

**State of Rigor v. Jesse Dubois and Pat Dowling**  
**Case Clarifications as of December 5, 2006**

*Note: No case clarifications will be made after December 11, 2006.*

1. Are the terms of the plea bargain entered into between Cullom and the State's Attorney admissible? Stipulation #6 says that the terms of the plea agreement are not public. The Statement of the Case describes the terms of the plea agreement but states that the Statement of the Case is not evidence and is not admissible. I have not seen that any of the witness statements speak to the details of the plea agreement. *As a minor the terms of Cullom's plea bargain would not be public information. Some information about the plea agreement can be found in witness statements and exhibits.*
2. Is the map of the graveyard (Exhibit C) the ENTIRE graveyard or a map of just a portion of the grounds? *Exhibit C is a map of the graveyard depicting the location of the damaged markers. It does not depict the entire Mortis County Cemetery only the portion relevant in this case.*
3. Verify the dates. *Even though we know this isn't accurate in reality, for purposes of this trial, the case takes place on Friday afternoon, Friday evening and the early morning hours of Saturday.*
4. Will there be a Police report indicating the times of arrest, location, etc.? *No.*
5. Where is the school in relation to the cemetery and everyone's home? *We only know where the school is in relation to the Dubois house as mentioned in the witness statements. We don't know where it is in relation to the school or the other houses.*
6. Exhibit C is the map provided of the graveyard. It will not be amended to show security lights, fence height, trees, or to show whether paths are for carts, cars, paved or dirt. The cemetery is described through the witness statements, rely on those for information.
7. Our team was reading through Reece Mathewson's affidavit and we had a discrepancy about the verb tense of one of the statements. Did the volunteers receive the police training before that morning and on site? This statement can be found on lines 46-48 in Reece Mathewson's statement. *The police training regarding evidence identification and preservation was received on-site on the morning of Sept. 29.*
8. We are puzzled by the difference between the Jury Instructions (monetary value of damages) and the complaint, which requires only proof regarding the number of monuments damaged. A question was asked about this during the training, but I did not hear the answer fully and am still unsure how the students are to handle this. *The Jury Instructions for Cemetery Vandalism requires proof for at least \$10,000 and less than \$100,000 **OR** at least five (5) but no more than ten (10) gravestones. (see page 52 under 11.83)*
9. Was Shelby charged with the same offenses as Jesse and Pat? *Information regarding Shelby's charges can be found in the confession letter written by Shelby.*
10. What did Shelby plead guilty to? *Information regarding Shelby's plea can be found in the confession letter and in witness statements.*

11. Are we to assume that Shelby provided a factual basis for the guilty plea? *You can draw assumptions from the witness statements regarding this. Your assumptions could/would probably differ depending who you are arguing for: the State or the Defendants.*
12. For purposes of this trial, students are to disregard the conflict of interest which is presented by two defendants being represented by counsel from the same firm. No questioning or statements regarding this matter is allowed. In the “real world” two defendants would not be represented by the same counsel as it does present a conflict of interest.
13. There is a discrepancy in the directors. Reece references McDermott, Exhibit E references Vannahmen. We don’t expect to see much (or any) of E in the trials, but is that the way you wanted it? *This is an error. The Mortis County Cemetery Director is Robin McDermott.*
14. The date of the Exhibit E on page 47. Should it read Springfield Star, September 30, 2006? *Yes. The date of Exhibit E is September 30, 2006.*
15. The director of the cemetery; is it McDermott or Vonnahmen? *See question number 13.*
16. Is the issue of daylight savings time meant to cause confusion on the amount of time that the students could be out and about, or can we assume that it would go into effect on the Sunday as usual? *Please assume that daylight savings time would go into effect on Sunday per usual. This is not meant to cause confusion.*
17. Are the witnesses sequestered during the trial, or can we ask one witness about another’s testimony? *Per Rule 2.2: “witnesses are not bound by other witness statements. Witnesses must be prepared to deal with any inconsistencies between their own statement and the case materials.”*
18. There is no stipulation that all exhibits are accurate etc., (as per stipulation 1 in the 2005-06 case) and we’re wondering why Exhibit B, the abbreviated forensics report (by Officer Mathewson as stated in his/her affidavit) is not on letterhead, has no date, or place that the forensics examination was prepared/performed and is not signed. Is this merely an oversight or a purposeful exclusion? *This is merely an oversight. The forensics report was prepared by Deputy Mathewson and is believed to be an accurate reflection of evidence and pertinent information collected and obtained during the investigation by the Mortis County Sheriff’s Department. It may not accurately reflect what is stated in witness statements or the estimates provided in Exhibit A.*
19. My team was wondering if the monuments are numbered by order that the damage was discovered or if there is any other specifics for the numbering?

*The monuments are not numbered by order of the damage discovered. The numbering system is only used to identify the monuments on the map and nothing else. The location of the monuments on the map is meant to be consistent with descriptions of their locations in the witness statements.*

20. In paragraph 10 of Jesse Dubois' statement, there is some gender specific language regarding "Mom." Depending on the gender of Lee, this may change the case a little. Can you change this language to say "Mom/Dad"?  
*Yes. Please amend your case materials to read "Mom/Dad" on page 37, lines 58 and 60. Amend "her" on page 37 lines 60 and 61 to read "him/her". Amend the "he" on line 75 to read "He/She".*
21. *Please add the following to Pat Dowling's statement, paragraph 3, insert as second sentence: "I guess the state might be charging me later, I really don't know. I have no idea what's going to happen to me."*
22. *Jesse Dubois' name should be pronounced using the French pronunciation: "Doo-Bwah".*

<i>New Stipulation:</i>
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*Stipulation 11: Both parties stipulate that Pat Dowling is no longer a defendant in the case of State of Rigor v. Pat Dowling and Jesse Dubois. Jesse Dubois is now the only defendant. Pat Dowling will remain a witness testifying on behalf of the defense. Pat Dowling may or may not be tried by the prosecution at a later date, it is unknown at this point.*