

high school  
**MOCK  
TRIAL**

Minnesota State Bar  
Association

*2008-2009*

*CASE MATERIALS & COMPETITION RULES*

**State of Ashlandia v. Tyler Blunt**

*Adapted with permission from an original case written by the Arizona Foundation  
for Legal Services & Education, Dewain Fox (Fennemore Craig), Pam Gates  
(Bryan Cave), Bill Gates (Karsten Manufacturing Corp./PING)  
and Lance Broberg (Tiffany & Bosco).*

*The Mock Trial Program extends its gratitude for  
the generous support and assistance of:*

MSBA Civil Litigation Section  
MSBA Construction Law Section  
MSBA Criminal Law Section  
MSBA Civil Litigation Certification Board  
MSBA Labor & Employment Law Section  
Minnesota Continuing Legal Education  
Minnesota State Bar Foundation  
Fifth District Bar Association  
Sixth District Bar Association  
Seventh District Bar Association  
Eighth District Bar Association  
Minnesota Chapter of American Board of Trial Advocates



*Special thanks to the Mock Trial Advisory Committee!*

Committee members: Madge Thorsen, Chair, Golden Valley; The Honorable Jim Dehn, Cambridge; Trina Alvero, Minneapolis; Kyle Kaiser, Minneapolis; Steve Ott, Winona; Amanda Sieling, Cottonwood; Steve Schwegman, St. Cloud; The Honorable Pete Cahill, Minneapolis; Dyan Ebert, St. Cloud; Steve Merten, Plymouth.

**To:** MSBA Mock Trial Program Participants

**From:** Madge Thorsen, Esq., Chair, MSBA Mock Trial Advisory Committee  
Emily R. Reilly, Mock Trial Manager

**Re:** 2008-2009 Mock Trial Program

**Date:** September 24, 2008

On behalf of the Minnesota State Bar Association and the Mock Trial Advisory Committee, welcome to the 23<sup>rd</sup> season of the MSBA High School Mock Trial Program!

The MSBA hopes that all the benefits of the Mock Trial Program will go far beyond the rewards associated with competing against one's peers, winning a round or two, or even the state title. The goals of Mock Trial include:

- 1) To develop a practical understanding of the way in which the American legal system functions.
- 2) To enhance cooperation and respect among educators, students, legal professionals and the general community.
- 3) To help students increase basic life and leadership skills such as critical and creative thinking, effective communication and analytical reasoning.
- 4) To heighten appreciation for academic studies and promote positive scholastic achievement.

The mock trial website, located at <http://www2.mnbar.org/mocktrial/>, will be your source for information regarding the case and the tournament throughout the next several months. You will find timekeeper's sheets, score sheets, case clarifications and other resources to help you prepare your case.

The success of this program relies heavily on the hundreds of volunteers acting as coaches and judges; be sure to extend your gratitude to these individuals whenever given the chance throughout the season! Best of luck and enjoy the case!

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## Section 1: MSBA Mock Trial Outstanding Professionalism Performance Award

The MSBA Mock Trials are conducted with the same high professional standards expected of all attorneys and judges within the State of Minnesota. The Mock Trial Outstanding Professionalism Performance Awards were created by the MSBA Professionalism Committee to recognize Mock Trial Participants demonstrating high professional standards while competing in Mock Trials. Student attorneys and judges are invited to nominate participants demonstrating high professional standards. Awards are given in three categories: individual, team and attorney coach.

### 2008 Mock Trial Outstanding Professionalism Performance Award Recipients:

Individual: Katinka Kun, Nacel International School

Team: Cathedral High School, St Cloud

We congratulate those recipients and challenge all 2009 participants to follow their example in conducting themselves as professionals and examples for all in the legal profession. Nomination forms are available on the Mock Trial website. In addition, all judges will be provided with forms during the competition. Nominations will be reviewed by the Professionalism Committee. Selection will be based on civility, courtesy, honesty, integrity and trustworthiness demonstrated during the 2008-2009 Mock Trial Competition. The Professionalism Aspirations and Attorney Core Value messages are resources to review to become familiar with these expectations.

The MSBA Professionalism Committee looks forward to presenting the 2009 Mock Trial Outstanding Professionalism Performance Award at the 2009 State Tournament in Duluth on March 11<sup>th</sup>, 2009.

# Respect & Fairness

## A message from the MSBA Student & Professionalism

This is the second in a series of five messages regarding the core values in the legal profession that cover: 1) Respect & Fairness; 2) Service; 3) Honesty, Integrity, and Trustworthiness; 4) Competent, Prompt, and Diligent Representation; and 5) Quality of Justice. This piece addresses Respect & Fairness.

The cliché is true: we are guardians of our profession. The legal profession is one of the remaining self-regulating professions. It is an awesome responsibility and we must fiercely protect its integrity. Take the time now, while you are in a learning environment, to practice respect and fairness.

### Core Value: Respect & Fairness

The Preamble of the **Minnesota Rules of Professional Conduct** states that:

A lawyer should demonstrate respect for the legal system and for those who serve it, including judges, other lawyers and public officials. While it is a lawyer's duty, when necessary, to challenge the rectitude of official action, it is also a lawyer's duty to uphold legal process.

**Rule 4.4** of the **Minnesota Rules of Professional Conduct** states:

In representing a client, a lawyer shall not use means that have no substantial purpose other than to embarrass, delay, or burden a third person, or use methods of obtaining evidence that violate the legal rights of such a person.

### Examples In Action

In a settlement conference, an Attorney cursed at opposing party and then refused to respond to her complaint. After an investigation the court stated: "Lawyers must be encouraged to represent their clients vigorously and we are hesitant in any way to interfere . . .; yet there is a line that should not be crossed and respondent has crossed it." Attorney's comment served no legitimate purpose and was made only to burden or embarrass the other person.

- *In re Getty*, 401 N.W.2d 688, 671 (Minn. 1987), [www.courts.state.mn.us/lprb/fc051799.html](http://www.courts.state.mn.us/lprb/fc051799.html)

### What does this mean for me?

Practicing core values forms solid skills:

- **Respect** does not necessarily mean agreement. It means independent regard of another's perspectives, ideas, and contributions. Disagree without being disagreeable.
- **Fairness** includes sharing resources in school and the community. We all use the same materials so be considerate of others.
- **Listening.** You can not win an argument without first listening to and understanding your opponents, your colleagues and your future clients.
- **Promote and celebrate diversity.** Determine what diversity means to you. Familiarize yourself with different cultures, religious beliefs, and ideologies through clubs and organizations.
- **Spirited Debate.** Classroom debate should be spirited and zealous while remaining fair and respectful.
- **Professionalism and ethics.** Good lawyers are ethical, disciplined, and value their reputation. Your reputation never leaves you.
- **Civility.** The law community is surprisingly small. Act civilly in all your dealings. Your colleague may become your boss or a judge.
- **Anger.** Reflect before you act. For example, don't send a hostile e-mail in anger only to regret it later.

# Public Service

## A message from the MSBA Professionalism Committee

There are five core values in the legal profession: 1) Respect and Fairness; 2) Public Service; 3) Honesty, Integrity and Trustworthiness; 4) Competent, Prompt, and Diligent Representation; and 5) Quality of Justice.

Society depends upon lawyers to provide services to those who cannot afford them. But public service is more than just providing free legal services. It is about committing ourselves to civic engagement. As members of the legal profession we are obligated to give back to the community and make it stronger.

### Core Value: Pro Bono Service

Rule 6.1 of the **Minnesota Rules of Professional Conduct** states that:

[a] lawyer should aspire to **render at least 50 hours of *pro bono publico* legal services per year**. In fulfilling this responsibility, the lawyer should provide a substantial majority of the 50 hours of legal services without fee or expectation of fee to (1) persons of limited means or (2) charitable, religious, civic, community, governmental and educational organizations in matters which are designed primarily to address the needs of persons of limited means.

The comment to Rule 6.1 calls pro bono service a “professional responsibility” and an “individual ethical commitment of each lawyer.”

### Examples In Action

Some simple ways to serve others include volunteering in a local soup kitchen, reading books to children, volunteering with a restorative justice program and volunteering with the Minnesota Justice Foundation (MJF).

“How wonderful it is that nobody need wait a single moment before starting to improve the world.”

*Anne Frank*

### What does this mean for me?

Maintaining the value to serve others means that you:

- **Actively participate in the community.** Seek out volunteer opportunities which interest you.
- **Make time for others.** No matter how busy you are, serving others should be high on your priority list.
- **Use your special gifts and abilities** to give back to your community. Lawyers have a privileged role in society. This privilege comes with responsibility to try to improve our communities.
- **Treat others with fairness and respect.** Recognize that we all contribute differently to a common goal. Make your goal the improvement of the common good.
- **Seek to grow professionally** by learning new areas of law and to grow personally by developing diverse relationships.
- **Help others.** Be committed to promoting equal access to the legal system and educate others about the law.
- **Learn what resources are available** in your community to assist others. When you cannot provide assistance yourself, be able to refer people to agencies that can help them.

Why wait until after law school to begin serving those around you? Life will always be busy and there will always be competition for your time. By serving others as you build your legal career you begin forming the patterns that you should aspire to throughout your legal career. You are developing your credibility as a lawyer by living out the core values of the legal profession.

# Honesty, Integrity, & Trustworthiness

## A message from the MSBA Professionalism Committee

There are five core values in the legal profession: 1) Respect and Fairness; 2) Public Service; 3) Honesty, Integrity, and Trustworthiness; 4) Competent, Prompt, and Diligent Representation; and 5) Quality of Justice.

Attorneys are officers of the court appointed to assist the court in the administration of justice. Property, liberty, and sometimes the lives of our clients are committed into our hands. This commitment demands a high degree of intelligence, knowledge of the law, respect for its function in society, sound and faithful judgment and, above all else, integrity of character in conduct.

### Core Values: Honesty, Integrity, & Trustworthiness

**Rule 8.4** of the **Minnesota Rules of Professional Conduct** states in part that:

It is professional misconduct for a lawyer to:

- (b) commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects;
- (c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation;
- (d) engage in conduct that is prejudicial to the administration of justice;
- (g) harass a person on the basis of sex, race, age, creed, religion, color, national origin, disability, sexual preference or marital status in connection with a lawyer's professional activities; or
- (h) commit a discriminatory act, prohibited by federal, state or local statute or ordinance, that reflects adversely on the lawyer's fitness as a lawyer. . .

### What does this mean for me?

- **Meet commitments and deadlines.** Allow enough time to get assignments and other commitments completed on time.
- **Live up to the aspirations of the legal profession.** Your behaviors should always measure up to the aspirations of the profession. Professional misconduct jeopardizes our ability to be self-regulating.
- **Make your word your bond.** Every day you are building the reputation that will stay with you throughout your career. Do what you say you are going to do.
- **Protect Confidences.** Recognize the conversations that you should not share with others. A casual social story may be a serious breach of confidence. If you are acting as a student lawyer, realize you have both an ethical and legal obligation to protect your client's confidences. Remind your peers when you hear disclosures that you think should be confidential.
- **Candidly complete your applications.** You place yourself at serious risk if you fail to be forthright and candid in your applications for employment and to the Bar.

### Resources

For additional resources on honesty, integrity, and trustworthiness in the legal profession, refer to:

- Association of Professional Responsibility Lawyers, <http://www.aprl.net>
- Legalethics.com, <http://www.legalethics.com>
- ABA Center for Professional Responsibility, <http://www.abanet.org/cpr/home.html>
- The Trusted Advisor by David H. Maister, Charles H. Green, Robert M. Galford

# Competent, Prompt, and Diligent Representation

## A message from the MSBA Professionalism Committee

There are five core values in the legal profession: 1) Respect and Fairness; 2) Public Service; 3) Honesty, Integrity, and Trustworthiness; 4) Competent, Prompt, and Diligent Representation; and 5) Quality of Justice.

People will rely on you to have the judgment and expertise to serve their legal needs. As a professional you are expected to know the law, the legal process, and how to interact with your clients.

### Core Value: Competence, Promptness and Diligence

The **Minnesota Rules of Professional Conduct** state in part that:

#### Rule 1.1 Competence

A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness, and preparation reasonably necessary for the representation.

#### Rule 1.3 Diligence [and Promptness]

A lawyer shall act with reasonable diligence and promptness in representing a client.

### What does this mean for me?

Maintaining these values means that you:

- **Be punctual and meet deadlines.** Meet your deadlines whether in class or a clinic. Punctuality is essential whenever you are dealing with the court. Being late is not tolerated in practice, and jeopardizes client interests.
- **Work hard.** Invest time and effort in all assignments. Recognize that you are learning skills that will help you represent real people with real problems. Practicing law is a vocation, not an academic exercise.
- **Expand your knowledge.** Look at research projects as opportunities to further your legal knowledge. The greater your knowledge, the better able you will be to give legal advice to clients in a wider array of situations.
- **Recognize limitations.** The law is highly specialized. Do not expect to be knowledgeable in every area of the law. Your client has the right to demand your utmost competence.
- **Utilize CLE courses and lunchtime lecture opportunities.** The bar offers many opportunities for law students to attend CLE courses for free or at a reduced rate.
- **Seek help when you need it.** If you are working as a student attorney, never hesitate to seek advice and help when you are not sure what to do. Never guess. As you begin your career, seek out a mentor and others to help you provide the best representation you can.

### Resources:

Minnesota State Bar Association  
612-333-1183  
[www.mnbar.org](http://www.mnbar.org)

Minnesota Continuing Legal Education  
612-227-8266  
[www.minncle.org](http://www.minncle.org)

Hennepin County Bar Association  
612-752-6601  
[www.hcba.org](http://www.hcba.org)

Ramsey County Bar Association  
651-222-0846  
[www.ramseybar.org](http://www.ramseybar.org)



# Quality of Justice

## A message from the MSBA Professionalism Committee

There are five core values in the legal profession: 1) Respect and Fairness; 2) Public Service; 3) Honesty, Integrity and Trustworthiness; 4) Competent, Prompt, and Diligent Representation; and 5) Quality of Justice.

### Core Value: Responsibility for the Quality of Justice

The first sentence of the Preamble to the **Minnesota Rules of Professional Conduct** states that: “[a] lawyer is a representative of clients, an officer of the legal system and a public citizen *having special responsibility for the quality of justice.*”

The Preamble continues, “A lawyer should **demonstrate respect for the legal system** and for those who serve it, including judges, other lawyers and public officials. While it is a lawyer's duty, when necessary, to challenge the rectitude of official action, it is also a lawyer's duty to uphold legal process.”

“As a public citizen, a lawyer should **seek improvement of the law, the administration of justice and the quality of service rendered by the legal profession.** As a member of a learned profession, a lawyer should **cultivate knowledge of the law** beyond its use for clients, employ that knowledge in **reform of the law and work to strengthen legal education.** A lawyer should be **mindful of deficiencies** in the administration of justice and of the fact that the poor and sometimes persons who are not poor, cannot afford adequate legal assistance, and should therefore devote professional time and civic influence on their behalf. A lawyer should aid the legal profession in pursuing these objectives and should help the bar regulate itself in the public interest.”

### What does this mean for me?

Maintaining this value means that you:

- **Actively participate in the legal community.** Seek out ways to improve the law and the legal system by joining and participating in Bar activities and events. Offer your expertise and contribute the skills you are learning to improve justice issues in your community. Find ways to get involved.
- **Consider the public policy when evaluating case decisions.** Public policy arguments are often an expression of the need for justice to be done. These are ways in which lawyers help steer the law in the direction it should go.
- **Understand the legal process.** The public's faith in the justice of the legal process depends upon having a voice in the process.
- **Treat others with fairness and respect.** Recognize that we all contribute differently to a common goal. Make your goal the improvement of the common good.

### Examples In Action

A *non-lawyer* by the name of Clarence Earl Gideon working pro se petitioned the Supreme Court to ensure that a person charged with a crime, for which his freedom could be taken away, was entitled to the assistance of an attorney. Today, law students across the United States assist inmates on death row with appeals through organizations such as the Innocence Project. Law Students participating in national and local bar associations are partnering to improve the law and strengthen legal education. This series of letters on professionalism was developed for you by law students.

## Summary of Case

During the summer of 2007, Tyler Blunt was serving as a counselor at Camp Lakeview, a camp owned and operated by the Ashlandia Co-Ed Scouts (“ACES”). On the night of July 4, 2007, somebody ignited fireworks in the forest area around Camp Lakeview. Later that night, a forest fire was reported in the area, and the camp was evacuated early the next morning.

The fire spread toward Rainy Lake to the southeast of Camp Lakeview. On July 8, 2007, a mandatory evacuation order was issued for the area around Rainy Lake. Bill and Carol Hudson, who owned and operated the Elk Haven Lodge at Rainy Lake, evacuated their guests, but decided to stay in an effort to protect the Lodge. On July 15, 2007, the fire overtook the Lodge, and Bill and Carol died in the fire.

The State alleges that Tyler is the person who ignited the fireworks, and has charged Tyler with manslaughter, negligent homicide and the illegal burning of wildlands. Tyler denies that s/he is the person who ignited the fireworks, and also alleges that the fire was caused by a lightning storm in the area, not by the fireworks. Tyler has pleaded not guilty to all charges.

The State’s witnesses are: (i) Ashton Blake, the Superintendent of the Rainy Lake Interagency Hotshot Crew that fought the fire; (ii) Shea Landis, a 12-year old who was attending Camp Lakeview at the time of the fire; and (iii) Payton Hudson, the adult child of Bill and Carol Hudson. The Defendant’s witnesses are: (i) Tyler Blunt, the defendant; (ii) Harley Bolton, a meteorologist; and (iii) Logan Fischer, the director of Camp Lakeview.

SIXTH DISTRICT COURT OF ASHLANDIA

BURNETT COUNTY

STATE OF ASHLANDIA,

Plaintiff,

v.

TYLER BLUNT,

Defendant.

No. S-0300-CR2007-09572

**INDICTMENT**

**CHARGING VIOLATIONS OF**

**Counts 1 and 2: Manslaughter**, Class 2 Felony, in violation of A.R.S. § 13-1103;

**Counts 3 and 4: Negligent Homicide**, Class 4 Felony, in violation of A.R.S. § 13-1102;

**Count 5: Reckless Burning of Wildlands**, Class 1 Misdemeanor, in violation of A.R.S. § 13-1706; and

**Count 6: Burning of Wildlands With Criminal Negligence**, Class 2 Misdemeanor, in violation of A.R.S. § 13-1706

The BURNETT County Grand Jury accuses **TYLER BLUNT**, charging on this 25th day of September, 2007, that in or from BURNETT County, ASHLANDIA:

**COUNT 1**

**Manslaughter**

On or between the dates of July 4, 2007 and July 15, 2007, defendant **TYLER BLUNT** recklessly caused the death of another person, to wit: Bill Hudson, in violation of A.R.S. § 13-1103.

**COUNT 2**

**Manslaughter**

On or between the dates of July 4, 2007 and July 15, 2007, defendant **TYLER BLUNT** recklessly caused the death of another person, to wit: Carol Hudson, in violation of A.R.S. § 13-1103.

**COUNT 3**

**Negligent Homicide**

On or between the dates of July 4, 2007 and July 15, 2007, defendant **TYLER BLUNT**, with criminal negligence, caused the death of another person, to wit: Bill Hudson, in violation of A.R.S. § 13-1102.

**COUNT 4**

**Negligent Homicide**

On or between the dates of July 4, 2007 and July 15, 2007, defendant **TYLER BLUNT**, with criminal negligence, caused the death of another person, to wit: Carol Hudson, in violation of A.R.S. § 13-1102.

**COUNT 5**

**Reckless Burning of Wildlands**

On or between the dates of July 4, 2007 and July 15, 2007, defendant **TYLER BLUNT**, without lawful authority, recklessly set or caused to be set on fire wildland other than the defendant's own, in violation of A.R.S. § 13-1706.

**COUNT 6**

**Burning of Wildlands With Criminal Negligence**

On or between the dates of July 4, 2007 and July 15, 2007, defendant **TYLER BLUNT**, without lawful authority, and with criminal negligence, set or caused to be set on fire wildland other than the defendant's own, in violation of A.R.S. § 13-1706.

Pursuant to A.R.S. § 21-101 et seq., the County Grand Jurors find that the offenses described above were committed, in whole or part, in Burnett County, Ashlandia.

A "True Bill"

Dated: September 25, 2007

Steven R. Ott  
BURNETT COUNTY ATTORNEY  
  
BURNETT COUNTY, ASHLANDIA

                  /s/ Kyle Kaiser                    
Kyle Kaiser  
Assistant County Attorney

                  /s/ Madge Thorsen                    
Foreperson of the Grand Jury

IN THE SUPERIOR COURT OF THE STATE OF ASHLANDIA  
IN AND FOR THE COUNTY OF BURNETT  
THE HONORABLE EMILY R. REILLY, PRESIDING JUDGE

IN CHAMBERS ( )

IN OPEN COURT (X)  
JANICE SMITH, CLERK  
By: B. Butler, Deputy

STATE OF ASHLANDIA  
v.  
TYLER BLUNT

DATE: October 4, 2007  
TIME: 9:30 A.M.

NO. S-0300-CR2007-09572

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**MINUTE ENTRY**

This is the date and time set for a Not Guilty Arraignment.  
Court Reporter Susan Williams is present.

**APPEARANCES**

State's Attorney: Steven R. Ott  
Defendant's Attorney: Cameron Jones  
Defendant: Present

**NOT GUILTY ARRAIGNMENT**

The defendant is advised of the charges in the Indictment.

Let the record reflect that the defendant enters a plea of not guilty on all charges.

**IT IS ORDERED** that an Initial Pretrial Conference at which the defendant shall personally appear will be held in this Division at 9:30 a.m. on November 17, 2007.

**NOTICE TO DEFENDANT:**

Failure to comply with the above orders may result in revocation of the defendant's release from custody and/or the imposition of other sanctions.

The defendant may be tried in his/her absence if he/she fails to appear for trial.

**IT IS FURTHER ORDERED** affirming all prior bond and custody orders.

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**AFFIDAVIT OF ASHTON (“ASH”) BLAKE**

STATE OF ASHLANDIA        )  
  ) ss.  
County of BURNETT         )

Ashton (“Ash”) Blake, first duly sworn, under oath, states as follows:

1. I am 51 years old, and I am the Superintendent of the Rainy Lake Interagency Hotshot Crew (“RLIHC” or “Crew”). It is no surprise to those who know me that I work in the fire service, because as long as I can remember I’ve been fascinated by fires, especially wildfires. I grew up in the Dueloot area and always lived near the Spectacular National Forest. It seemed like every summer season there were a slew of wildfires across the state. Whenever there was a wildfire nearby, I would sneak as close as I could without getting caught to watch the firefighters in action. In fact, my fascination with fire is what led to my nickname. My Uncle Ernie started calling me Ash when I was 7 years old and accidentally burned down my tree house while conducting an experiment with fire. As they say, kids will be kids. Anyway, the name stuck with me ever since.

2. My first position in the fire service was as a Wildland Fire Investigator, a position I held from 1978 to 1982. It wasn’t a frontline operations position, like the firefighters I used to watch when growing up and the position I now hold, but it was interesting work. The only mandatory training for that position was a course called “Wildfire Origin and Cause Determination” (FI-210). While I was an Investigator, I also took additional wild fire training and investigative courses.

3. As a Wildland Fire Investigator, I investigated or assisted in the investigation of somewhere around 25 wildland fires. I testified as an expert in the prosecution of two individuals accused of starting wildland fires. One was found guilty, and the other was acquitted. I got burned out after the acquittal, which left me feeling empty--like I expended a lot of effort for nothing. I decided that I wanted to pursue my dream job on a Hotshot Crew, much like the fire fighters I observed as a child.

4. Hotshot Crews typically have 20 highly skilled members who understand safe helicopter operations and can safely and efficiently use all fire tools, including Pulaskis (a combination axe on one end and grub hoe on the other, which is used to dig fire lines), chain saws, fusees (a torch used by firefighters to secure firelines and create safety zones), pumps, engines and bulldozers.

5. The National Wildfire Coordinating Group publishes the “Wildland Fire Qualification System

31 Guide” (the “Guide”). One of the primary purposes of the Guide is to establish minimum interagency  
32 training and qualification standards for mobilization to wildland fire assignments. The Guide sets forth the  
33 minimum qualifications in terms of training, experience and physical fitness level for various positions on  
34 Interagency Hotshot Crews. Just as an example, each member of a Hotshot Crew must be able to  
35 complete a three-mile hike with a 45-pound pack in 45 minutes. This rigorous fitness level is necessary,  
36 because Crews often have to hike into remote fire sites while carrying all the water and supplies they will  
37 need for 8- to 12-hour (and even longer) shifts.

38 6. I started on my first Hotshot Crew in the mid-1980s as a Firefighter 2, which is the lowest  
39 position on a Hotshot Crew. Although the position required no prior experience, it did require Basic  
40 Firefighter Training and additional firefighting coursework and training, which I successfully completed.

41 7. I progressed up the ranks over the years, holding a variety of positions on Hot Shot Crews until I  
42 obtained the designation of Incident Commander and became the Superintendent of the RLIHC in 2004.

43 8. As Incident Commander, the overall management of the incident is my responsibility.  
44 Specifically, it is my duty to (i) determine incident objective and strategy, (ii) set immediate priorities, (iii)  
45 establish an appropriate organization, (iv) authorize an Incident Action Plan, (v) coordinate activity for all  
46 Command and General Staff, (vi) ensure safety, (viii) coordinate with key people and officials, and (ix)  
47 authorize release of information to the media and public.

48 9. In order to burn, fire needs oxygen, fuel, and enough heat to ignite and burn the fuel. It is  
49 necessary to eliminate one of these three essential ingredients to prevent or fight fire. Needless to say, it is  
50 impossible to eliminate oxygen in the environment, so firefighting and prevention focuses on the  
51 elimination of fuel and/or heat. Heat and ignition sources created by the weather (i.e., temperature,  
52 humidity and lightning) cannot be controlled, but human-caused heat and ignition sources (such as  
53 campfires, smoking, combustion engines, open flame, flares and fireworks) can be controlled through  
54 education and enforcement of forest use restrictions. Fuel can be living or dead material that will ignite,  
55 carry fire and burn, including standing or fallen trees and brush. Many people don’t know this, but a tree  
56 that is struck by lightning can smolder inside for hours or sometimes even days, if the conditions are right,  
57 before igniting into an actual fire. As a preventative measure, property owners are encouraged to create a  
58 safety zone free of fuel around their property. When fighting wildfires, crews create fire lines to control

59 and contain the fire by clearing or burning fuel sources.

60 10. Weather and topography affect how fire behaves, and both are important--but uncontrollable--  
61 factors in fighting wildfires. Weather affects fires in several ways. High temperatures and relative low  
62 humidity dry out fuels, making them more susceptible to igniting. Once a fire is ignited, wind speed and  
63 direction affect (i) how large a fire will become, (ii) where it will spread, and (iii) how quickly it will  
64 move. The slope of the land also affects how quickly fire will spread. Fire tends to move uphill much  
65 more quickly than downhill. In addition, hills facing west or south tend to have drier fuels, because they  
66 are exposed to more direct sunlight--causing fire on such hills to spread faster.

67 11. The RLIHC is a Crew based in the Spectacular National Forest in Dueloot, Ashlandia, and is  
68 sponsored by the U.S. Department of Agriculture's Forest Service. The RLIHC is one of the Interagency  
69 Hotshot Crews in the Midwestern Area--which includes Ashlandia, Felonia, and Arsonia.

70 12. We returned to our home base in Dueloot sometime around July 7. During the prime wildfire  
71 season, the Crew works extremely long hours and moves from incident to incident very rapidly, so it  
72 sometimes is hard to remember exact dates. On July 9, immediately after our mandatory rest period,  
73 NWCC the Crew was dispatched to takeover management of the Burnett County fire because the fire had  
74 developed into a "complex" incident to which more than 600 personnel were assigned, mandatory and  
75 precautionary evacuations were taking place, and there was a high potential for property damage.

76 13. Lakeview is a small community with a population of just over 1,000. As shown on the map it is  
77 about ten miles north of Dueloot and a little more than 15 miles northwest of Rainy Lake. Lakeview's  
78 elevation ranges from approximately 1,100 to 2,000 feet above sea level. Although the area generally is  
79 densely forested, much of the timber is severely dried out due to the extreme drought conditions in the  
80 region, making the area susceptible to wildfires.

81 14. As mandated by RLIHC policy, the Incident Commander briefed me orally and in writing shortly  
82 after my Crew's arrival at the incident. The briefing indicated that the Lakeview Fire was a human-caused  
83 fire that was first reported by a civilian on the night of July 4, 2007. The first team of 20 local firefighters  
84 arrived on the scene very early on the morning of July 5. The team leader initially reported that the fire  
85 was in a confined basin area, and that his team should be able to manage and contain the fire. As it turned  
86 out, the team leader made an error in judgment in not calling in additional firefighters immediately.

87           15. I knew from my familiarity with the area that there is an Ashlandia Co-Ed Scouts (“ACES”)  
88 camp in the Lakeview community. I learned from the briefing that the campsite was less than a mile away  
89 from the Lakeview fire’s origin. Although the initial team leader expected quick containment of the fire,  
90 as a precaution, the ACES camp director and the Forest Service evacuated the camp in the early morning  
91 hours of July 5.

92           16. According to the briefing, the wind changed directions late in the afternoon on July 5, and the  
93 gusts chased the fire up a hill adjoining the basin where the fire started. From there, the fire quickly  
94 spread out of control to the southeast. Although no structures were in imminent danger, the fire continued  
95 to spread quickly toward Rainy Lake, fueled in large part by strong wind gusts that occurred mid-day on  
96 July 8. Accordingly, later that day, a mandatory evacuation order for the area between Lakeview and  
97 Rainy Lake, called for additional firefighting resources, and recommended that the incident be upgraded. I  
98 assumed command of the incident on July 10.

99           17. The Rainy Lake area is home to many cabins, lodges, campsites and hiking areas, and the area  
100 attracts thousands of visitors during the summer months. I coordinated with the Burnett County Sheriff’s  
101 Office to make sure that all property owners and visitors were apprised of the mandatory evacuation order  
102 and the threat that they may be in the fire’s path. Although the evacuation order was called “mandatory”,  
103 neither the Forest Service nor the Sheriff’s Office can force people to leave their property--which is  
104 unfortunate, because it leads to preventable loss of life in cases like this one.

105           18. Before the Lakeview Fire could be contained, it took a beeline straight for the Elk Haven Lodge.  
106 Hotshot Crews do their best to protect life and property, and usually they are successful, but the factors  
107 coalesced perfectly in this instance to make protecting the Lodge impossible. The Lakeview Fire was  
108 contained on July 20, but not before it destroyed the Elk Haven Lodge five days earlier. Containment  
109 means that the fire no longer is spreading and that there is a fire line around the perimeter.

110           19. The investigation into the Lakeview Fire’s cause began immediately without waiting for the fire  
111 to be contained. The first step in this process is to locate the point of origin. This involves analyzing the  
112 fire flow and other indicators, including the impingement of flame, char and soot patterns. One important  
113 factor, although not absolute, is that the degree of charring and damage generally is more intense on the  
114 side of vegetation facing the fire’s origin. We caught a lucky break in determining the fire’s origin in this

115 case, because one of the first firefighters on the scene located debris from exploded fireworks, which  
116 according to my briefing still reeked of freshly exploded gunpowder. The first responders immediately  
117 suspected that this was the cause of the fire. Although it is impossible to cordon off an entire wildland  
118 fire, as would be done with a typical crime scene, the first responders established a perimeter around the  
119 area suspected to be the origin. My subsequent analysis of the fire flow and other factors supports the first  
120 responders' determination of the fire's origin.

121 20. Due to the fatalities in this case, I accompanied the assigned Wildland Fire Investigator to the  
122 fire's origin on July 16. In a clearing about 200 feet away from the debris, and about 50 feet outside the  
123 established perimeter, we located a rectangular-shaped package wrapped in brown paper with no  
124 identifying markings on the outside. It appeared that the ground in the clearing very recently had been  
125 smoothed over, as if to conceal footprints. We carefully opened the package and determined that it  
126 contained unexploded fireworks. The fireworks (and the package) were destroyed to alleviate any safety  
127 hazard.

128 21. When the first responders found the fireworks debris, the team leader called for a Wildland Fire  
129 Investigator to be assigned to the incident. The Investigator arrived late in the afternoon on July 5 and  
130 interviewed several of the campers and counselors who had been evacuated from the ACES camp. During  
131 the interview of Tyler Blunt, the Investigator had a technician perform an adhesive film lift on Tyler's  
132 hands to test for gunpowder residue. This is one type of test upon which Investigators rely to aid in  
133 determining the cause of a suspicious wildland fire. The adhesive was sent to the crime lab for processing,  
134 and the results confirmed the presence of gunpowder residue on Tyler's hands. Gunpowder is a major  
135 component in fireworks.

136 22. It is my opinion that the Lakeview Fire and ultimately the death of Bill and Carol Hudson were  
137 caused by the ignition of fireworks. Based on the evidence set forth above, I believe that Tyler Blunt is  
138 the person who ignited the fireworks.

139

140       /s/ Ashton Blake       SUBSCRIBED AND SWORN to before me, a Notary Public, on January 10,

141 2007, by Ashton Blake.

      /s/ Ann Tarver      

142

My Commission Expires:       October 13, 2008

**AFFIDAVIT OF SHEA LANDIS**

1  
2  
3 STATE OF ASHLANDIA        )  
4                                        ) ss.  
5 County of Burnett            )

6       Shea Landis, first duly sworn, under oath, states as follows:

7       1. My name is Shea Landis. I am 12 years old and in 7<sup>th</sup> grade at Jefferson Middle School.  
8 I was born in Buffalo, New York, but now I live in Dueloot, Ashlandia with my parents, older  
9 brother and two dogs. Before moving to Dueloot, both of my parents were teachers. My lifelong  
10 dream is to be a stand-up comic when I grow up.

11       2. When I lived in Buffalo, we used to come out to Ashlandia during the summers. My  
12 parents said it did me good, because they didn't like some of the kids I was hanging out with. I  
13 guess they thought my friends were a bad influence or something. Anyway, during 6<sup>th</sup> grade, I  
14 got into some trouble at school. The school administrators were talking about one of my patented  
15 stink bomb tricks that I pulled a couple of weeks earlier. They asked me about it, but I knew if  
16 they found out it was me, they would call my parents and I would be in big-time trouble--so I  
17 blamed this other kid at school, P.J. He was so much of a "goody two shoes" that I thought it  
18 would be funny to see him freak out and turn all red when he got called to the Principal's office.  
19 I never intended P.J. to actually get in trouble, but the Principal believed he did it and gave him  
20 detention. As soon as I heard that, I fessed up.

21       3. The Principal called my parents and me into the office. I wasn't that concerned and  
22 didn't really pay too much attention, but I heard something about "one prank too many." My  
23 parents were pretty upset and thought a change of scenery would do me good. Plus, my dad had  
24 always talked about getting a cabin out here and starting his "semi-retirement." That's when we  
25 moved to Dueloot--right after school was over.

26       4. Even though I had visited Ashlandia before, it was kind of a culture shock when we first  
27 moved here. I was in a strange place, about to start 7<sup>th</sup> grade, didn't know anyone, and it was  
28 summer, so I probably wouldn't meet anyone until school started back up. I had nothing to do,  
29 and nobody to play my tricks on, so I started pulling pranks on my parents. I think they had about

30 enough of the pranks and me, because one day out of the blue they told me they signed me up for  
31 ACES--the Ashlandia Co-Ed Scouts--and camp was starting the next week. They told me if camp  
32 didn't straighten me out, military school would be my next stop.

33 5. At first, I was kind of bummed about camp. Who wants to spend a summer with a  
34 bunch of nerds? I mean, I was about to start seventh grade, and I didn't want to be known as a  
35 scouting nerd or anything. Then it hit me that camp would be the perfect place to try out some  
36 new pranks.

37 6. Camp Lakeview, the ACES camp, is just a little north of Dueloot. It's pretty huge and, I  
38 have to say, more than a little cheesy. When you first get there, there are these two giant totem  
39 poles and a sign hanging between them with the camp name. That's where I was dropped off. I  
40 walked under the sign and saw the mess hall a little way down a trail on the right. A little farther  
41 down the trail on the left and down a little slope is the camp pool. In front of the pool, in a  
42 clearing in the forest, there is a little stadium built into the hill with log benches and a big fire pit.  
43 A little ways behind the pool there is a small lake with rowboats and canoes.

44 7. The camp is split into two sections. Down to the left and behind the pool and lake is a  
45 path with a bunch of campsites. If you follow the trail the mess hall is on, you wind up at several  
46 other campsites. When I first arrived, I lined up with a bunch of other kids to meet some of the  
47 counselors and figure out which campsite I was in. I was assigned to camp 7. When I got to  
48 camp 7, I saw that tents already were set up. They were just canvas tents set up on wooden  
49 platforms--not very modern, and certainly not the cleanest. I know I recognize that smell from  
50 somewhere, but I still can't figure out where. Anyway, after I got my stuff set up in the tent, we  
51 had a meeting at the camp 7 fire pit. At the meeting we had to pick which classes we would take.  
52 We were supposed to sign up for at least four. I didn't see anything that really interested me, so I  
53 signed up for canoeing, fishing, hiking and wilderness survival.

54 8. According to the camp brochures, the wilderness survival class was supposed to teach  
55 you how to survive if you are stranded in the middle of nowhere with no food and no supplies. I  
56 never expected to be stranded anywhere. I just signed up for the class because Tyler Blunt was

57 teaching it.

58 9. Tyler was different than the other counselors. My canoeing, fishing and hiking  
59 counselors were really strict and wouldn't let us have any fun, which really cramped my style. If  
60 you can believe it, we even had homework assignments, books to read, maps to go over, and  
61 projects to complete before class even began. Tyler wasn't like that at all--at least at the  
62 beginning. Tyler was cool and pretty much let us do whatever we wanted. Even better, Tyler  
63 was in charge of the Snack Shack. That meant Tyler could get anything--Wing Dings, M&Ms,  
64 Skittles, Snickers, Reese's Pieces, Twix, Gummy Worms, Atomic Fire Balls, Hot Tamales,  
65 anything! You name it, and Tyler could get it--for cheap. If Tyler didn't have it in the Snack  
66 Shack, Tyler had people on the outside that could bring it in. That made Tyler the most popular  
67 counselor at the camp.

68 10. During one of the classes, Tyler taught us how to enjoy the forest while causing as little  
69 harmful impact as possible and the importance of obeying forest use restrictions. Tyler started by  
70 telling us that we should always check on closures and restrictions before venturing into the  
71 forest. Tyler then passed out copies of an Order that Tyler said restricted activities in the forest,  
72 and two other Orders that Tyler said closed all or part of the forest. Tyler also gave us a copy of a  
73 press release announcing that the forest was reopening. I had never heard of the forest being  
74 closed or no campfires being allowed, but Tyler assured me that it happens often in the summer  
75 months when the fire danger is high.

76 11. During the next class, Tyler was supposed to teach us how to build fires out of sticks,  
77 without matches or anything like that, in case we were ever trapped in the middle of nowhere.  
78 We took a short hike to a place where Tyler prepared to build a fire. Although there are no fences  
79 or boundary markings around Camp Lakeview, I'm pretty sure that we left the camp and entered  
80 the forest. All of a sudden, one of the other kids in the class, Rip Winkle, pulled the Fire  
81 Restrictions Order that Tyler gave us the class before out of his backpack. Tyler asked Rip to see  
82 the Order, and when Rip gave it to Tyler, Tyler crumpled it up, threw it on the ground and said,  
83 "Let's use that for kindling once we get the fire started." Everybody started laughing. We all

84 thought it was pretty funny, but Rip seemed pretty upset. Tyler told him, “Just trust me, I know  
85 what I’m doing.” With all the laughter, I couldn’t hear everything that Tyler said, but I never  
86 heard Tyler say anything about not being in the forest or having a permit. Nobody else did either.

87 12. On the morning of July 4<sup>th</sup>, we had what turned out to be our last wilderness survival  
88 class. I remember that class because we were all pretty excited about the special camp-wide  
89 campfire scheduled for that night. We knew that there was going to be a big cookout, and they  
90 told us to expect some surprise entertainment. I kept asking Tyler what was planned. I could tell  
91 Tyler knew but wouldn’t tell me. I kept bugging Tyler, and I could tell Tyler was getting a little  
92 testy. After class, I even followed Tyler down to the Snack Shack. That’s when Tyler snapped at  
93 me: “I won’t tell you what’s going to happen tonight, but it’s the 4<sup>th</sup> of July and I promise you  
94 will have a blast.” Tyler used finger quotes when saying “blast.” I thought for a second and  
95 figured it out. I said, “I know what it is--there’s going to be fireworks, right?” Tyler said,  
96 “Bingo! I’m shooting off fireworks tonight.” Tyler then told me not to say anything to anyone,  
97 and that it was a surprise.

98 13. That afternoon I was at the pool with some of the other kids from my camp. We were  
99 just swimming and having a good time. I had a Baby Ruth that I got from Tyler and threw it in  
100 the pool. I had seen it in a movie and thought it would be funny. Boy, was it ever! Kids were  
101 screaming and jumping out of the pool. When the lifeguards figured out what happened and  
102 started asking questions, I suggested that it might have been one of the kids from camp 8, the  
103 camp next to ours. That’s when Tyler showed up. I think Tyler knew right away that I did it,  
104 because I bought the candy bar at the Snack Shack earlier that morning from one of Tyler’s  
105 special deliveries. Tyler looked at me, and that’s when I fessed up--just like I always do. What’s  
106 the point of a good prank if you don’t get to take credit for it? Anyway, Tyler yelled at me right  
107 there in front of everyone else. Tyler said a prank was one thing, but blaming someone else was  
108 another. I was so embarrassed. And, on top of that, Tyler threatened to have my parents come to  
109 pick me up before camp ended. At that point I got pretty upset, and I was afraid that I would be  
110 shipped off to military school. I’d do almost anything to avoid that. In the heat of the moment, I

111 think I even said something like, “You’ll be sorry if you tell my parents.”

112         14. After I had enough of Tyler’s lecture, I spent the rest of the afternoon in my tent. I  
113 didn’t even want to go to the stupid campfire that night anymore. After awhile, Tyler came by  
114 and we patched things up. We even had a good laugh about the other kids’ reaction to the Baby  
115 Ruth bar in the pool. I felt relieved that I wouldn’t be headed off to military school, and I decided  
116 to go to the campfire after all.

117         15. On the way to the campfire, I saw Tyler coming out of one of the counselor’s cabins.  
118 Tyler was looking all around, as if Tyler wanted to avoid being seen, but I don’t think Tyler ever  
119 saw me. I saw Tyler carrying a couple of rectangular-shaped packages covered in plain brown  
120 paper wrapping. Tyler and the rest of the counselors had been acting pretty secretive, so I  
121 assumed the packages had something to do with the big surprise planned for the campfire.

122         16. The campfire was pretty cool. After the cookout, there were a bunch of awards for  
123 individual campers for the first couple of weeks and then the best campsite. Then, this guy in a  
124 crazy costume told us the legendary story of the Ely Sasquatch. Awesome story, most of the kids  
125 were pretty scared. Then we built a campfire. We wanted to make it bigger, but we could tell  
126 right away it was too windy. The embers were drifting off a little ways and if the fire was any  
127 bigger they might have gone past the clearing into the forested areas. When I was watching the  
128 embers, I saw Tyler sneaking off. Tyler ducked behind the camp pool and toward the forest, and  
129 then I couldn’t see Tyler anymore. Tyler had the packages that I saw earlier. I knew that Tyler  
130 must be involved with the big surprise, and I started to get excited.

131         17. Some of the counselors led us in singing some patriotic songs for the July 4<sup>th</sup> holiday.  
132 Then the guy who played revelry every morning, played the Star Spangled Banner and we all  
133 sang along. That’s when Tyler did it. Right on cue when we sang “bombs bursting in air,” I saw  
134 the first firework go off. It was from the far side of the pool. Everyone went crazy. It was  
135 awesome. There were a lot more fireworks after that. I remember watching them go up, and then  
136 get caught in the breeze and get carried away. I was a little worried because we couldn’t have a  
137 big campfire due to the blowing embers. The fireworks were going further than the campfire

138 embers. The fireworks pretty much concluded the campfire.

139 18. After the campfire, we all went back to our campsites. When we got back to camp 7,  
140 there was Tyler, sitting by our fire pit, with a small fire going. Tyler had graham crackers,  
141 marshmallows and chocolate lined up, so that we could all have some s'mores.

142 19. I was a little worried for a while that night, expecting someone to say that there was a  
143 forest fire from the fireworks. I remember some thunder and lightning. It seemed to get pretty  
144 close too. I remember that because I was hoping it would rain just in case there was a fire and we  
145 didn't know about it yet. We didn't end up getting any rain though.

146 20. The next morning, there was a lot of commotion. I don't remember how I found out, but  
147 I remember everyone had to pack quickly and we had to get going because there was a forest fire.  
148 I knew right away that it was the fireworks Tyler had shot off. We all lined up at the camp  
149 entrance and school buses picked us up and headed west. On the ride out, a forest service guy  
150 told us that the fire had started just east of the camp. That's the direction the wind was blowing  
151 the night before. It's the direction that the fireworks were being blown.

152

153 21. I know that Tyler and I had a little spat early on July 4<sup>th</sup>, but all-in-all I liked Tyler. I  
154 still do. But as I think back, Tyler didn't seem to take fire safety all that serious, especially for  
155 someone teaching wilderness survival.

156

157

/s/ Shea Landis

158 SUBSCRIBED AND SWORN to before me, a Notary Public, on January 15, 2007, by Shea  
159 Landis.

160

/s/ Leslie Smith

161 My Commission Expires:

162 December 12, 2008

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1 **AFFIDAVIT OF PAYTON HUDSON**

2  
3 STATE OF ASHLANDIA )  
4 ) ss.  
5 County of BURNETT )

6 Payton Hudson, first duly sworn, under oath, states as follows:

7 1. My name is Payton Hudson. My parents, Bill and Carol Hudson, owned the Elk Haven  
8 Lodge at Rainy Lake (the "Lodge")--that is, until it burned to the ground with them trapped  
9 inside. The Lodge had been in the family since it was built in the late 1920s.

10 2. When I was growing up, we didn't have much money. We lived off the income from the  
11 Lodge. Neither of my parents finished school. Dad always told me how he had to quit school to  
12 help his parents run the Lodge, how the Lodge was our family legacy, and that the only two good  
13 things in his life were me and the Lodge. Back in those days, it took more backbreaking work to  
14 run the Lodge than it did when I was growing up, because the Lodge didn't have the modern  
15 conveniences that exist today. All that my parents knew how to do was run the Lodge, so I don't  
16 know what other job they could have gotten if the Lodge ever shut down.

17 3. Over the years, we faced a number of close calls with fires. My parents always stayed to  
18 make sure the Lodge was safe. No fire ever got closer than 1000 yards from the Lodge--well, no  
19 fire before the Lakeview Fire.

20 4. We always were watchful during the summer months. It is especially dry, and we would  
21 get nervous that lightning from a summer thunderstorm would start a fire. We also were worried  
22 that a careless camper or a nutcase smoker would start a fire accidentally. My parents worked  
23 hard to make sure the Lodge was safe by clearing out brush and keeping the guests from engaging  
24 in dangerous acts that might ignite a fire, especially during the summer months.

25 5. The 4<sup>th</sup> of July weekends always were particularly frightening. Crazy kids would come  
26 into the area and light off fireworks illegally. Kids just don't understand how dangerous they are  
27 in the dry area where fires can start so easily.

28 6. On July 4, 2007, I was home visiting my parents for the first time in years. We were  
29 sitting outside at about 1:00 p.m., catching up on old times and having some lemonade and

30 homemade ice cream. We watched one of those summer afternoon thunderstorms develop. We  
31 saw some pretty nasty lightning strikes way off in the distance toward Dueloot, but there wasn't  
32 any rain.

33 7. About seven or eight hours later, I was outside enjoying a very quiet evening. I heard a  
34 faint boom that I first thought was thunder from another thunderstorm, and then I realized it  
35 actually was fireworks off in the distance. After hearing a few faint booms, I could barely see  
36 some fireworks shoot into the air just above the tree line.

37 8. Even though the fireworks were off in the distance, they seemed dangerously close to  
38 the Lodge. I asked my parents if they wanted me to jump on the ATV and head through the  
39 forest to where the fireworks were to look for the culprits. They said, "No, this happens every  
40 year. Don't worry about it." We actually sat for a few minutes and enjoyed what we could see of  
41 the brief fireworks display. I feel terrible that I never got up and got the person that was shooting  
42 off the fireworks.

43 9. At about 10:15 p.m., we saw that paralyzing glow. It was the familiar--too familiar--  
44 glow of a forest fire. My dad ran inside and called the Forest Service. At the time, the glow  
45 looked safely off in the distance. It seemed to be in the same direction of the fireworks, but I can't  
46 say for sure if I first saw it in the same location where we saw the fireworks a couple hours  
47 earlier. Considering that in those few days I lost my mom, my dad, our family legacy, it's  
48 surprising I can remember anything at all from that night. But those memories are crystal clear to  
49 me; I guess it's just because they were the last days with my family.

50 10. We stayed up all night, and we continued to monitor the situation. We kept the radio on  
51 to listen to the regular news briefings. We were worried that the fire department would not be  
52 able to contain the fire quickly. By the afternoon of July 5<sup>th</sup>, it looked from the Lodge like the  
53 smoke from the fire was spreading out. Still, we had not heard of any evacuation orders.

54 11. Three days later, on July 8<sup>th</sup>, we heard that there was a mandatory evacuation order for  
55 the area around the Lodge. My parents told me to gather the guests and lead them out of the area.  
56 We had arrangements with other lodges to assist if we ever had to evacuate. I took our 35 guests

57 to a couple of lodges near Superior Lake, which was outside the evacuation area, and I made sure  
58 that the guests were comfortable and safe. I went back to the Lodge a few times to get luggage  
59 and other necessities for our guests.

60 12. Each time I went back, I tried to talk my parents into leaving with me. The last time that  
61 I went back, on July 10<sup>th</sup>, the Sheriff's Deputies, who had been policing the road for two days,  
62 told me that they would not let me back in anymore once I left. I told my parents that, and I  
63 begged them to leave with me. The fire was getting really close and it wasn't getting contained.

64 13. My parents refused and told me they were trying to cut a larger clearing to protect the  
65 Lodge. They thought they could get out in time if the fire got too close. Every day I tried to  
66 contact them, but I think the phone lines and cell towers that service the Lodge had been  
67 destroyed by the fire. I went up to talk to the Sheriff's Deputies on the 11<sup>th</sup> and 12<sup>th</sup> to see if they  
68 had heard from or seen my parents. On July 12<sup>th</sup>, they told me that one of them had seen my  
69 parents looking very tired and worn out. The Deputy said that they were in pain, they had  
70 scratches and cuts on their bodies but resolved to save the Lodge. The Deputy shared that one of  
71 the firefighters had even told them something about discovering illegal firework remains near the  
72 site, but that the fire would be contained soon. I was enraged to think that that little firework  
73 show we saw on the 4<sup>th</sup> might have caused all this damage, but I felt better about the situation  
74 with my parents, even though I could not contact them. I went back home and tried calling just  
75 about every hour, but I never saw or heard from them again.

76 14. On July 15<sup>th</sup>, I was watching the news when I saw the firefighters at the Lodge.  
77 Although the flames were ripping through the building, I could tell it was the Lodge. I couldn't  
78 believe what I was seeing. They were pouring water on the Lodge, but it was absolutely no use--  
79 it was destroyed. Because the Lodge was so old, it just went up so fast. I keep a still photograph  
80 of what I saw on the news that day.

81 15. As soon as I could compose myself, I kept calling my parents' cell phones and waiting  
82 for them to answer. They never did. I was frantic and tried to drive up there, but the Sheriff's  
83 Deputies wouldn't let me get anywhere close. Finally, a firefighter called me. He told me that he

84 had bad news. They found my parents--both were dead. He said they were huddled in a corner  
85 of the Lodge, holding each other, wrapped in what looked like wet blankets. I can't imagine the  
86 excruciating pain they endured as the flames burned them to death.

87 16. I don't know what to do with my life now. I quit my job and I've gone back to graduate  
88 school, but I'm not able to focus. I just want to know what really happened that night. If that kid  
89 Tyler Blunt set the fire, I want Tyler to pay. I want Tyler to go to jail and never get out. I want  
90 Tyler to huddle in a corner of a jail cell knowing that the end of Tyler's life is looming and  
91 there's nothing that Tyler can do about it--just like Tyler made my parents go through.

92 \_\_\_\_\_ /s/ Payton Hudson \_\_\_\_\_

93 SUBSCRIBED AND SWORN to before me, a Notary Public, on January 5, 2007, by Payton  
94 Hudson.

95 \_\_\_\_\_ /s/ Robert Lewis \_\_\_\_\_

96 My Commission Expires:

97 May 23, 2009

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**AFFIDAVIT OF TYLER BLUNT**

STATE OF ASHLANDIA        )  
  ) ss.  
County of Burnett            )

Tyler Blunt, first duly sworn, under oath, states as follows:

1. My name is Tyler Blunt. I am 20 years old, and I should be a sophomore at Northern Ashlandia University. I was studying to enter the Forest Service before this all happened. Now I am on temporary suspension from school pending the outcome of this case.

2. When I was younger, I was a member of ACES--the Ashlandia Co-Ed Scouts. I used to love summers because that meant it was time for Camp Lakeview. That is the ACES’ camp located outside of Lakeview, Ashlandia. It is near the Canadian border, and it’s a beautiful area with tons of outdoor activities. I went every summer, and every summer I had a great time. When I was a senior in high school I turned 18 and was too old to be a scout anymore, so I signed up as a counselor. I loved helping kids, loved the forest, and loved the camp. It was perfect for me. Plus, I could earn a little money to help with books for college.

3. I was a camp counselor for the first time two summers ago. Because I had been coming to the camp so many years it was a pretty easy transition. Most of the people there already knew me and already had been treating me like a counselor, because most of the kids at the camp are 15 and under. Even though I was pretty young, I was asked to teach wilderness survival. That was perfect for me. The class involves a combination of what I like to call “the worst case scenario” as well as forest conservation and safety.

4. With respect to the “worst case scenario” part, I teach a bare-bones survival technique. The best way to explain what I mean is to ask the question--if you were stranded in the middle of the forest, with no supplies, what would you do to survive? Students learn how to build a simple, but effective, lean-to shelter, what plants and berries are edible, how to purify water, how to heat and cook food, how to stay warm and how to navigate, all with nothing more than a pocketknife.

5. With respect to the conservation side of the class, I work with Forest Service personnel. I teach the kids the basics of forest conservation, including erosion, over-growth and fire dangers

30 that are prevalent in dry regions like Ashlandia. A part of that includes providing campers with  
31 any current warnings, alerts, and/or closures issued by the Forest Service, and teaching the kids to  
32 routinely check for these things before entering the forest. I also emphasize the importance of  
33 obeying orders issued by the authorities, including use restrictions and so-called “mandatory”  
34 evacuation orders. I say so-called, because the Forest Service is not allowed to evacuate people  
35 by force, and everyone knows that there always are some idiots who would rather put themselves  
36 in danger than leave their property unattended.

37 6. This last summer, I arrived at camp on June 10th. The counselors generally get to camp  
38 a couple weeks early to set up everything, refamiliarize ourselves with the area, and train rookie  
39 counselors and counselors with less experience. Generally there were around 200-300 kids in the  
40 camp any given week, some staying for a short time, and some spending the whole summer there,  
41 like me.

42 7. I remember that there already was mail for me when I first arrived. The first thing I  
43 noticed was a Fire Restriction Order issued by the Forest Supervisor for the Burnett National  
44 Forest. It became effective June 5, 2007, and was in effect until rescinded or until the end of the  
45 calendar year. I hated seeing that. I mean, it is not uncommon for the Forest Service to issue  
46 these fire warnings, especially given that the weather has been so dry the last couple years, but  
47 usually we get a couple weeks worth of campers before the first order. I had a bad feeling that  
48 this order wasn't getting rescinded anytime soon either.

49 8. Don't get me wrong, we were still able to have campfires at the main fire pit and at the  
50 individual fire-pits in each of the campsites. Camp Lakeview had a permit for those, and the  
51 Order applies only to “National Forest Service lands.” But, I was teaching wilderness survival.  
52 One of the best parts of the course, and one of the things the kids like the most, is our trip out into  
53 the forest where we learn to build a fire out of only the things available there. No matches and no  
54 lighters.

55 9. My fears were confirmed just days before the first set of campers showed up. The  
56 Forest Service issued an Emergency Fire Closure Order effective June 23, 2007. A fire closure

57 meant the Forest Service was pretty worried, because it literally closed off the restricted areas.  
58 These orders are issued in the most severe fire conditions--when the Forest Service is afraid that a  
59 car might cause a spark, or a person will ignore or be unaware of the Fire Restriction Order.  
60 What it meant for me was that the fire conditions had worsened, and my popular wilderness  
61 survival forest trip was definitely off.

62 10. The first group of kids showed up on Saturday, June 24<sup>th</sup>. They were all assigned  
63 campsites with counselors, and they all signed up for courses. I had a good size group of 20 sign  
64 up for my wilderness survival course. I remember Shea Landis was in that class. Shea is easy to  
65 remember because Shea goes 100 miles an hour 24/7. Shea is constantly joking around, not  
66 paying attention, or playing pranks on other people. Usually nothing big, just annoying. More  
67 often than not, Shea was the only one who thought the pranks were funny.

68 11. I got some really good news at the end of the first week of camp. Effective July 2, the  
69 Forest Service issued another Emergency Fire Closure Order that kept part of the forest closed  
70 but opened the area around Camp Lakeview. The original Fire Restriction Order, however, was  
71 still in effect.

72 12. As soon as the forest reopened, July 2<sup>nd</sup>, I decided to go ahead and take the class on the  
73 wilderness trip. We hiked a short ways to an area known as Horseshoe Bend, which is near  
74 where the camp abuts the forest. It's actually almost impossible to tell where the camp ends and  
75 the forest begins, because there are no markings, but based on my years in the camp, I'm fairly  
76 confident that we hadn't ventured into the forest. I was originally going to have all the kids make  
77 their own lean-tos but once I saw that there was a pretty big bare area (which is common in the  
78 camp areas but certainly not in the forest), I changed my mind. I mean, there was no foliage, no  
79 brush, nothing that could catch fire in this little area.

80 13. I told the kids to gather up some small tinder and kindling from the surrounding area.  
81 Small, dry sticks, twigs, leaves and that kind of stuff. I then gathered a little lint from my pocket,  
82 placed it on a flat stone, and was going to show them how to build a fire without any matches or  
83 anything. That's when one of the kids, a little "know it all" named Rip Winkle, pulled out the

84 Forest Service Fire Restriction Order I had given them and discussed the day before. Rip actually  
85 brought the paper with him on the hike. I asked to see it. I assured Rip that the restriction should  
86 be followed. I told Rip something to the effect of, "This was a survival course and when you are  
87 stranded you sometimes have to break the rules." Then I said that if you have paper at your  
88 disposal, you might as well use it. So I crumpled up the order and placed it in the kindling pile. I  
89 remember Shea giggling about that, but couldn't figure out why. Anyway, I was just trying to  
90 make a point with Rip about the mentality it takes to survive, but I also told Rip that the  
91 restrictions only applied on forest land, not private property. I then showed everyone how to start  
92 the fire. Afterwards, I had the kids put the fire out using water from a nearby pond and then  
93 burying the soaked ashes.

94 14. I had a class on July 4<sup>th</sup>. I remember that throughout the class Shea would not stop  
95 asking me questions about the campfire that night. I told Shea I didn't know what the plans were,  
96 I was not in charge of the campfire, and I was not involved with the campfire. That's the truth,  
97 but Shea wouldn't believe me. After the class, Shea followed me to the Snack Shack. I was in  
98 charge of the Snack Shack, mostly because I had a friend who worked for a candy distributor and  
99 who could get candy in bulk so that it was cheaper. All the way to the Snack Shack, Shea  
100 wouldn't stop with the campfire questions. I finally told Shea that the campfire was going to be  
101 fun and that s/he would have a blast. I thought that would put an end to it--but Shea just wouldn't  
102 give it a rest. Shea said, "You're shooting off fireworks, aren't you?" I responded sarcastically,  
103 "Yeah right! I'm shooting off fireworks tonight!" Before I could even finish, Shea started to run  
104 out the Snack Shack. I was afraid that Shea was going to spread a rumor that wasn't true and  
105 would get all the campers' hopes up, so I yelled at Shea not to say anything. Obviously, I was  
106 being facetious about shooting off fireworks. That's not only prohibited, but it's also extremely  
107 dangerous and stupid. I've been around the camp as long as I can remember. I remember all  
108 sorts of people running into the forest shooting off fireworks around July 4 in past years. One  
109 year there was even a rumor that fireworks had started a small fire in the forest. I couldn't  
110 believe people could be that irresponsible, especially when it was dry.

111           15. Later that day, I had just finished up with my duties at the Snack Shack and was on my  
112 way back to the counselor's cabin for a nap when I saw some commotion at the pool. Kids were  
113 jumping out, running around and screaming. I was afraid that one of the kids was going to slip  
114 and get hurt. I rushed into the pool area, and saw what the commotion was about. There was a  
115 candy bar, which, from a distance, looked like something a lot less appetizing, floating in the  
116 pool. I looked to one side and saw one of the lifeguards talking to Shea. I heard Shea tell the  
117 lifeguard some other kid put the candy bar in the pool. I walked closer and Shea saw me. Shea  
118 knew that s/he was busted. Shea's look of surprise immediately became a look of guilt, and  
119 Shea's head dropped. I asked what happened. Shea admitted to putting the candy bar in the pool  
120 and said it was just a joke. I scolded Shea about how dangerous it was, that someone could have  
121 gotten hurt, and that there is more to life than just jokes and pranks. I really let Shea have it. I  
122 think I was just fed up with Shea's behavior. There is always one of those kids every summer,  
123 but for some reason, I just snapped and lost my cool. I don't even remember everything I said,  
124 but I'm sure I threatened to have Shea sent home early.

125           16. At first, Shea seemed pretty scared. But, as I kept yelling, and as Shea noticed the other  
126 kids watching, Shea seemed to get angry. Finally, Shea just turned and ran off. As Shea was  
127 running away, I'm certain I heard Shea say something about making me pay. I yelled, "What was  
128 that?" Shea stopped, turned and just stared at me. Shea said, "You'll see!"

129           17. I saw Shea briefly that afternoon at the campsite. I could tell that Shea was still hacked  
130 off at me, so I didn't say anything. The next time I saw Shea was at the campfire that night. I  
131 said hi, but Shea just looked the other way. About halfway through the campfire activities, after  
132 the scary story, I snuck off. I had decided to treat the campers. My friend had gotten a bunch of  
133 chocolate, marshmallows and graham crackers cheap. I decided to put some in all the campsites  
134 so that the kids could all have s'mores when they returned to their campsites after the campfire. I  
135 had given the campsite leaders the chocolate and marshmallows earlier, but I didn't get the  
136 graham crackers until just before the fire.

137           18. When I was dropping off the graham crackers at each campsite, I noticed fireworks

138 going off. I didn't really know where they were or who was doing it because I couldn't see up  
139 through the trees, but I could hear them. I was pretty angry at first. It was a clear violation of the  
140 Fire Restriction Order, and if it was a camper or counselor and the Forest Service found out, the  
141 camp might lose its permits to operate. The fireworks stopped almost as quickly as they began,  
142 so I finished up with the graham crackers. All in all, the fireworks were not that big of a deal.

143 19. To be honest, I was more worried about lightning storms in the area. We didn't get any  
144 rain, but there had been a lot of lightning all the way around the area, you know, those heat  
145 lightning storms. From my own experience, it seems like most fires are caused by lightning, and  
146 with the lightning so close and no rain, I thought that there might be a risk of a fire.

147 20. The next morning, my fears were confirmed. A Forest Service truck pulled up to the  
148 camp early that morning. I was on my way to the showers when I saw the truck pulling up. A  
149 forest ranger told me we needed to get everyone out of the camp and that school buses would be  
150 there within a half hour. There was a forest fire spotted east of the camp. He said the wind was  
151 blowing east for the moment, so the fire was moving away from the camp, but to be safe the  
152 Forest Service wanted everyone out in case the winds changed. I sounded the alarm with the  
153 camp director, Logan Fischer, and the other counselors.

154 21. Later that afternoon, after the camp had been evacuated, someone who said he was an  
155 Investigator with the Forest Service pulled me aside. He told me that some of the kids were  
156 talking about the fireworks that I set off and that the fireworks were what caused the fire. That  
157 was news to me. The first thing that actually went through my mind was Shea Landis. I asked  
158 the Investigator if the kid who said I set off the fireworks was Shea Landis. He apparently was  
159 not at liberty to say yes or no. I have since learned that it was Shea. I can't believe it. I mean, I  
160 would believe that Shea would initially blame me as one of his/her stupid pranks--just like s/he  
161 did with the candy bar. But, this is way too far.

162 22. After talking to me for a short while, the Investigator asked to see my belongings. He  
163 then asked if I had showered since the night before. I said no, I had gone right to sleep. With  
164 that, the Investigator asked me to step inside this trailer with all kinds of equipment. Someone in

165 there tested my hands for something, I didn't know what then, but I do now. I know that the  
166 Forest Service is claiming they found some kind of residue on my hands. That is bogus. I was at  
167 a camp that had a rifle range. I hadn't been up there in a couple of days, but it had to be from  
168 there.

169 23. While they were testing my hands, the Investigator apparently ran a background check  
170 on me. He asked about an incident when I was at the University of Ashlandia. About a month  
171 into my freshman year, my roommate was drinking a little bit and apparently shot fireworks from  
172 my dorm window. My roommate was not the brightest bulb I've ever met. We were roommates  
173 only by random chance. By the time the campus police finally figured out where the fireworks  
174 came from, my roommate already had left. When I opened the door, the police saw a case of beer  
175 on the table. They wrote me tickets for minor in possession of alcohol and for unlawful  
176 possession of fireworks. I got an attorney then, but it was all guilt by association. The easiest  
177 way to resolve it all was to agree to enroll in a diversion program and leave the dorm. That's  
178 when I decided to transfer up to NAU and get a fresh start.

179 24. I still can't believe that they think I'm the one who shot off the fireworks. I know way  
180 better than that. I mean, starting a small controlled fire is one thing. Although I think I was on  
181 private property, if I was wrong and I have to pay a fine, so be it. But, I had nothing to do with  
182 those fireworks--whether they caused the fire or not. Someone needs to tell Shea that this isn't  
183 funny anymore.

184 \_\_\_\_\_ /s/ Tyler Blunt

185 SUBSCRIBED AND SWORN to before me, a Notary Public, on December 28, 2007, by  
186 Tyler Blunt.

187 \_\_\_\_\_ /s/ Joan Kee

188 My Commission Expires:

189 February 13, 2008

190

1 **AFFIDAVIT OF LOGAN FISCHER**

2  
3 STATE OF ASHLANDIA )  
4 ) ss.  
5 County of Burnett )

6 Logan Fischer, first duly sworn, under oath, states as follows:

7 1. My name is Logan Fischer, and I'm 45 years old. I'm the camp director at Camp  
8 Lakeview, which is the camp near Lakeview, Ashlandia that is owned and operated by the  
9 Ashlandia Co-Ed Scouts ("ACES"). I've worked as a camp director for 10 years, the last three at  
10 Camp Lakeview. Our camp is recognized as one of the best scouting camps in the midwest. The  
11 staff has worked hard to develop a program that teaches young campers everything they need to  
12 know about the outdoors. I am really proud of our program and our staff.

13 2. I learned the hard way over the years that a camp is only as good as its staff. That is  
14 why I take a very "hands on" approach in hiring all of the camp staff. I first hired Tyler Blunt  
15 two summers ago to work as a camp counselor. Tyler just completed his/her senior year in high  
16 school at the time, which was somewhat unusual for a counselor, but Tyler had attended our camp  
17 as a camper for a number of years before that. I met Tyler as a camper during my first year as  
18 camp director and was very impressed. So, it was a no-brainer to hire Tyler as a counselor. Tyler  
19 has been fantastic--just like all the other staff.

20 3. One of Tyler's gifts is great interaction with kids. I think that Tyler relates well to the  
21 campers, because Tyler is always having fun and understands first hand the poor decisions that  
22 young people often make, like the stupid stunt I heard he/she pulled his first year at college. But  
23 Tyler can deal with the kids who habitually cause problems, because Tyler's been there.

24 4. As a camper, Tyler excelled in wilderness survival. That's why, when I hired Tyler as a  
25 counselor, I asked him/her to fill a vacancy teaching the wilderness survival course. Tyler was  
26 very excited about the course, and handled the position very responsibly—surprising considering  
27 some of the pranks I heard he/she pulled as a camper long before I became camp director.

28 5. The stories that I heard about Tyler were ancient history. When Tyler was 11 years old,  
29 s/he was sent home from camp after being caught trying to light a trashcan on fire with a book of

30 matches that was left in the kitchen. When Tyler was 12, Tyler was sent home after pointing an  
31 unloaded rifle at another camper in the rifle range, but he came back a few days later. I learned  
32 from the ACES executive director that, about 10 years ago, Tyler's helped to bail out the camp  
33 when it was about to declare bankruptcy. His Dad paid \$60,000 himself and then got a group of  
34 donors together to take care of the rest of the debt. I don't know if that had anything to do with  
35 Tyler being allowed back at camp. Except for the \$60,000 contribution record, we don't have any  
36 records or anything documenting Tyler's pranks, and I don't know of anyone who was on the  
37 camp staff that long ago and can confirm them. But even if the events happened as I heard them,  
38 Tyler has proven that s/he has grown up a lot since then.

39 6. The wilderness survival course includes lessons on forest-use restrictions and fire  
40 restrictions. Because of his/her teaching experience and demonstrated responsibility, I put Tyler  
41 in charge of monitoring the forest conditions for the 2007 summer camping season. As you can  
42 imagine, this is a very important job. We are always committed to keeping our campers safe and  
43 ensuring that forest fires and other unsafe conditions do not threaten our campers. Moreover, the  
44 camp's operating permit would be in jeopardy of termination, if campers and/or staff were to  
45 violate the Forest Supervisor's orders--not to mention the potentially crippling liability that ACES  
46 could face, if such a violation caused any damage. I certainly would not have entrusted Tyler  
47 with this important task unless I was 100% positive that s/he could handle it.

48 7. The staff arrived at camp on June 10, 2007 to prepare for the first group of campers to  
49 arrive on June 24. Almost immediately after we arrived at camp, Tyler showed me that the Forest  
50 Supervisor for the Burnett National Forest already had issued a Fire Restrictions Order. The fire  
51 restriction bummed us out, because we wanted to have the kids in the wilderness survival class go  
52 into the forest and build a fire. I know that Tyler was really disappointed.

53 8. Tyler kept me up-to-date regarding forest-use restrictions, and provided me with copies  
54 of all of the orders and press releases issued by the Forest Supervisor. The restrictions made the  
55 entire staff more careful and limited what we could do on the public lands, but we were never in  
56 danger of having to cancel the 2007 summer camps--that is, until the Lakeview Fire started

57 sometime on July 4<sup>th</sup>.

58 9. Thunderstorms and heat lightning started to roll in shortly after noontime on July 4<sup>th</sup>.  
59 The annual Fourth of July festivities, which included a big camp-wide cookout and campfire,  
60 were scheduled for that evening. We were concerned that the storms were going to spoil the fun.  
61 In fact, we did have to cancel some events and close the pool due to the amount of lightning in  
62 the area.

63 10. The campfire was supposed to begin at 8:00 p.m. on July 4<sup>th</sup> immediately after the  
64 cookout. Among other things, we were planning to talk about our country's history and tell  
65 stories about what makes our country so great. Tyler told me that s/he had a surprise up his/her  
66 sleeve that the campers would remember for "a long, long time." I wasn't sure what it was, but  
67 knowing Tyler, I figured it was going to be memorable and probably funny.

68 11. I saw Tyler at the cookout and during the first part of the campfire. The last time I saw  
69 Tyler was about an hour into the campfire, when some of the counselors began leading the  
70 campers in singing songs. After about 20 minutes of singing, while everyone was singing  
71 "Michael Row Your Boat Ashore", we heard what sounded like missiles being launched and saw  
72 fireworks exploding in the air. We were all stunned, because everyone knew that fireworks were  
73 not allowed in the forest. Of course, the fireworks were beautiful, but I was immediately  
74 concerned about the potential for a fire, even though they didn't last very long. I didn't want to  
75 alarm the campers, but I decided to call an emergency staff meeting to go over our emergency  
76 evacuation plan.

77 12. The campfire ended right after the fireworks, and all the campers retired to their  
78 campsites. Everyone was abuzz about the fireworks. I spent the next 45 minutes or so rushing  
79 around to all of the campsites to alert the staff that there would be an emergency staff meeting  
80 right after lights out. I was surprised to see the campers at every campsite making s'mores. It  
81 struck me as odd that every campsite had all of the necessary supplies, but when I got to campsite  
82 7, Tyler told me that s/he delivered the supplies to the campsites during the campfire. That's  
83 when I realized that the s'mores were the surprise up Tyler's sleeve.

84           13. After lights out on July 4<sup>th</sup>, all the counselors met to discuss the fireworks and the plan  
85 for evacuation, if that became necessary. I was furious and asked whether any of the counselors  
86 knew who set off the fireworks. Most of the counselors threw out names of campers who they  
87 thought could've done it, but invariably other counselors reported seeing the campers who were  
88 mentioned. Tyler repeatedly mentioned that Shea Landis was quite the prankster, and actually  
89 became rather adamant that Shea must've done it. I remember that vividly, because Shea was my  
90 initial suspect as well. Although I didn't ask, none of the counselors at the meeting vouched for  
91 the whereabouts of Shea at the campfire when the fireworks were launched. In any event, we  
92 quickly turned to our emergency planning and decided that we would evacuate the camp if we  
93 saw even the slightest hint of a fire. I also asked Tyler to monitor the forest conditions even more  
94 closely, to maintain regular contact with the Forest Service, and to keep me apprised of any  
95 developments.

96           14. Early on July 5<sup>th</sup>, Tyler alerted me that a forest ranger came by the camp to advise us  
97 that there was a forest fire nearby and that we needed to evacuate the camp. I looked around the  
98 camp, and we could see the smoke but not any flames. We quickly got all the campers together  
99 and evacuated them according to my plan.

100           15. I know Tyler is accused of shooting off fireworks and starting the Lakeview Fire, but I  
101 just don't believe it. Tyler is an avid lover of the outdoors who is mindful of the vulnerable  
102 condition of the forest, particularly during the summer. Tyler has experienced danger with forest  
103 fires, and Tyler would never be as stupid or irresponsible as to set off fireworks in the forest.

104           16. I heard about Tyler blowing up during an incident with Shea Landis at the camp pool  
105 during the day on July 4<sup>th</sup>. Some of the kids and staff members who were there told me it was  
106 over the top, but I understood why Tyler got upset. Shea means well and deep down inside is a  
107 good kid, but Shea had been pulling pranks since the first day of camp. Shea hasn't learned yet  
108 when enough is enough. I knew that, as a result, there was some friction between Tyler and Shea.  
109 To say the least, Tyler didn't really care for Shea. I think Tyler's dislike for Shea just boiled to  
110 the surface during the pool incident.



1 **AFFIDAVIT OF HARLEY BOLTON**

2  
3 STATE OF ASHLANDIA )  
4 ) ss.  
5 County of Burnett )

6 Harley Bolton, first duly sworn, under oath, states as follows:

7 1. My name is Harley Bolton. I'm 52 years old, I'm married, and I have a 15-year old  
8 daughter. I currently work as a meteorologist.

9 2. I received my Bachelor's degree in biology from Northern Ashlandia University in  
10 1978. I attended law school at California Western Law School in San Diego, California, where I  
11 received my J.D. in 1981.

12 3. I was licensed to practice law in the State of Ashlandia that same year. I was an  
13 associate at Reilley, Thorsen & Sandick, L.L.P. in Phoenix from 1981 to 1986. I practiced tort  
14 litigation, primarily representing plaintiffs. Unfortunately, the stress of practicing law caused me  
15 to develop a substance abuse problem, which caused me to engage in behaviors that were  
16 completely out of character for me. I failed to make a number of court filings. As a result, five of  
17 my clients lost the right to bring their lawsuits. In addition, I sometimes took more than 50% of  
18 my clients' settlement awards to fund my drug habit, even though my clients signed agreements  
19 stating that I would receive 33% of any judgments collected or money settlements obtained. On  
20 February 5, 1986, the Ashlandia Supreme Court, at the recommendation of the State Bar of  
21 Ashlandia, disbarred me. You could say that I hit rock bottom at that point.

22 4. With my life in shambles, I attended the Nancy Reagan Substance Abuse Clinic in El  
23 Centro, California, where I learned to "just say no" and was able to "clean up." Ever since, I  
24 have been a member of NA (Narcotics Anonymous). I decided while I was in the clinic that I  
25 needed to make a clean break with my past. Growing up in Ashlandia, the summer thunderstorm  
26 season always has been my favorite time of the year. I always wanted to be a storm spotter and  
27 chase tornados, like in the movie "Twister." The amount of destruction that mother nature can  
28 inflict in the course of an instant, whether through an F-5 tornado or through a bolt of lightning,  
29 has always fascinated me. So, I decided that I would study meteorology.

30           5. In 1990, I graduated with a Bachelor of Science degree in Applied Meteorology from  
31 Emery-Board Aeronautical University in Rolfe, Ashlandia, where I took advanced classes in  
32 VIPR and Doppler radar analysis and Natural Hazards and Processes. You might recognize me  
33 from TV or one of those billboards. During school, I was also involved with EBBS—the Emery-  
34 Board Broadcasting Society, and I worked (free of charge, of course) as a weather intern at the  
35 National Weather Service. With my credentials restored and my demo tape polished, I was hired  
36 straight out of school as the weather forecaster on Channel 2 - KNAZ-TV, the NBC affiliate in  
37 Dueloot, handling weekend newscasts. Since 1994, I have been the forecaster on the nightly five  
38 o'clock news and occasionally fill in on the ten o'clock news.

39           6. I have been a member of both the American Meteorological Society's Board of  
40 Broadcast Meteorology and its Board of Meteorological Education. I hold the American  
41 Meteorological Seal of Approval for both radio and television, and in 2005, I was awarded its  
42 new Certified Broadcast Meteorologist designation after passing a comprehensive examination.  
43 In 2001, the National Weather Association named me its Radio/Television Broadcaster of the  
44 Year in Dueloot.

45           7. I remember July 4, 2007 well. I served as the Grand Marshal for Dueloot's 10<sup>th</sup> annual  
46 Fourth of July Parade. It rained on us some during the parade. There was even some lightning to  
47 the northwest of Dueloot, but it didn't really impact the parade. I know the kids are disappointed  
48 when we don't have a big fireworks display like they do in Dehn City, but with our drought  
49 conditions and the bark beetle infestation of the surrounding forest lands, sometimes it is just too  
50 dangerous to have a fireworks display in this part of Ashlandia. Unfortunately, 2007 was one of  
51 those years that all the fireworks shows had to be canceled. Despite the disappointment,  
52 everyone up here in Northern Ashlandia appreciates the dire consequences that even a single stray  
53 firework can cause.

54           8. Lightning is raw untamed electricity that occurs during storms. It is one of the oldest,  
55 but least understood, of all natural phenomena. Technically speaking, lightning is a discharge of  
56 atmospheric electricity that is accompanied by a vivid flash of light. A "lightning strike" is the

57 generic term for this flash of light. Think of lightning as a giant spark of static electricity--the  
58 same kind of electricity that sometimes shocks you when you touch a doorknob.

59 9. To be even more precise, a cloud-to-ground lightning strike initiates inside the storm. A  
60 negatively charged channel transmits from the storm base toward the ground in a series of steps.  
61 This is called a “stepped leader”. Each step of the stepped leader is about 160 feet in length and 1  
62 microsecond (one millionth of a second) in duration. The stepped leader is attempting to  
63 discharge on an object, and if there is none, then it takes another step until it finds an object.  
64 Naturally, the stepped leader is attracted to taller objects, such as trees and structures. One leader  
65 can be comprised of over 10,000 steps.

66 10. As the stepped leader approaches the ground, the negative charge induces electric  
67 channels with a positive charge, called “streamers”, up from the ground. When a positive-  
68 charged streamer connects with a negative-charged stepped leader between 100 to 300 feet above  
69 the earth’s surface, the negative charge flows down the established channel, and then a “return  
70 stroke” shoots up the channel. This return stroke heats the surrounding air to an incredible 54,000  
71 degrees Fahrenheit (about 30,000 degrees Celsius), creating the visible flash that we see as  
72 lightning. Although it actually is traveling from the ground to the cloud, it happens so fast that it  
73 appears to the naked eye that the lightning strike is coming from the cloud to the ground. This  
74 whole process takes a fraction of a second.

75 11. Great progress has been made in developing technology to detect lightning. A company  
76 called Lightning Boltz operates the world’s largest lightning detection system, which is based in  
77 Tucson. Three University of Ashlandia physicists and an electrical engineer developed the  
78 technology in the 1970s. Mr. Butch Blunt was the original financial supporter of the project for  
79 the University of Ashlandia. Lightning Boltz went public one year ago and I believe Mr. Blunt is  
80 the primary shareholder. In short, they developed a sensor that was capable of picking out signals  
81 emitted by the return strokes in cloud-to-ground lightning. The sensors were strategically placed,  
82 so that it became possible to calculate the location of a lightning strike. The original network of  
83 sensors was built in the Western United States to help detect forest fires. That network was

84 expanded over the years by merging it with other networks. There are three other companies  
85 competing with Lightning Boltz whose coverage area includes Ashlandia, but I believe Lightning  
86 Boltz to be the best; after all they were pioneers in this field. Meteorologists like myself rely  
87 heavily on the data provided by Lightning Boltz's system.

88 12. I obtained a lightning strike report from Lightning Boltz for the area around Lakeview  
89 on July 4, 2007. I have relied upon Lightning Boltz lightning strike reports in two other cases in  
90 which I testified as an expert. In both of those cases, insurance companies were trying to avoid  
91 paying a claim for fire damage. It was my opinion in both of those cases that the fire was started  
92 by a lightning strike.

93 13. On the lightning strike report, you will see that 20 strokes struck the ground within the  
94 area and duration of study. Within each visible lightning strike, there may be multiple strokes  
95 with multiple ground contacts. In fact, about half of all flashes have more than one ground strike  
96 point. On average, at least 30 million points on the ground in the United States are struck each  
97 year. All of the strokes indicated in the report occurred between noon and 2 p.m. on July 4, 2007.  
98 You see on the report that latitude and longitude have been substituted for grid locations on the  
99 map (Exhibit 2); this was done by me for ease of demonstrating on the map where the lightning  
100 actually struck.

101 14. I am not the world's foremost forest fire expert by any stretch of the imagination, but I  
102 do know from my meteorological studies that lightning is responsible for causing 60 to 70% of all  
103 forest fires in the Midwestern United States. Fortunately, 97% of lightning-caused fires consume  
104 less than ten acres. One study from Northern Ashlandia University indicated that 10% of 500,000  
105 lightning strikes result in fires. It's not surprising to anyone who watches the news that the  
106 Midwest leads the nation in both the average number of lightning-caused forest fires and the  
107 number of acres burned by lightning-caused forest fires each year. Two-thirds of the lightning-  
108 caused fires occur in June, July and August, because the conditions that produce lightning occur  
109 most often in the summer months. July accounts for 25% of lightning-caused forest fires, the  
110 most of any month. To be specific, dry lightning is a common cause of wildfires. Dry lightning

111 happens when rain falls during a storm but the amount of moisture isn't great enough to reach the  
112 ground. The moisture simply evaporates into the air on its way to the ground. Lightning still  
113 strikes the ground and if it should strike some dry kindling in a forest, a fire may start. The  
114 conditions on July 4<sup>th</sup> were perfect for dry lightning.

115 15. It is my opinion that one of the lightning strokes occurring on the afternoon of July 4,  
116 2007 likely caused the Lakeview Fire, even though the fire was not discovered until many hours  
117 later. If struck by dry lightning, a tree can smolder for hours before the fire is visible. You can  
118 see from the lightning strike report that several strokes were detected within a 15 mile radius of  
119 Camp Lakeview.

120 16. I normally charge \$200 per hour for meteorological consulting services, but I am not  
121 being paid by the defense to prepare this affidavit or to testify at trial. I feel so bad for the Blunt  
122 family. Tyler's father, Butch Blunt, is the News Director for Channel 2. Mr. Blunt was  
123 instrumental in hiring me right out of the Emery-Board meteorology program when most people  
124 probably wouldn't have dared touch anyone with my background. I was certainly grateful and  
125 always told Mr. Blunt that if there was any way I could pay him back for giving me the chance to  
126 put my life back together--I would. This is the least I could do. Of course, my loyalty to Mr.  
127 Blunt and his family has not affected my analysis of the weather data in this case in any way.  
128 After all, I'm not willing to sacrifice my dignity. I believe that any competent meteorologist  
129 would reach a conclusion similar to mine.

130

/s/ Harley Bolton

131 SUBSCRIBED AND SWORN to before me, a Notary Public, on February 12, 2008, by  
132 Harley Bolton.

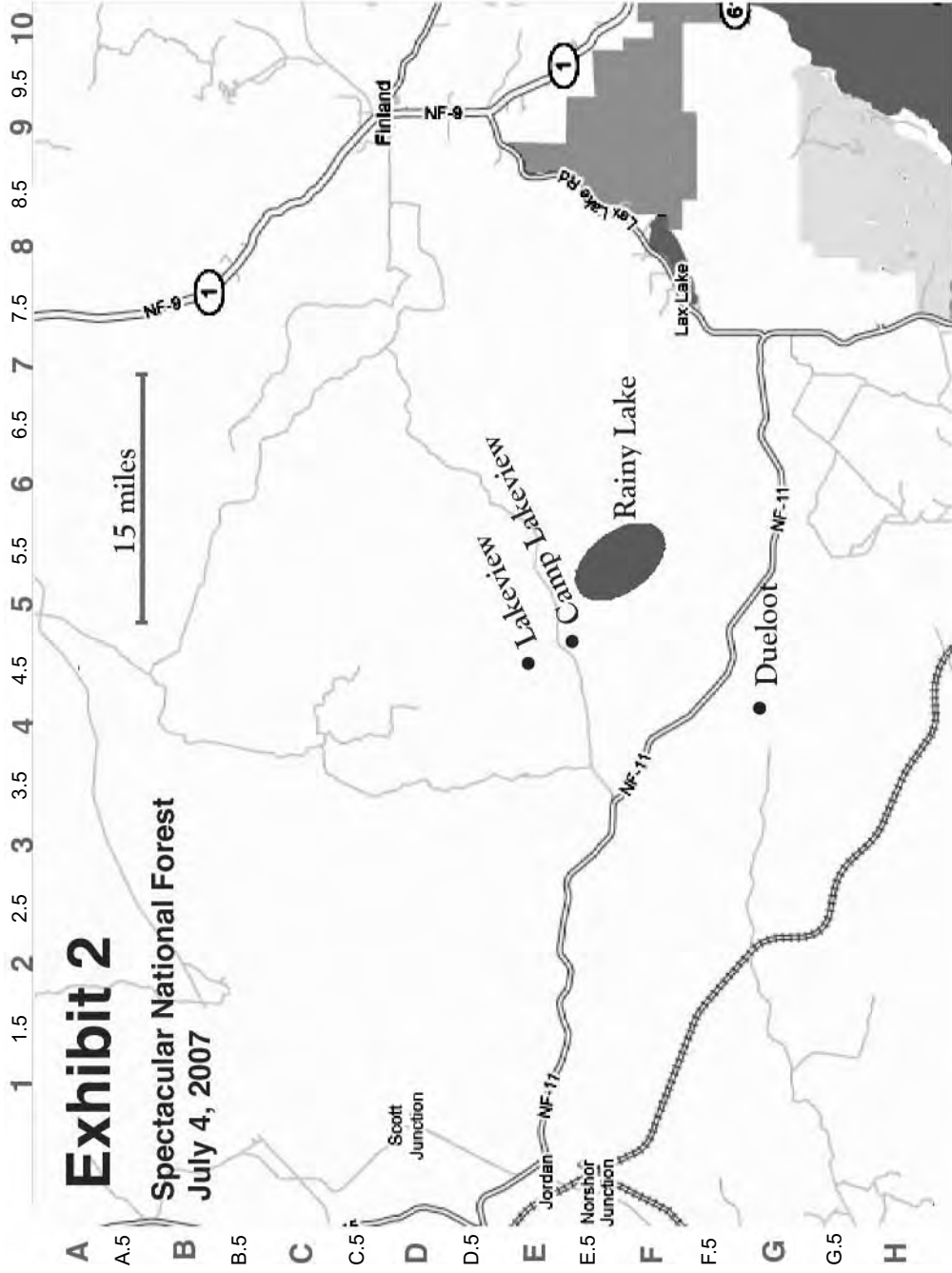
133

/s/ Roberto Silva

134 My Commission Expires:

135 December 5, 2009





**Exhibit 3**

Order Number 04-06-04-TF

**ORDER  
FIRE RESTRICTIONS  
SPECTACULAR NATIONAL FOREST**

Pursuant to 16 U.S.C. 551 and 36 C.F.R. § 261.50(a), the following acts are prohibited on all National Forest System lands within the Spectacular National Forest, in the following county within the State of Ashlandia: Burnett. The restricted area is depicted on the attached map, hereby incorporated into this Order as Exhibit 1.

**PROHIBITIONS:**

1. Building, maintaining, attending or using a fire, campfire, charcoal, coal, or wood stove, 36 CFR § 261.52(a).
2. Smoking, except within an enclosed vehicle or building, or a developed recreation site, 36 CFR § 261.52(d).
3. Using an explosive, 36 CFR § 261.52(b).
4. Operating a chainsaw, or other equipment powered by an internal combustion engine, is prohibited from 9:00 AM to 8:00 PM, 36 CFR § 261.52(h).
5. Operating or using any internal or external combustion engine without a spark arresting device properly installed, maintained, and in effective working order meeting either:
  - Department of Agriculture, Forest Service Standard 5100-1A; or
  - Appropriate Society of Automotive Engineers (SAE recommended practice J335 (b) and J350 (a); 36 CFR § 261.52(j)
6. Welding or operating acetylene or other torch with open flame; 36 CFR § 261.52(i).
7. Possessing or using a motor vehicle off National Forest System roads, except when parking in an area devoid of vegetation within 10 feet of the roadway; except for parking overnight in Forest Service developed campgrounds and trailheads; and except in the Cinder Hills Off-Highway Vehicle Area; 36 CFR § 261.56.

**EXEMPTIONS:**

Pursuant to 36 CFR § 261.50(e), the following persons are exempt from this order:

1. Persons with a Forest Service permit specifically authorizing the prohibited act or omission.
2. Any Federal, State or Local Officer or member of an organized firefighting force in the performance of an official duty.

THIS ORDER BECOMES EFFECTIVE AT 8:00 am ON JUNE 5, 2007 AND WILL REMAIN IN FORCE UNTIL RESCINDED OR UNTIL DECEMBER 31, 2007, WHICHEVER EVENT COMES FIRST. THIS ORDER RESCINDS AND REPLACES ORDER NO. 04-06-03-TF.

Done at Dueloot, Ashlandia this 1<sup>st</sup> day of June 2007.

**/s/ Ida S. Fector**  
Forest Supervisor  
Spectacular National Forest

Violation of these regulations is punishable as a Class B misdemeanor, by a fine of not more than \$5,000 for an individual or \$10,000 for an organization or imprisonment of not more than six (6) month or both: 16 USC § 551 and 18 USC § 3559 and 3571.

ORDER  
FIRE RESTRICTIONS  
SPECTACULAR NATIONAL FOREST

Pursuant to 16 U.S.C. 551, 36 C.F.R. § 261.50(a), and 36 C.F.R. § 261.50(b) the following acts are prohibited on all National Forest System lands within the Spectacular National Forest, in the following county within the State of Ashlandia: Burnett. The restricted area is depicted on the attached map, hereby incorporated into this Order as Exhibit 1.

**PROHIBITION:**

- 1. Going into or being upon the restricted area; 36 C.F.R. § 261.52(e)
- 2. Being on a National Forest System road; 36 C.F.R. § 261.54(e)
- 3. Being on a trail; 36 C.F.R. § 261.55(a)

**EXEMPTIONS:**

Pursuant to 36 C.F.R. § 261.50(e), the following persons are exempt from this closure order:

- 1. Persons with a Fire Service permit specifically authorizing the prohibited act or omission.
- 2. Any Federal, State or Local Officer or member of an organized firefighting force in the performance of an official duty.

THIS ORDER IS NECESSARY TO PROTECT PUBLIC HEALTH AND SAFETY DUE TO FIRE DANGER AND FIRE OPERATIONS BEING CONDUCTED IN THE AREA.

THIS ORDER BECOMES EFFECTIVE AT 8:00 am ON JUNE 23<sup>RD</sup>, 2007 AND WILL REMAIN IN FORCE UNTIL RESCINDED OR UNTIL DECEMBER 31, 2007, WHICHEVER EVENT COMES FIRST. THIS ORDER RESCINDS AND REPLACES ORDER NO. 04-06-04-TF.

Done at Dueloot, Ashlandia this 19<sup>th</sup> day of June 2007.

/s/ Ida S. Fector  
Forest Supervisor  
Spectacular National Forest

Violation of these regulations is punishable as a Class B misdemeanor, by a fine of not more than \$5,000 for an individual or \$10,000 for an organization or imprisonment of not more than six (6) month or both: 16 USC § 551 and 18 USC § 3559 and 3571.

**Spectacular National Forest to Partially Reopen on Sunday**

For Immediate Release

June 30, 2007

Contact: Forest Closure Info Center - 928-226-4601

Dueloot, AS – Most of the Spectacular National Forest will reopen to public access at 8:00 A.M. Sunday, July 2, thanks to enough rainfall to sufficiently dampen the extreme fire danger. The Red Rock Ranger District, essentially the portion of the Spectacular National Forest below the Canadian border, will remain closed until that area of the forest receives more rain. The entire Spectacular National Forest has been under closure since Friday, June 23.

“Our Forest Information Center received over 1,000 calls over the past 10 days inquiring about the forest closure. We appreciate everyone’s patience and cooperation while the Forest Service employed this ultimate fire prevention strategy,” said Ida Fector, Spectacular National Forest Supervisor. “The forest closure was effective. No human caused wildfires have been reported on the forest so far during the closure.”

The boundaries of Red Rock Ranger District are roughly described as northeast of the Verde River, west of a meandering line between the junction of Highways 87 and 260 to Stoneman Lake, south of where Interstate 17 drops off the rim, and east of Sycamore Canyon. Included in the closure area are: Stoneman Lake, Fossil Springs Wilderness, western half of West Clear Creek Wilderness, Beaver Creek, Wet Beaver Creek Wilderness, Munds Mountain Wilderness, Red Rock Secret Mountain Wilderness, all Forest Service campgrounds, picnic areas and trailheads in Oak Creek Canyon. Private land owners who access their property through closed areas of the National Forest must obtain a permit from the district office that manages the adjacent National Forest System lands. To receive an entry permit, individuals and organizations need to provide photo identification and proof of residence.

The following restrictions are still in effect on the open areas of the Spectacular National Forest:

- Campfires—including charcoal fires—are prohibited, including in developed recreation sites. Pressurized liquid or gas stoves, lanterns and heaters are allowed.
- Operating a chainsaw for personal use with a firewood permit is prohibited between 9:00 A.M. and 8:00 P.M.
- No smoking, except within an enclosed vehicle or building, or developed recreation site.
- Welding is prohibited.
- Using an explosive is prohibited.
- Operating any internal or external combustion engine without a spark arrester is prohibited.
- Operating a motor vehicle off National Forest System roads is prohibited, except when parking in an area cleared of vegetation, and except in the Cinder Hills Off-Highway Vehicle Area north of Dueloot.
- Fireworks are ALWAYS prohibited on national forest lands.

Violations are punishable by a fine of not more that \$5000, or imprisonment for not more than six months, or both. These restrictions will remain in place until enough precipitation falls to further

decrease fire danger. For further information about closures and restrictions in the Spectacular National Forest, call 928-226-4601 between 7:00 A.M. and 7:00 P.M, or visit [www.fs.fed.us/r3/Spectacular](http://www.fs.fed.us/r3/Spectacular). For information on fire restrictions on all public lands in Ashlandia, call toll-free 1-877-864-6985, or see [www.asfireinfo.com](http://www.asfireinfo.com).

**Exhibit 6**  
**Photo of Elk Haven Lodge**  
**Taken July 15, 2007**



Exhibit 7-Curriculum Vitae

Ashton Blake  
1948 Alvero Lane  
Lakeview, Ashlandia 55555  
[firefighter@spectacular.com](mailto:firefighter@spectacular.com)

**Education:**

1977- A.A.S. Ashlandia Technical College- Firefighter Academy  
Courses Include: Intro to Incident Command System (ICS), Taskforce/Strike Team Leader, Fire Operations in the Wildland/Urban Interface and Advanced Incident Management.

**Professional Experience:**

2004- Present: Superintendent: Rainy Lake Interagency Hotshot Crew

1994-2004: Division/Group Supervisor: Rainy Lake Fire Department

1993-1994: Task Force Leader: Rainy Lake Fire Department

1992-1993: Strike Team Leader Crew: Ely Fire Department

1991-1992: Crew Boss, Single Resource: Lakeview Fire Department

1989-1991: Firefighter Type 1: Lakeview Fire Department

1985- 1989: Firefighter Type 2: Rainy Lake Interagency Hotshot Crew

1978- 1982: Wildland Fire Investigator: Rainy Lake Fire Department

**Community Service:**

2000- Present: Big Brother Volunteer, Girls & Boys Club of Lakeview

1977-1980: Volunteer Firefighter, Lakeview Fire Department

**Exhibit 8- Curriculum Vitae**

Harley Bolton, J.D.  
225 Lightning Lane  
Dueloot, Ashlandia 55515  
[forecaster@knaz.com](mailto:forecaster@knaz.com)

***Education:***

1990 Emery-Board Aeronautical University: B.S. Applied Meteorology  
1981 California Western Law School: J.D.  
1978 Northern Ashlandia University: B.S. Biology

***Professional Experience:***

1990-Present: Meteorologist, KNAZ-TV, Dueloot, Ashlandia  
1989-1990: Intern, National Weather Service  
1981-1986: Associate Attorney, Reilley, Thorsen & Sandick, LLP.

***Professional Associations & Awards:***

2005- American Meteorological Seal of Approval- Radio & Television  
2005- Certified Broadcast & Meteorologist  
2001- National Weather Association- Radio & Television, Broadcaster of the Year in Dueloot  
1989- Emery-Board Broadcasting Society  
  
2002- Director, American Meteorological Society's Board of Broadcast Meteorology  
2003- Director, American Meteorological Society's Board of Meteorological Education

**LightningBoltz  
Report #321**

**Exhibit 9**

**Total Lightning Strokes Detected: 20**

**Lightning Strokes Detected within 15 mi/25 km radius: 14**

**Search Radius\*: 15 mi/25 km**

**Time Span: 7/4/2007 12:00 PM to 7/5/2007 5:00 AM**

<b>Date</b>	<b>Time</b>	<b>Peak Current (kA)</b>	<b>Grid Location</b>
7/4/2007	12:42:45 PM	-11.9	E-4
7/4/2007	12:44:39	-19.9	E-4
7/4/2007	12:44:39	-12.1	E-4.5
7/4/2007	12:45:34	-13.4	E-4.5
7/4/2007	12:47:46	-9.2	E-4
7/4/2007	12:47:46	-14.1	F-5
7/4/2007	12:47:46	-12.2	F-5
7/4/2007	12:47:46	-13.8	E-4.5
7/4/2007	12:47:46	-19	E.5-5
7/4/2007	12:48:55	-13.2	E.5-5.5
7/4/2007	12:48:55	-8.9	F-5
7/4/2007	12:50:17	-15.4	E-4.5
7/4/2007	12:53:42	-11	E-4.5
7/4/2007	12:54:31	-10.3	E-4.5
7/4/2007	1:03:29	-76.7	E-4.5
7/4/2007	1:03:29	22.6	E.5-4.5
7/4/2007	1:03:29	-30.1	E.5-5
7/4/2007	1:03:29	-14.7	F-5
7/4/2007	1:03:29	-9.3	F-5
7/4/2007	1:03:29	-22.1	F-5

IN THE SUPERIOR COURT OF THE STATE OF ASHLANDIA  
IN AND FOR THE COUNTY OF BURNETT  
THE HONORABLE Emily R. Reilly PRESIDING JUDGE

IN CHAMBERS ( )

IN OPEN COURT (X)  
JANICE SMITH, CLERK  
By: B. Butler, Deputy

STATE OF ASHLANDIA  
v.  
TYLER BLUNT

DATE: February 23, 2008  
TIME: 9:30 A.M.

NO. S-0300-CR2007-09572

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**FINAL PRETRIAL MANAGEMENT CONFERENCE**

This is the date and time set for the Final Pretrial Management Conference.  
Court Reporter Sarah Williams is present.

**APPEARANCES**

State's Attorney: Steven R. Ott  
Defendant's Attorney: Cameron Jones Whitaker  
Defendant: Present

**PRETRIAL ORDER**

The Court confers with counsel regarding pretrial issues.

**IT IS ORDERED** as follows:

1. The State will call the following witnesses:

Ashton Blake  
Shea Landis  
Payton Hudson

2. The Defendant will call the following witnesses:

Tyler Blunt  
Logan Fischer  
Harley Bolton

3. The exhibits that may be used at trial are premarked as follows:

Exhibit 1	Map of Spectacular National Forest
Exhibit 2	LightningBoltz Lightning Strike Service, Map of Spectacular Nat. Forest
Exhibit 3	Emergency Fire Closure Order 04-06-04-TF
Exhibit 4	Emergency Fire Closure Order 04-06-05
Exhibit 5	Spectacular National Forest Press Release

Exhibit 6	Photograph of Burning Lodge
Exhibit 7	Curriculum Vitae- Ashton Blake
Exhibit 8	Curriculum Vitae- Harley Bolton
Exhibit 9	LightningBoltz Strike Report #321 Table

4. Authenticity (but not foundation) is stipulated for all exhibits.

5. All parties stipulate that Exhibit 9 is a fair and accurate representation of the Lightning Boltz lightning strike report. The report's accuracy has not been stipulated to.

6. All witness affidavits are presumed to have been signed before trial. Each witness has reviewed his/her affidavit for accuracy, and no changes were made. Each exhibit or affidavit that bears a signature block is presumed to have been signed on the date indicated on the exhibit or affidavit.

7. The attached jury instructions are approved.

8. All objections to the sufficiency of, or any defects in, the Indictment have been waived and/or overruled.

9. The Defendant voluntarily has decided to testify at trial, and as such, has waived all rights against self-incrimination. No such objections will be entertained at trial.

10. The Defendant voluntarily gave his/her statement after being properly advised of his/her Miranda rights, and as such, has waived his/her Miranda rights. No such objections will be entertained at trial.

**NOTICE TO DEFENDANT:**

Failure to comply with the above orders may result in revocation of the defendant's release from custody and/or the imposition of other sanctions.

The defendant may be tried in his/her absence if he/she fails to appear for trial.

**IT IS FURTHER ORDERED** affirming all prior bond and custody orders.

Ashlandia State Statutes

§13-1103. Manslaughter; classification

A. A person commits manslaughter by:

1. Recklessly causing the death of another person; or
2. Committing second degree murder as defined in section 13-1104, subsection A upon a sudden quarrel or heat of passion resulting from adequate provocation by the victim; or
3. Intentionally aiding another to commit suicide; or
4. Committing second degree murder as defined in section 13-1104, subsection A, paragraph 3, while being coerced to do so by the use or threatened immediate use of unlawful deadly physical force upon such person or a third person which a reasonable person in his situation would have been unable to resist; or
5. Knowingly or recklessly causing the death of an unborn child by any physical injury to the mother.

B. An offense under subsection A, paragraph 5 of this section applies to an unborn child in the womb at any stage of its development. A person shall not be prosecuted under subsection A, paragraph 5 of this section if any of the following applies:

1. The person was performing an abortion for which the consent of the pregnant woman, or a person authorized by law to act on the pregnant woman's behalf, has been obtained or for which the consent was implied or authorized by law.
2. The person was performing medical treatment on the pregnant woman or the pregnant woman's unborn child.
3. The person was the unborn child's mother.

C. Manslaughter is a class 2 felony.

13-1102. Negligent homicide; classification

A. A person commits negligent homicide if with criminal negligence the person causes the death of another person, including an unborn child.

B. An offense under this section applies to an unborn child in the womb at any stage of its development. A person may not be prosecuted under this section if any of the following applies:

1. The person was performing an abortion for which the consent of the pregnant woman, or a person authorized by law to act on the pregnant woman's behalf, has been obtained or for which the consent was implied or authorized by law.
2. The person was performing medical treatment on the pregnant woman or the pregnant woman's unborn child.
3. The person was the unborn child's mother.

C. Negligent homicide is a class 4 felony.

13-1706. Burning of wildlands; exceptions; classification

A. It is unlawful for any person, without lawful authority, to intentionally, knowingly, recklessly or with criminal negligence to set or cause to be set on fire any wildland other than the person's own or to permit a fire that was set or caused to be set by the person to pass from the person's own grounds to the grounds of another person.

B. This section does not apply to any of the following:

1. Open burning that is lawfully conducted in the course of agricultural operations.
2. Fire management operations that are conducted by a political subdivision.
3. Prescribed or controlled burns that are conducted with written authority from the state forester.
4. Lawful activities that are conducted pursuant to any rule, regulation or policy that is adopted by a state, tribal or federal agency.
5. In absence of a fire ban or other burn restrictions to a person on public lands, setting a fire for purposes of cooking or warming that does not spread sufficiently from its source to require action by a fire control agency.

C. A person who violates this section is guilty of an offense as follows:

1. If done with criminal negligence, the offense is a class 2 misdemeanor.
2. If done recklessly, the offense is a class 1 misdemeanor.
3. If done intentionally or knowingly and the person knows or reasonably should know that the person's conduct violates any order or rule that is issued by a governmental entity and that prohibits, bans, restricts or otherwise regulates fires during periods of extreme fire hazard, the offense is a class 6 felony.
4. If done intentionally and the person's conduct places another person in danger of death or serious bodily injury or places any building or occupied structure of another person in danger of damage, the offense is a class 3 felony.

## **Jury Instructions**

It is your duty as a juror to decide this case by applying these jury instructions to the facts as you determine them. You must follow these jury instructions. They are the rules you should use to decide this case. You must follow the rules of law as I give them to you, even if you believe the law is or should be different. Deciding questions of fact is your exclusive responsibility. In doing so, you must consider all the evidence you have heard and seen in this trial and you must disregard anything you may have heard or seen elsewhere about this case.

I have not by these instructions, nor by any ruling or expression during the trial, intended to indicate my opinion regarding the facts or the outcome of this case. If I have said or done anything that would seem to indicate such an opinion, you are to disregard it.

Proof beyond a reasonable doubt is such proof as ordinarily prudent men and women would act upon in their most important affairs. A reasonable doubt is a doubt based upon reason and common sense. It does not mean a fanciful or capricious doubt, nor does it mean beyond all possibility of doubt. The defendant is presumed innocent of the charges. This presumption remains with the defendant unless and until the defendant has been proven guilty beyond a reasonable doubt. That the defendant has been brought before the court by ordinary processes of the law and is on trial should not be considered by you as in any way suggesting guilt. The burden of proving guilt is on the State. The defendant does not have to prove innocence.

You must decide whether the defendant is guilty or not guilty by determining what the facts in the case are and applying these jury instructions. You must not consider the possible punishment when deciding on guilt; punishment is left to the judge.

Before you may convict the defendant of the charged crimes, you must find that the State proved beyond a reasonable doubt that the defendant committed a voluntary act. A voluntary act means a bodily movement performed consciously and as a result of effort and determination. You must consider all the evidence in deciding whether the defendant committed the act voluntarily.

In order for you to return a verdict, whether guilty or not guilty, each juror must agree with that verdict. Your verdict must be unanimous. You should discuss the case with one another, and deliberate with a view toward reaching agreement, if you can do so without violating your individual judgment. You should decide the case for yourself, but only after you have discussed the case with your fellow jurors and have carefully considered their views. You should not hesitate to reexamine your views and change your opinion if you should become convinced they are erroneous, but you should not surrender your honest opinion simply because other jurors disagree or merely to reach a verdict.

A fact may be proven by either direct or circumstantial evidence, or by both. The law does not prefer one form of evidence over the other. A fact is proven by direct evidence when, for example, it is proven by witnesses who testify to what they saw, heard, or experienced, or by physical evidence of the fact itself. A fact is proven by circumstantial evidence when its existence can be reasonably inferred from other facts proven in the case. For example, the fact that "a person walked in the snow" could be proved:

1. By an eyewitness who testified directly that he or she saw a person walking in the snow, or
2. By circumstantial evidence of shoe-prints in the snow, from which it can be indirectly inferred that a person had walked in the snow.

It is for you to determine the importance to be given to the evidence, regardless of whether it is direct or circumstantial.

During this trial I have ruled on objections to certain testimony and exhibits. You must not concern yourself with the reasons for the rulings, since they are controlled by rules of law. By receiving evidence to which objection was made, I did not intend to indicate the weight to be given such evidence. You are not to speculate as to possible answers to questions I did not require to be answered. You are to disregard all evidence I have ordered stricken or have told

you to disregard.

You must consider these instructions as a whole and regard each instruction in the light of all the others. The order in which the instructions are given is of no significance. You are free to consider the issues in any order you wish.

Attorneys are officers of the court. It is their duty to make objections they think proper and to argue their client's cause. However, the arguments or other remarks of an attorney are not evidence. If the attorneys or I have made or should make any statement as to what the evidence is, which differs from your recollection of the evidence, you should disregard the statement and rely solely on your own memory. If an attorney's argument contains any statement of law that differs from the law I give you, disregard the statement.

You are the sole judges of whether a witness is to be believed and of the weight to be given a witness's testimony. There are no hard and fast rules to guide you in this respect. In determining believability and weight of testimony, you may take into consideration the witness's:

- [1] Interest or lack of interest in the outcome of the case,
- [2] Relationship to the parties,
- [3] Ability and opportunity to know, remember, and relate the facts,
- [4] Manner,
- [5] Age and experience,
- [6] Frankness and sincerity, or lack thereof,
- [7] Reasonableness or unreasonableness of their testimony in the light of all the other evidence in the case,
- [8] Any impeachment of the witness's testimony
- [9] And any other factors that bear on believability and weight.

You should rely in the last analysis upon your own experience, good judgment, and common sense.

A witness who has special training, education, or experience in a particular science, occupation, or calling, is allowed to express an opinion as to certain facts. In determining the believability and weight to be given such opinion evidence, you may consider:

- [1] The education, training, experience, knowledge, and ability of the witness,
- [2] The reasons given for the opinion,
- [3] The sources of the information,
- [4] Factors already given you for evaluating the testimony of any witness.

Such opinion evidence is entitled to neither more nor less consideration by you than any other evidence.

The lawyers are permitted to stipulate that certain facts exist. This means that both sides agree those facts do exist and are part of the evidence.

Evidence of other acts of the defendant has been admitted in this case. You must not consider this evidence to prove the defendant's character or that the defendant acted in conformity with that character. You may, however, consider that evidence only as it relates to the defendant's motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or accident.

Each count charges a separate and distinct offense. You must decide each count separately

on the evidence with the law applicable to it, uninfluenced by your decision on any other count. You may find that the State has proved beyond a reasonable doubt, all, some, or none of the charged offenses. Your finding for each count must be stated in a separate verdict.

You must evaluate the defendant's testimony the same way as any witness' testimony.

“Intentionally” or “with intent to” means that a defendant's objective is to cause that result or to engage in that conduct.

Intent may be inferred from all the facts and circumstances disclosed by the evidence. It need not be established exclusively by direct sensory proof. The existence of intent is one of the questions of fact for your determination.

“Knowingly” means that a defendant acted with awareness of or belief in the existence of conduct or circumstances constituting an offense. It does not mean that a defendant must have known that the conduct is forbidden by law.

If the State is required to prove that the defendant acted “knowingly”, that requirement is satisfied if the State proves that the defendant acted “intentionally”.

“Recklessly” or “reckless disregard” means that a defendant is aware of and consciously disregards a substantial and unjustifiable risk that the result will occur or that the circumstance exists. The risk must be such that disregarding it is a gross deviation from what a reasonable person would do in the situation.

If the State is required to prove that the defendant acted “recklessly”, that requirement is satisfied if the State proves that the defendant acted “intentionally” or “knowingly”.

“Criminal negligence” means, with respect to a result or a circumstance described by a statute defining an offense, that a person fails to perceive a substantial and unjustifiable risk that the result will occur or that the circumstance exists. The risk must be of such nature and degree that the failure to perceive it constitutes a gross deviation from the standard of care that a reasonable person would observe in the situation.

If the State is required to prove that the defendant acted “with criminal negligence”, that requirement is satisfied if the State proves that the defendant acted “intentionally”, “knowingly”, or “recklessly”.

The crime of manslaughter includes the lesser offense of negligent homicide. You may consider the lesser offense of negligent homicide if either:

1. you find the defendant not guilty of manslaughter; or
2. after full and careful consideration of the facts, you cannot agree on whether to find the defendant guilty or not guilty of manslaughter.

You cannot find the defendant guilty of negligent homicide unless you find that the State has proved each element of negligent homicide beyond a reasonable doubt.

The crime of reckless manslaughter requires proof of the following two things:

1. The defendant caused the death of another person by
2. conduct showing a conscious disregard of a substantial and unjustifiable risk of death.

The risk must be such that disregarding it was a gross deviation from what a reasonable person in that defendant's situation would have done.

The crime of negligent homicide requires proof that the defendant, by criminally negligent conduct, caused the death of another person.

"Criminal negligence" in this context means that the defendant failed to recognize a substantial risk of causing the death of another person. The risk must be such that the failure to recognize it is a gross deviation from what a reasonable person would do in this situation.

The distinction between manslaughter and negligent homicide is this: for manslaughter the defendant must have been aware of a substantial risk and consciously disregarded the risk that the defendant's conduct would cause death. Negligent homicide only requires that the defendant failed to recognize the risk.

The crime of reckless burning of wildlands includes the lesser offense of burning of wildlands with criminal negligence. You may consider the lesser offense of burning of wildlands with criminal negligence, if either:

1. you find the defendant not guilty of reckless burning of wildlands; or
2. after full and careful consideration of the facts, you cannot agree on whether to find the defendant guilty or not guilty of reckless burning of wildlands.

The crime of reckless burning of wildlands requires proof that the defendant, without lawful authority, recklessly set or caused to be set on fire wildland other than the defendant's own.

The crime of burning of wildlands with criminal negligence requires proof that the defendant, without lawful authority, and with criminal negligence, set or caused to be set on fire wildland other than the defendant's own

# MINNESOTA HIGH SCHOOL MOCK TRIAL COMPETITION RULES

Any clarification of rules or case materials will be issued in writing to all participating teams no less than two weeks prior to the tournament.

Each team is responsible for the conduct of persons associated with the team throughout the mock trial event.

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## **I. RULES OF THE COMPETITION**

### **A. ADMINISTRATION**

#### **Rule 1.1. Rules**

All trials will be governed by the Rules of the Minnesota High School Mock Trial Competition and the Minnesota High School Mock Trial Rules of Evidence.

Rules with the “NHSMTTC” designation appear in these rules only as notification to the team representing Minnesota at the National High School Mock Trial Championship (NHSMTTC) that additional and different rules govern that tournament. (See Rule 1.3 for an example.) This designation does not imply that rules governing the NHSMTTC govern this, the Minnesota Mock Trial Tournament, in any way.

Questions or interpretations of these rules are within the discretion of the Minnesota State Bar Association (MSBA), whose decision is final.

#### **Rule 1.2. Code of Conduct**

The rules of competition, as well as proper rules of courthouse and courtroom decorum and security, must be followed. Coaches, judges, spectators and students alike are expected to work with one another on a professional level at all times. The MSBA possesses discretion to impose sanctions, up to and including forfeiture or disqualification, for any misconduct, flagrant rule violations or breaches of decorum which affect the conduct of a trial or which impugn the reputation or integrity of any team, school, participant, court officer, judge or the mock trial program.

#### **Rule 1.3. Emergencies (NHSMTTC)**

### **B. THE PROBLEM**

#### **Rule 2.1. The Problem**

The problem will be a fictional fact pattern which may contain any or all of the following: statement of facts, indictment, stipulations, witness statements/affidavits, jury charges, exhibits, etc. Stipulations may not be disputed at trial. Witness statements may not be altered.

The problem shall consist of three witnesses per side, all of whom shall have names and characteristics which would allow them to be played by either males or females. All three of the witnesses must be called.

The fact that information is contained in a statement of facts, indictment, witness statement/affidavit, or exhibit does not mean that the information is admissible or has been admitted into evidence. Proffers of evidence must be made and ruled upon during the course of the trial itself.

#### **Rule 2.2. Witnesses Bound by Statements**

While students are encouraged to research the topic for their own general benefit or as part of a class project, the information, data, or citations generated from outside research may not be introduced at trial, and may result in point deductions. Thus, students may cite only the cases and laws given in the official case materials, and may introduce as evidence only those documents provided as exhibits in

the trial script.

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. Some extrapolations of facts not in the record are allowed since some additional information may be necessary to make the case realistic. As an example of a fair extrapolation, background information such as date or place of birth would be a minor construction and allowed to amplify or humanize the case. Unfair extrapolation that would not be allowed includes information pivotal to the particular facts at issue. Only those facts which are neutral to both sides are fair extrapolations. If you have a question as to whether a particular added fact would be allowable background information, or if you believe it might be an unfair extrapolation, do not add the questionable fact. As a general rule of thumb, the more the "supplemental" information helps your case, the more cautious you should be in adding it to the witness' testimony. *When in doubt, leave it out!*

It is virtually impossible to provide witnesses with detailed answers to every conceivable question that lawyers can ask. The witness statements are not intended as a complete life history and, for the most part, information not in the statements will be irrelevant and should be subject to objection. If an attorney's question solicits unknown information, the witness may supply an answer of his/her choice, so long as it does not materially affect the witness' testimony. Try to avoid a rigid, mechanical approach to the trial (the witness statements are not scripts), but stay within the bounds of honest competition. Remember that your *presentation* is graded –not the merits of the case. Just as in our judicial system, lawyers must deal with the facts which exist. Attempts to bolster the witness' testimony with added facts may be met with disapproval from the judges.

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 under Rule 2.3, "unfair extrapolation."

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 (i.e., would not be considered "unfair extrapolation" under Rule 2.3).

A witness is not bound by facts contained in other witness statements. Witnesses must be prepared to deal with any inconsistencies between their own statement and the case materials. Witness statements are subject to all of the human inaccuracies that people make in similar situations. These include distortion and even dishonesty.

### **Rule 2.3. 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.

Attorneys shall not ask questions calling for information outside the scope of the case materials or requesting an unfair extrapolation.

If a witness is asked information not contained in the witness' statement, the answer must be consistent with the statement and may not materially affect the witness' testimony or any substantive issue of the case. If the question would elicit an unfair extrapolation the witness may answer, "There is no information in my witness statement to answer this question."

When an attorney objects to an extrapolation, a witness responds to an extrapolation, or a witness responds to a question with an answer of “no information in my statement,” the judge should rule immediately in open court to clarify the course of future proceedings. The burden of proof with respect to the objection is on the objector. The purpose of the rulings is to avoid an irrelevant digression from the statement of facts either through attorney questions or witness responses. Participants should understand that any ruling by a judge from the bench is not to be taken as an indication of scoring merit or of the eventual outcome of the trial. Student attorneys should be aware of these alternatives and feel free to use them as they might benefit the strategy of the team. Do not become overly obsessed with handling extrapolations. *Bring your concerns to the judges’ attention and move on* with the rest of the trial.

Attorneys for the opposing team may refer to Rule 2.3 in a special objection, such as "unfair extrapolation" or "This information is beyond the scope of the statement of facts."

Possible rulings by a judge include:

- a. No extrapolation has occurred;
- b. An unfair extrapolation has occurred;
- c. The extrapolation was fair.

When an attorney objects to an extrapolation, the judge will rule in open court to clarify the course of further proceedings.

The decision of the presiding judge regarding extrapolations or evidentiary matters is final. Judges should use their scores to reflect whether they believe that unfair extrapolation has occurred, but scoring judges may not do so if the presiding judge has ruled in open court that no such extrapolation has occurred.

#### **Rule 2.4. Gender of Witnesses**

All witnesses are gender neutral. Personal pronoun changes in witness statements indicating gender of the characters may be made. Any student may portray the role of any witness of either gender.

#### **Rule 2.5. Voir Dire**

Voir dire examination of a witness is not permitted.

### **C. TEAMS**

#### **Rule 3.1. School and Student Eligibility**

The competition is open to students currently enrolled in grades seven through twelve in all Minnesota schools. Program information and registration forms are mailed to appropriate school personnel at the beginning of the school year.

To participate in the competition schools must return a completed entry form and registration fee for each team entered. In addition to the registration fee, a \$50.00 late drop deposit is required to register for the season. The late drop deposit will be refunded to teams that remain in the tournament after the team drop-out deadline. Teams may opt to apply the current year’s late drop deposit refund to next year’s late drop deposit. Any team that drops out of the tournament after the drop-out deadline forfeits their late drop deposit. Registration forms received after October 17 will not be guaranteed

trials in the competition.

Schools may enter any number of teams in the competition.

For schools with more students interested in participating than can be accommodated on the number of mock trial teams for which the school is eligible, there are various options:

- Hold tryouts for the mock trial team(s) and have the teacher coach (the attorney coach may also want to participate) select team members.
- Hold intraschool rounds to determine which students will represent the school in regional and state competition.
- Create “practice teams” comprised of less experienced members and allow only upper class students to be on the school’s “official” teams.

Schools must follow the MSBA procedures for confirming their trial schedules or be disqualified from entering the competition the following year.

### **Rule 3.2. Team Composition**

Each team must consist of at least **eight** primary members: three witnesses, three attorneys, a timekeeper and one alternate. In any given round of competition, seven students must participate. There is no limit to the total number of students who can be members of the team.

At least two students on the team must participate in a scoring role in every round for which the team qualifies. Once a student has participated in a scoring role on a team, that student cannot participate on another team for the remainder of the rounds for which the team qualifies. A student need not participate in the same scoring role in each round.

A scoring role is defined as an attorney or witness that receives a score during a round.

Every team must be fully prepared to argue both sides of the case. Schools cannot have a separate “prosecution team” and “defense team”. Only one team from each school may be eligible to compete at the state tournament.

Each team may include as many as three 7<sup>th</sup> and 8<sup>th</sup> grade students per round. These students may participate in scoring or non-scoring roles. Any school that utilizes seventh and eighth grade participants cannot field more than two teams. Teams should be advised that the team representing Minnesota at the National High School Mock Trial Championship must be comprised of 9-12 grade students and that its team roster cannot be altered after the Minnesota State Championship or during the National competition.

Refer to Section D: The Trial for more details on the student attorney roles.

Refer to Rule 4.5 for more details on the timekeeper’s role.

### **Rule 3.3 Team Presentation (NHSMTC)**

### **Rule 3.4 Team Duties**

Team members are to evenly divide their duties. There shall be three attorneys and three witnesses. Each of the three attorneys will conduct one direct examination and one cross-examination; one of the three attorneys will present the opening statement and another will present the closing argument and

rebuttal. [See Rule 4.5]

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' cross-examination, and the attorney who will cross-examine a witness is the only one permitted to make objections during the direct examination of that witness.

Each team must call each of the three witnesses. Witnesses must be called only by their own team during their case-in-chief and examined by both sides. Witnesses may not be recalled by either side.

### **Rule 3.5 Team Roster**

Copies of a Team Roster must be completed and duplicated by each team prior to arrival at the courtroom for each round of competition. Teams must be identified *only* by the side they are arguing (e.g. prosecution or defense). No information identifying team origin (name, location, etc.) should appear on the roster. Before beginning a trial, the teams must exchange copies of their Team Roster. The roster should identify the gender of each witness so that references to such parties will be made in the proper gender. Copies of the Team Roster also should be given to the judging panel and presiding judge before each round. A sample roster format is included at the end of the case packet.

## **D. THE TRIAL**

All trials will be governed by the "Simplified Rules of Evidence" contained in these materials. Other more complex rules may not be raised in the trial.

### **Rule 4.1 Courtroom Setting (2-5, Minnesota only)**

1. The Plaintiff/Prosecution team shall be seated closest to the jury box. If a team wants to rearrange the courtroom, the teacher coach must ensure that the courtroom is returned to its original arrangement before the team leaves the courtroom at the end of the trial.

2. Coaches must sit so they are behind the student attorneys (i.e., coaches should not be visible to the attorneys during their presentations).

3. All participants are expected to display proper courtroom behavior. The following rules should be observed in the courtroom at all times:

A. Students should dress appropriately for a courtroom setting. (Suits are not required.) A student playing the part of a witness may wear clothing consistent with that witness' character, but may not wear a costume. [Refer to Rule 4.11 for rule about costumes.]

B. Be courteous and respectful to witnesses, other attorneys, and the judge.

C. Ask permission of the judge to approach the witness.

D. If you receive a ruling against your side on a point or on the case, accept the decision gracefully.

4. All participants are expected to display proper behavior in the courthouse. The following rules should be observed in the courthouse at all times. Any violation of these rules (e.g., going into other parts of the courthouse) will be grounds for requesting that school to leave the courthouse.

A. Each team must have an adult chaperone assigned to it while at the courthouse. The chaperone must remain with the team at all times, while the team is waiting for a trial to begin, competing in the courtroom, waiting for another team to finish competing, etc.

B. All students must stay in the area of the courthouse where the competition is being held. Students will be allowed to use the restrooms which are nearest to the courtroom being used for competition.

C. Teams should be advised that some courthouses prohibit cell phones on the premises. Courthouses do not have provisions to store them during trials and teams (including students, coaches and spectators) should be prepared to follow courthouse policy.

D. Students may not have in their possession any food, beverage or gum while in the courtroom.

E. Following completion of the trial, the coaches will inspect the area used for the competition, including the restrooms, to ensure that everything is left in the same condition in which it was found. ***Any furniture in the courtroom that was moved before or during the trial MUST be restored to its original configuration!***

F. If requested to do so by the Court Administrator, the coaches will notify the administrator's office when their team arrives and when it leaves. The latter will provide an opportunity for the Court Administrator to arrange for an inspection of the area.

5. In order to avoid the appearance of impropriety or bias, coaches should not interact with the judges until after the trial.

**Rule 4.1(A) Pretrial Matters (Minnesota only)**

1. Teams are expected to be present in the courtroom fifteen minutes before the starting time of the trial. To assist in enforcing these rules, presiding judges, upon taking the bench before the start of the trial, will handle the following pre-trial matters:

A. Ask each side if it is ready for trial. Ask each side to provide the judges with copies of its team roster (a sample roster is provided in the back of these rules). Ask each member of a team to rise and identify himself/herself by name and role.

B. If video recorders are present, the judge will remind the teams that the tape cannot be shared with any other team. (See Rule 4.14 for more on videotaping.)

C. The judge will remind all present in the courtroom of the rule prohibiting verbal or written communication between the team members and the coaches, spectators or anyone else throughout the trial round, including any recesses. (This is to be especially stressed in crowded court settings where there is close proximity between audience and teams.) Communication is allowed once the trial is complete. Judges should announce that the trial is complete and communication is permitted.

2. The judge will remind all present that the courtroom should be put back in order, all trash removed, and that no food or drink is allowed anywhere, at any time, by anyone.

3. Team members will meet the judges for introductions and to assure that the rules of evidence and procedure are uniformly interpreted. Each team should submit to the judges a roster of the students'

names and the roles they will play. The Mock Trial Program will receive team rosters from all judges. The parties should also ask the judges when the exhibits (if any) should be marked for identification.

4. The starting time of any trial will not be delayed for longer than ten minutes, except with the agreement of the teacher coaches for both teams and the presiding judge. Incomplete teams may proceed with the trial by having one or more members play up to two roles. However, incomplete teams will be assigned a two (2) point deduction by each judge for each missing attorney, witness or timekeeper. Teams missing a bailiff will not be assigned a point deduction.

5. Once a trial has been scheduled, the trial will not be rescheduled due to the absence of a team member or illness, unless approved by the Mock Trial Manager. Teams should include alternates to replace absent members. Trials may be rescheduled due to inclement weather conditions at the discretion of the Mock Trial Manager.

6. All team members must remain in the courtroom during the entire trial. During a formal recess called by the judge, team members may leave the courtroom but should not communicate with anyone other than their student team members.

#### **Rule 4.2 Stipulations**

Stipulations shall be considered part of the record and already admitted into evidence.

#### **Rule 4.3 Reading Into The Record Not Permitted**

Stipulations, the indictment, or the Charge to the Jury will not be read into the record.

#### **Rule 4.4 Swearing of Witnesses**

The following oath may be used before questioning begins:

"Do you promise that the testimony you are about to give will faithfully and truthfully conform to the facts and rules of the mock trial competition?"

#### **Rule 4.5 Trial Sequence and Time Limits**

The trial sequence and time limits are as follows:

1. Opening Statement (5 minutes per side)
2. Direct and Redirect (optional) Examination (25 minutes per side)
3. Cross and Re-cross (optional) Examination (18 minutes per side)
4. Preparation for closing argument (2 minutes)
5. Closing Argument and Rebuttal (7 minutes per side).

The prosecution/plaintiff attorney may reserve up to 3 minutes of his/her time for rebuttal. The attorney must advise the court at the beginning of his/her argument what portion (if any) of the allotted 3 minutes s/he wishes to set aside for rebuttal.

6. Team Conference (2 minutes)

The Prosecution/Plaintiff gives the opening statement and the closing argument first.

The Plaintiff's Opening Statement must be given at the beginning of the trial. The Defense may choose to postpone its Opening Statement until after the conclusion of the Plaintiff's case-in-chief.

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.

#### **Rule 4.6 Timekeeping**

Time limits are mandatory and will be enforced. Each team is required to have its own timekeeper and timekeeping aids. (See sample timekeeping aids in the back of case materials and rules.)

Time for objections, extensive questioning from the judge, or administering the oath will not be counted as part of the allotted time during examination of witnesses and opening and closing statements.

Time does not stop for introduction of exhibits. If at any point during the trial time expires any timekeeper should say “stop” aloud for the court and parties to hear at the point of time expiration. Failure of a timekeeper to say “stop” aloud for the court and parties to hear will be considered a waiver of the time violation.

Every effort should be made to respect the time limits. Judges will be asked to use their scores to reflect a team's ability to adhere to the time guidelines. Perceived time violations are an issue which generates much controversy every year during the Mock Trial Competition. Due to the nature of the event and in the interest of keeping the competition good-spirited, teams are urged to adhere to the time limits indicated and to give their opponents the benefit of the doubt if minor infractions occur.

#### **Rule 4.7 Time Extensions and Scoring**

The presiding judge has sole discretion to grant time extensions. If time has expired and an attorney continues without permission from the Court, the presiding judge should request that the student stop his/her presentation. Scoring judges shall determine individually whether or not to discount points in a category because of over-runs in time.

#### **Rule 4.8 Motions Prohibited**

Motions which defeat the purpose of the trials (such as those to dismiss or to sequester or motions in limine) will not be allowed.

#### **Rule 4.9 Sequestration**

Teams may not invoke the rule of sequestration.

#### **Rule 4.10 No Bench Conferences**

All matters should be handled in open court, without bench conferences.

#### **Rule 4.11 Supplemental Material/Costuming/Exhibits**

Teams may refer only to materials included in the trial packet. No illustrative aids of any kind may be used, unless provided in the case packet. No enlargements of the case materials will be permitted. Absolutely no props or costumes are permitted unless authorized specifically in the case materials. Costuming is defined as hairstyles, clothing, accessories, and makeup which are case specific.

The only documents which the teams may present to the presiding judge or scoring panel are the team roster forms and the individual exhibits as they are introduced into evidence. Exhibit notebooks are

not to be provided to the presiding judge or scoring panel.

In order to allow teams to use Exhibit 2 during the trial, teams may laminate and enlarge this exhibit to a maximum size of 24 by 36 inches. There can be no other enhancement of the exhibits (e.g., color, additional words), but they can be mounted on poster board or foam core in order to allow them to be handled more easily.

No other chalkboards, posters or other visual aids are permitted during the trial, except that during closing arguments a flip chart or other paper (e.g. newsprint) with hand lettering or hand drawing may be used. A flip chart or other paper (e.g. newsprint) with hand lettering or hand drawing may be prepared either prior to or during the trial. Students may write on their own or the other team's demonstrative tools so long as it is not destructive.

#### **Rule 4.12 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 emergency recess which may occur. Signaling of time by the teams' timekeepers shall not be considered a violation of this rule.

Non-team members, alternate team members, teachers, and coaches must remain outside the bar in the spectator section of the courtroom. Only team members participating in this round may sit inside the bar. Attorneys and witnesses may communicate with each other during the trial. During the permitted conference at the close of the trial regarding rules infractions, all team members (witnesses, attorneys, bailiff and time keeper) may communicate with each other. No disruptive communication is allowed.

#### **Rule 4.13 Viewing a Trial**

Team members, alternates, attorney/coaches, teacher-sponsors and any other persons directly associated with a mock trial team, except for those authorized by the MSBA, are not allowed to view other teams' performances, so long as their team remains in the competition.

Everyone attending a trial should be reminded that appropriate courtroom decorum and behavior must be observed and that absolutely no food or drink is permitted in the courtroom.

#### **Rule 4.14 Videotaping/Photography**

Videotaping can be an effective teaching tool and is permitted in each round of competition provided that:

1. Courthouse policy permits videotaping.
2. A team only tapes a trial in which it is competing.
3. The taping must not disrupt the trial. Photographers should position themselves carefully to avoid distracting the participants during the course of the trial.
4. The tape will be used only by the competing team and will not be shared with any other team (even from the same school) or used for the purposes of "scouting."
5. There are no objections to videotaping from either team or any judge(s).

**Rule 4.15 Jury Trial (NHSMTC only)**

**Rule 4.16 Standing During Trial**

Unless excused by the judge, attorneys will stand while giving opening and closing statements, during direct and cross examinations, and for all objections.

**Rule 4.17 Objections During Opening Statement/Closing Argument**

No objections may be raised during opening statements or during closing arguments.

If a team believes an objection would have been proper during the opposing team's opening statement or closing argument, one of its attorneys may, following the opening statement or closing argument, stand 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," but all of the judges will weigh the "objection" individually and use their scores to reflect whether they believe a rules violation has occurred. A brief response by the opposing team will be heard under the presiding judge's discretion.

**Rule 4.18 Objections**

The attorney wishing to object should stand up and do so at the time of the violation. When an objection is made, the judge should ask the reason for it. Then the judge should allow the attorney who asked the question to explain why the objection should not be accepted ("sustained") by the judge. The judge will then decide whether a rule of evidence has been violated ("objection sustained"), or whether to allow the question or answer to remain on the trial record ("objection overruled").

**1. Argumentative Question:** An attorney shall not ask argumentative questions, i.e. one that asks the witness to agree to a conclusion drawn by the questioner without eliciting testimony as to new facts. The court, however, in its discretion, may allow limited use of argumentative questions on cross-exam.

**2. Assuming Facts Not in Evidence:** Attorneys may not ask a question that assumes unproved facts. However, an expert witness may be asked a question based upon stated assumptions, the truth of which is reasonably supported by evidence (sometimes called a "hypothetical question").

**3. Badgering the Witness:** An attorney may not harass or continue to annoy/aggravate a witness.

**4. Beyond the Scope:** Refer to Rule 611(b); applies only to redirect & re-cross.

**5. Character Evidence:** Refer to Rule 608.

**6. Hearsay:** Refer to Mock Trial Rules of Evidence, Article VIII for an explanation of hearsay and the exceptions allowed for purposes of mock trial competition.

**7. Irrelevant:** Refer to Article IV.

**8. Lack of Personal Knowledge:** A witness may not testify on any matter of which the witness has no personal knowledge. (See Rule 602, Article VI)

**9. Lack of Proper Predicate/Foundation:** Attorneys shall lay a proper foundation prior to moving

the admission of evidence. The basic idea is that before a witness can testify to anything important, it must be shown that the testimony rests on adequate foundation. After the exhibit has been offered into evidence, the exhibit may still be objected to on other grounds.

**10. Lack of Qualification of the Witness as an Expert:** See Rule 702.

**11. Leading Question:** Refer to Rule 611(c).

**12. Non-Responsive Answer:** A witness' answer is objectionable if it fails to respond to the question asked.

**13. Opinion on Ultimate Issue:** Refer to Rule 704.

**14. Question Calling for Narrative or General Answer:** Questions must be stated so as to call for a specific answer. (Example of improper question: "Tell us what you know about this case.")

**15. Repetition:** Questions designed to elicit the same testimony or evidence previously presented in its entirety are improper if merely offered as a repetition of the same testimony or evidence from the same or similar source.

**16. Speculation:** A witness' testimony should be based on the facts and issues of the case being argued. An attorney shall not ask a question which allows the witness to make suppositions based on hypothetical situations.

**17. Unfair Extrapolation:** Refer to explanation in Rule 2.3.

**Note:** Teams are not precluded from raising additional objections which may be available under the Minnesota Mock Trial Competition Rules of Evidence.

**Rule 4.19**      **Reserved.**

**Rule 4.20**      **Procedure for Introduction of Exhibits**

As an example only, the following steps effectively introduce evidence:

1. All evidence will be pre-marked as exhibits.
2. Ask for permission to approach the bench. Show the presiding judge the marked exhibit. "Your honor, may I approach the bench to show you what has been marked as Exhibit No. \_\_\_?" (Because judges may not have seen the evidence, this rule departs from real life trial procedure.)
3. Show the exhibit to opposing counsel.
4. Ask for permission to approach the witness. Give the exhibit to the witness.
5. "I now hand you what has been marked as Exhibit No. \_\_\_ for identification."
6. Ask the witness to identify the exhibit. "Would you identify it please?"
7. Witness answers with identification only.

8. Offer the exhibit into evidence. "Your Honor, we offer Exhibit No. \_\_ into evidence at this time. The authenticity of this exhibit has been stipulated."
9. Court: "Is there an objection?" (If opposing counsel believes a proper foundation has not be laid, the attorney should be prepared to object at this time.)
10. Opposing Counsel: "No, your Honor", or "Yes, your Honor." If the response is "yes", the objection will be stated on the record. Court: "Is there any response to the objection?"
11. Court: "Exhibit No. \_\_ is/is not admitted."

**Witness affidavits may be used to impeach or refresh recollection and when used for those purposes, need not be admitted into evidence.**

#### **Rule 4.21 Use of Notes and Standards for Judging**

The standards for judging are contained in the MSBA Mock Trial Performance Rating Standards. Reliance on notes by attorneys during opening, closing or examinations is subject to a point deduction. Witnesses are not permitted to use notes while testifying during the trial. Attorneys may consult with each other at counsel table verbally or through the use of notes.

#### **Rule 4.22 Redirect/Re-cross**

Redirect and re-cross examinations are permitted, provided they conform to the restrictions in Rule 611(d) in the Minnesota High School Mock Trial Rules of Evidence.

#### **Rule 4.23 Scope of Closing Arguments**

Closing Arguments must be based on the actual evidence and testimony presented during the trial.

#### **Rule 4.231 Team Conference (Minnesota Only)**

The following rule is designed to deal with the extraordinary circumstance where a team believes that a significant rules violation occurred during the trial which the judges may not have observed. This rule is not designed to increase the contentiousness of the trial process or to encourage teams to try to find rules violations. At the conclusion of final arguments, the presiding judge will allow two minutes for the three student attorneys, three witnesses bailiff and timekeeper to confer. The purpose of this team conference is to give these team members a chance to discuss among themselves whether they believe any significant rules violations occurred during the trial of which the judges could not be aware or have observed themselves.

After the allotted two minutes, the presiding judge will ask if either team wishes to report any significant rules violations. If a team feels point deductions should be assessed against the opposing team, one attorney from the team will have two minutes to explain why point deductions should be assessed. Following this explanation, one attorney from the opposing team will have two minutes to explain why point deductions should not be assessed. Further discussion will be limited to five minutes total, at which time the judges will decide individually about making any point deductions on their scoresheets. The amount of such point deductions, if any, is at the discretion of each individual judge. **These decisions (about point deductions) are final!**

Of course the judges may, at their discretion, award point deductions for a rules violation regardless

of whether the opposing team brings a rules violation to the attention of the judges.

If the presiding judge fails to ask the teams if they wish to ask for point deductions, and one or both teams wish to do so, it must be brought to the attention of the judge at this time.

#### **Rule 4.24 The Critique**

The judging panel is allowed 10 minutes for debriefing. The timekeeper will monitor the critique following the trial. Presiding judges are to limit critique sessions to a combined total of fifteen minutes.

The presiding judge will render two decisions at the end of the trial:

1. The merits of the legal case and the applicable law (i.e., a decision about guilt or innocence in a criminal trial, or in favor of the plaintiff or respondent in a civil trial). **This decision is not used to determine the team's win/loss record or standing in the competition** (i.e. you can win the case on the merits but still lose the trial for mock trial purposes, or you can lose on the merits and still be the trial winner for mock trial purposes).

2. The quality of the teams' performances, i.e., the nature/success of the team's strategy, the students' level of preparedness, the individual student performances, etc.. The total points awarded to each team by each judge will be added together; the team with the higher point total will be considered the winning team. **The team that wins on its performance is considered the winner of the trial for mock trial purposes.**

#### **Rule 4.25 Offers of Proof.**

No offers of proof may be requested or tendered.

### **E. JUDGING AND TEAM ADVANCEMENT**

#### **Rule 5.1 Finality of Decisions**

All decisions of the judging panel are **FINAL**. The only exception is when there is a computational error in the math on a judge's scoresheet. In the event of a mathematical error, the trial will be awarded to the team with the higher number of **ACTUAL** ballots or points as determined by the corrected math, even if this result is different than the one announced to the teams by the judge(s).

**PLEASE NOTE:** Many trial lawyers say that trial is an art and not a science. Thus, as beauty is in the eye of the beholder, trial performance may also lie in the eye of the beholder. This competition makes every effort possible to establish objective criteria by which student competitors are to be evaluated. However, it is a fact of life that not every attorney will evaluate a competitor the same. It is also true that not every juror will evaluate an attorney and his or her case the same. Thus trial competitions are very similar to real trials and the tournament could not progress without the selection of winners. We have therefore developed a rather detailed scoring process for the judges to use. Once the scoring process is complete, the decision of the judge(s) is final, as long as the team's scores have been added correctly.

It is also true that judges will often make different rulings on motions and objections during trial. That is true in real life as well. It is an inherent part of the trial system based on judges' discretion. Therefore, as in real life, the rulings of the trial judge are final, even if you disagree.

This competition is intended to not only teach students about how the legal system functions, but also to provoke thought about the issues involved. We encourage instructors to use this packet as a vehicle for education toward both goals.

**Rule 5.2           Composition of Judging Panels (Minnesota only)**

Every effort is made to have two volunteer judges evaluating each trial at the regional level. One is the presiding judge, whose role is to both conduct the trial and to evaluate the teams' performances. The other judge's responsibility is solely that of an evaluator. Both judges have been instructed to rate the performance of all witnesses and attorneys on the team. In the event only one lawyer is able to judge a trial, the one score will be doubled for purposes of calculating the point differential score. If there are three judges during a regional tournament trial, the evaluating and presiding will be handled in the same fashion as the state finals: one judge will be the presiding judge, the other two will be the evaluating judges. The scoring judges' evaluations will determine the trial winner. In the event of a tie, the presiding judge's ballot will determine the winner.

There will be three judges for each trial in the state finals. One judge will be the presiding judge, the other two will be the scoring judges. The scoring judges' evaluations will determine the trial winner. In the event of a tie, the presiding judge's ballot will determine the winner.

**Rule 5.3           Score Sheets/Ballots (NHSMTC)**

**Rule 5.4           Completion of Score Sheets**

Score sheets are to be completed individually by each judge without consultation with the other judges. Each scoring judge shall record a number of points (1-10) for each presentation of the trial. At the end of the trial, each judge shall total the sum of each team's individual point and place this sum in the Column Totals box. The Mock Trial Manager has the authority to correct any mathematical errors on score sheets. The coach of the winning team from each trial shall e-mail the scores from the trial to the Mock Trial Manager as soon as possible.

**Rule 5.5           Contest Format/Team Advancement (Minnesota only)**

In the Minnesota competition there are three phases: sub-regionals (Rounds 1 & 2), regional playoffs (Rounds 3, 4 & 5), and the state finals.

**Team attendance is expected at all trials in each phase of the competition for which the team is eligible.**

1. Invitationals: Mock Trial Invitationals, camps and other non-MSBA Mock Trial related events are encouraged by the MSBA. The MSBA's Mock Trial webpage is available to serve as a place for such events to be publicized, however the MSBA and its Mock Trial program does not specifically endorse such events. The MSBA encourages such events to include teams/individuals from schools across Minnesota and also encourages organizations hosting these events to establish subsidies to enable all teams/individuals who are interested in attending to do so.

2. Sub-regionals: For mock trial purposes, the state will be divided into regions. The exact number of regions will be determined by the number of teams entered in the competition.

All teams shall compete in two trials (Rounds 1 and 2), the MSBA makes every effort to ensure each team argues both sides of the case.

The MSBA shall set the trial schedule and determine which teams compete against each other. The fact that a team has scrimmaged another team will not preclude the same two teams from facing each other in competition. Teams from the same school may compete against each other at the option of the Mock Trial Manager, although every effort will be made to guarantee “immunity” for teams from the same school in Rounds 1 and 2.

3. Regionals: After all teams in a region have argued two times, teams will be ranked based first upon win-loss record and second upon the cumulative point differential scores. [**Note:** A team’s point differential score is the total point spread between that team’s score and its opponent’s score in a given trial. For example, if team A scores 95 points in a trial and its opponent, team B, scores 92 points, then team A will have an adjusted score of plus 3 and team B will have an adjusted score of minus 3.] Teams ranked one thru eight after two rounds of competition will advance into Round 3. If a region consists of an odd number of teams which is fewer than 8 total teams after two rounds of competition, the highest ranked team remaining in that bracket will receive a bye for Round Three and advance into Round Four.

a. Regional finalists will compete in a single elimination playoff format to determine the region winner (Rounds 3, 4 and 5). Pairings for these Rounds will be done according to a *power-match system*, with the highest-ranked team matched with the lowest-ranked team, the next highest with the next lowest, and so on until all of the teams are paired. Power matching may be superseded by travel considerations in regions where the sites for Rounds 3 & 4 would require significant additional travel for a team. Teams from the same school will not be immune from meeting one another if their ranking within the region results in their being paired.

b. Sides for Rounds 3, 4 and 5 will be assigned in advance. Teams with a 1-1 record will be assigned the side on which they *lost* in Round 1; if this would result in the same pairing/sides as a trial in Round 1 or 2, the teams will switch sides (so, if it was Liberty Blue v. City Green in Round 2, and power-matching would result in the exact same pairing in Round 3, the teams would switch sides). To the greatest extent possible, teams will switch sides in subsequent rounds if both teams can do so; otherwise, the team that is first alphabetically will present the defense side of the case.

4. State Finals: Each regional champion is eligible to attend the state competition. If the first place team from a region decides it does not want to attend the state tournament, the second place team will be eligible to compete. The state tournament format differs from that of the regional competition. All teams at the State Competition will participate in at least three rounds of trials and will present each side of the case at least once. There will be two scoring judges and a presiding judge at each trial. State Finals Power-matching criteria for the first three rounds are: 1) Win/loss record, 2) total number of ballots won, 3) cumulative point differential. Pairings for the first round will be assigned at random. After round one of the competition, teams will be divided into two brackets (1-0 and 0-1). Teams will be ranked within the brackets and power-matched. After round two of the competition, teams will be divided into three brackets (2-0, 0-2 and 1-1). Teams will be ranked within the brackets and power-matched. After three rounds of competition, final championship trial participants will be determined using this criteria: 1) Win/loss record, 2) Total number of ballots won, 3) Number of wins against 2-1 teams, 4) Number of wins against 1-2 teams, 5) Cumulative point differential. (Provided that, if by application of the criteria a team is ranked higher than a team with the same win/loss record that defeated it, the losing team shall be placed immediately below the winning team) The top two ranked teams will compete in the final championship round. Side-assignments will be determined by a coin-flip after the final championship round teams are announced. The state champion is then eligible to represent Minnesota at the annual National High School Mock Trial Championship, which is held in a different city each year (2008 Wilmington, DE; 2009 Atlanta, GA).

**Rule 5.6 Power Matching/Seeding (NHSMTC Only; see Rule 5.5(3) for MN version)**

**Rule 5.7 Selection Of Sides For Championship Round (NHSMTC)**

**Rule 5.8 Effect of Bye Round**

In the event of a bye, the team receiving a bye for any round, for any reason will be awarded a win and a point differential of zero for the round in which the team is given a bye.

## **F. DISPUTE RESOLUTION**

**Rule 6.1 Reporting a Rules Violation/Inside the Bar (NHSMTC Only)**

Disputes which (a) involve students competing in a competition round and (b) occur within the bar, must be filed immediately following the conclusion of that trial round. Disputes must be brought to the attention of the presiding judge at the conclusion of the trial.

If any team believes that a substantial rules violation has occurred, one of its student attorneys must indicate that the team intends to file a dispute. The scoring panel will be excused from the courtroom, and the presiding judge will provide the student attorney with a dispute form, on which the student will record in writing the nature of the dispute. The student may communicate with counsel and/or student witnesses before lodging the notice of dispute or in preparing the form.

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

**Rule 6.2 Dispute Resolution Procedures**

**During trial:** If a team has serious reason to believe that a significant rules violation has occurred during the course of a trial, and that the violation involved an act that may be corrected during the course of the trial, a member of that team shall make an objection and communicate the complaint to the presiding judge. To the extent possible, the presiding judge will attempt to resolve the dispute during the course of the trial without disrupting the trial, and may consider the validity or invalidity of the complaint in his/her determination of which team gave the better performance during the trial.

**After trial:** After the trial has been completed, if a teacher coach or attorney coach has serious reason to believe that a significant rules violation has occurred of which their team members could not have been aware, the coach shall communicate the complaint to the presiding judge while the judges are still in the courtroom. In this case the presiding judge will give the teams two minutes to discuss the alleged violation among themselves.

Each team will then designate one team member to present its case to the judges. Each team must limit its statement to two minutes.

The judges will be allowed to consider the dispute before completing their scoresheets. The dispute may or may not affect the scoring. The matter will be left to the discretion of the judges.

**The judges' decision will be final.**

Refer to Rule 4.231 for dealing with student team members' concerns about rules violation.

**Rule 6.3 Effect of Violation on Score (NHSMTC)**

**Rule 6.4      Reporting of Rules Violation/Outside the Bar (NHSMTC)**

## **MINNESOTA MOCK TRIAL SIMPLIFIED RULES OF EVIDENCE**

In American trials complex rules are used to govern the admission of proof (i.e., oral or physical evidence). These rules are designed to ensure that all parties receive a fair hearing and to exclude evidence deemed irrelevant, incompetent, untrustworthy, unduly prejudicial, or otherwise improper. If it appears that a rule of evidence is being violated, an attorney may raise an objection to the judge. The judge then decides whether the rule has been violated and whether the evidence must be excluded from the record of the trial. In the absence of a properly made objection, however, the evidence will probably be allowed by the judge. The burden is on the mock trial team to know the Minnesota High School Mock Trial Rules of Evidence and to be able to use them to protect their client and fairly limit the actions of opposing counsel and their witnesses.

For purposes of the mock trial competition, the Rules of Evidence have been modified and simplified. They are based on the Federal Rules of Evidence, and its numbering system. Where rule numbers or letters are skipped, those rules were not deemed applicable to mock trial procedure. Text in italics or underlined represent simplified or modified language.

Not all judges will interpret the Rules of Evidence (or procedure) the same way, and mock trial attorneys should be prepared to point out specific rules (quoting, if necessary) and to argue persuasively for the interpretation and application of the rule they think appropriate. The Mock Trial Rules of Competition and these Minnesota High School Mock Trial Rules of Evidence govern the Minnesota High School Mock Trial Program.

The fact that information is contained in a statement of facts, indictment, witness statement/affidavit, or exhibit does not mean that the information is admissible or has been admitted into evidence. Proffers of evidence must be made and ruled upon during the course of the trial itself.

### **Article I. General Provisions**

#### **Rule 101. Scope**

These Minnesota High School Mock Trial Rules of Evidence govern the trial proceedings of the Minnesota High School Mock Trial Program.

#### **Rule 102. Purpose and Construction**

These Rules are intended to secure fairness in administration of the trials, eliminate unjust delay, and promote the laws of evidence so that the truth may be ascertained.

### **Article II. Judicial Notice**

#### **Rule 201. Judicial Notice**

1. This rule governs only judicial notice of adjudicative facts.
2. A judicially noticed fact must be one not subject to reasonable dispute in that it is either
  - a. generally known within the territorial jurisdiction of the trial court or
  - b. capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned.
3. A judge or court shall take judicial notice if requested by a party and supplied with the necessary information.
4. Judicial notice may be taken at any stage of the proceeding.
5. In a civil action or proceeding, the judge shall instruct the jury to accept as conclusive any fact judicially noticed. In a criminal case, the judge shall instruct the jury that it may, but is not required

to, accept as conclusive any fact judicially noticed.

### **Article III. Reserved**

### **Article IV. Relevancy and its Limits**

#### **Rule 401. Definition of "Relevant Evidence"**

"Relevant evidence" means evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence.

#### **Rule 402. Relevant Evidence Generally Admissible; Irrelevant Evidence Inadmissible**

All relevant evidence is admissible, except as otherwise provided in these Rules. Irrelevant evidence is not admissible.

#### **Rule 403. Exclusion of Relevant Evidence on Grounds of Prejudice, Confusion, Waste of Time**

Although relevant, evidence may be excluded if its probative value is outweighed by the danger of unfair prejudice, if it confuses the issues, if it is misleading, or if it causes undue delay, wastes time, or is a needless presentation of cumulative evidence.

#### **Rule 404. Character Evidence Not Admissible to Prove Conduct; Exceptions; Other Crimes**

(a) Character Evidence. Evidence of a person's character or character trait, is not admissible to prove action regarding a particular occasion, except:

- (1). Character of accused -- Evidence of a pertinent character trait offered by an accused, or by the prosecution to rebut same;
- (2). Character of victim -- Evidence of a pertinent character trait of the victim of the crime offered by an accused, or by the prosecution to rebut same, or evidence of a character trait of peacefulness of the victim offered by the prosecution in a homicide case to rebut evidence that the victim was the aggressor;
- (3). Character of witness -- Evidence of the character of a witness as provided in Rules 607-609.

(b) Other crimes, wrongs, or acts. Evidence of other crimes, wrongs, or acts is not admissible to prove character of a person in order to show an action conforms to character. It may, however, be admissible for other purposes, such as proof of motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or accident.

#### **Rule 405. Methods of Proving Character**

(a) Reputation or opinion. In all cases where evidence of character or a character trait is admissible, proof may be made by testimony as to reputation or in the form of an opinion. On cross-examination, questions may be asked regarding relevant, specific conduct.

(b) Specific instances of conduct. In cases where character or a character trait is an essential element of a charge, claim, or defense, proof may also be made of specific instances of that person's conduct.

#### **Rule 406. Habit; Routine Practice**

Evidence of the habit of a person or the routine practice of an organization, whether corroborated or not and regardless of the presence of eye-witnesses, is relevant to prove that the conduct of the person or organization on a particular occasion was in conformity with the habit or routine practice.

#### **Rule 410. Inadmissibility of Pleas, Plea Discussions, and Related Statements.**

Except as otherwise provided in this Rule, evidence of the following is not, in any civil or criminal proceeding, admissible against a defendant who made the plea or was a participant in the plea discussions:

1. a plea of guilty which was later withdrawn;
2. a plea of nolo contendere;
3. any statement made in the course of any proceeding under Rule 11 of the Federal Rules of Criminal Procedure or comparable state procedure regarding either of the forgoing pleas; or
4. any statement made in the course of plea discussions made in the course of plea discussions with an attorney for the prosecuting authority which do not result in a plea of guilty or which result in a plea of guilty which is later withdrawn.

However, such a statement is admissible (a) in any proceeding wherein another statement made in the course of the same plea or plea discussions has been introduced and the statement ought, in fairness, be considered with it, or (b) in a criminal proceeding for perjury or false statement if the statement was made by the defendant under oath, on the record and in the presence of counsel.

### **Article V. Privileges**

#### **Rule 501. General Rule**

There are certain admissions and communications excluded from evidence on grounds of public policy. Among these are:

1. communications between husband and wife;
2. communications between attorney and client;
3. communications among grand jurors;
4. secrets of state; and
5. communications between psychiatrist and patient.

### **Article VI. Witnesses**

#### **Rule 601. General Rule of Competency**

Every person is competent to be a witness.

#### **Rule 602. Lack of Personal Knowledge**

A witness may not testify to a matter unless *the witness has personal knowledge of the matter*. Evidence to prove personal knowledge may, but need not, consist of the witness' own testimony. This rule is subject to the provisions of Rule 703, related to opinion testimony by expert witnesses. (See Rule 2.2.)

#### **Rule 607. Who may Impeach (i.e., show that a witness should not be believed)**

The credibility of a witness may be attacked by any party, including the party calling the witness.

**Rule 608. Evidence of Character and Conduct of Witness**

(a) Opinion and reputation evidence of character. The credibility of a witness may be attacked or supported by evidence in the form of opinion or reputation, but subject to these limitations:

- (1) the evidence may refer only to character for truthfulness or untruthfulness, and
- (2) evidence of truthful character is admissible only after the character of the witness for truthfulness has been attacked by opinion or reputation evidence, or otherwise.

(b) Specific instances of conduct. Specific instances of the conduct of a witness, for the purpose of attacking or supporting the witness' credibility, other than conviction of crime as provided in Rule 609, may not be proved by extrinsic evidence. They may, however, in the discretion of the Court, if probative of truthfulness or untruthfulness, be asked on cross-examination of the witness

- (1) concerning the witness' character for truthfulness or untruthfulness, or
- (2) concerning the character for truthfulness or untruthfulness of another witness as to which character the witness being cross-examined has testified.

Testimony, whether by an accused or by any other witness, does not operate as a waiver of the accused's or the witness' privilege against self-incrimination with respect to matters related only to credibility.

**Rule 609. Impeachment by Evidence of Conviction of Crime**

(a) General Rule. For the purpose of attacking the credibility of a witness, evidence that a witness other than the accused has been convicted of a crime shall be admitted if elicited from the witness or established by public record during cross-examination, but only if the crime was punishable by death or imprisonment in excess of one year, and the Court determines that the probative value of admitting this evidence outweighs its prejudicial effect to the accused. Evidence that any witness has been convicted of a crime shall be admitted if it involved dishonesty or false statement, regardless of the punishment.

(b) Time Limit. Evidence of a conviction under this Rule is not admissible if a period of more than ten years has elapsed since the date of the conviction or of the release of the witness from the confinement imposed for that conviction, whichever is the later date, unless the Court determines that the value of the conviction substantially outweighs its prejudicial effect. However, evidence of a conviction more than 10 years old as calculated herein, is not admissible unless the proponent gives to the adverse party sufficient advance written notice of intent to use such evidence to provide the adverse party with a fair opportunity to contest the use of such evidence.

(c) Effect of pardon, annulment, or certificate of rehabilitation. Evidence of a conviction is not admissible if (1) the conviction has been the subject of a pardon or other equivalent procedure based on a finding of the rehabilitation of the person convicted of a subsequent crime which was punishable by death or imprisonment in excess of one year, or (2) the conviction has been the subject of a pardon, other equivalent procedure based on a finding of innocence.

(d) Juvenile adjudications. Evidence of juvenile adjudications is generally not admissible but the court may, in a criminal case allow evidence of a juvenile adjudication of a witness other than the accused if conviction of the offense would be admissible to attack the credibility of an adult and the court is satisfied that admission in evidence is necessary for a fair determination of the issue of guilt or innocence.

### **Rule 610. Religious Beliefs or Opinions**

Evidence of the beliefs or opinions of a witness on matters of religion is not admissible for the purpose of showing that by reason of their nature the witness' credibility is impaired or enhanced.

### **Rule 611. Mode and Order of Interrogation and Presentation**

(a) Control by Court. The Court shall exercise reasonable control over *questioning* of witnesses and presenting evidence so as to

1. make the *questioning* and presentation effective for ascertaining the truth,
2. avoid needless *use* of time, and
3. protect witnesses from harassment or undue embarrassment.

(b) Scope of cross examination. The scope of cross examination shall *not* be limited to the scope of the direct examination, but may inquire into any relevant facts or matters contained in the witness' statement, including all reasonable inferences that can be drawn from those facts and matters, and may inquire into any omissions from the witness statement that are otherwise material & admissible.

(c) Leading questions. Leading questions should not be used on direct examination of a witness (except as may be necessary to develop the witness' testimony). Ordinarily, leading questions are permitted on cross examination. When a party calls a hostile witness, an adverse party, or a witness identified with an adverse party, leading questions may be used.

(d) Redirect/Re-cross. After cross examination, additional questions may be asked by the direct examining attorney, but questions must be limited to matters raised by the attorney on cross exam. Likewise, additional questions may be asked by the cross examining attorney on re-cross, but such questions must be limited to matters raised on redirect examination and should avoid repetition.

### **Rule 612. Writing Used to Refresh Memory**

If a written statement is used to refresh the memory of a witness either while or before testifying, the Court shall determine that the adverse party is entitled to have the writing produced for inspection. The adverse party may cross-examine the witness on the material and introduce into evidence those portions which relate to the testimony of the witness.

### **Rule 613. Prior Statements of Witnesses**

Examining witness concerning prior statement. In examining a witness concerning a prior statement made by the witness, whether written or not, the statement need not be shown nor its contents disclosed to the witness at that time, but on request the same shall be shown or disclosed to opposing counsel.

Extrinsic evidence of prior inconsistent statement of witness. Extrinsic evidence of a prior inconsistent statement by a witness is not admissible unless the witness is afforded an opportunity to explain or deny the same and the opposite party is afforded an opportunity to interrogate.

## **Article VII. Opinions and Expert Testimony**

### **Rule 701. Opinion Testimony by Lay Witness**

If the witness is not testifying as an expert, the witness' testimony in the form of opinions or inferences is limited to those opinions or inferences which are

- (a) Rationally based on the perception of the witness and
- (b) Helpful to a clear understanding of the witness' testimony or the determination of a fact in issue.

#### **Rule 702. Testimony by Experts**

If scientific, technical, or other specialized knowledge will assist the trier of fact to understand the evidence or to determine a fact in issue, a witness qualified as an expert by knowledge, skill, experience, training, or education, may testify in the form of an opinion or otherwise.

#### **Rule 703. Basis of Opinion Testimony by Experts**

The facts or data upon which an expert bases an opinion may be those perceived by or made known to the expert at or before the hearing. If of a type reasonably relied upon by experts in the field in forming opinions or inferences, the facts or data need not be admissible in evidence.

#### **Rule 704. Opinion on Ultimate Issue**

(a) Opinion or inference testimony otherwise admissible is not objectionable because it embraces an issue to be decided by the trier of fact.

(b) In a criminal case, an expert witness shall not express an opinion as to the guilt or innocence of the accused.

#### **Rule 705. Disclosure of Facts or Data Underlying Expert Opinion**

The expert may testify in terms of opinion or inference and give reasons therefore without prior disclosure of the underlying facts or data, unless the Court requires otherwise. The expert may, in any event, be required to disclose the underlying facts or data on cross examination.

### **Article VIII. Hearsay**

#### **Rule 801. Definitions**

The following definitions apply under this article:

(a) Statement: an oral or written assertion or nonverbal conduct of a person, if it is intended by the person as an assertion.

(b) Declarant: a person who makes a statement.

(c) Hearsay: a statement, other than one made by the declarant while testifying at the trial or hearing, offered in evidence to prove the truth of the matter asserted.

(d) A statement is *not* hearsay if:

(1) Prior statement by witness. -- The declarant testifies at the trial or hearing and is subject to cross examination concerning the statement and the statement is

(A) inconsistent with the declarant's testimony, and was given under oath subject to the penalty of perjury at a trial, hearing, or other proceeding, or in a deposition, or

(B) consistent with the declarant's testimony and is offered to rebut an express or implied

- charge against the declarant of recent fabrication or improper influence or motive, or  
(C) one of identification of a person made after perceiving the person; or
- (2) Admission by a party-opponent. -- The statement is offered against a party and is
- (A) the party's own statement in either an individual or a representative capacity or
  - (B) a statement of which the party has manifested an adoption or belief in its truth, or
  - (C) a statement by a person authorized by the party to make a statement concerning the subject, or
  - (D) a statement by the party's agent or servant concerning a matter within the scope of the agency or employment, made during the existence of the relationship, or
  - (E) a statement by a co-conspirator of a party during the course in furtherance of the conspiracy.

### **Rule 802. Hearsay Rule**

Hearsay is not admissible, except as provided by these rules.

*Example:* Witness A testifies, "Some of the other tenants told me that Jones often failed to keep his apartments in good repair." This would not be admissible to prove that Jones often failed to keep his apartments in good repair, which was the matter asserted in the out-of-court statement. But, it might be admissible to prove that A had some warning that Jones did not keep his apartments in good repair, if that were an issue in the case, since it would not then be offered for the truth of the matter asserted.

*Comment:* Why should the complicated and confusing condition be added that the out-of-court statement is only hearsay when "offered for the truth of the matter asserted?" The answer is clear when we look to the primary reasons for the exclusion of hearsay, which are the absence in hearsay testimony of the normal safeguards of oath, confrontation, and cross-examination which test the credibility and accuracy of the out-of-court speaker.

*For example,* if Ms. Jones testified in court, "My best friend, Ms. Smith, told me that Bill was driving 80 miles per hour" and that out-of-court statement was offered to prove the truth of the matter asserted (that Bill was driving 80 miles per hour), we would be interested in Smith's credibility, i.e., her opportunity and capacity to observe, the accuracy of her reporting, and tendency to lie or tell the truth. The lack of an oath, confrontation, and cross-examination would make the admission into evidence of Smith's assertion about Bill unfair to the opposing party. If the statement was offered, however, to show that Ms. Smith could speak English, then its value would hinge on Ms. Jones' credibility (who is under oath, present, and subject to cross-examination) rather than Ms. Smith's, and it would not be hearsay.

*Another example:* While on the stand, the witness says, "The salesperson told me that the car had never been involved in an accident." This statement would not be hearsay if offered to prove that the salesman made such a representation to the witness. (The statement is not offered to prove the truth of the matter asserted.) If offered to prove that the car had never been in an accident, it would not be allowed because it would be hearsay.

*Objections:* "Objection. Counsel's question is seeking a hearsay response," or "Objection. The witness' answer is based on hearsay. I ask that the statement be stricken from the record."

*Response to objection:* "Your Honor, the testimony is not offered to prove the truth of the matter asserted, but only to show..."

### **Rule 803. Hearsay Exceptions, Availability of Declarant Immaterial**

The following are not excluded by the hearsay rule, even though the declarant is available as a witness:

1. **Present sense impression.** A statement describing or explaining an event or condition made while the declarant was perceiving the event or condition, or immediately thereafter.
2. **Excited utterance.** A statement relating to a startling event or condition made while the declarant was under the stress of excitement caused by the event or condition.
3. **Then existing mental/emotional/physical conditions.** A statement of the declarant's then existing state of mind, emotion, sensation, or physical condition (such as intent, plan, motive, mental feeling, pain, and bodily health), but not including a statement of memory or belief to prove the fact remembered or believed unless it relates to the execution, revocation, identification, or terms of declarant's will.
4. **Statements made for purposes of medical diagnosis or treatment.**
5. **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 or adopted by the witness when the matter was fresh in the witness' memory and to reflect that knowledge correctly.
6. **Records of regularly conducted activity.** A memorandum, report, record, or data compilation, in any form, of acts, events, conditions, opinions, or diagnoses, 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 the memorandum, report, record, or data compilation, all as shown by the testimony of the custodian or other qualified witness, unless the source of information or the method or circumstances of preparation indicate lack of trustworthiness. The term "business" as used in this paragraph includes business, institution, association, profession, occupation, and calling of every kind, whether or not conducted for profit.
18. **Learned treatises.** To the extent called to the attention of an expert witness upon cross exam or relied upon by the expert witness in direct examination, statements contained in published 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.
21. **Reputation as to character.** Reputation of a person's character among associates or in the community.
22. **Judgment of previous conviction.** Evidence of a judgment finding a person guilty of a crime punishable by death or imprisonment in excess of one year, to prove any fact essential to sustain the judgment, but not including, when offered by the Government in a criminal prosecution for purposes other than impeachment, judgments against persons other than the accused.

### **Rule 804. Hearsay Exceptions; Declarant Unavailable**

- (a) **Definition of unavailability.** "Unavailability as a witness" includes situations in which the

declarant

1. is exempted by ruling of the court on the ground of privilege from testifying concerning the subject matter of the declarant's statement; or
2. persists in refusing to testify concerning the subject matter of the declarant's statement despite an order of the court to do so; or
3. testifies to a lack of memory of the subject matter of the declarant's statement; or
4. can't be present or to testify at the hearing because of death or then existing physical or mental illness or infirmity; or
5. is absent from the hearing and the proponent of a statement has been unable to procure the declarant's attendance (or in the case of a hearsay exception under subdivision (b) (2), (3), or (4), the declarant's attendance or testimony) by process or other reasonable means.

A declarant is not unavailable as a witness if exemption, refusal, claim of lack of memory, inability, or absence is due to the procurement or wrongdoing of the proponent of a statement for the purpose of preventing the witness from attending or testifying.

**(b) Hearsay exceptions.** The following are **not** excluded by the hearsay rule if the declarant is unavailable as a witness:

**1. Former testimony.** Testimony given as a witness at another hearing of the same or a different proceeding, or in a deposition taken in compliance with law in the course of the same or another proceeding, if the party against whom the testimony is now offered or, in a civil action or proceeding, a predecessor in interest, had an opportunity and similar motive to develop the testimony by direct, cross, or redirect examination.

**2. Statement under belief of impending death.** In a prosecution for homicide or in a civil proceeding, a statement made by a declarant while believing that his/her death was imminent, concerning the cause or circumstances of what the declarant believed to be impending death.

**3. Statement against interest.** A statement which was at the time of its making so far contrary to the declarant's pecuniary or proprietary interest, or so far tended to subject the declarant to civil or criminal liability, or to render invalid a claim by the declarant against another, that a reasonable person in the declarant's position would not have made the statement unless believing it to be true. A statement tending to expose the declarant to criminal liability and offered to exculpate the accused is not admissible unless corroborating circumstances clearly indicate the trustworthiness of the statement.

**4. Statement of personal or family history.** (A) A statement concerning the declarant's own birth, adoption, marriage, divorce, legitimacy, relationship by blood, adoption, or marriage, ancestry, or other similar fact of personal or family history, even though declarant had no means of acquiring personal knowledge of the matter stated; (B) a statement concerning the foregoing matters, and death also, of another person, if the declarant was related to the other by blood, adoption, or marriage or was so intimately associated with the other's family as to be likely to have accurate information concerning the matter declared.

**5. Forfeiture by wrongdoing.** A statement offered against a party that has engaged or acquiesced in wrongdoing that was intended to, and did, procure the unavailability of the declarant as a witness.

**Rule 805. Hearsay within Hearsay:** Hearsay included within hearsay is not excluded if each part of the combined statement conforms with an exception to the hearsay rule provided in these rules.

**ARTICLE IX. Authentication and Identification** - Not applicable.

**ARTICLE X - Contents of Writing, Recordings and Photographs** - Not applicable.

**ARTICLE XI - Other**

**Rule 1103. Title**

These rules may be known and cited as the Minnesota High School Mock Trial Rules of Evidence.

**SAMPLE TEAM ROSTER**

Below is a suggested format for a roster sheet to be provided at the pre-trial conference to each of the judges at a trial. This sheet is for the judges' convenience in identifying the team members and the roles they will play. Some teams include a photo of each team member but this is completely optional.

**MINNESOTA MOCK TRIAL PROGRAM**

SIDE: Prosecution

LOCATION: Rock Cty Courthouse

DATE: \_\_\_\_\_

**ATTORNEYS**

Name Gender

Student \_\_\_\_\_ (M / F)

Opening, Direct of insert witness' name here, Cross of insert witness' name here

Student \_\_\_\_\_ (M / F)

Direct of \_\_\_\_\_, Cross of \_\_\_\_\_

Student \_\_\_\_\_ (M / F)

Direct of \_\_\_\_\_, Cross of \_\_\_\_\_, Closing

**WITNESSES** (in order of appearance)

		<u>Gender</u>
<u>Witness #1 name</u>	<u>Student's name</u>	(M / F)
<u>Witness #2 name</u>	<u>Student's name</u>	(M / F)
<u>Witness #3 name</u>	<u>Student's name</u>	(M / F)

Bailiff..... Student's Name

Timekeeper ..... Student's Name

# **Minnesota High School Mock Trial State Champions**

- 2008 Lakeville North High School, Lakeville**
- 2007 Buffalo High School, Buffalo**
- 2006 South, Minneapolis**
- 2005 South, Minneapolis**
- 2004 Meadow Creek Christian, Andover**
- 2003 South, Minneapolis**
- 2002 South, Minneapolis**
- 2001 Meadow Creek Christian, Andover**
- 2000 Meadow Creek Christian, Andover**
- 1999 South, Minneapolis**
- 1998 Fergus Falls**
- 1997 St. Thomas Academy, Mendota Heights**
- 1996 Eden Prairie**
- 1995 Dassel-Cokato**
- 1994 Christ's Household of Faith, St. Paul**
- 1993 Kennedy, Bloomington**
- 1992 South, Minneapolis**
- 1991 Visitation, Mendota Heights**
- 1990 South, Minneapolis**
- 1989 Chisago Lakes**
- 1988 Waseca**
- 1987 Waseca**