

V2-EDITED 01.07.2025

2025 NEW YORK STATE HIGH SCHOOL
MOCK TRIAL TOURNAMENT MATERIALS

LEYTON MANNNS

VS.

SANDY TOWNES



Materials prepared by the Law, Youth & Citizenship Program of the New
York State Bar Association®

Supported by The New York Bar Foundation



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Greetings Mock Trial Tournament Participants!

November 2024

Welcome back to this year's Mock Trial Tournament! Each year, the Mock Trial Subcommittee spends several months creating a new mock trial case for you to work with. The cases typically alternate each year between a civil and criminal case. There are over 300 teams around the state competing in the high school mock trial tournament, making NYS High School Mock Trial one of the largest tournaments in the country.

It is possible that once the case has been released and teams begin to work with it, questions may arise, and corrections may be required. Please note the following important information:

- **All questions and comments about the case should be submitted in writing (no phone calls please) and sent to the NYS Bar Mock Trial Statewide Coordinators, Stacey Whiteley swhiteley@nysba.org and Kim McHargue kmchargue@nysba.org for review** (copy your County Coordinator on the email).
- The Statewide Coordinator will forward all questions to the Mock Trial Subcommittee for their review, and if necessary, a **correction memo** will be issued, along with any **revised pages** which may need to be inserted into the case booklet. The most current revisions will always be easily identifiable for you.
- All correction memos and revised pages will immediately be provided by email to the county coordinators, who will then notify the team coaches/advisors. **The memos and revised pages will also be accessible online at www.nysba.org/nys-mock-trial/**
- **Once a correction memo has been issued, the current pages in the case booklet should immediately be replaced with the revised pages.** You may also want to include the correction memo in your case booklet for reference purposes.
- Please be aware that more than one correction memo may be issued if the questions or comments received require additional changes to be made to the case after the first correction memo has been issued. We realize that receiving the correction memos can be frustrating once you have begun working with the case, and although the case is proofread before being released, please bear in mind that human error does occur, so your patience and understanding is greatly appreciated.
- The most current updated version of the case will also be available **online at www.nysba.org/nys-mock-trial/** should you choose to reprint the entire case. It is **not** necessary to reprint the entire case booklet each time a correction memo is issued, but you do have that option.

We hope you enjoy working with this year's case. Have fun, and good luck with your trials!

The 2025 Mock Trial State Finals will be held in Albany on May 18-20.

Questions/Comments? Contact Kim McHargue kmchargue@nysba.org

Current Mock Trial Case Materials always available online at www.nysba.org/nys-mock-trial/
Information about the Mock Trial program is available online at www.nysba.org/nys-mock-trial/

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New York State Bar Association

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LETTER FROM THE CHAIRS

November 26, 2024

Dear Mock Trial Students, Teacher-Coaches and Attorney-Advisors:

Thank you for joining the 2024–2025 New York State High School Mock Trial Tournament! We hope you're as excited as we are for this year's competition.

This program continues to thrive thanks to the generous financial and logistical support of the New York Bar Foundation and the New York State Bar Association. For 43 years, New York has proudly hosted one of the largest and longest-running high school mock trial programs in the nation. This has not been possible without the commitment of the local bar associations across the state that sponsor county tournaments and the dedicated County Coordinators who work tirelessly to organize them.

We deeply appreciate the teacher-coaches and attorney-advisors who invest their time, dedication, and passion into mentoring students. Most importantly, we extend our heartfelt gratitude to the students, whose hard work and enthusiasm never fail to impress. Each year, we are amazed by the talent and skill these young participants bring to the courtroom.

Congratulations to the 2023-2024 New York State Tournament Champion, Augustine Classical Academy, who was victorious in the Mock Trial Finals in May.

This year's case summary is below: The case this year, *Leyton Manns v. Sandy Townes*, is a libel case, involving AI-generated materials allegedly produced by the defendant, a high school student, and posted on the Internet that defamed the plaintiff, the former superintendent of the school district.

Please take the time to carefully review all the enclosed mock trial tournament information. The **Simplified Rules of Evidence** and the **General Tournament Rules** should be studied carefully. Please pay special attention to the information regarding the timing, redaction of evidence and constructive sequestration of witnesses. Note the revision to evidentiary Rule 201 (**Relevancy**) and Rule 401 (**Hearsay**). Also, note the newly added **Motion to Strike** rule (Rule 805).

The mock trial program is, first and foremost, an educational program designed to teach high school students basic trial skills. Students learn how to conduct direct and cross examinations, how to present opening and closing statements, how to think on their feet and learn the dynamics of a courtroom. Students will also learn how to analyze legal issues and apply the law to the facts of the case. Second, but equally important, is that participation in mock trial will teach the students professionalism. Students learn ethics, civility and how to be ardent but courteous advocates for their clients. Good sportsmanship and respect for all participants are central to the competition. We thank the teachers, coaches, advisors and judges, not only for the skills that they teach, but for the example of professionalism and good sportsmanship they model for the students throughout the tournament.

We remind the teams that all participants (students, teachers, attorneys, parents and all spectators) must conduct themselves with the utmost respect and civility toward the judge, before, during and after each round. If there is a circumstance in which any participant does not abide by this standard, a referral will be made to the LYC Mock Trial Subcommittee to consider appropriate sanctioning.

The tournament finals will be held in Albany, Sunday, May 18 through Tuesday, May 20, 2025.

As in years past, the regional winners in each of the eight regions will be invited to participate in the semi-finals, and two of the teams will advance to the final round on the last day. The New York Bar Foundation is generously supporting the tournament again this year and will fund the teams' room and board for the state tournament. More details will be available closer to the date of the tournament.

This year's Mock Trial Tournament materials will be posted on the Law, Youth and Citizenship website, www.nysba.org/nys-mock-trial/.

We trust you will enjoy working on this year's case. Best wishes to all of you for a successful and challenging mock trial tournament.

Sincerely,



Jennifer Letitia Smith, Esq.
Chairperson



Lisa Eggert Litvin, Esq.
Vice-Chair

Subcommittee Members:

Oliver C. Young, Esq., *Buffalo (Chair)*
Laetitia Kasay Basondwa, Esq., *Maryland*
Craig R. Bucki, Esq., *Buffalo*
Christine E. Daly, Esq., *Chappaqua*
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Lynn B. Su, Esq., *NYC*
Hon. Jonah Triebwasser, *Red Hook*

STANDARDS OF CIVILITY

“... [O]urs is an honorable profession, in which courtesy and civility should be observed as a matter of course.”

Hon. Judith S. Kaye, Former Chief Judge of the State of New York

The following standards apply to all Mock Trial Tournament participants, including students, teachers, attorneys, and parents/guardians. A Mock Trial Tournament participant’s failure to abide by any of these standards may result in the disqualification of his or her team from the Tournament, pursuant to the sole discretion of the New York State Bar Association Law, Youth and Citizenship Committee’s Mock Trial Subcommittee.

1. Lawyers should be courteous and civil in all professional dealings with other persons.
2. Lawyers should act in a civil manner regardless of the ill feelings that their clients may have toward others.
3. Lawyers can disagree without being disagreeable. Effective representation does not require antagonistic or acrimonious behavior. All participants in the Mock Trial Tournament shall avoid vulgar language or other acrimonious or disparaging remarks, whether oral or written, about other Mock Trial Tournament participants.
4. Lawyers should require that persons under their supervision conduct themselves with courtesy and civility.
5. A lawyer should adhere to all expressed promises and agreements with other counsel, whether oral or in writing, and to agreements implied by the circumstances or by local customs.
6. A lawyer is both an officer of the court and an advocate. As such, the lawyer should always strive to uphold the honor and dignity of the profession, avoid disorder and disruption in the courtroom, and maintain a respectful attitude toward the court.
7. Lawyers should speak and write civilly and respectfully in all communications with the court and court personnel.
8. Lawyers should use their best efforts to dissuade clients and witnesses from causing disorder or disruption in the courtroom.
9. Lawyers should not engage in conduct intended primarily to harass or humiliate witnesses.
10. Lawyers should be punctual and prepared for all court appearances. If delayed, the lawyer should notify the court and counsel whenever possible.
11. Court personnel are an integral part of the justice system and should be treated with courtesy and respect at all times.

The foregoing Standards of Civility are based upon the Standards of Civility for the New York State Unified Court System.

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**NEW YORK STATE
HIGH SCHOOL
MOCK TRIAL
TOURNAMENT
RULES**

PART I

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MOCK TRIAL TOURNAMENT RULES

1. TEAM COMPOSITION

- a. The Mock Trial Tournament is open to all 9th–12th graders in public and nonpublic schools who are currently registered as students at that school.
- b. If a school chooses to limit student participation for any reason, this should be accomplished through an equitable “try-out” system, not through disallowing participation by one or more entire grade levels.
- c. Each school participating in the Mock Trial Tournament may enter only **ONE** team. *If a school has an insufficient number of students to field a team in accordance to the Mock Trial Rules, that school may apply to the subcommittee to join another school’s team.*
- d. Members of a school team entered in the Mock Trial Tournament—including teacher—coaches, back-up witnesses, attorneys, and others directly associated with the team’s preparation—are **NOT** permitted to attend the trial enactments of any possible future opponent in the contest. This rule should not be construed to preclude teams from engaging in practice matches, even if those teams may meet later during the competition.

Violations of this rule can lead to being disqualified from the tournament.

- e. Immediately prior to each trial enactment, the attorneys and witnesses for each team must be physically identified to the opposing team and the judge by stating their first and last names. Please do not state the name of your school in front of the judge since the judge will not otherwise be told the name of the schools participating in the enactment he or she is judging.

2. OBJECTIONS

- a. Attorneys should stand when making an objection, if they are physically able to do so.
- b. When making an objection, attorneys should say “objection” and then, very briefly, state the basis for the objection (for example, “leading question”). Do not explain the basis unless the judge asks for an explanation.
- c. Witnesses should stop talking immediately when an opposing party makes an objection. Please do not try to “talk over” the attorney making an objection.

3. DRESS

We emphasize to the judges that a student's appearance is not a relevant factor in judging their performance. However, we strongly encourage students to dress neatly and appropriately. A "business suit" is not required.

4. ABOUT STIPULATIONS

Any stipulations are binding on all participants and the judge and may **NOT** be disputed at the trial.

5. OUTSIDE MATERIALS

Students may read other materials such as legislative histories, judicial opinions, textbooks, treatises, etc., in preparation for the Mock Trial Tournament. However, students may cite only the materials and cases provided in these Mock Trial Tournament materials.

6. EXHIBITS

Students may introduce into evidence or use only the exhibits and documents provided in the Mock Trial Tournament materials. Students may not create their own charts, graphs, or any other visual aids for use in the courtroom in presenting their case. **Evidence is not to be enlarged, projected, marked, or altered for use during the trial.**

7. SIGNALS AND COMMUNICATION

The team coaches, advisors, and spectators may not signal the team members (neither student attorneys nor witnesses) or communicate with them in any way during the trial, including but not limited to wireless devices and text messaging. The use of cellular telephones, laptop computers, or any other wireless devices by any student attorney or witness, other than a timekeeper for the purpose of keeping time during the trial, is strictly prohibited. The restriction upon the use of electronic devices during an enactment by a person other than a timekeeper should not be construed to prevent a county coordinator or other authorized tournament official from authorizing the use of such a device as a reasonable accommodation for a participant with a disability, where such use is required to ensure the person's full and equal participation in the tournament. A student witness may talk to a student attorney on their team during a recess or during direct examination but may not communicate verbally or non-verbally with a student attorney on their team during the student witness' cross-examination.

8. VIDEOTAPING/AUDIOTAPING

- a. During any tournament round, except State semi-finals and State finals, a trial may be videotaped, or audio taped but only if each of the following conditions are satisfied:
 - i. The courthouse in which the tournament round is taking place must permit video or audio taping, and the team wishing to videotape, or audiotape has received permission from the courthouse in advance of the trial. *We note that many State and Federal courthouses prohibit video or audio taping devices in the courthouse.*
 - ii. The judge consents before the beginning of the trial.
 - iii. The opposing team consents in writing prior to the time the trial begins. Written consents should be delivered to the County Coordinator. Fax or e-mail is acceptable.
 - iv. A copy of the video or audio tape must be furnished to the opposing team (at no cost) within 48 hours after the trial.
 - v. The video or audio tape may not be shared by either team with any other team in the competition.
- b. Video or audio taping of the State semi-finals and final rounds is **NOT** permitted by either team.

9. MOCK TRIAL COORDINATORS

The success of the New York State Mock Trial Program depends on the many volunteer county and regional coordinators. **The appropriate supervisor will be contacted if any representative from a high school, parent, coach, or team member addresses a mock trial volunteer or staff person at any level of the competition in an unprofessional or discourteous manner. County Coordinators may also refer any such matters to the Law, Youth and Citizenship Committee of the New York State Bar Association for appropriate action by the LYC Committee.**

Absent prior approval by the Mock Trial Subcommittee of the New York State Bar Association's *Law, Youth and Citizenship Committee*, a county or regional Mock Trial Tournament coordinator or assistant coordinator may not be an employee of a school that competes, or of a school district that includes a high school that competes, in that county or regional Mock Trial Tournament. Nothing in this rule shall prohibit an employee of a Board of Cooperative Educational Services (BOCES) or the New York City Justice Resource Center from serving as a county or regional Mock Trial Tournament coordinator or assistant coordinator.

10. ROLE AND RESPONSIBILITY OF ATTORNEYS

- a. The attorney who makes the opening statement may not make the closing statement.
- b. Requests for bench conferences (i.e., conferences involving the judge, attorney(s) for the plaintiff or the people and attorney(s) for the defendant) may be granted after the opening of court in a mock trial, but not before.
- c. Attorneys may use notes in presenting their cases, for opening statements, direct examination of witnesses, etc. Witnesses are **NOT** permitted to use notes while testifying during the trial.
- d. Each of the three attorneys on a team must conduct the direct examination of one witness and the cross examination of another witness.
- e. The attorney examining a particular witness must make the objections to that witness's cross-examination, and the attorney who will cross-examine a witness must make the objections to the witness's direct examination.

11. WITNESSES

- a. Each witness is bound by the facts of their affidavit or witness statement and any exhibit authored or produced by the witness that is relevant to their testimony. Witnesses may not invent any other testimony. However, in the event a witness is asked a question on cross examination, the answer to which is not contained in the witness's statement or was not testified to on direct examination, the witness may respond with any answer that does not materially alter the outcome of the trial.
- b. If there is an inconsistency between the witness statement or affidavit and the statement of facts or stipulated facts, the witness can only rely on, and is bound by, the information contained in their affidavit or witness statement.
- c. A witness is not bound by facts in other witness' affidavits or statements.
- d. If a witness contradicts a fact in their own witness statement, the opposition may impeach the testimony of that witness.
- e. A witness's physical appearance in the case is as they appear in the trial re-enactment. No costumes or props may be used.

- f. Witnesses, other than the plaintiff and the defendant, may be constructively sequestered from the courtroom at the request of opposing counsel. A constructively sequestered witness may not be asked on the stand about the testimony another witness may have given during the trial enactment. A team is **NOT** required to make a sequestration motion. However, if a team wishes to make such motion, it should be made during the time the team is introducing itself to the judge. Please note that while a witness may be constructively sequestered, said witness **WILL REMAIN** in the courtroom at all times. (Note: Since this is an educational exercise, no participant will actually be excluded from the courtroom during an enactment.)
- g. Witnesses shall not sit at the attorneys' table.
- h. All witnesses are intended to be gender-neutral and can be played by any eligible student regardless of the student's sex or gender identity.

12. PROTESTS

- a. Other than as set forth in 12(b) below, protests of judicial rulings are **NOT** allowed. **All judicial rulings are final and cannot be appealed.**
- b. Protests are highly disfavored and will only be allowed to address two issues:
 - (1) Cheating (a dishonest act by a team that has not been the subject of a prior judicial ruling)
 - (2) A conflict of interest or gross misconduct by a judge (e.g., where a judge is related to a team member). All protests must be made in writing and either faxed or emailed to the appropriate County Coordinator and to the teacher-coach of the opposing team. The County Coordinator will investigate the grounds for the protest and has the discretion to make a ruling on the protest or refer the matter directly to the LYC Committee. The County Coordinator's decision can be appealed to the LYC Committee.
- c. Hostile or discourteous protests will not be considered.

13. JUDGING

THE DECISIONS OF THE JUDGE ARE FINAL.

14. ORDER OF THE TRIAL

The trial shall proceed in the following manner:

- Opening statement by plaintiff's attorney/prosecuting attorney
- Opening statement by defense attorney
- Direct examination of first plaintiff/prosecution witness
- Cross-examination of first plaintiff/prosecution witness
- Re-direct examination of first plaintiff/prosecution witness, if requested
- Re-cross examination, if requested (but only if re-direct examination occurred)
- Direct examination of second plaintiff/prosecution witness
- Cross-examination of second plaintiff/prosecution witness
- Re-direct examination of second plaintiff/prosecution witness, if requested
- Re-cross examination, if requested (but only if re-direct examination occurred)
- Direct examination of third plaintiff/prosecution witness
- Cross-examination of third plaintiff/prosecution witness
- Re-direct examination of third plaintiff/prosecution witness, if requested
- Re-cross examination, if requested (but only if re-direct examination occurred)
- Plaintiff/prosecution rests
- Direct examination of first defense witness
- Cross-examination of first defense witness
- Re-direct examination of first defense witness, if requested
- Re-cross examination, if requested (but only if re-direct examination occurred)
- Direct examination of second defense witness
- Cross-examination of second defense witness
- Re-direct examination of second defense witness, if requested
- Re-cross examination, if requested (but only if re-direct examination occurred)
- Direct examination of third defense witness
- Cross-examination of third defense witness
- Re-direct examination of third defense witness, if requested
- Re-cross examination, if requested (but only if re-direct examination occurred)
- Defense rests
- Closing arguments by defense attorney
- Closing arguments by plaintiff's attorney/prosecuting attorney

15. TIME LIMITS

- a. The following time limits apply:
- Opening Statement 5 minutes for each team
 - Direct Examination..... 10 minutes for each witness
 - Cross Examination..... 10 minutes for each witness
 - Closing Argument 10 minutes for each team
- b. At all county and regional trials, the time will be kept by two timekeepers. Each team shall provide one of the timekeepers. Timekeepers shall be a student of the participating school. A school may use a student witness who is not a witness during a particular phase of the trial. (For example, a defense witness can keep time when the plaintiff/prosecution attorneys are presenting their case.)

The timekeepers will use one watch and shall agree as to when a segment of the trial (e.g., the direct examination of a witness) begins. When one minute remains in a segment, the timekeepers shall flash the “1 Minute Remaining” card (found in the *Appendices*), alerting the judge and the attorneys. The timekeepers will not stop the clock during objections, *voir dire* of witnesses, or bench conferences.

Since the number of questions allowed on redirect and re-cross is limited to three, time limits are not necessary. Any dispute as to the timekeeping shall be resolved by the trial judge. The judge, in their sole discretion, may extend the time, having taken into account the time expended by objections, *voir dire* of witnesses and/or bench conferences, thereby allowing an attorney to complete a line of questioning.

16. TEAM ATTENDANCE AT STATE FINALS ROUND

Eight teams will advance to the State Finals. All eight teams are required to participate in all events associated with the Mock Trial Tournament, including attending the final round of the competition.

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**NEW YORK STATE
HIGH SCHOOL
MOCK TRIAL
TOURNAMENT
POLICIES AND
PROCEDURES**

PART II

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MOCK TRIAL TOURNAMENT POLICIES AND PROCEDURES

New York's Annual Mock Trial Tournament is governed by the policies set forth below. The LYC Committee and the Law, Youth and Citizenship Program of the New York State Bar Association reserve the right to make decisions to preserve the equity, integrity, and educational aspects of the program.

By participating in the Mock Trial Tournament, participants agree to abide by the decisions rendered by the LYC Committee and the Mock Trial program staff and accept such decisions as final.

1. GENERAL POLICIES

- a. All mock trial rules, regulations, and criteria for judging apply at all levels of the Mock Trial Tournament.
- b. The Simplified Rules of Evidence and Procedure contained in Part III govern the trial proceedings.
- c. County Coordinators administer county tournaments. County Coordinators have sole responsibility for organizing, planning, and conducting tournaments at the county level and should be the first point of contact for questions at the county level.
- d. For any single tournament round, all teams are to consist of three attorneys and three witnesses.
- e. For all tournament rounds, one judge will be utilized for trial re-enactments.
- f. Teams must not identify themselves by their school's name to the judge prior to the announcement of the judge's decision.
- g. If a team member who is scheduled to participate in a trial enactment becomes ill, injured, or has a serious conflict and as a result cannot compete, then the team may substitute an alternate team member. If an alternate team member is not available, the local coordinator may declare a forfeit or reschedule the enactment at his or her sole discretion.
- h. Members of a team may play different roles in different rounds, or other students may participate in another round.

- i. Winners in any single round will be asked to switch sides in the case for the next round. Where it is impossible for both teams to switch sides, a coin flip will be used to determine assignments in the next round.
- j. Teacher-coaches of teams who will be competing against one another are required to exchange information regarding the names and gender of their witnesses at least three days prior to each round.
- k. No attorney may be compensated in any way for his or her service as an attorney-advisor to a mock trial team or as a judge in the Mock Trial Tournament. When a team has a student or students with special needs who may require an accommodation, the teacher-coach **MUST** bring this to the attention of the County Coordinator at least two weeks prior to the time when the accommodation will be needed.
- l. The judge must take judicial notice of the Statement of Stipulated Facts and any other stipulations.
- m. Teams may bring perceived errors in the problem or suggestions for improvements in the tournament rules and procedures to the attention of the LYC staff at any time. These, however, are not grounds for protests. Any protest arising from an enactment must be filed with the County Coordinator in accordance with the protest rule in the Tournament Rules.

2. SCORING

- a. Scoring is on a scale of 1-5 for each performance (5 is excellent). Judges are required to enter each score on the Performance Rating Sheet (Appendix) after each performance, while the enactment is fresh in their minds. Judges should be familiar with and use the performance rating guidelines (Appendix) when scoring a trial.
- b. Judges are required to also assign between 1 and 10 points to **EACH** team for demonstrating professionalism during a trial. A score for professionalism may not be left blank. Professionalism criteria are:
 - Team's overall confidence, preparedness, and demeanor
 - Compliance with the rules of civility
 - Zealous but courteous advocacy
 - Honest and ethical conduct

- Knowledge and adherence to the rules of the competition
 - Absence of unfair tactics, such as repetitive, baseless objections; improper communication and signals; invention of facts; and strategies intended to waste the opposing team's time for its examinations. A score of 1 to 3 points should be awarded for a below average performance, 4 to 6 points for an average performance, and 7 to 10 points for an outstanding or above average performance.
- c. The appropriate County Coordinator will collect the Performance Rating Sheet for record-keeping purposes. Copies of score sheets are **NOT** available to individual teams; however, a team can get its total score through the County Coordinator.

3. LEVELS OF COMPETITION

- a. For purposes of this program, New York State has been divided into eight regions:

Region 1.....West

Region 5.....New York City (NYC-A)

Region 2.....Central

Region 6.....New York City (NYC-B)

Region 3.....Northeast

Region 7.....Nassau County

Region 4.....Lower Hudson

Region 8.....Suffolk County

- b. See Map and Chart of Counties in Regions (Appendix).

4. COUNTY TOURNAMENTS

- a. All rules of the New York State Mock Trial Tournament must be adhered to at tournaments at the county level.
- b. In these tournaments, there are two phases. In the first phase, each team will participate in at least two rounds before the elimination process begins, once as plaintiff/prosecution and once as defendant. After the second round, a certain number of the original teams will proceed to the second phase in a single elimination tournament. Prior to the competition, and with the knowledge of the competitors, the County Coordinator may determine a certain number of teams that will proceed to the Phase II single elimination tournament. While this number may be more or less than half the original number of teams, any team that has won both rounds based on points, but whose combined score does not place it within the established number of teams, **MUST** be allowed to compete in the Phase II single elimination tournament.

- c. The teams that advance to Phase II do so based on a combination of wins and point differential, defined as the points earned by a team in its Phase I matches minus the points earned by its opponents in those same Phase I matches. All 2-0 teams automatically advance; teams with a 1-1 record advance based upon point differential, then upon total number of points in the event of a tie. If any spots remain open, teams with a record of 0-2 advance, based upon point differential, then upon total number of points in the event of a tie.
- d. If the number of teams going into the single elimination phase is odd, the team with the most wins and highest combined score will receive a bye. If any region starts the year with an odd number of teams, one team from that region may receive a bye, coin toss, etc.
- e. Phase II of the contest is a single round elimination tournament. Winners advance to the next round.
- f. At times, a forfeit may become a factor in determining aggregate point totals and which teams should advance to the single elimination tournament. Each county should review its procedures for dealing with forfeits, in light of the recommended procedures below. Please note that due to the variety of formats in use in different counties, it is strongly urged that each county develop a system which takes its own structure into account and which participants understand prior to the start of the local tournament. That procedure should be forwarded to the New York State Mock Trial Program Manager, before the first round of competition is held.
- g. If a county has an established method for dealing with forfeits, or establishes one, then that rule continues to govern. If no local rule is established, then the following State rule will apply:

In determining which teams will advance to the single elimination tournament, forfeits will first be considered to cancel each other out, as between two teams vying for the right to advance. If such canceling is not possible (as only one of two teams vying for a particular spot has a forfeit victory), then a point value must be assigned for the forfeit. The point value to be assigned should be derived from averaging the team's point total in the three matches (where possible) chronologically closest to the date of the forfeit; or if only two matches were scheduled, then double the score of the one that was held.

5. REGIONAL TOURNAMENTS

- a. Teams who have been successful in winning county level tournaments will proceed to regional level tournaments. Coordinators administer regional tournaments. Coordinators have sole responsibility for organizing, planning, and conducting tournaments at the regional level. Participants must adhere to all rules of the tournament at regional level tournaments.
- b. Regional tournaments are held in counties within the region on a rotating basis. Every effort is made to determine and announce the location and organizer of the regional tournaments before the new mock trial season begins.
- c. All mock trial rules and regulations and criteria for judging apply at all levels of the Mock Trial Tournament.
- d. The winning team from each region will be determined by an enactment between the two teams with the best records (the greatest number of wins and greatest point differential) during the regional tournament. The winning team from each region will qualify for the State Finals in Albany.
- e. The regional tournaments **MUST** be completed 16 days prior to the State Finals. Due to administrative requirements and contractual obligations, the State Coordinator must have in its possession the schools' and students' names by this deadline. Failure to adhere to this deadline may jeopardize hotel blocks set aside for a region's teacher-coaches, attorney-advisors and students coming to Albany for the State Finals.

6. STATEWIDE FINALS

- a. Once regional winners have been determined, The New York Bar Foundation will provide the necessary funds for each team's room and board for the two days it participates in the State Finals in Albany. Funding is available to pay for up to nine students, one teacher coach and one attorney-advisor for each team. Students of the same gender will share a room, with a maximum of four per room. Transportation costs are **not** covered. However, if a school can cover the additional costs for room and board for additional team members above the nine students, one teacher coach and one attorney-advisor sponsored through the Bar Foundation, all members of a team are welcome to attend the State Finals. However, requests to bring additional team members must be approved by the Mock Trial Program Manager in advance.

- b. Costs for additional students (more than nine) and adult coaches and/or advisors (more than two) will **not** be covered by the New York Bar Foundation grant or the LYC Program. The Mock Trial Program Manager is **not** responsible for making room arrangements and reservations for anyone other than the nine students, one teacher-coach and one attorney-advisor for each team. However, the Mock Trial Program Manager may choose to make those arrangements for the additional team members. This applies to team members only, not guests. If the Program Manager chooses **not** to make the arrangements, every attempt will be made to pass along any special hotel rates to these other participants. Additional team members attending the State Finals may participate in organized meal functions but will be responsible for paying for their participation. **The teacher coach must advise their school administration of the school's responsibility to cover those additional charges and obtain their approval in advance.**

The Mock Trial Program Manager will provide an invoice to the coach to submit to the school's administrator. A purchase order must then be submitted to the Mock Trial Program Manager in Albany immediately after the school's team has been designated as the Regional Winner who will be participating in the State Finals in Albany. In most cases, the school will be billed after the State Finals. However, it is possible that a school may be required to provide payment in advance for their additional team members.

- c. Each team will participate in two enactments the first day, against two different teams. Each team will be required to change sides—plaintiff/prosecution to defendant, defendant to plaintiff/prosecution—for the second enactment. Numerical scores will be assigned to each team's performance by the judges.
- d. The two teams with the most wins and highest numerical score will compete on the following day, except that any team that has won both its enactments will automatically advance, regardless of its point total. In the rare event of three teams each winning both of their enactments, the two teams with the highest point totals, in addition to having won both of their enactments, will advance.
- e. The final enactment will be a single elimination tournament. Plaintiff/prosecution and defendant will be determined by a coin toss by the Mock Trial Program Manager. All teams invited to the State Finals must attend the final trial enactment.
- f. A judge will determine the winner. **THE JUDGE'S DECISION IS FINAL.**

7. MCLE CREDIT FOR PARTICIPATING ATTORNEYS AND JUDGES

Pursuant to the Rules pertaining to the Mandatory Continuing Legal Education Program in the State of New York, as an accredited provider of CLE programs, we are required to carefully monitor requests for earning CLE credit through participation in our high school mock trial program. Credit may be earned for preparing students for and judging law competitions, mock trials, and moot court arguments, including those at the high school level. Ethics and professionalism credit hours are not available for participation in this type of activity. No additional credit may be earned for preparation time.

One (1) CLE credit hour may be earned for each 50 minutes of participation in a high school or college law competition. **A maximum of three (3) CLE credits** in skills may be earned for judging or coaching mock trial competitions **during any one reporting cycle**, i.e., within a two-year period¹. **Newly admitted attorneys (less than 24 months) are NOT eligible for this type of CLE credit.**

The LYC Program will process all requests for CLE credit through the New York State Bar Association's Continuing Legal Education Department, an accredited provider of CLE approved by the New York State Continuing Legal Education Board. The procedure is as follows:

- a. The Mock Trial Program Manager will provide the County Coordinators with a copy of the Request for CLE Credit Verification Form² to disseminate to attorneys/judges participating in the mock trial tournament in their county.
- b. **Request for CLE Credit Verification Forms** must be signed by the attorney/judge and returned to the County Coordinator. The County Coordinator must return the signed copy to the Mock Trial Program Manager in Albany by mail, email, or fax by June 30 for processing.
- c. MCLE certificates will be generated and sent by **email** to the attorney/judge requesting the credit. **MCLE credit cannot be provided without the signed Request for CLE Credit Verification Form.** The attorney/judge **MUST** provide a valid email address on the form. A copy of the Request for CLE Credit Verification Form follows and is also available online at www.nysba.org/nys-mock-trial/.

¹ 1) The biennial reporting cycle shall be the two-year period between the dates of submission of the attorney's biennial registration statement; 2) An attorney shall comply with the requirements of this Subpart commencing from the time of the filing of the attorney's biennial attorney registration statement in the second calendar year following admission to the Bar.

² County Coordinators will begin disseminating this revised form to participating attorneys and judges during the 2022-2023 New York State Mock Trial tournament season.

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New York State Bar Association
New York Statewide High School Mock Trial Tournament
Request for CLE Credit Verification Form

PER THE NEW YORK STATE CLE BOARD RULES IN REGARD TO CLE CREDIT FOR MOCK TRIAL PARTICIPATION:

One (1) CLE credit hour may be earned for each 50 minutes of participation in a high school or college law competition. (No additional credit may be earned for preparation time.) A maximum of three (3) CLE credits in skills may be earned for judging or coaching mock trial competitions during any one reporting cycle, i.e., within a two-year period. Newly admitted attorneys (less than 24 months) are NOT eligible for this type of CLE credit.

IMPORTANT! *You must complete this form to receive CLE credit (form must be signed to be valid, and a valid email address must be included.) Immediately return completed form to your County Coordinator. They will verify your request and forward the form to the Mock Trial Program Manager in Albany for processing. **All forms must be received in Albany no later than June 30 of the current tournament season. Any forms received after this date will not be processed for MCLE credit.** Once your CLE credit has been processed by the NYSBA, your CLE certificate will be emailed directly to you. If you have questions, contact Kim McHargue, kmchargue@nysba.org.*

Are you a member of the New York State Bar Association (NYSBA)? Yes No

If Yes, what is your NYSBA member ID #? _____ (If you do not know your NYSBA member ID #, leave blank)

PLEASE PRINT NEATLY

◆ Your Name: _____

◆ Home Address: _____
Street City State Zip Code

◆ Name of Firm/Court: _____

◆ Work Address: _____
Street City State Zip Code

◆ Work Phone Number: _____

◆ Primary Email Address (required): _____

Your CLE Certificate will be sent to you by email, so please be sure to include your email address!

PLEASE NOTE: New York State CLE Board Rules pertaining to CLE credit for mock trial participation allows a maximum of 3.0 credits per biennial registration cycle, even if you served in more than one county and/or on more than one date during the mock trial tournament season.

◆ County of Service where you Coached or Judged: _____

◆ Date of Service: _____ Hours of Service: _____ (max. of 3.0 credit hours)

◆ Role: Attorney: Coach Judge Presiding Sitting Judge

By signing below, I certify that the information provided on this form is accurate.

➤ Signature: _____ Date: _____

THIS FORM IS NOT VALID WITHOUT YOUR SIGNATURE AND DATE!

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**NEW YORK STATE
HIGH SCHOOL
MOCK TRIAL
SIMPLIFIED RULES
OF EVIDENCE AND
PROCEDURE**

PART III

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SIMPLIFIED RULES OF EVIDENCE AND PROCEDURE

In trials in the United States, elaborate rules are used to regulate the admission of proof (i.e., oral, or physical evidence). These rules are designed to ensure that both parties receive a fair hearing and to exclude any evidence deemed irrelevant, incompetent, untrustworthy, or unduly prejudicial. 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 judge will probably allow the evidence. The burden is on the attorneys to know the rules of evidence and to be able to use them to protect their client and to limit the actions of opposing counsel and their witnesses.

Formal rules of evidence are quite complicated and differ depending on the court where the trial occurs. For purposes of this Mock Trial Tournament, the New York State rules of evidence have been modified and simplified. Not all judges will interpret the rules of evidence or procedure the same way, and you must be prepared to point out the specific rule (quoting it, if necessary) and to argue persuasively for the interpretation and application of the rule that you think is proper. No matter which way the judge rules, you should accept the ruling with grace and courtesy.

1. SCOPE

Rule 101: SCOPE. These rules govern all proceedings in the mock trial competition. The only rules of evidence in the competition are those included in these rules.

Rule 102: OBJECTIONS. The court shall not consider an objection that is not contained in these rules. If counsel makes an objection not contained in these rules, counsel responding to the objection must point out to the judge, citing Rule 102 that the objection is beyond the scope of the listed objections. However, if counsel responding to the objection does not point out to the judge the application of this rule, the court may exercise its discretion and consider such objection.

2. RELEVANCY

Rule 201: RELEVANCY. Only relevant evidence may be presented. This means that the only physical evidence and testimonial evidence allowed are that which tend to make a fact which is important to the determination of the case more or less probable than the fact would be without the evidence. However, if the probative value of the relevant evidence is substantially outweighed

by the danger that the evidence will cause unfair prejudice, confuse the issues, or result in undue delay or a waste of time, the court may exclude it. This may include testimony, physical evidence, and demonstrations that do not relate to time, an event or a person directly involved in the litigation.

Example:

Photographs present a classic problem of possible unfair prejudice. For instance, in a murder trial, the prosecution seeks to introduce graphic photographs of the bloodied victim. These photographs would be relevant because, among other reasons, they establish the victim's death and location of the wounds. At the same time, the photographs present a high danger of unfair prejudice, as they could cause the jurors to feel incredible anger and a desire to punish someone for the vile crime. In other words, the photographs could have an inflammatory effect on the jurors, causing them to substitute passion and anger for reasoned analysis. The defense therefore should object on the ground that any probative value of the photographs is substantially outweighed by the danger of unfair prejudice to the defendant.

Problems of unfair prejudice often can be resolved by offering the evidence in a manner that retains the probative value, while reducing the danger of unfair prejudice. In this example, the defense might stipulate to the location of the wounds and the cause of death. Therefore, the relevant aspects of the photographs would come in, without the unduly prejudicial effect.

Rule 202: CHARACTER. Evidence about the character of a party or witness may not be introduced unless the person's character is an issue in the case or unless the evidence is being offered to show the truthfulness or untruthfulness of the party or witness. Evidence of character to prove the person's propensity to act in a particular way is generally not admissible in a civil case.

In a criminal case, the general rule is that the prosecution cannot initiate evidence of the bad character of the defendant to show that they are more likely to have committed the crime. However, the defendant may introduce evidence of their good character to show that they are innocent, and the prosecution may offer evidence to rebut the defense's evidence of the defendant's character. With respect to the character of the victim, the general rule is that the prosecution cannot initiate evidence of the character of the victim. However, the defendant may introduce evidence of the victim's good or (more likely) bad character, and the prosecution may offer evidence to rebut the defense's evidence of the victim's character.

Examples:

A limousine driver is driving Ms. Daisy while he is intoxicated and gets into a car accident injuring Ms. Daisy. If Ms. Daisy sues the limousine company for negligently employing an alcoholic driver, then the driver's tendency to drink is at issue. Evidence of the driver's alcoholism is admissible because it is not offered to demonstrate that he was drunk on a particular occasion. The evidence is offered to demonstrate that the limousine company negligently trusted him to drive a limousine when it knew or should have known that the driver had a serious drinking problem.

Sally is fired and sues her employer for sexual harassment. The employer cannot introduce evidence that Sally experienced similar problems when she worked for other employers.

Evidence about Sally's character is not admissible to prove that she acted in conformity with her prior conduct, unless her character is at issue, or it relates to truthfulness.

If an attorney is accused of stealing a client's money, he may introduce evidence to demonstrate that he is trustworthy. In this scenario, proof of his trustworthiness makes it less probable that he stole the money.

Richard is on trial for punching his coworker, Larry, during an argument. The prosecution wants to offer that Richard has, in the past, lost his temper and has neared physical altercations. This evidence constitutes character evidence within the meaning of the rule because it is being offered to show that Richard has a propensity for losing his temper and that he may have acted in conformity with this character trait at the time he struck Larry.

Therefore, it would only be admissible if Richard, as the defendant, has decided to place his character at issue.

Rule 203: OTHER CRIMES, WRONGS, OR ACTS. Evidence of other crimes, wrongs, or acts is not admissible to prove the character of a person. Such evidence, however, may be admissible for purposes other than to prove character, such as to show motive, intent, preparation, knowledge, or identity.

Examples:

Harry is on trial for stealing from a heavy metal safe at an office. The prosecution seeks to offer evidence that, on an earlier date Harry opened the safe and stole some money from the safe. The evidence is not being offered to show character (in other words, it is not being offered to show that Harry is a thief), but rather it is being offered to show that Harry knew how to crack the safe. This evidence therefore places Harry among a very small number of people who know how to crack safes and, in particular, this safe. The evidence therefore goes to identity and makes Harry somewhat more likely to be guilty.

William is on trial for murder after he killed someone during a fight. The prosecution seeks to offer evidence that a week earlier William and the victim had another physical altercation. In other words, the victim was not some new guy William has never met before; rather, William and the victim had a history of bad blood. The evidence of the past fight would be admissible because it is not being offered to show that William has bad character as someone who gets into fights, but rather to show that William may have had motive to harm his victim.

In the same trial, the evidence shows that the victim died after William struck him in the larynx. William's defense is that the death was completely accidental, and that the fatal injury suffered by his victim was unintended and a fluke.

The prosecution seeks to offer evidence that William has a black belt in martial arts, and therefore has knowledge of how to administer deadly strikes as well as the effect of such strikes. This evidence would be admissible to show the death was not an accident; rather, William was aware that the strike could cause death.

3. WITNESS EXAMINATION

a. Direct Examination (attorneys call and question witnesses)

Rule 301: FORM OF QUESTION. Witnesses should be asked direct questions and may not be asked leading questions on direct examination. Direct questions are phrased to evoke a set of facts from the witnesses. A leading question is one that suggests to the witness the answer desired by the examiner and often suggests a “yes” or “no” answer.

Example of a Direct Question: “*What is your current occupation?*”

Example of a Leading Question: “*Isn't it true that in your current position you are responsible for making important investment decisions?*”

Narration: While the purpose of direct examination is to get the witness to tell a story, the questions must ask for specific information. The questions must not be so broad that the witness is allowed to wander or “narrate” a whole story. Narrative questions are objectionable.

Example of a Narrative Question: “*Please describe how you were able to achieve your financial success.*” Or, “*Tell me everything that was said in the board room on that day.*”

Narrative Answers: At times, a direct question may be appropriate, but the witness's answer may go beyond the facts for which the question was asked. Such answers are subject to objection on the grounds of narration.

Objections:

“Objection. Counsel is leading the witness.” “Objection. Question asks for a narration.” “Objection. Witness is narrating.”

Rule 302: SCOPE OF WITNESS EXAMINATION. Direct examination may cover all the facts relevant to the case of which the witness has first-hand knowledge. Any factual areas examined on direct examination may be subject to cross-examination.

Objection:

“Objection. The question requires information beyond the scope of the witness’s knowledge.”

Rule 303: REFRESHING RECOLLECTION. If a witness is unable to recall a statement made in an affidavit, the attorney on direct may show that portion of the affidavit that will help the witness to remember.

b. Cross-Examination (questioning the other side’s witnesses)

Rule 304: FORM OF QUESTION. An attorney may ask leading questions when cross-examining the opponent’s witnesses. Questions tending to evoke a narrative answer should be avoided.

Rule 305: SCOPE OF WITNESS EXAMINATION. Attorneys may only ask questions that relate to matters brought out by the other side on direct examination, or to matters relating to the credibility of the witness. This includes facts and statements made by the witness for the opposing party. Note that many judges allow a broad interpretation of this rule.

Objection:

“Objection. Counsel is asking the witness about matters that did not come up in direct examination.”

Rule 306: IMPEACHMENT. An attorney may impeach the credibility of a witness (show that a witness should not be believed) in the following ways:

1. A witness may testify as to another witness’s reputation for truthfulness, provided that an adequate foundation is established for the testifying witness’s ability to testify about the other witness’s reputation.

Example:

Ben testifies at trial. Jeannette then takes the stand and is familiar with Ben's reputation in the community as not being truthful. Jeannette therefore would be able to testify to Ben's reputation for truthfulness.

2. Counsel may ask questions demonstrating that the witness has made statements on other occasions that are inconsistent with the witness's present testimony. A foundation must be laid for the introduction of prior contradictory statements by asking the witness whether he or she made such statements.

Example:

If a witness previously stated that the car was black but at trial testified that the car was red, the witness could be questioned about this prior inconsistent statement for impeachment purposes.

3. An attorney may ask questions demonstrating the witness's bias in favor of the party on whose behalf the witness is testifying, or hostility toward the party against whom the witness is testifying or the witness's interest in the case.

Examples:

"Isn't it true that you are being paid to testify at this trial?" If the witness is paid to testify, he may have an incentive not to tell the truth while testifying.

Steve is on trial for bank robbery and calls his father as a defense witness to testify that they were watching football at the time of the crime. On cross-examination, the prosecutor could attempt to demonstrate the father's bias that could cause him to fabricate an alibi for his son. Proper questions to impeach the father's credibility might include, "You love your son very much, don't you?" and "You don't want to see your son go to jail, do you?"

Rule 307: IMPEACHMENT BY EVIDENCE OF A CRIMINAL CONVICTION.

For the purpose of attacking the credibility of a witness, evidence that the witness has been convicted of a crime shall be admitted, but only if the crime was a felony or involved moral turpitude, regardless of punishment, and the court determines that the value of this evidence as reliable proof outweighs its prejudicial effect to a party. Crimes of moral turpitude are crimes that involve dishonesty or false statements. These crimes involve the intent to deceive or defraud, such as forgery, perjury, counterfeiting and fraud.

Example:

"Have you ever been convicted of criminal possession of marijuana?"

Objections:

“Objection. The prejudicial effect of this evidence outweighs its usefulness.”

“Objection. The prior conviction being testified to is not a felony or a crime involving moral turpitude.”

c. Re-Direct Examination

Rule 308: LIMIT ON QUESTIONS. After cross-examination, up to three, but no more than three questions, may be asked by the attorney conducting the direct examination, but such questions are limited to matters raised by the attorney on cross-examination. The presiding judge has considerable discretion in deciding how to limit the scope of re-direct.

NOTE: If the credibility or reputation for truthfulness of the witness has been attacked on cross-examination, the attorney whose witness has been damaged may wish to ask several more questions. These questions should be limited to the damage the attorney thinks has been done and should be phrased so as to try to “save” the witness’s truth-telling image in the eyes of the court. Re-direct examination is limited to issues raised by the attorney on cross-examination. Please note that at times it may be more appropriate not to engage in re-direct examination.

Objection:

“Objection. Counsel is asking the witness about matters that did not come up in cross-examination.”

d. Re-Cross Examination

Rule 309: LIMIT ON QUESTIONS. Three additional questions, but no more than three, may be asked by the cross-examining attorney, but such questions are limited to matters on re-direct examination and should avoid repetition. The presiding judge has considerable discretion in deciding how to limit the scope of re-cross. Like re-direct examination, at times it may be more appropriate not to engage in re-cross-examination.

Objection:

“Objection. Counsel is asking the witness about matters that did not come up on re-direct examination.”

e. Argumentative Questions

Rule 310: Questions that are argumentative should be avoided and may be objected to by counsel. An argumentative question is one in which the cross-examiner challenges the witness about their inference from the facts, rather than seeking additional facts.

Example:

“Why were you driving so carelessly?”

Objection:

“Objection. Your Honor, counsel is being argumentative.”

f. Compound Questions

Rule 311: Questions that are compound in nature should be avoided and may be objected to by counsel. A compound question requires the witness to give one answer to a question, which contains two separate inquiries. Each inquiry in an otherwise compound question could be asked and answered separately.

Examples:

“Tony, didn’t you get sued by the buyer of your company and get prosecuted by the IRS?”

“Did you see and feel the residue on the counter?”

Objection:

“Objection. Your Honor, counsel is asking a compound question.”

g. Asked and Answered Questions

Rule 312: An attorney may not ask a witness a question that the attorney has already asked that witness. Such a question is subject to objection, as having been asked and answered.

Objection:

“Objection. Your Honor, the witness was asked and answered this question.”

h. Speculation

Rule 313: Questions that ask a witness to speculate about matters not within their personal knowledge are not permitted and are subject to an objection by opposing counsel.

Example:

"Do you think your friend Robert knew about the robbery in advance?"

Objection:

"Objection. Your Honor, the question asks the witness to speculate."

i. Answer Non-Responsive

Rule 314. If on cross-examination a witness gives an answer that the inquiring attorney reasonably believes is evasive and/or is not related to the question asked, the attorney may object to the answer as being non-responsive. [See the partial strike example provided in connection with Rule 805: Motion to Strike.]

4. HEARSAY

Understanding and applying the Hearsay Rule (Rule 401), and its exceptions (Rules 402, 403, 404, and 405), is one of the more challenging aspects of the Mock Trial Tournament. We strongly suggest that teacher-coaches and students work closely with their attorney-advisors to better understand and more effectively apply these evidentiary rules.

Rule 401: HEARSAY. A statement made out of court (i.e., not made during the course of the trial in which it is offered) is hearsay if the statement is offered for the truth of the fact asserted in the statement. The hearsay rule applies to both written as well as spoken statements. If a statement is hearsay and no exceptions to the rule are applicable, then upon an appropriate objection by opposing counsel, the statement will be inadmissible.

REASONS FOR EXCLUDING HEARSAY: The reason for excluding hearsay evidence from a trial is that the opposing party was denied the opportunity to cross-examine the declarant at the time the statement was made, and the judge and jury did not have the opportunity to observe the declarant's demeanor while they were making the statement. The declarant is the person who made the out-of-court statement. The opposing party was not present when the statement was made and had no chance to test the declarant's perception (how well did they observe the event they purported to describe), their memory (did they really remember the details they related to the court), their sincerity (were they deliberately falsifying), and their ability to relate (did they really mean to say what now appears to be the thrust of their statement). Similarly, the judge and jury had no opportunity to observe whether the declarant appeared shifty or avoided eye contact or made the statement in a decisive or tentative fashion or was cajoled or pressured into making the statement.

The opportunity to cross-examine the witness on the stand when repeating the statement is not enough because the judge or the jury is being asked to believe what the declarant said.

Example:

Peter is on trial for allegedly robbing a 7-Eleven store on May 1. A witness who is testifying on Peter's behalf testifies in the trial, "I heard Joe say that he (Joe) went to the 7-Eleven on May 1." Peter, the party offering the witness's testimony as evidence, is offering it to prove that Joe was in the 7-Eleven on May 1, presumably to create a question as to whether it could have been Joe at the scene of the crime, rather than Peter. In this example, Joe is the declarant. The reason why the opposing party, in this case the prosecution, should object to this testimony is that the prosecution has no opportunity to cross-examine Joe to test his veracity (was he telling the truth or just trying to help his friend Peter out of a mess) or his memory (was Joe sure it was May 1, or could it have been May 2)?

EXCEPTIONS

Hearsay may be admissible if it fits into certain exceptions. The exceptions listed below are the only allowable exceptions for purposes of the Mock Trial Tournament.

Rule 402: ADMISSION OF A PARTY OPPONENT: A judge may admit hearsay evidence if it was a prior out-of-court statement made **by an opposing party to the case**. Essentially, the party's own out-of-court statement is being offered into evidence because it contains an admission of responsibility or an acknowledgment of fault. The party who made the prior out-of-court statement can hardly complain about not having had the opportunity to cross-examine themselves. They said it, so they must live with it. They can explain it on the witness stand.

Example:

Pam is involved in a car accident. Wendy was at the scene of the crash. At Pam's trial, Wendy testifies that she heard Pam say, "I can't believe I missed that stop sign!" At the trial, Wendy's testimony of Pam's out-of-court statement, although hearsay, is likely to be admitted into evidence as an admission against a party's interest. In this example, Pam is on trial so she can testify about what happened in the accident and refute having made this statement or explain the circumstances of her statement.

Rule 403: STATE OF MIND: A judge may admit an out-of-court statement of the declarant's then existing state of mind, emotion, sensation, or physical condition (such as intent, plan, motive, design, mental feeling, pain, and bodily health). Such out-of-court statements of pain or intent do not present the usual concerns with the reliability of hearsay testimony. For instance, when a witness testifies as to a declarant's statement of intent, there are no memory problems with the declarant's statement of intent and there are no perception problems because a declarant cannot misperceive intent. When applying this exception, it is important to keep in mind that the reliability concerns of hearsay relate to the out-of-court declarant, not to the witness who is offering the statement in court.

Example:

Mike is on trial for a murder that occurred at the West End Restaurant. Mike's defense relies upon the theory that another person, Jane, committed the murder. The defense then calls a witness who testifies that on the night of the murder he heard Jane say that she intended to go to the West End Restaurant. This hearsay statement is admissible as proof of Jane's intent to go to the restaurant.

Rule 404: BUSINESS RECORDS. A judge may admit a memorandum, report, record, or data compilation concerning an event or act, provided that the record was made at or near the time of the act by a person with knowledge and that the record is kept in the regular course of business. The rationale for this exception is that this type of evidence is particularly reliable because of the regularity with which business records are kept, their use and importance in the business and the incentive of employees to keep accurate records or risk being reprimanded by the employer.

Example:

Diane is on trial for possession of an illegal weapon. The prosecution introduces a written inventory prepared by a police officer of items, including a switchblade knife, taken from Diane when she was arrested as evidence of Diane's guilt. The written inventory is admissible. In this example, the statement that is hearsay is the written inventory (hearsay can be oral or written), the declarant is the police officer who wrote the inventory, and the inventory is being offered into evidence to prove that Diane had a switchblade knife in her possession. The reason that the written inventory is admissible is that it was a record made at the time of Diane's arrest by a police officer, whose job required her to prepare records of items taken from suspects at the time of arrest and it was the regular practice of the police department to prepare records of this type at the time of an arrest.

Rule 405: PRESENT SENSE IMPRESSION. A judge may admit a declarant's out-of-court statement describing or explaining an event or condition made while the declarant was perceiving the event or condition, or immediately thereafter. The rationale for this exception is that a declarant's description of an event as it is occurring is reliable because the declarant does not have the time to think up a lie.

Example:

James is witnessing a robbery and calls 911. While on the phone with the 911 operator, James describes the crime as it is occurring and provides a physical description of the robber. These hearsay statements are admissible because they are James's description or explanation of an event – the robbery – as James perceives that event.

Rule 406: STATEMENTS IN LEARNED TREATISES. A statement contained in a treatise, periodical, or pamphlet is admissible if:

- (A) The statement is called to the attention of an expert witness on cross-examination or relied on by the expert on direct examination; and
- (B) The publication is established as a reliable authority by the expert's admission or testimony, by another expert's testimony, or by judicial notice.

If admitted, the statement may be read into evidence but not received as an exhibit.

Example:

Dr. G, plaintiff's expert witness, is being cross-examined by defendant's counsel. During the cross-examination Dr. G is shown a volume of a treatise on cardiac surgery, which is the subject of Dr. G's testimony. Dr. G is asked if they recognize the treatise as reliable on the subject of cardiac surgery. Dr. G acknowledges that the treatise is so recognized.

Portions of the treatise may then be read into evidence although the treatise is not to be received as an exhibit.

If Dr. G does not recognize the treatise as authoritative, the treatise may still be read to the jury if another expert witness testifies as to the treatise's reliability or if the court by judicial notice recognizes the treatise as authoritative.

Rule 407: STATEMENTS BY AN UNAVAILABLE DECLARANT. In a civil case, a statement made by a declarant unavailable to give testimony at trial is admissible if a reasonable person in the declarant's position would have made the statement only if the declarant believed it to be true because, when the statement was made, it was so contrary to the declarant's

proprietary or pecuniary interest or had so great a tendency to expose the declarant to civil or criminal liability.

Example:

Mr. X, now deceased, previously gave a statement in which he said he ran a red light at an intersection, and thereby caused an accident that injured plaintiff P. Offered by defendant D to prove that D should not be held liable for the accident, the statement would be admissible as an exception to the exclusion of hearsay.

5. OPINION AND EXPERT TESTIMONY

Rule 501: OPINION TESTIMONY BY NON-EXPERTS. Witnesses who are not testifying as experts may give opinions which are based on what they saw or heard and are helpful in explaining their story. A witness may not testify to any matter of which the witness has no personal knowledge, nor may a witness give an opinion about how the case should be decided. In addition, a non-expert witness may not offer opinions as to any matters that would require specialized knowledge, training, or qualifications.

Example:

(General Opinion)

The attorney asks the non-expert witness, "Why is there so much conflict in the Middle East?" This question asks the witness to give his general opinion on the Middle East conflict.

Note: This question is objectionable because the witness lacks personal perceptions as to the conflict in the Middle East and any conclusions regarding this issue would require specialized knowledge.

Objection:

"Objection. Counsel is asking the witness to give an opinion."

Example:

(Lack of Personal Knowledge)

The attorney asks the witness, "Why do you think Abe skipped class?" This question requires the witness to speculate about Abe's reasons for skipping class.

Objection:

"Objection. The witness has no personal knowledge that would enable him/her to answer this question."

Example:

(Opinion on Outcome of Case)

The attorney asks the witness, “Do you think the defendant intended to commit the crime?” This question requires the witness to provide a conclusion that is directly at issue and relates to the outcome of the case.

Objection:

“Objection. The question asks the witness to give a conclusion that goes to the finding of the Court.”

Rule 502: OPINION TESTIMONY BY EXPERTS. Only persons qualified as experts may give opinions on questions that require special knowledge or qualifications. An expert may be called as a witness to render an opinion based on professional experience. The attorney for the party for whom the expert is testifying must qualify the witness as an expert. This means that before the expert witness can be asked for an expert opinion, the questioning attorney must bring out the expert’s qualifications, education and/or experience.

Example:

The attorney asks the witness, an auto mechanic, “Do you think Luke’s recurrent, severe migraine headaches could have caused him to crash his car into the side of George’s house?”

Objection:

“Objection. Counsel is asking the witness to give an expert opinion for which the witness has not been qualified.”

However, a doctor can provide an expert opinion on how migraine headaches affect eyesight.

6. PHYSICAL EVIDENCE

Rule 601: INTRODUCTION OF PHYSICAL EVIDENCE. Physical evidence may be introduced if it is relevant to the case. Physical evidence will not be admitted into evidence until it has been identified and shown to be authentic or its identification and/or authenticity have been stipulated to. That a document is “authentic” means only that it is what it appears to be, not that the statements in the document are necessarily true.

A prosecutor must authenticate a weapon by demonstrating that the weapon is the same weapon used in the crime. This shows that the evidence offered (the weapon) relates to the issue (the crime). If the weapon belonged to the prosecutor, it would not be relevant to the defendant’s guilt. The evidence must be relevant to the issue to be admissible.

PROCEDURE FOR INTRODUCING EVIDENCE: Physical evidence need only be introduced once. The proper procedure to use when introducing a physical object or document for identification and/or use as evidence is:

- a. Have exhibit marked for identification. *“Your Honor, please mark this as Plaintiff’s Exhibit 1 (or Defense Exhibit A) for identification.”*
- b. Ask witness to identify the exhibit. *“I now hand you what is marked as Plaintiff’s Exhibit 1 (or Defense Exhibit A). Would you identify it, please?”*
- c. Ask witness questions about the exhibit, establishing its relevancy, and other pertinent questions.
- d. Offer the exhibit into evidence. *“Your Honor, we offer Plaintiff’s Exhibit 1 (or Defense Exhibit A) into evidence at this time.”*
- e. Show the exhibit to opposing counsel, who may make an objection to the offering.
- f. The judge will ask opposing counsel whether there is any objection, rule on any objection, admit or not admit the exhibit.
- g. If an exhibit is a document, hand it to the judge.

NOTE: After an affidavit has been marked for identification, a witness may be asked questions about their affidavit without its introduction into evidence. In order to read directly from an affidavit or submit it to the judge, it must first be admitted into evidence.

Rule 602: REDACTION OF DOCUMENT. When a document sought to be introduced into evidence contains both admissible and inadmissible evidence, the judge may, at the request of the party objecting to the inadmissible portion of the document, redact the inadmissible portion of the document and allow the redacted document into evidence.

Objection:

“Objection. Your Honor, opposing counsel is offering into evidence a document that contains improper opinion evidence by the witness. The defense requests that the portion of the document setting forth the witness’s opinion be redacted.”

Rule 603: VOIR DIRE OF A WITNESS. When an item of physical evidence is sought to be introduced under a doctrine that normally excludes that type of evidence (e.g., a document which purports to fall under the business record exception to the Hearsay Rule), or when a witness is offered as an expert, an opponent may interrupt the direct examination to request the judge’s permission to make limited inquiry of the witness, which is called “*voir dire*.”

The opponent may use leading questions to conduct the *voir dire* but it must be remembered that the *voir dire*’s limited purpose is to test the competency of the witness or evidence and the opponent is not entitled to conduct a general cross-examination on the merits of the case.

The *voir dire* must be limited to three questions. The clock will not be stopped for *voir dire*.

7. INVENTION OF FACTS (Special Rules for the Mock Trial Competition)

Rule 701: DIRECT EXAMINATION. On direct examination, the witness is limited to the facts given. Facts cannot be made up. If the witness goes beyond the facts given opposing counsel may object. If a witness testifies in contradiction of a fact given in the witness’s statement, opposing counsel should impeach the witness during cross- examination.

Objection:

“Objection. Your Honor, the witness is creating facts which are not in the record.”

Rule 702: CROSS-EXAMINATION. Questions on cross-examination should not seek to elicit information that is not contained in the fact pattern. If on cross-examination a witness is asked a question, the answer to which is not contained in the witness’s statement or the direct examination, the witness may respond with any answer that does not materially alter the outcome of the trial. If a witness’s response might materially alter the outcome of the trial, the attorney conducting the cross-examination may object.

Objection:

“Objection. The witness’s answer is inventing facts that would materially alter the outcome of the case.”

8. PROCEDURAL RULES

Rule 801: PROCEDURE FOR OBJECTIONS. An attorney may object any time the opposing attorneys have violated the “Simplified Rules of Evidence and Procedure.” Each attorney is restricted to raising objections concerning witnesses, whom that attorney is responsible for examining, both on direct and cross-examinations.

NOTE: The attorney wishing to object (only one attorney may object at a time) should stand up and do so at the time of the violation. When an objection is made, the judge will ask the reason for it. Then the judge will turn to the attorney who asked the question, and the attorney usually will have a chance to explain why the objection should not be accepted (“sustained”) by the judge. The judge will then decide whether a question or answer must be discarded because it has violated a rule of evidence (“objection sustained”), or whether to allow the question or answer to remain on the trial record (“objection overruled”).

Rule 802: MOTIONS. No substantive pre-trial or trial-term motions are permitted.

Rule 803: CLOSING ARGUMENTS. Closing arguments must be based on the evidence presented during the trial.

Rule 804: OBJECTIONS DURING OPENING STATEMENTS AND CLOSING ARGUMENTS. Objections during opening statements and closing arguments are **NOT** permitted.

Rule 805: MOTION TO STRIKE. If on cross-examination the inquiring attorney objects to all or part of an answer given by the witness and the objection is sustained, the attorney may request the judge to strike all or part of such answer.

Example:

Cross-Examining Attorney: “I object to the witness’s answer as being hearsay.”

Judge: “Sustained.”

Cross-Examining Attorney: “Your Honor, I request that the witness’s answer be stricken.”

Example: (Partial strike)

Cross-Examining Attorney: “Isn’t it true that you were seen leaving the victim’s apartment at around midnight on April 1, 2024?”

Witness: “Yes, the neighbor across the hall saw me, but I did not take anything from the apartment.”

Cross-Examining Attorney: “Your Honor, I object to the witness’s answer after the word ‘me’ as non-responsive.”

Judge: “Sustained.”

Cross-Examining Attorney: “Your Honor, I move to strike that portion of the witness’s answer after the word ‘me.’”

Judge: “Granted.”

9. BURDEN OF PROOF

Rule 901: PROSECUTION’S BURDEN OF PROOF (criminal cases).

Beyond a Reasonable Doubt: A defendant is presumed to be innocent. As such, the trier of fact (jury or judge) must find the defendant not guilty, unless, on the evidence presented at trial, the prosecution has proven the defendant guilty beyond a reasonable doubt. Such proof precludes every reasonable theory except that which is consistent with the defendant’s guilt. A reasonable doubt is an honest doubt of the defendant’s guilt for which a reason exists based upon the nature and quality of the evidence. It is an actual doubt, not an imaginary one. It is a doubt that a reasonable person would be likely to entertain because of the evidence that was presented or because of the lack of convincing evidence. While the defendant may introduce evidence to prove their innocence, the burden of proof never shifts to the defendant.

Moreover, the prosecution must prove beyond a reasonable doubt every element of the crime including that the defendant is the person who committed the crime charged. (Source: NY Criminal Jury Instructions).

Rule 902: PLAINTIFF’S BURDENS OF PROOF (civil cases).

902.1 Preponderance of the Evidence: The plaintiff must prove their claim by a fair preponderance of the credible evidence. The credible evidence is testimony or exhibits that the trier of fact (jury or judge) finds to be worthy to be believed. A preponderance of the evidence means the greater part of such evidence. It does not mean the greater number of witnesses, or the greater length of time taken by either side. The phrase refers to the quality of the evidence, *i.e.*, its convincing quality, the weight, and the effect that it has on the trier of fact. (Source: NY Pattern Jury Instructions, §1:23).

902.2 Clear and Convincing Evidence: (To be used in cases involving fraud, malice, mistake, incompetency, etc.) The burden is on the plaintiff to prove fraud, for instance, by

clear and convincing evidence. This means evidence that satisfies the trier of fact that there is a high degree of probability that the ultimate issue to be decided, *e.g.*, fraud, was committed by the defendant. To decide for the plaintiff, it is not enough to find that the preponderance of the evidence is in the plaintiff's favor. A party who must prove their case by a preponderance of the evidence only needs to satisfy the trier of fact that the evidence supporting their case more nearly represents what actually happened than the evidence which is opposed to it. But a party who must establish their case by clear and convincing evidence must satisfy the trier of fact that the evidence makes it highly probable that what they claim is what actually happened. (Source: NY Pattern Jury Instructions, §1:64).

Rule 903: DIRECT AND CIRCUMSTANTIAL EVIDENCE

903.1 Direct evidence: Direct evidence is evidence of a fact based on a witness's personal knowledge or observation of that fact. A person's guilt of a charged crime may be proven by direct evidence if, standing alone, that evidence satisfies the factfinder (a judge or a jury) beyond a reasonable doubt of the person's guilt of that crime. (Source: NY Criminal Jury Instructions).

903.2 Circumstantial evidence: Circumstantial evidence is direct evidence of a fact from which a person may reasonably infer the existence or non-existence of another fact. A person's guilt of a charged crime may be proven by circumstantial evidence, if that evidence, while not directly establishing guilt, gives rise to an inference of guilt beyond a reasonable doubt. (Source: NY Criminal Jury Instructions).

NOTE: The law draws no distinction between circumstantial evidence and direct evidence in terms of weight or importance. Either type of evidence may be enough to establish guilt beyond a reasonable doubt, depending on the facts of the case as the factfinder (a judge or a jury) finds them to be. [Source: NY Criminal Jury Instructions].

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**NEW YORK STATE
HIGH SCHOOL
MOCK TRIAL SCRIPT**

PART IV

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SUPREME COURT OF NEW YORK
COUNTY OF CHRONOS

-----X
LEYTON MANNS,

Plaintiff,

Index No. 2024-07526

-vs.-

SANDY TOWNES,
Defendant.

-----X
CASE SUMMARY¹

1. Leyton Manns, Ph.D., was the superintendent of Helios School District (HSD) in Poseidon, New York. Having begun their career as a history teacher in 1989 at Athena High School, Dr. Manns eventually earned a doctorate in educational administration, and worked their way up the ranks to the title of superintendent in 2006. During Dr. Manns’s tenure as superintendent, Dr. Manns grew to become a favorite of students, teachers, and parents alike, as an effective administrator, a fair disciplinarian, and a big booster of all the schools of the district, especially Athena High.

2. Capitalizing on this popularity, Dr. Manns successfully ran for a seat on the Chronos County Legislature in 2016, by defeating a 20-year incumbent. This new position only required a part-time commitment, thereby enabling Dr. Manns to continue serving as superintendent of HSD. Dr. Manns pursued elective office not only to serve the constituents of Manns’s legislative district, but also to accumulate extra time credits that would eventually enhance Manns’s New York State retirement pension.

3. As a reward for a job well done on the county legislature, Dr. Manns won re-election with over 70% of the vote in November 2020. Soon thereafter, one of Dr. Manns’s most ardent supporters began to encourage Manns to seek higher office. When the local New York State Senator announced in September 2022 that he would not seek re-election at the conclusion of his term in December 2024, Dr. Manns announced their candidacy for the State Senate. Dr. Manns felt confident in the wisdom of this decision: early public opinion polls, conducted in late September 2022 and mid-October 2022 had Dr. Manns substantially ahead of other potential challengers in the race. As such, in November 2022, Dr. Manns informed the Helios School District that they would retire July 31, 2023, in order to focus full-time on the rigors of a state senate campaign.

¹ The foregoing summary of the case is provided solely for the convenience of the participants in the Mock Trial Tournament. This overview itself does not constitute evidence and may not be introduced at trial or used for impeachment purposes. In the event that an affidavit differs from the case summary, the language in the affidavit prevails.

4. In the meantime, however, Dr. Manns needed to complete their final year as superintendent of HSD, which included preparing the budget for the upcoming academic year 2023-24. Like every year, the academic year 2023-24 presented its own administrative challenges for Dr. Manns. The most notable of these problems was setting the budget for each school in the district. Because of the poor economy due in part to the significant shortfall in tax revenues, Dr. Manns had to make huge cuts at most of the schools in the district. After receiving and reviewing the proposed budget from the principal at Athena High, Dr. Manns completely zeroed-out the funding for the Computer Science Club. While most student clubs at Athena High, like the celebrated Mock Trial Team, were trimmed slightly, no other clubs were eliminated.

5. After Dr. Manns had been re-elected to the county legislature, unidentified student members of the Computer Science Club had produced graphics appearing to ridicule the superintendent. Dr. Manns was perturbed by the graphics and sought to identify the students involved, but to no avail. Allegedly, the superintendent continued to harbor ill will towards the computer science club.

6. For budget year 2023-24, schools in the district were required to submit their budget requests by May 1, 2023. After considering the requests, the superintendent would then prepare a proposed budget for each school by June 1, 2023. Appeals from the schools were to be submitted by June 15, 2023. After hearing appeals, the superintendent, as required, submitted the proposed finalized budget for the district to the school board on June 30, 2023. At its July 3, 2023 meeting, the school board approved the district's budget before taking its summer break.

7. Sandy Townes, a freshman in academic year 2021-22 and elected in April 2022 to be the vice president of the Computer Science Club for academic year 2022-23, sought a meeting with Dr. Manns to petition for reconsideration of funding for the club. Townes met with the superintendent on June 20, 2023, and proceeded to tell the superintendent how important the computer club was to Townes, the other members, and the school itself. Dr. Manns, however, raised the issue of the graphics and pressed Townes to divulge the names of the students involved in producing the insulting graphics. Townes assured the superintendent that Townes was not part of that misadventure, but that Townes did not know those who were involved. Townes then proceeded to ask that the computer club funding be restored. Dr. Manns said the club members should have thought about that before producing the insulting graphics. Townes said it was unfair to blame the whole computer club for the action of a few. The superintendent then said, "Just chalk it up as a lesson well-learned." Townes said, "I am sorry you feel that way. A lot of students are being hurt by your actions and situations like this don't always end very well." Townes then left the meeting. Unbeknownst to the superintendent, Townes had recorded the conversation using Townes's cellphone.

8. The school district budget, including the budget for Athena High, was finalized on June 30, 2023. Funding for the Athena Computer Science Club had not been restored. Dr. Manns, as planned, retired on July 31, 2023. The interim superintendent had pledged that the district's 2023-24 budget would not be changed.

9. The now ex-superintendent's campaign for a seat in the state senate commenced in earnest on August 5, 2023. The campaign was off to a great start. Internal polling done by the campaign in November and December of 2023 showed that Dr. Manns had a sizeable lead over the nearest competitor. While Dr. Manns gently cautioned the campaign team not to "pop the cork" this early, the ex-superintendent was very confident that winning the seat was a foregone conclusion.

10. The campaign was running on all cylinders, gearing up for the May 14, 2024 primary. Then suddenly, on April 1, 2024 at approximately 1:00 PM, a video was posted on the popular Internet site, RicRoc, appearing to show Dr. Manns accepting a \$50,000 bribe from a building contractor in 2022. In the video, Dr. Manns tells the contractor that the money just earned him the contract to build the new elementary school building. In a muffled, voice-over message, someone says, "This is your superintendent and state senate candidate hard at work, lining their pockets." On April 2, 2024, the superintendent is heard in an audio recording, posted on the social media platform Seddit, making disturbing comments about students, parents, teachers, principals and others, all comments made in Dr. Manns's distinctive voice.

11. Daelyn Edwards knew that the video and the audio recording were fakes. Edwards, who had been secretary of the Computer Science Club in academic year 2021-22, claims to have seen a post on QuikChat from Townes to the executive committee of the club sometime in late June 2023 just before the end of academic year 2022-23 promising to make Superintendent Manns pay dearly for defunding the computer club. Edwards at the time was not on the executive committee of the computer club during the academic year 2022-23. Nevertheless, Townes, according to Edwards, wrote in the post that there might be some "nice" RicRoc videos released about the superintendent in the near future and maybe even some "juicy" audio recordings. QuikChat posts are automatically deleted permanently after 24 hours. Edwards believed that Edwards had received the QuikChat post by mistake and did not make a copy of the posting. In the spring of academic year 2021-22, Edwards then a sophomore and secretary of the computer club, and Townes, a freshman and treasurer of the club, competed for the position of vice president for the 2022-23 academic year. Edwards believes that Townes unfairly won the election, and, in any event, Edwards did not appreciate losing to a freshman. Also, Edwards believes that had Edwards become vice president of the computer science club, Edwards would have gotten a full ride to SUNY at Poseidon. Instead, Edwards ended up going to Chronos County Community College, the only college Edwards's family could afford.

12. The backlash against Dr. Manns as the result of the video and the audio mashups was swift and relentless. On Wednesday, April 3, 2024, the Chronos Chronicle printed a front-page, above-the-fold story about the RicRoc video and the Seddit audio recording. Local elected officials and community leaders were quoted in the newspaper expressing their shock and horror at seeing what they believed Dr. Manns had done and hearing what Dr. Manns had allegedly said. In the April 7, 2024 edition of the Chronos Chronicle, the editorial board called upon Dr. Manns to not only exit the race for the state senate seat, but to also resign from the county legislature.

13. Dr. Manns knew that the video and the audio recording were fakes and on April 10, 2024 asked the county sheriff to investigate the matter. The director of the Chronos County Crime Lab called upon Prof. Quincey Roberts, a computer science professor at the State University of New York at Poseidon, to lead the investigation. The sheriff's department had learned that Sandy Townes secretly recorded Townes's meeting with Dr. Manns. An investigator in the department confiscated a flash drive from Townes that contained the recording of the meeting and gave the flash drive to Prof. Roberts. In a report submitted to the county sheriff on April 30, 2024, the professor determined that the video and the audio recording were artificially generated and are "deepfakes." The professor, an artificial intelligence expert, wrote that deepfakes, also known as synthetic media, are artificially created, using artificial intelligence (AI) algorithms. With machine-learning capabilities, a person's voice and speech pattern can be mapped from just a minute or two of a person's previously recorded voice. Having carefully observed the facial expressions and body movements of the figure in the video purporting to be Dr. Manns, Prof. Roberts concluded that the video was a fake. The spoken words did not match up with Dr. Manns's lip movements. Similarly, the audio recording was also determined to be a deepfake. The professor explained that the voice on the audio appeared to be somewhat slurred and rather flat. According to Prof. Roberts, generative AI has improved significantly, but still far from perfection.

14. Jamie King, the faculty advisor to the Computer Science Club, said that students may access QuikChat on school computers to communicate with other Athena students regarding school-related business or activities only. However, King does not believe that Townes had sent a message threatening to harm Dr. Manns, nor that Townes produced the video and the audio recording on any of the school's computers. King claims to have known Townes since the 9th grade and knows Townes's character. King claims that all but one of the ten desktop computers were removed from the computer science room and returned to the District at the end of the 2022-23 academic year. The remaining computer was left so that anyone associated with the computer could use it during the summer when the school building was opened for summer school. The computer was still there when the 2023-24 school year commenced.

15. While Prof. Roberts's report fully exonerated Dr. Manns, said report arrived too late to save Manns's campaign. Campaign funding dried up; paid staff were let go; campaign headquarters were shuttered; and on April 29, 2024, Dr. Manns suspended the campaign after consultants advised Manns that Manns had little to no chance to win the primary, not to mention the general election.

16. Prof. Roberts and the crime lab determined that the video and the audio recording contained metadata suggesting that the two mediums may have been produced on a computer located at Athena High School. After learning that the video and the audio recording may have originated on a computer located at Athena High, Jamie King examined the one remaining computer in the computer club room and did not find any suspicious activity.

17. Fran Gates, Director of Technology for the school district, confirmed that there was no obvious misuse of the computer, but did state that the use of a VPN could shield the computer's IP address. Prof. Roberts said it appears that the computer accessed the Internet on April 1, 2024,

at around noon for about 15 minutes. Prof. Roberts theorized that that would be sufficient time to download and install a VPN. Prof. Roberts found that there were several small system files belonging to the free VPN software program called MySecretVPN found in the computer's trace memory hidden system file, called a dump file. Gates acknowledged that VPNs are not allowed on District computers utilized by students. Prof. Roberts believes the free VPN trace files were left behind after someone tried to uninstall MySecretVPN. MySecretVPN is ubiquitous among hackers and high schoolers. In addition, the professor believes the perpetrator did not use their cellphone or their own home computer so as to maintain plausible deniability.

18. In Jamie King's AP computer science class in the Spring of 2022-23, Townes wrote a paper entitled "The Perils of Generative AI: How AI Can Produce New Text, Images, Video, and Audio Files." Townes showed a mastery of the topic and warned how easy it is to produce deepfakes. Townes earned an A-plus on the paper.

19. Believing that Sandy and maybe others of the computer science club torpedoed Dr. Manns's chance to win the State Senate seat, Dr. Manns has commenced a civil lawsuit against Sandy Townes, seeking damages for libel. Dr. Manns would love nothing more than to recover a significant sum from Sandy Townes, who received a \$2 million dollar gift for Townes's 18th birthday from the estate of Townes's late granduncle, retail magnate Jeffrey Tazoes.

Witnesses for the Plaintiff:

Dr. Leyton Manns, former superintendent of Helios School District

Daelyn Edwards, former member of Athena High School's Computer Science Club, 9/2020-6/2022

Prof. Quincey Roberts, artificial intelligence expert, SUNY at Poseidon

Witnesses for the Defendant:

Sandy Townes, vice president of Athena H.S.'s Computer Science Club 2022-23

Fran Gates, Director of Technology for Helios School District

Jamie King, faculty advisor to Athena H.S.'s Computer Science Club

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STIPULATIONS:

1. All witness statements are sworn and notarized.
2. All items of evidence are eligible for use at trial, following proper procedure for identification and submission.
3. Trial of this case has been bifurcated. The only issue to be tried is whether Defendant Sandy Townes is liable to Plaintiff Leyton Manns for the cause of action of libel. Should Sandy Townes be found liable, a trial as to the damages sustained by Dr. Leyton Manns as a result of such libel will ensue at a later date.
4. No elementary school was slated to be built in the Helios School District in academic years 2022-23 or 2023-24.
5. All officers of the Computer Science Club were deposed and did not deny that a QuikChat post was made on June 22, 2023, but do not recall what was written in the chat.
6. The screenshot exhibits are from the video posted on RicRoc on April 1, 2024, purporting to be an alleged bribery in progress.
7. The words in the audio transcript were taken from the audio recording.
8. The picture exhibit of the flash drive is to be treated as the actual flash drive the District Attorney's investigator retrieved from Sandy Townes. Parties to the competition are not to refer to the exhibit as a "picture of Sandy Townes's flash drive, but rather as the actual hardware flash drive capable of being inserted into a USB port of a computer." No chain of custody issues regarding the flash drive is to be raised.
9. The excerpts from the School District Budget are all of the information relevant to this competition.
10. No other stipulations shall be made between the plaintiff and the defendant, except as to the admissibility of evidentiary exhibits provided herein.

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STATE OF NEW YORK
SUPREME COURT : COUNTY OF CHRONOS

LEYTON MANNNS,

Plaintiff,

v.

VERIFIED COMPLAINT

Index No. 2024-07526

SANDY TOWNES,

Defendant.

Plaintiff Leyton Manns, by and through their attorneys, Napoletano & Sweet LLP, alleges as follows:

1. Plaintiff Leyton Manns (“Plaintiff”) and Defendant Sandy Townes (“Townes”) reside in the Town of Poseidon, County of Chronos, State of New York.
2. Venue is proper in this action, pursuant to Article 5 of the New York Civil Practice Law and Rules (“CPLR”).
3. From about September 1989 through August 2004, Plaintiff was employed as a teacher at Athena High School in the Town of Poseidon.
4. From about September 2004 through August 2006, Plaintiff served as an assistant superintendent of the Helios School District in Poseidon.
5. From about September 2006 through July 2023, Plaintiff served as superintendent of the Helios School District.
6. In November 2016, Plaintiff was elected to a four-year term on the Chronos County Legislature. Plaintiff was re-elected to another four-year term on the county legislature in November 2020.
7. In late October 2022, Plaintiff announced their intention to seek election to the New York State Senate, the seat to be filled by the winning candidate in the November 2024 election. Polling done by Plaintiff’s campaign as late as October 2022 demonstrated that they held a significant lead over any other potential candidate for this State Senate seat.

8. On April 1, 2024, at approximately 1:00 PM, a video was posted on the popular Internet site, RicRoc, appearing to show Plaintiff accepting a \$50,000 bribe from an unnamed building contractor in 2022.

9. On April 2, 2024, an audio recording was posted on the social media platform Seddit, containing disturbing comments about students, parents, teachers, principals and others, all comments having been made in Plaintiff's distinctive voice.

10. On April 3, 2024, the Chronos Chronicle, a publication of general circulation in Chronos County, published a front-page, above-the-fold print story, as well as a breaking news bulletin online, about the RicRoc video and the Seddit audio recording, amplifying the story.

11. In the Sunday, April 7, 2024 edition of the Chronos Chronicle, the editorial board called upon Plaintiff to not only exit the race for the state senate seat, but to also resign from the county legislature.

12. Defendant Townes produced the deepfake video and the deepfake audio recording.

13. Defendant Townes posted the deepfake video and the deepfake audio recording on the Internet sites to harm Plaintiff and Plaintiff's campaign for the State Senate.

14. In the morning of April 30, 2024, the Chronos County Sheriff received a report from its outside expert, Professor Quincey Roberts, of the State University of New York at Poseidon that found that the video and the audio recording were artificially generated and are "deepfakes." No criminal charges were sought against Plaintiff, the report submitted to the County Sheriff having fully exonerated Plaintiff.

15. As a result of the dissemination of the deepfake video and the deepfake audio recording, Plaintiff's reputation suffered considerably in that:

- (i) People lost interest in helping Plaintiff's campaign;
- (ii) Campaign funding raising ceased;
- (iii) Paid staff were let go; and
- (iv) Volunteers stopped showing up.

16. After consultants advised Plaintiff that Plaintiff had little to no chance to win the primary or the general election, even with the favorable report, Plaintiff suspended their campaign and campaign headquarters were shuttered in the late afternoon on April 30, 2024, two weeks before the primary.

AS AND FOR A FIRST CAUSE OF ACTION

17. Plaintiff repeats and realleges paragraph 1 through 16 of this Verified Complaint.

18. The video, produced and distributed by Defendant, was categorically false.

19. In disseminating the video without a disclaimer that the contents of the video were false, Defendant acted recklessly.

20. In producing and disseminating the fake video, Defendant acted with malice, in retribution for Plaintiff, as Superintendent of Helios School District, removing the line item for the Athena High School's Computer Science Club from the school district's budget.

21. The audio recording, produced and distributed by Defendant, was categorically false.

22. In disseminating the audio recording without a disclaimer that the contents of the video were false, Defendant acted recklessly.

23. In producing and disseminating the fake audio recording, Defendant acted with malice, in retribution for Plaintiff, as Superintendent of Helios School District, removing the line item for the Athena High School's Computer Science Club from the school district's budget.

24. In disseminating the fake video and the fake audio recording, Defendant defamed Plaintiff, who suffered resulting damages, including, but not limited to, loss of reputation in the community, and loss of the opportunity to serve as a member of the New York State Senate.

WHEREFORE, Plaintiff demands relief and judgment in an amount sufficient fairly and justly to compensate Plaintiff for all damages incurred on account of Defendant's defamation as described herein; and such other, further, and different relief as may be just, equitable, and proper, including, but not limited to, an award of fees, costs, and disbursements incurred by Plaintiff to prosecute this action.

Dated: Poseidon, New York
May 20, 2024

NAPOLETANO & SWEET LLP

By **C. Lewis Richards, Esq.**
C. Lewis Richards, Esq.
Attorneys for Plaintiff
1789 Civics Center Way
Poseidon, New York 11111
Tel. (555) 555-5495

STATE OF NEW YORK
SUPREME COURT : COUNTY OF CHRONOS

LEYTON MANNNS,

Plaintiff,

v.

VERIFICATION

Index No. 2024-07526

SANDY TOWNES,

Defendant.

STATE OF NEW YORK)
)ss.:
COUNTY OF CHRONOS)

LEYTON MANNNS, being duly sworn, deposes and says that they are a Plaintiff in this action; that they have read the foregoing Verified Complaint and knows the contents thereof; that the Verified Complaint is true to their knowledge, except as to matters alleged upon information and belief, and as to those matters, they believe them to be true.

Dr. Leyton Manns

Leyton Manns

Sworn to before me on this
20th day of May 2024.

MacKenzie Fox

Notary Public

LEYTON MANNNS,

Plaintiff,

v.

VERIFIED ANSWER

Index No. 2024-07526

SANDY TOWNES,

Defendant.

Defendant Sandy Townes, by and through their counsel, Nichol & Dimer P.C., answers the Verified Complaint (“Complaint”) of Plaintiff Leyton Manns as follows:

1. Defendant admits the allegations in paragraphs 1, 6, 10, and 11.
2. Defendant denies the allegations in paragraphs 12, 13, **and 17**.
3. Defendant denies knowledge or information sufficient to form a belief as to the truth **of the** allegations in paragraphs 3, 4, 5, 7, 8, 9, 14, 15, and 16.
4. The allegations in paragraph 2 draw a legal conclusion to which no response is required.
5. With regard to the allegations in paragraph 18 of the Complaint, Defendant denies that Defendant produced and/or distributed a certain video and denies knowledge or information sufficient to form a belief as to the remaining allegations paragraph 18.
6. With regard to the allegations in paragraph 19 of the Complaint, Defendant denies that Defendant acted recklessly in disseminating a certain video and denies knowledge or information sufficient to form a belief as to the remaining allegations paragraph 19.
7. With regard to the allegations in paragraph 20 of the Complaint, Defendant admits that Plaintiff, as Superintendent of Helios School District, removed the line item for the Athena High School’s Computer Science Club from the school district’s budget, but denies the remaining allegations paragraph 20.

8. With regard to the allegations in paragraph 21 of the Complaint, Defendant denies that Defendant produced and/or distributed a certain audio recording and denies knowledge or information sufficient to form a belief as to the remaining allegations paragraph 21.

9. With regard to the allegations in paragraph 22 of the Complaint, Defendant denies that Defendant acted recklessly in disseminating a certain audio recording and denies knowledge or information sufficient to form a belief as to the remaining allegations paragraph 22.

10. With regard to the allegations in paragraph 23 of the Complaint, Defendant admits that Plaintiff, as Superintendent of Helios School District, removed the line item for the Athena High School's Computer Science Club from the school district's budget, but denies but denies the remaining allegations in paragraph 23.

11. With regard to the allegations in paragraph 24 of the Complaint, Defendant denies that Defendant disseminated a fake video and/or a fake audio recording and denies knowledge or information sufficient to form a belief as to the remaining allegations in paragraph 24.

AFFIRMATIVE DEFENSES

12. The Complaint fails to state a cause of action upon which relief may be granted.

13. Plaintiff's claim is barred, in whole or in part, by the doctrines of waiver, estoppel, and consent.

14. Plaintiff has failed to mitigate their alleged damages.

15. Any and all alleged losses or damages sustained by Plaintiff were caused by the acts, omissions, or transactions of Plaintiff or third parties.

16. Defendant did not act recklessly in any respect, manner, way, shape, or form.

17. Defendant did not act with malice in any respect, manner, way, shape, or form.

18. Plaintiff's alleged damages are unquantifiable and speculative.

WHEREFORE, Defendant respectfully requests that this Court award judgment, dismissing the Complaint; deny the relief requested therein; award Defendant their costs, interest, disbursements, and attorneys' fees in this action; and grant such other and further relief as this Court deems just and proper under the circumstances.

Dated: Poseidon, New York
June 7, 2024

HUEY & DEWEY LLP

By *Daisy L. Duckworth, Esq.*

Daisey L. Duckworth, Esq.
Attorneys for Defendant
2969 Main Street
Poseidon, New York 11112
Tel. (555) 555-8409

STATE OF NEW YORK
SUPREME COURT : COUNTY OF CHRONOS

LEYTON MANNNS,

Plaintiff,

v.

VERIFICATION
Index No. 2024-07526

SANDY TOWNES,

Defendant.

STATE OF NEW YORK)
)ss.:
COUNTY OF CHRONOS)

SANDY TOWNES, being duly sworn, deposes and says that they are a Defendant in this action; that they have read the foregoing Verified Answer and knows the contents thereof; that the Verified Answer is true to their knowledge, except as to matters alleged upon information and belief, and as to those matters, they believe them to be true.

Sandy Townes
Sandy Townes

Sworn to before me on this
7th day of June 2024.

Ethan Mendragon
Notary Public

**AFFIDAVIT OF DR. LEYTON MANNS
PLAINTIFF**

1. My name is Leyton Manns, and I am 57 years old. I reside with my spouse at 250 Harriman Way in Poseidon, New York.

2. My roots run deep in this community, having graduated from Athena High School in Poseidon in 1985. I earned my Bachelor of Science degree, *magna cum laude*, from the State University of New York at Poseidon in 1989. That fall, I was fortunate to begin my career in education as a ninth-grade history teacher at my *alma mater*.

3. During most of the 1990s, while still teaching history at Athena High, I attended classes part-time at Cornell University, where I eventually earned my doctorate in educational administration in May 1999. My dissertation was entitled “*Overhauling Public School Funding in Light of Decreasing Budgets and the Clamor for Higher Student Achievement*,” which foreshadowed the tough decisions I’d face later in my career. I had been hoping to transition from teaching into an administrative career, and an opportunity opened up in Spring 2004, when the school district’s assistant superintendent for finance and personnel abruptly retired. The then-superintendent, with whom I had established a fairly cordial relationship, urged me to apply for the position. I was offered the position and began serving as one of the district’s assistant superintendents in September 2004.

4. As the assistant superintendent for finance and personnel, my primary charge was overseeing the district’s budget. It was eye-opening seeing the excessive spending and the waste of scarce resources by some of the schools. I pledged to reign in some of this abuse. Needless to say, you don’t make many friends when as budget director you have to say “no” sometimes.

5. In May 2006, the superintendent, after serving the school district for more than 35 years in various capacities, decided to retire. So, I decided to throw my hat in the ring. After a rigorous application process requiring several interviews, the Helios School Board selected me as the new superintendent of the Helios School District (HSD), effective September 1, 2006. In the words of the Board’s resolution appointing me to that position, I had fulfilled my duties as a teacher and as an assistant superintendent with the “highest degree of character.”

6. Although I thoroughly enjoyed most aspects of my job as superintendent, my favorite part was the opportunity to interact with students and teachers. While I needed to be an effective administrator and a fair disciplinarian in my job, I took pride in balancing my role as an administrator with staying approachable. I greeted students, teachers, and parents with a smile and a “hello”—even though my decisions, particularly on budgets, weren’t always well-received. I’ve always been a big booster of all the schools of the district, especially Athena High. My office door was always open. In fact, it was one of these parents at Athena High, George White Parker, who proposed to me in 2015 that I consider

running for office with his financial support. After conferring with my family, I decided to give politics a try. With the help of George and so many other devoted donors and volunteers and my popularity in the HSD as an effective superintendent, I was able to win election to the Chronos County Legislature in 2016 over an entrenched 20-year incumbent. This new position only required a part-time commitment, which allowed me to continue serving as superintendent of HSD. Besides, I can kill two birds with one stone: to serve the constituents of my legislative district and to accumulate extra time credits that would eventually enhance my New York State retirement pension.

7. For what I considered as a reward for a job well done on the county legislature, I won re-election to the legislature in 2020 with over 70% of the vote. After this victory, several of my supporters asked that I consider seeking higher office. When the local New York State Senator announced in early September 2022 that he would not seek re-election at the conclusion of his term in December 2024, I engaged a consulting firm to do polling on my name recognition and popularity. When the results of public opinion polls conducted on my behalf in late September 2022 and mid-October 2022 showed that I was substantially ahead of other potential challengers and that I would likely win the Senate race, I announced my candidacy and set out to campaign vigorously for the 2024 election. In order to focus full-time on the rigors of a State Senate campaign, I informed the Helios School Board in November 2022 that I would retire from my position as superintendent on July 31, 2023.

8. Based upon my intended platform to slash New York's out-of-control spending and to cut taxes, I was confident that I would win election to the State Senate on November 5, 2024. Yet the opportunity to achieve this goal was dashed by the lies and distortions of a self-serving wannabe computer hacker Sandy Townes.

9. My whole problem with Townes began not long after I was re-elected to the county legislature. In September 2021, unidentified student members of the Computer Science Club started producing computer graphics making fun of me. **Three of the images I printed out were portraying me as a clown, a crying baby, and a donkey, respectively.** At first, the graphics did not bother me. But then they started appearing month after month and were becoming increasingly juvenile, vile and tawdry. The images stopped when the school year ended in June 2022. I'm sure Townes, a member of the computer club, had a big hand in this shameful activity. I gave my attorneys **the three disgusting images I had printed out.**

10. Having put in my notice of resignation, my final major task as superintendent was finalizing the school district budget for academic year 2023-24. As with most years, it is an administrative challenge setting the budget for each school in the district. Because of the poor economy due in part to the significant shortfall in tax revenues, I had to make huge cuts at most of the schools. For example, after receiving and reviewing the proposed budget from the principal at Athena High, I cut the funding for the Computer Science Club. I don't believe I completely eliminated any other program in the District. We just trimmed around the edges for other programs in the District, like our well-regarded Athena High Mock Trial Team. I gather the CSC students were not all too happy with the cut. Well, that's too bad! Frankly, after the tasteless way they ridiculed me with their terrible graphics, I felt perfectly justified. Besides, those ungrateful CSC students could now spend their time on other more productive pursuits.

11. For the budget year 2023-24, I was required by the school board to have the budget finalized by July 1, 2023. I sent out the proposed budget to the schools on June 1, 2023. Any appeals from the schools were required to be in written form and received by me on or before June 15, 2023. Townes, a member of the CSC, sent me a note dated June 13, 2023, asking me to restore the funding to the computer club. I met with Townes in my office on June 20, 2023. Townes proceeded to tell me how important the CSC was to Townes, to the other members, and to the school itself. Townes claimed the CSC has allowed its members to gain cutting-edge programming skills and helped many of them to get into prestigious colleges and universities around the country. In response, I said, "That's fine and dandy." I then proceeded to ask as pleasantly as I could for the names of the students who produced and distributed those disturbing graphics about me. At first, Townes, speaking in a halting voice suggesting that they were trying to make up a lie, claimed not to know anything about the graphics. Then Townes tried to assure me that Townes was not part of that fiasco, and that Townes did not know those who were involved. Townes asked what do the graphics have to do with funding for the CSC and demanded that the funding be restored. I then said, "Look here you little miscreant, you and your cohorts should have thought about that before posting those graphics. There will be no funding for the CSC under my watch!" Townes said something along the line that it was unfair to blame the whole computer club for the action of a few. In response, I said, "Just chalk it up as a lesson well-learned." Before storming out of the meeting, Townes said in a very hostile and threatening manner that, "I am sorry you feel that way. A lot of students are being hurt by your actions and situations like this don't always end very well!" I later learned from my attorneys that Townes had recorded our conversation using Townes's mobile phone.

12. I finalized the school district budget, which included the budget for Athena High, on June 30, 2023. The school board approved my proposed budget as submitted. Happily, funding for the Athena H.S. Computer Science Club had not been restored by the school board. I retired, as planned, on July 31, 2023. The interim superintendent had pledged to me that the district's 2023-24 budget would not be changed in any way.

13. On August 5, 2023, my campaign for the state senate legislature commenced in earnest. The campaign was off to a great start. Internal polling done by my campaign in November and December of 2023 showed that I had a double-digit lead over the nearest competitor in the primary election. Those polls also showed that I was even trending upward. In this part of the state, anyone in my political party that wins the primary always prevails in the general election. While I gently cautioned my campaign team not to "pop the cork" this early, I was, nevertheless, very confident that winning the seat was nothing less than a foregone conclusion.

14. My campaign was running on all cylinders, as we were gearing up for the May 14, 2024 primary. Then suddenly, on April 1, 2024, at approximately 1:00 PM, a video was posted on the popular Internet site, RicRoc, appearing to show me accepting a \$50,000 bribe from a building contractor in 2022. In the video, I supposedly tell the contractor that the money just earned the contractor the contract to build the new elementary school building. In a muffled, voice-over message, someone says, "This is your former superintendent and state senate candidate hard at work, lining their pockets." First, there is nothing in the 2023-24 budget,

the last one I prepared, for the construction of a new elementary school building. In fact, because of our declining school-age population, we have not built an elementary school building in ten years.

15. On April 2, 2024, my voice is in an audio recording, posted on the social media platform SeddIT, making disturbing and disparaging comments about students, parents, teachers, principals and others in the school district. I, of course, knew that the audio recording and the video were fakes, but it goes without saying that these posts were devastating to my campaign. My thought right away was that this is the work of Sandy Townes. Townes had captured the sound of my voice and my image perfectly. I'm sure any one who saw the video and/or the audio recording believed the person speaking was I.

16. The backlash against me as the result of the video and the audio mash-ups was swift and relentless. On Wednesday, April 3, 2024, the Chronos Chronicle published a front-page, above-the-fold print story, as well as a breaking news bulletin online, about the RicRoc video and the SeddIT audio recording, amplifying the story. Local elected officials and community leaders were quoted in the story expressing their shock and horror at seeing what they believed I had done and hearing what I had allegedly said. In the Sunday, April 7, 2024 edition of the Chronos Chronicle, the editorial board called upon me to not only exit the race for the state senate seat, but to also resign from the county legislature.

17. The timing of these releases was no coincidence. Daelyn Edwards, who was secretary of the CSC in academic year 2021-22, met with me on April 8, 2024, and confirmed that the audio recording and the video were fakes. Edwards told me that they saw a message on QuikChat on June 22, 2023, from Townes who was vice president of the Computer Science Club in academic year 2022-23. According to Edwards, the message was to the executive committee of the club sometime in late June 2023 just before the end of academic year 2022-23 promising to make Superintendent Manns pay dearly for defunding the computer club. Edwards told me that Townes wrote in the message that there might be some "nice" RicRoc videos released about the superintendent in the near future and maybe even some "juicy" audio recordings. Edwards also said the QuikChat message contained a statement to the **effect** that no one would vote for me after seeing the RicRoc **video** and hearing the SeddIT audio recording. So, Townes knew that the fake audio recording and the fake video would hurt my campaign. That's why Townes did it. So malicious! It was payback for me shutting down the computer science club.

18. On April 10, 2024, I then asked the county sheriff to investigate the matter. The director of the Chronos County Crime Lab called upon Dr. Quincey Roberts, a computer science professor at the State University of New York at Poseidon, to lead the investigation. In a report submitted to the county sheriff on April 30, 2024, and released to the public on May 9, 2024, Professor Roberts determined that the video and the audio recording were artificially generated and are "deepfakes." I don't understand fully the capabilities of artificial intelligence, but the professor concluded that my image in the video and my voice on the recording were artificially generated. I learned from the professor's report that Townes had secretly recorded our June 20, 2023 conversation. It's amazing how Townes was able to get

the person in the video to look and sound exactly like me. Same for my voice on the audio recording. My attorneys and my campaign advisors reviewed the report in the late morning of April 30 in the District Attorney's Office.

19. While Prof. Roberts's report fully exonerated me, said report arrived too late to save my campaign. With the false information out in the public for almost one month, people lost interest in helping my campaign; campaign **fundraising** ceased; paid staff were let go; volunteers stopped showing up; and campaign headquarters were shuttered in the late afternoon on April 30, 2024, two weeks before the primary. I suspended my campaign after consultants advised me that I had little to no chance to win the primary, not to mention the general election. Spreading disinformation has dire consequences. I think it was Mark Twain who said, "A lie can travel halfway around the world while the truth is still putting on its shoes." It's my understanding that QuikChat messages are automatically deleted permanently after 24 hours. Edwards said that Edwards did not take Townes's QuikChat message seriously at the time and did not make a copy of the message. If only Edwards had copied the chat message and come forward earlier, we could have stopped that devious Townes in their tracks.

20. I know one person who is happy that I ended my campaign, the school district's incompetent Director of Technology, Fran Gates. It's my understanding that Gates does not believe that the computer in Athena High computer club room was used to send out those deepfake disgusting postings about me. I learned from Prof. Roberts's report that metadata in the fake media files suggested they had been created on a computer located at Athena High School. Further investigation by the professor revealed traces of a free VPN program on the computer in the Computer Science Club room. Despite this, **Jamie** King, the club's faculty advisor, and Fran Gates, the district's director of technology, claimed there was no evidence tying Townes to the creation of the media. Well, King is one of those teachers who think that these little smarty-pants brats can do no wrong and go out of their way to protect them. As for Gates, what does Gates know?! Gates showed their incompetence when they botched the new Grade-Track system rollout. Parents and high school seniors were calling me day and night complaining about not getting their grade reports that needed to be sent to college admission offices. Many students lost out on the opportunity to attend their favorite colleges. It was Fran Gates fault, and I unfairly took the heat. All that nincompoop Gates had to do was test the new system before implementing it throughout the district. I wish the school board had fired Gates like I recommended. So, I would take Gates's so-called investigation into the Computer Science Club computer with a grain, no, a barrel full of salt! Gates would say or do anything to get back at me.

21. Sandy Townes's actions against me were committed maliciously and deliberately. Now Townes will pay dearly in the court of law. My attorneys said that even though I am a public figure, we have sufficient facts on our side to show that Townes acted with actual malice in posting that awful video and that shameful audio recording, knowing that they were false. I'm looking forward to receiving a big chunk of that \$2,000,000 bequest Townes got from the estate of Townes's late granduncle on Townes's 18th birthday. I deserve compensation for the harm that Townes's false and reckless posting did to my career and to my reputation in the community. At the very least, I want to make sure that Sandy Townes never hurts another person ever again.

Dated: December 2, 2024

Duly sworn or affirmed

Dr. Leyton Manns

Dr. Leyton Manns

AFFIDAVIT OF DAELYN EDWARDS

1. My name is Daelyn Edwards. I am 19 years old, and currently a freshman at Chronos County Community College in Poseidon, New York. This two-year institution does not provide academic scholarships, so my parents are paying for the full-freight at CCCC, the only college my parents can afford at the present time. In a couple of years, I am hoping to get into SUNY at Poseidon so that I can fulfill my dream of becoming a premier applications computer programmer.

2. Last June, I graduated from Athena High School, in Poseidon, New York. My four years at Athena High were remarkable, but the highlight was my membership in the Athena Computer Science Club, serving first as treasurer during academic year 2020-21 and then as secretary in 2021-22 when I was a sophomore. I would have been vice president of the club in 2022-23 if the election had not been stolen by this arrogant, know-it-all then freshman by the name of Sandy Townes. I served the computer club well for two years straight and deserved the honor of serving as vice president during my junior year. Instead, Townes, I later learned, had secured votes by making all kinds of promises to the club members, like new and faster computers for the club room and field trips to the Microsoft campus, Google, etc. None of these promises were ever to come true. Many colleges and universities put a premium on extracurricular activities, and I believe that had I become vice president of the computer science club, I would have gotten a full ride to SUNY at Poseidon. Now, I just have to wait and hope for the best in two years. Thank you Sandy Townes!

3. On April 1, 2024, when I saw the video posted on the Internet site RicRoc, appearing to show my favorite superintendent, Dr. Manns, accepting a \$50,000 bribe from a building contractor, I thought it was a cruel April Fool's prank. Then, on April 2, 2024, when I heard Dr. Manns in an audio recording, posted on the social media platform SeddIT, making disturbing comments about students, parents, teachers, principals and others associated at Athena High, I knew for sure that the audio recording and the video were deepfakes. I was thoroughly shaken by these occurrences and several days later I remembered seeing a message on QuikChat from Townes to the executive committee of the club sometime in late June 2023 (just before the end of academic year 2022-23) promising to make Superintendent Manns pay dearly for defunding the Computer Science Club. And, if my memory serves me correctly, the QuikChat message also contained a statement to the affect that no one would vote for Manns after seeing the RicRoc video and hearing the SeddIT audio recording. At the time, I thought it was just Townes blowing off some steam. I did not think at the time that Townes would actually go through with it. I kick myself now that I did not make a copy of the message. QuikChat deletes messages automatically after 24 hours.

4. On April 8, 2024, after reading the April 7th editorial in the Chronos Chronicles calling upon Dr. Manns to withdraw from the state senate race and to even resign from the county legislature, I reached out to the county sheriff's office. I told the sheriff's investigator that the two postings were deepfakes. I told them about the QuikChat messages from Townes to the executive committee of the Athena High computer science club and about Townes's statement in the message that "there might be some 'nice' RicRoc videos released about the superintendent in the near future and maybe even some 'juicy' audio recordings." I told the sheriff's investigator

that I was not on the executive committee at that time and that my receipt of the QuikChat message was apparently a mistake.

5. When I learned that Prof. Quincy Roberts, the expert working with the District Attorney and the county crime lab on this matter, intended to examine the computer in the computer club room, I remembered seeing Townes on April 1, 2024 at about 12:55 PM coming out of the computer club room in a rush. I was trying to make conversation with Townes, but it did not look like Townes wanted to talk at that time. In fact, Townes asked me what time it was. I told Townes it was 12:55 PM. That's why I can remember the exact time of our encounter. Townes then said, "I can't talk right now because I have to get to my 1:00 calculus class." I don't know how long Townes was in the computer club room. Our lunch period every day starts at 12 Noon, and I did not see Townes in the cafeteria on April 1, 2024.

6. I also told the investigator about seeing Townes and a couple other students in the computer science room sometime in late October 2021 making computer graphics poking fun at Superintendent Manns. I don't know the other students, but **Townes** appeared to be the ringleader. I looked at the graphics, which would often be posted on the District's electronic community bulletin board, and told Townes I did not find them clever or funny. Townes just shrugged it off and told me to go away and mind my own business. Over time, the graphics about the superintendent became increasingly crude and vile. I was sure the superintendent was not happy with what Townes was doing. I did not say anything because if the superintendent found out the graphics were made on computers in the computer science club room, there would be serious consequences. I would not want the computer club shut down because of Townes's clownish actions. If Townes would stoop to making those disgusting graphics, it's not a great leap to believe that Townes produced that video and that audio recording. It's just in Townes's nature. Townes has to have it their way.

7. I have heard Townes brag all the time about how well Townes understands generative AI and about the A+ Townes got on a paper assignment in Jamie King's class on that topic and went out of the way to let everyone know. Townes and I were both in Jamie King's AP computer science course in spring semester 2023. The title of Townes's paper was "The Perils of Generative AI: How AI Can Produce New Text, Images, Video, and Audio Files," a real suck-up to the teacher. I wrote a very impressive paper entitled "The Future of Generative AI and How to Prevent Malicious Abuse," but only received a B-. Jamie King does not like me because I am not a sycophant like Townes. It doesn't really bother me that Townes got an A+. I just wish Townes was not in your face bragging about it.

8. Anyway, Townes has shown some mastery in using generative AI. So, there is no question in my mind that Townes was very capable of producing that awful audio recording and that simply disgusting video. The investigators in the sheriff's department are experts in computer forensics and they will be able to tie all this back to Townes at trial.

9. I am off to college now and I have moved on from my dislike of Sandy Townes. But what Townes did to Manns is unforgivable. Townes ruined the career of an honest and noble public servant, Dr. Manns, for Townes's own selfish needs. To post something that you know to be false and believe will hurt someone is just devious and malicious. Townes should be

ashamed of themselves and I look forward to testifying and assisting Dr. Manns in getting justice. One day, Townes will get what's due to them. I will help see to that.

Dated: December 5, 2024

Duly sworn or affirmed,

Daelyn Edwards

Daelyn Edwards

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AFFIDAVIT OF PROF. QUINCEY ROBERTS

1. My name is Quincey Roberts, and I am 46 years old. I am a Professor of Computer Science at the State University of New York at Poseidon. I earned my Bachelor of Science degree in mathematics from New York University in 2000. My master's in mechanical engineering and my Ph.D. in computer science were earned at Columbia University in 2006 and 2008, respectively. My Ph.D. thesis is entitled, "Theoretical Analysis of Artificial Intelligence in Human-Factored Systems Design Overlaying Contemporary Distributed Multiagent AI Transformative Technologies."

2. My academic research and teaching to graduate level students cover many aspects of artificial intelligence (AI), including task division, algorithmic game theory, and distributed AI. I've written two books on artificial intelligence: *Artificial Intelligence and the Future of Machine Learning* (University Press, 2019) and *Forensic AI* (Underground Books, 2022). I have spoken at numerous computer technology conferences on the benefits and hazards of artificial intelligence. I have testified for the prosecution in both state and federal court five or six times over the past seven years. I have never testified on behalf of criminal defendants. My usual fee is \$500.00 per hour out-of-court and \$700.00 per hour in-court. In this matter, I expect to bill the county approximately \$13,000, the final amount dependent upon the number of hours I will testify in court.

3. Because of my expertise in AI, I was asked by the Chronos County Sheriff's Department and the county's crime lab to determine whether a video showing someone appearing to take a bribe was a fake as the suspect so claimed. I was also asked to examine an audio recording that has someone who sounds like Dr. Manns making disparaging remarks about people associated with Athena High School. As with the video, the belief is that the audio recording may also be a fake. The crime lab and I determined that the video and the audio recording contained metadata suggesting that the two mediums may have been produced on a computer located at Athena High School. I went to Athena High on April 18, 2024 to start my investigation. I focused on the computer in the Computer Science Club because the sheriff's department had learned that Sandy Townes, a former member of the computer club, had secretly recorded a conversation Townes recently had with Dr. Manns. An investigator in the sheriff's department, who had confiscated a flash drive from Townes that contained the recording of the meeting, gave the flash drive to me on April 16, 2024, several days before my visit to the school.

4. I carefully examined the computer to see if there was any evidence that the video and the audio recording were sent from this computer. I noticed that there were some trace files in the computer's trace memory hidden system folder linked to MySecretVPN with a date stamped of April 2, 2024. Anyone trying to hide their identity or what they were doing when using a computer will use a VPN like MySecretVPN. I've learned from tech magazines that MySecretVPN is ubiquitous among hackers and high schoolers. In addition, I believe that the perpetrator did not use their cellphone or their own home computer so as to maintain plausible

deniability. It's my understanding that the school does not permit the use of VPNs on computers used by students. MySecretVPN is one of those free apps that is easy to download and install. After completing whatever activity the student had in mind, the student would easily uninstall the app to cover their tracks. When MySecretVPN is uninstalled, some of the remnants of the program will go into the trace memory hidden system folder in case there is a system crash. The data logs in the trace memory hidden system folder are designed to assist in recovery of the computer. I can say with absolute certainty that someone used MySecretVPN on April 2, 2024, and probably on April 1, 2024, as well.

5. What was actually sent on each of the two dates is the real question. I examined the metadata associated with each of the two documents (video and audio recording) and the metadata show that the two documents were created on a computer owned by the Helios School District. Someone would need to have administrative privileges in order to change the owner's name of the computer. Putting two and two together, I can say to a reasonable degree of scientific certainty that the documents were sent from a computer located at Athena. I'm fairly certain that the documents were sent from the computer in the computer club room because someone was trying to hide what they were doing in that they went through great efforts to install a VPN and soon thereafter uninstalled the VPN.

6. In a report submitted to the county sheriff on April 24, 2024, I determined to a high degree of scientific certainty that the video and the audio recording were artificially generated "deepfakes." The deepfakes, also known as synthetic media, are created, using artificial intelligence (AI) algorithms. As I stated earlier, I was given Sandy Townes's flash drive that contained the voice recording of the conversation Townes had with Dr. Manns. Someone like Townes, who has generative AI and machine-learning capabilities, can map another person's voice and speech pattern from just a minute or two of the person's previously recorded voice. Having carefully observed the facial expressions and body movements of the figure in the video purporting to be Dr. Manns, I've concluded that the video was a fake. The spoken words did not match up with Dr. Manns's lip movements. Similarly, the audio recording is also a deepfake. The voice on the audio appeared to be somewhat slurred and rather flat. Although generative AI has improved significantly, it is far from perfect at this point in time.

7. All indications point to Sandy Townes as the perpetrator of these hoaxes. Townes admitted to the DA's investigator that Townes uses MySecretVPN. I suspect Townes did not use their own home computer or laptop because these cheap VPNs like MySecretVPN can sometime fail, leaving the user exposed. I'm sure a smart computer geek like Townes was aware of the vulnerabilities of MySecretVPN. So, it makes sense that Townes would use the computer science club computer. More importantly, Townes is well-versed in generative AI. Townes had a recording of Dr. Manns's voice on a flash drive. The investigator learned from Daelyn Edwards that Edwards saw Townes exiting the computer club room on April 1, 2024, at around 12:55 PM. The investigator also learned that Townes was seen by teacher Jamie King trying to enter

the computer room on April 2, 2024, at around 9:55 AM. When the teacher inquired about Townes's attempted entry into the computer club room, Townes stated that They were looking for someone and then abruptly turned around and left. No doubt Townes knew that teacher King taught a 9th grade computer science class from 10:00 AM to 10:50 AM. Since Townes had study hall during that time period, they had ample time to return to the computer club room and post the offending audio recording.

8. I was made aware that Sandy Townes had authored a paper on AI for their AP computer science course. I looked at the paper and was very impressed with Townes's depth of knowledge of generative AI. Townes's expertise in the area is superior to many of the graduate students I teach at the university. There's no doubt in my mind that Townes has the proficiency to produce the deepfake video or the disturbing audio recording. It's not just foreign governmental operatives producing this fake garbage. Shamefully, it is also high schoolers like Townes.

9. There is no truth to the rumor that I have it in for Sandy Townes. It is true that after graduating from NYU, I helped Townes's granduncle Jeff Tazoes come up with the concept of Tamazon, a new e-commerce business model and innovative approach to merchandising. For two years, we worked together to build the enterprise. Jeff was a bit older than me, and I considered Jeff to be a mentor. Our business relationship was informal. Just as Tamazon was about to go public in April 2004, Jeff nudged me out with just a paltry low, six-figure severance. That's when I decided to go back to school and pursue my master's and Ph.D. If I had stayed with the enterprise, I would be a multi-billionaire by now. I am certainly mad as hell about that. Who wouldn't be!? I could have sued and likely would have won big, but decided not to because such litigation could drag out and I just wanted to get on with my life. Jeff always thought he could do whatever he wanted to do towards people and managed most of the time to get away with it. I have nothing against Sandy Townes, but as the old sayings go, "The apple does not fall far from the tree" and "Like uncle, like nibbling." This all has to stop! We don't need another generation of selfish, self-absorbed people who think they can do anything they wish to hurt others.

Dated: December 11, 2024

Duly sworn or affirmed

Prof. Quincey Roberts, Ph. D.

Prof. Quincey Roberts, Ph. D.

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AFFIDAVIT OF SANDY TOWNES DEFENDANT

1. My name is Sandy Townes. I reside at 543 South Percy Street in Poseidon, New York. I was born on October 15, 2006, and am now 18 years old. I am a senior at Athena High School. I can hardly wait for the 2024-25 school year to end so that I can go off to college and study my real passion: computer programming and computer technology with a focus on artificial intelligence. I have always been fascinated with computers. My parents tell me that when I was just 14 months old, I had my own tablet and knew how to manipulate the buttons to play cartoon videos. I'm looking at some of the big schools in technology, like MIT, CalTech, etc. I certainly can afford to go to any college or university now because of the two-million-dollar inheritance I received from my late granduncle Jeff Tazoes, a retail magnate, when I turned 18. That's if I don't lose it all to this two-faced former superintendent turn corrupt politician, Leyton Manns, who is suing me for libel. Really?!

2. This whole thing started back in June 2023 when we all learned that Athena's Computer Science Club (CSC) was being cut from the 2023-24 school budget. I was vice president of the club during the 2022-23 academic year and sought to have a meeting with Supt. Manns to reconsider funding the computer club. In April 2023, I was elected president of the club for academic year 2023-24. So, I sent the superintendent a written note requesting a meeting. Manns agreed to meet with me on June 20, 2023. Prior to the meeting, I was told by close associates to be careful with Manns. They said Manns tries to come off as nicey-nicey, but in reality Manns is cunning, ruthless, and power-hungry.

3. At the June 20th meeting, I proceeded to tell the superintendent how important the computer club was to me, the other club members, and the school itself. I told Manns about how the club assists members in developing their computer skills and that this has led many club members to go to college to further develop their skills, leading to rewarding careers in the computer industry. Well, out of the blue, Manns started asking me about some computer-generated graphics produced by unidentified student members of the Computer Science Club that ridiculed the superintendent following Manns's re-election to the county legislature. Manns said the graphics, which were posted on the District's electronic community bulletin board, were insulting and pressed me to reveal the names of the students who had produced them. I was aware of the graphic images, but I told Manns that I had nothing to do with that activity. I then asked the superintendent to restore the computer club funding. Manns said something along the lines that, "The club members should have thought about that before producing the insulting graphics." My retort was that it is unfair to blame the whole computer club for the action of a few. The superintendent then said, "Just chalk it up as a lesson well-learned." Growing increasingly angry, I said, "I am sorry you feel that way. A lot of students are going to be hurt by your actions and situations like this don't always end very well." I then left the meeting. Unbeknownst to the superintendent, I had recorded the conversation using my cellphone.

4. The 2023-24 academic year started September 3, 2023, the day after Labor Day as usual. Not usual was not having our computer club at Athena for the first time in decades all because of a thin-skinned former superintendent. All of the computers were removed from the computer club room except for one. Former club members, like me, could enter the room and use the computer during free periods. Some of us former members would still gather in the club room to reminiscence about the fun times there. Every former club member I've talked to is miffed at what Manns had done. Although Manns **was** high up in the polls **at the time**, we **were** all hoping they **would** lose the election to the State Senate. I would not be

surprised if some former club members tried to do something to make that happen. We were all mad enough to do anything.

5. Luckily, I am still able to work on my artificial intelligence (AI) computer skills using the high-tech computer software that is on the one remaining computer. Last year when AI was all the talk in the popular media and in corporate suites, I wrote a paper for my AP computer science course, taught by Jamie King, entitled “The Perils of Generative AI: How AI Can Produce New Text, Images, Video, and Audio Files.” I received an A+ on the paper because I was able to go in-depth on the topic and show examples of how to manipulate old content to make new content. It’s very scary, and Jamie King and I agree that Congress needs to move quickly to regulate the use of this dangerous tool.

6. On April 1, 2024, at around 2:30 PM, I stopped by the former computer club room and saw several students huddled around the computer. They were talking about a video, posted on the popular Internet site, RicRoc, appearing to show Superintendent Manns accepting a \$50,000 bribe from a building contractor in March 2022. In the video, Manns could be heard telling the contractor that the money just earned him the contract to build the new elementary school building. At the end of this short video, someone in a muffled voice said, “This is your superintendent and state senate candidate hard at work, lining their pockets.” All of my friends in the computer club were shocked by what they saw in the video and showing how prescient I was I smiled and said, “I always knew Manns was a scoundrel and that it would be revealed to the public someday.” Prescient indeed!

7. On April 2, 2024, another shoe dropped on Manns’s head. This time it was an audio recording, posted on the social media platform Seddit, where Manns is heard making disturbing comments about students, parents, teachers, principals and others, all comments made in Superintendent Manns’s distinctive voice. With this revelation, I was starting to think that this could lead to the demise of Manns. Nothing but smiles and high-fives around the old computer club room.

8. My excitement at the prospect that we were on the doorstep of Manns’s demise was short-lived when I received a visit at home from an investigator of the Chronos County Sheriff’s Department on April 15, 2024, right after school. Apparently, Manns was pointing the finger at me as the person who posted the video and the audio recording. The investigator inquired about the meeting I had with Manns. I acknowledged the meeting took place. She then asked me whether I had recorded the meeting. I was tempted to say no, but then remembered I had bragged about the secret recording to 3 or so computer club members. My bad! The investigator must have gotten to them. So, I told the investigator that I made the secret recording on my cell phone and later copied it to a flash drive. She asked for the flash drive. Without thinking, I gave it to the investigator. Big mistake!

9. Before leaving my house, the investigator startled me by asking whether I use a VPN. The question was right out of left field, and I hesitantly said yes. She then asked me the name of the VPN. I said MySecretVPN and told her that all the highschoolers I know use that VPN because the basic version of the app is free to use. I didn’t tell her that the free version I use is not very secure. You must be very careful when and where you use it because it could fail and leave the user’s IP address exposed to the deep web and law enforcement. Nevertheless, MySecretVPN can be downloaded quickly and installed easily. The uninstallation is also quick and easy. I did tell the investigator that I like MySecretVPN because it is easy to use. Snarkily, she said hackers like it too. I just said, “Whatever.”

10. It was reported in the May 1, 2024 online edition of the Chronos Chronicle that Manns had suspended the state senate campaign and was dropping out of the race. I read the news article with glee and enormous satisfaction as Manns got what they deserved.

11. My glee as with my earlier excitement was short-lived when I read in the May 10, 2024 edition of the Chronos Chronicle that the sheriff's department had issued a report that the RicRoc video and the SeddIT audio recording were deepfakes, that they were made by someone with excellent generative AI skills, and that the audio recording and the video originated on a computer at Athena High School. Manns learned that I had secretly recorded our conversation, that I know how to make deepfake audio recordings and videos, and that I may have had a vendetta against Manns. All of that may be true, but I did not produce those items. I'm being sued for something I did not do. We'll see Manns in court.

12. My lawyers have learned through pre-trial discovery that Daelyn Edwards claims that I sent a message on QuikChat to the executive committee of the computer club sometime in late June 2023, just before the end of academic year 2022-23, promising to make Superintendent Manns pay dearly for defunding the computer club. The executive committee is composed of the president, vice president, secretary, treasurer, and parliamentarian.

Elections for positions in the club are held in April of the preceding academic year.

Eighth graders who are interested in computers and are planning to attend Athena High can run for office. So, in April 2021, I ran for treasurer and won, much to

everyone's surprise! Then in April 2022, when I was a freshman and, **of course,** treasurer of the computer **club,** I won the position of vice president of the club for academic year 2022-23 over Edwards, who at the time was a sophomore and secretary of the club. Edwards has held a grudge against me ever since losing the election, especially the notion of a sophomore losing to a freshman. Anyway, as everybody knows, QuikChat messages are automatically deleted within 24 hours of delivery. My attorneys have learned that Edwards does not have a copy of this so-called bombshell QuikChat message. Besides, Edwards was not a member of the executive committee **when I sent the message.**

13. Edwards will say anything to get back at me. It's my understanding that Edwards has even told the investigator for the District Attorney that Edwards saw me making cartoon graphics about Manns. I don't recall ever talking to Edwards about computer graphics. Besides, I try to talk to Edwards as little as possible. Edwards has told anyone who would listen that I unfairly won the election, and that had Edwards become vice president of the computer science club, Edwards could have parlayed that into getting a full ride to SUNY at Poseidon. Instead, as it turned out, Edwards went to Chronos County Community College, the only college Edwards's family could afford.

14. To be clear, I did send a QuikChat message sometime in the afternoon on **June 22, 2023,** the last day of school, to thank the executive committee members for all of their hard work during the past year. The claim that Edwards allegedly made to the DA's investigator that my QuikChat message contained a statement that "there might be some "nice" RicRoc videos released about the superintendent in the near future and maybe even some "juicy" audio recordings" is preposterous. Equally preposterous is Edwards's baseless assertion that my QuikChat message also contained a statement to the **effect** that no one would vote for Manns after seeing the RicRoc **video** and **hearing** the SeddIT audio **recording.** Truth be told, what I actually wrote is that a higher power will take care of Manns for what Manns did to us, which will be "nice" and "juicy." Since I was very angry with Manns at the time I was sending the QuikChat message, I wrote that since I would be 18 by the time of the November 2024 election, I would not be voting for that no-good Manns.

As I said earlier, Daelyn has had it in for me for a long time. We were both in Jamie King's AP computer science course in spring semester 2023. Daelyn wrote a silly little paper on generative AI and received a B-. Did I mention that I received an A+ on my paper?! Not bragging. Daelyn hated that I received an A+. Anyway, Daelyn did show some proficiency in using generative AI. Whose to say that Daelyn did not create and post the video and the audio recording about Manns and try to frame me? Edwards is wallowing in motivation to harm me.

15. I see that the District Attorney and/or the Sheriff hired this wacka-doodle professor Quincey Roberts to investigate the two posts that were put up in early April that killed Manns's state senate campaign. The nut-job professor is pointing the finger at me. I was fully cooperative with the DA's investigator, but I never talked to the professor. I believe the professor is the person who was trying to extort millions of dollars from my granduncle Jeffrey Tazoes. Roberts claimed that Roberts helped my granduncle build Tamazon. Nothing could be farther from the truth. My granduncle said Roberts was just one of the programmers who did some coding for the website. After Roberts insisted that Roberts should have a significant share of Tamazon, my granduncle let Roberts go with a severance bigger than what Roberts deserved. My granduncle said Roberts wanted to sue, but no lawyer would take the case. The lawyers saw, just as my granduncle did, that Roberts was just a two-bit grifter. Now the professor is just out for retribution because of some perceived injustice done to the professor. Pure and simple as that.

16. Now, it is my understanding from my lawyers that Daelyn Edwards told the DA's investigator that I was seen leaving the computer club room on April 1, 2024, at about 12:55 PM. I don't remember where I was on that date and at that time. That's about eight months ago! Anyway, Edwards claims that Edwards remembers the time because I upon leaving the room supposedly asked Edwards what time it was and after hearing that it was 12:55 PM I told Daelyn I did not have time to talk because I had to get to my 1:00 PM calculus class. I did have a 1:00 PM calculus class, but I don't recall having that conversation with Edwards on that date.

17. On the other hand, if my teacher Jamie King said I stopped by the computer club room on April 2, 2024, at approximately 9:55 AM, I will not dispute that. I trust this teacher. I will usually peep my head in the computer club room if I am in the area just to see who might be in there. I have no recollection of returning to the computer club room later that morning.

18. Who's to say that it wasn't Daelyn Edwards or someone else that produced and distributed the video and the audio recording, all in an effort to frame me. Edwards has had it in for me ever since I beat Edwards in the race for vice president of the computer science club. The destruction that Manns brought to Athena's Computer Science Club was unwarranted. Closing the computer club badly hurt me and many of my friends. As I stated earlier, many of us used the club room to hone our computer science skills so that we could do well in college and prepare themselves for the technology jobs of the future. Manns always found ample funding for Manns's pet school district projects. And what a self-centered individual! We deserve someone in elective office better than this poor excuse of a human being. I truly believe Manns has run in the past for office not out of a sense of civic duty and service to the public, but out of selfishness so that Manns could double and triple dip in the state pension system. Also, over the years, I have always tried to treat everyone respectfully and with kindness. If only Manns had shown a bit of kindness, perhaps Manns's career in education and politics would not have ended as awful as it did. Manns can only blame Manns for this turn of events.

Dated: December 4, 2024

Duly sworn or affirmed

Sandy Townes

Sandy Townes

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AFFIDAVIT OF FRAN GATES

1. My name is Fran Gates, and I am 55 years old. I reside at 259 Hill Street, Poseidon, New York. Since July 2014, I have served as the Director of Technology for the Heliios School District (HSD). My office is in Poseidon City Hall on the floor that houses the Board of Education. I was brought in to combat the emerging ransomware/cybersecurity threat to our computer network. With the required cybersecurity training that all employees of the district are required to take on a regular basis, we have been able to avoid the catastrophes that have hit other organizations across the country and around the world. Fingers crossed, of course. We must always keep our guard up and remain vigilant.

2. Prior to my employment with the HSD, I was a systems analyst for a large health care insurance company headquartered in the Midwest. I have achieved a number of certifications in the computer field. I have a Network+ Certification, which is an entry-level certification that tests a candidate's ability to understand the function and features of networking components, as well as the candidate's ability to carry out essential network installation, maintenance and troubleshooting duties. I am a Security Certified Network Professional (SCNP). The SCNP is an advanced security certification designed to test knowledge of high-level security topics. I am also a Microsoft certified Azure AI Engineer Associate. Anyone with this certification has shown the ability to build, deploy, and manage AI solutions and machine learning workloads with Azure, Microsoft's cloud computing services.

3. I received a Bachelor of Science Degree in electrical engineering and a master's in computer science from the University of Wisconsin-Madison. I am a frequent lecturer at national and regional computer conferences and expos on the topics of network and Internetworking security.

4. As Director of Technology, I am responsible for all the computer infrastructure of the HSD, which includes developing an information technology strategy for the district; overseeing the planning, implementation, and management of our IT systems and services; ensuring that the HSD's IT systems are in compliance with governmental regulations; and managing the IT department budget. I have a large staff and at least one or more of my staff are assigned to each school in the district.

5. Before reading it in the newspaper, I learned from one of my staff that one of the computers at Athena High School may have been misused. The allegation is that a video was posted on the popular Internet site, RicRoc, appearing to show former superintendent Leyton Manns accepting a \$50,000 bribe from a building contractor in 2022. In the video, posted on April 1, 2024, Dr. Manns tells the contractor that the money just earned him the contract to build the new elementary school building. In a muffled, voice-over message, someone says, "This is your superintendent and state senate candidate hard at work, lining their pockets." On April 2, 2024, the superintendent is heard in an audio recording, posted on the social media platform SeddIT, making disturbing comments about people associated with Athena High School, including students, parents, teachers, the principal, assistant principals, and others, all

comments made in Dr. Manns's distinctive voice. Phew!, I'm glad the former superintendent didn't say anything bad about me! But seriously, I knew right away that the video was a fake because there was no plan to construct any school buildings in 2022 or since that time. I would be one of the first to know about any new constructions because the buildings would have to be properly wired to meet our technological requirements.

6. Since this matter involved the former superintendent and possibly a computer at Athena High, I decided to personally investigate this matter anyway. I visited Athena High on May 10, 2024, one day after Prof. Roberts's April 24, 2024 report was released to the public by the Sheriff on May 9, 2024. I did not visit the school earlier because I did not want to be in the way of Prof. Roberts's investigation. Anyway, I did not believe that the computer club computer had been misused but knew that the use of a VPN could shield the computer's IP address. Dr. Roberts said it appears that the computer accessed the Internet on April 1, 2024 at around noon for about 15 minutes. Dr. Roberts theorized that that would be sufficient time to download and install a VPN. Dr. Roberts found that there were several small system files belonging to the free VPN software program called MySecretVPN found in the computer's trace memory hidden system file, called a dump file. VPNs are not allowed on District computers utilized by students. Dr. Roberts believes the free VPN trace files were left behind after someone tried to uninstall MySecretVPN. So, anyone possessing just minimal computer skills could have installed MySecretVPN and committed these atrocious attacks on Dr. Manns, not just this student Sandy Townes, who I don't know personally, by the way. Besides, everyone knows that MySecretVPN is used extensively by highschoolers as well as by hackers.

7. Much has been made of this paper on AI that Townes wrote in teacher Jamie King's AP computer science course. I read the paper and while I'm no expert on AI, I know enough to say that the paper is just a general discussion about generative AI and does not demonstrate to me that Townes has the proficiency to produce that deepfake video or even the disturbing audio recording. Give me a break! Townes is just a high school student, not some foreign governmental operative.

8. Truth be told, I am not the biggest fan of Dr. Manns. I remember seeing those satirical graphics on the District's electronic community bulletin board making fun of Dr. Manns. The graphics were hilarious. Everyone working at school district central knew that about five years ago Manns tried their hardest to get me fired. It was all about the new Grade-Track fully automated system for quickly and accurately calculating students' GPAs at the schools in the district. To say the roll-out did not go as well as planned is an understatement. Student report cards for the first quarter were not being generated. High school seniors were not able to get their grades to the college admission offices on time and many missed the opportunity to get into their colleges of choice. Parents and students were furious and called Superintendent Manns around the clock with some choice words. I told Manns that the problem was just a glitch in the software and that the software manufacturer will provide a patch before the next marking period. But since it was my idea to go with Grade-Track, Manns blamed me for the failed implementation. Instead of being a team player and supporting me, Manns threw me under the bus to take the pressure off Manns. Thankfully, the school board rejected Manns's request to terminate my contract. No doubt the school board members had come to see Manns as just a thin-skinned, phony-baloney bureaucrat, who can't take the heat and is always looking for the next opportunity to promote themselves.

9. I was thrilled to see Manns resign as superintendent. I'm pretty sure the school board was equally thrilled. It's great that Manns will not be our state senator. There is no one in the county more undeserving of representing us. If the video and the audio recording caused Manns to drop out of the race for state senator, then so be it. There are a lot of people who are hoping they never find out who posted that video and that audio recording. I probably should not say that I am one of those people. Anyway, I certainly did not post those items, but I am not sorry it was done.

DATED: December 12, 2024

Duly sworn or affirmed,

Fran Gates

Fran Gates

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AFFIDAVIT OF JAMIE KING

1. My name is Jamie King, and I am 47 years old. I reside at 41 Washington Street in Poseidon, New York. I received a bachelor's degree from Syracuse University in 1999, and a master's degree in information systems and computer technology from the Rochester Institute of Technology.
2. Immediately after receiving my master's degree from RIT, I began a career in computer programming at ZerRocks, a photocopying company based in Rochester. After five years at ZerRocks, I decided to go back to school to get a teaching certificate. I came to believe that teaching was my real calling and I wanted to teach at the high school level. So, I enrolled in the teacher preparation program at the State University of New York at Poseidon in September 2006. I did my student teaching at Athena High School. The principal at Athena liked my approach to teaching and offered me a teaching position in the Math and Computer Science Department after I earned my teaching certificate in May 2009. My teaching career began in September 2009, and I have enjoyed every minute of it.
3. In September 2019, we inaugurated the Athena High School Computer Science Club. I was appointed the faculty advisor by the department. One of the first students to join the club was Daelyn Edwards, who was in the ninth grade. Daelyn was very enthusiastic about the club, volunteering to do any of the tasks needed to run the computer club room. In April 2020, Daelyn was elected to be treasurer of the club for the 2020-21 academic year, even though we were operating remotely most of that time due to COVID restrictions. In April 2021, Daelyn was elected to be secretary for the 2021-22 academic year, which was Daelyn's sophomore year.
4. Prior to becoming secretary, Daelyn was always very pleasant and worked well with the other officers and student members of the computer club. After becoming secretary in September 2021, Daelyn became more assertive, less cooperative, and somewhat dictatorial, believing that since they were doing most of the work around the club, they should have more of a say in its management. Daelyn's new attitude rubbed many of the other officers and student members the wrong way, so much so that in the April 2022 election the membership voted in Sandy Townes, a freshman and the then treasurer, as vice president over Daelyn who was a sophomore. Daelyn did not take the snub very well, became somewhat bitter towards Sandy, and became less active in the club. Daelyn did confide in me that being vice president of the computer club might help them secure a scholarship at the State University of New York at Poseidon. Daelyn said their parents had limited resources and that Daelyn did not want to take on huge debts in order to go to college. I tried to disabuse Daelyn of the misperception that being vice president might improve their chances of getting a full ride at SUNY Poseidon, but that was Daelyn's belief and they were sticking with it.
5. I did not know Dr. Manns very well because Manns had left the Athena faculty two years before my arrival and had become an assistant superintendent in 2004. But when I saw the online publications about the allegations against Dr. Manns, I was taken aback. I was even more concerned when I read that the audio recording and the video may have originated on a computer at Athena High. I heard that Daelyn had accused Sandy of sending a QuikChat post to the

executive committee of the computer club threatening to harm Dr. Manns. Daelyn believes that Daelyn, who was not an officer of the club at the time, inadvertently was copied on the QuikChat post.

6. On June 24, 2023, I examined the one remaining computer in the computer club room. I saw some descriptive metadata showing that a QuikChat post was made on **June 22, 2023**, the last day of the school year, at about 2:30 PM. Sandy has confirmed that Sandy sent a QuikChat post to the executive committee at that time on **June 22**. However, the post was sent to five people. Since there are only five members of the executive committee, and Sandy, the vice president, sent the post, it appears that someone other than the four executive members (president, secretary, treasurer, and parliamentarian) may have received the post as well. It cannot be said with any degree of certainty that Daelyn did not receive the post.

7. In any event, Sandy would not have sent a message threatening to harm Dr. Manns, nor would Sandy have produced the video and the audio recording on any of the school's computers. I have known Sandy since the 9th grade and knows Sandy's character. All but one of the ten desktop computers were removed from the computer science room and returned to the District at the end of the 2022-2023 school year. The remaining computer was left so that anyone associated with the now defunct computer science club could use it during the summer when the school building was opened for summer school. The computer was still there when the 2023-24 school year commenced for the students to use on occasions.

8. Sometime in mid-April this year, I was interviewed by an investigator from the District Attorney's Office, who apparently had learned that I was the faculty liaison to the computer science club. The investigator asked whether I had noticed any suspicious activity around the computer club room on April 1 and April 2. I first said "no," then recalled that on April 2 at around 9:55 AM, Sandy was entering the club room, saw me there, and abruptly turned around to leave. I asked Sandy whether Sandy needed something. Sandy said no and that Sandy was just looking for someone. I then left the club room to go teach my 10:00 AM to 10:50 AM 9th grade computer science class. Whether someone or anyone entered the computer club room after I left that morning is outside my knowledge.

9. Whether or not Sandy sent that QuikChat post, who can say for sure. I can say for sure that Sandy has the ability and capability of producing AI-generated videos and audio recordings. Sandy wrote a paper for my spring semester 2023 Advanced Placement computer science course. The title of Sandy's paper was "The Perils of Generative AI: How AI Can Produce New Text, Images, Video, and Audio Files." Sandy received an A+ on the paper because Sandy was able to go in depth on the topic and show by examples how to manipulate old content to make new content. Sandy and I discussed AI extensively and agreed Congress needs to move quickly to regulate the use of this dangerous tool. There are a lot of students and faculty in the Math and Computer Science Department, including me and Daelyn Edwards, that know how to use generative AI. Daelyn was in the same AP class that semester with Sandy. Daelyn wrote a paper entitled "The Future of Generative AI and How to Prevent Malicious Abuse." Daelyn showed above average sophistication on the topic of generative AI, but only received a B- on the paper.

I don't believe Daelyn or Sandy had anything to do with producing and sending out the audio recording or the video about Dr. Manns. Doing what has been alleged in this matter is not consistent with Sandy's character.

December 10, 2024

Duly sworn or affirmed

Jamie King

Jamie King

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**NEW YORK STATE
HIGH SCHOOL
MOCK TRIAL
TOURNAMENT
EVIDENCE**

PART V

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**IF YOU HIRE A CLOWN
FOR SUPERINTENDENT, YOU
SHOULD EXPECT A CIRCUS**

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**DOES THE
SUPERINTENDENT NEED
THEIR DIAPPY CHANGED?**

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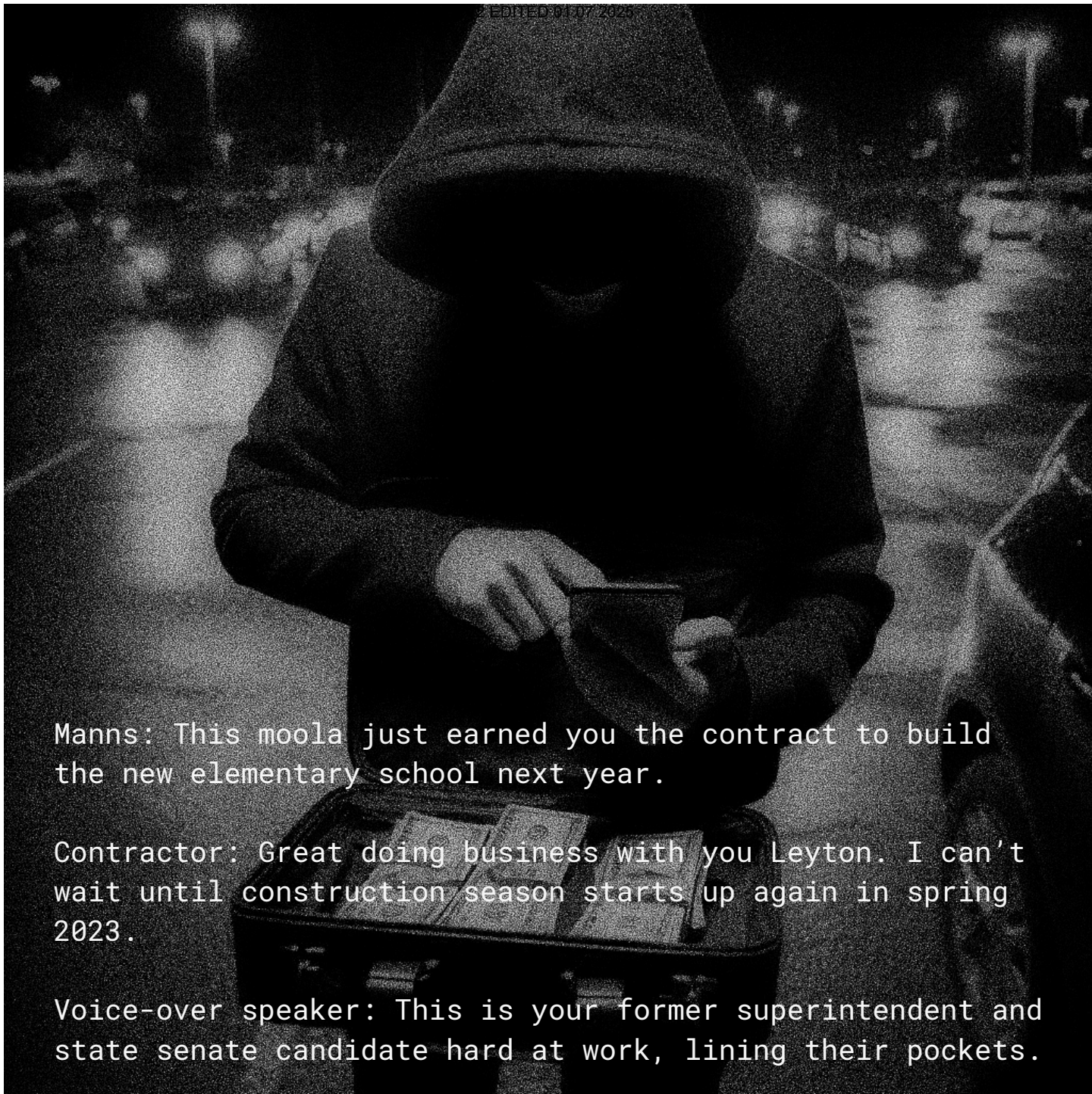


Contractor: Leyton, in the briefcase is the \$50,000 we agreed upon.

Manns: Oh goodie. Let me take a look.

April 2, 2024
Chronos County Sheriff's Department

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Manns: This moola just earned you the contract to build the new elementary school next year.

Contractor: Great doing business with you Leyton. I can't wait until construction season starts up again in spring 2023.

Voice-over speaker: This is your former superintendent and state senate candidate hard at work, lining their pockets.

April 2, 2024
Chronos County Sheriff's Department

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EXHIBIT _____

Partial Transcript of the Audio Recording

Those kids at Athena High are the worst in the District. And the parents are worst than that, allowing their little brats to be self-centered and self-absorb like they are. All of the teachers should be fired, the laziest bunch of so called “educators” I have ever seen. Can you believe they all want facelifts and tummy tucks in their employment contracts?! You would think the principal and assistant principals would crack down on these teachers, but these principals and assistant principals are just marking their time or looking for other opportunities where they are paid more for less work. I couldn’t wait to get out of that hell hole.

April 3, 2024**Chronos County Sheriff’s Department**

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EXHIBIT _____

CHRONOS CHRONICLE – Online Edition**Breaking News: Former Superintendent Manns caught on video excepting a bribe**

Wednesday, April 3, 2024, 8:00 AM – Leyton Manns, former superintendent of Helios School District, is seen on a RicRoc video accepting what appears to be a bribe. Speaking on background, officials from the Chronos County District Attorney’s Office said the video appears to have been recorded sometime between December 2023 and March 2024. Before any arrests will be made, the DA’s office and the county sheriff’s department will have the video examined to make sure it is authentic.

Dr. Manns, who is currently a Chronos County legislator, resigned from his position as superintendent to run for an open seat in the State Senate. A spokesperson for Mann’s state senate campaign contends that the video is a fake and that the campaign will show in the near future that this imagery is all made up. Efforts by this news organization to speak directly with Manns have not been successful.

Revised Breaking News Coverage of Leyton Manns

Wednesday, April 3, 2024, 12:00 PM– An audio recording surfaced on the Seddit website of Leyton Manns, former superintendent of Helios School District making disturbing and disparaging comments about students, parents, teachers, principals, and others in the school district. Mann’s most harsh criticisms were directed at people connected with Athena High School where Manns once taught. While the video has criminal implications for Manns, the audio recording does not. However, the audio recording could be damaging for Manns’s state senate campaign.

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EXHIBIT _____

CHRONOS CHRONICLE – Online Editorial

Sunday, April 7, 2024 – Leyton Manns, former superintendent of Helios School District and current member of the Chronos County Legislature, must immediately withdraw from the race to fill the state senate seat. Manns should also resign from the county legislature. The former superintendent can be clearly heard on a RicRoc video recently obtained by this newspaper taking a bribe. In an audio recording posted on Seddit, Mann is heard making disturbing and disparaging comments about students, parents, teachers, principals, and others in the school district, including Athena High School where Manns once taught.

Hearing Manns’s distinctive voice in the video and the audio recording leaves no doubt in the collective mind of this editorial board that Manns lacks the character and the fitness to hold elective office. The citizens of this county and this state senatorial district deserve better. Therefore, we call upon Manns to immediately suspend the campaign for the state senate seat and with dispatch resign from the county legislature.

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Checking Account Statement
Page 1 of 1

First Bank of Poseidon, New York

2222 Olympus Mountain, P.O. Box 1
Poseidon, New York
800-867-5309

Manns, Leyton
250 Harriman Way
Poseidon, New York

Statement Period	Account No.
03/01/2022 – 04/30/2022	00005-67890

Date	Description	Withdrawal	Deposit	Balance
2022-03-01	Previous Balance			3,090.52
2022-03-01	Web Bill – Energy	212.67		2,877.85
2022-03-01	Pre-Auth Payment – Telephone Bill	75.00		2,802.85
2022-03-02	ATM Withdrawal	60.00		2,742.85
2022-03-02	Transfer from Cash Application		100.00	2,842.85
2022-03-05	Airline Fare	898.72		1,944.13
2022-03-06	Hermes Gas and Go	66.53		1,877.60
2022-03-10	ATM Withdrawal	20.00		1,857.60
2022-03-12	Dionysus Wines	34.72		1,822.88
2022-03-12	Demeter's Food Emporium	172.89		1,649.99
2022-03-12	Imagination Station Toy Store	42.01		1,607.98
2022-03-15	Deposit – School District Payday		3,012.45	4,620.43
2022-03-20	Kafe Goddesses	6.91		4,613.52
2022-03-25	Mortgage Payment	2,740.32		1,873.20
2022-03-31	Deposit – School District Payday		3,012.45	4,885.65
2022-04-02	Transfer from Savings Account		250.00	5,135.65
2022-04-06	Hermes Gas and Go	59.76		5,075.89
2022-04-06	Kafe Goddesses	10.12		5,065.77
2022-04-14	ATM Withdrawal	250.00		4,815.77
2022-04-15	Pre-Auth Payment – Gym Heroes	25.00		4,790.77
2022-04-15	Streaming Membership - VISA	50.00		4,740.77
2022-04-15	Transfer from Cash Application		1,370.16	6,110.93
2022-04-15	Deposit – School District Payday		3,012.45	9,123.38
2022-04-20	Sirens Spa	850		8,273.38
2022-04-24	Hermes Gas and Go	66.72		8,206.66
2022-04-24	Griffin's Pub	129.25		8,077.41
2022-04-27	Kafe Goddess	25.40		8,052.01
2022-04-30	Deposit – School District Payday		3,012.45	11,064.46
2022-04-30	Mortgage Payment	2,740.32		8,324.14
2022-04-30	Transfer to Savings	3,500		4,824.14
	End Balance			4,824.14

*This bank statement is a confidential document which can only be reproduced by First Bank of Poseidon, New York or the Account holder.

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EXHIBIT _____



HELIOS SCHOOL DISTRICT (HSD)

2023-2024 BUDGET

EXHIBIT _____

Helios School District: 2023-2024 Budget

Board of Education

Hera Smith – President

Rhea Jones – Vice President

Atlas Wright – Secretary

Orion Edwards – Treasurer

Administration

Leyton Manns - Superintendent

Selene Williams – Assistant Superintendent

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School Report Card 60

Proposed Large-Scale Projects for the 2023-2024 Year

- Refinishing the gym floor at Griffin Middle School
 - The gymnasium was last refurbished in 2010. The school board budget that was passed last year approved the new floor, but it was unable to be completed during the 2022-2023 school year. It will be completed over fall break.

- Repainting the lines of the parking lot at Athena High School
 - Students, teachers, and families are having difficulty with parking at the High School. The lines have not been repainted in five years and this is posing a safety concern.

- Creating a Civic Engagement Center at either the Middle School or High School
 - Civic Engagement is of utmost importance to the School Board and the State at this time. A Civic Engagement Center will provide a place for students participating in a variety of extracurricular activities to practice. The space can also be reserved for programming and classes which have a civic education component.

Athena High School
June 2023

Academic Extracurriculars

Program	Goals
Debate Team	<ul style="list-style-type: none"> • Enhance public speaking skills • Advance critical thinking skills
Economics Club	<ul style="list-style-type: none"> • Develop problem-solving skills • Provide practical knowledge about the real world of economics
Math Club	<ul style="list-style-type: none"> • Encourage students to embrace the fun of mathematics • Enhance arithmetic skills
Mock Trial	<ul style="list-style-type: none"> • Learn about the legal system • Develop analytical and public speaking skills
National Honor Society	<ul style="list-style-type: none"> • Elevate student engagement • Honor students' achievements
Student Government	<ul style="list-style-type: none"> • Serve as a democratic engagement platform • Foster dialogue and respect for others
Writing Club	<ul style="list-style-type: none"> • Enhance writing skills • Promote creativity

Athena High School
June 2023

Art-Based Extracurriculars

Program	Goals
Art Club	<ul style="list-style-type: none"> ● Foster creativity ● Create a fun and social setting for learning
Ceramics	<ul style="list-style-type: none"> ● Building new skills ● Engage in hands-on learning while fostering creativity
Chorus	<ul style="list-style-type: none"> ● Learn to read music ● Advance knowledge of music theory
Concert Band	<ul style="list-style-type: none"> ● Learn to read music ● Learn the value of collaboration
Fashion Design	<ul style="list-style-type: none"> ● Provide a space for personal expression ● Learn practical skills like sewing
Marching Band	<ul style="list-style-type: none"> ● Teamwork in an art-based environment ● Advance physical fitness
Theater	<ul style="list-style-type: none"> ● Provide various opportunities for students through on stage and back stage roles ● Boost self-confidence and collegiality

EXHIBIT _____

Athena High School
June 2023

Sport Extracurriculars

Program
Baseball
Basketball
Cheerleading
Football
Lacrosse
Soccer
Swimming
Tennis
Track and Field
Volleyball

Goals

The purpose for all sports programming is to facilitate teamwork and collegiality while enhancing physical fitness. All programs aim to foster positive character attributes and community spirit.

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EXHIBIT _____

Investigative Report on Alleged Deepfake Video and Audio Recording

By Prof. Quincey Roberts, Ph.D.
Professor of Computer Science
State University of New York at Poseidon

1. Background and Qualifications

I, Quincey Roberts, am a Professor of Computer Science at the State University of New York at Poseidon. My educational background includes:

- Bachelor of Science in Mathematics from New York University (2000)
- Master's in Mechanical Engineering from Columbia University (2006)
- Ph.D. in Computer Science from Columbia University (2008)

My doctoral thesis, "Theoretical Analysis of Artificial Intelligence in Human-Factored Systems Design Overlaying Contemporary Distributed Multiagent AI Transformative Technologies," reflects my expertise in AI systems.

My academic research and teaching at the graduate level cover various aspects of artificial intelligence (AI), including task division, algorithmic game theory, and distributed AI.

2. Investigation Overview

I was requested by the Chronos County Sheriff's Department and the county's crime lab to investigate:

1. A video allegedly showing someone taking a bribe
2. An audio recording of someone, purportedly Dr. Manns, making disparaging remarks about individuals associated with Athena High School

Both the video and audio recording were claimed to be fake by the suspect.

3. Investigation Process

1. Initial metadata analysis suggested the media may have been produced on a computer at Athena High School.
2. On April 18, 2024, I visited Athena High to investigate, focusing on the Computer Science Club's computer.
3. Prior to the visit, on April 16, 2024, I received a flash drive from a sheriff's department investigator. This drive, confiscated from Sandy Townes (a former computer club member), contained a recording of a conversation between Townes and Dr. Manns. The recording of the conversation was done without Dr. Manns's knowledge.

EXHIBIT _____

4. Findings

I. Computer Examination

1. Trace files, dated April 2, 2024, were found in the computer's trace memory hidden system folder, linked to MySecretVPN.
2. MySecretVPN, a free app popular among hackers and high schoolers, is not permitted on school computers.
3. The use of a VPN suggests an attempt to hide identity or activities.

II. Document Analysis

1. Metadata from both the video and audio recording indicate they were created on a Helios School District computer.
2. The use of administrative privileges would have been necessary to change the computer's owner name.

III. Media Analysis

1. Both the video and audio recording were determined to be "deepfakes" - artificially generated media created using AI algorithms.
2. The video showed inconsistencies between spoken words and lip movements.
3. The audio recording exhibited a somewhat slurred and flat voice quality.

5. Suspect Analysis

Evidence points to Sandy Townes as the likely perpetrator:

1. Townes admitted to using MySecretVPN.
2. Townes is well-versed in generative AI.
3. Townes possessed a recording of Dr. Manns's voice.
4. Witness accounts place Townes near the computer club room on relevant dates:
 - o April 1, 2024, around 12:55 PM (exiting the room)
 - o April 2, 2024, around 9:55 AM (attempting to enter the room)

6. Conclusion

Based on the evidence gathered and analyzed, I can state with a high degree of scientific certainty that:

7. The video and audio recording in question are artificially generated deepfakes.
8. These media were likely created and distributed from the Athena High School Computer Science Club's computer.
9. Sandy Townes is the primary suspect in the creation and distribution of these deepfakes.

EXHIBIT _____

This report is submitted with the utmost professional integrity and without any personal bias against the suspect or their family. The recording of the conversation was done without Dr. Manns's knowledge.

Respectfully submitted,

Prof. Quincey Roberts, Ph.D.

Prof. Quincey Roberts, Ph.D.

Date: April 24, 2024

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EXHIBIT _____

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Metadata Dump File from Athena High School Computer Science Club

Computer

Prof. Q. Roberts

April 18, 2024

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EXHIBIT _____

Excerpt from "The Perils of Generative AI: How to Prevent Malicious Abuse"

By Daelyn Edwards

The emergence of deepfake technology represents an unprecedented threat to truth and social stability. These artificial constructs, generated through machine learning algorithms, serve no legitimate purpose beyond the dissemination of lies and disinformation. The very term "deepfake" reveals the technology's inherent deceptive nature - it exists solely to create convincing falsehoods that can damage reputations, manipulate public opinion, and undermine trust in our institutions. While proponents argue for potential beneficial applications, this ignores the fundamental reality that synthetic media's primary purpose is to deceive. The potential for abuse is staggering, as malicious actors can now create false evidence of events that never occurred, potentially destroying careers and lives in the process. Before this technology inflicts irreparable harm on our society, we must take decisive action through comprehensive government regulation or outright bans on deepfake creation tools.

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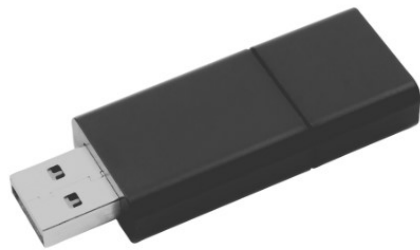
EXHIBIT _____

Excerpt from "Generative AI, the New Frontier: How AI Can Produce New Text, Images, Videos, and Audio Files"

By Sandy Townes

The rapid advancement of generative AI technology has democratized the ability to create synthetic media, commonly known as "deepfakes." Using machine learning algorithms such as autoencoders and Generative Adversarial Networks (GANs), even individuals with basic programming knowledge can now produce convincing artificial content. The process is remarkably straightforward: with just a few minutes of source material, such as voice recordings or video footage, anyone can create synthetic media that appears authentic to the average viewer. While some argue that all deepfake content is inherently harmful, this oversimplifies a complex issue. The technology itself is neutral - like any tool, its ethical implications depend entirely on its application. When used responsibly in fields like education, entertainment, or art, deepfake technology can be innovative and beneficial. Only when this technology is deliberately misused to cause harm to innocent individuals or institutions does it become problematic and worthy of condemnation.

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**NEW YORK STATE
HIGH SCHOOL
MOCK TRIAL
RELATED
CASES / CASE LAW
PART VI**

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NEW YORK STATE CASE LAW***Massena v. Healthcare Ins. Co.******98 NY2d 435 (2002)***

Defamation is defined as a false statement that exposes a person to public contempt, ridicule, aversion, or disgrace (*Foster v Churchill*, 87 NY2d 744 [1996]). A party alleging defamation must allege that the statement is false (*Immuno AG. v Moor-Jankowski*, 77 NY2d 235 [1991], *cert denied* 500 US 954). In addition, where the party is a public figure, that party must allege that the statement was made with "actual malice," defined as either knowledge of the falsehood.

or recklessness as to the falsehood (*New York Times Co. v. Sullivan*, 376 US 254 [1964]). Where the party alleging defamation is not a public figure, a showing of common-law malice, or ill will, is necessary (*Lieberman v Gelstein*, 80 NY2d 429, 437 [1992]).

***Mondello v. Nassau County Democratic Committee
Supreme Court, Nassau County (New York)******2007 NY Slip Op 34070(U)***

In defamation actions where the plaintiff is a "public figure," the plaintiff must prove the statement at issue was made with "actual malice" (defined as either knowledge that the challenged statement is false or reckless disregard for the truth, and further, such "actual malice" must be established by clear and convincing evidence (*Mahoney v. Adirondack Publishing Co.*, 71 NY2d 31 [1987]; *Gross v. New York Times Co.*, 281 AD2d 299, *lv app den* 96 NY2d 716 [2001]; *T.S. Haulers v. Kaplan*, 295 AD2d 595 [2002])).

Mahoney v. Adirondack Publishing Co.***71 NY2d 31 (1987)***

Plaintiff, a high school football coach, sued for defamation based on an article in defendant's newspaper that the coach had used profanity in addressing his players during and after a game the team lost. The Court of Appeals held that the plaintiff failed to show by clear and convincing proof that the reporter's defamatory statements were published with actual malice. The plaintiff conceded at trial that he was a public figure. (NOTE: In a footnote, the court provided the following: The term "actual malice" has been criticized as an inappropriate label for this state-of-mind requirement because it employs a term (malice) -- commonly understood to mean hostility or ill will toward another person -- to describe something quite different: the state of mind of the defendant with respect to the truth or falsity of the statements made. [Cite omitted.]

Blair v. Inside Edition Productions***7 F.Supp.3d 348 (2014)***

Whether a plaintiff is a public figure is a question of law for the court (*Celle v. Filipino Reporter Enters. Inc.*, 209 F.3d 163 [2000]). We evaluate whether a party is a public figure based on 'clear evidence of general fame or notoriety in the community, and pervasive involvement in the affairs of society' (*Dongguk Univ. v. Yale Univ.*, 734 F.3d 113 [2013]). Those who have voluntarily sought and attained influence or prominence in matters of social concern are generally considered public figures (*Gertz v. Robert Welch, Inc.*, 418 U.S. 323 [1974]).

Love v. The Baltimore and Ohio Railroad Co. *244 AD 72 (1935)*

Plaintiff was relying on circumstantial evidence to prove to what was alleged to be the proximate cause of the decedent's death. The Court stated that, in the absence of any direct proof as to how the decedent met his death, it will examine the matter in the light of the rule which provides: 'Whenever circumstantial evidence is relied on to prove a fact, the circumstances must be proved, and not themselves presumed.' (*Chicago, Milwaukee & St. P. R. Co. v. Coogan*, 271 U.S. 472 [1926]).

Ruppert v. Brooklyn Heights Railroad Co. *154 N.Y. 90 (1897)*

In order to prove a fact by circumstances, there should be positive proof of the facts from which the inference or conclusion is to be drawn. The circumstances themselves must be shown, and not left to rest in conjecture; and, when shown, it must appear that the inference sought is the only one which can fairly and reasonably be drawn from these facts (*People v. Harris*, 136 N. Y. 429 [1893]).

In the Matter of Accounting by Susan F. Weber *2024 NY Slip Op 24258*
Surrogate's Court, Saratoga County (New York)

"Artificial Intelligence" ("A.I.") is properly defined as being any technology that uses machine learning, natural language processing, or any other computational mechanism to simulate human intelligence, including document generation, evidence creation or analysis, and legal research, and/or the capability of computer systems or algorithms to imitate intelligent human behavior. A.I. can be either generative or assistive in nature. "Generative Artificial Intelligence" or "Generative A.I." is artificial intelligence that is capable of generating new content (such as images or text) in response to a submitted prompt (such as a query) by learning from a large reference database of examples. A.I. assistive materials are any document or evidence prepared with the assistance of AI technologies, but not solely generated thereby.

**NEW YORK STATE
HIGH SCHOOL
MOCK TRIAL
APPENDICES**

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POINTS	MOCK TRIAL TOURNAMENT PERFORMANCE RATING GUIDELINES
<p style="text-align: center;">1 Ineffective</p>	<ul style="list-style-type: none"> ● Not prepared/disorganized/illogical/uninformed ● Major points not covered ● Difficult to hear/speech is too soft or too fast to be easily understood ● Speaks in monotone ● Persistently invents (or elicits invented) facts ● Denies facts witness should know ● Ineffective in communications
<p style="text-align: center;">2 Fair</p>	<ul style="list-style-type: none"> ● Minimal performance and preparation ● Performance lacks depth in terms of knowledge of task and materials ● Hesitates or stumbles ● Sounds flat/memorized rather than natural and spontaneous ● Voice not projected ● Communication lacks clarity and conviction ● Occasionally invents facts or denies facts that should be known
<p style="text-align: center;">3 Good</p>	<ul style="list-style-type: none"> ● Good performance but unable to apply facts creatively ● Can perform outside the script but with less confidence than when using the script ● Doesn't demonstrate a mastery of the case but grasps major aspects of it ● Covers essential points/well prepared ● Few, if any mistakes ● Speaks clearly and at good pace but could be more persuasive ● Responsive to questions and/or objections ● Acceptable but uninspired performance
<p style="text-align: center;">4 Very Good</p>	<ul style="list-style-type: none"> ● Presentation is fluent, persuasive, clear and understandable ● Student is confident ● Extremely well prepared—organizes materials and thoughts well, and exhibits a mastery of the case and materials ● Handles questions and objections well ● Extremely responsive to questions and/or objections ● Quickly recovers from minor mistakes ● Presentation was both believable and skillful
<p style="text-align: center;">5 Excellent</p>	<ul style="list-style-type: none"> ● Able to apply case law and statutes appropriately ● Able to apply facts creatively ● Able to present analogies that make case easy for judge to understand ● Outstandingly well prepared and professional ● Supremely self-confident, keeps poise under duress ● Thinks well on feet ● Presentation was resourceful, original, and innovative ● Can sort out the essential from non-essential and uses time effectively ● Outstandingly responsive to questions and/or objections ● Handles questions from judges and attorneys (in the case of a witness) extremely well ● Knows how to emphasize vital points of the trial and does so
<p style="text-align: center;">Professionalism of Team</p> <p style="text-align: center;">Between 1 to 10 points per team</p>	<ul style="list-style-type: none"> ● Team's overall confidence, preparedness and demeanor ● Compliance with the rules of civility ● Zealous but courteous advocacy ● Honest and ethical conduct ● Knowledge of the rules of the competition ● Absence of unfair tactics, such as repetitive, baseless objections; improper communication and signals; invention of facts; and strategies intended to waste the opposing team's time for its examinations.

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**2025 NEW YORK STATE MOCK TRIAL TOURNAMENT
PERFORMANCE RATING SCORE SHEET**

In deciding which team has made the best presentation in the case you are judging, use the following criteria to evaluate each team’s performance. **FOR EACH OF THE PERFORMANCE CATEGORIES LISTED BELOW, RATE EACH TEAM ON A SCALE OF 1 TO 5 AS FOLLOWS (USE WHOLE NUMBERS ONLY). INSERT SCORES IN THE EMPTY BOXES.**

SCALE	1=Ineffective	2=Fair	3=Good	4=Very Good	5=Excellent	Page 1 of 2
T I M E L I M I T S						
OPENING STATEMENTS		DIRECT EXAMINATION		CROSS EXAMINATION		CLOSING ARGUMENTS
5 minutes for each side		10 minutes for each side		10 minutes for each side		10 minutes for each side
				PLAINTIFF / PROSECUTION		DEFENSE
➤ OPENING STATEMENTS (ENTER SCORE) →						
PLAINTIFF/PROSECUTION 1st Witness	Direct and Re-Direct Examination by Attorney					
	Cross and Re-Cross Examination by Attorney					
	Witness Preparation and Credibility					
PLAINTIFF/PROSECUTION 2nd Witness	Direct and Re-Direct Examination by Attorney					
	Cross and Re-Cross Examination by Attorney					
	Witness Preparation and Credibility					
PLAINTIFF/PROSECUTION 3rd Witness	Direct and Re-Direct Examination by Attorney					
	Cross and Re-Cross Examination by Attorney					
	Witness Preparation and Credibility					

PLEASE BE SURE TO ALSO COMPLETE THE OTHER SIDE OF THIS FORM (PAGE 2)

SCALE	1=Ineffective	2=Fair	3=Good	4=Very Good	5=Excellent	Page 2 of 2
T I M E L I M I T S						
OPENING STATEMENTS		DIRECT EXAMINATION		CROSS EXAMINATION		CLOSING ARGUMENTS
5 minutes for each side		10 minutes for each side		10 minutes for each side		10 minutes for each side
				PLAINTIFF / PROSECUTION		DEFENSE
DEFENSE 1st Witness	Direct and Re-Direct Examination by Attorney					
	Cross and Re-Cross Examination by Attorney					
	Witness Preparation and Credibility					
DEFENSE 2nd Witness	Direct and Re-Direct Examination by Attorney					
	Cross and Re-Cross Examination by Attorney					
	Witness Preparation and Credibility					
DEFENSE 3rd Witness	Direct and Re-Direct Examination by Attorney					
	Cross and Re-Cross Examination by Attorney					
	Witness Preparation and Credibility					
➤ CLOSING STATEMENTS (ENTER SCORE→)						
(1–10 points PER team)						
➤ PROFESSIONALISM (ENTER SCORE→) <ul style="list-style-type: none"> • Team’s overall confidence, preparedness and demeanor • Compliance with the rules of civility • Zealous but courteous advocacy • Honest and ethical conduct • Knowledge of the rules of the competition • Absence of unfair tactics, such as repetitive, baseless objections; improper communication and signals; invention of facts; strategies intended to waste the opposing team’s time for its examinations. 						
➤ TOTAL SCORE (ENTER SCORE)→						
JUDGE’S NAME (Please print) →						
<p>In the event of a tie, please award one point to the team you feel won this round. <u>Mark your choice below.</u></p> <p style="text-align: center;"> <input type="checkbox"/> PLAINTIFF/PROSECUTION <input type="checkbox"/> DEFENSE </p>						

PREPARING FOR THE MOCK TRIAL TOURNAMENT

Learning the Basics

Teachers and attorneys should instruct students in trial practice skills and courtroom decorum. You may use books, videos, and other materials in addition to the tournament materials that have been provided to you to familiarize yourself with trial practice. However, during the competition, you may cite only the materials and cases provided in the Mock Trial Tournament materials contained in this booklet. You may find the following books and materials helpful:

Mauet, Thomas A., Trial Techniques (6th ed.), Aspen Law and Business Murray, Peter, Basic Trial Advocacy, Little, Brown and Company

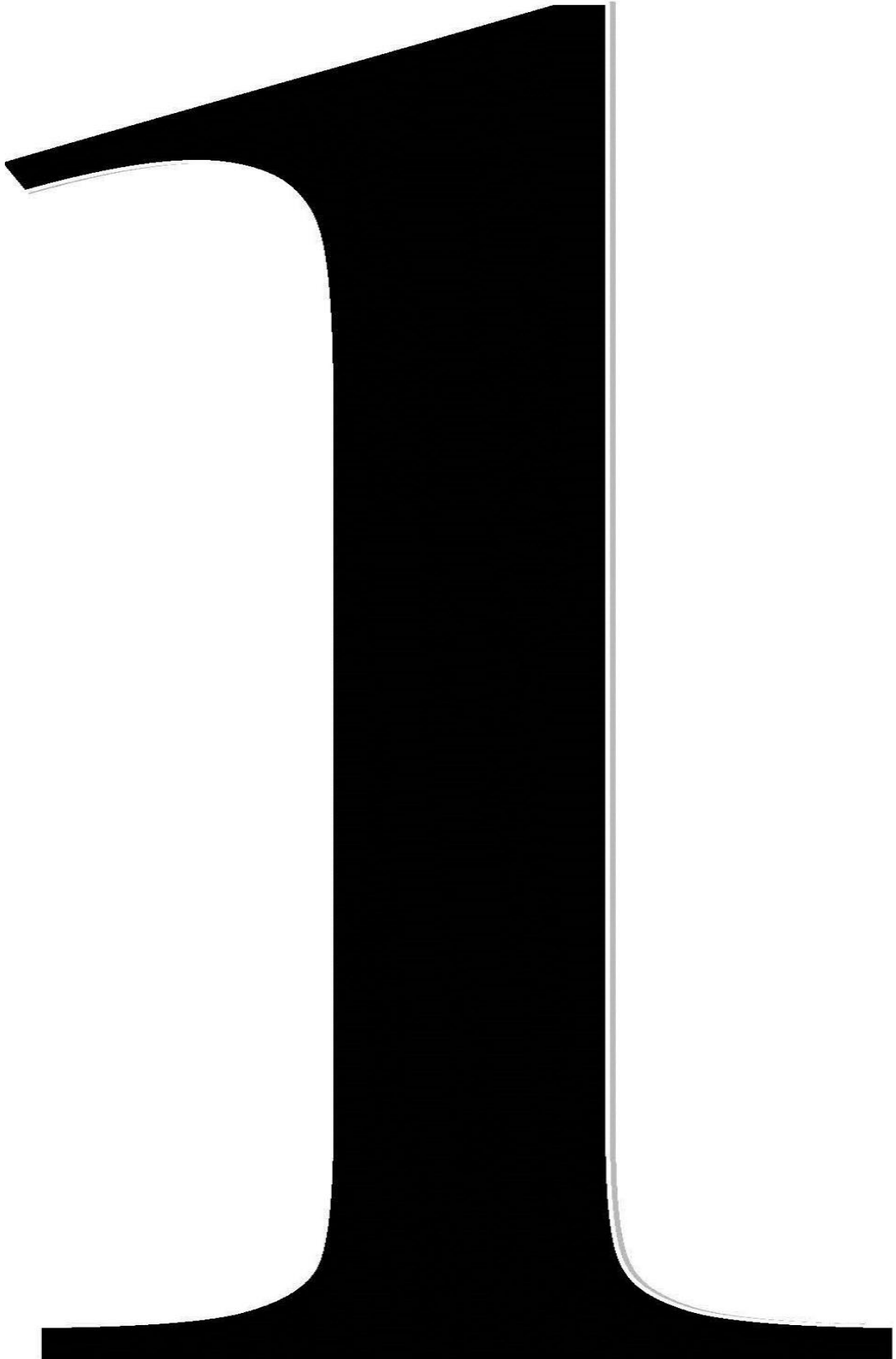
Lubet, Steven, Modern Trial Advocacy, National Institute for Trial Advocacy

Vile, John R., Pleasing the Court: A Mock Trial Handbook (3rd ed.), Houghton Mifflin Company

Preparation

1. Teachers and attorneys should teach the students what a trial is, basic terminology (e.g., plaintiff, prosecutor, defendant), where people sit in the courtroom, the mechanics of a trial (e.g., everyone rises when the judge enters and leaves the courtroom; the student-attorney rises when making objections, etc.), and the importance of ethics and civility in trial practice.
2. Teachers and attorneys should discuss with their students the elements of the charge or cause of action, defenses, and the theme of their case. We encourage you to help the students, but not to do it for them.
3. Teachers should assign students their respective roles (witness or attorney).
4. Teams must prepare both sides of the case.
5. Student-witnesses cannot refer to notes so they should become very familiar with their affidavits and know all the facts of their roles. Witnesses should “get into” their roles. Witnesses should practice their roles, with repeated direct and cross-examinations, and anticipate questions that may be asked by the other side. The goal is to be a credible, highly prepared witness who cannot be stumped or shaken.

6. Student-attorneys should be equally familiar with their roles (direct examination, cross-examination, opening and closing statements). Student attorneys should practice direct and cross-examinations with their witnesses, as well as practice opening and closing arguments. Closings should consist of a flexible outline. This will allow the attorney to adjust the presentation to match the facts and events of the trial itself, which will vary somewhat with each trial. Practices may include a judge who will interrupt the attorneys and witnesses occasionally. During the earlier practices, students may fall “out of role” however, we suggest that as your practices continue, this be done less and that you critique presentations at the end. Each student should strive for a presentation that is as professional and realistic as possible.
7. Each team should conduct a dress rehearsal before the first round of the competition. We encourage you to invite other teachers, friends, and family to your dress rehearsal.



(over)

TIME LIMITS

OPENING STATEMENTS

5 minutes for each side

DIRECT EXAMINATION

10 minutes for each side

CROSS EXAMINATION

10 minutes for each side

CLOSING ARGUMENTS

10 minutes for each side

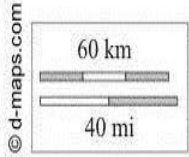
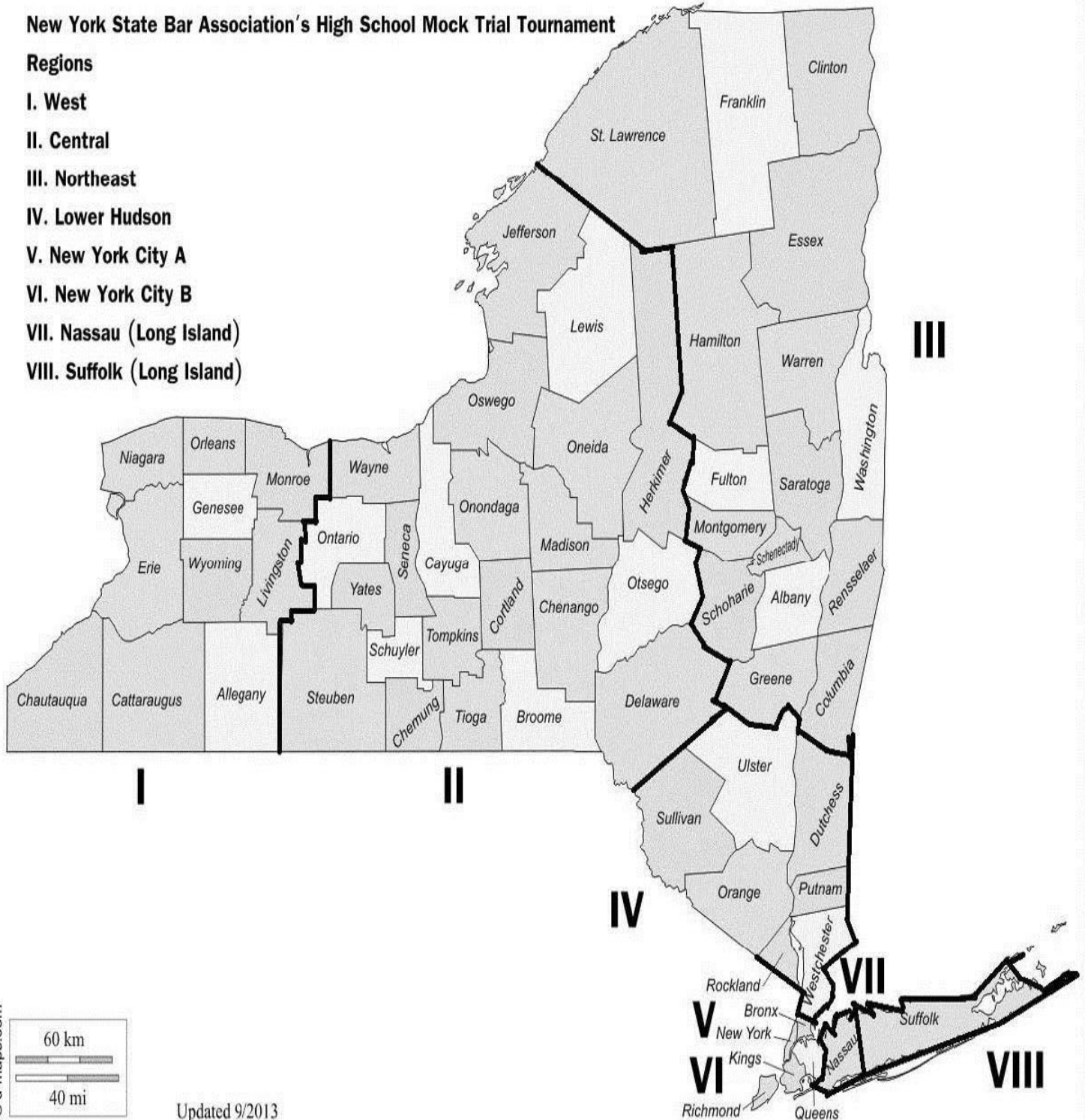
Regional Map for New York State Bar Association's High School Mock Trial Tournament

A list of all the Past Regional Champions is available at www.nysba.org/nys-mock-trial/

New York State Bar Association's High School Mock Trial Tournament

Regions

- I. West
- II. Central
- III. Northeast
- IV. Lower Hudson
- V. New York City A
- VI. New York City B
- VII. Nassau (Long Island)
- VIII. Suffolk (Long Island)



Updated 9/2013

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2024 New York State Bar Association's High School Mock Trial Champions

**AUGUSTINE CLASSICAL ACADEMY
REGION 3 (Northeast)**

Mechanicville, NY | Saratoga County

Presiding Judge: Judge Eddie J. McShan,
Justice of the Supreme Court, Appellate Division, Third Judicial Department

Faculty Coach

Thomas Trouwborst

Team Members

Nora Catalano

Caleb Gascoyne

Elliot Gorss

Ethan Gossman

Effie MacKenzie

Dominic Marra

Hannah Trouwborst

Carter Van Amburgh

Sophie Van Amburgh

Isabelle West

David Zhao

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