

The Florida High School Mock Trial  
Official Competition Packet

State of Florida  
V.

Logan Bartram

Version 1.0 October 7, 2015

*Special thanks to the Florida Bar Law Related Education Mock Trial Case subcommittee:*

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Judge Darren Jackson, Third Judicial Circuit  
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The Florida Bar  
Foundation



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## **TRIAL OVERVIEW**

- I. The presiding judge will ask each side if they are ready for trial. Team rosters/roles should be presented to the judges.
- II. Presiding judge announces that all witnesses are assumed to be sworn.
- III. Opening Statements - no objections allowed; however, after each opening has concluded, the opposing counsel may raise his/her hand to be recognized and state that if they could have objected they would have objected to. The presiding judge does **not** need to rule on this. No rebuttals allowed.
- IV. Cases presented. See Rule XV for the trial sequence and time limitations.
- V. Closing Statements - no objections allowed; however, after each closing statement has concluded, the opposing counsel may raise his/her hand to be recognized and state that if they could have objected - they would have objected to...The presiding judge does **not** need to rule on this. An optional rebuttal (up to 1 minute) reserved in advance will be permitted for the Prosecution.
- VI. No jury instructions need to be read at the conclusion of the trial.  
  
Judges should complete score sheets **before** debriefing. This is crucial and ensures completed score sheets.
- VII. If a material rules violation is entered, scoring judges should exit the courtroom but stay in the vicinity. The presiding judge will follow the rules for this type of dispute. Scoring judges will return to the courtroom to determine if the presiding judge feels the dispute may be considered in scoring. Specific forms are needed. See Rule XVII - DISPUTE SETTLEMENT.
- VIII. Critique (One team exits the courtroom during the critiques). **JUDGES DO NOT ANNOUNCE SCORES OR PERFORMANCE DECISIONS!**
- IX. **ALL DECISIONS OF THE JUDGES ARE FINAL.** Debrief/Critique ONLY.

## **CODE OF ETHICAL CONDUCT**

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

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

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

## CASE SUMMARY

*The case summary is offered as an overview and may not be used as evidence in the case.*

Jordan Stowe and Logan Bartram met freshmen year of high school and immediately became best friends. During their junior year of high school, Logan and Jordan attended a party where Logan took pictures of Jordan with his/her smart phone and, following the party, next to the rival school's mascot, Twister. The next day, Twister would be found vandalized. The destruction of the mascot resulted in an inconclusive criminal investigation and caused significant tension in the community.

As junior year came to an end, Jordan and Logan started to become distant because of changing interests. Jordan was elected to the position of Student Government President and gained a lot of popularity. As a result, Jordan began spending less time with Logan. Logan spent more time focused on his/her passion of writing and producing music.

One night after a fight with Jordan, Logan posted the pictures from the prior year onto FacePlace, a popular social media site. Jordan was tagged in several pictures, including photos that would show Jordan holding a beer and with the rival school's mascot the night before it was vandalized. The photos were made public and as a result Jordan was removed from SGA and placed on probation for the track team. Additionally, Jordan became the new focus of the criminal investigation of the vandalism on the rival school's mascot. Logan maintains that the pictures were not posted with malicious intent, but simply as a mass upload of pictures from junior year.

Additionally, Logan frequently posts lyrics on his/her FacePlace fan site. Jordan believes that these lyrics contain threatening messages directed at Jordan. Jordan becomes alarmed by the lyrics and distressed over the pictures being posted for the public to see. Jordan reports Logan. Logan is arrested and is charged with aggravated stalking - cyberstalking under Florida Statute 784.048 and photo cyberharassment under Florida Statute 784.0489, a **fictional** Florida statute based on Florida Statute 784.049.

**IN THE CIRCUIT COURT OF THE TWENTY FIRST JUDICIAL CIRCUIT  
IN AND FOR SPRING COUNTY, FLORIDA  
CRIMINAL DIVISION**

STATE OF FLORIDA,

Prosecution,

v.

Case No. 11-0011-H

Logan Bartram,

Defendant.

\_\_\_\_\_ /

**INFORMATION**

In the name of and by the authority of the State of Florida:

L. James Myers, State Attorney for the Twenty-First Judicial Circuit of the State of Florida, charges that in Spring County, Florida the above-named Defendant committed the following crimes.

**COUNT I**

On or about March 28, 2015 – March 31, 2015, in violation of Stalking by Cyberstalking pursuant to section 784.048 (3), Florida Statutes, Logan Bartram willfully, maliciously, and repeatedly engaged in cyberstalking, publishing communications that established a credible threat towards the victim.

**COUNT II**

On or about March 26, 2015, in violation of Photo Cyberharassment pursuant to section 784.0489<sup>1</sup>, Florida Statutes, Logan Bartram posted photos of the victim with the intent to cause substantial emotional distress.

*Tamera L. James*

Tamera L. James  
Assistant State Attorney  
STATE OF FLORIDA  
SPRING COUNTY  
L. JAMES MYERS, STATE ATTORNEY  
TWENTY-FIRST JUDICIAL CIRCUIT

\_\_\_\_\_

<sup>1</sup> Fictional Florida Statute based on Florida Statute 784.049

## WITNESS LIST

### Prosecution:

1. Jordan Stowe
2. Alex Miller
3. Dr. Taylor Kelly

### Defense:

1. Logan Bartram
2. Frankie Tanner
3. Dr. Sawyer Flagler

\*Each team must call all three witnesses for their respective party.

\*\*Witnesses may be male or female.

## EXHIBIT LIST

Only the following physical evidence may be introduced at trial:

1. Exhibit A: FacePlace page of Logan Bartram
2. Exhibit B: Photos posted by Logan Bartram
3. Exhibit C: FacePlace fan page of Logan Bartram Music
4. Exhibit D: Police photos of “Twister”
5. Exhibit E: Sunshine High School Incident Report
6. Exhibit F: Protective Order against Logan Bartram



## STIPULATIONS

Stipulations shall be considered part of the record. Prosecution and defense stipulate to the following:

1. Florida High School Mock Trial Rules of Evidence and Procedure apply.
2. All of the exhibits referred to above are authentic and accurate copies of the documents. No objections as to the authenticity of the exhibits may be made. Exhibits may still be objectionable under the Florida High School Mock Trial Rules of Evidence and will require a proper foundation for admission.
3. All witness statements were given under oath.
4. All charging documents were signed by the proper parties.
5. Jurisdiction and venue are proper.
6. The arrest warrant was based on sufficient probable cause and properly issued.
7. The school guidance counselor is a qualified expert witness and can testify to each other's statements and relevant information they would have reasonable knowledge of from other witness statements.
8. The absence of photographs may not be questioned.
9. All physical evidence and witnesses not provided for in the case are unavailable and their availability may not be questioned.
10. Neither party can challenge the authenticity of the exhibits.
11. The identity of the person(s) named in the photo exhibits may not be challenged. Faces are not visible in order to allow students to portray the characters.
12. Beyond what's stated in the witness statements, there was no other forensic evidence found in this case.
13. All witness statements were taken in May 2015.

**IN THE CIRCUIT COURT OF THE TWENTY FIRST JUDICIAL CIRCUIT  
IN AND FOR SPRING COUNTY, FLORIDA  
CRIMINAL DIVISION**

STATE OF FLORIDA,

Prosecution,

v. Case No. 11-0011-H

Logan Bartram,

Defendant.

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**SWORN STATEMENT OF JORDAN STOWE**

1           My name is Jordan Stowe. I am seventeen (17) years old and I live with my mother and  
2 father on 153 Highwater Trail. I have lived in Sunshine, Florida all of my life. I am currently a  
3 senior attending Sunshine High School and am preparing to head to college.

4           Upon starting high school, the first person I talked to was Logan Bartram. Logan had just  
5 moved to Sunshine, Florida, so s/he didn't know anybody. Thinking back now, we met at high  
6 school orientation, and after that, I remember s/he was seated next to me in my first class. Both  
7 of us were excited, but at the same time nervous, as we knew that we were in the big leagues  
8 now. It felt like we became best friends overnight.

9           Looking back, when I met Logan, it really seemed as if we knew each other all of our  
10 lives. Logan and I made the track team together and pretty much did everything together,  
11 however Logan always seemed to excel more in music and the arts. In fact, I remember saving  
12 up my allowance to purchase her/him a guitar. Logan writes and composes all of her/his own  
13 music. When I first met Logan, most of her/his music was acoustic, and had a happy beat. To  
14 bring attention to her/his music, and possibly get some playing gigs, Logan uploads all of her/his  
15 songs and lyrics onto her/his "FacePlace" page.

16           From freshman through junior year of high school, Logan and I continued to do  
17 everything together. We were both there for each other through track competition losses, and  
18 through the stresses of our upper class classes. Logan was more introverted than I was and pretty  
19 much kept to him/herself. There was one time during a track practice where Logan got in some  
20 trouble. Alex Miller was messing with Logan and told him/her to loosen up. Alex then said "If  
21 your mom is a stiff like you, it's no wonder she's single." Logan lost it. S/he punched Alex in the

22 face and a small brawl broke out. I had never seen Logan act like that. Logan was placed on  
23 probation for the rest of sophomore year because of the whole thing, which really hurt us  
24 because Logan is a great runner and high jumper. Alex Miller was one of the greatest runners on  
25 the track team and one of the most popular kids in school. Being acquainted with Alex is like  
26 being a part of high school royalty. I knew that because of Logan, Alex would probably never  
27 talk to me again.

28 Despite the incident, Logan and I made the varsity track team our junior year. Before our  
29 first meet we were invited by some of the seniors to a house party to celebrate our achievement.  
30 Specifically, the captain of the Varsity track team, Alex Miller, came up to us to personally  
31 invite us. I was so surprised because of what happened sophomore year, but I knew if we wanted  
32 to fit in with Alex and his/her crew, Logan and I had to attend. Logan said s/he was over the past  
33 and it was just one bad day – no grudges held.

34 When Logan and I got to the party we both noticed that alcohol and drugs were present at  
35 the house. Logan and I had never been invited to a real high school party before, and seeing all  
36 of this came as a shock to us. I was really worried about getting in trouble. To ease the tension,  
37 Logan took pictures of me with her/his new smartphone posing with some of the beer bottles to  
38 make it look like we were having a good time. Alex kept coming up to us to make sure we were  
39 having fun, so I was holding one of the beer bottles in my hand to make it look like I was part of  
40 the crowd. I just wanted to fit in. I wasn't actually drinking it.

41 While still at the party, Alex thought it would be fun to pay a visit to the Hurricanes'  
42 mascot, Twister. I couldn't believe that Alex was actually including us in his/her plans, so I told  
43 Logan that we had to go. Logan mentioned that s/he had music practice or something in the  
44 morning so s/he couldn't stay long if we went. I think Logan was just making an excuse and was  
45 just jealous because Alex was talking to me more than her/him at the party. I rode with Logan to  
46 HHS where we met up with Alex, Alex's best friend Jay Cross, and some other people from the  
47 track team. I grabbed my stuff out of Logan's car and we made our way into the stadium. When  
48 we got to the mascot, we all decided to take our picture with it on Logan's phone. Before Logan  
49 left, Logan took a picture of me with the mascot so I would never forget this night. Alex, Jay  
50 and I stayed around a little longer just to hang out before they drove me home. I remember Alex  
51 asking what Logan's problem was and why s/he left so soon. I just shrugged. I didn't hear from  
52 Logan the rest of the evening.

53 I was running around the track with some people from the team when we realized that Jay  
54 and Alex had left. They were our ride and they stranded us there. I told the others that it was  
55 probably just a prank to mess with us, kind of like an initiation thing. They called their friend to  
56 come get them. When he pulled up, the guy driving was the one I had seen doing shots at the  
57 party. I offered to drive and when he insisted he was fine and refused to let me drive, I declined  
58 and said I would call a cab. I called the company and got a busy signal so I sat down on the curb  
59 and waited to call again. That's when Alex and Jay pulled up laughing. They gave me a ride  
60 home.

61 That same night, Twister was vandalized at Hurricane High School. I immediately started  
62 freaking out because I knew we saw Twister the night it was vandalized and I had taken pictures  
63 with it! I called Logan the next day and told him/her not to post the pictures on FacePlace as  
64 they were for our own enjoyment and were taken solely as a private joke. I couldn't even  
65 imagine what I would do if those pictures somehow were released. S/he asked me if I had  
66 anything to do with it. Of course I didn't. I was pissed off Logan would even ask that. I could get  
67 kicked off of the track team, suspended from school, or even arrested for something I didn't do!

68 A criminal investigation followed the destruction of "Twister". The school resource  
69 officers and local police officers interviewed all of the members of the track team as we were the  
70 only sport that had an event approaching that included the Hurricanes. I remember still being  
71 nervous knowing that there were pictures of me out there with Twister. Alex and Jay seemed  
72 cool and calm about the whole investigation. They kept reassuring me that since we didn't do  
73 anything, there was nothing to be afraid of. I remember asking Logan to not post the pictures or  
74 to show them to anybody. Junior year finished, and I was hopeful that the whole thing was  
75 behind us. Things seemed to calm down over the summer and go back to normal.

76 Beginning senior year, things began to change between me and my so-called friend  
77 Logan. I knew I really had to get serious about college and increase my current involvement as I  
78 would be beginning my college applications. I was elected to the position of Student  
79 Government President, and began to make friends with the fellow Executive Members. Alex had  
80 gone off to college, and named me Captain of the track team. Logan kept making fun of me and  
81 saying that was a position just for bragging rights, but for me it felt like so much more. It was a  
82 responsibility. Both of the positions made me a leader. I had become the face of school so I had  
83 to represent the best image possible.

84           Because I had to campaign for the position, I had to get my name out there and developed  
85 a lot more friends. Logan became even more jealous and s/he sometimes would stop responding  
86 to my text messages. Often times, s/he would cancel our plans. He started calling me an “Alex-  
87 wannabe.” S/He kept accusing me of being somebody else. In a way, I guess I was somebody  
88 else, or as I thought of it, a better version of myself.

89           One night in particular, things got pretty heated between Logan and me as I called  
90 her/him out for constantly blowing me off. Logan freaked out on me and told me I had become  
91 too “cool” for her/him and I was the one who had disappeared. I felt bad but I have been so  
92 busy. S/He told me I wasn’t her/his friend anymore and s/he didn’t even know who I was. I had  
93 never seen Logan this mad before – even when Logan flipped on Alex. I’m glad that was a  
94 conversation I had over the phone – who knows what Logan would have done to me.

95           That evening, I logged onto FacePlace and immediately the pictures of me with Twister  
96 AND me at the party with beer bottles in my hand popped up on the screen. Logan posted the  
97 pictures from our junior year on FacePlace for the world to see. People were commenting and  
98 “favoriting” the pictures. Logan knew that I was in the process of applying to colleges, and s/he  
99 knew that colleges run social media checks on their applicants. Logan knew that what s/he had  
100 done could be detrimental to the rest of my future. To make matters worse, my face was  
101 recognized in the pictures so it came up on my profile page for all to see! Even my parents! I  
102 honestly have no words to explain how mortified I was. One of our classmates, Tony Ferrari,  
103 posted a comment earlier that evening about who might be responsible for vandalizing Twister.  
104 Logan replied to the comment with, “Hm, I wonder who destroyed the Hurricanes’ mascot,  
105 Twister!?! (Wink face)”. Based on the time line, that was right before the pictures were posted.  
106 And it’s not like Logan didn’t know what s/he was posting – you have to select individual  
107 pictures to upload them. Everyone who uses FacePlace knows that.

108           The next day at school, the school resource officer, a couple policemen, and the principal  
109 pulled be out of calculus in front of everyone. They all questioned me regarding Twister and told  
110 me that they have not found the actual person who did it, however they suspected from the  
111 beginning that it was somebody on the track team. The police informed me that they are going to  
112 do a serious investigation to see if I am really the culprit.

113           If that wasn’t bad enough, the principal confronted me with the pictures of me at the  
114 party. He said that I was being removed from my position as SGA president and put on probation

115 from the track team. He said there is a zero tolerance policy with regard to alcohol – I didn't  
116 even get the chance to explain. I completely broke down. Logan ruined my life. I worked so  
117 hard for all of this just to see it blow up in my face.

118         And then it got worse. I noticed that Logan's lyrics have been changing on his FacePlace  
119 profile. Logan was working at the local sporting goods store, but I heard s/he was recently fired.  
120 I am beginning to worry that Logan's latest song "We All Know You Did It" is part of her/his  
121 plan to frame me for vandalizing Twister. The other song lyrics have made me feel threatened  
122 and I am so scared of what Logan is going to do to me next. My grades are slipping, my parents  
123 won't look at me, and the whole school sees me differently. I just can't take much more.

124         I have been in a really bad place, so I met with the school guidance counselor. I told  
125 him/her everything and how Logan's lyrics have changed. The counselor told me that anything I  
126 told her in secrecy would stay that way unless I decided otherwise. I told my counselor that I  
127 wanted Logan to face what s/he had done to me, but I also wanted Logan to get some help.  
128 Clearly Logan has issues. The school guidance counselor has been helping me but I am still  
129 struggling. I feel so hurt. I trusted Logan and now s/he's ruining my life.

130         Because of all of the postings and my fear of not knowing what Logan is going to do  
131 next, I had to file a Protective Order at the end of March and terminate all communication and  
132 friendship (or ex-friendship) I had with Logan. My parents had to pay for all of the court  
133 documents and everything associated with it. Between this and everything else my parents  
134 already pay, my mom keeps emphasizing that it has really taken a financial toll on our family.

135         And even though I got the Protective Order and my parents paid all of this money, Logan  
136 still continues to post lyrics and songs about me – the song that Logan was going to post next  
137 was called "Going to Get You". I was afraid if matters continue to worsen, s/he could even  
138 physically harm me. I talked to my parents and we decided it was time to report Logan to the  
139 police.

*/s/ Jordan Stowe*

**IN THE CIRCUIT COURT OF THE TWENTY FIRST JUDICIAL CIRCUIT  
IN AND FOR SPRING COUNTY, FLORIDA  
CRIMINAL DIVISION**

STATE OF FLORIDA,

Prosecution,

v.

Case No. 11-0011-H

Logan Bartram,

Defendant.

\_\_\_\_\_ /

**SWORN STATEMENT OF ALEX MILLER**

1           My name is Alex Miller. I'm nineteen (19) years old and I am a freshman studying at Sunville  
2 University. I recently graduated from Sunshine High School. At Sunshine High School, I was Captain of  
3 the track team, Treasurer of the Student Government, voted onto the Homecoming and Prom Court for the  
4 last two years, and got "Most Popular" for Senior Superlatives. I guess you could say I was pretty much a  
5 boss at Sunshine High School. People call me that sometimes.

6           When I graduated I named Jordan Stowe, a current senior at Sunshine High School, Captain of  
7 the Track Team. Jordan is a year younger than me, and proved to be qualified for the part when s/he  
8 joined the Varsity Track Team. I'm glad Jordan got rid of her/his little sidekick Logan as Logan never  
9 quite fit in with the rest of the Track Team, or really anybody else at school. I told Jordan to watch out  
10 for her/him – kid is weird. S/he was always giving me these crazy looks, trying to show me up on the  
11 track, and one time even told me I needed to stop "brainwashing" his/her friend. What an obsessed  
12 psycho. Then there was the time I made a joke about Logan's mom. I was just messing around with  
13 Logan and the kid wouldn't crack a smile. I said "If your mom is a stiff like you, it's no wonder she's  
14 single." Then Logan hauled off and punched me in the face. We fought it out, coach pulled us apart, and  
15 then filed an incident report against Logan. I'll give Logan this, kid can throw a punch. I had a bloody  
16 nose and a black eye. Whatever – it was a one-time thing and Logan did apologize a few weeks after it  
17 happened, but I watch my back. I don't need next-level crazy in my life.

18           For as long as I can remember, it has been a tradition at Sunshine High School to celebrate the  
19 new Varsity members on the track team. When I was Captain, I knew I had to continue the tradition. The  
20 day the Varsity members were announced, I decided to throw a party to get to know all of them. Of  
21 course I invited Jordan - I knew s/he would be a great asset to our team and probably the person that

22 would take my place as Captain when I graduated. It started as a small get-together for track members  
23 only. Well, like most parties, it quickly got way bigger than intended and all kinds of people started  
24 showing up. People started drinking and smoking. Not my scene really, but I just rolled with it – no big  
25 deal. I have to admit, I was a little thrown off when I saw lunatic Logan walk through the door with  
26 Jordan at the party, but whatever. I was only really talking to Jordan about coming to the party, but I  
27 guess Jordan’s shadow just had to tag along. Whatever - there were a lot of people there and I could avoid  
28 that whole scene.

29 I made my rounds at the party. It’s what you have to do – say hey to everyone, smile, put on the  
30 whole show. I made sure to go talk to Jordan a few times. I noticed s/he was having a really good time –  
31 s/he had a drink in hand when we were chatting, but Jordan certainly wasn’t drunk or anything. I never  
32 really saw him/her drink it actually. Logan just took pictures. Like I said before, that kid is weird.

33 Towards the end of the evening I got this idea to pay a visit to our rival high school, Hurricane  
34 High School, and show our new teammates their stupid mascot, Twister. Jordan, Jay Cross, Tony Ferrari,  
35 and a few other people came with us, too. I really didn’t want to invite Logan as s/he made me uneasy  
36 but I knew Jordan wouldn’t go without her/him. Luckily, Logan said s/he had to leave early so I knew  
37 s/he wouldn’t be there for long. Logan and Jordan rode together and the rest of the crew rode with me.  
38 As soon as we got there, we parked outside of the stadium and walked right in to where Twister is. A lot  
39 of people use the track at HHS to run in the evenings, so they leave the gates unlocked. We weren’t  
40 trespassing or anything. Once we got inside, we started climbing on Twister and messing around on the  
41 bleachers. Logan snapped some pictures of us and then left. We hung around for about 15 minutes just  
42 talking. Because it’s tradition to mess with the newbies on the team, Jay and I skipped out and left a few  
43 of them at HHS without a ride. We went up to the convenience store, got a drink, and then came back and  
44 got them. We were probably gone 15 minutes – just enough time to get them riled up. When we got there,  
45 Jordan was sitting in the parking lot alone. S/He said the others had gotten mad we left them and called  
46 someone to come get them. Jordan didn’t want to get in the car because the guy driving had been  
47 drinking, so I took Jordan home. I got onto the rest of the team about getting in the car with someone who  
48 had been drinking that night. That was such a stupid idea.

49 The news the next day showed that the mascot, Twister, had been vandalized. The track team  
50 knew better than to do anything that stupid. I had already gotten in trouble for shoplifting my sophomore  
51 year in high school and I was open with the team about how terrible a decision that was and that it was  
52 critical we all stay out of trouble. I don’t know why Jordan seemed to be so nervous about the whole  
53 thing, I told her/him s/he didn’t have anything to worry about. Jordan said something about Logan and I  
54 just told him/her that the best thing to do was to get rid of her/his weird sidekick Logan. I was talking to  
55 Logan in the hallway and I told her/him that s/he needed to keep an eye on Logan. At the moment Logan



56 walked past and said to me, “You should watch yourself, boss.” I decided to take my own advice and  
57 steer clear of Logan.

58 Jordan seemed to listen to everything I told her/him. S/he became Student Body President at  
59 Sunshine High School during senior year. S/He was making the track team proud and I know s/he is  
60 going to be a great Captain and keep up the reputation of the team. However, it doesn’t look like s/he  
61 took my advice about her/his friend as I recently saw that Logan put all of these pictures up on her/his  
62 FacePlace of Jordan. I’m not even “Friends” with Logan on FacePlace but I saw all of the pictures on  
63 Jordan’s page. When I clicked on Logan’s FacePlace page, I saw that it was public so that I could also  
64 see all of the pictures there. Jordan has a beer in some of the pictures, and there are even pictures of  
65 her/him and Twister.

66 Luckily, I am long gone from Sunshine High School but Jordan told me that the police and the  
67 principal pulled him/her out of class because of what happened to Twister and because of the pictures  
68 from the night of the party. Because of Logan, Jordan got removed as SGA President and put on  
69 probation for the track team. I told Jordan that this is all Logan’s fault. I really can’t believe all of this is  
70 happening.

71 I knew Logan was trouble. I think s/he’s just jealous because Jordan is now Captain and is now  
72 popular at school. I think Logan just wants revenge. I feel bad for Jordan though because if I can see the  
73 pictures, I’m sure others in college can see them too. I know a bunch of people at Sunshine have seen  
74 them as I keep getting phone calls about it. Everybody is talking about them.

75 Recently, I clicked again on Logan’s page to see what other mean things s/he had done to Jordan.  
76 One of his song lyrics is titled, “I Know You Did It.” I immediately called Jordan worried for her/him as I  
77 know Logan wrote that song about her/him, and I am honestly afraid that Logan may try to harm Jordan.  
78 There are even some lyrics on there that make me a little uncomfortable – it made me think Logan is  
79 targeting me too. “Hey boss, you need to be demoted. Click, click, boom,” - what the heck is that  
80 supposed to mean? A protective order isn’t sounding like a bad idea based on that.

81 I think everything that Logan is doing is completely crazy and all of this could really hurt  
82 Jordan’s future. I knew I had good reason to feel bad vibes about Logan. Thankfully I am no longer at  
83 Sunshine High School, or I’m sure s/he’d come after me too!

*/s/ Alex Miller*

**IN THE CIRCUIT COURT OF THE TWENTY FIRST JUDICIAL CIRCUIT  
IN AND FOR SPRING COUNTY, FLORIDA  
CRIMINAL DIVISION**

STATE OF FLORIDA,

Prosecution,

v.

Case No. 11-0011-H

Logan Bartram,

Defendant.

\_\_\_\_\_ /

**SWORN STATEMENT OF DR. TAYLOR KELLY**

1 My name is Taylor Kelly. I'm fifty-five (55) years old and am a school psychologist  
2 with Sunshine High School. I've been in this field for twenty-seven (27) years. I received my  
3 doctoral and Master's degree from the University of Sunville, and a B.A. in psychology from  
4 Sunhill University, graduating summa cum laude. In addition, I've kept up with the latest  
5 research in children's psychology, specifically teenage psychology, through continually  
6 reviewing mental health medical journals and attending conferences. I have testified as an expert  
7 witness in approximately ten (10) trials.

8 My involvement began when Jordan Stowe, one of my students at Sunshine High School,  
9 was elected as the SGA President. As the sponsor of this program I have had the privilege of  
10 working with Jordan on a weekly basis. Jordan is a hard-working, kind, popular, and proactive  
11 student. Jordan is an upbeat personality with so much to offer this student body. The only  
12 negative trait I can speak to about Jordan is his/her need to please people. Jordan cares a lot  
13 about what others think and wants to impress everyone.

14 It wasn't until the second semester of Jordan's senior year that s/he sought out my  
15 counseling services. As the guidance counselor and the SGA sponsor, I had been made aware of  
16 the situation involving both the vandalism of Twister and the pictures posted of Jordan. Jordan  
17 had been removed from the Student Government Association and was placed on probation for  
18 track. SHS has a zero tolerance policy regarding the consumption of alcohol regarding students,  
19 but I found it hard to believe Jordan would be engaging in this behavior. I was surprised when I

20 saw the pictures on FacePlace. I have an account and they were made public. Anyone could see  
21 them.

22 I had seen a change in Jordan recently so I must say I was very glad s/he had sought me  
23 out. Jordan seemed anxious and sad, I would go so far as to say depressed. Upon setting an  
24 appointment with Jordan, I reviewed Jordan's grades and I noticed a significant drop in his/her  
25 academic performance. During our session Jordan expressed being upset and angry as s/he was  
26 just taken out of her/his class by a police officer and the school resource officer in regards to a  
27 vandalizing incident that occurred the year prior at another high school. Jordan was humiliated  
28 as all of the students and the teacher saw the police come in for her/him and by the pictures that  
29 Logan had posted. Jordan insisted those were to remain private and were only posted as a means  
30 of humiliating him/her and framing him/her for a crime s/he did not commit. Although I did not  
31 and cannot ask Jordan about the events that occurred a year ago, Jordan kept reiterating to me  
32 that s/he had been framed and wanted to see the person responsible held accountable. As a  
33 school guidance counselor, I do not issue complaints or discipline students, however I am here to  
34 talk to students and try to assist the students that may need counselling services.

35 At our next session, Jordan expressed anxiety due to the recent threats s/he received from  
36 Logan on Logan's FacePlace page. FacePlace is a social media site that has become quite  
37 popular with the students at my high school. FacePlace allows the students to upload pictures,  
38 and virtually communicate with each other. While there are benefits to FacePlace, like making  
39 connections with other students, lately it has also been shown to be a negative tool for students as  
40 students sometimes do not have control over what other students may post. I see and hear about  
41 all kinds of bullying and harassment through FacePlace on a regular basis.

42 From what Jordan has been telling me, it appears that Logan had been harassing Jordan  
43 through her/his FacePlace page. Jordan informed me that Logan is really into music, and had  
44 been using her/his song lyrics to bully her/him and write mean things directed at her/him. Based  
45 on this information, I went to speak with our music instructor at Sunshine High School, Frankie  
46 Tanner. I told Mr. /Mrs. Tanner that another student was concerned about one of her/his  
47 student's song lyrics and s/he may want to look into it. I also informed her/him that our  
48 legislature has laws against cyber harassment and bullying and her/his student could be culpable  
49 of a crime if what I was hearing was true. Mrs. /Mr. Tanner told me s/he would look into the  
50 matter and talk with Logan. I did review the lyrics as provided by Mrs. /Mr. Tanner. I found

51 them to be dark and threatening in nature. Although no specific person is ever named, it is clear  
52 that the target of this aggression used to be someone Logan was close to. I can only presume that  
53 person to be Jordan.

54 After my sessions with Jordan Stowe, I felt a meeting with Logan Bartram was prudent.  
55 Prior to this incident, I had only ever spoken with Logan once. During Logan's sophomore year,  
56 there was an altercation on the track field with Alex Miller. Alex said something offensive about  
57 Logan's mother, and Logan retaliated. Alex is a very popular student and sometimes took that  
58 popularity too far – to be blunt, Alex can be a bit of a bully. That said, violence is never the  
59 answer. Based on the incident report filed by Principal/Interim coach Marty Bowden, Logan did  
60 quite a number on Alex – bloody nose and a black eye. As the guidance counselor, I review all  
61 incident reports, meet with the student(s) in question, and provide feedback to administration. I  
62 sign the incident report, as does the student in question. We want to make sure they understand  
63 the action taken following the incident. In this case I cited that Logan was provoked by Alex  
64 Miller, but needed to find better coping skills than the use of violence. Administration placed  
65 Logan on probation from the track team for the remainder of the season and gave him two weeks  
66 of detention.

67 Back to the current incident. When I talked to Logan, as I stated prior, it was clear to me  
68 that s/he was having problems with Jordan. Logan was very defensive when s/he was talking to  
69 me at our first meeting. S/He let me know that s/he did not need any help, and did not appreciate  
70 me critiquing her/his music when "I did not have any idea what I was talking about" and "clearly  
71 had no appreciation for good music." I tried to provide other social alternatives to Logan as  
72 ways to deal with her/his feelings, however Logan didn't seem amused or interested. I was  
73 concerned based on Logan's past history.

74 I met with Logan a second time and s/he apologized for being so abrupt the first time we  
75 met. S/He let me know that s/he was very hurt that people had been talking to her/him  
76 negatively about her/his music as it is therapeutic for her/him and helps her/him deal with her/his  
77 problems. I asked Logan if the songs were generated towards anybody in particular, and s/he  
78 responded by saying "I write my music based on artists that I admire, however I wouldn't be sad  
79 if Jordan does get what s/he deserves." When asked more about Jordan, Logan let me know that  
80 s/he felt that it was "about time that the truth got out." When I asked her/him what he meant by  
81 that statement, s/he responded by saying, "You will see. However, Jordan has filed some sort of

82 Order against me so we can no longer communicate or talk to each other. I don't feel like talking  
83 about it anymore anyway." This conversation marks the last time I spoke with Logan Bartram.

84 I have come to the opinion that Jordan's distress is a direct result from Logan's actions.  
85 I have also come to the opinion that Jordan is still suffering anxiety, and is constantly in fear that  
86 s/he may also be physically harmed by Logan. Further, I have come to the opinion that Logan  
87 Bartram is currently showing signs of depression due to the fact that s/he and Jordan are no  
88 longer friends. Upon speaking with Logan, depression runs in Logan's family as her/his father,  
89 who passed away when Logan was very young, suffered from depression. At this moment, I am  
90 not sure if Logan's depression could lead to acts of aggression or violence as the majority of my  
91 meetings have been with Jordan, however I would not be surprised due to her/his past behavior.

92 Prior to this incident, Jordan did not have any other real "stressors" in her/his life, besides  
93 the typical day-to-day stress of being a high school student preparing to go to college. Due to the  
94 extreme sadness and anxiety that Jordan was suffering and continues to suffer, I have begun to  
95 meet with Jordan on a weekly basis. Jordan feels that "Logan is trying to ruin her/his life." As of  
96 now, Jordan seems to be doing well at our counseling sessions, however expresses to me that  
97 s/he does not sleep at night. S/He constantly is afraid of what could happen to her/him. S/He is  
98 not the same happy-go-lucky person that s/he once was. Jordan and I are working towards  
99 preparing her/him for college, however both her/his parents and s/he have expressed fear of  
100 her/him going due to her/his current state of mind.

/s/ Dr. Taylor

**IN THE CIRCUIT COURT OF THE TWENTY FIRST JUDICIAL CIRCUIT  
IN AND FOR SPRING COUNTY, FLORIDA  
CRIMINAL DIVISION**

STATE OF FLORIDA,

Prosecution,

v.

Case No. 11-0011-H

Logan Bartram,

Defendant.

\_\_\_\_\_ /

**SWORN STATEMENT OF LOGAN BARTRAM**

1           My name is Logan Bartram. I am seventeen (17) years old and live at 189 Fairchild Way, in  
2 Sunshine, Florida with my mother. My father passed away when I was about five (5) years old. He  
3 suffered from depression and took his life just before my fifth birthday. It’s really hard to talk about.  
4 Since then, my mother has not remarried, and we have always remained a team. My mom is the strongest  
5 person I know. We moved to Sunshine, Florida from California right before the start of high school  
6 because my mother got a new job. I quickly got a job at the local sporting goods store so I could help my  
7 mom out with some of our expenses. Being raised by a single mom is hard sometimes, especially for her,  
8 but we are a great team and it’s rewarding to know we are doing alright on our own.

9           It was my mom that first introduced me to music. Beginning in elementary school, she got me  
10 my first pair of drum sticks. Before we both knew it, I was using everything in our house as drums. I feel  
11 like music understands some of the troubles I have experienced. My music is inspired by some of my  
12 favorite artists.

13           Being that I was new to Sunshine, I was very nervous to begin high school. I remember the first  
14 person I met was Jordan Stowe. Jordan was immediately nice to me, and we quickly became best friends.  
15 Jordan was really funny and nice – we did everything together. When Jordan decided to go out for the JV  
16 track team freshman year, I figured I would try out too. We both made it and the rest is history.

17           Jordan and I became inseparable our freshmen year of high school. Jordan even saved up her/his  
18 allowance to get me a guitar as a birthday present. Both my mom and I really appreciated it, and I  
19 especially appreciated the fact that Jordan supported my music career. Because of the new instrument, I  
20 decided to get a “FacePlace” page so I could virtually share my music. I want anybody and everybody to  
21 be able to listen, so I decided to make my profile “public” rather than “private”. In no time, I started to

22 get lots of “friends” and “followers”, including students from our high school, and others from all over.  
23 Along with actual songs, I also post my lyrics to my FacePlace page.

24 My music was getting noticed by a lot of people, track was going well, and I was getting  
25 awesome grades. The only problem I really had in high school was one small incident with Alex Miller  
26 my sophomore year. Alex can be a jerk sometimes – I think that’s what popularity can do to a person.  
27 One day at practice Alex was messing with me – calling me names, singing my songs at me in a stupid  
28 voice, and tripping me when I was running. I just didn’t let it bother me. That’s when Alex said, “If your  
29 mom is a stiff like you, it’s no wonder she is single.” Yeah, I got pissed. And yes, I punched Alex in the  
30 face. Who wouldn’t get mad over that? I shouldn’t have punched Alex, but I was really offended. I  
31 apologized after the fact, served my punishment, and moved on.

32 Junior year of high school, Jordan and I decided to try out for the Varsity track team and we both  
33 made it! I was surprised because Jordan is definitely the better athlete, but at least I got to spend more  
34 time with my best friend. To celebrate getting on the team, some of the older students invited us to the  
35 party. The most popular girl/boy in school and the captain of the Varsity track team, Alex Miller came to  
36 personally invite Jordan to the party. I’ve never seen Jordan act so weird before. Jordan never cared  
37 about popularity and suddenly all s/he wanted to do was go to the party to see Alex.

38 I never really liked Alex. I don’t even know why Alex is the captain. S/he isn’t a good role model  
39 and I can run circles around him/her. S/he had been in trouble in the past and was always suckering the  
40 new kids on the track team into getting in trouble. I know how much Jordan wants to fit in and impress  
41 people, so I made sure to tell Alex not to “brainwash” my friend and to watch him/herself. Jordan is  
42 impressionable – that’s all I meant. That’s what popular kids do – they con people into liking them. I  
43 guess that’s what happened to Jordan.

44 All of the popular kids and athletes from Sunshine High were at the party. Up until the party,  
45 Jordan and I had never spoken to any of these people with the exception of Alex. To both Jordan and my  
46 surprise, there were alcohol and drugs at the party. We thought about leaving but figured it was no harm  
47 just to be there. My mom had just gotten me a new smartphone. Jordan and I decided to test out the  
48 camera and take pictures of her/him next to the empty beer bottles. Although we were just kidding  
49 around, I noticed that every time Alex came over, Jordan would automatically pick up one of the beers.  
50 Alex and her/his best friend Jay Cross seemed to have Jordan under their spell – it was really frustrating  
51 to watch.

52 Towards the end of the night, Alex and Jay were talking about how it would be a fun idea to visit  
53 the Hurricanes’ mascot, Twister, on our way home. Something about it seemed fishy to me. Why was  
54 Alex still wanting to hang out with us? And why would s/he want to see the rival’s mascot rather than  
55 our own? Naturally, Jordan thought it was a fun idea so I tagged along with some other people from the

56 track team. Because I still had a bad feeling, I made up the excuse that I had an early morning meeting  
57 with my music instructor and I would have to leave as soon as we got there. Jordan seemed to be mad but  
58 s/he had her/his new friends with her/him so s/he couldn't show it out loud. When we got there, I took a  
59 few pictures of Jordan and other people with the mascot. I knew we'd laugh about this tomorrow. Jordan  
60 stayed behind with Alex and Jay when I left. I just drove around for a little while and then went home.

61 The next morning, my mother was reading the newspaper. Immediately, I saw on the front page  
62 that the Hurricanes' mascot, Twister, had been vandalized the same night that I had taken Jordan's picture  
63 with it. The party was on a Friday night. Within an hour of me seeing the newspaper, Jordan called me  
64 and was going on and on about the whole night and the pictures – honestly, I tuned him/her out. The  
65 whole thing was weird. S/He sounded nervous. When I asked Jordan if s/he knew anything about what  
66 happened to Twister, s/he quickly responded, “No, obviously. Why would you think I would know  
67 anything? You were there!” Jordan never lied to me in the past so I figured s/he was just nervous about it  
68 all and decided I wouldn't ask any more questions. That weekend, everybody at school was posting on  
69 their FacePlace page about Twister.

70 When we returned to school, I guess the police started an investigation to see if they could find  
71 out who vandalized Twister. The police interviewed all of the members on the track team because of the  
72 upcoming track meet. Neither Jordan nor I told the police that we visited the mascot, Twister, the same  
73 night it was vandalized. Alex and Jay even told Jordan and me that if we told anybody that we visited the  
74 mascot, they would do everything in their power to kick us off of the team. Everything about it seemed  
75 weird to me, but I knew I didn't do anything so that's all that mattered. I remember Jordan was really  
76 nervous regarding all of the police at the school. Literally everybody was talking about it. S/He kept  
77 telling me to keep everything quiet from that night.

78 Things calmed down from there. Going into the summer I noticed all Jordan could talk about was  
79 college and senior year. I do not plan on going away to college as I know my mom needs me, and college  
80 just doesn't seem like the thing for me. Around this time, Jordan started acting different, and talking to  
81 students who we never interacted with before. At least when Alex would talk to her/him junior year,  
82 Jordan would include me in the conversation. Now s/he started to treat me just like s/he did whenever  
83 popular people were around and ignore me. He was acting just like Alex “The Boss” Miller.

84 Senior year, Jordan became even worse and it really started to take a toll on our friendship. S/He  
85 became President of the Student Government and started to act like s/he was too cool for me. S/He only  
86 hung out with all of the students that we both agreed always acted like they were too good for us. One  
87 day, I was even walking in the hallways and Jordan didn't even say hi to me or acknowledge me because  
88 s/he was with her/his “new” friends. S/He only wanted to hang out on weekends, and at places where  
89 s/he thought nobody would see us. We used to mentally prepare each other before each track



90 competition, and s/he stopped meeting me and talking to me prior. I was mad and I let Jordan know that  
91 in conversations we had. Jordan was disappearing from my life and I didn't want that.

92 The thought of losing Jordan as a friend devastated me. Jordan is the only person from Sunshine  
93 that I have told about my dad, and the only best friend I've ever had. I'm not close to anyone else.  
94 Because of this, my school and work have been negatively impacted. Jordan and I always used to be top  
95 in our class, but now it is hard for me to focus on school and force myself to study. Also, it was hard for  
96 me to wake up or motivate myself to go to work.

97 Almost a year after Twister was vandalized, some of our friends started to post about it on their  
98 FacePlace page. It's been quite the mystery at our school. The police never found the actual culprits.  
99 Specifically, one of the other athletes on the track team with Jordan and I, Tony Ferrari, wrote a "status  
100 update" asking us who we think "Twister's murderer" is. I thought it was funny that Tony was making it  
101 into such a mystery that I decided to comment in a joking manner and write, "Gee, I wonder who the  
102 murderer is! (Wink face)."

103 That same day, Tony Ferrari's post got me to think about junior year and how much fun Jordan  
104 and I used to have. I noticed I had not uploaded a lot of pictures from my smartphone onto my FacePlace  
105 page, and I figured that adding more of a presence and more of my actual experiences may bring more  
106 people to my page to listen to my music. I guess amongst the pictures were the pictures of Jordan from  
107 the party, and Jordan with the mascot. Also, FacePlace has this new feature where it facially recognizes  
108 who is in the picture if you take a lot of pictures with them. Without me knowing, I guess it tagged  
109 Jordan in the photos. No harm intended. I guess picking up those beers to act cool backfired.

110 Thinking about all of the times Jordan and I had together made me and still makes me sad. It  
111 caused me to listen to different genres of music. Listening to the music was therapeutic and seemed to  
112 make my troubles and sadness fade away. I came across a singer "Queen B Jones" that really seemed to  
113 understand me. Her father died when she was young too, and her lyrics really seemed to parallel what I  
114 am going through. I decided to switch up my music style and mirror my new idol, "Queen B Jones." I  
115 find writing the new songs, and sharing them on FacePlace really helps me work through my issues. Like  
116 I said, I don't write any of my songs specifically directed at anybody in my life, however my songs  
117 always seem to hint at my feelings. They're about my total life experience, not individual moments.

118 I guess Jordan seems to think that everything on my FacePlace page is all about her/him. Jordan  
119 also complained to the school guidance counselor as s/he called me into her/his office to see if something  
120 was wrong. S/he said that s/he had gotten multiple complaints about my song lyrics. I defended myself  
121 and my music. I told my guidance counselor that I was sad about losing Jordan, however all of my lyrics  
122 and songs were from songs I listened to from "Queen B Jones." Because of this, s/he called the police and

123 got a Protective Order against me. Now we will never be friends again, and I am not allowed to talk or  
124 communicate with her/him anymore on FacePlace.

125 My music instructor also talked to me – back in December and when word got around that my  
126 lyrics are supposedly about Jordan. I made it clear that music is my therapy and I meant nothing  
127 malicious by my music. Admittedly, it is darker than my old stuff, but I wanted my music to really capture  
128 life and the essence of my new musical muse. Around the same time I was approached by the guidance  
129 counselor a few times about my music. I was defensive of my art - I told her/him that s/he didn't  
130 understand my style of music, didn't know anything about my muse, and was accusing me of things that  
131 weren't true. It was a hurtful and unfounded accusation.

132 I posted the pictures to reminisce on times past, not to get anyone in trouble or to “ruin”  
133 someone's life. I'm not sure where Jordan is getting these crazy ideas from, I think maybe s/he has  
134 something to hide. Now that I think of it, ever since the day that Twister was vandalized, s/he was never  
135 the same. Like I said, I am sad about losing him/her as a friend, but I don't write songs about specific  
136 people.

/s/ Logan Bartram

**IN THE CIRCUIT COURT OF THE TWENTY FIRST JUDICIAL CIRCUIT  
IN AND FOR SPRING COUNTY, FLORIDA  
CRIMINAL DIVISION**

STATE OF FLORIDA,

Prosecution,

v.

Case No. 11-0011-H

Logan Bartram,

Defendant.

\_\_\_\_\_ /

**SWORN STATEMENT OF FRANKIE TANNER**

1           My name is Frankie Tanner. I'm thirty-seven (37) years old and I am a music instructor at  
2 Sunshine High School. I also am a mentor and tutor to those students interested in a career in music. I  
3 graduated from Rosewood University with a dual degree in music education, and music history and  
4 literature. I then continued on to get my master's in education also from Rosewood University. This will  
5 be my first time testifying in a court proceeding.

6           I've been at Sunshine for about eight years now. I've really enjoyed my time here connecting  
7 with the students and their love for music and the arts. Music can connect and really become part of a  
8 young person's life and I am so happy that my job allows me to mix my love for education and music.  
9 Some students know early in life that they want to pursue a career in music, so I also work as a mentor  
10 and tutor to provide additional lessons and help to those students.

11           Throughout my years at Sunshine, I have noticed that some of the students may not have the best  
12 living situations or other stressors in their life, however music allows them to forget their problems. I like  
13 to stress to these students that music can be therapeutic and helpful to their disposition. I can't tell you  
14 how much I love my job in that I can help better my students' lives and offer them a form of therapy,  
15 rather than having the students' stressors bring them down and possibly into trouble. I work hard to  
16 ensure that my classroom is a safe and happy environment for all of my students.

17           Logan Bartram joined my class halfway through her/his freshmen year and I immediately knew  
18 s/he was going to be a special student and an asset to our music program. Logan let me know that s/he  
19 writes all of her/his own songs based on musicians s/he likes, and that s/he can do both vocals as well as

20 read and interpret music. Logan also let me know that s/he is very serious about her/his music, and  
21 wanted to know if I would begin to offer her/him private tutoring lessons. S/He mentioned that it was just  
22 her/him and her/his mother, and that her/his family did not have much money. Because I know Logan has  
23 a lot of talent, I agreed to give her/him lessons for free to help her/him jumpstart her/his music career.

24 I remember when I began giving Logan lessons that s/he told me about her/his best friend, Jordan  
25 Stowe. Jordan is another student at Sunshine High School. Logan told me that Jordan talked her/him into  
26 getting a FacePlace page to promote her/his music. I remember telling Logan that I have heard a lot of  
27 bad things about FacePlace from both other students and reading articles about it.

28 In December of Logan's senior year, I became concerned about Logan. Her/his music was always  
29 happy and upbeat and I started to notice a change in her/his style. At practice, her/his new music seemed  
30 somewhat angry, and completely different from anything I have ever heard before. I approached Logan to  
31 see if everything was okay. I just wanted to make sure that s/he wasn't having problems at school or with  
32 her/his family.

33 When I spoke to Logan, it was clear to me that s/he was having problems with her/his friend  
34 Jordan. I remember hearing on the morning announcements that Jordan had been voted Student Body  
35 President at Sunshine High. I had always thought Jordan was a good influence for Logan as I thought  
36 Jordan may talk Logan into applying for colleges and maybe convince Logan to get into one of their  
37 music programs. Logan expressed a fear to me that s/he was losing her/his best friend. Logan told me  
38 that Jordan had stopped talking to him. Logan was worried that Jordan got in with a bad crowd and may  
39 have gotten into some trouble. I tried to talk to Logan more about it, but s/he didn't really want to confide  
40 in me. Logan assured me that her/his change in music was in result to discovering new artists.

41 My teaching method is not to tell my students how to create their music, rather my mission is to  
42 guide them to better their music so I could not say anything to Logan in reference to her/his change of  
43 genre or style. Instead, I let her/him know I was available if s/he was having any problems at home or at  
44 school, or I could help her/him to seek counseling or maybe even interest in other activities.

45 About a week later, police were at Sunshine High School as they had received tips that Jordan  
46 Stowe was responsible for vandalizing the mascot. I do not know the outcome of the police investigation,  
47 and I believe it is still ongoing. A short time after this, I was approached by Sunshine High School's  
48 guidance counselor as s/he had received news about Logan and Jordan, and wanted to see if I knew  
49 anything. Evidently, Jordan had visited the guidance counselor in fear that Logan may try to harm  
50 her/him and that Logan had been repeatedly threatening him/her on his/her FacePlace page. The guidance  
51 counselor knows that Logan is one of my students, and one of the students that I tutor.

52 Like I said, I've always thought that Logan was a pretty good kid, so I was quite surprised when I  
53 heard all of this news from the guidance counselor. Also, I never would picture Logan as the type to

54 threaten or even hurt somebody. Through the years I've been teaching Logan, I would consider her/him  
55 one of those people that couldn't even harm a fly.

56 I knew I had to speak with Logan again after hearing this news from the guidance counselor.  
57 Upon talking to Logan a second time, s/he let me know that Jordan had filed a Protective Order against  
58 her/him. Logan was clearly very upset as s/he talked to me, but assured me that the music was  
59 therapeutic and based on other artists. We reviewed the lyrics and I did not see anything I could consider  
60 threatening.

61 Logan and I have not discussed her/his new style of music since that last incident. In fact, s/he  
62 has asked that we only meet for tutoring sessions once a week, rather than two to three times a week. I  
63 am worried about her/him as s/he has only been one of my best students, and an overall good kid and joy  
64 to my classroom.

*/s/ Frankie Tanner*

**IN THE CIRCUIT COURT OF THE TWENTY FIRST JUDICIAL CIRCUIT  
IN AND FOR SPRING COUNTY, FLORIDA  
CRIMINAL DIVISION**

STATE OF FLORIDA,

Prosecution,

v.

Case No. 11-0011-H

Logan Bartram,

Defendant.

\_\_\_\_\_ /

**SWORN STATEMENT OF DR. SAWYER FLAGLER**

1 My name is Dr. Sawyer Flagler. I am fifty-eight (58) years old, and I am currently the  
2 head of the Psychology Department at Burlington University where I oversee the department and  
3 teach psychology and other subjects. I received my undergraduate degree in psychology from  
4 Marigold University and my M.D. from Burlington University. I have worked in the scientific  
5 field of psychology for over 25 (twenty-five) years. I have been published in numerous journals  
6 and co-wrote the current textbook used at Burlington University and other psychology programs  
7 throughout the country. Currently, I am specializing and studying a new field of psychology due  
8 to the latest technological advances. Specifically, how the Internet and social media has  
9 impacted teenage psychology. I have testified at more than 50 (fifty) trials as an expert witness.

10 I was contacted by the defense and agreed to take this case pro bono. I have spoken to  
11 Logan Bartram numerous times during the past couple of months, and have studied his song  
12 lyrics and social media postings, and I have come to the opinion, based on several reasons, that  
13 the evidence does not strongly support a conclusion that Logan Bartram intentionally targeted  
14 Jordan Stowe.

15 The first reason is that if Logan chose to make virtual attacks at Jordan on his FacePlace  
16 page, he would have to have the correct mindset and desire to do that. Users of FacePlace may  
17 post items on their FacePlace page that are accessible to other users, including FacePlace  
18 “friends” and even the public who are notified when new content is posted. During my first  
19 consultation with Logan, all he discussed with me was his love for music and how it is  
20 therapeutic and helps him with his problems. I asked him if he ever wrote a song about

21 somebody he loved, and Logan told me no. I asked Logan if he ever wrote a song about  
22 somebody who angered him, Logan told me no. I asked Logan if anybody has ever been  
23 inspiration for his music, and he told me no. Logan told me that he has never written a specific  
24 song for anybody, not even his own mother. Per Logan, all of his music is inspired by artists that  
25 he is currently listening to and likes. Logan did admit though that he has been listening to other  
26 music genres and even he admits that his latest music is a little more “violent” than it used to be.

27 On my next meeting with Logan, I asked him specifically if he wrote all of his own lyrics  
28 that he posts on his FacePlace page. Again, Logan reiterated that he does write his own songs,  
29 however all of his compositions are derived from other songs. Next, I began to ask Logan why  
30 s/he uploaded his lyrics onto FacePlace. Logan went into great detail on how important his/her  
31 music is to him especially after the events that have happened in his life. Logan’s father suffered  
32 from depression which led to his death when Logan was very young. Losing his/her father this  
33 way has taken a deep toll on Logan and her/his mother. Logan’s mother has not remarried, and  
34 since her/his father’s passing, it has been just the two of them. Logan stated that her/his music is  
35 therapeutic and s/he shares the lyrics so that people from all over can understand and hear her/his  
36 music. Logan wants to bring attention to her/his music and therefore posts as much about her/his  
37 music as s/he can, and this includes her/his lyrics.

38 Another time I met with Logan, I discussed her/his friendship with Jordan. S/He  
39 mentioned that Jordan was her/his first friend when s/he started high school in a new state. S/He  
40 mentioned that Jordan was her/his first “real” best friend and that at the beginning of high school  
41 they did everything together. Logan went into detail on how Jordan changed once they both  
42 joined the Varsity track team. Logan told me that Jordan began to hang out with a different  
43 crowd and began to act like s/he was cooler than everybody, mainly Logan. I really tried to dig in  
44 to see how Logan was impacted by losing Jordan as a friend. I am unsure if it was because of  
45 other circumstances or the fact that I am most likely not the first person to task Logan about this  
46 topic, but s/he appeared angry when discussing Jordan. S/He couldn’t believe that Jordan filed a  
47 Protective Order against her/him and found this to be “dramatic”. He also implied that Jordan’s  
48 response to the situation was out of guilt for something Jordan had done.

49 Another issue I considered is the actual song lyrics. A few of his/her songs really stuck  
50 out. The song title was “I Know You Did It”, and the actual lyrics stated: “I have plans for my  
51 friend. You know you did it and twisted your way out. Even though you’re the head honcho,

52 you still had to destroy the main attraction.” Logan explained that this song idea came from  
53 her/his new favorite singer “Queen B Jones”. The other song “Take You Down” had some lyrics  
54 that initially might be questionable, but did not, in my opinion, reference a specific person or  
55 establish a credible threat of any kind.

56 Through my meetings with Logan, I also conclude that Logan shows no signs of  
57 aggression. It was brought to my attention by Logan that s/he was in a physical altercation on  
58 one separate occasion. Logan says s/he was provoked when a student said something offensive  
59 about Mrs. Bartram. Logan has a deep attachment to his/her mother, as many children of single  
60 parents do. The comment with reference to her marital status would be deeply hurtful to Logan  
61 and spur a need to defend his/her mother. Where violence is not the best course of action, it was  
62 a normal human reaction to verbal provocation.

63 My opinion is that the two kids had a falling out with each other, which is typical at their  
64 age and neither intended true harm against the other. While Logan’s lyrics may come off as  
65 alarming at first sight, especially due to the seriousness at her/his age, s/he has made no  
66 admission or statements to me revealing that any of her/his lyrics were composed or written to be  
67 directed at Jordan Stowe. Finally, I think it is healthy for Logan to express her/his feelings  
68 through music as s/he feels it is therapeutic and is helpful to suppress her/his emotions. While  
69 Logan directing her/his lyrics at Jordan is not impossible, and I have seen instances of bullying  
70 and harassment online, especially on FacePlace, I do not believe that was the intention through  
71 the meetings and discussions I have had with Logan.

*/s/ Dr. Sawyer Flagler*



**Exhibit A – Logan Bartram’s Personal FacePlace Page**

FacePlace

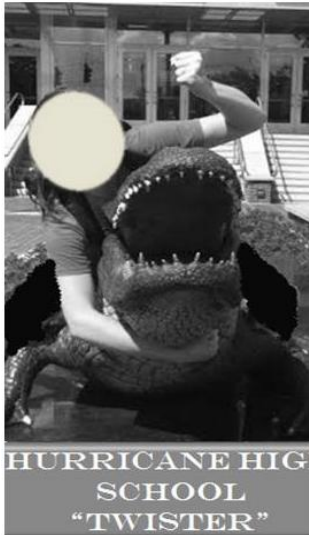
HOME MESSAGES FRIENDS PAGES

Logan Bartram  
User: @bartyL  
Send a Message  
Add to Friends  
Profile status: Public

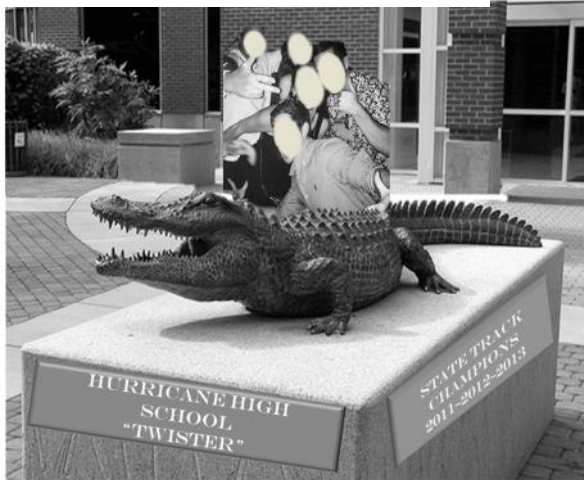
www.faceplace.com/loganbartram  
music

Current Posts

**@bartyL\_posts** (5:49pm): **#tbt Good times!**  
**+55 more pictures made public**



#tbt March 2014  
@jordanstowe1  
Posted by Logan Bartram  
♥ 103 favorites  
March 26, 2015  
Via FacePlace



#tbt March 2014 @crossj @bigmillvalek  
@jordanstowe1 @bigtony  
♥ 315 favorites  
Posted by Logan Bartram  
March 26, 2015  
Via FacePlace



#tbt March 2014  
@jordanstowe1 @crossj @mack1  
Posted by Logan Bartram  
♥ 202 favorites  
March 26, 2015  
Via FacePlace



#tbt March 2014  
@jordanstowe1  
Posted by Logan Bartram  
♥ 116 favorites  
March 26, 2015  
Via FacePlace 33

**SPEED FEED**

March 26

@bigtony\_Tony Ferrari says (4:48pm):  
A year later and we still don't know who the genius was that murdered Twister – wonder who it was?

@bartyL\_Logan Bartram replied (5:10pm): Hm, I wonder who destroyed the Hurricanes' mascot, Twister!?



@stews\_Sarah Stewart says:  
Anyone catch the calc homework today?

@KristiD\_Kristi DeFranco replied: I didn't but no1 gets it anyway!

@Markym\_Marcus Myers says:  
Baseball game this week – come out and support the Sunshine High Rays!

@MaryL\_Mary Lucas replied: Go rays!

**Exhibit B – Pictures posted by Logan Bartram**

**Photo 1 of 3**



#tbt March 2014

@jordanstowe1

Posted by Logan Bartram

♥ 103 favorites

**Share**

March 26, 2015

Via FacePlace

@jcrowe\_Jamie Crowe says...? @jordanswtowe1

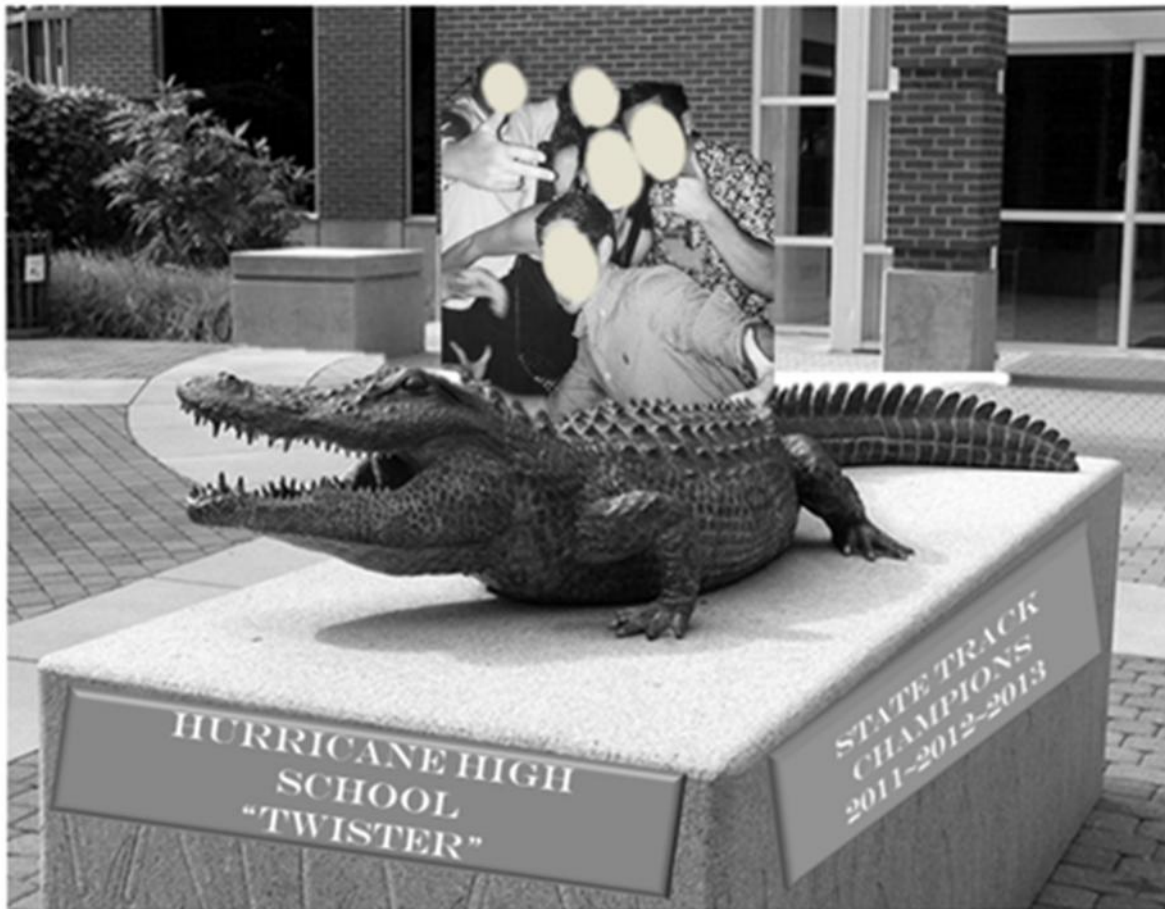
@Kthomp\_Kelli Thompson says: Bahahaha....@jordanstowe1

@TyKell\_Tyler Keller says: I'm sorry I missed that trip...or maybe I'm not...

V 15 more comments

**Exhibit B – Pictures posted by Logan Bartram**

**Photo 2 of 3**



#tbt March 2014  
@crossj @bigmillyalex @jordanstowe1 @bigtony  
Posted by Logan Bartram

♥ 315 favorites

**Share**

March 26, 2015  
Via FacePlace

@jakers\_Jake Goodman says: Wait a minute...what night was this!?

@dandre\_D'Andre Peters says: Someone has some explaining to do!

@TayTay\_Taylor Harris says: Poor Twister...

V 15 more comments

**Exhibit B – Pictures posted by Logan Bartram**

**Photo 3 of 3**



#tbt March 2014

@jordanstowe1

Posted by Logan Bartram

♥ 116 favorites

**Share**

March 26, 2015

Via FacePlace

@dane\_Dane Peters says: Party animal! @jordanstowe1


@tateman\_Tate James says: Drink it up...chug! Chug! Chug!

@sarahbarlow\_Sarah Barlow says: Omg I was at that party too – so fun! I had forgotten all about that night. I miss those days.

V 10 more comments

FacePlace

HOME      MESSAGES      FRIENDS      PAGES



# Logan Bartram Music

Fan Page -

Send a Message

♥ Favorite (489)

About

Logan Bartram Music is about an expression of self, of finding your innermost feelings and sharing them with the world through music.

“Make them listen with their heart.

It’s the only way in to the soul.”

- Queen B Jones

Lyrics

**Featured**

- > Do You Wanna
- > **Move & Shake**
- > Jump In
- > **All Around You**
- > **We All Know You Did It**
- > **But I Won’t**
- > *Coming soon:*  
Going to Get You

**New Post! 4/5/15**

**But I Won’t**

You’re the worst.  
 You know it, so do I.  
 You think it’s going to be so easy  
 So easy to leave me behind.

Hey boss, you need to be demoted.  
 Click, click boom. Watch you fade away.  
 It’s the only way I’ll make it through -  
 To know that I got to you.

*Chorus*

What do you want?  
 You want me to leave but I won’t.  
 Good luck with that, just wait and see.  
 Make you ask, make you beg, make you plead.

This has been a long time coming.  
 By your side so long it had to die.  
 What once was will be no more,  
 Better wipe your tears off the floor.

What do you want?  
 You want me to leave but I won’t.  
 Good luck with that, just wait and see.  
 Make you ask, make you beg, make you plead.  
 You want me to leave but I won’t.

Lay in your guilt, pay for what you’ve done.

Feel the knife cut deep, feel it burn,  
 feel it bleed.  
 You know nothing,  
 I’m coming undone.

What do you want?  
 You want me to leave but I won’t.  
 Good luck with that, just wait and see.  
 Make you ask, make you beg, make you plead.  
 You want me to leave but I won’t.

**We All Know You Did It**  
3/28/15

I know who you think you are.  
You're the boss and the king.  
Who you are now is who you will always be.  
I just don't know how to make you see.

Try so hard to fit in, make it work.  
It's all a mask to be ripped away.  
Cheers to you my former friend,  
Looks like it's going to be a violent end.

*Chorus*

I have plans for my friend.  
You know you did it  
And twisted your way out.  
Even though you're the head honcho,  
You still had to destroy the main attraction.  
We all know you did it.

We all know that you're just a wannabe.  
But you will never be someone we want to be.  
You should get what you gave – run, disappear.  
Bridges to burn, bring on the fear.

*Chorus*

I have plans for my friend.  
You know you did it  
And twisted your way out.  
Even though you're the head honcho,  
You still had to destroy the main attraction.  
We all know you did it.

We all know you did it.  
You're going to pay.  
We all know you did it.  
There will be a day.

I have plans for you my friend.  
We all know you did it.

**All Around You**  
12/18/14

There is a space between you and me -  
Filled with memories that had yet to be.  
I reach out to find you are not there,  
Sometimes that pain is hard to bear.

Moving forward, leave it behind  
Run to the future, find that air.  
I need to learn to breathe again  
And find that place where we began.

*Chorus*

I look around and know,  
That you are all around me,  
Chasing, seeking, finding, let myself be free.  
Show me what it all was for  
Know that I am all around you.

I stand here waiting to see what will be  
What will this world make of me?  
Alone or with you – either way  
I will stand on my own feet someday.

*Chorus*

I look around and know,  
that you are all around me,  
Chasing, seeking, finding, let myself be free.  
Show me what it all was for  
Know that I am all around you.

Show me what it all was for  
Know that I am all around you.

## **Move & Shake**

7/05/14

Feel that beat move through your soul?  
Cast away those bad vibes.  
Set it all down and move away.  
Find your happiness and stay.

When the clouds move in to ruin your day  
And the words spill out full of hate,  
Drop it. Rewind it. Turn it around.  
Let your heart hear this sound.

### *Chorus*

And I'm going to move, move, move -  
Shake it, shake it.  
Find your joy and take it, take it.  
Move, move, move, shake it, shake it.  
Take your life and rearrange it.

He said, she said - every word.  
We speak so loud we can be heard.  
Listen to each other's heart  
And find the way back to start.

### *Chorus*

And I'm going to move, move, move -  
Shake it, shake it.  
Find your joy and take it, take it.  
Move, move, move, shake it, shake it.  
Take your life and rearrange it.

It's a beautiful mess, a perfect storm,  
The downside of up, far from the norm.  
A wild ride, turned upside down  
What once was lost, now is found.

### *Chorus*

And I'm going to move, move, move -  
Shake it, shake it.  
Find your joy and take it, take it.  
Move, move, move, shake it, shake it.  
Take your life and rearrange it.



**Exhibit D – Incident Report**

Notes from session w/student: **Sunshine High School**  
4/15/13 (Bartram)  
provoked by Miller; aggressive response  
→ anger management + better coping skills needed

**Incident Report Form**

School:	Sunshine High School
Name of Staff:	MARTY BOWDEN
Date of incident:	APRIL 13, 2013
Place:	TRACK FIELD
Incident Facts:	BEFORE TRACK PRACTICE BEGAN, ALEX MILLER & LOGAN BARTRAM WERE HAVING A CONVERSATION. MILLER TOLD LOGAN, "IF YOUR MOM IS A STIFF LIKE YOU, IT'S NO WONDER SHE'S SINGLE." THEN LOGAN PUNCHED ALEX DIRECTLY IN THE FACE. I IMMEDIATELY SEPERATED THEM. ALEX SUSTAINED A BLACK EYE AND BLOODY NOSE.
Action decided upon, taken and by whom:	I, MARTY BOWDEN, SUSPENDED LOGAN FROM TRACK ACTIVITIES FOR THE REST OF THE SEASON, GAVE HIM 2 WEEKS OF DETENTION. ALEX WAS SEEN AND CARED BY THE SCHOOL NURSE.

Signed: Mark Date: 4/13/13

X Logan Bartram  
Logan Bartram, student

X Taylor Kelly 4/15/13  
School Counselor, Dr. T. Kelly



**Exhibit E – Crime Scene Photos**



Photo provided by Hurricane High School  
Taken 2/15/2014



Photo provided by Sunshine Police Department  
Published in the Sunshine Times  
Photo taken 3/14/2014

**PETITION FOR INJUNCTION FOR PROTECTION  
OTHER THAN DOMESTIC VIOLENCE**

21<sup>st</sup> Judicial Circuit of the State of Florida

**Jordan Stowe**

Petitioner

Vs.

**Logan Bartram**

Respondent

\_\_\_\_\_ /

Before me, the undersigned authority, personally appeared Jordan Stowe (“**Petitioner**”), who has been sworn and says that the following statements are true:

- (a) Petitioner resides at: 153 Highwater Trail, Sunshine, Florida 32000
- (b) Respondent resides at: 189 Fairchild Way, Sunshine, Florida 32000
- (c) Respondent's last known place of employment: Sport Shack, 100 SR 500 Sunshine, Florida 32001
- (d) Aliases of respondent: n/a
- (e) The following describes any other cause of action currently pending between the petitioner and respondent:

The Petitioner should also describe any previous or pending attempts by the petitioner to obtain an injunction for protection against Respondent in this or any other circuit, and the results of that attempt: n/a

(f) Petitioner is either a victim of domestic violence **or** has reasonable cause to believe he or she is in imminent danger of becoming a victim of violence because Respondent has: (mark all sections that apply and describe in the spaces below the incidents of violence or threats of violence, specifying when and where they occurred, including, but not limited to, locations such as a home, school, place of employment, or visitation exchange):

  X   committed or threatened to commit non-domestic violence defined in s. 741.28, Florida Statutes, as any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member by another.

*Respondent has made threatening statements through social media against the petitioner reflective of harassment and stalking*

  X   previously threatened, harassed, stalked, or physically abused the petitioner.

\_\_\_\_\_ attempted to harm the Petitioner or family members or individuals closely associated with the Petitioner.

Page 2 of 3

\_\_\_\_\_ threatened to conceal, kidnap, or harm the Petitioner's child or children.

\_\_\_\_\_ intentionally injured or killed a family pet.

\_\_\_\_\_ used, or has threatened to use, against the Petitioner any weapons such as guns or knives.

\_\_\_\_\_ physically restrained the Petitioner from leaving the home or calling law enforcement.

\_\_\_\_\_ a criminal history involving violence or the threat of violence (if known).

\_\_\_\_\_ another order of protection issued against him or her previously or from another jurisdiction (if known).

\_\_\_\_\_ destroyed personal property, including, but not limited to, telephones or other communication equipment, clothing, or other items belonging to the petitioner.

\_\_\_\_\_ engaged in any other behavior or conduct that leads the petitioner to have reasonable cause to believe he or she is in imminent danger of becoming a victim of domestic violence.

**(h) Petitioner seeks an injunction: (mark appropriate section or sections)**

Immediately restraining the respondent from committing any acts of non-domestic violence.

\_\_\_\_\_ Restraining the Respondent from committing any acts of domestic violence.

\_\_\_\_\_ Awarding to the Petitioner the temporary exclusive use and possession of the dwelling that the parties share or excluding the respondent from the residence of the petitioner.

\_\_\_\_\_ Providing a temporary parenting plan, including a temporary time-sharing schedule, with regard to the minor child or children of the parties which might involve prohibiting or limiting time-sharing or requiring that it be supervised by a third party.

\_\_\_\_\_ Establishing temporary support for the minor child or children or the Petitioner.

(i) Upon the filing of the petition, the court shall set a hearing to be held at the earliest possible time. The respondent shall be personally served with a copy of the petition, financial affidavit, and Enforcement Act affidavit, if any, notice of hearing, and temporary injunction, if any, prior to the hearing.

(j) Except as provided in s. 90.204, in a hearing ex parte for the purpose of obtaining such ex parte temporary injunction, no evidence other than verified pleadings or affidavits shall be used as evidence, unless the respondent appears at the hearing or has received reasonable notice of the hearing. A denial of a petition for an ex parte injunction shall be by written order noting the legal grounds for denial. When the only ground for denial is no appearance of an immediate and present danger of domestic violence, the court shall set a full hearing on the petition for injunction with notice at the earliest possible time. Nothing herein affects a petitioner's right to promptly amend any petition, or otherwise be heard in person on any petition consistent with the Florida Rules of Civil Procedure.

(k) Any such ex parte temporary injunction shall be effective for a fixed period not to exceed fifteen (15 days). A full hearing, as provided by this section, shall be set for a date no later than the date when the temporary injunction ceases to be effective. The court may grant a continuance of the hearing before or during a hearing for good cause shown by any party, which shall include a continuance to obtain service of process. Any injunction shall be extended if necessary to remain in full force and effect during any period of continuance.

(l) The terms of an injunction restraining the respondent or ordering other relief for the protection of the victim shall remain in effect until modified or dissolved. Either party may move at any time to modify or dissolve the injunction. No specific allegations are required. Such relief may be granted in addition to other civil or criminal remedies.

(m) A temporary or final judgment on injunction for protection against non-domestic violence related criminal activity entered pursuant to this section shall, on its face, indicate that:

1. The injunction is valid and enforceable in all counties of the State of Florida.
2. Law enforcement officers may use their arrest powers to enforce the terms of the injunction.
3. The court had jurisdiction over the parties and matter under the laws of Florida and that reasonable notice and opportunity to be heard was given to the person against whom the order is sought sufficient to protect that person's right to due process.
4. The date respondent was served with the temporary or final order, if obtainable.

(n) The clerk of the court shall furnish a copy of the petition, financial affidavit, and Enforcement Act affidavit, if any, notice of hearing, and temporary injunction, if any, to the sheriff or a law enforcement agency of the county where the respondent resides or can be found, who shall serve it upon the respondent as soon thereafter as possible on any day of the week and at any time of the day or night.

(o) The court may enforce a violation of an injunction for protection against domestic violence through a civil or criminal contempt proceeding, or the state attorney may prosecute it as a criminal violation under Florida law. The court may enforce the respondent's compliance with the injunction through any appropriate civil and criminal remedies, including, but not limited to, a monetary assessment or a fine. The clerk of the court shall collect and receive such assessments or fines.

(p) If the respondent is arrested by a law enforcement officer or for a violation, the respondent shall be held in custody until brought before the court as expeditiously as possible for the purpose of enforcing the injunction and for admittance to bail and the applicable rules of criminal procedure, pending a hearing.

(q) The petitioner or the respondent may move the court to modify or dissolve an injunction at any time.

(r) Every petition for an injunction against non-domestic criminal violence shall contain, directly above the signature line, a statement in all capital letters and bold type not smaller than the surrounding text, as follows:

**I HAVE READ EVERY STATEMENT MADE IN THIS PETITION AND EACH STATEMENT IS TRUE AND CORRECT. I UNDERSTAND THAT THE STATEMENTS MADE IN THIS PETITION ARE BEING MADE UNDER PENALTY OF PERJURY, PUNISHABLE AS PROVIDED IN SECTION 837.02, FLORIDA STATUTES.**

*PLEASE MAKE ALL OF THIS STOP.*

Jordan Stowe.

JS

## APPLICABLE STATUTES

### **Florida Statute 784.048 – Stalking; definitions; penalties**

(1) As used in this section, the term:

(a) “Harass” means to engage in a course of conduct directed at a specific person which causes substantial emotional distress to that person and serves no legitimate purpose.

(b) “Course of conduct” means a pattern of conduct composed of a series of acts over a period of time, however short, which evidences a continuity of purpose. The term does not include constitutionally protected activity such as picketing or other organized protests.

(c) “Credible threat” means a verbal or nonverbal threat, or a combination of the two, including threats delivered by electronic communication or implied by a pattern of conduct, which places the person who is the target of the threat in reasonable fear for his or her safety or the safety of his or her family members or individuals closely associated with the person, and which is made with the apparent ability to carry out the threat to cause such harm. It is not necessary to prove that the person making the threat had the intent to actually carry out the threat. The present incarceration of the person making the threat is not a bar to prosecution under this section.

(d) “Cyberstalk” means to engage in a course of conduct to communicate, or to cause to be communicated, words, images, or language by or through the use of electronic mail or electronic communication, directed at a specific person, causing substantial emotional distress to that person and serving no legitimate purpose.

(2) A person who willfully, maliciously, and repeatedly follows, harasses, or cyberstalks another person commits the offense of stalking, a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(3) A person who willfully, maliciously, and repeatedly follows, harasses, or cyberstalks another person and makes a credible threat to that person commits the offense of aggravated stalking, a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4) A person who, after an injunction for protection against repeat violence, sexual violence, or dating violence pursuant to s. 784.046, or an injunction for protection against domestic violence pursuant to s. 741.30, or after any other court-imposed prohibition of conduct toward the subject person or that person’s property, knowingly, willfully, maliciously, and repeatedly follows, harasses, or cyberstalks another person commits the offense of aggravated stalking, a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(5) A person who willfully, maliciously, and repeatedly follows, harasses, or cyberstalks a child under 16 years of age commits the offense of aggravated stalking, a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(6) A law enforcement officer may arrest, without a warrant, any person that he or she has probable cause to believe has violated this section.

(7) A person who, after having been sentenced for a violation of s. 794.011, s. 800.04, or s. 847.0135(5) and prohibited from contacting the victim of the offense under s. 921.244, willfully, maliciously, and repeatedly follows, harasses, or cyberstalks the victim commits the offense of aggravated stalking, a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(8) The punishment imposed under this section shall run consecutive to any former sentence

imposed for a conviction for any offense under s. 794.011, s. 800.04, or s. 847.0135(5).

(9)(a) The sentencing court shall consider, as a part of any sentence, issuing an order restraining the defendant from any contact with the victim, which may be valid for up to 10 years, as determined by the court. It is the intent of the Legislature that the length of any such order be based upon the seriousness of the facts before the court, the probability of future violations by the perpetrator, and the safety of the victim and his or her family members or individuals closely associated with the victim.

(b) The order may be issued by the court even if the defendant is sentenced to a state prison or a county jail or even if the imposition of the sentence is suspended and the defendant is placed on probation.

### **Florida Statute § 784.0489<sup>2</sup> – Photo Cyberharassment**

(1) The Legislature finds that:

(a) A person depicted in a compromising image taken with the person's consent has a reasonable expectation that the image will remain private.

(b) It is becoming a common practice for persons to publish a compromising image of another to Internet websites without the depicted person's consent, for no legitimate purpose, with the intent of causing substantial emotional distress to the depicted person.

(c) When such images are published on Internet websites, they are able to be viewed indefinitely by persons worldwide and are able to be easily reproduced and shared.

(d) The publication of such images on Internet websites creates a permanent record of the depicted person's compromising conduct.

(e) The existence of such images on Internet websites causes those depicted in such images significant psychological harm.

(f) Safeguarding the psychological well-being of persons depicted in such images is compelling.

(2) As used in this section, the term:

(a) "Image" includes, but is not limited to, any photograph, picture, motion picture, film, video, or representation.

(b) "Personal identification information" has the same meaning as provided in s. 817.568.

(c) "Photo cyberharassment" means to publish compromising images of a person that contains or conveys the personal identification information of the depicted person to an Internet website without the depicted person's consent, for no legitimate purpose, with the intent of causing substantial emotional distress to the depicted person.

(d) "Compromising image" means any image depicting potentially incriminating activity and/or pictures that may be significantly damaging to a person's reputation.

(3) A person who willfully and maliciously photo cyberharasses another person commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4) A law enforcement officer may arrest, without a warrant, any person that he or she has probable cause to believe has violated this section.

(a) Upon proper affidavits being made, a search warrant may be issued to further investigate violations of this section, including warrants issued to search a private dwelling.

(5) An aggrieved person may initiate a civil action against a person who violates this section to

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<sup>2</sup> Fictional Florida statute based on 784.049 F.S. – Sexual cyberharassment

obtain all appropriate relief in order to prevent or remedy a violation of this section, including the following:

(a) Injunctive relief.

(b) Monetary damages to include \$5,000 or actual damages incurred as a result of a violation of this section, whichever is greater.

(c) Reasonable attorney fees and costs.

(6) The criminal and civil penalties of this section do not apply to:

(a) A provider of an interactive computer service as defined in 47 U.S.C. s. 230(f), information service as defined in 47 U.S.C. s. 153, or communications service as defined in s. 202.11, that provides the transmission, storage, or caching of electronic communications or messages of others; other related telecommunications or commercial mobile radio service; or content provided by another person; or

(b) A law enforcement officer, as defined in s. 943.10, or any local, state, federal, or military law enforcement agency, that publishes a compromising image in connection with the performance of his or her duties as a law enforcement officer, or law enforcement agency.

(7) A violation of this section is committed within this state if any conduct that is an element of the offense, or any harm to the depicted person resulting from the offense, occurs within this state.

## **JURY INSTRUCTIONS**

### **STALKING BY CYBERSTALKING**

To prove the crime of Stalking by Cyberstalking, the State must prove the following two elements beyond a reasonable doubt:

1: Logan Bartram willfully, maliciously, and repeatedly cyberstalked Jordan Stowe;

and

2: Logan Bartram made a credible threat to Jordan Stowe.

“Cyberstalk” means to engage in a course of conduct to communicate, or to cause to be communicated, words, images, or language by or through the use of electronic communication, directed at a specific person, causing substantial emotional distress to that person and serving no legitimate purpose.

“Credible threat” means a verbal or nonverbal threat, or a combination of the two, including threats delivered by electronic communication or implied by a pattern of conduct, which places the person who is the target of the treat in a reasonable fear for his or her safety and which is made with the apparent ability to carry out the treat to cause such harm.

It is not necessary for the State to prove that the person making the threat had the actual intent to carry out the treat.

### **PHOTO CYBERHARRASSMENT**

To prove the crime of Photo Cyberharassment, the State must prove the following elements beyond a reasonable doubt:

1: Logan Bartram published a compromising image of Jordan Stowe on an Internet website for no legitimate purpose and with the intent of causing substantial emotional distress to Jordan Stowe;

2: Jordan Stowe did not consent to the image being published;

and

3: Jordan Stowe had a reasonable expectation that the image would remain private.

“Image” includes, but is not limited to, any photograph, picture, motion picture, film, video, or representation.

“Photo cyberharassment” means to publish compromising images of a person that contains or conveys the personal identification information of the depicted person to an Internet website without the depicted person’s consent, for no legitimate purpose, with the intent of causing substantial emotional distress to the depicted person.

### **PLEA OF NOT GUILTY; REASONABLE DOUBT; AND BURDEN OF PROOF**

The defendant has entered a plea of not guilty. This means you must presume or believe the defendant is innocent. The presumption stays with the defendant as to each material allegation in the Information through



each stage of the trial unless it has been overcome by the evidence to the exclusion of and beyond a reasonable doubt.

To overcome the defendant's presumption of innocence the State has the burden of proving the crime with which the defendant is charged was committed and the defendant is the person who committed the crime.

The defendant is not required to present evidence or prove anything.

Whenever the words "reasonable doubt" are used you must consider the following:

A reasonable doubt is not a mere possible doubt, a speculative, imaginary or forced doubt. Such a doubt must not influence you to return a verdict of not guilty if you have an abiding conviction of guilt. On the other hand, if, after carefully considering, comparing and weighing all the evidence, there is not an abiding conviction of guilt, or, if, having a conviction, it is one which is not stable but one which wavers and vacillates, then the charge is not proved beyond every reasonable doubt and you must find the defendant not guilty because the doubt is reasonable.

It is to the evidence introduced in this trial, and to it alone, that you are to look for that proof.

A reasonable doubt as to the guilt of the defendant may arise from the evidence, conflict in the evidence or the lack of evidence.

If you have a reasonable doubt, you should find the defendant not guilty. If you have no reasonable doubt, you should find the defendant guilty.

## **RULES OF THE STATE COMPETITION**

### **Rule I: Team Composition/Presentation**

- 1) The competition is open to students currently enrolled in grades 9-12 in Florida schools. All students on a team must be enrolled in the same school in the district they are representing.
- 2) **Only one team may represent a high school at any level of competition.**
- 3) Teams shall consist of six to eight students including alternates to be used in any manner deemed appropriate by the teacher and coach, as long as the distribution of duties does not conflict with competition Rule IV. For each trial round, teams shall use three students as attorneys and three students as witnesses.
- 4) Students may switch roles for different **rounds** of trials (i.e. a student may be an attorney for the defense and a witness for the Prosecution during separate rounds).
- 5) Each team must be fully prepared to argue both sides of the case. (Plaintiff/Prosecution and Defense/Defendant) using six team members.
- 6) Students of either gender may portray the role of any witness. The competition will strive to make roles gender neutral. However, some cases will warrant a specific gender role. In such cases, students of either gender may portray the role but the gender of the witness may not change from the case as presented.
- 7) Team Roster/"Roll" Call

Copies of the Team Roster form must be completed and returned prior to arrival at the competition site. Teams should be identified by the code assigned at registration.

Before beginning a trial, teams will be asked to prepare a "Roll Call" list to identify the students participating in each round and their corresponding roles. No information identifying team origin should appear on the list.

- 8) All teacher coaches and students must attend the mandatory general assembly/orientation. Attorney coaches who accompany their team must also be present.
- 9) Immediately following the mandatory general assembly, all teachers and attorney coaches affiliated with participating Mock Trial teams must attend a Teacher and Coaches Meeting, which will include a review of the rules and power matching system.

## **Rule II: The Case**

- 1) The case may contain any or all of the following stipulations: documents, narratives, exhibits, witness statements, etc.
- 2) The stipulations (and fact statements, if any) may not be disputed at the trial. Witness statements may not be altered.
- 3) All witnesses must be called.

## **Rule III: Trial Presentation**

- 1) The trial proceedings will be governed by the Florida Mock Trial Simplified Rules of Evidence. Other more complex rules may not be raised at the trial. Questions or interpretations of these rules are within the discretion of the State Mock Trial Advisory Committee, whose decision is final.
- 2) Each witness is bound by the facts contained in his/her own witness statement, the Statement of Facts, if present, and/or any necessary documentation relevant to his/her testimony. Fair extrapolations may be allowed, provided reasonable inference may be made from the witness' statement. If, in direct examination, an attorney asks a question which calls for extrapolated information pivotal to the facts at issue, the information is subject to objection outside the scope of the problem.

If, on cross-examination, an attorney asks for unknown information, the witness may or may not respond, so long as any response is consistent with the witness' statement or affidavit and does not materially affect the witness' testimony.

Adding facts that are inconsistent with the witness statement or with the Stipulated Facts and which would be relevant with respect to any issue in the case is not permitted. Examples include, but are not limited to (a) creating a physical or mental disability, (b) giving a witness a criminal or bad record when none is suggested by the statements, (c) creating facts which give a witness standing as an expert and (d) materially changing the witness' profession, character, memory, mental or physical ability from the witness' statement by testifying to "recent changes."

- 3) If certain witnesses are stipulated to as experts, their expert qualifications may not be challenged or impeached by the opposing side. However, their testimony concerning the facts of the case may be challenged.
- 4) On direct examination, the witness is limited to the facts given. If a witness testifies in contradiction to the facts given in the witness statement, that testimony may be impeached on cross-examination by the opposition through the correct use of the affidavit. The procedure is outlined in the Rules of Evidence.
- 5) On cross-examination, no restrictions will be made on the witness or the cross-examination, except that the answer must be responsive and the witness can be impeached.

If the attorney who is cross-examining the witness asks a question, the answer to which is not contained in the stipulations or affidavit then the witness may respond to that question with any answer as long as the answer **does not contradict or materially change** the affidavit.

If the answer by the witness is contrary to the stipulations or the affidavit, the cross-examination attorney may impeach the witness.

- 6) Use of **voir dire** examination of a witness is not permitted.

#### **Rule IV: Student Attorneys**

- 1) Team members are to evenly divide their duties. During any single round, each of the three attorneys will conduct one direct and one cross; in addition, one will present the opening statements and another will present closing arguments. In other words, the attorney duties for each team will be divided as follows:
  - a) Opening Statements
  - b) Direct/Re-direct Examination of Witness #1
  - c) Direct/Re-direct Examination of Witness #2
  - d) Direct/Re-direct Examination of Witness #3
  - e) Cross/Re-cross Examination of Witness #1
  - f) Cross/Re-cross Examination of Witness #2
  - g) Cross/Re-cross Examination of Witness #3
  - h) Closing Arguments
  - i) Plaintiff's/Prosecution's optional closing rebuttal (**see Rule XV**)

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

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

Each team must call the three witnesses listed in the case materials. Witnesses must be called only by their own team and examined by both sides. Witnesses may not be recalled.

- 2) Attorneys may use notes in presenting their cases. Witnesses are not permitted to use notes while testifying during the trial.
- 3) To permit judges to hear and see better, attorneys will stand during opening and closing statements, direct and cross-examinations, all objections, and **whenever addressing the presiding judge**. Students may move from the podium only with the permission of the presiding judge.

## **Rule V: Swearing of Witnesses**

The presiding judge will indicate that all witnesses are assumed to be sworn.

## **Rule VI: Case Materials**

Students may read other cases, materials, and articles in preparation for the mock trial. **However, students may cite only the case materials given, and they may introduce into evidence only those documents given in the official packet.** In addition, students may not use, even for demonstrative purposes, any materials that are not provided in the official packet. **The following are not permitted: props, costumes, enlargements, computers, phones, or electronic devices of any kind.**

## **Rule VII: Trial Communication**

Instructors, alternates, and observers shall not talk to, signal, communicate with, or coach their teams during trial. This rule remains in force during any recess time that may occur. Team members within the bar area may, among themselves, communicate during the trial; however, no disruptive communication is allowed.

Non-team members, alternate team members, teachers, and coaches must remain outside the bar in the spectator section of the courtroom. **Only the six members participating in this round may sit inside the bar.**

## **Rule VIII: Trial Start Time**

The starting time of any trial will not be delayed for longer than ten minutes unless approved by the Mock Trial Coordinator. Incomplete teams will have to begin without their other members or with alternates.

## **Rule IX: Conduct/Attire**

**All participants are expected to demonstrate proper courtroom decorum and display collegial sportsmanlike conduct. Appropriate courtroom attire is required. Adherence to the Code of Ethics is expected of all participants.**

## **Rule X: Videotaping/Photography**

Cameras and recording devices are permitted in certain courtrooms; however, the use of such equipment may not be disruptive **and must be approved in advance of the competition by The Florida Law Related Education Association, Inc.** When one team requests to videotape during a trial, the opposing team must be consulted and their permission granted prior to taping.

## **Rule XI: Witnesses**

Witnesses are to remain in the courtroom during the entire trial.

## Rule XII: Jury Trial

For purposes of the competition, students will assume this is a jury trial. The scoring judges will act as the jury. The presiding judge is the trial judge. Students should address the scoring judges and the presiding judge.

## Rule XIII: Viewing a Trial

Team members, alternates, attorney coaches, teacher coaches, and any other persons directly associated with a mock trial team, except those authorized by the State Advisory Committee, are not allowed to view other teams in competition so long as their team remains in the competition. Judges should maintain order in the courtroom. If observers are disorderly, they will be asked to vacate the premises.

## Rule XIV: Decisions

**ALL DECISIONS OF THE JUDGES ARE FINAL.**

## Rule XV: Time Limits

1. A total time will be given to each side for direct, cross, re-direct, and re-cross.

The sequence and time limits are:

Opening Statements	5 minutes per side
Direct Examination and Re-direct Examination (optional)	24 minutes total per side
Cross Examination and Re-cross Examination (optional)	21 minutes total per side
Closing Argument	5 minutes per side

None of the foregoing may be waived **except the optional times**, nor the order changed.

The Plaintiff/Prosecution gives the opening statement first. The Plaintiff/Prosecution gives the closing argument first; **the Plaintiff/ Prosecution may reserve one minute or less of the closing time for a rebuttal.** Plaintiff/Prosecution must notify the judge before beginning closing argument if the rebuttal time is requested. The Plaintiff's/Prosecution's rebuttal is limited to the scope of the defense's closing argument.

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

2. Timing will halt during objections and responses to objections. **Timing will not halt during the admission of documentary evidence, unless there is an objection by opposing counsel.** In the interest

of fairness, time extensions may be granted at the discretion of the presiding judge. All objections should be argued in open court, not at the bench. Timing will resume after the judge has ruled on the objection. Students should avoid the use of tactics to "run out the clock" during the admission of evidence. Judges will be instructed to consider this in the Team Ethics scoring category.

3. A "timekeeper" will be provided and will keep the official time of the trial. The timekeeper's role will be expanded to time the 10 minute debrief session for each side. This will help ensure that the schedule is maintained. The timekeeper will announce to the court when time has expired in each of the separate segments of the trial. Further, the timekeeper will bring a calculator to each courtroom and double check the scores of scoring judges to ensure **no ties**. Judges will be instructed **not** to tie the teams during any round. This will eliminate the issue of vote assignments during ties.
4. Teams are permitted to keep their own time. However, this will **not** be considered the official time of the trial. **Teams are not permitted to have an extra person be the timekeeper.** One of the six participants may be the timekeeper. Team timekeepers must not interfere with the trial or obstruct the view of any witness.

### **Rule XVI: Judging**

- 1) The **presiding judge** provides a mandatory performance vote during each round/trial for the team that he or she feels gave the better performance during that round/trial.

The presiding judge does not award points to the teams. The presiding judge's score sheet is a short form on which the judge declares which team in his or her opinion exhibited the best performance.

The presiding judge **should not** announce the mandatory performance vote.

- 2) The **scoring** judges (jury) will utilize prepared score sheets to **rate** the quality of the students' **performances** in the round/trial. The judges will be instructed to rate the performance of all witnesses and attorneys on the team. Judges will **not** announce the **presentation decision**. Judges should make field notes on students' performances during the round/trial.
- 3) Judges will be instructed not to tie teams in any round/trial. In the event scores are computed by the judges and errors are found in the computations, score room staff will correct the errors and the corrected scores will be the official scores after adding the individual categories/assessments.
- 4) The team receiving the majority of the performance votes from the three judges is declared the winner of the trial/round.
- 5) To enhance the students' learning experience, the judges will be instructed to give each team an **oral critique** after their deliberation. The decision on **which team** gave the better performance will **not** be given to the participants. Students and their coaches will have the opportunity to meet informally with all the judges for 20 minutes (10 minutes per team) immediately following the round/trial. Score sheets should be completed **before** the debriefing. Debriefing sessions will be timed by the timekeepers to avoid lengthy debriefs.
- 6) **ALL DECISIONS OF THE JUDGES ARE FINAL.**
- 7) The **Team Ethics** category will score students on the standards recognized in the **Code of Ethical Conduct**.

- 8) Attorney coaches of mock trial teams that do not advance from the local competition may **not** serve as a judge in any capacity at any level of competition during the remainder of the competition year.  
Teacher coaches of mock trial teams may **not** serve as judges in any capacity. Teacher coaches may serve as timekeepers if their team does not advance from their local competition.

## **Rule XVII: Dispute Settlement**

### **1) Reporting a Rules Violation Inside the Bar**

If any team has serious reason to believe that a **material rules violation** has occurred during a trial round, one student attorney member of the team shall communicate that a dispute exists to the presiding judge **immediately after** the trial is over and before the critique begins. The scoring judges will be excused from the courtroom, but should remain in the vicinity.

- 2) The presiding judge will ask that both teams remain in the courtroom. A dispute form shall be completed by the student attorney to record in writing the nature of the dispute. The student attorney may communicate with other student attorneys and witnesses on the team before preparing the form. No more than 3 minutes may be taken to complete the form.

**At no time** in this process may **team sponsors or coaches communicate or consult** with the students. Only student attorneys may invoke the dispute procedure.

### **3) Dispute Resolution Procedure**

The presiding judge will review the written dispute and determine whether the dispute should be heard or denied. If the dispute is denied, the judge will record the reasons for this, announce her/his decision to the Court, retire to complete his/her score sheet (if applicable), and turn the dispute form in with the score sheets. If the presiding judge feels the grounds for the dispute merit a hearing, the form will be shown to opposing student counsel for their written response. After the team has recorded its response and transmitted it to the judge, the judge will ask each team to designate a spokesperson. After the spokespersons have had time (not to exceed three minutes) to prepare their arguments, the presiding judge will conduct a hearing on the dispute, providing each team's spokesperson three minutes for a presentation. The spokespersons may be questioned by the presiding judge. At no time in this process may team sponsors or coaches communicate or consult with the student attorneys. After the hearing, the presiding judge will adjourn the court and retire to consider her/his ruling on the dispute. The judge will make a final decision as to whether or not a rules violation has occurred. That decision will be recorded in writing on the dispute form. The presiding judge is **not** required to announce his/her decision to students.

### **4) Effect of Violation on Score**

**If** the presiding judge determines that a substantial rules violation has occurred, the presiding judge will inform the **scoring** judges of the dispute and provide a summary of each team's argument. The scoring judges will consider the dispute before finalizing their scores. The dispute may or may not affect the final decision, but the matter will be left to the discretion of the scoring judges. All decisions of the judges are **FINAL**.



### **Rule XVIII: Reporting a Rules Violation Outside the Bar**

1. Disputes that (a) involve people other than student team members and (b) occur outside the bar only during a trial round may be brought by teacher or attorney-coaches exclusively. Such disputes must be entered on a complaint form and turned in to the registration area. The Mock Trial State Coordinator and/or Advisory Committee will review the dispute for appropriate action, if needed. Decisions and actions of the coordinator and/or committee are **FINAL**.

### **Rule XIX: Score Sheets/Ballots**

- a) Score sheets will be completed individually by scoring judges. The presiding judge will cast a **mandatory** performance vote, but no points for each round. Judges may **not** inform students of score sheet results.
- b) The term “ballot” will refer to the decision made by a scoring judge as to which team made the best presentation in the round. The term “score sheet” is used in reference to the form on which speaker and team points are recorded. Score sheets are to be completed individually by the scoring judges. Scoring judges are not bound by the rulings of the presiding judge. **The team that earns the highest points on an individual judge’s score sheet is the winner of that ballot.** The team that receives the majority of the three ballots wins the round. The ballot votes determine the win/loss record of the team for power-matching and ranking purposes. While the judging panel may deliberate on any special awards (i.e., Outstanding Attorney/Witness) the judging panel should not deliberate on individual scores.
- c) Individual assessment categories **including team ethics and team performance** shall be judged on a 1-10 scale **by scoring judges only**.
- d) In the event of a mathematical error in tabulation by scoring judges, score room staff will enter the **correct tabulation** of the scores.

### **Rule XX: State Competition Power Matching/Seeding Model**

- 1) The Florida High School Mock Trial Competition uses a *power matching* system.
- 2) A random method of selection will determine the opponents in the first round. A power match system will determine opponents for all other rounds. The two schools emerging with the strongest record from the four rounds will advance to the final round. **The first-place team will be determined by ballots from the championship round only.**
- 3) Power matching will provide that:
  - a) Pairings for the first round will be at random.
  - b) All teams are guaranteed to present each side of the case at least once.
  - c) Brackets will be determined by win/loss record. Sorting within brackets will be determined in the following order: (1) win/loss record; (2) ballots; (3) total points; then (4) point spread. The team with the highest number of ballots in the bracket will be matched with the team with the lowest number of ballots in the bracket; the next highest with the next lowest, and so on until all teams are

paired.

- d) If there are an odd number of teams in a bracket, the team at the bottom of that bracket will be matched with the top team from the next lower bracket.
- e) Teams will not meet the same opponent twice.
- f) To the greatest extent possible, teams will alternate side presentation in subsequent rounds. Bracket integrity in power matching will supersede alternate side presentation.

#### **Rule XXI: Completion of Score Sheets**

1. Each scoring judge shall record a number of points (1-10) for each presentation of the round/trial. At the end of the trial, each scoring judge shall total the sum of each team's individual points and place this sum in the **column totals** box. The team with the greater number of points wins that scoring judge's performance vote/ballot for that trial/round.
2. The presiding judge shall circle either Plaintiff/Prosecution or defense/defendant on his or her score sheet/ballot to indicate which team the presiding judge feels gave the better performance during the trial/round. The team that the presiding judge circles on their score sheet/ballot receives that presiding judge's performance vote/ballot for that trial/round.

#### **Rule XXII: State Competition Team Advancement**

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

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

#### **Rule XXIII: Effect of a Bye/Default**

1. A "bye" becomes necessary when an odd number of teams are present for the tournament. For the purpose of advancement and seeding, when a team draws a bye or wins by default, the winning team for that round will be given a win and the number of ballots and points equal to the average of all winning team's ballots and points of that same round. The Mock Trial State Coordinator may, if time and space allow, arrange for a "bye round" to allow teams drawing a bye to compete against one another in order to earn a true score.
2. The Mock Trial State Coordinator has the discretion on how to handle a bye in all rounds of the tournament.

**Rule XXIV: Eligibility**

1. All students on a team must be enrolled in the same public or private school in the district for which they are competing.
2. Each judicial circuit may send only one team to compete in the Florida High School Mock Trial State Finals.
3. The Mock Trial State Coordinator reserves the right to enlist participation from each district and circuit.

**Rule XXV: State Competition Awards**

Trophies will be awarded to the top five teams. Four best witness awards and four best attorney awards will also be presented. Both the presiding judge and the scoring judges will vote on the best witness and best attorney awards. Additionally, two professionalism awards will be awarded based upon team recommendations. Student certificates and school plaques will be presented to all participants.

**Rule XXVI: Interpretation of State Competition Rules**

1. All rules of competition for the Florida High School Mock Trial Competition, as set forth above, are subject to the interpretation of the Advisory Committee of the Florida High School Mock Trial Competition.
2. No exceptions are permitted at the competition site unless approval has been given by the Advisory Committee prior to the competition.
3. The Advisory Committee and/or State Mock Trial Coordinator will serve as the final arbiter at the competition site.
4. The Florida High School Mock Trial Competition Advisory Committee may invite additional circuit teams to participate in the State Finals Competition if it determines, in its sole discretion, that doing so would provide for diversity within the competition, would resolve disputes at the circuit level in a fair manner, or would otherwise advance the goals of the competition and serve the students who have competed at the circuit level.

**Rule XXVII: Circuit Competitions**

1. The State competition power matching and seeding system is optional for use during circuit competitions.
2. Team advancement procedures will be the responsibility of circuit coordinators.
3. Circuit coordinators should contact The Florida Law Related Education Association, Inc. for approved alternate models.

## SIMPLIFIED RULES OF EVIDENCE AND PROCEDURE

In American courts, elaborate rules are used to regulate the kind of proof (i.e., spoken testimony by witnesses or physical evidence) that can be used in trials. These rules are designed to ensure that both parties receive a fair hearing. Under the rules, any testimony or physical objects deemed irrelevant, incompetent, untrustworthy, or unduly prejudicial may be kept out of the trial.

If it appears that a rule of evidence is being violated, an attorney may raise an objection to the judge. Usually, the attorney stands and says, "I object, your honor," and then gives the reason for the objection. Sometimes the attorney whose questions or actions are being objected to will then explain why he or she thinks the rule was not violated. The judge then decides whether the rule has been violated and whether the testimony or physical items must be excluded from the trial.

Official rules of evidence are quite complicated. They also differ depending on the kind of court where the trial occurs. For purposes of this mock trial competition, the rules of evidence you will use have been made less complicated than those used in actual courts. The ideas behind these simplified rules are similar to actual rules of evidence.

### A. Witness Examination/Questioning

#### 1. Direct Examination

Attorneys call and question their own witnesses using direct as opposed to leading questions.  
Example:

Elyse Roberts is called by her attorney to explain the events leading up to her filing suit against Potomac County.

*"Ms. Roberts, where do you work? How long have you worked there? Please describe your working relationship with Mr. Kevin Murphy during the first month of employment. Why did you meet with your supervisor, Fran Troy? Did you seek advice from a therapist during this time?"*

Questions such as the above do not suggest the answer. Instead, they introduce a witness to a particular area of importance, leaving the witness free to relate the facts. Obviously, the witness will have been prepared to answer such questions in a particular way. But the question by its terms does not "lead" to the answer.

#### a. Leading Questions

A **leading question** is one that suggests the answer. It does not simply call the witness' attention to a subject. Rather, it indicates or tells the witness what the answer should be about that subject. **Leading questions** are **not** permitted on direct examination, but questions on cross-examination should be leading.

Examples:

*"Mrs. Roberts, despite repeated invitations, you chose not to participate in office social functions, correct?"*

*"Isn't it true, that due to all the stress from work you decided to go to a therapist?"*

These questions are obviously in contrast to the direct examination questions in the preceding section. **Leading questions** suggest the answer to the witness. This is **not** proper for direct examination when a party is questioning its own witness.

## **b. Narration**

While the purpose of direct examination is to get the witness to tell a story, the questions must ask for **specific information**. The questions must not be so broad that the witness is allowed to wander or "narrate" a whole story. At times, the witness' answer to a direct question may go beyond the facts asked for by the question asked. Narrative questions are objectionable.

Example Narrative Question:

*“Ms. Roberts, please tell the court about the events that contributed to your decision to sue the county.”*

Narrative Answer:

*“It all began the night I found out that it was the county that was dumping on my land. At first I thought it was my neighbors, but they denied having any part in the dumping. I decided to watch my vacant lot and see if I could catch the person responsible. I drove down to my lot the night of the 13<sup>th</sup> and parked in a place where I could see the lot but no one could see me...”*

## **c. Scope of Witness Examination**

Direct examination may cover all facts relevant to the case of which the witness has first-hand knowledge.

## **d. Character**

For the purpose of this mock trial, evidence about the character of a party may not be introduced unless the person's character is an issue in the case.

### **i. Methods of Proving Character (Section 90.405)**

- 1. Reputation:** When evidence of the character of a person or of a trait of his/her character is admissible, proof may be made by testimony about his/her reputation.
- 2. Specific Instances of Conduct:** When character or a trait of character of a person is an essential element of a charge, claim, or defense, proof may be made of specific instances of his/her conduct.

## **e. Refreshing Recollection**

When a witness uses a writing or other item to refresh his/her memory while testifying, an adverse party is entitled to have such writing or other item produced at the hearing to inspect it, to cross-examine the witness thereon, and to introduce it, or in the case of writing, to introduce those portions which relate to the testimony of the witness, in evidence.

## 2. Cross Examination (questioning the opposing side's witnesses)

Cross-examination **should** involve leading questions. In fact, it is customary to present a witness with a proposition and ask the witness to either agree or disagree. Thus, good cross-examination calls only for a yes or no answer.

Examples:

*“Mr. Roberts, in direct examination you testified that litigation was very stressful for you, correct? In fact you were so stressed that you did work at home or called in sick. Isn't this true?”*

*“As an assistant district attorney, you knew that trying only three cases while settling 75 cases was not a job performance your supervisor would rate highly, didn't you?”*

*“Thus given the stress you felt, your poor attendance at work and poor job performance, it was not unusual for your supervisor to transfer you to another Bureau, was it?”*

Leading questions are permissible on cross-examination. Questions tending to evoke a narrative answer should be avoided.

### a. Scope of Witness Examination

Cross-examination is not limited. Attorneys may ask questions of a particular witness that relate to matters brought out by the opposing side on direct examination of that witness, matters relating to the credibility of the witness, and additional matters otherwise admissible, that were not covered on direct examination.

### b. Impeachment

On cross-examination, the attorney may want to show the court that the witness should not be believed. A witness' credibility may be impeached by showing evidence of the witness' character and conduct, prior convictions, and prior inconsistent statements. If the witness testifies differently from the information in their sworn affidavit, it may then be necessary to "impeach" the witness. That is, the attorney will want to show that the witness previously said something that contradicts the testimony on the stand.

#### i. Impeachment Procedure

Impeachment may be done by comparing what a witness says on the witness stand at trial to what is contained in the witness' affidavit. By pointing out the differences between what a witness now says and what the witness' affidavit says, the attorney shows that the witness has contradicted himself or herself.

#### ii. Who May Impeach?

Any party, including the party calling the witness, may attack the credibility of a witness by:

1. Introducing statements of the witness which are inconsistent with his/her present

testimony;

2. Showing that the witness is biased;
3. Attaching the character of the witness in accordance with the state mock trial competition rules of evidence and procedure;
4. Showing a defect of capacity, ability, or opportunity in the witness to observe, remember, or recount the matters about which he/she testified; and
5. Proof by other witnesses that material facts are not as testified to by the witness being impeached.

**iii. Section 90.610 Conviction of Certain Crimes as Impeachment**

A party may attack the credibility of any witness, including an accused, by evidence that the witness has been convicted of a crime if the crime was punishable by death or imprisonment in excess of 1 year under the law under which he was convicted, or if the crime involved dishonesty or a false statement regardless of the punishment, with the following exceptions:

1. Evidence of any such conviction is inadmissible in a civil trial if it is so remote in time as to have no bearing on the present character of the witness.
2. Evidence of juvenile adjudications is inadmissible under this subsection.

**iv. Section 90.614 Prior Statements of Witness**

1. When witness is examined concerning his prior written statement or concerning an oral statement that has been reduced to writing, the court, on motion of the adverse party, shall order the statement to be shown to the witness or its contents disclosed to him.
2. Extrinsic evidence of a prior inconsistent statement by a witness is inadmissible unless the witness is first afforded an opportunity to explain or deny the prior statement and the opposing party is afforded an opportunity to interrogate him on it, or the interests of justice otherwise require. If a witness denies making or does not distinctly admit that he has made the prior inconsistent statement, extrinsic evidence of such statement is admissible. This subsection is not applicable to admissions of a party-opponent.
3. Re-direct and re-cross examination/questioning. If the credibility or reputation for truthfulness of the witness has been attacked on cross-examination, the attorney whose witness has been damaged may wish to ask several more questions. These questions should be limited to the damage the attorney thinks has been done and should be phrased so as to try to "save" the witness' truth-telling image in the eyes of the court. Re-direct examination is limited to issues raised by the attorney on cross-examination. Re-cross examinations follows re-direct examination but is limited to the issues raised on re-direct only and should avoid repetition. The presiding judge may exercise reasonable control over questioning so as to make questioning effective to ascertain truth, avoid needless waste of time, and protect witnesses from harassment.

## B. Objections

An attorney can object any time the opposing attorneys have violated the rules of evidence. The attorney wishing to object should **stand up and do so at the time of the violation**. When an objection is made, the judge may ask the reason for it. Then the judge may turn to the attorney whose question or action is being objected to, and that attorney usually will have a chance to explain why the judge should not accept the objection. The judge will then decide whether a question or answer must be discarded because it has violated a rule of evidence or whether to allow the question or answer to be considered as evidence. The legal term “objection sustained” means that the judge agrees with the objection and excludes the testimony or item objected to. The legal term “objection overruled” means that the judge disagrees with the objection and allows the testimony or item to be considered as evidence.

### 1. Standard Objections on Direct and Cross Examination

1. **Irrelevant Evidence:** *“I object, your honor. This testimony is irrelevant to the facts of this case.”*
2. **Leading Questions:** *“Objection. Counsel is leading the witness.”* Remember, this is **only** objectionable when done on direct examination (Ref. Section A1.a).
3. **Narrative Questions and Answers:** may be objectionable (Ref. Section A1.b).
4. **Improper Character Testimony:** *“Objection. The witness’ character or reputation has not been put in issue or “Objection. Only the witness’ reputation/character for truthfulness is at issue here.”*
5. **Hearsay:** *“Objection. Counsel’s question/the witness’ answer is based on hearsay.” If the witness makes a hearsay statement, the attorney should also say, “and I ask that the statement be stricken from the record.”*
6. **Opinion:** *“Objection. Counsel is asking the witness to give an opinion.”*
7. **Lack of Personal Knowledge:** *“Objection. The witness has no personal knowledge that would enable him/her to answer this question.”*
8. **Lack of Proper Predicate:** Exhibits will not be admitted into evidence until they have been identified and shown to be authentic (unless identification and/or authenticity have been stipulated). Even after proper predicate has been laid, the exhibits may still be objectionable due to relevance, hearsay, etc.
9. **Ambiguous Questions:** An attorney shall not ask questions that are capable of being understood in two or more possible ways.
10. **Non-responsive Answer:** A witness’ answer is objectionable if it fails to respond to the question asked.
11. **Argumentative Question:** An attorney shall not ask a question which asks the witness to agree to a conclusion drawn by the questioner without eliciting testimony as to new facts. However, the Court may, in its discretion, allow limited use of argumentative questions on cross-examination.
12. **Unfair Extrapolation/Beyond the Scope of the Statement of Facts**

Attorneys shall not ask questions calling for information outside the scope of the case materials



or requesting an unfair extrapolation. Unfair extrapolations are best attacked through impeachment and closing arguments and are to be dealt with in the course of the trial. A fair extrapolation is one that is neutral.

Note: Fair extrapolations may be allowed, provided reasonable inference may be made from the witness's statement. If, in direct examination, an attorney asks a question which calls for extrapolated information pivotal to the facts at issue, the information is subject to objection Outside the Scope of the Problem. If in CROSS examination, an attorney asks for unknown information, the witness may or may not respond, so long as any response is consistent with the witness' statement or affidavit and does not materially affect the witness' testimony.

**13. Asked and Answered:** *“Objection. Your honor, the question has already been asked and answered.”*

**14. Objections Not Recognized in This Jurisdiction:** An objection which is not contained in these materials shall not be considered by the Court. However, if counsel responding to the objection does not point out to the judge the application of this rule, the Court may exercise its discretion in considering such objection.

**Note:** Attorneys should stand during objections, examinations, and statements. No objections should be made during opening/closing statements but afterwards the attorneys may indicate what the objection would have been. The opposing counsel should raise his/her hand to be recognized by the judge and may say, “If I had been permitted to object during closing arguments, I would have objected to the opposing team’s statement that \_\_\_\_\_.” The presiding judge will not rule on this objection individually and no rebuttal from the opposing team will be heard.

## 15. Opinions of Witnesses

### 1. Expert Opinion

#### 1. Section 90.702 Testimony by Experts

If scientific, technical, or other specialized knowledge will assist the trier of fact in understanding the evidence or in determining a fact in issue, a witness qualified as an expert by knowledge, skill, experience, training or education may testify about it in the form of an opinion; however, the opinion is admissible only if it can be applied to evidence at trial.

#### 2. Section 90.703 Opinions on Ultimate Issue

Testimony in the form of an opinion or inference otherwise admissible is not objectionable because it included an ultimate issue to be decided by the trier of fact.

#### 3. Section 90.704 Basis of Opinion Testimony by Experts

The facts or data upon which an expert bases an opinion or inference may be those perceived by, or made known to, him at or before the trial. If the facts or data are of a type reasonably relied upon by experts in the subject to support the opinion expressed, the facts or data need not be admissible in evidence.

#### 4. Expert Opinion (additional information)

An expert shall not express an opinion as to the guilt or innocence of the accused.

## 2. Lay Opinion

### 1. Section 90.701 Opinion Testimony of Lay Witnesses

If a witness is not testifying as an expert, his testimony about what he perceived may be in the form of inference and opinion when:

1. The witness cannot readily, and with equal accuracy and adequacy, communicate what he has perceived to the trier of fact without testifying in terms of inferences or opinions and his use of inferences or opinions will not mislead the trier of fact to the prejudice of the objecting party; and
2. The opinions and inferences do not require a special knowledge, skill, experience, or training.

### 2. Lay Opinion (additional information)

All witnesses may offer opinions based on the common experience of laypersons in the community and of which the witnesses **have first-hand knowledge**. A lay opinion may also be obtained. For example, Sandy Yu, as the personnel director, would know of other complaints of sexual harassment in the office and any formal reprimands, even though he is not an expert in sexual harassment. They may be asked questions within that range of experience. No witness, not even an expert, may give an opinion about how the case should be decided.

The cross-examination of opinions proceeds much like the cross-examination of any witness. Questions, as indicated above, may be based upon the prior statement of the witness. Inconsistencies may be shown. In addition, the witness may be asked whether he or she has been employed by any party, to show bias or interest. Or a witness giving an opinion may be asked the limits of certainty in that opinion, as follows:

*“Dr. Isaacs, please read this portion of your sworn statement to the court.”*

*“I have studied the records of this case, and have conducted two one-hour interviews with Elyse Roberts on March 29 and 31st. In those interviews, she described to me her family history, her work environment, the actions of her co-workers and supervisor and her resulting feelings.”*

*“This is your statement, is it not, Dr. Isaacs? Ms. Roberts selected you because of your expertise in sexual harassment in the workplace, correct? During your two-hour interview you were only concerned with evaluating Ms. Roberts’ working environment and no other psychological factors that may have caused her problems. Thus you really can’t say that Ms. Roberts’ difficulty on the job was only caused by the actions of Mr. Murphy, can you?”*

The point of these questions is not to discredit the witness. Rather, the objective is simply to treat the witness as a responsible professional who will acknowledge the limits of her or his expertise and testimony. If the witness refuses to acknowledge those limits, the witness then

is discredited.

It is always important in cross-examination to avoid arguing with the witness. It is particularly important with an expert. Thus, the cross-examination should be carefully constructed to call only for facts or to draw upon statements the witness has already made.

### 3. **Lack of Personal Knowledge**

A witness may not testify to any matter of which the witness has no personal knowledge. The legal term for testimony of which the witness has no personal knowledge is "incompetent."

## 16. **Relevance of Testimony and Physical Objects**

Generally, only relevant testimony may be presented. Relevant evidence is physical evidence and testimony that makes a fact that is important to the case more or less probable than the fact would be without the evidence. However, if the relevant evidence is unfairly prejudicial, may confuse the issues, or is a waste of time, it may be excluded by the court. Such relevant but excludable evidence may be testimony, physical evidence, or demonstrations that have no direct bearing on the issues of the case or do not make the issues clearer.

### 1. **Introduction of Documents, Exhibits, Items, and Other Physical Objects Into Evidence**

There is a special procedure for introducing physical evidence during a trial. The physical evidence must be relevant to the case, and the attorney must be prepared to its use on that basis. Below are the basic steps to use when introducing a physical object or document for **identification and/or use as evidence.**

1. Show exhibit and have it marked by the judge. Say "Your Honor, I ask that this \_\_\_ be marked for identification as Plaintiff's/Defendant's Exhibit No. \_\_\_"
2. Show the exhibit to opposing counsel for possible objection. Ask the witness to identify the exhibit. "I now hand you what is marked as Exhibit No. 1. Do you recognize this document?"
3. At this point the attorney may proceed to ask the witness a series of questions about the exhibit.
4. If the attorney wishes to place the document into evidence, say, "Your Honor, I offer this \_\_\_ marked as Plaintiff's/Defendant's Exhibit No. 1 into evidence and ask the Court to so admit it."

Court: "*Is there any objection?*"

Opposing Counsel: "*No, your Honor.*" or "*Yes, your Honor.*" (then state objection).

Court: "*Plaintiff's/Defendant's Exhibit No. 1 is (is not) admitted.*"

**NOTE: A witness may be asked questions about his/her statement without its introduction into evidence; but to read from it or submit it to the judge, it must first be admitted into evidence. Exhibits can be pre-marked.**

## 17. Hearsay and Exceptions to this Ruling

### 1. What is Hearsay?

Hearsay evidence is normally excluded from a trial because it is deemed untrustworthy. “Hearsay” is a statement other than one made by the witness testifying at the trial, offered in evidence to prove that the matter asserted in the statement is true. An example of hearsay is a witness testifying that he heard another person saying something about the facts in the case. The reason that hearsay is untrustworthy is because the opposing side has no way of testing the credibility of the out-of-court statement or the person who supposedly made the statement. Thus, for example, the following questions would be objectionable as “hearsay” if you are trying to prove that the color of the door was red:

*“Mr. Edwards what color did Bob say the door was?”*

This is **hearsay**. Mr. Edwards is using Bob's statement for him to prove the color of the door. Instead, Bob or someone who saw the door needs to be called to testify as to the color of the door.

### 2. Reasons for Prohibiting Hearsay

Our legal system is designed to promote the discovery of truth in a fair way. One way it seeks to accomplish this goal is by ensuring that the evidence presented in court is “reliable”; that is, we can be fairly certain the evidence is true. Hearsay evidence is said to be “unreliable” for four reasons:

1. The hearsay statement might be distorted or misinterpreted by the witness relating it in court.
2. The hearsay statement is not made in court and is not made under oath
3. The hearsay statement is not made in court, and the person who made it cannot be observed by the judge or jury (this is important because the judge or jury should be allowed to observe a witness' behavior and evaluate his/her credibility).
4. The hearsay statement is not made in court and the person who made it cannot be challenged by cross-examination.

### 3. When Can Hearsay Evidence Be Admitted?

Although hearsay is generally not admissible, there are certain out-of-court statements that are treated as not being hearsay, and there are out-of-court statements that are allowed into evidence as exceptions to the rule prohibiting hearsay.

Statements that are not hearsay are prior statements made by the **witness himself** and admissions made by a **party opponent**.

#### 1. Exceptions

Hearsay is not admissible, except as provided by these rules. For purposes of this mock trial,

the following exceptions to the hearsay rule will be allowed; even though the declarant is available as a witness.

1. **Spontaneous Statement**

A statement describing or explaining an event or condition made while the declarant perceived the event or condition, or immediately thereafter, except when such statement is made under circumstances that indicate its lack of trustworthiness.

2. **Excited Utterance**

A statement or excited utterance relating to a startling event or condition made while the declarant was under the stress of excitement caused by the event or condition.

3. **Medical Statements**

Statements made for the purpose of medical diagnosis or treatment by a person seeking the diagnosis, or made by an individual who has knowledge of the facts and is legally responsible for the person who is unable to communicate the facts, which statements describe medical history, past or present symptoms, pain, or sensations, or the inception or general character of the cause or external source thereof, insofar as reasonably pertinent to diagnosis or treatment.

4. **Recorded Recollection**

A memorandum or record concerning a matter about which a witness once had knowledge but now has insufficient recollection to enable the witness to testify fully and accurately, shown to have been made by the witness when the matter was fresh in his memory and to reflect that knowledge correctly. A party may read into evidence a memorandum or record when it is admitted, but no such memorandum or record is admissible as an exhibit unless offered by an adverse party.

5. **Records of a Regularly Conducted Activity**

1. A memorandum, report, record, or data compilation, in any form, of acts, events, conditions, opinion, or diagnosis, made at or near the time by, or from information transmitted by, a person with knowledge, if kept in the course of a regularly conducted business activity and if it was the regular practice of that business activity to make such memorandum, report, record, or data compilation, all as shown by testimony of the custodian or other qualified witness, unless the sources of information or other circumstances show lack of trustworthiness. The term “business” as used in this paragraph includes a business, institution, association, profession, occupation, and calling for every kind, whether or not conducted for profit.
2. No evidence in the form of an opinion or diagnosis is admissible under paragraph (a) unless such opinion or diagnosis would otherwise be admissible if the person whose opinion is recorded were to testify to the opinion directly.

6. **Learned Treatises**

To the extent called to the attention of an expert witness upon cross examination or relied upon by the expert witness in direct examination, statements contained in public treatises, periodicals or pamphlets on a subject of history, medicine, or other science or art, established as a reliable authority by the testimony or admission of the witness, or by other expert testimony, or by judicial notice.

**7. Then Existing Mental, Emotional, or Physical Condition**

1. A statement of the declarant's then existing state of mind, emotion, or physical sensation, including a statement of intent, plan, motive, design, mental feeling, pain, or bodily health, when such evidence is offered to:
  1. Prove the declarant's state of mind, emotion, or physical sensation at that time or at any other time when such state is an issue in the action.
  2. Prove or explain acts of subsequent conduct of the declarant.
2. However, this subsection does not make admissible:
  1. An after-the-fact statement of memory or belief to prove the fact remembered or believed, unless such a statement relates to the execution, revocation, identification, or terms of the declarant's will.
  2. A statement made under circumstances that indicate its lack of trustworthiness.

**C. Trial Motions**

**No trial motions are allowed except for special jury instructions as permitted in these case materials.**

**Examples:**

Directed verdict, dismissal, acquittal, motion in limine, motion to sequester witnesses.

**Exception:**

Motion for Recess may only be used in emergency situations.

**D. Attorney Demeanor**

**\*\*See Code of Ethical Conduct**

**Note: Please refer to Official Case Materials for any specific additions relative to this trial.**

## GUIDELINES FOR TEACHER COACHES

### **A. Role of the Teacher Coach**

The teacher coach is expected to help the team members decide which students will play which parts in the mock trial and to assist the students in playing those roles. As part of the sizeable responsibility of acting as team coaches, teachers are responsible for the following areas:

1. **Rules of the Program:** All teachers and teams are expected to adhere to the rules, facts and all other materials provided in the 2014 Mock Trial Competition Case Materials. Therefore, please make sure you are familiar with the Competition rules.
2. **Role Assignments:** Team members should be strongly encouraged to select roles based on their interests and abilities and not on the basis of any gender or cultural stereotypes which might be drawn from the characterizations in the fact pattern.
3. **Team Preparation:** Attorneys will also help coach each team. Teams should prepare both sides of the case and are strongly urged to arrange and conduct preliminary mock trials with other teams prior to competing in the district and circuit competition. Preliminary trials require only one attorney or judge to act as the presiding judge, as it is not necessary to award points to the teams during these practice rounds.
4. **Education:** Education of the students is the primary goal of the Mock Trial Competition. Healthy competition helps to achieve this goal, but teachers are reminded of their responsibility to keep the competitive spirit at a reasonable level. The reality of the adversarial system is that one party wins and the other loses, and teachers should be sure to prepare their teams to be ready to accept either outcome in a mature manner. Teachers can help prepare students for either outcome by placing the highest value on excellent preparation and presentation, rather than on winning or losing the trial.
5. **Observers:** Other classes, parents, and friends of the participants are welcome to attend the trials. **However, please note that space in the courtroom is limited.** The presiding judge may ask overflow observers to leave the courtroom. All observers must be seated during the trial.
6. **Arrival Times:** Teachers are responsible for getting their teams to the assigned courtroom 15 minutes prior to the starting time of each trial.

## GUIDELINES FOR ATTORNEY COACHES

1. Much as you will want to help the students, point them in the right direction, and give them the benefit of your experience, remember that the students will develop a better understanding of the case and learn more from the experience if the attorney coaches do not dominate the preparation phase of the tournament. The preparation phase of the contest is intended to be a cooperative effort of students, teacher and attorney coaches.
2. Avoid (even the appearance of) “talking down” to students and/or stifling discussion through the use of complicated “legalese.”
3. The first session with a student team should be devoted to the following tasks:
  1. Answering questions that students may have concerning general trial practices;
  2. Explaining the reasons for the sequence of events/procedures found in a trial;
  3. Listening to the students’ approach to the assigned case; and
  4. Emphasizing the key points, such as the elements to be proved, and the relevance and importance of available legal authority.
4. Subsequent sessions with students should center on the development of proper questioning techniques by the student attorneys and sound testimony by the witnesses. Here an attorney can best serve as a constructive observer and teacher...listening, suggesting and demonstrating to the team.
5. Attorney coaches **should not** prepare opening statements, closing statements, or questions for the students. Students should be encouraged to do as much of their own preparation as possible.



# Florida High School Mock Trial Competition

## SCORE SHEET/BALLOT

P = Prosecution: \_\_\_\_\_ D = Defense: \_\_\_\_\_  
 (Team Code) (Team Code)

Date: \_\_\_\_\_ Round: (circle one)    **1**    **2**    **3**    **4**    **F**

Using a scale of **1 to 10**, rate the **P** and **D** in the categories below.

Do **NOT** use fractional points. Please use a ballpoint pen.

1      Not Effective      Fair      Good      Excellent      Outstanding  
 2      3      4      5 6      7      8      9      10

Score Sheet/ Ballot	P		D
<b>Opening Statement</b>	(_____)		(_____)
<b>Prosecution's First Witness</b>	<b>Direct Examination</b> (_____)		
	<b>Witness Presentation</b> (_____)	<b>Cross Examination</b>	(_____)
<b>Prosecution's Second Witness</b>	<b>Direct Examination</b> (_____)		
	<b>Witness Presentation</b> (_____)	<b>Cross Examination</b>	(_____)
<b>Prosecution's Third Witness</b>	<b>Direct Examination</b> (_____)		
	<b>Witness Presentation</b> (_____)	<b>Cross Examination</b>	(_____)
<b>Defense's First Witness</b>		<b>Direct Examination</b>	(_____)
	<b>Cross Examination</b> (_____)	<b>Witness Presentation</b>	(_____)
<b>Defense's Second Witness</b>		<b>Direct Examination</b>	(_____)
	<b>Cross Examination</b> (_____)	<b>Witness Presentation</b>	(_____)
<b>Defense's Third Witness</b>		<b>Direct Examination</b>	(_____)
	<b>Cross Examination</b> (_____)	<b>Witness Presentation</b>	(_____)
<b>Closing Argument</b>	(_____)		(_____)
<b>Ethical Conduct</b>	(_____)		(_____)
<b>Team Performance</b>	(_____)		(_____)
<b>Column Totals: DO NOT TIE TEAMS</b>	(_____)		(_____)

**Note: Any errors in ADDITION will be corrected by score room staff. Please review your individual scores and return to trial coordinator.**

\_\_\_\_\_  
**Judge's Signature**

# Florida High School Mock Trial Competition

## EXPLANATION OF RATINGS USED ON THE SCORE SHEET/BALLOT

Participants will be rated in the categories on the ballot on a scale of 1-10 points (10 being the highest), according to their roles in the trial. The Scoring Judges are scoring **STUDENT PRESENTATION** in each category. The Scoring Judges are **NOT** scoring the legal merits of the case. Each category is to be evaluated separately and fractional points **ARE NOT** to be awarded. One team **MUST** be awarded more total points than the other. The team winning the majority of the ballots shall win the round.

Judging panels also may recognize outstanding individual presentations by selecting one **MOST EFFECTIVE ATTORNEY** and/or one **MOST EFFECTIVE WITNESS** per round. The decision must be representative of the majority of the panel members.

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

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

**Florida High School Mock Trial Competition**  
**PRESIDING JUDGE BALLOT**

Prosecution: \_\_\_\_\_ Defense: \_\_\_\_\_  
(Team Code) (Team Code)

Round#: \_\_\_\_\_

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

**I. Performance Evaluation - MANDATORY**

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

**PROSECUTION / DEFENSE (Circle One)**

This is a team performance score based on the clarity and effectiveness of arguments presented and the professional demeanor exhibited by team members.

**Note: Do not announce your performance decision.**

**II. Comments**

\_\_\_\_\_  
Judge's Signature & Date

**Florida High School Mock Trial Competition**  
**MOST EFFECTIVE ATTORNEY FORM**

*(Mandatory)*

This form is to be completed by **All Judges**

---

Date of Competition Round

---

Enter Team Code

---

Round

**ATTORNEY**

*I wish to award the following team  
member the title of*

**MOST EFFECTIVE  
ATTORNEY**

*For this round:*

---

Name of Team Member from Team Roster

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

---

Judge's Signature

**Florida High School Mock Trial Competition**  
**MOST EFFECTIVE WITNESS FORM**

*(Mandatory)*

This form is to be completed by **All Judges**

---

Date of Competition Round

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Enter Team Code

---

Round

**WITNESS**

*I wish to award the following team  
member the title of*

**MOST EFFECTIVE  
WITNESS**

*For this round:*

---

Name of Team Member from Team Roster

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

---

Judge's Signature

**Florida High School Mock Trial Competition**  
**LEGAL PROFESSIONALISM AWARD BALLOT**

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

**Teams should NOT nominate themselves.**

Recommendation #1: \_\_\_\_\_

Comments:

Recommendation #2: \_\_\_\_\_

Comments:

Submitted By: \_\_\_\_\_

School: \_\_\_\_\_

District: \_\_\_\_\_

Signature: \_\_\_\_\_



**Florida High School Mock Trial Competition**  
**TEAM DISPUTE FORM**

Date: \_\_\_\_\_ Round (*Circle one*)    **1 2 3 4 Final**

Prosecution: \_\_\_\_\_ Defense: \_\_\_\_\_  
(Team Code) (Team Code)

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

Grounds for Dispute:

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Initials of Team Spokesperson: \_\_\_\_\_ Time Dispute presented to Presiding Judge: \_\_\_\_\_

Hearing decision of Presiding Judge (*Circle one*): **GRANT / DENY** Initials of Judge: \_\_\_\_\_

Reason(s) for Denying Hearing **or** Response of Opposing Team:

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

Presiding Judge's Notes from Hearing:

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Decision of Presiding Judge Regarding Dispute (*Circle one*): **Refer to Panel/Not Refer to Panel**

Reason(s) for Presiding Judge's Decision:

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

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



**Florida High School Mock Trial Competition**  
**TEAM ROSTER FORM**

Each Prosecution and Defense team should complete this sheet in triplicate. Copies are to be made available to the judging panel (3 copies) before each round. The team code can be filled in after registration at the competition site.

**Note:** Do not place team or attorney coach or teacher coach identifying information on the forms used in competition rounds.

**Please print or type**

\_\_\_\_\_  
Team Code

In this round, students listed on this roster represent the:  
*(Circle One)*

**Prosecution**

**Defense**

**Names of Team Attorneys**

**Identify Tasks to be Presented**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Names of Team Witnesses**

**Identify Roles to be Performed**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## **PROFESSIONALISM**

The Florida Bar's Standing Committee on Professionalism's working definition of professionalism:

**Professionalism is the pursuit of practice of the highest ideals and tenets of the legal profession. It embraces far more than simply complying with the minimal standards of professional conduct. The essential ingredients of professionalism are character, competence, and commitment.**

Other thoughts on professionalism:

*"...To me, the essence of professionalism is a commitment to develop one's skills and to apply that responsibility to the problems at hand. Professionalism requires adherence to the highest ethical standards of conduct and willingness to subordinate narrow self-interest in pursuit of the more fundamental goal of public service. Because of the tremendous power they wield in our system, lawyers must never forget that their duty to serve their clients fairly and skillfully takes priority over the personal accumulation of wealth. At the same time, lawyers must temper bold advocacy for their clients with a sense of responsibility to the larger legal system which strives, however imperfectly, to provide justice for all."*

Justice Sandra Day O'Connor

*"Professionalism is no more, and no less, than conducting one's self at all times in such a manner as to demonstrate complete candor, honesty, and courtesy in all relationships with clients, associates, courts, and the general public. It is the personification of the accepted standard of conduct so long recognized and observed by able lawyers throughout history, that a lawyer's word is his bond. It encompasses the fundamental belief that a lawyer's primary obligation is to serve his or her client's interests faithfully and completely, with compensation only a secondary concern, and with ultimate justice as the final goal."*

Don Jackson, former chair of the Senior Lawyer Division of the American Bar Association

## **OATH OF ADMISSION TO THE FLORIDA BAR**

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

"I do solemnly swear:

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

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

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

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

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

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

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

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