2026 NEW YORK STATE HIGH SCHOOL MOCK TRIAL TOURNAMENT MATERIALS

PEOPLE

vs.

A. CARMEN ERICKSON & CARSON BLOCKER

REVISION 1 (01.08.26)

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

Supported by The New York Bar Foundation

NYSBA

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Law, Youth and Citizenship

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Greetings Mock Trial Tournament Participants! November 2025

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 to your County Coordinator. The County Coordinator will submit these to the Statewide Coordinator.**

- The Statewide Coordinator will forward all questions to the Mock Trial Subcommittee for their review.

- 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 2026 Mock Trial State Finals will be held in Albany on May 17-19.

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
NYSBA One Elk Street, Albany, New York 12207 • 518/463-3200 • http://www.nysba.org

LETTER FROM THE CHAIRS

November 26, 2025

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

Thank you for joining the 2026 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 444years, 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.

We'd like to extend a well-deserved congratulations to the 2025 NYS Mock Trial Champions, Nottingham High School from Region II, and acknowledge the admirable work by all of the teams involved in the 2025 Mock Trial Finals.

In this year's criminal case, *People v. A. Carmen Erickson and Carson Blocker,* the two defendants are accused of stealing used cooking oil from Big Burn's Bar-B-Que Pit. Erickson, who goes on trial first, claims that they could not have been at the crime scene at the time of the theft because they were at home playing an on-line video game with others. The prosecution claims to have an eyewitness who places Erickson at the crime scene. The defendants have been charged by a Prosecutor's Information with PETIT LARCENY in violation of Penal Law §155.25 and RESISTING ARREST in violation of Penal Law §205.30.

Please note the change to RULE 11. WITNESSES (on page 12), adding new subparagraph "i" which requires the exchange of student witness information.

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.

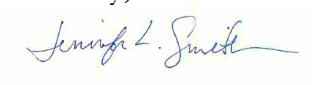
We remind the teams that all participants-students, teachers, attorneys, parents and all spectators-must conduct themselves with the utmost respect and civility toward the judge, before, during and after each round. If there is a circumstance in which any participant does not abide by this standard, 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 17 through Tuesday, May 19, 2026. As in years past, the regional winners in each of the eight regions will be invited to participate in the semi-finals, and two teams will advance to the final round on the last day. 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 know 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

Subcommittee Members:
Oliver C. Young, Esq., *Buffalo (Chair)*
Laetitia Kasay Basondwa, Esq., *Maryland*
Christine E. Daly, Esq., *Chappaqua*
Gail Ehrlich, Esq., *Mount Vernon*
Seth F. Gilbertson, *Williamsville*
Candice Baker Leit, Esq., *Rochester*
Alexander Paykin, Esq., *NYC*
Jennifer Letitia Smith, Esq., *NYC*
Lynn B. Su, Esq., *NYC*
Hon. Jonah Triebwasser, *Red Hook*

Statement Regarding Instances of Bullying in the 2026 Mock Trial Case

To All Mock Trial Participants:

This year's mock trial case includes instances of bullying.

The Mock Trial Subcommittee recognizes that bullying, whether physical, verbal, or online, can cause significant harm and is a serious concern in schools, workplaces, and communities. The inclusion of this topic in the case materials is intended solely for educational purposes, to encourage thoughtful discussion, advocacy skills, and understanding of the legal and ethical implications surrounding such behavior.

The LYC Committee and the Mock Trial Subcommittee do not condone or endorse bullying in any form. We remind participants that the scenarios and characters in this case are fictional and should be approached with respect for all individuals who may have experienced similar situations in real life. As always, the goal of the Mock Trial Program is to promote civility, empathy, and fairness, values that stand in direct opposition to bullying.

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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 their 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 they are 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 affirmation 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 affirmation and the statement of facts or stipulated facts, the witness can only rely on, and is bound by, the information contained in their affirmation or witness statement.

c. A witness is not bound by facts in other witness' affirmations 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.

i. **Prior to the start of a match, each team must provide to the other team the identity of the student-witness for each role and the gender/non-binary pronoun each student-witness prefers.**

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 their 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 their 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 2.....Central
Region 3.....Northeast
Region 4.....Lower Hudson
Region 5.....New York City (NYC-A)
Region 6.....New York City (NYC-B)
Region 7.....Nassau County
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 period[1]. **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 Form[2] 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 durin 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 affirmation, the attorney on direct may show that portion of the affirmation 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 they 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."

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 a 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 themself. 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 an out-of- court statement of a declarant's 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 them 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 affirmation has been marked for identification, a witness may be asked questions about their affirmation without its introduction into evidence. In order to read directly from an affirmation 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 unresponsive."
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 CIRCUMSTANIAL 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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JUSTICE COURT: TOWN OF BUTLER
COUNTY OF COOK: STATE OF NEW YORK
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THE PEOPLE OF THE STATE OF NEW YORK,

Prosecutor's Information
No. 2025-00119

- against -

A. CARMEN ERICKSON and
CARSON BLOCKER,
Defendants.
==========

Case Summary[1]

On September 9, 2025, A. Carmen Erickson (a/k/a ACE), age 27, was arrested and charged with stealing used cooking oil from Big Burns Bar-B-Que Pit. During the arrest, the person with Erickson, Carson Blocker, also 27, tried to run away, tripped on a raised portion of the sidewalk, and struck their head on the pavement. Blocker is in a coma and on life support. Erickson and Blocker have been "best friends forever" since junior high school. They are always seen together and rarely associate with other people.

The District Attorney alleges that Erickson and Blocker concocted the scheme to steal used cooking oil from Big Burns Bar-B-Que Pit. Big Burns Bar-B-Que Pit, a well-patronized bar and restaurant in the Town of Butler, County of Cook, State of New York, is owned by Gale Burns. According to the prosecution, on August 31, 2025, at approximately 2:00 AM, the defendants went to the Burn Pit (as it is called by many of its patrons) to steal used cooking oil. Blocker, who was once an employee at the Burn Pit, was aware that the Burn Pit closes on Saturday nights/Sunday mornings at 1:00 AM. The prosecution contends that Blocker also knew where and how the used cooking oil was stored. The prosecution further alleges that Blocker, as a former employee, was aware that the oil is stored in large vats and collected by the used oil contractor on the first Monday of each month. According to the District Attorney, Erickson and Blocker would have known that the maximum amount of used cooking oil for the month of August 2025 would be in the vats on August 30-31.

[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 affirmation differs from the case summary, the language in the affirmation prevails.

Gale Burns lives about 20 minutes from the restaurant. At about 1:10 AM on Sunday, August 31, Burns locked up the restaurant and drove home. Shortly after arriving home, Burns, believing that they had failed to set the restaurant's alarm system, proceeded to return to the restaurant. Upon their return to the restaurant at around 2:15 AM, Burns, who was about to enter the restaurant through the front door, heard some rumbling coming from the rear of the building. Burns, with a flashlight in hand, walked around to the back of the restaurant to investigate the noise. They noticed two individuals and a pickup truck with four 50-gallon drums in the back. A siphon drum pump appeared to be attached to one of the drums. Burns immediately knew what was occurring and yelled to the individuals to "STOP!" Startled by the beam of the flashlight and the sound of Burns's voice, the two individuals turned quickly to look at Burns and then began to flee. Burns noticed that the back of the jacket of one of the individuals got stuck on the long nail protruding from the inside of the rear door frame. Burns also noticed that the individual's jacket appeared to rip when they struggled to pull away from the nail. That individual eventually entered the passenger side of the truck just before the truck quickly sped away. After the individuals drove off, Burns entered the building to assess the situation. Burns then called the Cook County Sheriff's Department, the entity which provides police services to the Town of Butler, to report the theft. Chief Investigator of the Robbery/Larceny Unit of the Sheriff's Department, Sal Thomas, went to the scene. Burns, who knows Sal Thomas as a patron of the restaurant, told the investigator what had just occurred. Burns also told the investigator that in the excitement of the moment, they did not think to get the license plate number of the truck until the truck was driving away. Burns said that they were able to get one of the characters of the plate (the number "8"). Burns told the investigator that two of their three 75-gallon vats were completely empty. The third vat had a few gallons left. Burns told the investigator that the alarm had not been set.

Investigator Thomas set out to find the perpetrators. Thomas first interviewed Terry Johnson, who resided in a rear apartment of a building located behind and across an alleyway from the Burn Pit. Johnson had called the Sheriff's Department on September 2, 2025, and left a message alleging that one of the perpetrators appeared to be a person by the name of Carmen Erickson. During the interview on September 3, 2025, Johnson told the investigator that their bedroom window faces the back of the Burn Pit. Johnson said that, in the early morning hours of August 31, they had gotten up to get a drink of water. Upon returning to the bedroom, Johnson noticed a very bright light outside of their window. Looking out the window, Johnson noticed a pickup truck in the back of the Burn Pit and said to themselves, after getting a quick glimpse of the person opening the driver side door, that the person looked like Carmen Erickson. Johnson told the investigator that after having thought about it increasingly over the next couple of days following the incident, they had convinced themselves that Erickson was the person getting into the pickup truck. Johnson also told the investigator that the other person

with Erickson was probably Carson Blocker. Upon leaving Johnson's apartment, the investigator told Johnson not to attempt to contact Erickson or any of Erickson's acquaintances. Johnson told the investigator that they had no intention of contacting Erickson and was "willing to do anything and everything to put that SOB Carmen in prison."

On September 4, 2025, Investigator Thomas returned to Johnson's apartment. The investigator showed Johnson a picture array and asked Johnson whether anyone in the array appeared to be the person getting into the pickup truck. Without hesitation, Johnson went right to the picture of Carmen Erickson. With this information, the investigator was able to get an arrest warrant for Erickson.

With the arrest warrant in hand, Investigator Thomas set out to effectuate the arrest warrant by assembling a team of sheriff deputies. Having learned that Erickson and Blocker often frequent Queen City Saloon and Pool Hall for happy hour, the investigator and the deputies staked out the place for several days. On September 9, the officers observed Erickson and Blocker leaving the saloon, the investigator said, "A. Carmen Erickson, you are under arrest!" Erickson struggled with the deputies a bit, but they were able to secure Erickson. However, Blocker proceeded to run, was chased by the deputies and fell on the concrete sidewalk, which resulted in Blocker's serious head injuries.

On the date of Erickson's arrest, Erickson and Blocker were both wearing their signature leather jackets. After Blocker fell, the investigator noticed that the back of Blocker's jacket had a five-inch rip that appeared to have been repaired. The investigator later obtained from Erickson's phone a short video of Blocker taken on August 21, 2025, at the Saloon. This video showed Blocker spinning around several times in celebration of something occurring there. In this video, the back of the jacket did not have a rip or any sign of having been repaired**.** With this information, Blocker was arrested and detained at the hospital under a police hold.

On the morning of September 10, 2025, the District Attorney filed a Prosecutor's Information, charging Erickson and Blocker with Petit Larceny and Resisting Arrest. On the afternoon of September 10, Erickson was arraigned on the Prosecutor's Information, entered a plea of not guilty to each charge, and was released on their own recognizance (ROR) pursuant to the New York bail reform law. All criminal proceedings against Blocker were stayed due to their current health condition.

Bo Kerrick, who is Erickson's ex-probation officer, was displeased with Erickson upon learning of Erickson's new arrest. At age 21, Erickson was charged with Criminal Possession of a Weapon in the Fourth Degree, a class A misdemeanor. During a routine traffic stop, a gun was found in a car where Erickson and Blocker were passengers. No one claimed ownership of the weapon, so Erickson, Blocker, the driver and another passenger were all charged and prosecuted. Because

of their young age, Erickson and Blocker were promised a sentence of two years' probation in exchange for their guilty pleas to the charge. Kerrick was instrumental in securing the probationary sentence for Erickson.

During the two-year period of Erickson's probation, Erickson was required to meet with Kerrick each month for thirty minutes as one of the probationary conditions. During the sessions, Kerrick would talk to Erickson about staying out of trouble, going to a trade school to develop employable skills, making the right choices in life, and about life in general. Kerrick believed they had made great progress with Erickson and grew very fond of them. In fact, many of their sessions went well beyond the thirty minutes as they conversed on a wide range of topics and concerns. Erickson and Kerrick continued their friendship after the probationary period had ended and would talk frequently.

On June 4, 2025, Kerrick's employment at the Cook County Probation Department was terminated. Kerrick believes that it was the actions of Investigator Thomas that led to Kerrick's termination. Investigator Thomas did not like Kerrick's œddling of criminals and made Kerrick aware of Thomas's concerns in no uncertain way. Thomas observed over the years that Kerrick rarely recommended a term of imprisonment for criminal defendants, even the ones who committed violent offenses. Thomas made it clear to Kerrick that Kerrick's overindulgence with these convicts made Thomas's job of fighting crime very difficult. Thomas prevailed upon the County Sheriff and the District Attorney to meet with the director of the probation department and to lodge complaints against Kerrick. Rules of the probation department prohibit an officer from maintaining personal relationships with probationers and ex-probationers because it might cloud the officer's decision making when a violation of probation and imprisonment might be warranted for a particular probationer. During Kerrick's hearing to which Kerrick was entitled under the collective bargaining agreement, Kerrick admitted that they took personal interest in their probationers and was terminated. Kerrick feels that Investigator Thomas's actions were unforgivable.

On September **17**, Billie Stewart, a first cousin of Erickson, called Investigator Thomas and claimed that Erickson could not have been at the Burn Pit at 2:00 AM on August 31, 2025, because Stewart, Erickson and Blocker were all online playing the new online video game League of Avengers at that time. Stewart claims it is not uncommon for them to play video games on weekends until the wee hours of the morning. Since they were new to the game, they claimed that they were playing in practice mode. In practice mode, only logon information is retained by the game's servers. No timestamps for events, metrices or other activities are maintained in practice mode. The League of Avengers game log shows that Stewart logged on August 30 at 10:30 PM, Erickson at 10:45 PM, and Blocker at 11:05 PM. The League of Avengers, one of the most popular online games, has a setting called AutoPilot that will play the game for a player, thereby allowing the player, particularly a new player, to sit back and see how

the game is played. Stewart does not remember the scores but recalls that Stewart was winning until approximately 3:00 AM when they came out of AutoPilot, at which time Erickson started to take the lead in the scoring.

Investigator Thomas believed that Stewart was lying. Thomas learned that Stewart owes Erickson $2000. The debt was incurred in 2023 when Erickson was able to arrange bail for Stewart. Stewart had been charged with a violent felony assault and, as a second felony offender, Stewart was not eligible for release on own recognizance (ROR). The prior felony was a fourth-degree arson conviction. The bail bondsman charged $2000 for the $20,000 bond on the new charge. The assault charge against Stewart was dropped when the victim refused to cooperate. Inspector Thomas suspects that the $2000 debt owed to Erickson will be cancelled in exchange for the alleged fabricated alibi that Stewart is expected to provide.

At Erickson's trial, the prosecution must show beyond a reasonable doubt that Erickson committed the petit larceny charge of stealing used cooking oil from Big Burns Bar-B-Que Pit, and the charge of resisting arrest.

Witnesses for the Prosecution:

Chief Investigator Sal Thomas
Gale Burns
Terry Johnson

Witnesses for the Defense:

A. Carmen Erickson, Co-Defendant
Bo Kerrick
Billie Stewart

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STIPULATIONS:

1. All witness statements are deemed sworn or affirmed, and duly notarized.

2. All items of evidence are original, authenticated, and eligible for use during the match, following proper procedure for marking, identification, and submission.

3. Any enactment of this case is conducted after the named dates in the Case Summary and the witness affirmations. (Please note that the Case Summary is provided solely for the convenience of the participants in the Mock Trial Tournament. Said summary itself does not constitute evidence and may not be introduced at the trial or used for impeachment purposes).

4. All pre-trial suppression motions, including *Huntley* (15 NY2d 72), *Mapp* (367 U.S. 643), and *Dunaway* (442 U.S. 200, 60 L. Ed2d 824), and a challenge to the validity of the Prosecutor's Information have been decided and in favor of the government.

4.1. The prosecution and the defense have fully complied with the provisions of CPL § 250.20 (Notice of Alibi).

5. Terry Johnson's identification of A. Carmen Erickson is limited to the statements made in Johnson's affirmation.

6. The person in the video screenshot exhibit is Carson Blocker.

7. The exhibit showing the front and back of a leather jacket is deemed the actual item and may be offered into evidence as the actual leather jacket belonging to Carson Blocker that was seized by Chief Investigator Sal Thomas on September 9, 2025.

7.1. The prosecution and the defense agree that the leather jacket depicted in the video screenshot is the same jacket seized from Carson Blocker by Chief Investigator Sal Thomas on September 9, 2025.

8. The parties acknowledge that the only co-defendant being tried presently is A. Carmen Erickson. Co-defendant Carson Blocker will be tried at a later time.

9. No other stipulations shall be made between the plaintiff/prosecution and the defense, except as to the admissibility of evidentiary exhibits provided herein.

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JUSTICE COURT: TOWN OF BUTLER
COUNTY OF COOK: STATE OF NEW YORK
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THE PEOPLE OF THE STATE OF NEW YORK,

Prosecutor's Information
- against - No. 2025-00119

A. CARMEN ERICKSON and
CARSON BLOCKER,
Defendants.
==========

THE DISTRICT ATTORNEY OF THE COUNTY OF COOK, by this indictment, accuses the defendants, A. CARMEN ERICKSON and CARSON BLOCKER, of the crime of PETIT LARCENY in violation of Section 155.25 of the Penal Law of the State of New York, and the crime of RESISTING ARREST in violation of Section 205.30 of the Penal Law of the State of New York, committed as follows:

COUNT ONE: The defendants, A. CARMEN ERICKSON and CARSON BLOCKER, acting together, on or about the 31st day of August 2025, in the County of Cook, State of New York, wrongfully took, obtained, or withheld property, to wit: used cooking oil, from Big Burns Bar-B-Que Pit, located at 1965 Plebiscite Street, in Butler, New York, with the intent to deprive Big Burns Bar-B-Que Pit of the property, and the value of said property being less than $1000.00, in violation of Penal Law §155.25.

COUNT TWO: The defendant, A. CARMEN ERICKSON, on or about the 9th day of September 2025, in the vicinity of 1954 Hurdle Avenue in Butler, County of Cook and State of New York, sought to prevent police officers, to wit: uniform Sheriff's Department deputies, from effecting an authorized arrest of A. CARMEN ERICKSON for the crime of Petit Larceny by struggling with the deputies, in violation of Penal Law §205.30 .

COUNT THREE: The defendant, CARSON BLOCKER, on or about the 9th day of September 2025, in the vicinity of 1954 Hurdle Avenue in Butler, County of Cook and State of New York, New York, attempted to prevent police officers, to wit: uniform Sheriff's Department deputies, from effecting an authorized arrest of CARSON BLOCKER for the crime of Petit Larceny by running away, in violation of Penal Law §205.30.

Dated: September 10, 2025
Butler, New York

Kathleen Sweat

KATHLEEN SWEAT

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AFFIRMATION OF CHIEF INVESTIGATOR SAL THOMAS

1. My name is Sal Thomas. I am an investigator for the Cook County Sheriff's Department. I am 44 years old and have been with the Sheriff's Department for the past twenty-one years. I reside in the Town of Butler, Cook County, New York. I have always viewed Butler as a big town with a small town, homey feel.

2. I graduated from SUNY Butler State College in 2003 with a degree in criminal justice. I had significant coursework in constitutional law and forensic evidence collection. Forensic evidence is material (tangible) or information (intangible) collected at a crime scene or elsewhere that is intended to be used in court. After graduating from BSC, I was accepted into the Cook County Police Academy. At the end of the six-month training course in December 2003, I was employed by the Cook County Sheriff's Department starting in January 2004 and was assigned to the Town of Butler as a traffic cop. Cook County provides policing services to the Town of Butler under an inter-municipal contract. After three years in traffic, I was elevated to road patrol for the whole county.

3. In May 2011, the Sheriff approached me and asked me to consider being a detective. The Sheriff was impressed with the reports I had prepared as a patrol cop and felt that I would be a real asset to the department as a detective.

4. In September 2018, I saw an employment promotion notice on the Cook County Sheriff's Department website for an investigator's position. The investigator's position pays more and provides better benefits, like a county-provided vehicle and an expense account. Because of my great relationship with the Sheriff, I applied and was hired as an investigator for the department, beginning in October 2018.

5. By March 2021, I had moved up to be Chief Investigator in the Robbery/Larceny Crime Unit. I love catching those criminals that prey on the good citizens of Cook County. In fact, I get an adrenaline rush when we catch one of those deviants and "perp walk" the SOB in front of their relatives and friends. Now at age 44, the rush is still there when we nab one and put on the handcuffs.

6. While crime overall in the county has been trending down significantly over the past couple of years, there has been a noticeable increase in larceny offenses, particularly targeting businesses. One contributing cause of the upsurge is the theft of used cooking oil from bars and restaurants. We get three or four calls each month from

establishments reporting such thefts. Most of the time, only the used oil is taken, nothing else. Between January and August 2025, our unit logged 27 complaints involving theft of used cooking oil. These offenders are difficult to catch, mostly because the crimes occur in the wee hours of the morning and partly because most of the establishments operate on a small profit margin and cannot afford expensive security systems. The cheap alarm setups are easy to defeat.

7. On August 31, 2025, at approximately 2:30 AM, the Sheriff's Department received a call that an alleged theft of used cooking oil had occurred at Big Burns Bar-B-Que Pit. I'm quite familiar with the place, having taken my family there for Buffalo wings on many occasions. Like most of the patrons, we call the place the Burn Pit. It is located at 1965 Plebiscite Street in Butler. Because I am supervisor of the Robbery/Larceny Crime Unit, the dispatcher reached out to me after receiving the 9-1-1 call. Since I don't live very far from the Burn Pit and I know Gale Burns, I told the dispatcher to let the third shift robbery/larceny unit know that I would meet them there.

8. When I got there on or about 2:45 AM, I asked Burns to tell me what happened. Burns said that they closed the Burn Pit as usual at 1:00 AM and left for home at approximately 1:10 AM. Living about 20 minutes from the Burn Pit, Burns said that they arrived home at around 1:30 AM. Burns said that shortly after arriving home, they, believing that they had failed to set the restaurant's alarm system, returned to the restaurant at around 2:15 AM. Burns told me that upon their return to the restaurant, Burns, who was about to enter the restaurant through the front door, heard some rumbling coming from the rear of the building. With a high beam flashlight in Burns's hand, Burns told me that they went around to the back and noticed two individuals and a pickup truck with what appeared to be four 50-gallon drums in the back. A siphon drum pump appeared to be attached to one of the drums, according to Burns. Burns described the siphon drum pump to me. I later delivered through the prosecutors a picture of a siphon drum pump, most likely used by the perpetrators. The pump actually used has not been recovered.

9. Burns told me that they immediately knew what was occurring and yelled to the individuals to "STOP!" Burns said that the beam of Burns's flashlight and voice may have startled the thieves, and they turned quickly to look at Burns before starting to flee. Burns told me that the back of the jacket of one of the individuals appeared to have gotten stuck on a long nail protruding from the inside of the rear door frame. Burns believed they heard the individual's jacket ripping as they struggled to pull away from the nail. According to Burns's initial account, that individual eventually entered the passenger side of the truck just before the truck quickly sped away. After the individuals

drove off, Burns said that they entered the building to assess the situation. Burns told me that two of their three 75-gallon vats were completely empty. The third vat had a few gallons left. Burns told me that the alarm had not been set. Burns lamented the loss of the cooking oil in view of the fact that the used oil contractor was coming on Monday, September 1 to collect the oil.

10. Burns told me that in the excitement of the moment, they did not think to get the license plate number of the truck until the truck was driving away. Burns did manage to get one of the characters on the plate and told me that it is the number "8." Burns was very upset about what had happened to the Burn Pit. Before leaving, I said to Burns, "Don't worry. I will catch the bums who did this."

11. My robbery/larceny team and I set out to find these perpetrators. Our concern was heightened by the fact that these two criminals are brazen. It's not a big leap to imagine that the next encounter by an owner or an employee of an establishment with these bums could result in injury or death to the owner or the employee.

12. On September 3, 2025, I interviewed a Terry Johnson, who resides in a rear apartment on the second floor of a building located behind and across the alleyway from the Burn Pit. Johnson's address is 1616 Lincoln Avenue, Apt. 8, in Butler. Johnson had called the Sheriff's Department on September 2, 2025, and left a message alleging that one of the perpetrators appeared to be a person by the name of Carmen Erickson. During the interview on September 3, 2025, Johnson told the investigator that their bedroom window faces the back of the Burn Pit. Johnson said that, in the early morning hours of August 31, they had gotten up to get a drink of water. Upon returning to the bedroom, Johnson noticed a very bright light outside of their window.

13. Upon looking out the window, Johnson noticed a pickup truck behind the Burn Pit restaurant. Johnson got a quick glimpse of the person who appeared to be getting into the truck through the front driver side door and thought to themselves that this person looked like Carmen Erickson. Johnson said the beam of light was so bright you could have played a nighttime baseball game in that area. Johnson then said that at first they were not 100% sure that the driver of the truck was Carmen. But after having thought about it increasingly over the couple of days following the incident, Johnson said that they had convinced themselves that Erickson was the person getting into the front driver side seat of the pickup truck.

14. I asked Johnson how it was that they had come to know Erickson. Johnson said that they have known Erickson since middle school. Johnson's family had just moved to Butler as Johnson was entering the 8th grade and Johnson was in the same homeroom as Erickson. Johnson said Erickson and Blocker were bullies. They would harass younger students and take their lunch money. Johnson then told me the story of Johnson's younger sibling, Stacy. While on the playground of the middle school one day, Stacy, who was then in the 6th grade, was being shaken down by Erickson for Stacy's lunch money. Stacy refused to give in. Erickson then took Stacy's Butler Bills cap that had been signed by future Hall of Fame quarterback Jake Allen. When Stacy tried to retrieve the cap, Erickson struck Stacy so hard with their fist that the force of the blow broke Stacy's jaw. The SROs took Erickson to the office of one of the vice principals. Erickson received only a couple weeks of in-school suspension, while Stacy was in severe pain for a long time, could not eat solid food for six weeks, and missed two months of school. Johnson said their parents took Stacy out of Butler Middle School and enrolled Stacy in a middle school across town. Johnson said that they completed the 8th grade at Butler Middle School but did not enroll in Butler High School where Erickson had gone. Johnson said that they went to Bennett High School on the north side of town.

15. For the balance of their 8th grade school year, Johnson said that whenever Johnson would see Erickson in the hallways or elsewhere on school grounds, Erickson would pretend to hit Erickson's own jaw so as to torment Johnson. After the 8th grade and even after high school itself, Johnson said that whenever the two of them crossed paths at the mall or on the street, for instance, Erickson each time would make that tormenting gesture. Johnson said, "I really, truly hate Carmen Erickson." Upon leaving Johnson's apartment, I told Johnson not to attempt to contact Erickson or any of Erickson's acquaintances. Johnson told me that they had no intention of contacting Erickson and were "willing to do anything and everything to put that SOB Carmen in prison." Johnson said that they promised Stacy that one of these days, Erickson will pay dearly for what Erickson had done to Stacy.

16. On September 4, 2025, I returned to Johnson's apartment. I showed Johnson a picture array and asked them whether anyone in the array appeared to be the person getting into the pickup truck. Without hesitation, Johnson went right to the picture of Carmen Erickson. Given Johnson's admitted personal history with Erickson, I instructed Johnson to be certain of their identification before proceeding. Johnson confirmed and also speculated that the other person with Erickson was probably Carson Blocker. With this information, I was able to get an arrest warrant for Erickson, but not Blocker.

17. With the arrest warrant in hand, I set out to effectuate the arrest warrant by assembling a team of sheriff deputies. Because of the difficulties we sometimes encounter in arresting someone at their home, we decided to make the arrest out in the open and by surprise, and not where Erickson resided. This approach was for the safety of the deputies and anyone who might reside with Erickson. Having learned that Erickson and Blocker frequent Queen City Saloon and Pool Hall for happy hour most days, the deputies and I staked out the place for several days. On September 9, we observed Erickson and Blocker leaving the saloon, which is located at 1954 Hurdle Avenue in Butler. I called out to Erickson, "A. Carmen Erickson, you are under arrest!" Erickson struggled with the deputies a bit, but they were able to secure Erickson. Blocker, however, proceeded to run and was chased, which resulted in the serious head injuries Blocker received. Because these two boneheads tried to run away and/or struggled a little with my deputies when they were caught, they were hit with a resisting arrest charge in addition to the petit larceny count.

18. On the date of the arrest, Erickson and Blocker were both wearing their signature leather jackets. I noticed after Blocker's fall that there was a five-inch rip in the middle back of Blocker's jacket. The rip appeared to have been repaired. On September 10 at about 9:30 AM, I obtained a warrant allowing the Sheriff's Department to search Erickson's cellphone for evidence of criminal activity. We found on Erickson's phone a short video of Blocker taken on August 21, 2025, at the Saloon showing Blocker spinning around several times in celebration of something occurring there. In the video, the back of Blocker's jacket did not have a rip or any sign of having been repaired. The jacket was subsequently examined at the Cook County Crime Lab, and it was determined that the rip had been recently repaired using leather glue. With this information, which comports with Burns's belief that the jacket of one of the perpetrators had been ripped by a nail, Blocker, although in a coma, was arrested and detained at the hospital under a police hold. I provided the crime lab report, prepared by Dr. Marston, to the prosecutors.

19. The District Attorney filed a Prosecutor's Information on September 10, 2025, in the late morning, charging Erickson and Blocker with Petit Larceny and Resisting Arrest. In the afternoon of September 10, Erickson was arraigned on the Prosecutor's Information, entered a plea of not guilty to each charge, and was released on their own recognizance (ROR) pursuant to the New York bail reform laws. All criminal proceedings against Blocker were stayed due to their current health condition.

20. On September 17, 2025, at about 10:00 AM, someone named Billie Stewart, claiming to be the cousin of Erickson, called me. The name sounded familiar to me, but it did not quite register at the time of the call. Anyway, Stewart asserted that Erickson could not have been at the Burn Pit on August 31, 2025, at 2:00 AM because Stewart, Erickson and Blocker were all online playing the video game League of Avengers at that time. I found this information very interesting, so I paid a visit to Stewart's apartment on the afternoon of September 17. Upon my arrival at the apartment, Stewart asserted that it is not uncommon for them to play video games on weekends until the wee hours of the morning. I asked Stewart for proof that they were all online at the time of the theft. Stewart said that I could get the logon and logoff information for each user from the systems administrators at the League of Avengers' headquarters. Stewart gave me the username for each of the players.

21. I contacted a systems administrator at the League of Avengers' headquarters on September 18, 2025. After identifying myself as law enforcement and providing my credentials, I requested the logon and logoff information for the usernames associated with Erickson, Blocker, and Stewart, respectively, on Saturday, August 30 through Sunday, August 31, 2025. The system showed that the username for Stewart logged on August 30 at 10:30 PM, for Erickson at 10:45 PM, and for Blocker at 11:05 PM. It further showed that they all logged off at approximately 3:45 AM on August 31. I then asked the administrator for other information regarding (1) scoring, (2) scoring changes over the course of the game, and (3) any other information showing continuous play by the three users that session. The administrator said that the three users were playing in practice mode. In practice mode, I was told that only logon/logoff information is retained. No timestamps for events, metrices or other activities are maintained in practice mode. The players can see their scores in practice mode, but the system will not store the scoring. I also learned that the League of Avengers' game, one of the most popular online games, has a setting called AutoPilot that will play the game for a player, thereby allowing the player, particularly a new player, to sit back and just see how the game is played. This is all too convenient, isn't it, for Erickson and Blocker? This manufactured alibi is too cute by half!

22. I recall from my notes asking Stewart about the scoring and who was winning during the course of the game. Stewart said that Stewart does not remember the score but remembers that Stewart was winning until approximately 3:00 AM on August 31, at which time they came out of AutoPilot and Erickson started to take the lead in the scoring. I found that tidbit of information quite revealing in this saga. About the time Erickson returned to their residence after the thievery at the Burn Pit, Erickson, as

Stewart asserted, disengaged AutoPilot, remained in practice mode, resumed personal play of the game, and took the lead in the scoring.

23. There is no doubt in my mind that Stewart is lying. In my investigation, I learned that Stewart owes Erickson $2000. The debt was incurred in 2023 when Erickson was able to arrange bail for Stewart. Stewart had been charged with a violent felony assault and as a second felony offender Stewart was not eligible for ROR. The bail bondsman charged $2000 for the $20,000 bond. The charges against Stewart were dropped when the victim refused to cooperate. Stewart is lucky I was not working on that case! I would have worked with that victim and Stewart would be serving a lengthy prison sentence now instead of lying for their cousin. I'm sure that the $2000 debt will be cancelled in exchange for that fabricated alibi testimony.

24. On September 24, 2025, I met with Bo Kerrick, Erickson's former probation officer. Kerrick stopped by my office on that date to discuss the Erickson case. I was very busy at the time, but after about 30 minutes I was freed up. Kerrick was terminated from the Cook County Probation Department in June 2025 and accused me of playing a part in the termination. Over the years, I made it clear to Kerrick that I did not like the way Kerrick would coddle these street criminals. Police officers and investigators like me would arrest these perps and after their convictions, weak-kneed probation officers like Kerrick with their MSW degrees rarely recommended prison sentences, even for the perps who committed violent offenses. Kerrick was one of the "worst of the worst" in the probation department.

25. I was hesitant about meeting with Kerrick on September 24 but did so out of professional courtesy to a former probation officer. And I was hopeful that Kerrick might inadvertently give me some information that might be helpful to the prosecution's case. Nothing wrong with that! Kerrick told me that they were Erickson's probation officer back in 2019 when Erickson was facing a CPW 4° charge. I told Kerrick that I knew that and reminded Kerrick that I was one of the investigators on that case. Kerrick wanted to know how solid the new case against Erickson was. I told Kerrick that I was not at liberty to reveal specifics but told Kerrick that we had the "goods" on Erickson. I told Kerrick about the eyewitness identification and about the get-away pickup truck. Trying to be helpful for Erickson, Kerrick blurted out that Erickson does not own a pickup truck and that I needed to look at Erickson's cousin Billie Stewart who has a pickup truck.

26. Still trying to be helpful towards Erickson, Kerrick said to me that Erickson has turned their life around, has turned away from crime, and they're now an upstanding member

of society. Kerrick recounted that Erickson went out of their way to put up $2000 in 2023 to help obtain a bail bond for their cousin Billie. In sharing this information, Kerrick highlighted that Billie is a criminal and insinuated that I should read between the lines and direct my attention toward Billie Stewart and away from Erickson. I told Kerrick that we have cleared Billie and that they are not a suspect or even a person of interest in this case. Kerrick jumped up out of the chair and stormed out of my office, yelling that, "Ace is being railroaded, and this is what you people always do!" I yelled back, "Kerrick, you are still trying to coddle your precious little criminals. It's people like you that make my job of fighting crime very difficult. We were all better off when your butt got fired." In my assessment, Erickson was just using that dufus Kerrick, a person once in authority in the probation department, to vouch for Erickson if they ever got in trouble again. Well, that is not going to work this time.

27. I was right to have prevailed upon the County Sheriff and the District Attorney to meet with the director of the probation department and lodge complaints against Kerrick. Rules of the probation department prohibit an officer from maintaining personal relationship with probationers and ex-probationers because it might cloud the officer's decision making when a violation of probation and imprisonment might be warranted for a particular probationer.

28. After Kerrick left my office, I checked my notes from my meeting with Billie Stewart and noticed Stewart did not mention that they owned a pickup truck. I checked with the Department of Motor Vehicles and learned that Stewart has a midnight navy blue pickup truck with license plate number LYC-3482. TA-DA!! Lucky "8"! Burns said that one of the numbers on the license plate of the perps' truck is "8." While there are probably hundreds of vehicles in Cook County with license plates containing the number "8", I don't believe in mere coincidences. I'm pretty sure Erickson and Carson Blocker used Stewart's pickup truck to pull off the theft.

29. On September 25, 2025, I paid another visit to Stewart's apartment to inquire about the truck. I could have simply called Stewart, but sometimes you want to see the expression on their faces when you ask tough, unexpected questions. Stewart confirmed that they owned a dark blue pickup truck. I then asked Stewart where the truck on the morning of August 31 was at or about 2:00 AM. Stewart said it was where it always is at that time of night: in the apartment's parking lot. I then asked Stewart whether Erickson had ever borrowed the truck. Stewart started sweating visibly and in a nervous halting voice said, "Yes and many times, but not on August 31." I asked Stewart whether they understood that if they let someone use their vehicle and that they knew the person

planned to use it in the commission of a crime, that Stewart could be charged as an accessory to the crime. Stewart took a hard swallow and sheepishly said "Yeah." Before leaving, I told Stewart to call me if they wanted to change any of the answers to my questions. I located Stewart's pickup truck in the parking lot and took a picture of the truck.

30. There were used cooking grease thefts at about five or six other bars and restaurants in the past couple of months. The modus operandi of those thefts is very similar to the theft pulled off by Erickson and Blocker. If we are able to tie Erickson and Blocker to those larcenies just like we have them nailed on the Burn Pit incident, they would be looking at serious prison time. As they would say in olden days, "Everyone is entitled to a fair trial before we hang 'em." Erickson's good buddy Kerrick won't be able to help Erickson avoid accountability this time around.

31. Based on witness statements, forensic findings, and corroborating circumstantial evidence, I believe probable cause existed for the arrest of Erickson and Blocker. I submit this affirmation in support of that belief.

32. I affirm this 2nd day of December 2025, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, and I understand that this document may be filed in an action or proceeding in a court of law.

Sal Thomas

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Sal Thomas
Chief Investigator

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AFFIRMATION OF GALE BURNS

1. My name is Gale Burns. I am 51 years old and reside at 1776 Civics Circle in Butler, New York. I am the owner of Big Burns Bar-B-Que Pit, located at 1965 Plebiscite Street in Butler. The Burn Pit, which is what many people call my establishment, is located about 20 minutes from my home, making it fairly easy for me to get there. I bought the Burn Pit from an elderly couple about 20 years ago or so. They were retiring from the restaurant business. I probably paid too much for the place, as twenty years later I am still paying off the note. Ten more years to go.

2. Although I have a lot of regular patrons and many newcomers, I am struggling every day to make the Burn Pit a success for the community, for my employees, for the bank holding the note, and of course for me. I know that it sometimes appears that I am a little tough on my employees, but this is the way it has to be in order for the Burn Pit to be successful in this competitive restaurant business. Anyway, I pay my employees a decent wage, so I expect decent hours of work from them in return.

3. I hate waste. Every penny goes toward helping this establishment survive. That is why I am completely exercised about what happened at the Burn Pit on Sunday, August 31, 2025. My hours of operation are 11:00 AM to 1:00 AM every day except Mondays. On August 31, I closed the place as usual at 1:00 AM. All of the employees departed by 1:10 AM and I proceeded to lock up. As I was locking up, I was talking to the head bartender about the great bar till tonight and I apparently forgot to set the restaurant's alarm system.

4. Shortly after arriving home, I started thinking that I may have failed to set the alarm. I then got back into my vehicle and returned to the restaurant, arriving at around 2:15 AM. As I was about to enter the restaurant through the front door, I heard some rumbling coming from the rear of the building. With my flashlight, one of those 50,000 lumens LED beam mode floodlight handhelds that will brighten up a 700-yard area, I went around to the back and noticed two individuals and a pickup truck with what appeared to be four 50-gallon drums in the back. A siphon drum pump appeared to be attached to one of the drums.

5. I knew exactly what was occurring and yelled to the individuals to "STOP!" Apparently startled by the beam of the flashlight and my voice, the two individuals turned quickly to look at me and then began to flee. I noticed that the back of the jacket of one of the individuals appeared to have gotten stuck on the long nail protruding from the inside of the rear door frame. I heard the individual's jacket appearing to rip when they struggled to pull away from the nail. That individual eventually entered the passenger side of the truck just before the truck quickly sped away. The previous owner of the building had put that nail there for hanging keys. I had planned to remove the nail but just never got around to it.

6. After the individuals drove off, I entered the building to assess the situation. I then called 9-1-1 and was able to reach the Sheriff Department dispatcher. I told the dispatcher that my business had been robbed and that the two criminals were driving an old pickup truck. At about 2:45 AM, an investigator from the Cook County Sheriff's Department, Sal Thomas, arrived. I was glad to see Sal. Sal and their family have been good patrons of my restaurant for years. I told Sal that the crooks, who were using a pickup truck, stole my used cooking oil. I said to Sal that I had returned to the Burn Pit to make sure my alarm system was set and that before entering the building, I heard noises coming from the back. After seeing the two individuals, the truck with the drums, and the siphoning pump, I told Sal that I yelled "STOP!" at the two thieves. I said to the investigator that I believed the beam of my flashlight and my yelling startled them and they started to flee. I described the syphon drum pump to Sal.

7. I told Sal that in the excitement of the moment, I did not think to get the license plate number of the truck until the truck was driving away. I did manage to get one of the numbers on the plate and told Sal that it is the number "8." I then told Sal that two of my three 75-gallon vats that had been completely full were now completely empty. The third vat had only few gallons of oil left. I told Sal that the alarm had not been set. I said to Sal that if the crooks had waited one more day or so, the vats would have been empty because my used oil contractor was scheduled to come on Monday, September 1. Before leaving, Sal said to me, "Don't worry. I will catch the bums who did this."

8. Just a week or so before the theft at the Burn Pit, I had been reading online newspaper articles about the increasing number of used cooking oil thefts at bars and restaurants in the area. So, when I encountered the perpetrators at the rear of my place, I knew exactly what they were up to. It appears to be all part of a criminal enterprise. The stolen used cooking oil is not sold to legitimate biodiesel collectors, but rather to organized crime syndicates. Losing cooking oil has cost honest biodiesel collectors, like my contractor, Olive Oyl, LLC, millions of dollars in revenue over the past two years. I have talked to Ruby Olive, the owner of Olive Oyl, LLC, many times over the years about this problem and about how it is hurting her business. I figure I lost about 220 gallons in this theft. The price per gallon fluctuates each month depending on market conditions, but even at last month's price my loss was about $143.00.

9. On September 10, 2025, before the story was out, Sal called me to report that the thieves who stole my cooking oil had been caught. When Sal gave me the names of the

two perpetrators, A. Carmen Erickson and Carson Blocker, I was not shocked at all. I knew early on when Carson started working for me that Carson was bad trouble, mostly because of Carson's association with the person they call Ace Erickson. The two of them would always wear those silly matching leather jackets and parade around as if they were gangsters.

10. Ace would often come to the Burn Pit when Carson was working and would engage in long conversations with Carson. Ace was always trying to get Carson to leave work early so that they could go and do whatever mischief that fancied them. In fact, Ace was at the Burn Pit on July 15, 2025, the day before the huge cooking oil leak that was discovered on July 16. I believe Ace was distracting Carson from Carson's work on July 15, which I believe led to the 45-gallon loss of my used cooking oil. So, in essence, Ace got their buddy Carson fired. I'm sure the two of them blame me for overreacting in the firing Carson and were looking for a way to harm me. Well, they did!

11. Well, I am sorry Carson is in a coma and on life support. But in life we sometimes must pay for the choices we make. Anyway, I hope Carson fully recovers so that the two of them can face the justice they richly deserve.

12. I affirm this 12th day of December 2025, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, and I understand that this document may be filed in an action or proceeding in a court of law.

Gale Burns

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_ Gale Burns

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AFFIRMATION OF TERRY JOHNSON

1. My name is Terry Johnson. I am 27 years old. I live at 1616 Lincoln Avenue, 2nd Floor, Apt. 8, Butler, New York. I have lived here for about five years after moving out of my parents' house. It's a fairly quiet neighborhood even with Big Burns Bar-B-Que Pit across the alleyway from my apartment building. The two buildings are back-to-back and separated by the alleyway. My apartment is on the second floor and in the rear of the building. From my bedroom, I have a clear view of the back of Gale Burns's bar and restaurant that many of us fondly call the Burn Pit.

2. Gale Burns makes sure that the music is not too loud and that the patrons are not too boisterous so that the neighbors of the Burn Pit are not disturbed. The peace and quiet of the neighborhood was shattered in the wee hours of Sunday, August 31, 2025. I had gotten up around 2:00 AM to get a drink of water from my kitchen. Upon returning to my bedroom, I noticed a very bright light outside of my window. The light illuminated a wide area. It was so bright that you could play nighttime baseball if you wanted to!

3. Looking out the window, I noticed a pickup truck in the back of the Burn Pit and the front end of the truck facing directly towards the back of my apartment building. After a quick glimpse of the person appearing to get into the vehicle through the driver side front door, I said to myself that this person looked like Carmen Erickson. Another person, who I did not see clearly, was getting into the front passenger side seat. The truck then sped away like a bat out of hell! After thinking about it increasingly over the next couple of days following the incident, I became convinced that Erickson was the person getting into the front driver side seat of the pickup truck.

4. On the Sunday afternoon of August 31, during my mid-day run through George Washinton Park nearby, I learned from one of my neighbors that the Burn Pit had been robbed last night. She said the thieves stole used cooking oil. I said that I didn't know that stealing rancid cooking grease was a THING! I then asked her whether it had happened sometime around 2:00 AM. She said yes to the best of her knowledge. I said to myself, "This is interesting."

5. I thought about it more and more over the next day and a half, and on September 2, I called the Sheriff's Department and left a message stating that one of the robbers

of the Burn Pit is a person by the name of Carmen Erickson. On September 3, 2025, I was visited at my apartment by Cook County Sheriff's Department Chief Investigator Sal Thomas. I told the investigator that the person I saw getting into the pickup truck that was parked behind the Burn Pit on Sunday morning, August 31 at approximately 2:15 AM, was definitely A. Carmen Erickson.

6. Investigator Thomas asked me how I had come to know Erickson. I said that we have known each other since middle school. My family moved to Butler as I was entering the 8th grade, and I was placed in the same homeroom as Carmen. I told the investigator that Carmen and Carmen's sidekick Carson Blocker were bullies. They would harass younger students and take their lunch money.

7. I then told Investigator Thomas about the story of my younger sibling, Stacy. While on the playground of the middle school one day, Stacy, who was then in the 6th grade, was being shaken down by Erickson for Stacy's lunch money. Stacy refused to give in. Erickson then took Stacy's Butler Bills cap that had been signed by future Hall of Fame quarterback Jake Allen. When Stacy tried to retrieve the cap, Erickson struck Stacy so hard with Erickson's fist that the force of the blow broke Stacy's jaw. The School Resource Officers took Erickson to the office of one of the vice principals. Erickson received only a couple weeks of in-school suspension, while Stacy was in severe pain for a long time, could not eat solid food for six weeks, and missed two months of school. Our parents took Stacy out of Butler Middle School and enrolled Stacy in a middle school across town. I completed the 8th grade at Butler Middle School but did not enroll in Butler High School, where Erickson had gone. Instead, I went to Bennett High School on the north side of town.

8. I told Investigator Thomas that my bedroom window faces the back of the Burn Pit. I said to the investigator that, on that early morning of August 31, I had gotten up to get a drink of water. When I returned to my bedroom, I noticed a very bright light outside of my window. Upon looking out the window, I noticed a pickup truck behind the Burn Pit restaurant. I got a quick glimpse of the person who appeared to be getting into the truck through the front driver side door, and thought to myself that this person looked like Carmen Erickson. I then told the investigator that the truck sped away quickly. At first, I told Investigator Thomas that I was not 100% sure that the driver of the truck was Carmen. I then told the investigator that after having thought about it increasingly over the next couple of days following the incident, I became convinced that Carmen was the person getting into that pickup truck. Before leaving my apartment, Investigator Thomas told me that I should not attempt

to contact Carmen or any of Carmen's acquaintances. I told Investigator Thomas that I had no intention of contacting Carmen and was "willing to do anything and everything to put that SOB Carmen in prison." Investigator Thomas said in response, "You and me both!"

9. On September 4, 2025, Investigator Thomas returned to my apartment. The investigator showed me a picture array and asked me whether anyone in the array appeared to be the person getting into the pickup truck. Without hesitation, I went right to the picture of Carmen. The investigator thanked me and said that they would now be able to convince a judge to issue an arrest warrant for Carmen. Hearing that was music to my ears and made my day!

10. I can hardly wait to testify against Carmen. It's taken a very long time, but finally Carmen will pay for their misdeeds. I am thrilled to be playing a part in the demise of this awful person.

11. I affirm this 16th day of December 2025, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, and I understand that this document may be filed in an action or proceeding in a court of law.

Terry Johnson

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Terry Johnson

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AFFIRMATION OF A. CARMEN ERICKSON

1. My name is A. Carmen Erickson. I am 27 years old. My close friends call me "Ace," but everyone else calls me Carmen. I reside at 1789 Constitutional Avenue, Building #3, Apartment 410, Butler, New York. I have lived here for about three years, having moved into the complex in 2022. It is a huge residential complex with four separate large buildings. I'm in Building #3 on the fourth floor. My first cousin Billie Stewart, who has lived here about eight years and is in Building #1, convinced me to get an apartment in the complex when I was looking to move out of my parents' basement. In fact, Billie has an old dark blue pickup truck and allowed me to use the truck to move my stuff into my apartment. The apartment is not fancy, but the rent is cheap.

2. Billie and I are not only cousins, but also good friends. Billie would do anything for me, and I would do anything to help Billie. For example, when Billie got into a little scrape with the law in 2023, I arranged to post bail for Billie so that they would not have to sit behind bars until the trial. The bail bondman's fee was $2000. Somehow, I managed to scrape the money together. Billie said that they would pay me back as soon as they could do so. I told Billie not to fret over it, since Billie has done a lot of favors for me over the years. I can wait until my cousin has the money.

3. Until about two years ago, I was working at a Tamazon fulfillment warehouse, which is why I was able to get the apartment. I was laid off in July 2024, supposedly because of the poor economic climate. After my 26 weeks of unemployment benefits stopped, I have been working odd jobs here and there, mostly off the books. Making enough money to just survive is tough sometimes. I am always looking around for an extra buck or two to make ends meet.

4. My whole world came crashing down on September 9, 2025, when I was arrested and accused of stealing used cooking grease. Can you believe it, USED COOKING GREASE for Christmas's sake?! This awful saga started when this weirdo investigator from the Sheriff's Department and fellow deputy sheriff henchmen chased down me and my buddy Carson Blocker on September 9 at about 7:45 PM, as we were leaving Queen City Saloon and Pool Hall. It was just starting to get dark outside and upon exiting the bar and minding our own business, I suddenly hear someone yell out to us, "Hey Bozo, stop right there!" This "someone" turned out to be Investigator Sal Thomas, a deputy sheriff. Queen City Saloon is not in the best neighborhood. Someone is always getting mugged in that area. As Carson and I did not know what was going on, we proceeded to run. I ran about 15 feet and was nabbed by the deputies. I learned later that Carson ran for

about a block and a half before falling onto the sidewalk and injuring their head. My lifelong buddy is now in the hospital and in a coma, all because of this bad cop Sal Thomas.

5. At my arraignment on the Prosecutor's Information on September 10, 2025, I learned that Carson and I were charged with stealing used cooking oil from Big Burns Bar-B-Que Pit (a petit larceny) and resisting arrest. I, of course, pled not guilty. Carson worked at the "Burn Pit" - that's what most people around here called the BBQ place - for a couple of years until about **July** 2025 when Carson was fired. Both Carson and I stopped going to the Burn Pit after Carson was let go. The food there is not that good anyway. Besides, Carson said Gale Burns is an awful boss. The Burn Pit is open every day (except Mondays) from 11:00 AM to 1:00 AM. Carson mostly worked the second shift: 6:00 PM to 1:00 AM. Carson said that there were times that they might arrive at work a few minutes late because of personal reasons, and that Burns would berate and threaten to fire them all of the time. Carson put up with this nonsense from Burns because Carson needed the job. In addition to bussing tables and washing dishes, Carson had the responsibility of pouring the grease from the Buffalo wings and the French fries into the three large storage vats. Carson told me that each vat holds about 75 gallons of grease.

6. Carson said that the grease collector would come once a month to get the grease, usually on the first Monday of the month when the Burn Pit is closed. Carson hated the cooking grease job, and told me that they would get burned by the hot grease at least once every other month or so. Carson said Burns would say to Carson, "You better not file a worker's comp claim because you will be axed."

7. Carson was fired on July 16, 2025 (and not because of filing a worker's comp claim). It appeared that someone left the bottom release valve on one of the vats open. About 45 gallons of cooking grease spewed on the storage room floor overnight. Burns was livid and yelled in Carson's face that, "I just lost about 30 bucks plus the cleanup cost!" Burns did not know who left the valve open, but blamed Carson anyway. Needless to say, Carson was not very happy about this. The morning after they were fired, Carson sent me a text alerting me as to what had happened. I was also unhappy with Carson's dismissal and sent a return text to Carson telling them not to worry because "Burns will get their "just desserts" one of these days. It will happen."

8. My lawyers told me that the District Attorney has an open-file policy, and they learned that on August 31, 2025, at approximately 2:00 AM, two people in a pickup truck went to the Burn Pit to steal used cooking oil. The DA claims that these two people are

Carson and me. The prosecution also claims that Carson, who was once an employee at the Burn Pit, was aware that the place closes on Saturday nights/Sunday mornings at 1:00 AM. The prosecution further contends that Carson also knew where and how the used cooking oil was stored. The prosecution probably learned from Burns that Carson, as a former employee, was aware that the oil is stored in large vats and collected by the used oil contractor on the first Monday of each month. According to the District Attorney, Carson and I would have known that the maximum amount of used cooking oil for the month of August 2025 would be in the vats on August 30/31.

9. This is all nonsense. Neither Carson nor I own a truck. As I said earlier, my cousin Billie has an old beat-up truck that I have used a few times, like when I bought used furniture at a yard sale, or when I purchased my big screen TV, and things like that. Billie is kind enough to let me use the truck anytime I need it. In fact, Billie leaves the vehicle unlocked and the key under the driver side floor mat, so I don't have to bother them if I have some hauling to do. No one is going to steal that raggedy old truck! Out of courtesy, I will usually text Billie that I am using the truck. Anyway, I did not use the truck on August 30/August 31 and had no reason to use it.

10. Further, on Saturday night into Sunday morning (August 30/31), I was in my apartment alone playing the new online video game called League of Avengers. Billie and Carson were each at their own apartments and were also online and playing the game. I'm sure the log records on the League of Avengers game will show that I logged on at about 10:45 PM. Billie was already online and Carson logged on about 15 or 20 minutes after me.

11. Since we are new to the game, we were playing in practice mode. Also, the game has a feature called AutoPilot that will play the game for a player, thereby allowing the player, particularly a new player, to sit back and see how the game is played. We always play into the wee hours of the morning. On August 31, we were probably playing until 3:30 or 4:00 AM. Billie was winning until around 3:00 AM when I turned off AutoPilot and took over the lead in scoring. I'm starting to get really good at the game.

12. My attorneys tell me that the prosecution has this eyewitness who has identified me as one of the participants in the used cooking oil theft at the Burn Pit. It was none other than that loser Terry Johnson. Johnson has had it in for me since middle school. I met Johnson when their family moved to Butler and Johnson was placed in my 8th grade homeroom class. Johnson was a strange person; they never tried to make friends and fit in. Anyway, Johnson's little sibling, Stacy, who was in the 6th grade, got a little mouthy

with me on the school's playground one day. I wasn't taking any stuff from that little runt, so I let Stacy have a right cross to the left jaw. Bam! Stacy was down.

13. I pulled a two-week in-school suspension for punching Stacy. I believe Stacy was laid up for several months, and then Stacy's parents moved them to another middle school across town. Johnson did not like me after this incident. Johnson finished out the year at Butler Middle School but chose not to go to Butler High School (where I attended). Instead, Johnson enrolled at Bennett High School on the north side of town. Whenever I saw Johnson in the hallway at Butler Middle School, I would ball up my fist and pretend to hit my jaw. Even after our time together at middle school had ended, whenever I would see Johnson on the street or at the mall, I would do that "balled fist" gag and I could see the anger in Johnson's face.

14. So now you have a person who has held a personal grudge against me for more than a decade pointing me out as a participant in a crime. I'm the first to acknowledge that I am no angel. In 2019, when I was 21 years old, I was charged with Criminal Possession of a Weapon in the Fourth Degree, a class A misdemeanor. During a routine traffic stop, a gun was found in a car where Carson and I were back seat passengers. No one claimed ownership of the weapon, so the driver, the front seat passenger, Carson and I were all charged and prosecuted. Because of our young age, Carson and I were promised a sentence of two years' probation in exchange for Carson and me pleading guilty to the charges against us. Bo Kerrick, a probation officer with the Cook County Probation Department, was assigned by the department to prepare my pre-sentence report that the court used at my sentencing. Bo prepared a great report about me and was instrumental in convincing the court to sentence me to probation.

15. After my little incident with the gun, I worked with Bo Kerrick to turn my life around. During my two-year period of probation, I was required to meet with Bo each month for thirty minutes as one of the probationary conditions. During these sessions, Bo would talk to me about staying out of trouble, going to a trade school to develop employable skills, making the right choices in life, and life in general. I made great progress with Bo and we both grew very fond of each other. Our friendship remains even to this date. In fact, Bo has agreed to testify on my behalf. My friend Bo will convince the court that this kind of criminal conduct is out of character for me.

16. Anyway, my alibi is solid. Billie will vouch for me. Billie, Carson and I were playing the video game online at the time someone was supposedly stealing cooking oil from the Burn Pit. When I heard about the theft from the Butler Bee online local news posting on

September 2, 2025, I reminded Carson about the text I sent them on July 17 , where I wrote about Burns getting their “just desserts” by losing a good chunk of money as a result of the spill.

17. It is truly sad that Terry Johnson would hold a grudge against me for so long and falsely accuse me of a crime. Some people just don’t know how to just let things go. I am not pleading guilty this time. I have heard from other acquaintances who have gone through the local criminal justice system that Investigator Thomas is a corrupt goofball who is not above fabricating a case just to get another notch in their belt. I never saw any rip in the back of Carson’s leather jacket. If there was a rip, it was probably put there by that crooked cop Sal Thomas. Thomas believes every suspect to a crime by virtue of being a suspect is ipso facto guilty. (I took Latin in high school.) I will fight these charges all the way to the U.S. Supreme Court.

18. I affirm this 10th day of December 2025, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, and I understand that this document may be filed in an action or proceeding in a court of law.

A. Carmen Erickson

_____

A. Carmen Erickson

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AFFIRMATION OF BO KERRICK

1. My name is Bo Kerrick. I am 37 years old and reside at 1960 Kennedy Terrace in Butler, New York. I received a bachelor's degree in social studies from SUNY at Butler State College in 2009. In 2011, I earned a master's in social work (MSW) from Cornell University.

2. One of my professors at Cornell saw that I had a high level of compassion for people dealing with difficult life circumstances that are often out of their control and suggested that I consider employment with the Cook County Probation Department. The professor said that I would encounter many young people who just need someone to listen to them, be nonjudgmental, try to understand their complicated situations, and provide advice and assistance. According to the professor, who has spent decades researching youth involved in the criminal justice system, incarceration is seldom the best resolution.

3. Taking the professor's advice, in September 2011 I applied for an entry-level Probation Officer 1 position with the Cook County Probation Office. The leadership of the probation department was impressed with my MSW degree, and I was hired.

4. I settled nicely into my job with the department, by (1) handling intake to try to resolve matters without court intervention, (2) conducting pre-sentence investigations to assist the court in rendering a fair sentence, and (3) working closely with probationers to make sure they are complying with court-ordered conditions. When I prepare my pre-sentencing reports for the court, I am forever mindful of my professor's caution that prison is not always the best solution for young people who, because of social/economic circumstances, find themselves in trouble. I admit that in my pre-sentence reports to the court I almost never recommend incarceration, especially for young offenders under 25 years old.

5. Over the years, I received promotions steadily leading to my promotion in 2021 to the position of Probation Officer 4, the highest position before reaching supervisory status. However, in May 2021, I started hearing noise coming from some of the Sheriff's deputies that they were not happy with my pre-sentence reports. My biggest detractor at that time was this blowhard named Sal Thomas, who in March 2021 had been promoted to Chief Investigator of the Robbery/Larceny Crime Unit. Thomas doesn't have a compassionate bone anywhere in their body. For this character, the mantra is "lock them up and throw away the key."

6. On June 4, 2025, my employment at the Cook County Probation Department was terminated. I'm sure that it was the actions of Chief Investigator Thomas that led to my termination. Since becoming an investigator in the Sheriff's Department in 2018, Thomas made it clear to me repeatedly that they did not like my so-called "coddling" of criminals. Thomas would complain to me and anyone else who would listen that I rarely recommended terms of imprisonment for criminal defendants, even the ones who committed violent offenses. That is not entirely true. It is the younger, impressionable offenders who I believe deserved a break in order to turn their life around. Thomas made it clear to me that my "overindulgence" with these convicts made Thomas's job of fighting crime very difficult.

7. Thomas prevailed upon the County Sheriff and the District Attorney to meet with the director of the probation department and to lodge complaints against me. I was well aware of the rules of the probation department that prohibit an officer from maintaining personal relationships with probationers and ex-probationers because it might cloud the officer's decision making when a violation of probation and imprisonment might be warranted for a particular probationer. I don't believe I ever crossed the line. During my hearing to which I was entitled under the collective bargaining agreement, I maintained that I took appropriate personal interest in my probationers. Investigator Thomas's claims and allegations against me held sway with the hearing panel and I was terminated as I said earlier on June 4, 2025. My appeal is pending. Thomas's actions against me are unforgivable.

8. I was A. Carmen Erickson's ex-probation officer and was displeased when I learned of Carmen Erickson's recent arrest for stealing used cooking oil from Big Burns Bar-B-Que Pit, colloquially called the Burn Pit. At age 21, Carmen, or Ace, as we fondly called Carmen, was charged with Criminal Possession of a Weapon in the Fourth Degree (CPW 4°), a class A misdemeanor. During a routine traffic stop, a gun was found in a car where Ace and Ace's buddy Carson Blocker were passengers. Ace and Carson are great friends and hang out together practically every day. No one claimed ownership of the weapon, so Ace, Blocker, the driver and another passenger were all charged and prosecuted. Because of their young age, Ace and Blocker were promised a sentence of two years' probation in exchange for their guilty pleas to the charge, depending upon the findings and recommendations set forth in the pre-sentence investigative report. My pre-sentence report was instrumental in securing the probationary sentence for Ace.

9. I believe Ace has turned their life around and had nothing to do with the theft at the Burn Pit. During the two-year period of Ace's probation, Ace was required to meet with me each month for thirty minutes as one of the conditions of probation. During these sessions, I would talk to Ace about staying out of trouble, going to a trade school to develop employable skills, making the right choices in life, and about life in general. I believed I had made great progress with Ace and grew very fond of them. In fact, many of our sessions went well beyond thirty minutes, as we conversed on a wide range of topics and concerns. We continued our friendship after the probationary period had ended, and have talked often over the past few years. So, I know these charges lodged by Thomas are bogus.

10. Fundamentally, the whole Thomas investigation (or should I say the so-called "investigation") was flawed. First, the photo array that this clown showed to someone claiming to be an eyewitness is deeply troubling. The person claiming to be an eyewitness has known Ace since middle school. With Ace's picture being in the array, it's not surprising that this eyewitness would point to Ace's picture. I suspect the judge at the *Wade* pre-trial identification hearing probably found that the identification process was suggestive, but not unduly suggestive, thereby allowing the pre-trial identification to stand. In my opinion, the photo array was just a pointless exercise. Who else is this eyewitness going to pick out of the array except someone the witness has known for more than 10 years?! Completely ridiculous if you ask me. Also, it troubles me that this flawed identification process was used to secure the arrest warrant.

11. As to the arrest itself, it was Thomas just being performative and trying to make a splash. Thomas could have arrested Ace at Ace's apartment and out of public view. But that is not the Thomas method of operation. Rather, Thomas is always trying to create the appearance that they are tough on crime. It appears to me that there was a rush to judgment to find someone, anyone to blame for this crime. Accusing Ace was all too convenient for Thomas.

12. On September 24, 2025, I reluctantly paid a visit to Thomas's office to discuss Ace's case. The jerk made me wait more than 30 minutes before inviting me in. I should have just left, but I decided to wait it out in the off chance I might get some nuggets that could help Ace's defense. I told Thomas I was there to talk about Carmen Erickson's case. Thomas remembered that I was Ace's probation officer back in 2019 on the CPW 4° conviction. Thomas reminded me that they were on the investigation team for that case. I wanted to know how strong the case against Ace was. Thomas did not say much

except that they had the "goods" on Ace. Thomas told me about the eyewitness identification and the get-away pickup truck. I said to Thomas that Ace does not own a pickup truck. I told Thomas that they needed to look at Ace's cousin Billie Stewart who does have a pickup truck.

13. I proceeded to tell Thomas how much Ace has turned their life around, turned away from crime, and is now an upstanding member of society. For example, I told Thomas about how Ace went out of their way to put up $2000 in 2023 to help obtain a bail bond for Ace's cousin Billie. Anyone except this knucklehead Thomas would conclude that Billie ought to be thoroughly investigated. Thomas then told me that Billie has been cleared of any wrongdoing and is not a suspect or even a person of interest in this case. Respectfully disagreeing, I got up out of the chair. As I was leaving, I told Thomas that, in my opinion, "Ace is being railroaded, and this is what you people always do!" Forever the jerk, Thomas yelled, "Kerrick, you are still trying to coddle your precious little criminals. It's people like you that make my job of fighting crime very difficult. We were all better off when your butt got fired." What a sad, awful person Thomas is.

14. I am here to support Ace. In October 2025, I learned from my contacts at the Probation Department that Thomas had received information from the owner of the Burn Pit that the license plate of the truck involved in the larceny contained the number "8" and that the license plate of Billie's truck also contained the Number "8". There must be hundreds if not thousands of vehicles in Cook County with the number "8" in their license plates. Did Thomas investigate all those vehicles or just relied on their "gut" to frame Ace?! In my opinion, the answer is "no" to the first part of that question, and "yes" to the second part. I believe in Ace's innocence unconditionally. Ace would not be involved in this kind of criminal mischief. Perhaps Thomas needs to be fired for framing an innocent person.

15. I affirm this 19th day of December 2025, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, and I understand that this document may be filed in an action or proceeding in a court of law.

Bo Kerrick

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Bo Kerrick

AFFIRMATION OF BILLIE STEWART

1. My name is Billie Stewart. I am 33 years old and reside at 1789 Constitutional Avenue, Building #1, Apt. 202, Butler, New York. I have lived here approximately eight years, except for the year I was in prison on a bogus charge. More about that later. A friend of mine sublet the apartment and paid the rent until I was released in 2021. There are four buildings in this apartment complex. My little cousin Carmen Erickson lives in Building #3 on the fourth floor. I am in Building #1 on the second floor. It did not take much to convince Carmen to move here because the rent is fairly cheap.

2. I'm no angel, but I am not a bad person either. Sometimes it seems that trouble just seems to find me. In June 2020, I was arrested for setting my ex's car on fire and was charged with arson in the fourth degree, a class E felony. I did not commit the crime, but because a Ring camera caught me near the vehicle just before it went up in flames, I decided to take the plea deal that set my sentence to a one-year definite term. I was released in May 2021. Without the plea bargain, I was facing an indeterminate term of imprisonment with a maximum of four years. I took the deal. That's how the criminal justice system works. You are forced to plead guilty in exchange for a lighter sentence.

3. After learning of Carmen's arrest for stealing used cooking oil from Big Burns Bar-B-Que Pit, nicknamed the Burn Pit, I called the **lead** investigator **on the morning of September 17, 2025** to find out what the hell was going on. I talked to Chief Investigator Sal Thomas and said emphatically that Carmen could not have been at the Burn Pit on August 31, 2025, at 2:00 AM because Carmen, Carson Blocker (Carmen's BFF), and I were all online playing the video game League of Avengers at that time. It is not uncommon for us to play video games on weekends until the early hours of the morning**.**

4. **In the afternoon of September 17, 2025 the Chief Investigator Thomas visited me in my apartment.** I told the investigator that since we were new to the game, we were playing in practice mode. In practice mode, only logon/logoff information is retained by the game's servers. Consequently, no timestamps for events, metrices or other activities are maintained in practice mode. I assured Investigator Thomas that the League of Avengers game log will show that I logged onto the game on August 30 at 10:30 PM, Erickson at 10:45 PM, and Blocker at 11:05 PM. Investigator Thomas appeared to be unfamiliar with the game, one of the most popular online games, so I pointed out to the investigator that the game has a setting called AutoPilot that will play the game for a player, thereby allowing the player, particularly a new player, to sit back and see how the game is played. I told Investigator Thomas that I do not remember our scores but do recall that I was winning until

approximately 3:00 AM when we came out of AutoPilot, at which time Carmen started to take the lead in the scoring.

5. I got the sense that Investigator Thomas was not buying much of what I was saying. I'm sure the investigator has learned by now that I owe Carmen $2000. The debt was incurred in 2023 when Carmen scraped together the money so that I could post bail on a then-pending charge. I had been charged with a violent felony assault and as a second felony offender I was not eligible for ROR, even under the new bail reform laws. The bail bondsman charged $2000 for the $20,000 bond. The charges against me were subsequently dropped when the victim refused to cooperate. My lucky day!

6. I know how these police officers think, forever suspicious of everything. No doubt Investigator Thomas is figuring that I am covering for Carmen because Carmen did me a big favor and because I owe Carmen the $2000. From the expression on the investigator's face and the tone of their voice, I felt that the investigator believed I was lying. Carmen has not talked to me about the $2000 and has not asked me to fabricate an alibi for them. Whether or not Carmen forgives the debt will have no impact on my testimony.

7. On September 25, 2025, Investigator Thomas stopped by my apartment again, this time asking me about a truck. I told the investigator that I own a dark blue pickup truck. Thomas then asked me where my truck was on the morning of August 31, 2025, at or about 2:00 AM. With as much snark as I could muster, I said, "It was where it always is at that time of night: in the apartment's parking lot." Now Thomas starts to drill me, asking me whether Carmen had ever borrowed my truck. Trying to hold my emotions together, I said in a clear steady voice, "Yes and many times, but not on August 31." Trying to scare me, Thomas said something to the effect that if I let someone use my vehicle and that if I knew the person planned to use it in the commission of a crime, then I could be charged as an accessory to that crime. I said "Yeah, you don't need to worry about that." As Investigator Thomas was leaving my apartment, the investigator, out of the blue, asked me what is my license plate number. I said "LYC-3482." With a stupid smile on their face, the investigator said "Thank you!"

8. I have no idea why Thomas stopped by my apartment just to ask me about my truck. They could have just called. I bought my dark blue pickup truck about ten years ago. It was old and beat up then, and it is even older and more beat up now. Because I am always losing my keys, I leave the truck keys under the floor mat on the driver's side. I don't worry about anyone stealing this piece of junk. If they do, I will just use the

insurance money to get something else. Carmen can use the truck anytime without having to ask for permission. In fact, Carmen used the truck to move their stuff into their new apartment. Carmen has also used my truck to haul stuff they bought at yard sales and the like. My truck is not fancy, but it beats paying those high prices to rent a van from that Haul-UR-Things business. If I don't see my truck in the parking lot, I know Carmen has borrowed it. Carmen uses the truck whenever they need it.

9. I had nothing to do with the Burn Pit theft and neither did Carmen. Carmen may have had a brush with the law at one time, but they have now turned their life around. Robbery, burglary or other kinds of property crimes are not the kind of offenses Carmen would commit. Anyone placing Carmen at the scene of the crime is a lying you-know-what!

10. I affirm this 22nd day of December 2025, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, and I understand that this document may be filed in an action or proceeding in a court of law.

Billie Stewart

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Billie Stewart

NEW YORK STATE HIGH SCHOOL MOCK TRIAL TOURNAMENT EVIDENCE

PART V

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EXHIBIT __

Online Game Session Log Entries ("League of Avengers")

User (Display Name)	Username	Mode	Logon (EDT)	Logoff (EDT)	Session Duration	Notes
Billie Stewart	<redacted by platform>	Practice Mode	August 30, 2025 10:30 PM	August 31, 2025 03:45 AM	5h 15m	No in-game scoring retained in Practice Mode.
Carmen Erickson	<redacted by platform>	Practice Mode	August 30, 2025 10:45 PM	August 31, 2025 03:45 AM	5h 0m	No in-game scoring retained in Practice Mode.
Carson Blocker	<redacted by platform>	Practice Mode	August 30, 2025 11:05 PM	August 31, 2025 03:45 AM	4h 40m	No in-game scoring retained in Practice Mode.

Source: League of Avengers system administrator log extract for the session spanning August 30–31, 2025.

Obtained by Sal Thomas, Chief Investigator, Robber/Larceny Crime Unit, Cook County Sheriff's Department on September 18, 2025

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EXHIBIT___

FRONT

BACK

Pursuant to Stipulation #7, this exhibit is the actual leather jacket worn by Carson Blocker on September 9, 2025, and seized by Chief Investigator Sal Thomas. The exhibit is NOT to be treated as a photograph.

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EXHIBIT____

Screenshot from video made at Queen City Saloon and Pool Hall on August 21, 2025. Obtained from Defendant Carmen Erickson's cell phone on September 10, 2025.

Produced by Sal Thomas, Chief Investigator, Robbery/Larceny Crime Unit, Cook County Sheriff's Department

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EXHIBIT ____

F

COOK COUNTY CRIME LABORATORY

FORENSIC MATERIALS ANALYSIS DIVISION

123 Justice Boulevard | Butler, NY 12345 | (555) 123-4567

FORENSIC MATERIALS ANALYSIS REPORT

LEATHER GARMENT EXAMINATION

CASE REFERENCE: Big Burns Bar-B-Que Pit Theft (Aug. 31, 2025)
REPORT NUMBER: CCL-2025-1987
ITEM EXAMINED: Black Leather Jacket (Recovered from Carson Blocker)
REPORT DATE: September 12, 2025

1. ITEMS RECEIVED

One black leather jacket with an apparent tear. Received from Deputy Sheriff Sal Thomas, Chief Investigator, Robbery/Larceny Unit, Cook County Sheriff's Department. Chain of custody intact.

2. REQUESTED ANALYSIS

Determine whether:
- The tear is consistent with a snagging mechanism.
- A repair was attempted and what adhesive was used.
- The age and nature of the adhesive.

3. EXAMINATION SUMMARY

A. Physical Inspection

A 5-inch linear tear was observed on the mid-back panel. Fibers were frayed in a manner consistent with sudden mechanical force, such as catching on a sharp nail or metal protrusion.

B. Adhesive Analysis

FTIR and GC-MS testing identified a polyurethane-based leather glue containing methyl ethyl ketone (MEK), toluene, and isocyanate curing agents—consistent with commercial leather repair kits.

C. Adhesive Age

Solvent profiles indicate adhesive was applied within 10–14 days prior to lab submission.

4. INTERPRETATION

The tear is consistent with the witness account of a jacket snagging on a protruding nail at the Burn Pit. The repair attempt was recent and performed with consumer-accessible leather adhesive.

COOK COUNTY CRIME LABORATORY

FORENSIC MATERIALS ANALYSIS DIVISION

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FORENSIC MATERIALS ANALYSIS REPORT

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ITEM EXAMINED: Black Leather Jacket (Recovered from Carson Blocker)
REPORT DATE: September 12, 2025

5. CONCLUSION

The jacket's damage and repair align with:

- Recent mechanical snagging forces;
- A fresh leather-glue repair;
- Timing consistent with the August 31 incident.

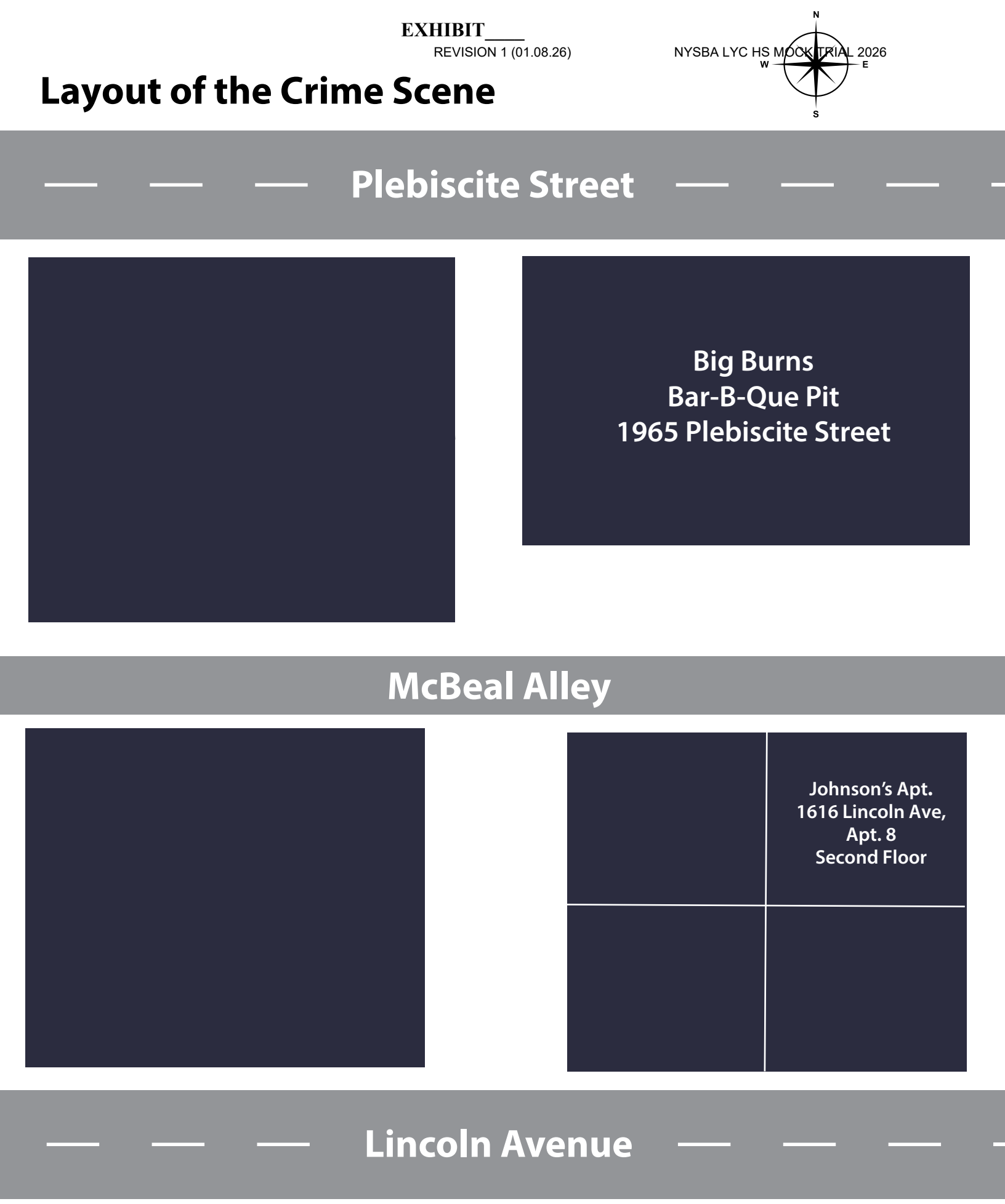
Report prepared by:

Dr. R. L. Marston
Senior Forensic
Materials Analyst
Cook County Crime
Laboratory

(Signature on file) — Signature

September 12, 2025 — Date

Layout of the Crime Scene



Produced by Sal Thomas, Chief Investigator, Robbery/Larceny Crime Unit, Cook County Sheriff's Dept.
November 25, 2025

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EXHIBIT _____

New York License Plate # LYC-3482

Photograph produced by Sal Thomas, Chief Investigator, Robbery/Larceny Crime Unit, Cook County Sheriff's Department on September 25, 2025

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EXHIBIT___

SIPHON DRUM PUMP

Photograph produced by Sal Thomas, Chief Investigator, Robbery/Larceny Crime Unit, Cook County Sheriff's Department on September 12, 2025

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EXHIBIT ____

butlerbeeonline.com/news

BUTLER BEE

ONLINE · COMMUNITY NEWS September 1, 2025 · Updated 2 hours ago

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USED COOKING GREASE STOLEN FROM BIG BURNS BAR-B-QUE PIT BUTLER, NY — The Cook County Sheriff's Department is investigating an early-morning theft of used cooking oil from Big Burns Bar-B-Que Pit. Owner Gale Burns reported returning around 2:15 AM after realizing the alarm may not have been set. Burns discovered two individuals behind the building siphoning grease into 50-gallon drums loaded into a pickup truck. Burns stated that one suspect's jacket appeared to snag on a long nail near the rear doorway, producing a ripping sound before the suspects fled. Burns recalled seeing only the number "8" on the license plate as the truck sped away. Two of the restaurant's three 75-gallon grease vats were found fully drained. Chief Investigator Sal Thomas confirmed the incident appears to be part of a growing trend of used-oil thefts across the county. No arrests have been made at this time and the matter remains under investigation.

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EXHIBIT ____

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ONLINE · COMMUNITY NEWS September 10, 2025 · Updated 2 hours ago

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TWO SUSPECTS ARRESTED IN "USED COOKING GREASE CAPER" BUTLER, NY — The Cook County Sheriff's Department announced the arrest of A. Carmen Erickson, 27, and Carson Blocker, also 27, in connection with the August 31 theft of used cooking grease at Big Burns Bar-B-Que Pit. Investigators linked the suspects to a pickup truck seen fleeing the scene. An eyewitness identified Erickson as the individual entering the driver-side door. Blocker's jacket, examined after their fall during the arrest, displayed a five-inch rip that appeared to have been recently repaired with leather glue. The jacket is expected to be delivered to the Cook County Crime Lab for further examination. During the arrest outside Queen City Saloon and Pool Hall, Erickson struggled with deputies while Blocker attempted to flee and suffered a serious head injury. The District Attorney has charged Erickson with Petit Larceny and Resisting Arrest. Erickson was arraigned and released on their own recognizance. Blocker is in a coma and remains hospitalized. Blocker is expected to be formally charged once their health condition improves. The Bee reached out to the attorneys representing the accused. They refused to comment. The investigation continues.

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NEW YORK STATE HIGH SCHOOL MOCK TRIAL RELEVANT STATUTES & RELATED CASES

PART VI

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RELEVANT STATUTES

PENAL LAW

Section 20.00 - Criminal Liability for Conduct of Another

When one person engages in conduct which constitutes an offense, another person is criminally liable for such conduct when, acting with the mental culpability required for the commission thereof, he solicits, requests, commands, importunes, or intentionally aids such person to engage in such conduct.

Section 20.05 - Criminal Liability for Conduct of Another; No Defense

In any prosecution for an offense in which the criminal liability of the defendant is based upon the conduct of another person pursuant to section 20.00, it is no defense that:

1. Such other person is not guilty of the offense in question owing to criminal irresponsibility or other legal incapacity or exemption, or to unawareness of the criminal nature of the conduct in question or of the defendant's criminal purpose or to other factors precluding the mental state required for the commission of the offense in question; or

2. Such other person has not been prosecuted for or convicted of any offense based upon the conduct in question, or has previously been acquitted thereof, or has legal immunity from prosecution therefor . . . .

Section 155.25 – Petit Larceny

A person is guilty of petit larceny when he steals property.

Petit larceny is a class A misdemeanor.

Section 205.30 – Resisting Arrest

A person is guilty of resisting arrest when he intentionally prevents or attempts to prevent a police officer or peace officer from effecting an authorized arrest of himself or another person.

Resisting arrest is a class A misdemeanor.

Criminal Procedure Law

Section 100.35 – Prosecutor’s Information

A prosecutor's information must contain the name of the local criminal court with which it is filed and the title of the action, and must be subscribed by the district attorney by whom it is filed. Otherwise it should be in the form prescribed for an indictment, pursuant to section 200.50, and must, in one or more counts, allege the offense or offenses charged and a plain and concise statement of the conduct constituting each such offense. The rules prescribed in sections 200.20 and 200.40 governing joinder of different offenses and defendants in a single indictment are also applicable to a prosecutor's information.

RELATED CASES

People v. Dwight Brown, 2015 NY Slip Op 50046(U)

Under NY Criminal Procedure Law §100.40(1)(c), an accusatory instrument charging a defendant with a misdemeanor must contain factual allegations that, if true, support every element of the crime charged. See *People v. Casey*, 95 NY2d 354; *People v. Alejandro*, 70 NY2d 133.

In the Matter of Luis L, 58 AD3d 543

When a police officer appropriately broke up a fight between two juveniles, the appellant's aggressive and combative conduct towards the officer obstructed an official police function (*case citations omitted*.) Since appellant's arrest for obstructing governmental administration was authorized, his struggle to avoid being handcuffed constituted resisting arrest.

People v. Onlee Coombs, 151 AD2d 1002

Viewed in the light most favorable to the People, the evidence of defendant's accessorial conduct is legally sufficient to support her conviction (see, Penal Law § 20.00; *case citation omitted*). Her knowing participation in the criminal activity provided a reasonable basis from which the jury could infer that she acted with the requisite mental culpability (*case citation omitted*).

NEW YORK STATE HIGH SCHOOL MOCK TRIAL APPENDICES

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POINTS	MOCK TRIAL TOURNAMENT PERFORMANCE RATING GUIDELINES
1 Ineffective	• 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
2 Fair	• 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
3 Good	• 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
4 Very Good	• 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
5 Excellent	• 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
Professionalism of Team Between 1 to 10 points per team	• 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

TIME LIMITS

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→) • 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)*** →

In the event of a tie, please award one point to the team you feel won this round. Mark your choice below.

☐ PLAINTIFF/PROSECUTION ☐ DEFENSE

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.

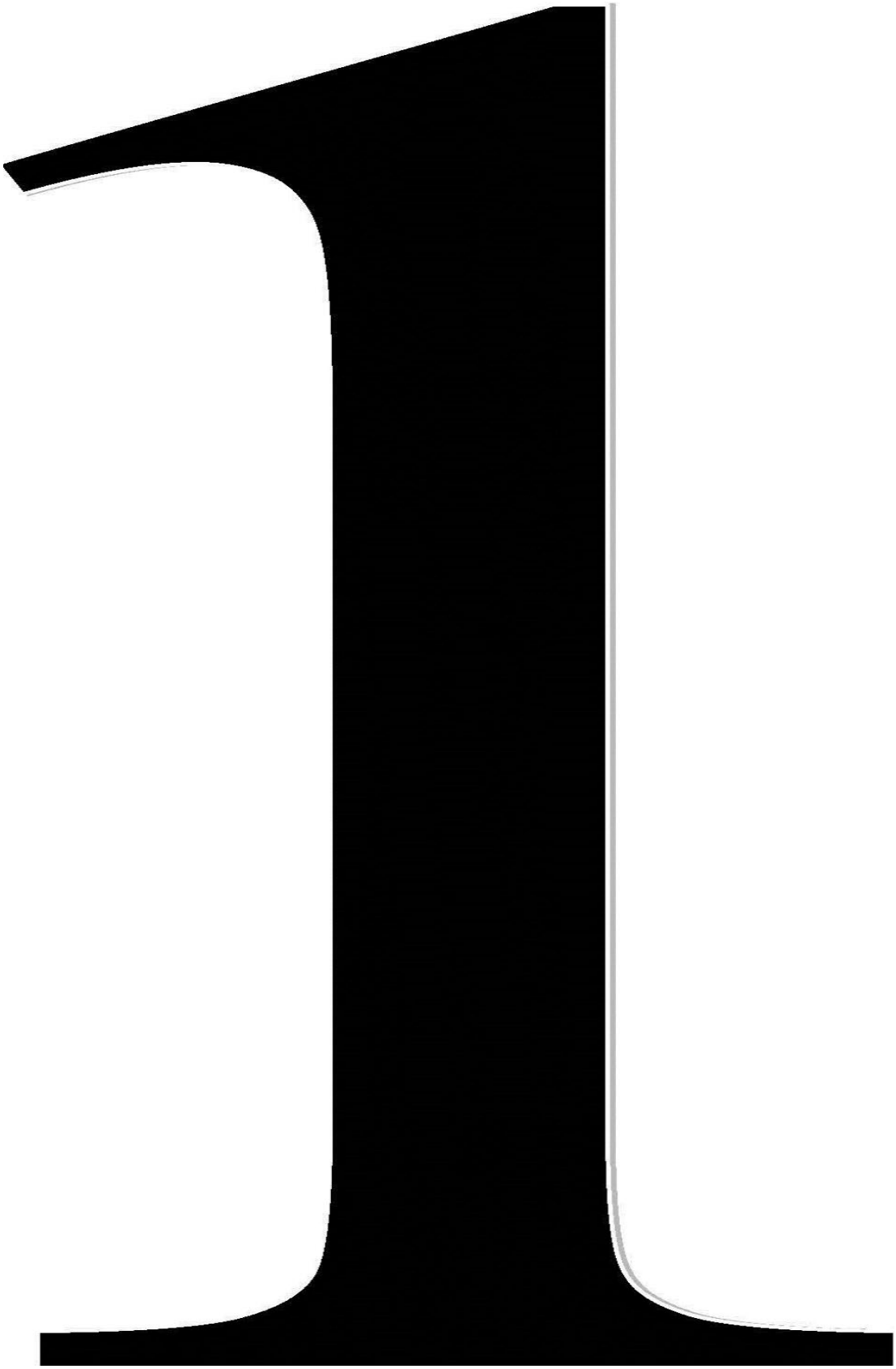
3. Teachers should assign students their respective roles (witness or attorney).

4. Teams must prepare both sides of the case.

5. Student-witnesses cannot refer to notes so they should become very familiar with their affirmations 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.



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TIME LIMITS

OPENING STATEMENTS
5 minutes for each side

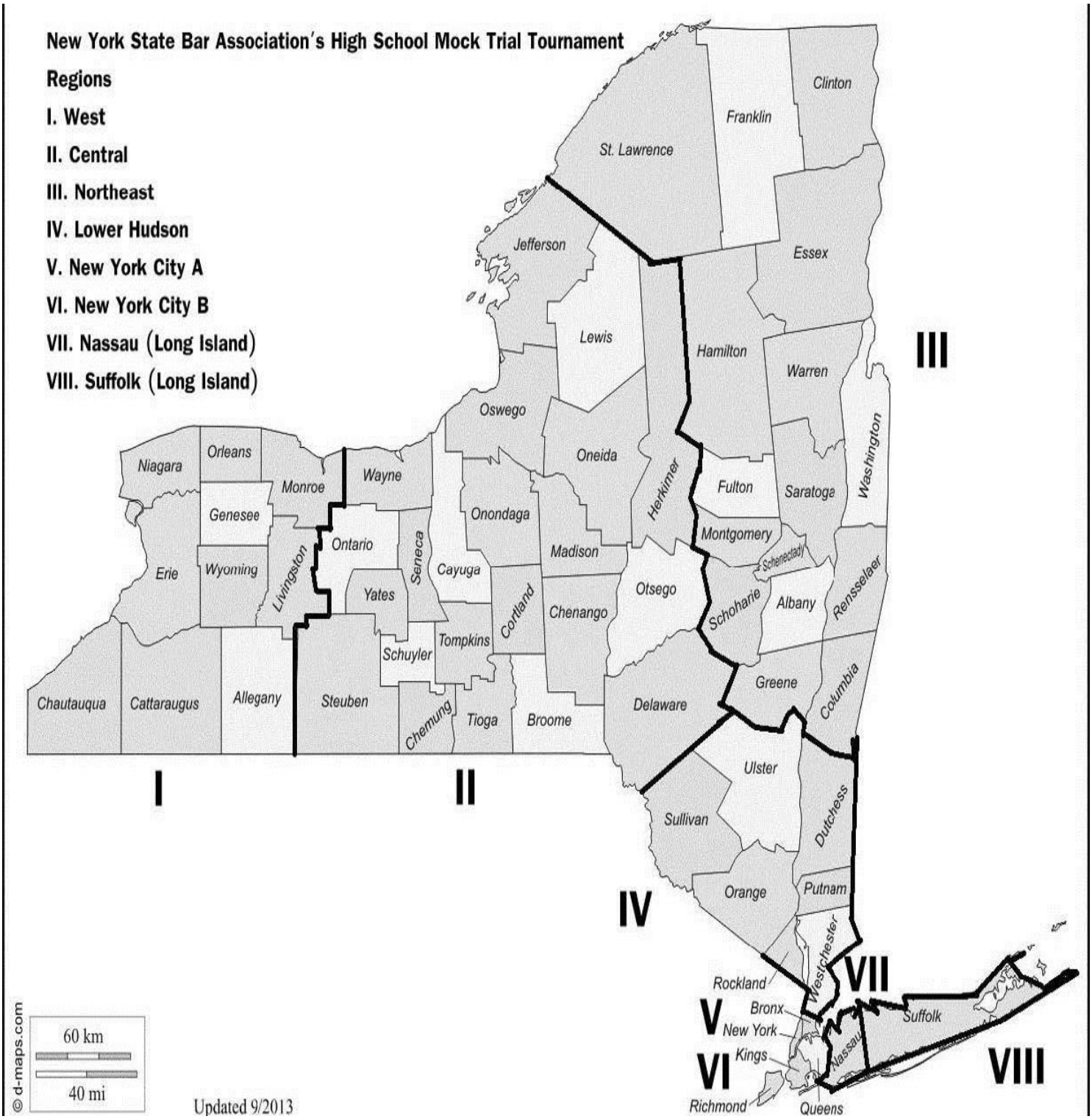
DIRECT EXAMINATION
10 minutes for each side

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/



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2025 New York State Bar Association's High School Mock Trial Champions

NOTTINGHAM HIGH SCHOOL
REGION II
Syracuse, NY | Onondaga County
Presiding Judge: Judge Eddie J. McShan,
Justice of the Supreme Court, Appellate Division, Third Judicial Department

Faculty Coaches

Dick Heimerman

Don Little

Legal Advisors

Peggy Conan

Ed Luban

Team Members

Anab Ali

Tarteel Ali

Sam Benjamin

Raine Fierke

Ruby Gozan-Keck

Nyla Hardy

Amina Jeilani

Sam Lockwood

Tess Martin

Alex Minta

Ngan Nguyen

Reyhaneh Solomeini

Azmira Suljic

Maria Triana

Addie Zhe Heimerman

Henry Zhe Heimerman

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