness, it is preferred to not approach the witness. The better method is to state to the witness that on page \_\_\_\_\_, line \_\_\_\_\_ does the witness statement say/indicate . . . and then read the wording on the appropriate lines. The judge should be reading along with the attorney to see what is contained in the witness statement. The witness will then answer the question posed by the attorney. The cross-examination question should be similar to the following format:

"Doctor Hall, is it true the on page 81, line 5 of your witness statement, it says, "Colchacine can be deadly if taken in too high a quantity and is especially dangerous to a person over the age of 65?"

For the purpose of this mock trial competition, this method is sufficient to show the witness may have contradicted, changed or in some way given testimony inconsistent with the witness' written statement or testimony. The reason this method is preferred to approaching a witness and having the witness review their statement is

because it uses up a lot of the time allotted for the cross-examination. This method streamlines the process and gives the questioning attorney more time to ask other questions.

### **TIMING OF THE TRIALS**

The trials will be timed by a JSerra law magnet student. Time will stop when an objection is made, and will begin again when the discussion is over and questioning resumes. Time will only run during the questioning of a witness. During opening statements and closing arguments, **objections are not allowed** and time will run continuously. The time limits for each attorney are as follows:

#### **Prosecution Team:**

Opening Statement:	2:30 minutes
Direct examination of witness Moore:	4:00 minutes
Direct examination of witness Wilson:	4:00 minutes
Direct examination of witness Nelson:	4:00 minutes
Cross-examination of the Defendant:	3:00 minutes
Cross-examination of witness Johnson:	2:00 minutes
Cross-examination of witness Martin:	2:00 minutes
Re-direct examination witness Moore:	1:00 minute
Re-direct examination of witness Wilson:	1:00 minute
Re-direct examination of witness Nelson:	1:00 minute
Closing argument:	5:00 minutes
Closing rebuttal:	<u>1:00 minute</u>
Total Time:	30:30 minutes

#### **Defense Team:**

Opening Statement:	2:30 minutes
Direct examination of the Defendant:	4:00 minutes
Direct examination of witness Johnson:	3:00 minutes
Direct examination of witness Martin:	4:00 minutes
Cross-examination of witness Moore:	3:00 minutes
Cross-examination of witness Wilson:	3:00 minutes
Cross-examination of witness Nelson:	2:00 minutes
Re-direct examination of the Defendant:	1:00 minute
Re-direct examination of witness Johnson:	1:00 minute
Re-direct examination of witness Martin:	1:00 minute

Closing argument:	5:00 minutes
Closing rebuttal:	<u>1:00 minute</u>
Total Time:	30:30 minutes
Total Time for the entire trial:	61 minutes

### **STIPULATIONS**

A stipulation is an agreement between the prosecutor, the defense attorney and the judge that certain facts are true. An attorney does not have to ask a witness any questions in order to present any of these agreed upon facts to the court. The team may just choose to state them in their arguments. However, if an attorney wishes to question any witness about these stipulated facts, they are welcome to do so if that is how they want to use their allowed time for that particular witness for direct or cross-examination. These are the stipulated facts:

- 1) Dana Walker committed two petty thefts, one on December 12, 2024, and the other on February 6, 2025. Both resulted in convictions. Any witness with knowledge about these thefts may testify about them. The crimes and convictions are not subject to any objection.
- 2) The bank records are admissible and not subject to any objection.
- 3) Doctor Carson died at the hospital on October 9, 2025 at 5:30 am. The cause of death was an overdose of Colchacine, and the Colchacine drug found in her blood was 30 times the therapeutic dose.
- 4) The fingerprints on the outside of the packaging materials found in the office trashcan belonged to Dana Walker and this testing result is not subject to any objection.
- 5) The DNA found on the outside of the pill container belonged to Dana Walker and this testing result is not subject to any objection. (But subject to stipulation 12 below).
- 6) Colchacine drug residue was found inside Doctor Carson's energy drink container and this testing result is not subject to any objection.
- 7) The amount of Colchacine found in Doctor Carson's blood was 30 times the therapeutic dose, and this testing result is not subject to any objection.
- 8) There were three searches on the computer on Dana Walker's desk on October 2, 2025, at 9:00 am, 10:20 am, and 11:30 am. No objection may be made regarding these searches.

9) There was a drug purchase made on the computer on Dana Walker's desk on October 3rd, 2025 for the drug Colchacine. No objection may be made regarding this purchase.

10) The medication form found in the trashcan in the office was for the drug Colchacine. No objection may be made regarding this form.

11) The expert statements for both the prosecution and defense witnesses are stipulated and agreed to as if they were already completed in the trial. See below.

12) The search of the Defendant's car was lawful. No possible search and seizure violations may be discussed during the trial.

### **EXPERT STATEMENTS/TESTIMONY INCLUDED IN THIS TRIAL**

We have made a huge change in this year's case packet. We have included the statements of two experts, one for the prosecution and one for the defense. The experts help provide more information about the testing results for drugs, DNA and fingerprints. However, due to time constraints, we do not have enough time in each trial to have students present these roles. Please **do not assign** any of your students to be an expert witness, conduct a direct examination of an expert, or conduct a cross-examination of an expert. Teams will still only have three witnesses on each side of the case.

We have added the witness statements to the case packet and each team is to assume that each expert has testified in the trial, and their testimony was the same as their witness statements. The closing argument attorneys may now use those expert witness statements in creating and presenting their closing arguments as if those experts had actually testified in the trial.

### **RUNNING OF THE OTHER TEAM'S TIME**

Occasionally, a team may attempt to run the other team out of time for a given witness through the use of unnecessary objections. Or a witness may continually avoid answering clearly phrased questions in order to run the other team out of time. This is poor sportsmanship and inappropriate. A judge who sees this occurring may take appropriate action against the offending team through a deduction of points from the team score and the attorney score categories.

### **BAILIFF DUTIES**

The bailiff is responsible for maintaining order in the courtroom in a respectful manner, announcing the start of the trial, directing witnesses to and from the witness

stand, and swearing in each witness. The trial begins with the formal announcement by the bailiff that the trial is starting. The bailiff role is provided by the **prosecution** team. The bailiff is responsible for announcing the case, and then swearing in each witness.

At the beginning of the trial, the judge will stand by the bench area and then when ready, advise the bailiff to make the following announcement while the bailiff is standing the well area of the courtroom and facing the audience:

“All rise. In the presence of our flag and remembering the principles for which it stands, Division \_\_\_\_\_ of the JSerra Justice Center is now in session. The Honorable Superior Court Judge \_\_\_\_\_ presiding. Please be seated, turn off all cell phones and come to order.”

After the opening statements by both the prosecution and the defense, the evidence part of the trial begins. The prosecution begins by calling to the stand their first witness. They do this by standing and saying,

“Your Honor, the People would like to call \_\_\_\_\_ to the stand.”

The witness will rise from their seat in the audience and follow the directions of the bailiff.

The bailiff is now in charge of the witness. The bailiff must escort the witness to the area where the witness stand is located and administer an oath to the witness. The witness is not permitted to enter the area of the courtroom between the judge’s bench and the attorney tables. The only persons permitted in the area are the court clerk and the bailiff.

The oath is administered by having the bailiff face the witness, ask the witness to raise their right hand while the bailiff does the same with their right hand. The bailiff then says to the witness,

“Do you solemnly affirm that the testimony you are about to give in the case now pending before this court shall be the truth, the whole truth, and nothing but the truth?”

The witness responds,

“I do.”

The bailiff then states to the witness,

“Please state your true name and spell your last name.” (this will be the witness name, not the student’s real name). The bailiff will then direct the witness to sit at the witness stand.

## VIDEO AND PHOTOGRAPHY

Teams and parents may not video or take photographs during the mock trials unless the opposing team agrees to allow it. Schools may have restrictions on the taking and usage of vide/photos of their students. Please ask the opposing team before taking any photos or recording any imagery.

## THE CHARGED CRIME - ELEMENTS, AND OTHER INSTRUCTIONS

In a criminal case, every type of crime is made up of elements. It is similar to a cake. A person needs certain elements to make a cake. If you put all the elements in the mixing bowl, you should have a cake at the end. If you leave an element out, it will not cook well and not be a cake at the end.

The same thing is required when trying to prove a crime occurred. In order to prove someone committed a crime, the prosecutor has to prove certain listed elements. Each of the elements must be proven to a “beyond a reasonable doubt” standard. If the prosecutor proves each of the elements to this standard, then the verdict will be guilty. If the prosecutor fails to prove even one of the elements, then the verdict is not guilty.

### **Beyond a Reasonable Doubt is defined as follows:**

The fact that a criminal charge has been filed against the defendant is not evidence that the charge is true. You must not be biased against the defendant just because he/she has been arrested, charged with a crime, or brought to trial. A defendant in a criminal case is presumed to be innocent. This presumption requires that the People prove a defendant guilty beyond a reasonable doubt. Whenever I tell you the People must prove something, I mean they must prove it beyond a reasonable doubt.

Proof beyond a reasonable doubt is proof that leaves you with an abiding conviction that the charge is true. The evidence need not eliminate all possible doubt because everything in life is open to some possible or imaginary doubt. In deciding whether the People have proved their case beyond a reasonable doubt, you must impartially compare and consider all the evidence that was received throughout the entire trial. Unless the evidence proves the defendant guilty beyond a reasonable doubt, he/she is entitled to an acquittal and you must find him/her not guilty.

### **Second Degree Murder**

The defendant is charged in Count One with Second Degree Murder.

To prove that the defendant is guilty of this crime in the second degree, the People must prove that the defendant committed an act that caused the death of another

person, and when the defendant acted, the defendant had a state of mind called malice aforethought.

There are two kinds of malice aforethought, express malice and implied malice. Proof of either is sufficient to establish the state of mind required for murder. Express malice is an intent to kill. The defendant had implied malice if at the time he/she intentionally acted, the natural and probable consequences of the act were dangerous to human life, at the time the defendant acted, he/she knew his/her act was dangerous to human life, and he/she deliberately acted with conscious disregard for human life.

Malice aforethought does not require hatred or ill will toward the victim. It is a mental state that must be formed before the act that causes death is committed. Second degree murder does not require deliberation or the passage of any particular period of time.

An act causes death if the death is the direct, natural, and probable consequence of the act and the death would not have happened without the act. A natural and probable consequence is one that a reasonable person would know is likely to happen if nothing unusual intervenes. In deciding whether a consequence is natural and probable, consider all of the circumstances established by the evidence.

The defendant is guilty of second degree murder if the People prove the following:

- 1) The defendant committed an act that caused the death of another person, and
- 2) When the defendant acted, the defendant acted willfully and had a state of mind called malice aforethought either express or implied as defined above, and
- 3) He/she killed without lawful excuse or justification.

### **Direct and Circumstantial Evidence Instruction**

There are two ways to prove something happened. This first way is by using direct evidence. Direct evidence is something that someone detected with their senses. "I saw, heard, smelled, touched, tasted." The witness directly experienced or witnessed what happened.

Another way to prove something happened is to use circumstantial evidence. This is where one could use something they saw to reasonably conclude something else happened. For example, if a witness testified that he saw someone come inside wearing a raincoat covered with drops of water, the testimony is circumstantial evidence that it was raining outside or had rained outside recently.

An item/element of a crime can be proven by direct evidence, circumstantial evidence, or a combination of both. Neither is better than the other. Each can be just as important.

But if you can draw two or more reasonable conclusions from the circumstantial evidence, and one of those reasonable conclusions points to innocence and another to guilt, you must accept the one that points to innocence. However, when considering circumstantial evidence, you must accept only reasonable conclusions and reject any that are unreasonable.

## **THE ARREST AND ARRAIGNMENT PROCESS**

Generally, when a person eighteen years of age or older is arrested by the police and later charged with committing a crime, he/she will appear in court at a designated time either in person or through their attorney. The person's status changes from suspect or arrestee, to that of the 'defendant'.

This first appearance in court is called the arraignment. The defendant is advised of the charges against him/her and usually will receive a recommended sentence or punishment for their case. This recommended sentence can come from either the judge/court, or from the prosecutor assigned to the case, and is commonly referred to as a plea bargain offer.

Once a plea bargain offer is made, the defendant has a few options. The first is to accept the offered or recommended punishment and plead guilty. If this occurs, plea forms are usually prepared and signed by the defendant which explain the punishment the defendant will receive and the defendant then usually pleads guilty in open court.

A second option is to reject the offered settlement or plea bargain, plead not guilty and proceed to trial. There are several other types of pleas such as not guilty by reason of insanity, but due to the nature of this introductory trial work, this material will not address these other types of pleas at this time. This mock trial is meant to cover basic concepts and provide students with a general idea of the overall trial process.

In our court system in the United States, a plea of not guilty places upon the government the burden of proving the defendant committed the crime. If the crime involves a misdemeanor or felony offense, then the defendant is entitled to a trial by jury. A felony is a serious crime where the punishment could be serving time in state prison. A misdemeanor is a less serious crime like petty theft where the maximum sentence is one year.

However, the defendant can waive that right and have the judge alone hear the case. A defendant charged with an infraction such as a speeding ticket, would only be entitled to a court trial in front of a single bench officer like a judge or commissioner.

Since this mock trial is not being tried in front of a jury, it will be heard by a single presiding judge in what is called a "court trial."

The government has created agencies that are charged with prosecuting criminal cases. In the State of California, they include county offices such as the District Attorney's Office, the state office like the Attorney General's Office, and even a local level one such as a City Attorney Prosecution Office.

The government representative or prosecutor from the specific office must prove the defendant committed the charged crime or crimes. The standard or burden of proof

which must be achieved by the prosecution is proof beyond a reasonable doubt. The definition of reasonable doubt is as follows:

“A defendant in a criminal case is presumed to be innocent. This presumption requires that the People prove a defendant guilty beyond a reasonable doubt. Whenever I (referring to the judge), tell you the People must prove something, I mean they must prove it beyond a reasonable doubt.

Proof beyond a reasonable doubt is proof that leaves you with an abiding conviction that the charge is true. The evidence need not eliminate all possible doubt because everything in life is open to some possible or imaginary doubt.

In deciding whether the People have proved their case beyond a reasonable doubt, you must impartially compare and consider all the evidence that was received throughout the entire trial. Unless the evidence proves the defendant guilty beyond a reasonable doubt, he/she is entitled to an acquittal and you must find him/her not guilty.”

In this mock trial case involving an alleged violation of Penal Code Section 242, Battery, the defendant has pleaded not guilty and requested a court trial.

## **THE COURTROOM LAYOUT**

In a courtroom there are several places where the participants in a trial are generally located. Below you will find a brief description of each place and then three photographs of a mock courtroom depicting each place. These places are as follows:

**The Bench:** This is the seat where the judge sits during a trial. It is generally behind a large raised desk in the center of the room against the wall. There is a walking space behind the raised desk which permits the judge to enter and exit the area.

**The Jury Box:** This is a seating area where the jury sits during the trial. The jury box will be located on either the left or right side of the courtroom against the wall. The chairs in the jury box are usually bolted to the floor and there will be two rows of six or seven depending on the court configuration. New courtrooms or refurbished ones are configured to permit easy access for all potential jurors in accordance with the Americans with Disabilities Act. If there are alternate jurors, they will be seated either in front of the jury box or close by so that they are in position to see and hear the evidence presented during the trial.

**Counsel Tables:** In front of the bench are two tables for counsel. The prosecutor occupies the table closest to the jury. The defense occupies the table farthest away from the jury.

**The Witness Stand:** This is a smaller box-like area where a witness testifying in the trial will sit. The box is located to the immediate right or left of the bench and judge, and on the same side as the jury box so that jurors will be able to see the witness as he/she testifies.

**The Clerk's Desk:** The court clerk sits in a similar smaller box like the witness stand and is usually located to the immediate right or left of the bench and judge on the other side from the witness stand. This permits the clerk to communicate with the judge, prepare and maintain court documents and speak with the attorneys. The clerk also swears in witnesses along with many other duties.

**The Bailiff's Desk:** The bailiff is a peace officer assigned to the individual courtroom to protect all courtroom attendees and participants. The bailiff will usually be given a normal small desk somewhere close to the clerk and bench area.

**The Well:** This is the area between the bench and counsel table. Non-court personnel are not permitted to enter this area unless the court gives them permission.

**The Audience Seating:** Generally, all trials are open to the public unless otherwise closed off by the court with proper justification. Seating is provided in the back of the courtroom for the public.

**The Railing:** This is a long wooden rail which separates the trial participants from the general public. No one is permitted to pass beyond the rail unless first checking with the bailiff who controls the area.

**The Cage:** When a defendant is in jail pending their case, they are brought into the courtroom and seated in a large cage facility which keeps them secure while in court. During a trial the defendant will be brought out from the cage and seated at counsel



table next to their defense attorney. The defendant is usually brought out of the cage outside the presence of the jury. Some courtrooms may not have a cage due to facility limitations. These three photographs do not show a cage since the courtroom is only a law school facility mock up and not an active courtroom.

**The Lectern Stand:** When not seated or addressing the court at counsel table, the attorneys will usually speak from a lectern stand placed somewhere in the courtroom beyond the railing. Lecterns vary in size and are usually the location from which attorneys question witnesses or address the jury or judge.



**SPECIAL NOTE: JSERRA RE-CREATES THE COURTROOM IN A SMALLER SETTING ON OUR CAMPUS. WE DUPLICATE MANY OF THE PARTS NOTED IN THE PREVIOUS PAGES AND LABEL THEM WITH SIGNS SO STUDENTS WILL HAVE A FEEL FOR THE COURTROOM ELEMENTS AND SETUP.**

## **A CRIMINAL TRIAL**

In a criminal trial, there are two main players engaged in the presentation of the trial, and several witnesses who will provide the court with information about the case.

### The Prosecutor

The first person is the People's representative. He/she is called the prosecutor. His/her role, as stated previously, is to carry forward the case and present all the important facts surrounding the alleged theft on behalf of the People of the State. During this junior high mock trial competition, each prosecution side may have several prosecutors.

### The Defense Attorney

The second person is the defense attorney. He/she is responsible for defending the defendant and assuring that all of the defendant's rights are protected. During this high school mock trial competition, each defense side may have several defense attorneys.

### The Witnesses

Witnesses are people called into court who have personal knowledge about the criminal case. During the trial, they swear an oath to tell the truth and then answer questions asked of them by both the prosecutor and the defense attorney. There are six (6) witnesses in this case. They are as follows:

#### Prosecution Witnesses:

Kerry Moore  
Detective Robbin Wilson  
Kris Wilson  
Doctor Chandler Hall

#### Defense Witnesses:

Dana Walker  
Koda Johnson  
Doctor Sage Martin  
Doctor Jordan Villa

There is also a role for a bailiff and his/her role and duties were discussed above and below.

## Bailiff

The bailiff is responsible for maintaining order in the courtroom in a respectful manner, announcing the start of the trial, directing witnesses to and from the witness stand, and swearing in each witness.

## Evidence

During the trial, both the prosecution and the defense will have the opportunity to present evidence to the trial court about the alleged petty theft.

"Evidence" means testimony, writings, material objects, or other things presented to the senses that are offered to prove the existence or nonexistence of a fact. So when a witness is sworn in, seated in the witness stand, and then answers questions asked of him or her, these statements made by the witness are 'evidence'. If a witness talks about a picture or drawing, that picture or drawing is also evidence.

## **FLOW OF A CRIMINAL MOCK TRIAL**

A criminal mock trial has seven (7) main elements. They are:

- Bailiff Announcing the Trial
- Team Introductions
- Opening Statements
- Direct Examination of Witnesses
- Cross-Examination of Witnesses
- Re-Direct Examination of Witnesses
- Closing Arguments

Each of these elements will now be discussed individually.

## BAILIFF ANNOUNCING THE TRIAL

The trial begins with the formal announcement by the bailiff that the trial is starting. The bailiff role is provided by the **prosecution** team. The bailiff is responsible for announcing the case, and then swearing in each witness. The judge will stand by the bench area and then when ready, advise the bailiff to make the following announcement while the bailiff is standing the well area of the courtroom and facing the audience:

"All rise. In the presence of our flag and remembering the principles for which it stands, Division One of the JSerra Justice Center is now in session. The

Honorable Superior Court Judge \_\_\_\_\_ presiding. Please be seated, turn off all cell phones and come to order.”

The judge will then proceed to the bench and take his/her seat. The judge will then call the case:

“Calling the case of the People of the State of California vs. Sam Jones. Appearances please.”

### TEAM INTRODUCTIONS

After the judge says, “Appearances please,” it is time for the team members to introduce themselves to the court and each other. The first introduction will be by all the members of the prosecution team, including the bailiff. The attorneys start. All attorney team members will stand and remain standing until each attorney has finished their own introduction.

The correct format is to say,

“Good morning Your Honor. My name is \_\_\_\_\_. last name spelled \_\_\_\_\_, and I will be playing the role (or roles) of \_\_\_\_\_.”

After the attorneys has introduced themselves, the last attorney to speak will state to the judge,

“Your Honor, may our witnesses now introduce themselves?”

After the judge says yes, the attorneys sit down. Then witnesses will stand and make the same introduction noted above and when the last witness is finished, the witness will ask the court,

“Your honor, may our bailiff introduce himself/herself?”

When the judge says yes, the witnesses then sit down. The bailiff will then introduce himself/herself in the same manner as above.

When the prosecution side has finished their introductions, the defense side will then be called upon by the judge to introduce their team attorneys and witness members in the same manner noted above.

When both teams have been introduced, the court will ask the prosecution team if they are ready to make an opening statement about the case. The correct response by the prosecutor would be,

“Yes, Your Honor.”

The court will then direct the prosecution attorney to proceed with their opening statement.

## OPENING STATEMENTS

An opening statement is a summary or outline of the evidence to be presented at trial. The statement itself is not evidence and the judge cannot consider it as such. It is meant to assist the judge with understanding the evidence as it unfolds during the court trial. Sometimes evidence may be received in court in a manner which is not in a clear or logical order. This may be due to witness availability or a trial strategy chosen by one of the parties.

So it is important for the judge to have a general picture of the expected evidence. This will enable the judge to follow the presentation of the evidence and not be lost during the proceedings.

An opening statement is factual in nature and not an opportunity to argue the merits of the case, though some attorneys will attempt to make it into an argument. But team members should keep in mind that points are awarded for following the rules. It is important to avoid arguing about the case in opening statements.

After the prosecutor makes his/her opening statement, the defense will make theirs as well. The same rules apply to each side as far as the opening statement being about the facts of the case.

### Trial Strategies for an Opening Statement:

The opening statement is a critical moment for both parties to a case. It gives the prosecutor and the defense attorney the opportunity to speak directly with the judge and connect with him/her at the beginning of the trial. Though the judge is not speaking back, his/her attention is focused on the speaker.

An opening statement includes the anticipated evidence which will be presented in the trial. An opening statement is more factual in nature. The attorneys cannot appeal to sympathy or prejudice, and cannot state a personal opinion about the case. “I believe my client is not guilty,” would not be proper in an opening statement.

It is important to establish a theme for the case in the opening statement. A theme brings the emotional or personal side of the case to the jury. The theme should be woven throughout the trial with witnesses and in closing argument.

Themes are found from many sources like the Bible, American sayings, poets, movies, and other notable authors. A case can be about love, hate, fear, vengeance, greed, cheating, not playing by the rules, David vs. Goliath, taking advantage of the little guy, profit over safety, and many others.

An effective opening statement includes your theory of the case. Examples might be impulse, crime of opportunity, a plan executed over and over, payback, mistake, or someone else committed the crime. Why is someone guilty or not guilty of the charged crime.

As an attorney delivers the opening statement, it is important that the content does not come across as someone just reading a narrative from a paper. The delivery of the information is just as important as the content. Use a great deal of eye contact and very little reading. An effective opening statement comes from the heart, not a jumble of pages of notes. Always be yourself in front of a judge.

Sometimes a case has negative facts for one side or the other. It is important to bring those facts out in an opening statement in order to minimize their impact. This takes the sting out of them and prevents the other side from being the first to present them through the evidence to the judge.

At the end of the opening statement, repeat the theme or themes of the case and summarize the key case points. Then the attorney has to ask the judge for what they want. A guilty verdict or a not guilty verdict. For example in a murder trial, the prosecutor might end with "Your Honor, I submit to you that after hearing all of the compelling evidence in this case, that you will convict the defendant of murder. Thank you."

In summary, an effective opening statement starts with a couple of sentences which include the chosen theme or themes and a couple key facts from the case. Then weave the important facts, case theories, and themes through the body of the opening statement.

Tell stories about people in an organized format. Be sure to include any negative points for your side. Then summarize the case and themes, and ask the judge for the verdict needed for the prosecution or the defense.

**The prosecutor and the defense attorney will each have two and a half minutes to present their opening statement.**

**The attorneys are not permitted to object during opening statements.**

## DIRECT EXAMINATION OF WITNESSES:

After the opening statements by both the prosecution and the defense, the evidence part of the trial begins. The prosecution begins by calling to the stand their first witness. They do this by saying,

“Your Honor, the People would like to call \_\_\_\_\_ to the stand.”

The witness will rise from their seat in the audience and follow the directions of the bailiff.

The bailiff is now in charge of the witness. The bailiff must escort the witness to the area where the witness stand is located and administer an oath to the witness. This is done by having the bailiff face the witness, ask the witness to raise their right hand while the bailiff does the same with their right hand. The bailiff then says to the witness,

“Do you solemnly affirm that the evidence you are about to give in the case now pending before this court shall be the truth, the whole truth, and nothing but the truth?”

The witness responds,

“I do.”

The bailiff then states to the witness,

“Please state your true name and spell your last name.” (this will be the witness name, not the student’s real name). The bailiff will then direct the witness to sit at the witness stand.

This first phase of the prosecution’s side of the case is called the “case-in-chief.” It is the prosecution’s case, the prosecution’s burden. In a real trial, a defendant does not have any burden to prove he/she is not guilty or innocent. The burden of proving guilt is squarely upon the prosecution. As a result, the defense is not required to call any witnesses or offer any evidence during the trial. However, in this mock trial the defense must call the defendant and the other two defense witnesses.

The first questioning of witnesses called by the prosecution is known as direct examination. When a prosecutor examines a witness during direct examination, the prosecutor generally may not ask leading questions. A leading question is one that tells the witness what to say and puts words in their mouths.

For example, suppose the prosecutor said, “Is it true that on September 12th, the night of the crime at about 7:00 pm, you left your home and went to

Clancy's Bar for a drink?" The answer may be yes but the witness did not come up with the all words themselves. The prosecutor was effectively testifying, which is not acceptable.

The proper sequence of questions should be:

"Did you leave you home on the evening of September 12th?"

"Yes."

"Where did you go?"

"I went to Clancy's Bar."

"What time did you leave your home?"

"I left my home at 7:00 pm."

"Why did you go to the bar?"

"For a drink."

Direct examination questions address who, what, where, when and how. The prosecutor tells the judge what happened through the questions asked of the witnesses, and the answers that are given. It is the witness that supplies all of the information about each topic. One of the easiest ways to conduct a direct examination is to say, "What if anything happened next?" However, this might get a bit boring. So a better method would be to sometimes include information obtained from the previously answered question. For example,

"What time did you leave your home on the evening of September 12th?"

"I left my home at 7:00 pm."

"After leaving your home at 7:00 pm, where did you go?"

A leading question that invites the answer is an objectionable question during the direct examination of a witness. So anytime you hear an attorney doing direct examination of a witness say, "Is it true that . . ." or the answer that is received is always a 'yes' or 'no' after a lengthy question, then it might be considered at leading question.

When preparing questions for a direct exam, it is beneficial to write down small phrases or bullet points that must be addressed versus writing a detailed script of every question that will be asked of a witness. Bullets or small phrases give the attorney a concept or thought that must be addressed.

Questions can be asked about a given thought or concept until the attorney feels that enough information has been received by the judge to cover the point. The attorney has the ability to adjust and creatively rephrase the questioning to suit the issue being addressed by the witness.

If the question is written in long form and said verbatim, then the attorney is subject to several negative possibilities. The opposing counsel may object. If the objection is sustained or upheld, the attorney may not know how to rephrase the question because the concept or point is buried in the text of the question. Or the witness may not understand the question and need clarification. Such clarification may be harder to achieve if the concept or point is hidden in the question text. Or the judge may put the attorney on the spot with their own question.

Leading questions may be permitted on direct examination of a witness for preliminary questions that will help move along the trial proceedings. However, such leading questions will be limited by the judge and by opposing counsel through timely objections.

Direct examination questions should be done in a chronological order. This allows the story of the witness to flow in a logical and organized manner. The questioning starts with introducing the witness. Who are they? Why are they here and why are they important to the case? What is their background?

Next, comes the setting of the scene. If an eyewitness is testifying, it will be important to know where the witness was in relation to what occurred. Being 10 feet away instead of 100 yards away, adds credibility to the witness. Anything blocking their view? How much time did they have to observe?

Once the scene is set, the action begins. The witness now relives the event. The witness is guided through the sequence of what occurred. It is also important to use supporting exhibits to explain the event. This can be done throughout the testimony depending on what is available. Here in this petty theft case there are a few exhibits which the witnesses might use to support their testimony.

In order to use an exhibit, the witness should take the exhibit with them when they proceed to the witness stand. The attorney will then ask the witness if they have Exhibit \_\_\_\_\_ with them at the witness stand. The witness would respond yes.

Next, the attorney will ask the witness to explain what the exhibit is about to the judge. After the explanation, the attorney may then ask questions about the exhibit as necessary. An attorney can ask to have the exhibit admitted into evidence either after it has been properly identified and explained by the witness, or at the end of the direct testimony for that witness.

The authentication and admission of an exhibit should proceed as follows:

Attorney: Mr./Ms. Marks, do you have Exhibit One (1) with you?

Witness: Yes.

Attorney: Can you please explain what this exhibit is?

Witness: Yes. It is the layout of the front of my house and street as it looked on April 6, 1990 at 12:30 pm.

Attorney: Your Honor, the People would like to admit into evidence Exhibit #1.

Judge: Does the defense have any objection?

Defense: No, Your Honor.

Judge. Very well. Exhibit #1 is now in evidence.

After this the witness will go into the details about what happened in the alley in the chronological order of the events at the house at that time.

Always try to bring out negative information if it exists during your direct examination questioning so that the sting is minimized and the error or problem explained as best as can be done under the circumstances.

A compelling ending is also important because it is the last thing the judge may hear from this witness. The judge will remember this ending better than the middle of the direct examination. Try and end with one of the most important points in the direct examination. Always attempt to end strong, if the facts allow for it.

Remember to have the witnesses identify the defendant while the witness is on the witness stand. This can be done by the attorney asking the witness,

“Is the person you saw in the front passenger seat of the car in front of your house at 12:30 pm on April 6th in court today?”

Witness would answer,

‘Yes’.

The attorney then asks,

“Can you please tell the court where he/she is sitting in the courtroom and

describe their clothing.”

**Prosecution Time Limits for Direct Examination:**

**Direct examination of witness Moore: 4:00 minutes; 1 minute rebuttal**  
**Direct examination of witness Wilson: 4:00 minutes; 1 minute rebuttal**  
**Direct examination of witness Nelson: 4:00 minutes; 1 minute rebuttal**

**Defense Time Limits for Direct Examination:**

**Direct examination of witness Walker: 4:00 minutes; 1 minute rebuttal**  
**Direct examination of witness Johnson: 3:00 minutes; 1 minute rebuttal**  
**Direct examination of witness Marino: 4:00 minutes; 1 minute rebuttal**

CROSS-EXAMINATION OF WITNESSES

During the case-in-chief for the prosecution, when the prosecution finishes asking direct examination questions of a witness they called to the witness stand, it then is the defense attorney’s turn to question the same witness. This second round of questioning for the same witness is called cross-examination. The defense now has the opportunity to test the strength and truthfulness of the witness’ direct testimony.

During cross-examination, the defense attorney may ask witnesses leading questions. Wide latitude is usually given during cross-examination except that the questioning must be relevant to what was covered during the direct examination of the witness, or relevant to the case in general.

For example, if the witness testified during direct examination about following a person suspected of driving under the influence (DUI), it would be improper to question the same witness on cross examination about a football game he attended three weeks before. It has nothing to do with the DUI driving suspect. This questioning would be considered irrelevant.

However, if the testifying witness and the driver of the vehicle got into a fight at the football game three weeks before, then it could be a valid line of questioning to show bad blood and that the witness tried to set the driver up for revenge. It is important evidence of a bias against the defendant.

An effective cross-examination starts with a plan. An attorney must plan out what they hope to obtain from the witness. The plan should address several issues. The first area to consider is whether the witness can provide favorable facts to help your case. Not all witnesses or their testimony are totally negative towards your case. If there were points in the witness’s testimony on direct examination that help your case, then bring those facts out again on cross-examination in order to emphasize the points and help the judge remember them in your favor.

Next, evaluate if there are any favorable facts which may be left out by the opposing side. An attorney can plan in advance for this possibility. But equally important is the attorney's ability to actively listen to the testimony as it unfolds in trial. If anticipated testimony does not come from the witness, the attorney must know this has occurred. If not listening carefully in trial, key points that will benefit your case will be lost. If the witness left out key points, now the attorney brings them out during cross-examination and later exploits this in closing argument as the other side hiding things from the judge.

Witness credibility is an effective area of cross-examination. Here is a list of sample questions to ask yourself when deciding questions to ask regarding a witness' credibility:

How well could the witness see, hear, or otherwise perceive the things about which the witness testified?

How well was the witness able to remember and describe what happened?

What was the witness's behavior while testifying?

Did the witness understand the questions and answer them directly?

Was the witness's testimony influenced by a factor such as a bias or prejudice, a personal relationship with someone involved in the case, or a personal interest in how the case is decided?

What was the witness's attitude about the case or about testifying?

Did the witness make a statement in the past that is consistent or inconsistent with his or her testimony?

How reasonable is the testimony when you consider all the other evidence in the case?

Did other evidence prove or disprove any fact about which the witness testified?

**The prosecutor and the defense attorney will each have time limits to present their cross-examination.**

**Prosecution Time Limits for Cross-examination:**

<b>Cross-examination of Walker:</b>	<b>3:00 minutes</b>
<b>Cross-examination of witness Johnson:</b>	<b>2:00 minutes</b>
<b>Cross-examination of witness Martin:</b>	<b>2:00 minutes</b>

**Defense Time Limits for Cross-examination:**

<b>Cross-examination of witness Moore:</b>	<b>3:00 minutes</b>
<b>Cross-examination of witness Wilson:</b>	<b>3:00 minutes</b>
<b>Cross-examination of witness Nelson:</b>	<b>2:00 minutes</b>

**RE-DIRECT EXAMINATION OF WITNESSES**

After the attorney finishes their cross-examination questions, opposing counsel may ask follow-up questions at that time. These follow-up questions are known as re-direct questions. However, the questions are limited to only areas touched on during the cross-examination. It is not a new opportunity to go into other areas not already covered in questioning.

Once the prosecution case is completed, the defense will call their witnesses to the stand. The roles are now reversed. The defense will be asking questions on direct examination and be prohibited from asking leading questions. The prosecution will be conducting cross-examination and be permitted to ask leading questions. And then finally the defense will be allowed to do a brief re-direct examination. Leading questions are not permitted by either party during re-direct examination of a witness.

**The prosecutor and the defense attorney will each have time limits to present their re-direct examination.**

**Prosecution time limits for Re-Direct Examination:**

<b>Witness Moore:</b>	<b>1:00 minutes.</b>
<b>Witness Wilson:</b>	<b>1:00 minutes.</b>
<b>Witness Nelson:</b>	<b>1:00 minutes.</b>

**Defense time limits for Re-Direct Examination:**

<b>Witness Walker:</b>	<b>1:00 minutes.</b>
<b>Witness Johnson:</b>	<b>1:00 minutes.</b>
<b>Witness Martin:</b>	<b>1:00 minutes.</b>

## SUMMARY OF DIRECT, CROSS-EXAMINATION, AND RE-DIRECT EXAMINATION

In summary, the prosecution attorney will present their case first. They will call two witnesses to the witness stand to testify. The prosecution will do direct examination of the first witness. Immediately after the first witness finishes their direct examination testimony, the defense will take their turn and question the same witness during cross-examination.

After this questioning by the defense attorney, the prosecution attorney is allowed to ask a few questions addressing what was brought up by the defense attorney during cross-examination. His/her last round of questioning if the prosecutor decides to ask questions, is called re-direct examination.

Once the prosecution attorney finishes their case, the court will ask,

“Do you have any other witnesses or evidence to present?”

The prosecution attorney will respond,

“No, Your Honor. The People rest.”

Now the trial switches over to the defense. It is now the defense attorney's turn to call his/her two witnesses. Same rules apply here as well. Defense attorney does direct examination of their witnesses. Prosecution attorney does cross-examination of the defense witnesses. Defense attorney may do re-direct examination if he/she chooses to do one.

At the conclusion of both sides of the case, it is time for closing argument.

## CLOSING ARGUMENTS

The closing argument encompasses the final statements by the attorneys summarizing the evidence that was presented at trial. The attorneys argue why their version of the evidence supports a verdict in their favor. Final argument is an opportunity for the attorneys to use their powers of persuasion and speaking skills to convince the judge that their respective position is true and correct.

Like opening statements at the beginning of the trial, closing arguments are not evidence. The parties are limited to speaking only about evidence admitted during the trial. Evidence that was never received by the court through witness testimony or through exhibits introduced into evidence, may not be commented upon by either attorney.

**The attorneys are not permitted to object during closing arguments.**

There are four sections to a mock trial closing argument (only three in a real trial). The first section is the prosecution's opening argument. Here, the prosecutor usually will explain to the judge each of elements of the crime and how the evidence presented during the trial proved each of those required elements.

At the conclusion of the prosecutor's opening argument, the defense attorney presents his/her version of the facts and evidence in support of a not guilty verdict. This is the second section.

Third, at the conclusion of the defense argument, the prosecutor is given a brief opportunity to address points raised by the defense. Finally, then the defense is given one last brief period of time to address the prosecution's final comments.

In giving an effective closing argument, it is important to have a strong beginning just as the attorney did in the opening statement. Re-state your themes. The first opening sentences need to grip the judge again and regain his/her attention. Don't wait until the middle to catch their attention.

When arguing the case, quickly dispense with those key elements of the crime that are not in contention. State the elements of the crime and list those that are confirmed first. For example, in a driving under the influence of alcohol case, the officer saw the defendant driving the car down the road for about 2 miles. The element of driving a vehicle is not really in dispute. So the attorney would state that driving is an element of the crime, and it was proven with the testimony of the officer that he saw the defendant drive for 2 miles.

After the undisputed elements are addressed, now the attorney goes into the areas in dispute. The judge is asking in his or her mind, "Why are we here? What do you want me to decide?" As the attorney proceeds to argue the disputed facts, it is important to proceed with the strongest arguments first. Those are the ones the judge will remember best. Finish strong with an important point for your side and then ask the judge for the verdict your side is requesting just like it was done at the end of the opening statement.

**Prosecution time limits for  
first closing argument: 5:00 minutes**

**Rebuttal argument: 1:00 minute**

**Defense time limits for  
first closing argument: 5:00 minutes**

**Rebuttal argument: 1:00 minute**

## EVIDENCE

During a trial, there are rules as there are in many other activities. These rules help the court decide what should be allowed to be introduced into the trial and what should be kept out. When an attorney attempts to introduce something into evidence through testimony or an exhibit, and the other side does not think it should be considered by the judge, the opposing side will make an objection.

An objection is a statement by the attorney which tells the court there may be something wrong here. This question or that piece of evidence does not comply with the rules.

When objecting in trial, it is important to wait for the other attorney to finish their question. This is a common courtesy required by the court. Right after the other attorney finishes their question, it is very important that the attorney **object immediately**. If there is any delay, even a second or two, the witness may answer the question and the evidence comes into the trial.

It is appropriate to stand at counsel table and state 'objection'. Then immediately state the grounds for the objection. In a polite manner, stand and say,

"Objection, Your Honor. The ground for the objection is/are \_\_\_\_\_."

After you have stated the grounds for the objection, wait for the judge to reply. The judge may rule on the objection immediately, may ask you to explain why you made the objection, or ask the other attorney to respond.

When the judge does rule on the objection, he/she will say either overruled or sustained. Overruled means that the witness may answer the question. Sustained means the witness may not answer the question. Depending on the objection, the questioning attorney may be allowed to re-phrase the question or may not be allowed. It all depends on the type of objection.

Any attorney team member may raise an objection during the trial. Teams may choose one person to do all of the objections, or let each attorney object on their own. It is up to the individual team. But only one person can object and argue the point at a time.

If there is an objection and the attorney asking the objectionable question is asked about the objection, the rest of the team may help the questioning attorney with formulating a response. However, more points will be awarded if the attorney can handle the issue on their own.

## **ACCEPTABLE OBJECTIONS FOR THIS JUNIOR HIGH SCHOOL**

### **MOCK TRIAL**

**The following objections are the only ones permitted in this trial. No other objections may be made. Violating this requirement and going beyond this list will result in point deductions for the improperly objecting team.**

#### **RELEVANCE.**

The objection is being made because the opposing side is introducing evidence that does not relate to the trial and is not important.

For example, evidence such as where the police officer liked to personally shop would have nothing to do with the battery allegation. So if a party tried to introduce evidence about that topic, it would be excluded. It would not be important for the judge to know.

#### **HEARSAY.**

The objection is being made because the statement being offered was made by someone outside of court and is being offered for its truth and there is no valid exception allowing it to be used in the trial. Please see the explanation of hearsay at the end of this section.

#### **SPECULATION.**

This objection is being made because the witness is being asked to guess about something they do not know about. For example, the witness might be asked about how someone else felt inside. They would not know this and would be guessing as to someone else's true feelings.

#### **PERSONAL KNOWLEDGE.**

This objection is made when the witness talks about things they do not personally know about. A witness can only talk about things they are familiar with.

#### **LEADING QUESTION.**

This objection is being made because the attorney is asking a leading question while conducting direct examination of a witness. A leading question is

a question that suggests to the witness the answer that the examining party desires.

For example, the attorney asks, "Is it true that you went to the diner at 7:30 on Friday night to confront the victim about a debt you were owed?" Leading questions are only appropriate on cross-examination or preliminary questions to help move the trial along.

### **COMPOUND QUESTION.**

The objection is being made because the attorney asked two or more questions in one. Each question must be asked separately so as to avoid confusion by the testifying witness. For example, "What did you do at 4:00 and where did you go after the party?" would be a compound question and objectionable.

### **NARRATIVE.**

This objection is being made because the witness explains in detail what happened without interruption. It is important to require testimony to be broken up with appropriate questions and answers and not letting someone ramble on and on.

It is not a correct objection to use at the beginning of a question because all open ended direct examination questions call for some type of limited narrative answer. It is used when the answer continues beyond a few sentences.

### **ARGUMENTATIVE.**

This objection is made when the attorney is harassing or abusing the witness beyond what is necessary under the circumstances of the testimony.

### **VAGUE OR AMBIGUOUS.**

This objection is made when the question being asked by the attorney is not clear and understandable. For example, the question might be, "What did you do last week?" The objection would be vague as to timing. The specific day and time need to be asked about in the question. Otherwise, the witness could begin with what they did for every hour of the week when only Thursday at 7:00 p.m. was important.

## **NON-RESPONSIVE.**

This objection is made when a witness does not answer the question that was asked or adds things that were not asked for. For example, say the question was asked, “Did you go to the store at 7:00 p.m. last Thursday?” The witness answered ‘yes’ then added, “I went there to buy some shoes for school.” Everything after ‘yes’ was not responsive to the yes or no question and should be excluded or stricken from the trial record. The correct objection format would be,

“Objection Your Honor, the ground would be non-responsive after yes.”

If the judge sustains the objection, which is to agree with the objecting attorney, the the attorney would say,

“Your Honor, move to strike everything after ‘yes’.”

The judge usually with respond by saying,

‘Granted’.

## **ASKED AND ANSWERED.**

This objection is made when the answer was already given. It is a favored thing to do on cross-examination. The attorney asks the same question over and over and in different ways in an attempt to trip up the witness. By objecting, the opposing attorney shuts down the attempts and keeps the questioning of the witness focused on the search for new answers.

## **OUTSIDE THE SCOPE OF THE MOCK TRIAL CASE PACKET.**

**This objection is specific to this mock trial competition. This objection is made when the opposing team attempts to introduce information into the trial that was not in the mock trial packet set of facts/witness statements. Each team is only allowed to introduce evidence that is contained in the case packet.**

## **HEARSAY EXPLANATION**

Hearsay can be a very complicated subject. But for this mock trial, we will focus on the very basic rules. These instructions are not meant to give you a complete explanation of the term. That would take a great deal of time.

Hearsay occurs when someone is on the witness stand and is asked to talk about what someone else said at another time in the past and outside of the courtroom.

For example, say Officer Jones is on the witness stand and says, "Mary Jones told me she saw the killer shoot the gun three times." If the statement is offered that the killer did in fact shoot the gun three times, then it violates this hearsay rule. It is a statement made by someone else other than the witness on the stand testifying in the trial. In order to avoid a hearsay objection, Mary Jones needs to be on the witness stand and tell the court what she actually saw.

There are several exceptions to this hearsay rule where someone can tell the court about what someone else said. For this mock trial, only three exceptions will be allowed. Those exceptions are called an admission, spontaneous statement, and state of mind.

An admission is something a defendant may have said in the past that hurts them. When a person says something that hurts his/her position, it can be used against them in trial. For example, at the time of his arrest, a defendant says he was the one who fired the gun at the house.

Even though the statement was made at a prior time, not in court, and would fit the definition of a hearsay statement, it can be used against the defendant under this specific exception to the hearsay rule since he admitted something damaging to himself that was important to the present trial. If the judge believes the defendant said it, the words can be used to convict the defendant.

The hearsay objection would be,

"Objection Your Honor. The ground would be hearsay."

If the opposing attorney wants to challenge the use of the hearsay objection, he/she would respond after the judge inquires,

"Your Honor, the exception to the hearsay rule would be an admission by the defendant."

A spontaneous statement is one where a person said something while three (3) things were present. They are:

- 1) The statement purports to narrate, describe, or explain an act, condition or event perceived,
- 2) and was made spontaneously while the declarant was under the stress of excitement caused by such perception.

For example, a person who witnesses a huge car accident and then immediately calls the police 911 emergency number, would have witnessed an emotional event. By calling the police right away, the witness did not have much time to think about what happened and make something up. They are still under the stress of having witnessed something that was quite exciting as well as stressful.

State of mind is evidence of a statement of the declarant's state of mind, past or present emotion, or physical sensation (including a statement of intent, plan, motive, design, mental feeling, pain, or bodily health) at a time prior to the statement is not made inadmissible by the hearsay rule if:

The evidence is offered to prove such prior state of mind, emotion, or physical sensation when it is itself an issue in the action and the evidence is not offered to prove any fact other than such state of mind, emotion, or physical sensation.

This exception permits an attorney to question a witness about what he/she was thinking on a certain occasion. For example, when Officer Pollard thinks Sam and Andy are losers, this shows the officer's state of mind at that moment. It is also admissible for the non-hearsay purpose of showing the officer's bias towards them as well.

### **Party Opponent**

The above noted admission exception applies to all statements of the party against whom they are offered. The key is that the statement is **offered against** the defendant or party in the case. A defendant making a out of court statement which is beneficial/self-serving to that defendant, is not a statement against the defendant's interest. On the contrary, a beneficial/self-serving statement helps the defendant's interests. Such a beneficial/self-serving statement does not fall within the party opponent exception and would therefore be excluded if a timely hearsay exception was made by the trial attorney.

(Please note this state of mind exception is a combination of two California evidence code sections. It had to be done this way in order to allow its use for this trial).

### **NON-HEARSAY STATEMENT**

There are several statements made by witnesses in this case about what other people said to them. If there is a hearsay objection, then these statements may be offered by the opposing attorney for the non-hearsay purpose of the affect on the listener to explain what someone may have done later after hearing the words spoken to them. For example, statements were made to the officer by Sage Benson. The statement by Sage to the officer may help the officer decide what to do next in the investigation.

## **SPECIAL NOTE REGARDING CHARACTER EVIDENCE:**

Normally, the rules of evidence in a mock trial case would include an objection for character evidence. This objection will not be available in this murder trial. This exclusion of this objection is done to maximize the amount of evidence that can be used against any witness.

# **Case Summary and Theories of the Case**

# Case Summary

Dr. Mary Carson, age 67, was a general practice physician who ran a family clinic in Garden City, Kansas. She had two employees working for her in the beginning of 2025. They were the office secretary/administrative assistant, and a physician's assistant.

On February 1, 2025, the secretary/administrative assistant quit in order to move to Kansas City for another employment opportunity. Dr. Carson attempted to find a replacement secretary but had a great deal of difficulty filling the position due to the low number of available candidates in Garden City. Garden City, with a population of only 27,000, was experiencing a chronic outflow of young people leaving the small town for the "big city."

The physician's assistant was a good friend of a psychologist Sage Martin, who worked at a counseling and rehabilitation clinic at the other end of the city. When the good friend and physician's assistant Kerry Moore met for lunch in late March, 2025, the good friend suggested the clinic hire Dana Walker.

Dana was 18 years old and a client at the counseling and rehabilitation clinic. Dana asked the psychologist for help finding a job and agreed to let the psychologist tell interested employers about her theft convictions and reasons for being at the counseling and rehab clinic. Dana was there due to a court order to be treated for issues associated with a recent petty theft conviction which was Dana's second conviction in a few months. The court ordered Dana to the counseling and rehabilitation clinic as a condition of probation to address any issues associated with kleptomania, which is a mental health disorder characterized by a

persistent and irresistible urge to steal, despite the absence of any economic motive or need for the stolen items.

After meeting with Dana, the psychologist felt the court's concerns about kleptomania were overblown and not substantiated, and that Dana had actually taken food items because Dana had little or no money to pay and was hungry. The psychologist felt Dana was a good person who was down on Dana's luck and would be a great employee at the medical clinic.

Based on the recommendation of the physician's assistant, Dr. Carson hired Dana on March 31st, and Dana started working for the clinic on April 1st, 2025. After six months on the job, Dr. Carson noticed some discrepancies in the clinic bank accounts. On Wednesday, October 1, 2025, Dr. Carson advised Dana and the physician's assistant that she would be having her accountant come in and look at the clinic financial records the following week on Friday, October 10, 2025.

On Wednesday, October 8th, 2025, Dr. Carson was with a patient at about 2:30 pm in one of the clinic examination rooms. At that time, Dr. Carson fell ill and was taken to the local hospital. The physician's assistant stayed with Dr. Carson throughout the night and into the next day. Dr. Carson passed away the following morning on October 9th, 2025. There was no physical appearance of foul play regarding Dr. Carson's death.

However, four days later the coroner released a toxicology report regarding Dr. Carson. The toxicology results indicated there was a very high level of the drug Colchacine found in Dr. Carson's body. Colchacine is a medication used in the treatment of gout. This was unusual because Dr. Carson never suffered from gout and was not known to have ever taken or needed this medication. The coroner ruled the death a homicide, and the cause of death was poisoning by ingesting Colchacine.

A Garden City Police Department detective went to Dr. Carson's clinic business and found opened packaging materials in the trashcan next to Dana's desk. Inside the packaging materials the Detective found medication guide forms for the safe use of the drug Colchacine. Dana's fingerprints were later found on the packaging materials found in the trashcan.

The detective then searched the clinic computer on the secretary desk which was used by Dana. The detective found three searches on the computer for the drug Colchacine which were all dated October 2nd, and then located an order that was placed to purchase the same drug on October 3rd. The drug was delivered to the clinic shortly thereafter.

The detective called Dana and asked Dana to come to the clinic. When Dana arrived at the clinic, the investigator searched Dana's car and found a plastic bottle with pills in the car under the front passenger seat. The pills were later tested and it was confirmed that the pills were in fact, the drug Colchacine. Dana's fingerprint and DNA consistent with Dana's DNA were also found on the outside of the plastic bottle. No other DNA was detected.

Dr. Carson's accountant assisted the detective and searched the office computer used by Dana for financial discrepancies. The accountant found that \$45,500 was transferred from this clinic computer to an account at a bank in Garden City. The account at this bank was for a medical company that did not exist. The detective then served a search warrant on the bank and found that \$45,500 had been taken out of the bank account via ATM withdrawals over the past six months.

Dr. Carson always brought an energy drink container to work with her each day, and would drink its contents during the day. This container was tested for the drug Colchacine and residue of the drug was found in the container. According to the

People's expert, Dana was the only person in a position to put the drug into Dr. Carson's energy drink container on October 8th, 2025.

A few weeks later, Dana Walker was arrested and later charged with the murder of Dr. Carson and grand theft of \$45,500.

## **Theories of The Case**

### **The Prosecution**

Dana Walker, the defendant in this case, worked at a medical clinic in Garden City, Kansas for Dr. Mary Carson. During the six months the defendant was employed at the clinic, the defendant stole \$45,500 from Dr. Mary Carson's clinic, via transfers from the computer the defendant was assigned to work from at the clinic office. When Dr. Carson told the defendant that she found some financial discrepancies and was calling in her accountant to review the records the following week, the defendant panicked and took steps to kill her to hide the theft of the money.

The very next day after being advised by Dr. Carson of possible financial discrepancies, the defendant searched the clinic work computer assigned to the defendant for information about a medication called Colchacine. This medication, used for the treatment of gout, could be lethal if given in a large enough quantity to cause an overdose, and was especially dangerous for people over 65 years of age. Dr. Carson was 67 years old on October 1, 2025. One day later on October 3, 2025, the defendant ordered this gout medication via the defendant's work computer. The medication was received by the clinic two days later on October 5, 2025.

On October 8<sup>th</sup>, the defendant placed a lethal dose of this medication into Dr. Carson's energy drink container during the lunch hour when the defendant was the only one in the clinic office. Dr. Carson drank the contents of the cup after returning from lunch as was her custom, and within two hours experienced nausea, vomiting, and fell to the ground convulsing while in one of the clinic examination rooms with a patient.

Dr. Carson was rushed to the hospital where she eventually died the following morning. There were no visible

signs of trauma or injury on Dr. Carson's body and an autopsy did not reveal any internal causes for her death. A toxicology report was ordered to determine if there was another cause of death.

The coroner's toxicology report revealed that a large amount of the medication Colchacine was found in Dr. Carson's body. Dr. Carson did not have gout and was not known to be taking this drug. The People's expert came to the conclusion that the visible symptoms of an overdose from this drug would be expected to appear within one to two hours of ingesting the drug.

A search of the defendant's car on October 12th revealed a plastic container with several pills inside. Those pills were tested by the coroner's office and found to be Colchacine. The defendant's fingerprints and DNA consistent with the defendant's DNA were found on the outside of the pill container. No other DNA was detected. The defendant's fingerprints were also found on the packaging for the Colchacine delivery found in the trashcan next to the defendant's desk.

\$45,500 of the clinic's money was sent to an account at a bank in town, and the account was for a fake company. The defendant's work computer was used to send this stolen money to the bank. That bank account was set up at the bank one week after the defendant started working at the clinic.

In conclusion, the defendant stole \$45,500 from Dr. Carson, poisoned Dr. Carson in order to avoid discovery of the theft, and is guilty of murder and grand theft of \$45,500.

## The Defense

Dana Walker was set up by Dr. Carson's physician's assistant Kerry Moore to take the fall for the theft and the murder. A twice convicted thief would be the first and only suspect for the theft of \$45,500. A twice convicted thief would also have the only motive to kill to avoid being caught.

Dana had fallen on hard times. Dana lost a job at the Walmart Superstore due to a dispute with a customer that resulted in the manager firing Dana. About three weeks later, Dana was evicted from Dana's apartment and was living out of Dana's car, on people's couches, and in shelters on cold nights.

On December 12, 2024, Dana was low on cash and hungry, and stole some food items from Dillons Supermarket. Dana was caught as Dana exited the store, later convicted of petty theft, and ordered to complete 20 hours of community service.

On February 6th, 2025, again hungry and this time out of cash, Dana stole food items from the Savan Market, was again caught, pled guilty to a second theft, and ordered by the court to complete one month of psychological therapy for kleptomania, along with other conditions of probation.

Dana completed the one month of therapy and asked the psychologist for help finding a job. The psychologist, Sage Martin, approached Kerry Moore and asked Moore if there were any job openings anywhere that Kerry might be aware of. Moore indicated there was a need for a secretary/admin assistant at the clinic.

Moore then recommended Dr. Carson hire Dana. Moore did not tell Dr. Carson about Dana's two theft convictions, which knowing Dr. Carson, would have resulted in Dana not being hired. The first part of the set up was complete.

Dana was given a work area in the clinic which was in the front of the business. There was a common computer on the desk which Dana, Moore and Dr. Carson all had access to while in the business. There were many times Dana had to wait to do assigned work because Moore was working on the computer. This was a constant issue and problem.

Transfers moving clinic money to a fake business account at a bank in town were made on this computer by Moore during many of these work interruptions. The second part of the set up was complete.

After Dr. Carson informed Dana and Moore of the possible financial discrepancies and that an accountant would look at the clinic books on October 10th, computer searches were made on the shared business computer by Moore for the drug Colchacine. The searches were made during the times when both Dana and Moore were in the office. When drugs were received by the clinic, Dana was the one who opened the delivered items. As a result, her fingerprints were found on the Colchacine drug delivery packaging that was found in the trashcan next to Dana's desk. The third part of the set up was complete.

On October 8th, Dana was in the clinic alone during the lunch hour. However, according to the defense expert, the drug found in Dr. Carson's blood could have been placed in Dr. Carson's energy drink container as early as 4-6 hours before. Since Dana arrived late that morning, the only two people in the clinic were Moore and Dr. Carson. This gave Moore the opportunity to place the drug in Dr. Carson's drink at any time before Dana arrived at the office.

On October 12th four days after Dr. Carson's death, Dana was ordered to come to the clinic. Dana's car was searched by the detective and a container of drugs found under the passenger seat of Dana's car. Dana did not place the container in the car. The container did have Dana's fingerprints and DNA

on it which would be expected to be there since Dana handled all drug and mail deliveries.

Dana always parked Dana's car in the parking space right in front of the office work station assigned to Dana. And the remote control door key fob was always left in Dana's bag next to the computer. This gave Moore the opportunity to open the car door from within the building with a quick click and once opened, place the drug container under the seat of the car. And since this was a medical office, it would be very easy for Moore to obtain and wear medical gloves to prevent any DNA from getting onto the pill container during the transfer. The fourth part of the set up was complete.

Dr. Carson's energy drink container was found by the forensic team in the office refrigerator and tested positive for Colchacine residue. Having the container still in the refrigerator was the fifth part of the set up and was now complete.

Now who would steal money from a business account using the business' computer assigned to Dana, search for a drug to kill on the same computer, order the killing drug on the same computer, handle a drug delivery leaving prints on the packaging and DNA on the drug container, leave the packaging material for the drug in a trash can next to their desk, hide the drug container in their car, and leave an energy drink container with the drug's residue in it at the clinic to be found later?

Such circumstances would mean either Dana Walker was the most inept thief and murderer in the history of criminal conduct, or Dana was set up from the beginning by Moore to take the fall for everything.

The defense asserts the latter is the truth. Dana Walker is not guilty of the theft and the murder. Moore is the real thief and killer.

# **Prosecution Witness Statements**

## PROSECUTION WITNESS STATEMENTS

### Statement of Kerry Moore

1 My name is Kerry Moore. I am 32 years old and was born and raised in Garden  
2 City, Kansas. I attended Garden City High School and then attended Kansas State University  
3 in Manhattan, Kansas, majoring in biology. I then attended Kansas State University's 27  
4 month long Physician Assistant Program where I received a Master of Science in Physical  
5 Assistant Studies (MSPAS) Degree. I was then certified by the National Commission for  
6 Certification of Physician Assistants (NCCPA), and licensed by the state board of medical  
7 examiners.

8

9 Upon receiving my license, I was hired by Dr. Carson at her clinic in Garden City, Kansas. I  
10 chose to return to Garden City because I liked the slower pace and did not like the larger  
11 cities. Everybody knows everybody in Garden City. I worked for Dr. Carson for six years up  
12 until her tragic death. I miss her a lot.

13

14 I met Sage Martin at Kansas State. We were both in the science departments and hit it off  
15 immediately. We were even roommates for one semester in our junior year. We maintained  
16 our friendship over the years and both ended up in Garden City working in our chosen  
17 fields. Who would have thought, right? We did our best to get together every few months to  
18 catch up and enjoy each other's company. During the last week of March, 2025, March 26th  
19 to be specific, I met Dr. Martin for lunch at our favorite restaurant, the Garden City  
20 Steakhouse on Fulton Road. They have the best steaks in town. We spent about an hour  
21 catching up on things since our last lunch.

22

23 Towards the end of our lunch, Sage mentioned a client named Dana Walker. Sage said that  
24 Dana had fallen on hard times and was in need of a job. I told Sage what a coincidence,  
25 since our clinic was looking for a secretary/administrative assistant. The job did not require  
26 a lot of prior experience and training. Basically the clinic job would be answering phone  
27 calls, making appointments for clients, and doing the office clerical work.

28

29 With Dana's permission, Sage then gave me more details about Dana's background. Dana  
30 had been convicted of petty theft two times. Even though the thefts involved stealing food  
31 to eat, the judge in the second theft case thought Dana was a kleptomaniac and ordered  
32 Dana to complete one month of therapy. Dana came to Sage and the two met for several  
33 sessions. Sage's conclusion was that Dana was not some crazy thief but a young kid  
34 experiencing tough times who made a couple mistakes. Sage felt Dana would make a good  
35 employee at Dr. Carson's clinic.

36

37 I was apprehensive about this from the start. I knew that if Dr. Carson knew about the  
38 thefts, she would never hire Dana no matter how desperate we were to fill the secretary/  
39 admin assistant position. With drugs and money coming through the clinic, she could never  
40 trust such a person. But people make mistakes and sometimes they just need a second or  
41 in this case a third chance. Sage pushed really hard to have the clinic hire Dana. After  
42 several minutes of discussion, I reluctantly decided to trust Sage's opinion and  
43 recommended Dana to Dr. Carson. However, I did not tell Dr. Carson about the prior theft  
44 convictions. Dr. Carson hired Dana immediately on March 31st. Dana started working at  
45 the clinic the next day.

46

47 I met Dana on April 1st, and I found Dana to be a nice person. Dana was pleasant but at  
48 times very quiet and reserved. Over the course of the next few weeks, when Dana did

1 speak out, it was many times to complain about money and living out of Dana's car. I could  
2 relate to this because I found myself strapped for cash on many occasions due to the ups  
3 and downs in the stock market. I really enjoyed day trading in stocks. Day trading is where  
4 a person would watch the stock market during the day and buy and sell stocks as they  
5 moved throughout the day. A person could make a lot of money quickly, but also lose  
6 money just as fast. I never gambled with more than a few thousand dollars at a time, but  
7 there were times where I made good money, and other times where I lost a bit more than I  
8 should. It helped me play with my little gambling addiction.

9

10 When I saw stocks that were good purchases for me, I would jump on the computer at  
11 work, open my account, make the trades and then go back to work. I know this was not  
12 the right thing to do but I did not have the opportunity to do otherwise. Sometimes Dana  
13 and I would battle for use of the office computer on her desk, mostly in the morning work  
14 hours when stocks were hot and moving.

15

16 Because of Dana's tough living and financial conditions, I decided to help Dana. In late April,  
17 I cosigned a month-to-month lease on a studio apartment for Dana to help Dana get back  
18 on Dana's feet. I know it was a risk but felt I needed to help. I also knew Dana needed to  
19 start building credit so I took Dana to the Western State Bank branch where I do my  
20 banking and helped Dana set up a savings and checking account. Dana seemed very  
21 unfamiliar with this form of banking and had mainly used the cell phone for money  
22 transactions. Dana thanked me for the help with the studio apartment and the banking  
23 setup.

24

25 On October 1, 2025, Dr. Carson approached Dan and I and told us that she noticed some  
26 discrepancies in the clinic's financial accounts. Dr. Carson was going to have her  
27 accountant come in on Friday, October 10th to look over the accounts and figure out the  
28 discrepancies. I did not think much of this statement since the clinic's financial transactions  
29 were all done through either the computer in Dr. Carson's office or through the office  
30 computer on Dana's desk. All three of us could access either computer since we each had  
31 the passwords. It was probably just typographical errors by the bank. That has happened  
32 several times in the past few years.

33

34 On Wednesday, October 8th, 2025, I arrived for work at about 7:30 am. Normally Dana is  
35 already there working and opens the office since we all have keys to the clinic. But Dana  
36 had not arrived at that time. I came in a few minutes early to check the stocks on the office  
37 computer while no one was in the office. I placed a few trades and Dr. Carson walked into  
38 the office at about 8:00 am. As Dr. Carson was heading to her office, she said, "Be a dear  
39 and put my drink in the fridge."

40

41 Dr. Carson always came to work carrying a large energy drink container which she would  
42 put in the office refrigerator. She would drink about half of the liquid before seeing her first  
43 patients at 8:30 am, and then finish the second half after lunch before seeing her patients in  
44 the afternoon at 1:00 pm. I placed the container in the refrigerator as Dr. Carson stood by in  
45 the doorway looking at her cell phone messages. Dana arrived that day late at about 8:30  
46 am. Something about water not working at her apartment. Dr. Carson and I left for lunch at  
47 about 11:45 am and returned together about 1:00 pm. Dr. Carson started to head for the  
48 examination room to meet her first patient, then stopped, smiled, and headed to the  
49 refrigerator and finished her energy drink.

50

51 At about 2:30 pm., I was in the second clinic examination room and heard a kind of thud.  
52 The patient in the next room with Dr. Carson yelled for help. As I entered the room I saw Dr.  
53 Carson on the floor and she appeared to be very ill. She vomited and was on the ground

1 convulsing while holding her stomach area, and said she was very nauseous and could not  
2 stand up. She was very pale and there was a grayness on her lips.

3

4 I yelled for Dana to call 911 and paramedics arrived in minutes. They took Dr. Carson to the  
5 hospital and I followed in my car. I told Dana to stay and watch over the clinic. I told Dana I  
6 would update Dana as I knew more. At the hospital Dr. Carson's condition stabilized in the  
7 emergency room for a short time, but then deteriorated over the next several hours. She  
8 was moved to the intensive care unit where I stayed with her throughout the night. At 5:30  
9 am the next day, Dr. Carson died. My heart broke. I cried for a long time as I sat with her in  
10 the ICU.

11

12 I called Dana and informed Dana that Dr. Carson passed away. Dana did not say much in  
13 the phone call. Dana asked a few questions about how this could happen but I had no  
14 answers. Dana seemed very cold on the phone. No one went to the office for the next four  
15 days. We were all in shock. Four days later on October 12th, Detective Robbin Wilson  
16 called me and asked to meet at the clinic. Detective Wilson and I both attended the same  
17 high school in town. We have known each other for many years and would each consider  
18 the other a very good friend. Upon arrival, the detective and I went into the clinic. I was  
19 asked if I knew anything about the drug Colchacine. I told the detective that it was a drug  
20 for the treatment of gout and asked what this was all about.

21

22 The detective informed me that the detective was now investigating the death of Dr. Carson  
23 due to an overdose of Colchacine. I was shocked. I told the detective I had only had one  
24 case of gout in the clinic, but that was several years ago. I did not recall if we ordered or  
25 prescribed that drug for the patient. Maybe Dr. Carson did so without my knowledge for  
26 other patients. When orders were placed they would usually be done through Dana's  
27 computer on the desk there, pointing it out for the detective. The detective asked me to  
28 turn on the computer which I did. The detective asked if it was ok for the detective to look  
29 at the computer for any information involving the drug Colchacine. Of course I said it was  
30 ok to do so. The detective then searched the computer.

31

32 The detective looked in the trashcan next to Dana's desk and there was some packaging  
33 material. The detective put on some gloves and pulled the packaging material out of the  
34 trashcan, pulled it apart and looked at some paperwork contained in the packaging  
35 materials. Then the detective put all of it into a plastic bag. I showed the detective where  
36 drugs were stored in Dr. Carson's cabinet in her office. Then the detective asked to search  
37 my car that I purchased on August 1, 2025, a new Hyundai Elantra. I had to replace my old  
38 car which was totaled in an accident in late July. I said yes because I had nothing to hide. I  
39 suggested the detective search Dana's car as well. The detective searched Dana's car  
40 and found a container of drugs under the passenger seat of the car. I saw the  
41 detective place this container in a plastic bag.

42

43 A forensics team arrived later and started going through the clinic. I was asked to explain  
44 the energy drink container in the refrigerator. I left a few minutes later. I am deeply sadden  
45 by the death of Dr. Carson. I am shocked that Dana has been charged with her murder and  
46 the theft of \$45,500. I can't help feeling guilty that this was all my fault. If I had not brought  
47 Dana into the clinic as an employee, Dr. Carson would still be alive.

## Statement of Detective Robbin Wilson

1 My name is Robbin Wilson. I am 32 years old. I am currently employed by the Garden City  
2 Police Department as a detective. I was born and raised in Garden City and attended  
3 Garden City High School. Then I went to Fort Hays University in Kansas and obtained a  
4 bachelor of science degree in criminal psychology. In 2015, I attended the Kansas Law  
5 Enforcement Training Center (KLETC) and graduated at the top of my class. Two weeks later  
6 I started work as a patrol officer for the Garden City Police Department. I moved up to  
7 detective five years ago and have enjoyed that assignment very much.

8

9 On October 12th, 2025, my lieutenant in the detective bureau contacted me and assigned  
10 me to handle a homicide case. What an honor. This was the first homicide case assigned to  
11 me as the lead detective. I took this honor seriously and worked hard to do a good job. It  
12 was my goal to solve this case as quickly as possible.

13

14 The victim was one Dr. Mary Carson, age 67. According to the coroner's toxicology report,  
15 Dr. Carson had died from an overdose of the drug Colchacine. I researched the drug and  
16 found out that it was used to treat gout. According to the medical records for Dr. Carson,  
17 she never had gout and was never prescribed this drug. Based on this information, the  
18 coroner determined the death a homicide due to poisoning by the drug Colchacine.

19

20 I began my investigation by calling Kerry Moore, one of the clinic employees and asked  
21 Kerry to please come down to the clinic so that I could investigate the premises. On  
22 October 12th, 2025, I arrived at the clinic at approximately 3:00 pm. Kerry Moore arrived a  
23 few minutes later at approximately 3:10 pm. I have known Kerry for many years. Small  
24 towns are like that. Everyone knows everyone else. We went to the same high school and  
25 played basketball together for four years on the school's team. I would not say that we  
26 were close friends, but we were more than just acquaintances. I have great memories of our  
27 games together. But Kerry at times could be a real pain. Kerry tended to spend more  
28 money than Kerry had and was always mooching money off of everyone else. Now many  
29 years later, it was good to see Kerry had a good profession and could afford the things  
30 Kerry needed.

31

32 I asked Kerry to describe what happened at the clinic on October 8th. Kerry told me almost  
33 all of the information contained in Kerry's statement about the day and the theft information  
34 about Kerry. However, Kerry left out the information about Kerry's day trading. In a follow-  
35 up phone call with Kerry on October 13th, Kerry informed me that Kerry did not mention it  
36 because Kerry did not think it was important to the investigation.

37

38 I asked Kerry what Kerry knew about the drug Colchacine. Kerry related that the drug was  
39 used to treat gout. Kerry told me that Kerry had only had one case of gout in the clinic, but  
40 that was several years ago. Kerry did not recall if the clinic ordered or prescribed that drug  
41 for the patient. Maybe Dr. Carson had other cases and ordered the drug without Kerry's  
42 knowledge. I was a bit surprised Kerry knew about the drug since Kerry had not treated  
43 anyone for gout in several years and that was only one case. Seemed like an obscure drug  
44 to know about.

45

46 I asked Kerry if I could look at the office computer. Kerry said absolutely and signed into  
47 the computer on the desk in the front office area. Kerry said this was Dana's computer in the  
48 office. Dana, I was told, was the office secretary/administrative assistant. The first place I  
49 looked in the computer was the search history. I did this because many times suspects  
50 search for information that will help them in committing crimes. There I located three  
51 searches conducted on October 2, 2025 for information on the toxicity and overdoses for

1 the drug Colchacine. The searches were at different times of the morning. Those search  
2 references are contained in Exhibit One.

3

4 The first search occurred at 9:00 am and title of the search was poisoning by Colchacine.  
5 The second search occurred at 10:20 am and the title of the search was overdose  
6 symptoms for Colchacine. The third search occurred at 11:30 am and the title of the search  
7 was treatment for Colchacine overdoses. Then I searched for recent drug purchases and  
8 found an order for Colchacine placed from this computer on October 3rd, 2025. The identity  
9 of who completed the searches and ordered the drug was not found in the computer  
10 search.

11

12 I looked around the desk for anything that might relate to the drug purchase and observed  
13 some packaging material in the trashcan next to Dana's desk. There I saw a brown bag  
14 material crumpled up in the bottom of the trashcan. I put on my rubber gloves and one  
15 tore, so I asked Kerry for one from the office and Kerry provided it to me. Then I seized the  
16 bag. I unwrapped the bag and saw a form inside the bag. The form was a medication  
17 guide for the safe use of the drug Colchacine. I placed the form and outer bag into a clear  
18 plastic bag I brought, sealed it, and marked it as evidence. Fingerprints later found on the  
19 outer bag belonged to Dana.

20

21 I asked Kerry where any ordered drugs would be kept in the clinic. I was directed to a  
22 cabinet in Dr. Carson's office. The cabinet was locked and had two clear glass doors on it.  
23 I looked through the glass and did not see any plastic containers with the title Colchacine  
24 on them. I then called Dana and told Dana that I needed to speak to Dana immediately and  
25 for Dana to come to the clinic.

26

27 Next, I asked Kerry if I could search Kerry's vehicle. Kerry handed over the keys and said  
28 yes. The two of us went to the parking lot and I entered and searched Kerry's vehicle which  
29 was a 2025 Hyundai Elantra. The vehicle had been purchased by Kerry in August, 2025.  
30 Nothing was found that related to the investigation. I handed the keys back to Kerry. Kerry  
31 told me that I should probably search Dana's car too and said that you never know what  
32 you might find. Another odd statement from Kerry.

33

34 Just then, Dana drove up and parked directly in front of the office where her desk was  
35 located and then entered the clinic. I asked Dana about the packaging in the trashcan.  
36 Dana said that Dana opens all the arriving mail and packages for the office and handles  
37 them from there. Dana recalled receiving this package and there was a drug container  
38 inside. Dana took the drug container and using Dr. Carson's key on her desk, put the  
39 container into the drug cabinet in Dr. Carson's office and re-locked the door. I asked Dana  
40 about the computer searches and the Colchacine purchase information. Dana said Dana  
41 did not know anything about those things. I asked Dana to please show me the drug  
42 container in Dr. Carson's office. When we arrived in Dr. Carson's office, Dana could not find  
43 the Colchacine drug container in the cabinet.

44

45 I told Dana I wanted to search Dana's vehicle. Dana handed over the key fob and I  
46 unlocked the vehicle door and entered the vehicle. I still had my plastic gloves on at  
47 this time. The vehicle was a mess. It looked like someone had been living out of it for  
48 a time. The back seat and trunk had various clothing and trash items strewn about  
49 and many personal items. A very unorganized and sloppy looking vehicle. When I  
50 reached under the front passenger seat, I felt a round object. When I pulled it out, I  
51 found it was a plastic container that one would use for medicine. The label appeared  
52 to have been torn off. There were several pills in the container. I took custody of the

1 plastic container and placed it into another separate evidence bag for later testing. I  
2 then gave the vehicle key fob back to Dana. As I put the plastic container in the  
3 evidence bag, Dana said, "Where did that come  
4 from?" Believing the container found under the seat was the one missing from the  
5 clinic drug cabinet, I obtained a search warrant from the court and had the drugs  
6 tested by the coroner's office to determine conclusively what drug was in the  
7 container.

8

9 The police forensics team arrived at about that time to process the clinic for possible  
10 evidence. In the clinic refrigerator, I saw the technician seize an empty plastic bottle. I  
11 asked Kerry about the bottle and was told that it was the energy drink bottle that Dr. Carson  
12 brought to the clinic every day. She would drink half of it in the morning and the other half  
13 after lunch.

14

15 The energy drink bottle found in the clinic's refrigerator was tested by the coroner's office  
16 and traces of the drug Colchacine were found in it. The coroner's office also tested the  
17 pills in the plastic container found under the front seat of Dana's vehicle and the  
18 results were positive for the drug Colchacine. DNA consistent with Dana's DNA and  
19 Dana's fingerprint were also found on the outside of the plastic container found under  
20 Dana's vehicle seat. No other DNA was detected on the pill container.

21

22 On October 14th, I asked Dr. Carson's accountant to audit the clinic financial records. On  
23 October 20th, Dr. Carson's accountant provided me with a report regarding possible  
24 missing money from the clinic. Starting two weeks after Dana was hired, money was  
25 transferred via the office computer assigned to Dana from the clinic bank account to an  
26 account at Landmark National Bank on Main Avenue. The account at Landmark National  
27 Bank was for a fake company that did not exist.

28

29 I obtained a search warrant from the court and the accountant and I went to the Landmark  
30 National Bank to search their account records for the fake account, search for video or  
31 photos of the ATM withdrawals, and speak to the account representative who created the  
32 fake account in the hopes of identifying who created the account. The search of the bank  
33 account revealed that monies were drawn out of the Landmark National Bank account from  
34 an ATM next to the bank. All of the ATM withdrawals were done at night in the dark. The  
35 lighting in the area was very poor and the person making the withdrawals wore a dark heavy  
36 hoodie that hid the person's face. The size and shape of the person in the hoodie matched  
37 the size and shape of Dana. The person also was close to the size and shape of Kerry as  
38 well. The amount of loss was \$45,500. The person who set up the fake account at the  
39 Landmark National Bank used a fake name and false identification which was confirmed via  
40 a check of DMV records.

41

42 I reviewed the report from the coroner regarding the coroner's opinion as to when the drug  
43 could have been ingested by Dr. Carson. The overdose symptoms for this drug usually  
44 appear about one to two hours after ingestion. This would mean Dana was in the office  
45 alone over the lunch hour and had the opportunity to place the drug into the half empty  
46 energy drink container.

47

48 On October 30th, 2025, I presented my findings, witness statements, and reports to the  
49 Finney County District Attorney's Office. On November 4, 2025, the District Attorney Office  
50 filed murder and grand theft charges against Dana Walker. Dana was arrested the following  
51 day.

## Statement of Kris Nelson

1 My name is Kris Nelson. I am 46 years old. I am a Certified Public Accountant living in  
2 Garden City, Kansas. I received my undergraduate degree from the University of Kansas in  
3 2002. I successfully completed the Uniform CPA Examination in 2003 and opened up my  
4 accounting practice a few months later. I am a sole practitioner and have many clients in  
5 the Garden City area. One of my long-term clients was Dr. Mary Carson.

6  
7 I started handling Mary's taxes and various business records in 2004. Mary ran a very  
8 successful medical clinic in town. However, her record keeping left a lot to be desired.  
9 When I would be called in to conduct an audit of the accounts every two years, it always  
10 took a lot longer to reconcile the business records because of numerous entry errors by  
11 office personnel. I tried to provide training sessions here and there for the staff, but the  
12 quality of the secretary/administrative assistant employees' organizational skills was not  
13 that high. The two employees as well as Dr. Carson were known to make errors all the time.

14  
15 On Tuesday, September 30th, 2025, I received a call from Mary asking for an audit of her  
16 financial records. This was unusual because I had completed an audit the previous  
17 February. Everything seemed in order at the time, a first. Mary was noticing some  
18 discrepancies in the bank account records and asked me to stop by and take a look.  
19 Unfortunately I was out of town on vacation and I told Mary I was not available until October  
20 10th. We agreed on that date and I marked my calendar.

21  
22 I was shocked when I heard that Mary had passed away on October 8th. I was even more  
23 shocked when I received a phone call from Detective Wilson on October 14th to come into  
24 the clinic office and review the financial records for the clinic and computer files. On  
25 October 14th I went to the clinic office and began a review of the clinic financial records. I  
26 searched the clinic computer located in the front of the business for bank transactions. I  
27 reviewed the bank statements via the same computer.

28  
29 I found that starting on April 14, 2025, monies in increments of \$3,500 were being  
30 transferred out of the clinic bank account. Each transfer transaction occurred during the  
31 morning hours between 9:00 am and 11:30 am. This was done via this clinic office  
32 computer and not in person at the clinic's bank, and the transfers went to an account at the  
33 Landmark National Bank on Main Street. The monies were being transferred to the  
34 Landmark National Bank account with a name of Jonas Clinical Supplies. A check of the  
35 city business records confirmed this Jonas company did not exist.

36  
37 A search warrant obtained by Detective Wilson gave me access to the Jonas account  
38 records at the Landmark National Bank. I found that the monies transferred from the clinic  
39 to the Landmark National Bank were then transferred out of the Jonas account a few days  
40 later after each deposit via ATM withdrawals. The transactions were as follows:

41

42	Transfer Date	Amount	Withdrawal Date	ATM Withdrawal Amount
43	April 14	\$3,500	April 17	\$3,500
44	April 28	\$3,500	May 3	\$3,500
45	May 9	\$3,500	May 13	\$3,500
46	May 21	\$3,500	May 23	\$3,500
47	June 3	\$3,500	June 6	\$3,500
48	Transfer Date	Amount	Withdrawal Date	ATM Withdrawal Amount
49	June 17	\$3,500	June 20	\$3,500
50	June 28	\$3,500	June 30	\$3,500
51	July 9	\$3,500	July 14	\$3,500

1	July 23	\$3,500	July 26	\$3,500
2	August 6	\$3,500	August 9	\$3,500
3	August 20	\$3,500	August 22	\$3,500
4	September 12	\$3,500	September 15	\$3,500
5	September 25	\$3,500	September 29	\$3,500

6  
7 The total amount of loss for the above noted transactions was \$45,500. I next reviewed the  
8 Landmark National Bank records to determine who set up the Jonas account in the bank.  
9 The account was opened on April 10th, 2025, by a person named Ellis Frank and the bank  
10 new accounts manager setting up the account was Derrick Jones. When I tried to speak to  
11 Mr. Jones, I was informed that he unfortunately died in a car accident on July 25, 2025.  
12 Since this was a relatively small bank, there were no pictures or camera video of the bank  
13 new accounts area so the identity of who set up the Jonas account could not be  
14 determined. The Ellis Frank information proved to be fake as well according to a check of  
15 the DMV records by Detective Wilson.

16  
17 I next reviewed any ATM photos and/or videos for the above noted transactions. The bank  
18 had photos but no videos of the ATM transactions. Each ATM withdrawal was done at night  
19 and the lighting in the area was very poor. Also, the person making the withdrawals wore a  
20 dark heavy sweatshirt with a hoodie covering the head and face area. Neither the detective  
21 nor myself were able to clearly see the face of the person making the ATM withdrawals.  
22 Exhibit Three is an example of one of these ATM photos taken on April 14, 2025. All other  
23 photos appear in the same way.

## Statement of Doctor Chandler Hall

1 My name is Chandler Hall. I am 55 years old. I am the Coroner for Finney County, Kansas. I  
2 received my Bachelor's of Science Degree in Biology from the University of Kansas in 1992.  
3 I completed my medical training and residency at the University of Kansas School of  
4 Medicine in 1998. Later that same year, I received my certification from the American Board  
5 of Pathology as a forensic pathologist. A forensic pathologist is an expert in investigating  
6 and evaluating cases of sudden, unexpected, suspicious and violent death as well as other  
7 specific classes of death defined by law. I was hired by the County Coroner's Office that  
8 same year and eventually was selected to be the Chief Forensic Pathologist in 2010. I have  
9 held that position through today. I have performed 88 autopsies and assisted in 35 other  
10 autopsies. I oversee a staff of four other doctors, six criminalists and a clerical staff of ten.

11  
12 Our coroner's office also includes the County Crime Lab which oversees the testing of  
13 drugs, blood samples and tissues, and toxicology analysis for deceased persons. I oversee  
14 the crime lab and many times I am involved in the testing since we are such a small office. I  
15 have testified as an expert in court 68 times involving autopsies and cause of death issues.

16  
17 I received this case involving Dr. Mary Carson, age 67, on October 9th, 2025. It was a sad  
18 case. I have known Mary since I started with the coroner's office and consider her a good  
19 friend and mentor. During the autopsy, I noted that there were no external injuries to the  
20 body and a review of the internal organs did not reveal any type of injury which could result  
21 in her death.

22  
23 As a result, I requested toxicology testing be done to determine if there were any drugs  
24 present which could have contributed to Mary's death. Since this was such a good friend, I  
25 made sure to expedite the testing so it could be completed quickly. I also review all of  
26 Mary's medical history including any drugs she had been prescribed during the course of  
27 her life.

28  
29 The office was also given several evidence items to test. These items included mail  
30 packaging materials, an energy drink container, and a small pill container. These items  
31 were tested by the crime lab personnel and the results were as follows:

32  
33 The packaging materials contained fingerprints on the outside which were matched to a  
34 Dana Walker. The match was from a fingerprint obtained from an arrest record for petty  
35 theft in 2025.

36  
37 The small pill container contained a fingerprint on the outside which was matched to  
38 a Dana Walker. On the outside of the pill container DNA was found that was  
39 consistent with the DNA of the defendant and has a population frequency of one in 3  
40 billion. In layman's terms, this means that the odds of this DNA sample belonging to a  
41 person other than the defendant would be extremely low. The DNA sample used for  
42 comparison was also from the arrest record for petty theft in 2025.

43  
44 The energy drink container was tested for the drug Colchacine and though the container  
45 was empty upon receipt by the coroner's office, this drug was found in the residue on the  
46 inside of the container.

47  
48 On October 12th, I received Dr. Carson's toxicology results from my staff. The results found  
49 a very high level of Colchacine in her body. This drug is normally prescribed for the  
50 treatment of gout. Gout is a painful type of inflammatory arthritis. The drug decreases the  
51 inflammation and reduces the buildup of uric acid in the joints to relieve symptoms. The

1 drug is colorless and tasteless when placed in other liquids. Upon reviewing Mary's records,  
2 I did not find any previous diagnosis or treatment for gout. This drug should not have been  
3 in Mary's body.

4  
5 Colchacine can be deadly if taken in too high a quantity and is especially dangerous to a  
6 person over the age of 65. Some of the key signs for overdose include nausea, severe  
7 vomiting or diarrhea, stomach cramps or pain, paleness or grayness of the lips, tongue or  
8 palms, slowed breathing slowed or irregular heartbeat. A therapeutic amount of this drug  
9 for the treatment of gout would be 1.2-2.4 milligrams per day.

10  
11 The toxicology report for Dr. Carson indicated that the amount of this drug found in her  
12 bloodstream was 30 times the therapeutic dose. Such a high amount of this drug in a  
13 person's blood would far exceed a lethal dose. At least five peer reviewed scientific studies  
14 have confirmed that lethal doses of Colchacine have been reported in the 14-26 milligram  
15 range of ingestion. These studies which involved a review of 50 autopsies of overdose  
16 patients who ingested Colchacine, found the overdose symptoms appeared consistently  
17 within one to two hours of ingesting the drug.

18  
19 So if the dose in Dr. Carson's blood was high enough, the deadly effects of Colchacine  
20 overdose would have appeared within one to two hours according to these peer reviewed  
21 studies. 30 times the therapeutic amount would certainly fall into this category of danger. It  
22 is my expert opinion that Dr. Mary Carson died from an overdose of the drug Colchacine  
23 which entered her body approximately one to two hours before the onset of overdose  
24 symptoms displayed acutely at 2:30 pm.

25  
26 Given that the defendant was the only one in the clinic office and had access and  
27 opportunity to place the drug into Dr. Carson's energy drink container during the lunch hour,  
28 it is my professional opinion based on my training, experience and education, that the  
29 defendant placed the large amount of Colchacine into Dr. Carson's energy drink container  
30 sometime between 12:00 pm and 1:00 pm on October 8, 2025.

31  
32 Lastly, I strongly disagree with the opinion of Dr. Clark regarding when the onset of overdose  
33 symptoms would appear. The amount of Colchacine found in Dr. Carson's blood was very  
34 high. The symptoms would evidence themselves very quickly with such a high amount.  
35 Even in half the amount, such a dose would show several symptoms earlier in the day well  
36 before the onset of overdose symptoms at 2:30 pm. Even a half dose would place the dose  
37 in the range 13-16 milligram range which is an overdose amount. The symptoms would  
38 have been just as acute even with a half dose of the drug.

39  
40 Regarding Dr. Villa's medical license suspension, a four-month suspension is a very high  
41 penalty for violations in the medical profession. Though the State of Kansas does not make  
42 it a crime for a doctor to self-prescribe medication for themselves, the American Medical  
43 Association code of ethics states, "Physicians should not treat or write prescriptions for  
44 themselves or immediate family members." Since the actions of Dr. Villa involved a self-  
45 prescribed drug and auto accident, the Kansas Medical Board in my opinion rightly  
46 suspended Dr. Villa for this egregious ethical violation.

# **Defense Witness Statements**

## DEFENSE WITNESS STATEMENTS

### Statement of Dana Walker

1 My name is Dana Walker. As of the date of this trial, I am 19 years old. I was born in Dodge  
2 City, Kansas in 2007. I grew up in Dodge City and was raised by my mother. My father  
3 divorced her in 2011. In 2023 my mother passed away from cancer. I was now 17 years old  
4 and on my own. I had a small amount of savings and decided to start fresh in a new city. I  
5 drove to Garden City about 50 miles away. I was able to rent a bedroom with a family for a  
6 few months. I searched for a job and was hired by the Walmart Superstore on Gilbert Street  
7 in December, 2023.

8

9 My first work assignments involved stocking shelves and bagging customer groceries. In  
10 October, 2024, I was given the opportunity to work at the customer service desk. Things  
11 went well for a few weeks until November 5, 2024. On that day I had to deal with a very  
12 rude and abusive customer. When I refused to give a refund that I thought was not due, the  
13 customer yelled at me. I yelled back at the customer in an even louder voice and called the  
14 customer an idiot. My boss was in the office next to the customer service desk and heard  
15 me say this to the customer. My boss told me that Walmart does not treat customers this  
16 way no matter how rude they may be. I was fired on the spot. It was very unfair.

17

18 At the time I was fired, I was barely scraping by on the wages I earned at Walmart. I did not  
19 have enough money for the December rent and was evicted on December 1st, 2024. I tried  
20 to find another job but no one was hiring in the early winter months. I slept on couches of  
21 acquaintances, and quickly ran short of money. On December 12th, 2024, I was living out  
22 of my car during the day and in community shelters at night. I was cold, tired and hungry. I  
23 made a mistake and stole some food from the Dillons Supermarket. I was caught, arrested  
24 and taken to jail. I pled guilty to petty theft the next day in court. I agreed to a sentence of  
25 20 hours of community service and provided a DNA sample.

26

27 On February 6th, 2025, I was again hungry and this time out of cash. I stole food items from  
28 the Savan Market, was caught again, pled guilty for a second time, served four days in  
29 custody, and because the judge thought the thefts were due to a mental issue like  
30 kleptomania, I was sentenced to complete one month of psychological counseling in  
31 addition to other conditions of informal probation. I was released and referred to the offices  
32 of psychologist Dr. Sage Martin in Garden City.

33

34 I met with Dr. Martin several times during the months of February and March. I successfully  
35 completed the counseling required by the court. I asked Dr. Martin for help in finding a job.  
36 Since no one wanted to hire someone with two theft convictions, I told Dr. Martin it was ok  
37 tell prospective employers about my theft history and our counseling together. Dr. Martin  
38 would try to help. Dr. Martin advised that Martin met with a friend who worked at a medical  
39 clinic in town and they were in need of a secretary/administrative assistant. Really just a  
40 clerical job that did not require a lot of training or experience. I jumped at the chance to  
41 again be employed and off the streets. On March 31st I was hired by Dr. Carson and  
42 started on April 1st, 2025.

43

44 After a few weeks on the job, Kerry Moore offered to help me find a place to live. We found  
45 a small studio apartment near the clinic and Kerry even co-signed a month to month lease  
46 with me. Then at Kerry's suggestion, we proceeded to the Western State Bank where Kerry  
47 helped me set up a savings and checking account. I was not that good at banking and had  
48 never really even thought about trying to establish credit. I did my purchases with cash and  
49 through my cell phone. At the time, I thought this was very generous of Kerry.

1 Things went well for several months, though I was still strapped for cash all the time. I  
2 guess I complained about it too much to Kerry because Kerry eventually appeared to tune  
3 me out on the subject. My only problem with the work at the clinic was fighting Kerry for  
4 use of the office computer at my desk. Most mornings Kerry would jump on the computer  
5 any time I left the desk. I would have to wait several minutes for Kerry to finish whatever  
6 Kerry was doing and then get back to work. This went on for months.

7

8 In August I had enough money scraped together to move to a new one bedroom apartment  
9 near the office. Though I appreciated Kerry's help on the studio, I needed to be on my own  
10 and not tied to the lease with Kerry as a co-signer. I was now on my own again and  
11 independent and it felt so good.

12

13 Part of my job was to open the mail and process the mail contents for the office. If drugs  
14 were being delivered to the clinic, it was my responsibility to secure the drugs in the cabinet  
15 in Dr. Carson's office. I was permitted to use the key that Dr. Carson had on her key ring  
16 and which was usually left on her desk during business hours. I always made sure to lock  
17 the cabinet after every time I opened it.

18

19 On October 1st, 2025, Dr. Carson came into my work area and called Kerry over to speak to  
20 us. She told both of us that she noticed some discrepancies in the clinic bank accounts and  
21 would be calling in her accountant to look at the clinic records on October 10th. This was  
22 news to me because I was not involved with any of the clinic's banking activities. I knew my  
23 work computer had access to the clinic business accounts with the bank, but I was never  
24 involved in any of the transactions with the bank.

25

26 On October 8th, 2025, I was later for work. My studio had a water leak in the bathroom and  
27 I had to wait for the plumber to arrive and fix it. I finally got to work about an hour late at  
28 8:30 am. I set my bag down next to my desk as I did every day I have worked for the clinic  
29 since April 1st. I always did this so that I could grab my car key fob quickly in case I had to  
30 run an errand for the business. It is so nice to just be able to unlock the door to the car with  
31 the fob as I walked to the car. I could also keep my eyes up and looking for any suspicious  
32 people in the area. You can never be too careful.

33

34 The October 8th morning was uneventful, and even had its regular interruption by Kerry on  
35 my computer when I got up to go into the clinic's small kitchen at 10:00 am. I saw Dr.  
36 Carson in the kitchen and we chatted for a few minutes. She looked tired and pale. I then  
37 returned to my desk to wrestle with Kerry over the keyboard. Kerry and Dr. Carson left for  
38 lunch at about 11:45 am. I decided to stay in for lunch and read my e-mails and surf the  
39 internet on my phone. They both returned to the clinic at about 1:00 pm. I saw Dr. Carson  
40 first when she came into the kitchen and pulled her energy drink out of the refrigerator and  
41 finished off the second half of it as was her custom to do every day at work. After Dr.  
42 Carson finished the drink, she said, "I really needed that. I guess I'm just not feeling 100%  
43 today."

44

45 At about 2:30 pm, I heard Kerry yelling for me to call 911. I grabbed my phone and dial the  
46 number as I raced into the examination room. Dr. Carson was doubled over on the ground  
47 and vomiting. She looked really bad. But Kerry was just standing there doing nothing for  
48 several seconds. Then Kerry bent over to try and help Dr. Carson. The paramedics arrived in  
49 a couple minutes and began to help Dr. Carson. They took her to the hospital and Kerry  
50 drove with them in Kerry's car. I stayed behind to handle the office. The next morning Kerry  
51 called me and told me that Dr. Carson had died at the hospital. I was in shock. She was  
52 such a wonderful boss and person. I was at a loss and very upset. Kerry told me to not  
53 report to the office as everything was now up in the air.

1 On October 12th, I received a call from Detective Nelson and told I need to come to the  
2 office and speak to the detective. It was not a request and came off as an order. I was  
3 concerned and did not know what to make of the detective's harsh demeanor. I arrived at  
4 the office and parked in my usual spot right in front of my work desk. I always parked there  
5 so I could look out the clinic window see my car in the parking lot. I went into the clinic and  
6 was met by Detective Nelson and Kerry.

7

8 The detective asked me about some packaging material in my trashcan. I told the detective  
9 that I had received the package on October 5th, opened the package and then took the  
10 drugs that were in the package to Dr. Carson's office, used her keys to unlock the drug  
11 cabinet, placed the drug container in the drug cabinet, locked the cabinet door, and then  
12 placed the keys back on Dr. Carson's desk. I did not even bother to look at what drug it  
13 was because I didn't know one from another. They all looked the same to me.

14

15 The detective asked me about some computer searches done on my work computer on  
16 October 2nd and an order for the purchase of a drug on October 3rd. The detective told me  
17 the drug was Colchicine. I told the detective that I did not do any searches for drugs on  
18 October 2nd and did not order any drugs on October 3rd. The detective asked me to show  
19 the detective the drug container in Dr. Carson's office. When we arrived in Dr. Carson's  
20 office, I could not find the drug container in the cabinet. That was very strange. I know I  
21 put it right in front so everyone could see it quickly since it was a new arriving drug.

22

23 The detective then told me that the detective wanted to search my car. My messy, I  
24 used to live in car. I was embarrassed to have anyone look in my car, and was now  
25 frightened that the detective wanted to search it. The tone of voice from the detective  
26 was stern and harsh. I was scared and did not know what to do. I looked at the  
27 detective for about five seconds trying to decide what to do. Then believing I had no  
28 choice, I gave the detective my keys fob. The detective then searched my vehicle for  
29 about five minutes. When the detective came out of my car, the detective was holding  
30 a plastic container of pills. I had never seen that container before and did not know  
31 how it could have gotten in my car. I told the detective something like, "Where did  
32 that come from?"

33

34 A few weeks later I was arrested and charged with the murder of Dr. Carson and the theft of  
35 \$45,500! I could not believe it. I was shocked. What \$45,500 were they talking about? I  
36 am so angry and upset about this. As I look back on all the events that took place over the  
37 past six months, I believe I was set up from the beginning by Kerry. What better patsy than  
38 a down on your luck person with two recent theft convictions?

39

40 I did not steal any money from the clinic and I did not kill Dr. Carson. I would never hurt  
41 someone who took a chance on me when no one else would.

## Statement of Koda Johnson

1 My name is Koda Johnson. I am 62 years old. I have lived in Garden City Kansas for all my  
2 life. I am married and have three grown children. Over the past few years I have been  
3 experiencing pain and stiffness in the back, joints, hands and feet. In January, 2025, I went  
4 to Dr. Mary Carson's medical clinic because of these physical difficulties. After several tests,  
5 Dr. Carson confirmed I was suffering from Ankylosing Spondylitis. According to my  
6 diagnosis, Ankylosing Spondylitis is a systemic disorder characterized by inflammation of  
7 the axial skeleton, large peripheral joints, and digits, night back pain, and morning back  
8 stiffness. I was prescribed a non steroidal anti-inflammatory drug called Meloxicam. I take  
9 the drug daily to keep the inflammation down. The drug has been a godsend. I have a lot of  
10 relief now.

11  
12 I continued to see Dr. Carson on a monthly basis to make sure I did not have any adverse  
13 reactions to the drug and to monitor my pain management, and to treat other personal  
14 medical conditions that I do not wish to discuss at this time. I visited Dr. Carson's clinic on  
15 April 7th, 2025 and was pleasantly surprised to meet Dana, the new secretary for the clinic.  
16 Dana was such a joy to be around. Always pleasant and upbeat. Always met me with a  
17 huge smile which I appreciated very much. On days when I would wait for my appointment  
18 in the outer office, we would chat about life and world events. Dana was very young and I  
19 encouraged Dana to become more connected with what was going on in the world. I  
20 learned about the hard times Dana had been through and a little about her financial  
21 problems. Dana at times complained about money.

22  
23 This was in stark contrast to the previous secretary and Physician's Assistant Kerry Moore.  
24 I found both of them to be very aloof, cold and distant. Though professional, there did not  
25 appear to be a warm side to either of them. Kerry rarely said anything unless it was to crow  
26 about some recent stock killing Kerry had made.

27  
28 My last appointment was on October 8th at 2:15 pm. I arrived a few minutes early, checked  
29 in with Dana at the front desk area, and then took a seat. We chatted for a few minutes and  
30 then Dr. Carson came out and escorted me to one of the clinic's examination rooms. I  
31 immediately noticed Dr. Carson did not look well. She had a grayness about her face and  
32 looked a bit confused. When I mentioned this to her, she brushed it aside and said she was  
33 just having a "low day."

34  
35 At about 2:30 pm, Dr. Carson fell to the floor. She started vomiting and her body shook. I  
36 yelled out for someone to help. Kerry Moore came into the room, saw Dr. Carson on the  
37 floor and yelled out to Dana to call 911. I was down on the floor trying to help Dr. Carson.  
38 Kerry stood there for about five seconds, and then came down to the floor with both of us. I  
39 did not understand why Kerry would hesitate. But then again, it was only five seconds or so.

40  
41 The paramedics arrived in minutes and began treating Dr. Carson. I moved into the office  
42 area so as to not be in the way. I watched the paramedics wheel Dr. Carson out of the  
43 office and place her into an ambulance. They then drove off to the hospital with Kerry  
44 trailing in Kerry's car. Dana was in tears and very upset. I consoled Dana for several  
45 minutes and then headed home. The next afternoon I found out that Dr. Carson had died at  
46 the hospital.

47  
48 What a tragedy. Such a fine person. I was so sad. Then I learned several weeks later that  
49 Dana was charged with the murder of Dr. Carson and with stealing a large amount of clinics  
50 money. It could not be. This child is a shining example of goodness. I just could not see

- 1 Dana committing such terrible acts. I'm here to support Dana in any way I can and that is
- 2 why I prepared this witness statement for the court proceedings. I believe Dana is a person
- 3 of high integrity and strong character.

### Statement of Doctor Sage Martin

1 My name is Sage Martin. I am 32 years old. I am a licensed Psychologist. I attended  
2 Central High School in Kansas City, and then moved on to Kansas State University where I  
3 received my Bachelor of Science Degree in Psychology from Kansas State University. I  
4 completed my Masters Degree and PHD from Kansas State University as well in 2021. I  
5 moved to Garden City, Kansas and opened a practice in the city in late 2021.

6  
7 I first met Kerry Moore when we were at Kansas State in the science department. We got  
8 along well and formed a nice friendship. In our junior year, we were roommates for six  
9 months. I enjoyed being roommates with Kerry for the most part. Kerry was neat and  
10 organized, kept things clean in the apartment and was conscientious about my study time  
11 needs. Occasionally Kerry would get on my nerves though. It usually involved money.  
12 Kerry was always asking for loans. \$20.00 dollars here, \$40.00 there. Kerry always paid me  
13 back but at times I felt like an ATM machine. I mentioned that to Kerry one day and then  
14 Kerry stopped asking for money altogether.

15  
16 After I finished my PHD and moved to Garden City, I was pleasantly surprised to run into  
17 Kerry one day at the Walmart Superstore. Just like old times. Kerry even joked a bit and  
18 asked me for a twenty. Since re-connecting, we have gone to lunch about every two  
19 weeks.

20  
21 In February, 2025, the court referred a patient to me named Dana Walker. My statement  
22 today is being given at the request of Dana and she has waived any patient/doctor privilege  
23 associated with her treatment. Since Dana was indigent and living out of a car at the time  
24 of the referral by the court, the court paid for the counseling fees. The referral was for one  
25 month of counseling sessions to address a perceived theft issue with Dana, with one  
26 counseling session per week. Apparently, since Dana had picked up two theft arrests and  
27 convictions in a very short period of time, the judge in the second case believed Dana may  
28 be suffering from some type of mental condition like kleptomania.

29  
30 I met with Dana four times over the course of two months in February and March. I found  
31 Dana to be smart, engaging, honest and a kind young soul. Her thefts were not the  
32 manifestation of a mental disorder like kleptomania. They were the result of hunger which is  
33 a disease of the body, not a disease of the mind. In then end our last two meetings were  
34 casual and actually fun. I completed my report for the court and submitted it on March  
35 28th.

36  
37 I knew Dana was struggling both financially and emotionally being all alone in living out of a  
38 car. Dana asked me to help Dana find a job since Dana was having trouble in Dana's own  
39 words "getting an employer to take a chance on a twice convicted thief." I told Dana I  
40 would do my best to help and Dana said it was ok to tell people who might hire Dana about  
41 the two theft convictions and the counseling.

42  
43 On March 26th, 2025, I met Kerry for lunch at our favorite restaurant and as always it was  
44 like old times. I even had to pay the tip. Yup. Just like old times. Anyway, I brought up the  
45 subject of Dana. I explained Dana's circumstances and asked Kerry if Kerry was aware of  
46 any businesses in the area that might consider hiring Dana for a job. Kerry indicated that  
47 Kerry's clinic desperately needed a secretary/administrative assistant. Kerry said the job  
48 was mostly clerical and a person could start with minimal on the job training.

49  
50 Right away, Kerry seemed very interested in having Dana hired at the clinic. Kerry said  
51 should would "be perfect" for the clinic's needs. I was so happy that Kerry felt this way. I

1 understand the two of them met shortly thereafter and Dana started working at the clinic on  
2 April 1st, 2025. I was shocked to later hear about Dr. Carson's death. I was even more  
3 shocked to learn the Dana had been charged with the doctor's murder and the theft of  
4 \$45,500. It just did not seem possible from what I knew about Dana. Dana stole in the past  
5 out of desperation. At the time of Dr. Carson's death, Dana had a job, and apartment, a car,  
6 and was not in a desperate situation. I know in my heart that Dana would not have  
7 committed these crimes.

## Statement of Doctor Jordan Villa

1 My name is Jordan Villa. I am 65 years old. I was a forensic pathologist for the Jackson  
2 County Missouri coroner's office from 1991 through 2023. From 2003 to 2023, I was the  
3 chief forensic pathologist running the entire coroner's office of 80 employees. I received my  
4 Bachelor's of Science Degree in Chemistry from Kansas State University in 1982. I  
5 completed my medical training and residency at Des Moines University in Iowa in 1990, and  
6 was hired by the Jackson County Coroner's office shortly thereafter. I received my  
7 certification from the American Board of Pathology in 1990. I have performed 150  
8 autopsies and assisted in 60 other autopsies. I have written three medical textbooks  
9 regarding toxicology and autopsy analysis. The textbooks are currently in use at over 15  
10 medical training hospitals.

11  
12 In 2023, I retired from the coroner's office and started a consulting business reviewing  
13 autopsy and toxicology reports for attorneys and private individuals. My fee for such  
14 reviews and court testimony is \$5,000. I have testified as an medical expert over 100 times  
15 as a forensic pathologist, and in private practice, 25 times.

16  
17 In 2024, I severely injured my back in a biking accident. The accident caused me a great  
18 deal of pain. I self-prescribed the pain medication Hydrocodone. In March 2024, I was in a  
19 car accident and rear-ended another vehicle. The police believed I was under the influence  
20 of a drug and arrested me for DUI. The charges were later pled down to a reckless driving  
21 charge. As a result of this case, my license to practice medicine was suspended for four  
22 months. My license was reinstated in June 2024. I continued my consulting business at  
23 that time. I paid for all of the damages caused by the accident personally and not through  
24 insurance as I felt it was my fault and the right thing to do. I have not taken any prescription  
25 medication since the accident.

26  
27 I was hired by the County Public Defender's Office to review this case in November, 2025. I  
28 reviewed the autopsy report, the coroner's toxicology report, Dr. Carson's personal medical  
29 history, the police reports, and all of the statements written in support of this case. My  
30 conclusion is that Dana Walker could not have committed this crime of murder. I base my  
31 opinion on the following facts.

32  
33 First, I agree with Dr. Hall that Colchacine is a medication prescribed for the treatment of  
34 gout. The drug does decrease the inflammation caused by gout and reduces the buildup of  
35 uric acid in the joints to relieve symptoms. And I also agree that therapeutic amount of this  
36 drug for the treatment of gout would be 1.2-2.4 milligrams per day. I also concur with the  
37 DNA findings of Dr. Hall.

38  
39 However, we differ on when the affects of the drug will manifest themselves. Two studies in  
40 the United Kingdom found that the onset of overdose symptoms in patents who ingest too  
41 much Colchacine can vary from one to six hours depending on when and how much of the  
42 drug was ingested. These studies found that patients took the drug at different times in a  
43 short time frame and built up a toxic quantity of the drug in their blood. Once the high level  
44 of toxicity was reached the overdose symptoms became acutely visible.

45  
46 In layman's terms, a patient would take a high amount of the drug at one point of the day.  
47 Then several hours later, the patient would take a second high amount. The cumulative  
48 affect of these multiple ingestions was to then see the acute overdose symptoms found in  
49 Colchacine overdose cases.

1 Based on the facts of this case, Dr. Carson could have ingested half of a lethal dose of  
2 Colchicine in the morning before 8:30 am. Because she received only half of the total  
3 quantity contained in the energy drink container, her symptoms would not have been gross  
4 or acute. She may have been feeling poorly and the full impact of the drug was not seen  
5 until the second dose was ingested at 1:00 pm after lunch. This can be seen by Dana's  
6 observations of Dr. Carson on October 8th at 10:00 am looking tired and pale, and Dr.  
7 Carson's statements to Dana at after drinking the energy drink at 1:00 pm, "I really needed  
8 that. I guess I'm just not feeling 100% today."

9

10 This observation and statement show Dr. Carson was already feeling the affects of the drug  
11 in her system. When the second dose was consumed, she deteriorated within the one to  
12 two hour time frame just as would have been expected in the studies discussed by Dr. Hall.

13

14 It is my professional opinion, based on my training, experience and education, as well as  
15 the studies noted by myself and Dr. Hall, that Dr. Carson drank two doses of the drug  
16 Colchicine in her office on October 8th, 2025. Since Dana Walker was not in the office to  
17 place the drug into Dr. Carson's energy drink in the morning, then it follows that Dana  
18 Walker did not poison Dr. Carson. Dana Walker is not guilty of this murder.

# **ATTACHMENT A**

## **Scoring Criteria**

## **Scoring Criteria**

### **Witnesses**

#### **Excellent (8-10 points):**

Witness answers the question posed by their attorney directly and adds little additional information beyond what the question asks for.

Witness is courteous and respectful during questioning.

Witness shows an outstanding grasp of the case materials for his/her role.

Witness is able to effectively address cross-examination questions without being considered resistant or an obstructionist.

#### **Above Average (5-7 points):**

A mixture of excellent and average conduct.

#### **Average (2-4 points):**

Witness provides answers which go far beyond the question posed by the attorney. For example, if the question calls for a yes or no answer, the witness adds additional information after answering yes or no.

Witness is disrespectful towards the attorney, the court, or the court process.  
Witness struggles with knowledge of the facts for his/her role.

Witness fails to handle cross-examination questions in an effective manner.

Witness uses notes on the stand.

### **Attorneys**

#### **Excellent (8-10 points):**

Questions for witnesses follow an open ended format and are not leading except in preliminary matters.

Questions are clearly phrased and not vague or confusing to the witnesses.

Objections are clearly stated, timely and in the proper format.

Attorney uses some notes but is able to convey questions and/or arguments in a conversational approach with a great deal of eye contact.

Objections are made quickly and after the opposing attorney finishes their question.

Attorney clearly states his/her points and persuasively conveys his/her materials to the court.

Attorney is courteous and respectful during his/her performance to the witness, the court and the court process.

**Above Average (5-7 points):**

A mixture of excellent and average conduct.

**Average (2-4 points):**

Many attorney questions asked are confusing, vague, improperly phrased or leading.

Objections are not made or untimely made (late).

Objections are not in the proper format.

Attorney has difficulty conveying their thoughts and/or arguments in a conversational approach with a great deal of eye contact.

Attorney uses extensive notes and appears to be reading in large part straight from their materials.

Attorney is not courteous and respectful during his/her performance to the witness, the court and the court process.

**Clerk Score**

The Timing Clerk will be provided by JSerra. The clerk score will be an automatic three (3) points on the score sheets.

**Bailiff Score**

Excellent (3 points):

The bailiff effectively controlling the movements of the witnesses, correctly directing them to and from the witness stand, correctly announcing the start of the trial,

accurately swearing in each witness, and performing these tasks in a professional manner with courtesy towards each witness.

**Above Average (2 points):**

The bailiff was able to somewhat control the movements of the witnesses in directing them to and from the witness stand, completed most of the announcement for the start of the trial, accurately swore in each witness, and performing these tasks in a somewhat professional manner with courtesy towards each witness.

**Average (1 point):**

The bailiff had poor control of the courtroom participants, poor control of the start of trial announcement, poor knowledge of the swearing in oath, and was not very courteous to the participants.

### **Team Score**

**Excellent (8-10 points):**

Team shows outstanding sportsmanship, courtesy and respect for opposing teams, the trial process and the court. Examples of this might include addressing the court correctly as Your Honor, referring to opposing counsel in a polite manner, and responding appropriately with statements to the court and witnesses.

Team members work very well together and assist each other during the trial.

**Above Average (5-7 points):**

Team members are mostly respectful and courteous to the opposing team, the court or the trial process.

Team members work somewhat well together and at times assist each other in trial.

**Average (2-4 points):**

Team members are disrespectful of the opposing team, the court, or the trial process. Examples of this might be personally attacking students from the other school, laughing or making inappropriate comments regarding the performance of the other team students.

Team coordination and cooperation are lacking.

## **Deduction Categories**

Running of a witness' time:  
1-7 point deduction

Coaching and/or improper contact between coaches and team members of a team by a coach during the trial:  
1-7 point deduction

General rules violation:  
1-7 point deduction

Making repeated objections which are not authorized during the trial:  
1-7 point deduction

A witness repeatedly making up statements which are not contained in the witness' statement:  
1-7 point deduction:

General unsportsmanlike conduct:  
1-7 point deduction

NOTE: If a team has any of the above deductions made in any amount, then the judge will place a zero in the team score.

# **ATTACHMENT B**

## **Trial Exhibits**

**Exhibit One (1)**  
**Doctor Carson's Energy Drink**  
**Container Found in the Office**  
**Refrigerator**



# Exhibit Two (2)

## Medication Guide for the Safe Use of Colchacine (pages 1-2)

### Colchacine

#### Description

Colchacine is used to prevent or treat attacks of gout (also called gouty arthritis). This condition is caused by too much uric acid in the blood. An attack of gout occurs when uric acid causes inflammation (pain, redness, swelling, and heat) in a joint. Colchacine does not cure gout, but it will help prevent gout attacks. Colchacine is not an ordinary pain reliever and will not relieve most kinds of pain. Colchacine is also used to reduce the risk of heart attack, stroke, certain types of heart procedures, and cardiovascular death in patients with atherosclerosis (known buildup of plaque inside the arteries) or with multiple cardiovascular risk factors. Colchacine is also used to treat a rare condition called familial Mediterranean fever (FMF).

Colchacine may be used in 2 ways. Most people take small amounts of it regularly for a long time (months or even years) to prevent severe attacks or other problems caused by inflammation. Other people take large amounts of colchacine during a short period of time (several hours) only when the medicine is needed to relieve an attack that is occurring. The chance of serious side effects is much lower with the first (preventive) kind of treatment. Because some of colchacine's side effects can be very serious, you should discuss with your doctor about the benefits as well as the risks of using this medicine. This medicine is available only with your doctor's prescription.

#### Before Using and Proper Use

In deciding to use a medicine, the risks of taking the medicine must be weighed against the good it will do. This is a decision you and your doctor will make. Take this medicine exactly as directed by your doctor. Do not take more of it, and do not take it for a longer time than your doctor ordered. Do not change your dose or stop using this medicine without checking first with your doctor. You may take this medicine with or without food.

#### Dosing

The dose of this medicine will be different for different patients. Follow your doctor's orders or the directions on the label. The following information includes only the average doses of this medicine. If your dose is different, do not change it unless your doctor tells you to do so. The amount of medicine that you take depends on the strength of the medicine. Also, the number of doses you take each day, the time allowed between doses, and the length of time you take the medicine depend on the medical problem for which you are using the medicine.

- For oral dosage form (capsules and tablets):
- For prevention of gout attacks: The therapeutic dose is 1.2-2.4 milligrams per day. Your doctor may in rare circumstances increase your dose as needed. However, the dose is usually not more than 2.4 mg per day.

## **Precautions**

If you must take colchicine for a long time (preventive treatment), it is very important that your doctor check your progress at regular visits to make sure this medicine is working properly. Blood tests may be needed to check for unwanted effects.

Stomach problems may be more likely to occur if you drink large amounts of alcoholic beverages while using colchicine. Also, drinking too much alcohol may increase the amount of uric acid in your blood. This may lessen the effects of colchicine when it is used to prevent gout attacks. Therefore, people who use colchicine should be careful to limit the amount of alcohol they drink.

Colchicine can temporarily lower the number of white blood cells in your blood, increasing the chance of getting an infection. It can also lower the number of platelets, which are necessary for proper blood clotting.

## **Important Side Effects**

Along with its needed effects, a medicine may cause some unwanted effects. **Get emergency help immediately if any of the following symptoms of overdose occur:**

Symptoms of overdose

- Bleeding
- burning feeling in the stomach, throat, or skin
- chest pain or discomfort
- chills, cold, clammy skin
- paleness or grayness of the lips, tongue or palms
- confusion
- severe cough
- diarrhea (severe or bloody)
- dizziness
- eye pain
- high fever
- slowed breathing
- slowed irregular heartbeat
- heavy general feeling of illness
- severe headache
- irregular, fast, slow, or shallow breathing
- muscle weakness (very severe)
- nausea, stomach pain or cramps, severe vomiting
- seizures
- slow heart rate
- severe sore throat

**Please note that these overdose conditions are extremely dangerous for persons over the age of 65 and at the onset of any of these conditions, emergency assistance should be immediately summoned for help.**

**Exhibit Three (3)  
Bank ATM Image From  
April 14, 2025**



**Exhibit Four (4)  
Pill Container Found in Dana  
Walker's Car**

