



**TEACH  
DEMOCRACY**

formerly Constitutional Rights Foundation



# **PEOPLE v. GOLD**

**KIDNAPPING**

Featuring a pretrial argument on the Fifth Amendment

Official Materials for  
California Mock Trial Competition  
A Program of Teach Democracy

**Co-Sponsored by:**  
American Board of Trial Advocates Foundation  
Daily Journal Corporation  
Los Angeles County Bar Association

UPDATED 1/7/2025

# Acknowledgements

## Developed by:

Keri Doggett, Teach Democracy, *Vice President*  
Becca Frischling, Intern, University of California Berkeley, School of Law  
Damon Huss, Teach Democracy, *Director of Publications*  
Lourdes Morales, Teach Democracy, *Senior Program Director*  
Laura Wesley, Teach Democracy, *Director of Programs*

## Case Reviewers:

Hon. George Bird, Los Angeles County  
Robin Bernstein-Lev, Esq., Los Angeles County  
Colby Cano, Esq., Los Angeles County  
Linda Dunn, Esq., San Luis Obispo County  
Kelly Emling, Esq., Los Angeles County  
Carla Garrett, Esq., Contra Costa County  
Christopher Irwin, Esq., Fresno County  
Pak Kouch, Esq., Los Angeles County  
Judge Raquel Marquez, Superior Court of California, Riverside County  
Sharon Matsumoto, Esq., Retired, Los Angeles County  
Nathalie Miller, Esq., San Diego County  
Brooks Parfitt, Esq., Sacramento County  
Justice Steven Z. Perren, Retired, California Second District Court of Appeal  
Hon. Ron Rose (Ret.), Los Angeles County  
Hon. Randall Sherman, Orange County  
Michael Sunshine, Esq., Riverside County  
Jacob Todd, Esq., Los Angeles County  
Justice Gregory Weingart, Los Angeles County  
Michelle C. Wouden, Esq., Monterey County  
Pauline Alarcon, Esq., Los Angeles County

## Staff and Board Contributors:

Daisy Alonso, *Program Assistant*  
Lydia Barfield, Development Manager  
Andrew Costly, *Senior Publications Manager*  
Kimberly A. Dunne, *Board of Directors*  
Kathleen Hughes, *Program Director*  
Evelyn Juan, Program Assistant  
Jason Lo, *Chair, Board of Directors*  
Gregorio Medina, *Senior Program Director*  
Robert Medrano, *Curriculum and Instruction Specialist*  
Sean-Michael Ramirez, *Program Coordinator*

**Cover Drawing:** Ky Dahle, 2024 California Mock Trial Courtroom Art Contest 1st Place Winner.

*Copyright 2024, Teach Democracy (formerly Constitutional Rights Foundation). All Teach Democracy publications, including these California Mock Trial materials, are protected by copyright. The California Mock Trial case and characters are fictional. These California Mock Trial materials are intended for use solely by teachers, coaches, students, and other participants in the 2024-2025 California Mock Trial competition. It is a violation of this copyright to forward, print, or distribute the mock trial materials to individuals or groups that are not participants in the 2024-2025 California Mock Trial competition, or to use these materials for commercial purposes or financial gain, without prior express permission from Teach Democracy. Any team in violation of this copyright may be disqualified from participation in the competition. All rights reserved. Teach Democracy, 601 S. Kingsley Dr., Los Angeles, CA 90005. 213.487.5590 – teachdemocracy.org*

---

## In Memory

---



**Kate S. Gold**  
1966-2024

The 2024-2025 California Mock Trial case is dedicated to the memory of Kate Gold. Kate was an active board member of Teach Democracy and joined the board in 2015 when the organization was still known as Constitutional Rights Foundation. Kate was always generous with her time and energy to Teach Democracy. While a partner at the law firm of Drinker Biddle & Reath LLP and then at Proskauer law firm, Kate volunteered to score trials in Teach Democracy's Los Angeles County Mock Trial competition and the statewide California Mock Trial finals. At the same time, Kate was an avid supporter and sponsor of Teach Democracy's Expanding Horizons Institute (EHI). EHI is our organization's internship program that places first-generation college-bound students in a variety of professional work environments to learn skills to help them with college, career, and civic life after high school. In her involvement with EHI, Kate interviewed many high-school candidates and was passionate about mentoring college-bound young women. With fellow Teach Democracy board member Shannon Alexander, Kate co-organized EHI's *Couture for the Future* initiative, providing gently used professional clothes for EHI students entering their internships. We at Teach Democracy have fond memories of Kate and are pleased to be able to name this year's case after her. We hope that every student's positive experience in California Mock Trial adds to her legacy of participation, mentorship, and giving back.

# Table Of Contents

Program Objectives .....	5
Code of Ethical Conduct.....	6
Introduction to 2024–2025 Mock Trial Competition.....	8
California Mock Trial Fact Situation .....	9
Sources for the Trial.....	12
Statement of Charges.....	13
Physical Evidence and Exhibits .....	13
Stipulations .....	13
Legal Authorities.....	15
Pretrial Hearing .....	16
Prosecution Witnesses Statements .....	27
Defense Witnesses Statements.....	40
Exhibits .....	54
Form and Substance of a Trial .....	58
Team Role Descriptions .....	59
Procedures for Presenting a Mock Trial Case.....	64
Diagram of a Typical Courtroom .....	69
Mock Trial Simplified Rules of Evidence.....	70
Allowable Evidentiary Objections .....	71
Summary of Allowable Evidentiary Objections.....	85

# 2024-2025

## California Mock Trial Program

Each year, Teach Democracy (formerly Constitutional Rights Foundation) creates the mock trial case for students across the state of California. The case provides students an opportunity to examine legal issues within a structured forum and is designed to provide a powerful and timely educational experience. It is our goal that students conduct a cooperative, vigorous, and comprehensive analysis of these materials with the careful guidance of teachers and coaches.

### Program Objectives

**For the students, the mock trial program will:**

1. Increase proficiency in basic skills (reading and speaking), critical-thinking skills (analyzing and reasoning), and interpersonal skills (listening and cooperating).
2. Develop an understanding of the link between our constitution, our courts, and our legal system.
3. Provide the opportunity for positive interaction with adult role models in the legal community.

**For the school, the program will:**

1. Provide an opportunity for students to study key legal concepts and issues.
2. Promote cooperation and healthy academic competition among students of varying abilities and interests.
3. Demonstrate the achievements of young people to the community.
4. Provide a hands-on experience outside the classroom that enables students to learn about law, society, and themselves.
5. Provide a challenging and rewarding experience for teachers.

# Code Of Ethical Conduct

All participants (including observers) are bound by all sections of this Code of Ethical Conduct and agree to abide by the provisions.

1. **All student competitors, coaches, and attendees**, including observers will show courtesy and respect for all team members and participants, including their opponents and all courthouse staff, judges, teacher coaches, attorney coaches and mock trial staff and volunteer personnel. All competitors, coaches, and participants, including observers, will show dignity and restraint, irrespective of the outcome of any trial. Trials, contests, and activities will be conducted honestly, fairly, and with civility.
2. **All student competitors, coaches, and attendees** will conform to the highest standards of deportment. Team members and participants will not employ tactics they believe to be wrong or in violation of the rules. Members and participants will not willfully violate the rules of the competition in spirit or in practice. All teams and participants are responsible for ensuring that all observers are aware of the code.
3. **Teacher Coaches** agree to focus on the educational value of the Mock Trial Competition. They shall discourage willful violations of the rules and/or this code. Teachers will instruct students as to proper procedure and decorum and will assist their students in understanding and abiding by the letter and the spirit of the competition's rules and this code.
4. **Attorney Coaches** agree to uphold the highest standards of the legal profession and will zealously encourage fair play. Attorney coaches are reminded that they must serve as positive role models for the students. They will promote conduct and decorum among their team members and fellow coaches in accordance with the letter and the spirit of the competition's rules and this code and will demonstrate the same through their own behavior. They will emphasize the educational value of the experience by requiring that all courtroom presentations (e.g., pretrial, questions, objections, etc.) be substantially the work product of the student team members.

By participating in the program, students, teacher coaches and attorney coaches are presumed to have read and agreed to the provisions of this code. Violations of this code may be grounds for disqualification from a contest and/or suspension or expulsion from the program.



## American Board of Trial Advocates™

The American Board of Trial Advocates (ABOTA) provides its members with a Code of Professionalism. Consider this code as you participate in the Mock Trial Program.

### **Excerpt from the American Board of Trial Advocates Code of Professionalism**

- *Always remember that the practice of law is first and foremost a profession.*
- *Encourage respect for the law and the courts.*
- *Always remember that my word is my bond and honor my responsibilities to serve as an officer of the court and protector of individual rights.*
- *Be respectful in my conduct toward my adversaries.*
- *Honor the spirit and intent, as well as the requirements of applicable rules or codes of professional conduct and should encourage others to do so.*

**For more about ABOTA, visit: [www.abota.org](http://www.abota.org)**

# Introduction To 2024–2025 Mock Trial Competition

This packet contains the official materials required by student teams to prepare for the 44th Annual California Mock Trial Competition. In preparation for their trials, participants will use information included in the *People v. Gold* case packet. The competition is sponsored and administered by Teach Democracy (formerly Constitutional Rights Foundation). The program is co-sponsored by the Daily Journal Corporation and American Board of Trial Advocates Foundation.

Each participating county will sponsor a local competition and declare a winning team from the competing high schools. The winning team from each county will be invited to compete in the state finals in Los Angeles, March 14-16, 2025. The winning team from the state competition will be eligible to represent California at the National High School Mock Trial Championship in Phoenix, Arizona, May 8–10, 2025.

The Mock Trial is designed to clarify the workings of our legal institutions for young people. As student teams study a hypothetical case, conduct legal research, and receive guidance from volunteer attorneys in courtroom procedure and trial preparation, they also learn about our judicial system. During Mock Trials, students portray each of the principals in the cast of courtroom characters, including counsel, witnesses, court clerks, and bailiffs. Students also argue a pretrial motion. The motion has a direct bearing on the evidence that can be used at trial.

During all Mock Trials, students present their cases in courtrooms before actual judges and attorneys. As teams represent the prosecution and defense arguments over the course of the competition, the students must prepare a case for both sides, thereby gaining a comprehensive understanding of the pertinent legal and factual issues.

Because of the differences that exist in human perception, a subjective quality is present in the scoring of the Mock Trial, as with all legal proceedings. Even with rules and evaluation criteria for guidance, no judge or attorney scorer will evaluate the same performance in the same way. While we do everything possible to maintain consistency in scoring, every trial will be conducted differently, and we encourage all participants to be prepared to adjust their presentations accordingly. The judging and scoring results in each trial are final.



# California Mock Trial

## Fact Situation

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48

Emerald Bend is a small town of about 12,000 people in the mountains of Northern California. The town spans a considerable range of the mountainside north of Ambrosia Lake, with many residents living on sparsely populated, forested roads. Residents in Emerald Bend have historically valued their privacy and proximity to natural beauty. However, some residents of Emerald Bend have supported increasing tourism in order to boost the local economy.

A divide has formed among residents over the issue of homeowners renting out their properties to visitors as vacation rentals. Some residents already rent out their properties and are in favor of expanding rental opportunities, emphasizing that tourists coming to visit the lake will help Emerald Bend financially not only through renting these vacation homes, but also by patronizing local restaurants and businesses. Other residents vehemently oppose such rental properties, citing the disruption to Emerald Bend's environment and the endangering of its natural resources. Many tourists have taken to throwing boat parties on the lake, which lead to issues of pollution, noise, and overfishing.

In the midst of this clash, an election was set to be held on Tuesday, November 14, 2023, for the one open seat on Emerald Bend's city council. In the late stages of this race, opposing candidates Harper Dorais and Taylor Alexander appeared to be neck-and-neck. The issue of vacation rentals has become extremely important to town residents. This issue affected the election since the city council can pass ordinances restricting these rentals. The current members of the city council are split on the issue, and thus the one open seat could serve as a swing vote. Harper Dorais is married to their assistant campaign manager, Logan Gold, and the couple has a two-year-old child together.

Candidate Alexander had come out in favor of allowing residents to rent their homes via a vacation rental app. Alexander owns two properties in addition to their primary residence that they rent out to visitors during the summer months. Candidate Dorais, however, maintained that Emerald Bend residents value privacy above all else, and spoke out fervently against vacation rentals in Emerald Bend, calling it a threat to tranquility. Dorais's campaign had advocated for policies restricting vacation rentals, such as licensing and limits on which properties may be listed.

1 As a final opportunity for constituents to hear from both  
2 candidates before the election, the local paper, the Emerald  
3 Bend Daily Reporter, was set to host a debate with candidates  
4 Dorais and Alexander at the town hall at 12:00 PM on  
5 Saturday, November 11, 2023. Both candidates were aware of  
6 the importance of this debate in swaying any undecided voters,  
7 which could turn the election in their favor.

8  
9 But on the afternoon of the debate, Alexander never arrived at  
10 the town hall. All members of Alexander’s campaign team were  
11 present at the town hall, but none received any communication  
12 from Alexander. Dorais was present along with most of their  
13 campaign team, however Dorais’s spouse and assistant  
14 campaign manager, Logan Gold arrived late, entering in a hurry  
15 around 12:30 PM. Given Alexander’s unexplained absence, the  
16 debate was called off at approximately 1:00 PM after an hour  
17 of waiting, and all parties left the town hall.

18  
19 At 2:45 PM, Deputy Riley Kim of the Emerald Bend Sheriff  
20 Department received a phone call from Alexander, using the  
21 landline at 1335 Lakeside Drive, and claiming that Alexander  
22 had been kidnapped and brought there against their will.  
23 Deputy Kim arrived at 1335 Lakeside Drive around 3:30 PM.  
24 Deputy Kim found Alexander inside the main house, looking  
25 visibly disheveled and frightened. Alexander was holding a  
26 pillowcase with the words “Dorais for Emerald Bend” scrawled  
27 on it in Sharpie. The pillowcase also had the insignia of the Gold  
28 Standard Inn. Deputy Kim collected this item as evidence and  
29 interviewed Alexander.

30  
31 Alexander explained that, right as they stepped onto their lawn  
32 for their standard 5:30 AM jog, someone came from behind and  
33 covered Alexander’s head with the pillowcase and tied  
34 Alexander’s wrists behind their back with rope. Alexander then  
35 reported being thrown into the back of a car and transported to  
36 an unknown location. After this ride, Alexander was moved out  
37 of the car and down a muddy path, before being tied to a chair.  
38 Alexander said that twice throughout their time in captivity,  
39 their captor forced them to drink a sweet substance that made  
40 Alexander fall asleep.

41  
42 Alexander explained that after the second dose wore off an  
43 unknown amount of time later, they awoke with their wrists  
44 and legs untied. At this point, Alexander reported removing the  
45 covering from their head and being shocked to realize that  
46 Alexander was being held in the storage shed of their own  
47 rental property located at 1335 Lakeside Drive. Alexander was  
48 able to enter the house using keys that had been in Alexander’s  
49 pocket the entire time and called the police.

1  
2 Deputy Kim secured the scene, noticing distinctive tire tracks at  
3 the top of the driveway. Though the driveway's dirt revealed  
4 tire tracks, the remainder of the path was gravel, and thus no  
5 footprints could be discerned. Deputy Kim also ordered a  
6 toxicology report for Alexander, hoping to determine what drug  
7 may have been used to incapacitate Alexander.

8  
9 Later that afternoon, Deputy Kim visited the Dorais campaign  
10 headquarters and spoke to all members of the Dorais  
11 campaign. All were accounted for beginning approximately an  
12 hour before the scheduled start of the debate, with the  
13 exception of Logan Gold. Gold reported to Deputy Kim that Gold  
14 was putting flyers on porches of homes around Ambrosia Lake,  
15 and that their car broke down on the way to the debate. Gold  
16 told Deputy Kim that Gold had spoken to C.J. Costly near  
17 Costly's house the morning of the debate, which Costly later  
18 confirmed.

19  
20 Throughout the course of the investigation, Deputy Kim  
21 interviewed a variety of other town residents and potential  
22 witnesses, including reporter Ali Sandoval, who testified to  
23 Gold's absence at the debate, as well as the animosity Gold  
24 held toward Alexander. Many townspeople reported to Deputy  
25 Kim that Gold's family has long been owners of the only hotel in  
26 Emerald Bend, the Gold Standard Inn, and thus Gold was  
27 financially threatened by the growing vacation rental industry.  
28 Given the evidence from the scene pointing to the Dorais  
29 campaign and the witness statements pointing to Gold in  
30 particular, Deputy Kim obtained a warrant to search Gold's  
31 home on November 16, 2023. At Gold's house, Deputy Kim  
32 found a receipt for blue dock line (rope) among other items and  
33 took it into evidence.

34  
35 Despite the controversy surrounding the events of Alexander's  
36 kidnapping, the election for city council nonetheless went  
37 forward, and Dorais was elected to the position by a very  
38 narrow margin. Deputy Kim continued to investigate the crime  
39 and enlisted the help of local forensics expert Dr. Rae Forrest to  
40 conduct the toxicology report and analyze the tire tracks found  
41 at 1335 Lakeside Drive. Based on witnesses' statements and  
42 analysis of physical evidence Deputy Kim arrested Gold at  
43 Gold's residence on December 4, 2023, for the kidnapping of  
44 Taylor Alexander

45  
46 [[Soon after Gold's arrest, Deputy Kim interviewed Gold. Gold  
47 quickly invoked Gold's *Miranda* rights and refused to speak  
48 without an attorney. Deputy Kim promptly stopped questioning  
49 Gold. Approximately two hours later, Dorais arrived at the

1 police station, insisting on speaking to their spouse. Deputy Kim  
2 asked if Gold wanted to speak to Dorais, and Gold said yes.  
3 Deputy Kim clarified that Deputy Kim would have to be in the  
4 room, and Gold agreed, wanting to speak with Dorais anyway.]]  
5 Gold posted bail the following day.

6  
7

8

## Sources for the Trial

9 The sources for the Mock Trial are a “closed library,” which  
10 means that Mock Trial participants may only use the materials  
11 provided in this case packet. The materials for the trial itself  
12 include Statement of Charges, Physical Evidence, Stipulations,  
13 California Penal Code, Jury Instructions, Fact Situation, Witness  
14 Statements, and the Mock Trial Simplified Rules of Evidence.

15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45

## Statement Of Charges

The prosecution charges Logan Gold with kidnapping. California Penal Code § 207 (a): Every person who forcibly, or by any other means of instilling fear, steals or takes, or holds, detains, or arrests any person in this state, and carries the person into another country, state, or county, or into another part of the same county, is guilty of kidnapping.

## Physical Evidence and Exhibits

Only the following physical evidence may be introduced at trial. The prosecution is responsible for bringing:

1. Exhibit A is a map of Emerald Bend showing the distances between key locations.
2. Exhibit B compares the tire tracks found at 1335 Lakeside Drive with the tires of Logan Gold's vehicle.
3. Exhibit C is the toxicology report run on Taylor Alexander by Dr. Rae Forrest
4. Exhibit D is the rope found in the shed at 1335 Lakeside Drive.
5. Exhibit E is a receipt for the purchase of a rope found at Logan Gold's house.
6. Exhibit F is a receipt submitted by Logan Gold's defense attorneys showing the purchase of a replacement starter relay for Gold's vehicle.

All reproductions can be reproduced in the original size located in this packet or up to 22" X 28."

## Stipulations

1. All witness statements were taken in a timely manner.
2. At the time of the arrest, there was sufficient probable cause to arrest Logan Gold.
3. All physical evidence and witnesses not provided in the case are unavailable and their availability may not be questioned.
4. If the double-bracketed information is excluded from trial, it may not be used during the trial for any reason, including for impeachment purposes.
5. Dr. Rae Forrest and Dr. Kody Palmer are qualified experts and can testify to each other's statements. They may also testify to any relevant information they would have reasonable knowledge of from the fact situation, witness statements, and exhibits.
6. Harper Dorais and Logan Gold both waived marital privilege in their respective testimonies.
7. Deputy Riley Kim found Taylor Alexander's cell phone on the front lawn of Alexander's house.
8. Logan Gold's phone was off and had no location records on Saturday, November 11, 2023.

- 1 9. Logan Gold's personal vehicle does not have GPS technology.
- 2 10. The victim and the defendant are approximately the same
- 3 height and weight.
- 4 11. Exhibit A is a map of Emerald Bend showing the distances
- 5 between key locations. The map is not to scale and created
- 6 by Detective Riley Kim. Exhibit B is the photo that compares
- 7 the tire tracks found at 1335 Lakeside Drive with the tires of
- 8 Logan Gold's vehicle. Exhibit C is the toxicology report run
- 9 on Taylor Alexander by Dr. Rae Forrest. Exhibit D is the rope
- 10 found in shed at 1335 Lakeside Drive. Exhibit E is a receipt
- 11 for the purchase of a rope found at Logan Gold's house.
- 12 Exhibit F is a receipt submitted by Logan Gold's defense
- 13 attorneys showing the purchase of a replacement starter
- 14 relay for Logan Gold's vehicle. Unless otherwise noted, the
- 15 exhibits in this case packet represent the actual items of
- 16 physical evidence collected and may not be questioned.
- 17 12. All exhibits have been authenticated.
- 18 13. The recording of the 911 call made by Taylor Alexander is
- 19 unavailable and its existence cannot be questioned.
- 20 14. The search warrant was valid and may not be disputed.
- 21 15. Any resemblance to real persons or entities is purely
- 22 coincidental.
- 23 16. The case of Wes Beffa refers to an incident in which Wes
- 24 Beffa disappeared while hiking near his home, reappeared
- 25 three weeks later, and falsely claimed he had been
- 26 kidnapped. He was sentenced to 24 months in prison.
- 27 17. During the trial, attorneys and witnesses are not permitted
- 28 to use the fact that the defendant, Logan Gold, invoked their
- 29 Fifth Amendment rights pursuant to *Miranda v. Arizona*
- 30 (aka *Miranda* rights) as evidence of the defendant's alleged
- 31 criminal intent.
- 32 18. The pillowcase with the words "Dorais for Emerald Bend"
- 33 was properly booked into evidence but has since gone
- 34 missing. Deputy Riley Kim, Taylor Alexander, and C.J. Costly
- 35 may still testify about the pillowcase to the extent that that
- 36 evidence is included in their respective witness statements.
- 37 19. Deputy Kim was able to verify that flyers for Harper
- 38 Dorais's campaign were found in a dozen residences in the
- 39 vicinity of C.J. Costly's home on November 11.
- 40 20. The gray boxes on Exhibit A are residential houses.
- 41 21. Defendant Logan Gold's car was impounded on November
- 42 16, and defense expert Dr. Kody Palmer examined the same
- 43 tire examined by Dr. Rae Forrest on the impounded car.
- 44 22. There were traces of dextromethorphan found in
- 45 Alexander's bloodstream.
- 46 23. Oxalic acid can be used to remove stains and rust from
- 47 boats and both experts can testify to this information.
- 48 24. Deputy Kim produced Exhibit B.

# Legal Authorities

## Statutory

### **Kidnapping – California Penal Code 207(a)**

(a) Every person who forcibly, or by any other means of instilling fear, steals or takes, or holds, detains, or arrests any person in this state, and carries the person into another country, state, or county, or into another part of the same county, is guilty of kidnapping.

## Jury Instructions

### **CALCRIM 223 (Direct and Circumstantial Evidence)**

Facts may be proved by direct or circumstantial evidence or by a combination of both. Direct evidence can prove a fact by itself. For example, if a witness testifies, he saw it raining outside before he came into the courthouse, that testimony is direct evidence that it was raining. Circumstantial evidence also may be called indirect evidence. Circumstantial evidence does not directly prove the fact to be decided but is evidence of another fact or group of facts from which you may logically and reasonably conclude the truth of the fact in question. For example, if a witness testifies that he saw someone come inside wearing a raincoat covered with drops of water, that testimony is circumstantial evidence because it may support a conclusion that it was raining outside. Both direct and circumstantial evidence are acceptable types of evidence to prove or disprove the elements of a charge, including intent and mental state and acts necessary to a conviction, and neither is necessarily more reliable than the other. Rather, you should give each piece of evidence the weight you think it deserves. Neither is entitled to any greater weight than the other. You must decide whether a fact in issue has been proved based on all the evidence.

### **CALCRIM 224 (Circumstantial Evidence: Sufficiency of Evidence)**

Before you may rely on circumstantial evidence to conclude that a fact necessary to find the defendant guilty has been proved, you must be convinced that the People have proved each fact essential to that conclusion beyond a reasonable doubt. Also, before you may rely on circumstantial evidence to find the defendant guilty, you must be convinced that the only reasonable conclusion supported by the circumstantial evidence is that the defendant is guilty. If you can draw two or more reasonable conclusions from the circumstantial evidence and one of those reasonable conclusions points to innocence and another to guilt, you must accept the one that points to innocence. However, when considering circumstantial evidence,

1 you must accept only reasonable conclusions and reject any  
2 that are unreasonable.

3

4 **CALCRIM No. 1215. Kidnapping (Pen. Code, § 207(a))**

5 The defendant is charged with kidnapping, in violation of Penal  
6 Code section 207(a).

7 To prove that the defendant is guilty of this crime, the People  
8 must prove that:

- 9 1. The defendant took, held, or detained another person by  
10 using force or by instilling reasonable fear;
- 11 2. Using that force or fear, the defendant moved the other  
12 person a substantial distance; AND
- 13 3. The other person did not consent to the movement.

14

15 Substantial distance means more than a slight or trivial  
16 distance. In deciding whether the distance was substantial, you  
17 must consider all the circumstances relating to the movement.

18

19

## Pretrial Hearing

20 Middle school students do not argue the pretrial motion and  
21 therefore the bracketed information may be used at trial.

22

23 This section of the mock trial contains materials and procedures  
24 for the preparation of a pretrial motion on an important legal  
25 issue. The presider's ruling on the pretrial motion will have a  
26 direct bearing on the admissibility of certain pieces of evidence  
27 and the possible outcome of the trial. The pretrial motion is  
28 designed to help students learn about the legal process and  
29 legal reasoning. Students will learn how to draw analogies,  
30 distinguish a variety of factual situations, and analyze and  
31 debate constitutional issues. These materials can be used as a  
32 classroom activity or incorporated into a local mock trial  
33 competition. The pretrial motion is the only allowable motion for  
34 this competition.

35

36 In arguing the pretrial motion, teams may only use the closed  
37 library of case materials in the *People v. Gold* mock trial case  
38 packet. The closed library includes the authorities listed below  
39 under Constitutional Provisions and Case Law. Participants in  
40 this mock trial may also use the Fact Situation, and relevant  
41 parts of the witness statements in arguing the pretrial motion  
42 before presiders.

43

44 The pretrial motion involves the Fifth Amendment, as applied to  
45 the states through the 14th Amendment. The Fifth Amendment  
46 protects against self-incrimination. It ensures a suspect's right  
47 to a fair trial by excluding involuntary statements made by a



1 suspect to enforcement officers and giving suspects the right  
2 not to incriminate themselves with their statements. This  
3 includes suspects' right not to testify as witnesses against  
4 themselves. In addition, the Supreme Court held in *Miranda v.*  
5 *Arizona* that suspects in custody must be given *Miranda*  
6 warnings prior to interrogation, or else statements made will  
7 not be admissible in court. These warnings include the right to  
8 remain silent, that their statements will be used against them,  
9 the right to have an attorney present during interrogation, and  
10 the right to have an attorney provided by the state in criminal  
11 cases.

12  
13 For a statement to be admissible, it must be given voluntarily.  
14 This means the suspect was not coerced or deceived into  
15 making the statement. The court looks at factors such as the  
16 suspect's mental state, the conditions under which the  
17 statements were made, and whether the suspect was informed  
18 of their *Miranda* rights.

19  
20 The sources cited will help you determine whether or not using  
21 Gold's statement "I was trying to make sure the family inn could  
22 be passed down for generations" at trial is constitutional. For  
23 mock trials without a pretrial hearing, the statement is  
24 presumed voluntary and the use of the statement at trial is  
25 constitutional. The pretrial motion is the only allowable motion  
26 for this competition.

27

## 28 **Defense Arguments**

29 The defense makes this motion to exclude from evidence Logan  
30 Gold's statement: "I was trying to make sure the family inn  
31 could be passed down for generations." The defense will argue  
32 that the statement is inadmissible because the statement was  
33 not voluntary and made during an illegal interrogation in  
34 violation of Gold's rights under *Miranda v. Arizona* (1966) and  
35 subsequent cases ("*Miranda* rights"). Further, the defense will  
36 argue that the violation of Gold's *Miranda* rights occurred when  
37 Gold had a conversation with Gold's spouse, Harper Dorais, in  
38 the presence of Deputy Riley Kim after Gold had already  
39 invoked Gold's *Miranda* rights, including the right to remain  
40 silent and the right to have an attorney present. The defense  
41 will argue that the totality of the circumstances of Deputy Kim's  
42 presence amounted to interrogation of Gold without an  
43 attorney present.

44

45 The defense will also argue that Deputy Kim's statements and  
46 actions during Gold's conversation with Dorais constitute an  
47 interrogation or its functional equivalent. Primarily, the defense

1 argument is that the statements and actions of Deputy Kim  
2 were coercive. The defense will argue that the deputy put their  
3 hand on their holstered gun, prominently placed a tape recorder  
4 on the table, and stood very close to Gold all as a form of  
5 intimidation. Likewise, the defense will argue that Deputy Kim's  
6 statements to Gold about Dorais's political power in Emerald  
7 Bend were intended to unduly pressure Gold with false  
8 accusations about "complicity" in crime. In sum, the defense will  
9 argue that Gold's statement was not voluntary, and thus should  
10 not be admitted at trial.

11

## 12 Prosecution Arguments

13 The prosecution will argue that the totality of the circumstances  
14 of Deputy Riley Kim's statements and actions while Logan Gold  
15 and Harper Dorais had a conversation was not an interrogation  
16 or its functional equivalent. Therefore, the statements made by  
17 Logan Gold in this conversation should be admitted at trial.  
18 Additionally, the prosecution will point out that Deputy Kim's  
19 tape recorder was not on, and thus there is no coercive  
20 recording process at issue.

21

22 The prosecution will also argue that at no time over the course  
23 of Gold's and Dorais's conversation did Deputy Kim ask any  
24 questions of Gold. Rather, Deputy Kim just made casual  
25 statements to make Gold and Dorais feel at ease. Furthermore,  
26 the prosecution will argue that there was no way that the  
27 deputy could have known the conversation would elicit  
28 potentially incriminating information from Gold. Deputy Kim did  
29 not intimidate or manipulate Gold into making incriminating  
30 statements while Gold conversed with Dorais. Gold's  
31 statements were voluntary. In sum, the statement should be  
32 admitted into trial.

33

## Pretrial Sources

34 The sources for the pretrial motion arguments are a "closed  
35 library," which means that Mock Trial participants may only use  
36 the materials provided in this case packet. These materials  
37 include: the fact situation, exhibits, any relevant testimony to be  
38 found in any witness statements, the California Penal Code,  
39 excerpts from the U.S. Constitution, and edited court opinions.

40

41 Relevant witness testimony is admissible in the pretrial hearing  
42 without corroborative testimony for the purposes of the pretrial  
43 motion only. Exhibits referenced during the pretrial hearing have  
44 not been entered into evidence for the trial. Teams will still need  
45 to enter those exhibits into evidence during the trial.

46

47 The U.S. Constitution as well as holdings from the U.S. Supreme

1 Court, California Supreme Court, and California appellate courts are  
2 all *binding authority*, which means court decisions that judges must  
3 follow in California trial courts. All other cases are not binding but  
4 are *persuasive authority*, which means court decisions that judges  
5 may consider but are not required to follow in California trial courts.  
6 In developing arguments for this Mock Trial, both sides should  
7 compare or distinguish the facts in the cited cases from one another  
8 and from the facts in *People v. Gold*.

9

## 10 Constitutional

11

### 12 ***U.S. Constitution***

#### 13 ***Amendment V***

14 No person shall be held to answer for a capital, or otherwise  
15 infamous crime, unless on a presentment or indictment of a  
16 Grand Jury, except in cases arising in the land or naval forces, or  
17 in the Militia, when in actual service in time of War or public  
18 danger; nor shall any person be subject for the same offence to  
19 be twice put in jeopardy of life or limb; nor shall be compelled in  
20 any criminal case to be a witness against himself, nor be  
21 deprived of life, liberty, or property, without due process of law;  
22 nor shall private property be taken for public use, without just  
23 compensation.

24

#### 25 Amendment XIV

26 Section 1. All persons born or naturalized in the United States,  
27 and subject to the jurisdiction thereof, are citizens of the United  
28 States and of the State wherein they reside. No State shall  
29 make or enforce any law which shall abridge the privileges or  
30 immunities of citizens of the United States; nor shall any State  
31 deprive any person of life, liberty, or property, without due  
32 process of law; nor deny to any person within its jurisdiction the  
33 equal protection of the laws.

34

## 35 Case Law

36

## 37 U.S. Supreme Court Cases

38

### 39 ***Miranda v. Arizona, 384 U.S. 436 (1966)***

40 Facts: Ernesto Miranda was suspected of kidnapping and rape.  
41 Police arrested him at his home and took him to the police  
42 station. A witness identified him, and two detectives took him  
43 into a special room. After two hours of interrogation, the officers  
44 got Miranda to sign a written confession. At his trial, Miranda  
45 was convicted and sentenced to 20-30 years in prison.  
46 However, the police had never informed him of his Fifth  
47 Amendment right not to talk to them.

48 Issue: Are law enforcement officers required to notify persons in

1 custody of their Fifth Amendment rights prior to interrogation?

2

3 Holding: Yes, the government must notify arrested defendants  
4 of their Fifth Amendment constitutional rights prior to an  
5 interrogation. Writing for the five-member majority, Chief  
6 Justice Earl Warren stressed that the Fifth Amendment does not  
7 just apply to criminal trials. Its command that no person “shall  
8 be compelled in any criminal case to be a witness against  
9 himself” also applies to suspects in police custody. Chief Justice  
10 Warren noted that Miranda was in no way informed of his  
11 rights to consult with an attorney and to have an attorney with  
12 him during questioning, nor was he given the right to not be  
13 compelled to incriminate himself (the right to remain silent).

14

15 Warren’s opinion examined what makes a confession coerced.  
16 Coercion can arise out of physical brutality. It can also arise  
17 from mental stress resulting from police tactics.

18

19 The court concluded that proper safeguards against coercion  
20 require that police clearly tell suspects in custody the following  
21 before any questioning can take place:

22

23 They have the right to remain silent. Anything they say may be  
24 used against them in court. They have a right to a lawyer. If  
25 they want a lawyer but cannot afford one, the court will appoint  
26 one before any questioning.

27

28 After giving a suspect these warnings, the police may not  
29 continue interrogating unless suspects “knowingly and  
30 intelligently” waive their rights. That is, suspects must  
31 completely understand their rights before they can give them  
32 up. Warren stated that a statement signed by Miranda  
33 declaring that he knew of his legal rights was not necessarily  
34 an intelligent waiver of his constitutional rights.

35

### 36 ***Arizona v. Mauro, 481 U.S. 520 (1987)***

37 Facts: Police arrived to question Mauro about the murder of his  
38 son, and Mauro freely admitted to having killed his son, pointing  
39 the police toward his son’s body. Mauro was then arrested and  
40 advised of his *Miranda* rights. Mauro was brought to the police  
41 station and informed of his rights again, and then stated that he  
42 would not speak further without a lawyer present. All  
43 questioning ceased at this point. Mauro’s wife, speaking  
44 separately to a detective at the station, asked to speak to her  
45 husband. The couple was permitted to speak while an officer  
46 was in the room and tape-recording the conversation. The tape  
47 recorder was placed in plain sight and captured Mauro telling  
48 his wife not to answer questions without a lawyer present. Later  
49 at trial, Mauro’s lawyers argued that he was insane at the time of

1 the crime. The prosecution used the recording of Mauro advising his  
2 wife as proof that he was sane and rational. Mauro sought to  
3 suppress the recording, arguing that recording him amounted to an  
4 interrogation, which violated his *Miranda* rights.

5

6 Issue: Does recording the conversation between Mauro and his  
7 wife constitute an interrogation, and therefore violate Mauro's  
8 *Miranda* rights?

9

10 Holding: No. Justice Lewis F. Powell delivered the majority in  
11 this case, representing five members of the Supreme Court.  
12 Justice Powell explained that there was no manipulation or ploy  
13 involved in the officer allowing Mauro and his wife to speak, nor  
14 did the police question Mauro directly, and thus there was no  
15 evidence of coercion. Given this information, the Court  
16 determined that this conversation did not represent an  
17 interrogation nor its "functional equivalent", and as such the  
18 statement made by Mauro was considered voluntary and could  
19 be used at trial.

20

21 ***Rhode Island v. Innis, 446 U.S. 291 (1980)***

22 Facts: Innis was arrested for murder and robbery, and informed  
23 of his *Miranda* rights at the scene. Innis stated he understood  
24 his rights and wanted to speak with a lawyer. While in the car  
25 with police officers on the way to the police station, Innis  
26 overheard the officers talking among themselves, saying that  
27 they were in the area of a school for disabled children and  
28 discussing the possibility that Innis' shotgun, which was still  
29 missing, may be found by a child and hurt them. Innis told the  
30 officers to turn the car around so he could lead them to the  
31 weapon. Before the officers searched for the weapon they  
32 advised Innis again of his *Miranda* rights, and Innis replied that  
33 he understood and "wanted to get the gun out of the way  
34 because of the kids in the area in the school."

35

36 Issue: Did the officers' discussion about the nearby school  
37 amount to coercion, and thus should the discussion have been  
38 considered an interrogation or its functional equivalent?

39

40 Holding: No to both. In a 6-3 decision delivered by Justice Potter  
41 Stewart, the Supreme Court found that there was nothing  
42 about the officers' words that the police should have known  
43 would be "reasonably likely to elicit an incriminating response"  
44 from the suspect. The conversation between the two officers  
45 could reasonably be considered private, and therefore Innis'  
46 choice to provide information about the location of the shotgun  
47 was voluntary. Thus, there was no violation of Innis' *Miranda*  
48 rights in this case.

49

1 ***Illinois v. Perkins, 496 U.S. 292 (1990)***

2 Facts: A police informant pointed to Perkins as a murder suspect,  
3 and it was found that Perkins was currently in an Illinois jail on an  
4 unrelated aggravated-battery charge. Police subsequently placed  
5 an undercover officer in Perkins' jail cell, to whom Perkins revealed  
6 incriminating information about the murder. Perkins was charged  
7 with murder. The trial court excluded the statements made by  
8 Perkins to the undercover officer, as Perkins had not been read his  
9 *Miranda* rights by said officer.

10

11 Issue: Are undercover officers required to provide suspects with  
12 *Miranda* warnings before engaging in questioning?

13

14 Holding: No. The Supreme Court held that denying *Miranda*  
15 warnings in this setting is not a violation of the suspect's Fifth  
16 Amendment privilege against self-incrimination, as the suspect  
17 does not know that they are speaking to law enforcement in  
18 this setting, and thus is speaking freely. The Court argued that  
19 the suspect had no reason to believe that he was speaking to a  
20 legal authority, but rather was simply trying to impress a fellow  
21 inmate. Likewise, the right to counsel was not applicable in this  
22 case, as no charges had been filed on Perkins at the time that  
23 he made these incriminating statements.

24

25 ***Edwards v. Arizona, 451 U.S. 477 (1981)***

26 Facts: Edwards was arrested for robbery, burglary, and first-  
27 degree murder. He was read his *Miranda* rights and requested  
28 an attorney, and the police officers then stopped questioning  
29 him. The next day, however, officers returned and began  
30 interrogating Edwards again after informing Edwards of his  
31 rights again. This interrogation led to a confession and an  
32 eventual conviction.

33

34 Issue: Did the confession born from an interrogation that  
35 continued after Edwards requested an attorney violate his 5th  
36 Amendment Rights?

37

38 Holding: Yes, this confession violated the 5th Amendment and  
39 should not have been used to convict Edwards in trial. The  
40 Supreme Court stated that "Having exercised his right on  
41 January 19 to have counsel present during interrogation,  
42 petitioner did not validly waive that right on the 20th." The  
43 Court further clarified that once the right to an attorney has  
44 been invoked, proceeding without one requires a "knowing and  
45 intelligent relinquishment of a known right or privilege" on  
46 behalf of the defendant. Simply informing Edwards of his rights  
47 again was not enough and therefore did not constitute a valid  
48 waiver of Edwards' rights.

49

1 **Haynes v. Washington, 373 U.S. 503 (1963)**

2 Facts: Haynes was accused of robbery and made a written  
3 confession after being held for 16 hours by police, and being  
4 told that he could not communicate with anyone - including his  
5 wife or his attorney - until he cooperated with police. Initially,  
6 the defendant resisted making a confession, and only did so  
7 after police told him he couldn't call his wife until he signed  
8 the confession.

9  
10 Issue: Was the confession voluntary?

11  
12 Holding: No, the confession was involuntary. The defendant's  
13 confession was obtained in an atmosphere of substantial  
14 coercion and inducement created by statements and actions of  
15 state authorities, which violated the defendant's due process  
16 rights. The true test of admissibility is that the confession is  
17 made freely, voluntarily, and without compulsion or inducement  
18 of any sort, therefore the confession was involuntary.

19  
20 **Stansbury v. California, 511 U.S. 318 (1994)**

21 Facts: Stansbury was brought to the police station as a witness  
22 in a murder investigation, and at the time of his initial  
23 questioning he was not considered a suspect. Over the course  
24 of the questioning, however, Stansbury admitted to having  
25 borrowed a housemate's car the night of the murder, which  
26 placed Stansbury in a vehicle matching the description of the  
27 car known to have been used to dump the body. Stansbury then  
28 was considered a suspect, given *Miranda* warnings, but refused  
29 to talk further.

30  
31 Issue: Should Stansbury's initial statements be excluded from  
32 the trial, since he had not yet received *Miranda* warnings when  
33 he made them?

34  
35 Holding: Yes. The Supreme Court held that the police's beliefs  
36 about Stansbury's guilt when he was initially questioned were  
37 not relevant for the purposes of determining whether or not  
38 Stansbury was in custody. The officer's belief is only important  
39 if it affects how a reasonable person in the position of the  
40 individual being questioned would determine if their freedom of  
41 action was restricted. Stansbury was in custody for all intents  
42 and purposes, and thus *Miranda* warnings were required, and  
43 the statements should be excluded.

44  
45 **Ohio v. Reiner, 532 U.S. 17 (2001)**

46 Facts: Reiner was tried for involuntary manslaughter in the  
47 death of his infant son. Reiner's defense was that he was not  
48 involved in the crime, but rather his son died in the care of his  
49 babysitter, Susan Batt. Batt invoked the 5th Amendment and

1 was given transactional immunity by the trial court, and she  
2 stated that she had nothing to do with the crime. After being  
3 convicted, Reiner appealed, arguing that Batt had no valid 5th  
4 Amendment privilege because she had asserted her innocence.

5

6 Issue: Are 5th Amendment privileges applicable to a witness  
7 who claims no involvement in the crime?

8

9 Holding: Yes. Given that the defense’s argument was to attempt  
10 to place blame for the death on Batt, Batt had reasonable  
11 cause to fear repercussions from her testimony in trial. As such,  
12 she has a right to 5th Amendment protections against self-  
13 incrimination.

14

15 ***State v. Finehout, 135 Ariz. 226 (1983) - Supreme Court of***  
16 ***Arizona***

17 Facts: Finehout was arrested for robbery, burglary, and first-  
18 degree murder. He initially signed a waiver of his *Miranda*  
19 rights, and during subsequent questioning by police, he made  
20 statements that were not incriminating. A second interrogation  
21 began about two hours later. After telling police “I ain’t going to  
22 say no more,” the police told him repeatedly to “tell the truth.”  
23 Finally, Finehout said, “I’m not going to say anymore until I talk  
24 to a lawyer,” and the interrogation concluded, but police told  
25 Finehout he was additionally under arrest for lying to a police  
26 officer. A detective told Finehout that “It’s just better to tell the  
27 truth and get it out in the open.” After advising him again of his  
28 *Miranda* rights, Finehout confessed, without consulting with an  
29 attorney, and was convicted.

30

31 Issue: Did the detective’s tactics and words pressure Finehout  
32 to speak in violation of his *Miranda* rights?

33

34 Holding: Yes. The court held that the defendant’s statement “I  
35 ain’t going to say no more” was an unambiguous invocation of  
36 the right to silence. Subsequent “advice” by police to “tell the  
37 truth” constitutes continued interrogation. The defendant’s  
38 statement “I’m not going to say anymore until I talk to a lawyer”  
39 was also an “unequivocal request for an attorney which triggers  
40 the *Miranda* right” to have an attorney present during  
41 interrogation. Finally, the defendant’s confession “violates the  
42 mandate of the United States Supreme Court in *Miranda* and  
43 following cases.”

44

45 ***People v. Musselwhite, 954 P.2d 475 (Cal. 1998) - Supreme***  
46 ***Court of California***

47 Facts: In a murder investigation, Musselwhite claimed that  
48 police led him to believe: (1) he was not a suspect in the murder  
49 they were questioning him about; (2) police promised him



1 leniency for his cooperation in accompanying police to the  
2 police station for interrogation; and (3) they had found his  
3 fingerprints on the murder victim's body. In reality, the police  
4 had not found the fingerprints. The defendant subsequently  
5 confessed and argued that the police deception about  
6 fingerprints was coercion.

7

8 Issue: Was the defendant's confession voluntary?

9

10 Holding: Yes. Police deception is only one factor to be examined  
11 when looking at the totality of the circumstances. First, the  
12 defendant's *Miranda* waiver was valid. The police "never  
13 affirmatively represented to defendant that he was free of  
14 suspicion . . ." In other words, they did not deceive the  
15 defendant in order to obtain the *Miranda* waiver. Second, there  
16 was no promise of leniency: the police made no "suggestion of  
17 any benefit in exchange for defendant's 'cooperation.'" Finally,  
18 in this case, the police lied with respect to the existence of  
19 fingerprint evidence. But the court found that the detectives'  
20 false statements about the fingerprints did not "cause" the  
21 defendant to confess. Lies told by police can "affect the  
22 voluntariness of an ensuing confession," the court said, "but  
23 they are not per se sufficient to make it involuntary." Therefore,  
24 the false statement made by the police was not a "prejudicial  
25 deception" of the defendant under the circumstances. (There  
26 were other issues addressed in this case that are not part of  
27 this case brief in Mock Trial.)

28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47

## Other Federal Cases

### ***Brown v. Horell*, 644 F.3d 969 (9th Cir. 2011)**

Facts: Detectives questioned Brown about a homicide. When the detective learned that Brown’s girlfriend was pregnant with his first child, the detective told Brown that she “want[s] to see [Brown] be able to be with that child and have a life, but only the truth is going to take you to that place.” Brown ultimately confessed.

Issue: Was Brown’s confession voluntary?

Holding: No. The detective coerced Brown into confessing by conditioning his ability to be with his child on his decision to cooperate with the police. (NOTE: The court reviewed this case on a habeas petition, and ultimately held that petitioner (Brown) didn’t meet the high bar for habeas relief and would not be released from custody. Still, this case has been cited for its holding on voluntariness.)

### ***United States v. Kimbrough*, 477 F.3d 144 (4th Cir. 2007)**

Facts: Kimbrough was arrested after being found portioning out cocaine in his mother’s house. The police officers at the scene showed the drugs to Kimbrough’s mother. Before Kimbrough was Mirandized, and in the presence of police, his mother questioned him about what he was doing. In speaking with his mother, Kimbrough said there was a firearm under a cushion, and police retrieved the firearm.

Issue: In listening to Kimbrough’s conversation with his mother, did the police use tactics constituting interrogation or its functional equivalent?

Holding: No. The court held that the police officers could not have reasonably been expected to know that showing Kimbrough’s mother the drugs and letting her speak with her son could lead to the discovery of relevant information pertaining to the firearm. Moreover, the Court held that the officers had legitimate concerns of the defendant destroying evidence if he was allowed to speak to his mother without officers present.

# 1 **Witness Statements**

## 2 3 **Prosecution Witness –** 4 **Deputy Riley Kim (Detective)**

5  
6 My name is Riley Kim. I'm 44 years old. I have been a member of  
7 Emerald Bend Sheriff's Department as a deputy for 10 years  
8 and have served as a town Sheriff's Deputy since 2018. Prior to  
9 that, I worked in a larger city's police department, first as a  
10 patrol officer for four years and then as a detective for six years.

11  
12 At approximately 2:45 PM on the afternoon of November 11,  
13 2023, I received a phone call from Taylor Alexander, using the  
14 landline at their property at 1335 Lakeside Drive, claiming  
15 Alexander had been kidnapped. I arrived at the property about  
16 45 minutes later and parked my vehicle on Lakeside Drive. I did  
17 not drive my vehicle on the driveway to preserve any possible  
18 evidence there.

19  
20 Alexander was standing on the porch of the house wearing  
21 sweatpants and a T-shirt, both of which were muddy.  
22 Alexander looked visibly distressed and presented with red and  
23 inflamed areas on both wrists that immediately resembled  
24 ligature marks. Alexander was holding a pillowcase displaying  
25 the words "Dorais for Emerald Bend" written in what appeared  
26 to be black Sharpie, and there was a small hole of about 1"  
27 diameter that appeared cut into the fabric. I noticed the logo of  
28 the Gold Standard Inn on the corner of the pillowcase and  
29 recognized that as the inn owned by Logan Gold. I promptly  
30 collected the item as evidence. I properly booked the items into  
31 evidence. I'm not sure why the pillowcase is missing. The  
32 securing of the evidence room is handled by another  
33 department.

34  
35 I then sat Alexander down for an interview. After taking a few  
36 moments to calm down, Alexander again told me that  
37 Alexander had been kidnapped. Alexander reported that  
38 around 5:30 AM that morning, they had stepped out for their  
39 usual morning run, and immediately after exiting Alexander's  
40 house, someone had come up from behind, covering their head  
41 with the pillowcase. Alexander reported being forced into the  
42 trunk of a car and taken on what Alexander approximated to be  
43 an hour's drive.

44  
45 Alexander said they were forced down a muddy path, which  
46 was consistent with the state of Alexander's clothing.  
47 Alexander reported their captor tying Alexander's hands and  
48 legs to a chair, saying little except the phrase "You brought this  
49 on yourself, Alexander." After an unknown amount of time,

1 Alexander's captor forced a straw through the hole in the  
2 pillowcase, making Alexander drink a sweet, sticky liquid  
3 through the straw. Alexander reported falling asleep soon after.  
4

5 Alexander told me that an unknown amount of time later,  
6 Alexander's captor shook them awake. Alexander reported  
7 being dazed and anxious. Alexander explained that they were  
8 forced to drink the same liquid again and that their captor told  
9 them "Everything comes back around."

10

11 When Alexander woke next, Alexander reported finding their  
12 hands and feet untied. Alexander told me that they removed the  
13 pillowcase covering their face, to find that they were being held  
14 in the storage shed at their rental property located on 1335  
15 Lakeside Drive. Alexander had their keys and thus was able to  
16 enter the home and call for help.

17

18 After taking Alexander's statement, I analyzed and secured the  
19 property, surrounding the perimeter with yellow "crime scene"  
20 tape. I noted and photographed a set of tire tracks at the top of  
21 the driveway. The pattern indicated to me that the car had sped  
22 in and out of its parking spot quickly. When I reached the  
23 storage shed, I saw a metal chair inside, along with two pieces  
24 of blue rope on the floor. I immediately recognized these as  
25 dock line (or "blueline") ropes, as they are commonly used by  
26 boaters in Emerald Bend. I took the ropes into evidence as well,  
27 believing they had likely been used to restrain Alexander. I  
28 drove Alexander to Dr. Rae Forrest's office in town and ordered  
29 a toxicology report on Alexander to ascertain what drug may  
30 have been used to knock Alexander out, and how much  
31 remained in Alexander's system and its lingering effects.

32

33 After Dr. Forrest drew Alexander's blood sample, I drove  
34 Alexander to their primary residence, which was located north  
35 of town, the place where Alexander said they were abducted.  
36 On the front lawn, I found a cell phone that Alexander later  
37 identified as their own. I secured the area but did not find any  
38 other physical evidence related to the crime.

39

40 Given both Alexander's status as a prominent political figure in  
41 town and the reference to the Dorais campaign on the  
42 pillowcase used in Alexander's kidnapping, I decided to make a  
43 visit to the Dorais campaign headquarters. I spoke to all present  
44 members of the campaign staff, as well as Harper Dorais.  
45 All attested to arriving early for the debate except for Dorais's  
46 assistant campaign manager and spouse, Logan Gold. I was  
47 able to confirm the other team members' presence at the  
48 town hall by talking to various witnesses over the course of  
49 the investigation.

1  
2 I spoke first to, then-candidate and now city council member  
3 Harper Dorais. When I questioned Dorais about their  
4 relationship with Alexander, Dorais told me that while the two  
5 candidates disagreed greatly on what was best for the town,  
6 Dorais would never wish Alexander harm, and felt horrible  
7 about the pain and fear Alexander must have experienced.  
8 Dorais also attested to having prioritized integrity and fairness  
9 throughout the campaign.

10  
11 I then spoke to Gold. Gold informed me that they spent the  
12 morning putting flyers with election reminders on the porches of  
13 homes around Ambrosia Lake. Gold explained that Gold tried to  
14 take a shortcut through an unpaved fire road on the way to the  
15 town hall, but their car broke down. Gold also mentioned having  
16 left Gold's phone at home that morning, causing Gold to be  
17 unable to communicate that they would be late. When I asked if  
18 Gold could provide me any names of individuals Gold saw or  
19 spoke to while distributing the flyers, Gold pointed me toward  
20 C.J. Costly, saying they had spoken that morning at around 9:30  
21 AM at Costly's home.

22  
23 Over the course of the investigation, I spoke to several other  
24 witnesses, including Ali Sandoval, a journalist for the Emerald  
25 Bend Daily Reporter who was present at the debate. Sandoval  
26 informed me that when Gold arrived, Dorais appeared nervous.  
27 Sandoval saw and overheard Gold say "It's taken care of" to  
28 Dorais. Dorais did not respond.

29  
30 I also spoke to several residents who lived in the lakeside area  
31 where Gold supposedly was prior to the debate, and while  
32 C.J. Costly did confirm having spoken to Gold, no one else  
33 reported seeing Gold in the area. Most residents living  
34 immediately around C.J. Costly's home did have Dorais flyers on  
35 their porches.

36  
37 On November 16, I obtained a search warrant and searched  
38 Gold's and Dorais's shared home. I found and collected a  
39 receipt from the local hardware store dated November 5, 2023.  
40 In addition to standard boating supplies, this receipt indicated  
41 the purchase of blueline docking rope, which was consistent  
42 with the kind used to restrain Alexander. I conducted a forensic  
43 investigation of the inside of Gold's car interior and sent  
44 samples of fibers to the lab. Testing came back negative for any  
45 foreign substance other than oxalic acid residue found in the  
46 trunk. Finally, I photographed and analyzed the tire treads on  
47 Gold's car, which were included in the area encompassed by  
48 the warrant.  
49

1 I also enlisted the help of local forensics expert, Dr. Rae Forrest.  
2 Dr. Forrest reviewed the toxicology report run on Alexander and  
3 found faint amounts of cold syrup. Dr. Forrest said this amount  
4 was consistent with Alexander’s report of the effects of the  
5 drug. Dr. Forrest also found that the tire tracks at 1335 Lakeside  
6 Drive were a very likely match for Logan Gold’s car.

7  
8 Given the statements of these witnesses, I arrested Gold on  
9 December 4, 2023. I promptly read Gold their *Miranda* rights.  
10 Once we arrived at the police station, I began to interview Gold  
11 in the 8’ x 10’ interrogation room. Gold sat at the small table in  
12 the room. Gold invoked their *Miranda* rights and said they did  
13 not want to speak, so I stopped the interview and left the room.  
14 [[A few hours later, Harper Dorais came rushing into the police  
15 station, insisting on speaking with their spouse. I asked Gold if  
16 Gold wanted to speak to Dorais, and Gold said yes.

17  
18 I spoke to Gold as Dorais was taking their seat next to Gold at  
19 the table. I reminded Gold that their spouse was now in a  
20 position of power in Emerald Bend, and that Gold should think  
21 about how important it is for our politicians to be honest. I think  
22 I may have had my hands on my hips, but I can’t quite recall. I  
23 don’t normally ever rest my hand on my gun holster. I wasn’t  
24 sure how long I would be there so I decided to get comfortable. I  
25 took a seat directly across from Gold and emptied my pockets,  
26 placing my sunglasses, my keys, and an inactive tape recorder  
27 on the table between us. I distinctly remember that the tape  
28 recorder was off. I wanted to make Gold feel at ease, so I told  
29 Gold it was their opportunity to lay everything out for Dorais.  
30 The couple primarily discussed plans for Gold’s legal counsel,  
31 however Gold also made a comment to Dorais that “I was  
32 trying to make sure the family inn could be passed down for  
33 generations.” Dorais then told Gold to stop talking and assured  
34 Gold that Dorais would arrange bail and secure Gold good  
35 representation, before leaving the station.]]

1 **Prosecution Witness -**  
2 **Taylor Alexander (Victim)**  
3

4 My name is Taylor Alexander. I am 36 years old and have lived  
5 in Emerald Bend for my entire life. In high school and college, I  
6 was always involved in drama club as a hobby, and I even  
7 received a “best actor” award in senior year of college. But I  
8 studied political science and chose business as my career path.  
9 I have always been interested in politics and in trying to help  
10 make life better for all of us here in Emerald Bend. Our  
11 community has often struggled financially, and I am one of  
12 many town residents who think that increasing tourism to the  
13 area would help stimulate the local economy.  
14

15 I ran for city council with the hope of helping to increase tourist  
16 revenue by making it easier for Emerald Bend residents to list  
17 their vacation rentals. I even took the plunge and purchased  
18 two additional properties that I rent out, including the one  
19 located at 1335 Lakeside Drive. My hopes in the potential of  
20 vacation rentals in Emerald Bend are not limited to my own  
21 properties’ success, however; I truly believe that local  
22 restaurants, shops, and businesses will all benefit from making  
23 it easier for tourists to visit here.  
24

25 During the election, I was interviewed by C.J. Costly. I was not  
26 that familiar with Costly’s podcast, so Costly told me to listen to  
27 a recent episode about Wes Beffa, which I did. What an  
28 outrageous story! Beffa deserved to go to prison for a long time  
29 for that.  
30

31 Costly also asked me questions about the election. I recall  
32 saying something like “Harper Dorais and Logan Gold are  
33 horrible for Emerald Bend and need to be stopped.” I felt that  
34 they did not have Emerald Bend’s best interests at heart and  
35 needed to be stopped at the ballot box. That’s why I was  
36 running for office, after all.  
37

38 My properties became an essential source of income for me  
39 about three months before the election when I lost my job. The  
40 local community college where I taught political science had a  
41 series of layoffs due to budget constraints, and my department  
42 was hit heavily. Since then, my rental properties have been my  
43 only source of income.  
44

45 My opponent, Harper Dorais, and I were scheduled to have a  
46 final debate before the election on Saturday, November 11,  
47 2023, at the town hall. I was looking forward to this debate,  
48 as I really valued any opportunity to present my plans to help  
49 the people of Emerald Bend. Unfortunately, I never made it to  
50 the debate.

1  
2 That morning, at 5:30 AM, I put my keys in my pocket and  
3 stepped out for my usual morning run. I was wearing  
4 sweatpants and a t-shirt. This running routine is one I've kept  
5 for years, and one that I happily discuss with people. I know for  
6 a fact I've even mentioned it to Harper Dorais and Logan Gold. I  
7 find that starting my day with exercise helps me feel productive  
8 and balanced throughout the rest of the day. I live alone in a  
9 remote area in the mountains north of town, so running is  
10 always peaceful.

11  
12 On November 11, however, I didn't get those benefits, because I  
13 didn't get to go on my run at all. Within seconds of me stepping  
14 out of my door, someone came up behind me and covered my  
15 head with a pillowcase, completely blocking my sight. They  
16 grabbed my wrists and tied them behind my back, causing me  
17 to drop my phone. I started trying to twist and thrash to get  
18 away, but they overpowered me and forced me into the trunk of  
19 a car.

20  
21 I can't remember exactly how long we drove in that car. I was  
22 terrified, and it made it difficult to get a sense of time. I would  
23 guess it was about an hour, however. At some point, we arrived  
24 at a destination, and my captor pulled me out of the car. I  
25 stumbled at first and fell a few times, and eventually my captor  
26 was essentially dragging me along down a muddy hill. I heard  
27 them open a door, and then I was shoved into a metal chair. My  
28 captor re-tied my wrists, so they were stuck behind the chair,  
29 and tied my legs to the chair as well. Even though I knew a door  
30 had opened and closed, it didn't feel like we were inside; the  
31 temperature felt just as cold as it had on the walk down the hill.

32  
33 For some amount of time, I just sat there like that, not knowing  
34 what was going on and panicking. I started begging and asking  
35 my captor what I could do so they would let me go. They said  
36 almost nothing. The only phrase they kept repeating was that I  
37 brought this on myself. They repeated this statement several  
38 times, which filled me with dread. Additionally, the voice they  
39 were using was very strange. It was extremely gravely and  
40 almost whispered, like my captor was intentionally distorting  
41 their voice. I couldn't recognize the voice or even the gender of  
42 the speaker through the affect.

43  
44 Soon after, my captor poked a straw into a hole in the  
45 pillowcase and between my lips. They told me to drink or there  
46 would be consequences, so I did. The drink was thick and  
47 sweet, and reminded me of cough syrup. Within what I would  
48 guess was half an hour or so, I fell asleep.

49  
50 I don't know how long it was before I woke up. I only woke up



1 because my captor was shaking me awake. I was still  
2 somewhat in a daze, but the panic I felt from the shaking  
3 helped me fight it. My captor forced me to drink the same  
4 substance again and said that “Everything comes back around.”  
5 I think it took me a little longer this time to succumb because of  
6 the adrenaline.

7  
8 I didn’t process it at the time through my fear and the haze of  
9 the drug, but looking back, this statement stands out to me. I  
10 couldn’t possibly count the number of times I’ve heard Logan  
11 Gold say that “Everything comes back around.” It’s a sort of  
12 mantra for Logan, and I’ve heard Logan say it at everything  
13 from campaign interviews to personal conversations.

14  
15 I’m not sure how long I was out this time either, but when I  
16 awoke the second time, I was in the chair and surprised to find  
17 that my wrists and ankles were untied. I took my hood off and  
18 saw I was in a storage shed. Even though I was dazed, I  
19 recognized that this was actually the shed at my own vacation  
20 rental property, located at 1335 Lakeside Drive. I was shocked  
21 and confused. I didn’t understand why anyone would’ve  
22 wanted to take me there.

23  
24 I looked at the pillowcase that had been used to blind me and  
25 saw the logo for the Gold Standard Inn, as well as that the  
26 words “Dorais for Emerald Bend” had been written on it. My  
27 only guess is that someone from the Dorais campaign was  
28 trying to make a statement and punish me for believing in  
29 these rental properties. After all, they did tell me I “brought it  
30 on myself.”

31  
32 After I got my bearings, I realized that luckily my keys were still  
33 in my pocket. I later learned that Deputy Kim found blue rope in  
34 the shed, but I did not look at the floor very carefully to see  
35 anything before I walked from the shed to the house. I entered  
36 the home and used the landline to call the police station. Deputy  
37 Kim answered and arrived at the house within the hour. Deputy  
38 Kim interviewed me, and then took me to get my blood drawn  
39 for a toxicology report. The next day, I spoke with members of  
40 my campaign team about potentially rescheduling the debate,  
41 but I ultimately decided I was just too overwhelmed and  
42 distressed to do it.

43  
44 I was still confused and terrified, but I was starting to gain some  
45 clarity as time went on. I don’t know anyone who would want  
46 to hurt me other than a member of the Dorais campaign, and  
47 particularly Logan Gold. I can’t say I particularly like Harper or  
48 their views. I was of course disappointed when they won the  
49 election, but I respect the people of Emerald Bend’s decision.  
50

1 Whenever I see Logan, however, they always pick a fight with  
2 me. It seems like they're unable to stop themselves. Logan also  
3 takes this whole tourism issue extremely personally because of  
4 their stake in the Gold Standard Inn. One time, Logan told me  
5 point blank that I was going to ruin the town, and that "it would  
6 come back around to me."  
7  
8 I don't know anyone else with enough animosity toward me to  
9 do something like this. Likewise, no one else would benefit from  
10 me missing that debate other than Logan and Harper. I'm  
11 confident that Logan Gold is the one who caused me all this  
12 pain and fear.

1 **Prosecution Witness -**  
2 **Dr. Rae Forrest (Expert)**

3  
4 My name is Dr. Rae Forrest. I am 48 years old and am the chief  
5 forensic investigator for the county of Rowan County, of which  
6 Emerald Bend is a part. I have an undergraduate degree in  
7 forensic science from the University of New Haven. I then  
8 obtained both a medical degree and a master's degree in  
9 forensic science from the University of California, Davis. Finally,  
10 I completed a six-year residency in forensic pathology at  
11 Rowan County Hospital, and subsequently passed the  
12 necessary examinations to become a licensed pathologist.

13  
14 I began my career as a deputy forensic investigator in Rowan  
15 County in 2012 and was promoted to my current position of  
16 chief forensic investigator in 2019. Given the small size of the  
17 forensics office in Rowan County and the wide geographic  
18 expanse that we serve, members of my team are all specially  
19 trained in multifaceted forensic analysis, taking supplementary  
20 training courses to ensure that our knowledge is as up to date  
21 and comprehensive as possible.

22  
23 On Saturday, November 11, 2023, Deputy Riley Kim of the  
24 Emerald Bend Sheriff's Department called me and explained  
25 they had a suspected case of kidnapping, in which some sort of  
26 drug had been used to incapacitate the victim. Deputy Kim  
27 asked for my help in conducting a toxicology report on the  
28 victim, Taylor Alexander, to ascertain what drug had been used  
29 and in what quantity. In my office, I drew Alexander's blood at  
30 approximately 4:45 PM on November 11, and I subsequently  
31 conducted the toxicology report based on this sample, and I  
32 used the blood to obtain a sample of Taylor Alexander's DNA. I  
33 also examined and measured the marks on Alexander's wrists,  
34 which were 3/8" wide. I found no such marks on Alexander's  
35 ankles or legs.

36  
37 Based on my analysis, I concluded that at the time that  
38 Alexander's blood sample was taken, Alexander had about 160  
39 nanograms per milliliter of doxylamine in Alexander's system.  
40 Doxylamine is a sleep aid that can be used to treat insomnia  
41 and is a common ingredient in cold medicines and cough  
42 syrups. The recommended therapeutic dose of doxylamine for  
43 adults is 25 mg, which leads to a peak concentration in the  
44 bloodstream of approximately 120 ng/mL. The half-life of  
45 doxylamine in most adults is approximately 10 hours, meaning  
46 the drug is metabolized at a rate such that the amount of the  
47 drug remaining in the bloodstream decreases by half every  
48 10 hours.

1  
2 The extremely high concentration of doxylamine in Alexander's  
3 system makes it improbable that this quantity was  
4 administered via only one dose, thus confirming Alexander's  
5 recollection of being forced to drink the cough medicine twice. In  
6 order for Alexander to wake up naturally while still having such  
7 a high concentration of doxylamine in their bloodstream, the  
8 first dose must have been significantly larger in size than the  
9 second, as the time of peak effectiveness of the drug must have  
10 passed before Alexander woke around 2:30 PM.

11  
12 In my professional opinion, Alexander was given an initial dose  
13 of doxylamine in the realm of 37.5 mg (1.5x the standard  
14 therapeutic dose). Given this dosage, it is entirely reasonable in  
15 my opinion that Alexander would have been unconscious for  
16 the better part of six hours, only rousing when shaken. I believe  
17 that the quantity of doxylamine in Alexander's system is  
18 consistent with Alexander's recollections, as well as with this  
19 drug having been used to effectively incapacitate Alexander.

20  
21 I also believe that Alexander's subsequent second dose must  
22 have been smaller in quantity, otherwise Alexander would have  
23 likely remained unconscious for longer. Alexander roused the  
24 second time without being forced awake, and thus the dose  
25 cannot have been nearly as large.

26  
27 Despite the ten-hour half-life of doxylamine, in my view it is  
28 entirely reasonable for Alexander to have been awake and  
29 cogent approximately four hours after receiving the second  
30 dose, especially given that I believe it to have been smaller in  
31 size. When being taken to treat a cold, it is typical to  
32 recommend patients take doxylamine every four to six hours.  
33 Thus, it is unsurprising that the effects had largely worn off on  
34 Alexander by about four hours after the second dose was given.

35  
36 Additionally, it is important to note that the tolerance for drugs  
37 like doxylamine varies from person to person. Even if some  
38 individuals would have been unconscious for longer under the dose  
39 Alexander was given, in my view there is nothing about Alexander's  
40 account of the events of the day that is inconsistent with the  
41 quantity of the drug in Alexander's system, nor do I doubt the  
42 validity of Alexander's memories of the day. If Alexander had a  
43 relatively high tolerance for doxylamine — which is reasonable  
44 given Alexander's height, weight, and generally good health —  
45 there is no issue regarding Alexander's consciousness. Trace  
46 amounts of dextromethorphan were found in Alexander's  
47 bloodstream, which can be known to cause hallucinations.  
48 However, it was so small in quantity that I do not believe it would  
49 have had any significant impact on Alexander's frame of mind given

1 their height, weight, and health.  
2  
3 Deputy Riley Kim provided me with two pieces of blue docking  
4 rope that the deputy found in the shed at 1335 Lakeside Drive. I  
5 examined the ropes, each of which was 36" long and 3/8" in  
6 diameter. I analyzed the ropes for DNA evidence, fingerprints,  
7 and fibers. On one piece of rope, I found traces of human DNA  
8 that matched that of Taylor Alexander, and no fingerprint  
9 evidence nor fibers. On the other rope, I found no DNA, fibers,  
10 nor fingerprint evidence. In my professional opinion, the marks  
11 on Alexander's wrists were ligature marks that are consistent  
12 with marks that could have been made by 3/8" docking rope. It  
13 is possible to bind one's own hands or wrists with a slipknot,  
14 but getting out of the slipknot would require Houdini-like skill as  
15 an escape artist.

16  
17 As a part of this investigation, I also analyzed the tire tracks left  
18 at 1335 Lakeside Drive, both independently and compared to  
19 the tires of Logan Gold's personal vehicle. One of the  
20 supplementary forensic education courses I have taken is a  
21 weeklong seminar in tire track analysis, and I have  
22 subsequently used the skills in consultation on dozens of  
23 investigations. Tire tracks are unique among vehicles, as tires  
24 undergo constant wear and tear. This is especially true in rural  
25 areas such as Emerald Bend, in which many of the roads  
26 are unpaved.

27  
28 Standard wear coupled with cuts and accumulated debris  
29 cause tires to leave distinct tread impressions. Given that a  
30 fresh tire track was visible at 1335 Lakeside Drive, I was able to  
31 analyze the track to a high degree of certainty. Even before  
32 looking at Logan Gold's vehicle, I was able to discern given the  
33 specs and pattern of the tire track that they must have been  
34 Total Tire 350 tires.

35  
36 When comparing the tire tracks at 1335 Lakeside Drive to  
37 Gold's car, I found significant similarities. There appears to  
38 be a pebble lodged in Gold's front passenger-side tire,  
39 which matches an impression found at 1335 Lakeside Drive.  
40 The entrance to the driveway was dirt, and then it  
41 transitioned into a gravel driveway. Additionally, when  
42 examining a tire track, you can ascertain the tread depth of  
43 the tires, which represents overall wear. Both Gold's tire  
44 and the track left at 1335 Lakeside Drive appeared to have  
45 a tread depth of exactly 5/32". The photos Deputy Kim took  
46 of the tire and the tire track show that the width of the tire  
47 and the position of the pebble were the same in both the  
48 tire and the tire track. In my opinion, the tire tracks found at  
49 1335 Lakeside Drive are a match for those of Gold's car.

## 1 Prosecution Witness - Ali Sandoval (Journalist)

2  
3 My name is Ali Sandoval. I'm 30 years old, and I'm a journalist for  
4 the Emerald Bend Daily Reporter. I have been covering the race for  
5 city council between Harper Dorais and Taylor Alexander  
6 throughout the past several months. As such, I have been present  
7 at all major campaign events and debates for both sides and have  
8 interviewed the candidates and their staff on many occasions.  
9

10 In a small town like ours where everyone knows everyone, it can  
11 be hard to find unbiased accounts of town events. It has always  
12 been my goal to be as fair and impartial in my reporting as  
13 possible, as this is a crucial element of any trusted news source. I  
14 get very frustrated at people who don't take these steps yet try to  
15 pass off their podcasts or social media platforms as "news," as I  
16 think this does us all a disservice.  
17

18 Following the campaign closely, it was apparent how intense the  
19 divide over vacation rentals was in Emerald Bend. Speaking to  
20 members of both campaigns, as well as townspeople more  
21 broadly, I found that emotions were extremely heightened, and  
22 things were getting contentious. Those who agreed with Harper  
23 Dorais that short-term rentals should be banned accused their  
24 opponents of threatening the very character of Emerald Bend, as  
25 well as showing blatant disregard for the natural resources that  
26 are so essential to Emerald Bend. On the flipside, those aligned  
27 with Taylor Alexander in the belief that rentals should increase  
28 argued that those in the Dorais camp were short-sighted and  
29 closed-minded if they didn't want visitors and the tourism income  
30 that could be used to revitalize Emerald Bend.  
31

32 I was present in the town hall on Saturday, November 11, 2023,  
33 ready to report on the debate between Dorais and Alexander that  
34 never took place. I arrived a bit after 11:00 AM, wanting time to  
35 gather all my supplies and ideally speak to members of the  
36 campaign before the debate began. I spoke with some members of  
37 Taylor Alexander's campaign staff, who all seemed nervous that  
38 Alexander had not arrived. Apparently, Alexander was supposed  
39 to arrive at 11:00 AM to finish their preparation, and it was unlike  
40 Alexander to be late to something of such importance to the  
41 campaign. I witnessed several staff members call Taylor, but none  
42 got a response.  
43

44 I also saw the Dorais campaign team huddled around Harper  
45 Dorais, finishing up their preparation. Dorais looked rather  
46 nervous, and I heard Dorais ask a few members of their staff  
47 where Logan Gold was. Gold is both Dorais's spouse and assistant  
48 campaign manager, so I was shocked that Gold was nowhere to  
49 be seen.  
50

51 At 12:00 PM, the time the debate had been scheduled to start, Taylor

1 Alexander still had not arrived. Dorais said that they were willing to  
2 wait to see if Alexander would arrive soon, so we waited. At  
3 approximately 12:30 PM, Logan Gold rushed into the town hall. Gold  
4 appeared out of breath and frazzled. Gold and Dorais were within a  
5 few feet of me when they reunited. I heard Dorais ask Gold what was  
6 going on, and Logan responded that “it’s all been taken care of.”  
7 Approximately half an hour later, with still no word from Alexander, we  
8 collectively agreed that the debate wouldn’t go forward, and the crowd  
9 dispersed.

10  
11 While following the campaign, I have noticed a particular sense of  
12 animosity between Taylor Alexander and Logan Gold. I remember  
13 several instances in which Logan started fights with Alexander  
14 over their position on vacation rentals. Alexander never seemed  
15 hesitant to engage Gold, but Gold was usually the instigator of  
16 these conflicts.

17  
18 I remember a particular instance in which Gold told Alexander that  
19 their position would “ruin the town,” and that “Alexander’s  
20 destruction would come back around to Alexander.” That one  
21 phrase of Gold’s, that everything “would come back around,” is  
22 something I heard Gold say repeatedly throughout the race. Gold  
23 said it to me directly in interviews, and I overheard them use it in a  
24 variety of other conversations as well. Alexander was pretty  
25 sarcastic in response to this; Alexander told Gold that Alexander  
26 took a run every morning around 5:30 AM, and that it seemed like  
27 “Gold could benefit from a grounding routine like that, because  
28 they sounded pretty unhinged.”  
29

30 In my perception, Logan Gold always seemed to take the campaign  
31 more seriously than Harper Dorais, despite the fact that Dorais was the  
32 candidate. Dorais was always well liked in the community, whereas  
33 Gold had a reputation for being intense and not particularly friendly.  
34 Gold was certainly much more passionate about campaign issues in  
35 interviews than Dorais. Gold was also always ensuring that Dorais got  
36 to events on time and would cut off my interviews with Dorais if we  
37 went a minute over the allotted time; Gold was very punctual.  
38

39 As part of my reporting on the divide over vacation rentals in  
40 Emerald Bend, I learned from my investigation that Gold’s family  
41 business was increasingly struggling financially with the increase  
42 in vacation rentals. I think that made the entire issue much more  
43 personal for Gold, whereas Dorais had an easier time separating  
44 the political from the personal.  
45

46 I should mention that I knew who Logan Gold was before this  
47 election. My sibling used to date Gold years ago. I heard about it  
48 but never met Gold back then. They had a bad break-up, and my  
49 sibling had to leave town and has never been back, which is sad.  
50 Gold then married Dorais.

1 **Defense Witness -**  
2 **Logan Gold (Defendant/Dorais's Spouse)**

3  
4 My name is Logan Gold. I'm 39 years old and a lifelong resident  
5 of Emerald Bend. I'm married to Harper Dorais, and I have been  
6 honored to have had the opportunity to serve as Harper's  
7 assistant campaign manager in the race for city council. Not  
8 only do I believe of course that Harper is a phenomenal person, I  
9 wholeheartedly believe that Harper has the best plans for the  
10 future of Emerald Bend.

11  
12 We've been very divided for the past few years here in Emerald  
13 Bend over the issue of vacation rentals. Harper and I strongly  
14 oppose this business getting any larger. We've already had  
15 several issues with tourists renting houses on the lake in order  
16 to dock boats and host massive parties out on the water. This is  
17 terrible for everyone here in Emerald Bend, not only because  
18 these types of parties are loud and disruptive to our privacy, but  
19 also because they always end up with debris polluting the lake,  
20 which is a primary source of livelihood for many of us. Indeed,  
21 there are already signs that we risk overfishing the lake if we  
22 don't do something soon.

23  
24 I won't deny that these rental properties pose a particular threat  
25 to me. For generations, my family has owned the one hotel in  
26 Emerald Bend, the Gold Standard Inn. This business employs  
27 dozens of townspeople and has been a cornerstone of Emerald  
28 Bend's culture and economy for years. The proliferation of  
29 vacation rentals has definitely hit us hard financially. We've  
30 been struggling financially even prior to this. The overhead  
31 prices of supplies and staff have gone up substantially over the  
32 years. Likewise, we have still not come back entirely from the  
33 loss of all income during the COVID-19 pandemic. We took an  
34 additional hit about two weeks before the debate when  
35 someone broke into the Gold Standard Inn and stole a variety of  
36 housekeeping supplies, including sheets, pillowcases, and  
37 cleaning sprays.

38  
39 I also won't try to deny that because of these high stakes, I am not a  
40 fan of Taylor Alexander, Harper's political opponent. I strongly  
41 disagree with Taylor's choice to rent out two vacation properties to  
42 tourists, as well as Taylor's belief that others should do similarly.  
43 Taylor and I are both fairly outspoken about our views, which led to  
44 some clashes along the campaign trail. This was never personal,  
45 however, and I would never wish anything bad on Taylor. I heard  
46 about tire tracks found at Taylor's Lakeside Drive property, but I don't  
47 know whose tracks they are. I never went to Alexander's property on  
48 Lakeside Drive.



1  
2 On the morning Harper and Taylor were supposed to have their  
3 final debate on Saturday November 11, 2023, I was extremely  
4 anxious. I woke up early and knew I needed to get out of the  
5 house, otherwise my nervous energy would just rub off on  
6 Harper, which wouldn't help anything. I decided that the best  
7 way to feel better would be to do something productive for the  
8 campaign, so I decided to take all our remaining flyers and  
9 election reminders to put them on porches around the area of  
10 the lake. I left Harper a note on the bedside table saying I was  
11 going out into town and that I would see Harper at the town  
12 hall. My mind was running a mile a minute and I was so  
13 distracted that I forgot my phone at home when I left. This isn't  
14 typical of me, and just goes to show how overwhelmed I was.

15  
16 I began canvassing the town, wanting to make sure anyone  
17 who needed a reminder of where to vote in the upcoming  
18 election had one readily available. I know I left home around  
19 8:30 AM, so assume I got to the lake a bit before 9:00 AM,  
20 although as I said, I forgot my phone and didn't have any way  
21 to tell time. The clock in my car broke years ago.

22  
23 One of the houses I stopped by belongs to a friend of mine, C.J.  
24 Costly. C.J. is an Emerald Bend resident and podcaster, who has  
25 been following the campaign for their show. I listen to C.J.'s  
26 podcast and also heard the recent episode about Wes Beffa.  
27 C.J. happened to be outside getting mail when I stopped by, so  
28 we spoke for a good few minutes. I asked C.J. how their show  
29 was going, and C.J. told me that the intensity of the divide in  
30 Emerald Bend over vacation rentals was good for business, as  
31 the drama attracted more listeners. I remember laughing at that  
32 and saying that I was glad the tension at least helped someone.  
33 C.J. went back inside soon after, saying they would see me later  
34 at the debate.

35  
36 Though I initially planned to spend several more hours driving  
37 around and slipping flyers onto people's porches, I realized that  
38 it would make more sense to go put the flyers up around the  
39 town square, as I could talk to anyone I ran into about our  
40 platform and beliefs. I probably passed out flyers to about 12 or  
41 so homes around the area of C.J. Costly's house. The main road  
42 back into town is quite long and winding, but there is an  
43 unpaved fire road that runs through the hills and leads back  
44 into town as well. It isn't well known, so I figured it would be an  
45 easy shortcut.

46  
47 I was driving with my passenger side window down. The flyers  
48 were in the passenger seat, and while on the fire road, several  
49 blew out the window. I was frustrated but pulled over, not

1 wanting to litter or lose the flyers. I was able to gather them all  
2 pretty quickly. When I got back in the car, however, it wouldn't  
3 start. I have a fair amount of experience working on cars, as my  
4 car is from 1992, so needs a lot of maintenance.

5  
6 I spent at least an hour trying and failing to fix the issue with  
7 my car. At this point, I started to fear that the repairs I needed  
8 to do would cause me to be late to the debate. I felt horrible that  
9 I didn't have my phone and couldn't let Harper know what was  
10 going on. Eventually I realized the issue was the starter relay.  
11 Over the course of another hour or more, I was able to rig up a  
12 temporary fix, but knew I'd need to go purchase a replacement  
13 part at the auto shop to make the fix more permanent, which I  
14 did on November 13.

15  
16 When I rushed into the town hall around 12:30 PM, I was  
17 surprised and confused to see that the debate hadn't started,  
18 and Taylor Alexander didn't seem to be there. Harper came  
19 over to me, and I could tell how much my absence had flustered  
20 them. I didn't want to get Harper any more worked up than they  
21 already were about my absence, and also didn't want to  
22 appear to be fighting at a campaign event, so I think I told them  
23 something along the lines of "I'm fine, it's all been taken care  
24 of." All I meant by that was that the flyers I'd mentioned in my  
25 note that morning had all been dispersed, and I was okay. I  
26 didn't want to mention my stupid mistake about my phone  
27 because Harper was already so clearly upset.

28  
29 We all waited in the town hall until around 1:00 PM to see if  
30 Taylor would turn up. When it was clear that they wouldn't, we  
31 all decided it was best to just call it off. Harper and I went back  
32 to our campaign office, along with most of the campaign staff.  
33 For a while, we just discussed the day and wondered among  
34 ourselves where Taylor Alexander could have possibly been  
35 and why they missed the debate. Frankly, I felt like I couldn't  
36 criticize Taylor that much even if I wanted to, since I had almost  
37 missed the debate myself.

38  
39 We were just about to head out for the evening, around 5:30  
40 PM, when Deputy Kim came into the office. I'd met the Deputy a  
41 few times over the years living in Emerald Bend, but I'd never  
42 had any cause to talk to them extensively. Deputy Kim  
43 explained to us that Taylor Alexander had been kidnapped,  
44 causing them to miss the debate earlier that day. I was  
45 absolutely shocked to hear that, and even more surprised that  
46 Deputy Kim thought our campaign was involved.

47  
48 Deputy Kim told us about the reference to our campaign that  
49 was written on the pillowcase used in Taylor's kidnapping, and

1 that the pillowcase itself was from the Gold Standard Inn. This  
2 made no sense to me. We all told Deputy Kim that no one on  
3 our team would do such a thing. Plenty of people from  
4 employees to guests would have had access to our branded  
5 pillowcases, but I didn't know anyone who I thought would've  
6 done this.

7  
8 As Deputy Kim questioned me personally, I won't lie, I got pretty  
9 nervous. Isn't everyone nervous when questioned by police?  
10 Also, I was terrified about the potential negative implications for  
11 Harper's campaign. I told Deputy Kim that I'd been by the lake  
12 putting up flyers, and that C.J. Costly could confirm my  
13 presence. I outlined the timeline of my day, as well as how  
14 shocked and horrified I was about the whole situation.

15  
16 Deputy Kim also asked me about the Gold Standard Inn, which  
17 made me uncomfortable. I was honest and explained that, yes,  
18 the prospect of increased vacation rentals threatened to  
19 increase our preexisting financial struggles. I didn't like the  
20 insinuation that Deputy Kim thought my business would be  
21 enough for me to commit a crime like this.

22  
23 Deputy Kim questioned me several other times over the course  
24 of their investigation, trying to drill me on the reference to the  
25 Dorais campaign on the pillowcase, my being late to the  
26 debate, and Taylor Alexander's reports that their captor had  
27 said, "Everything comes back around." I was shocked to hear  
28 this quote, because it was a sort of catchphrase of mine that I  
29 said on a lot of televised interviews. It is representative of my  
30 views on how we should all interact with the world; what we  
31 put into the world and our communities, good or bad, will at  
32 some point come back to us. That's why I wanted to dedicate  
33 my life to doing well by Emerald Bend and its people.

34  
35 Between all of these factors, I started to get really suspicious  
36 that someone was trying to frame our campaign, and me in  
37 particular. If someone on our side were to try to kidnap  
38 Alexander to keep them out of the debate (which I don't believe  
39 anyone on our team would ever do) why on earth would we be  
40 so obvious as to reference Harper? To me, all of these  
41 references seem like someone is trying to set me up and defame  
42 the Dorais campaign more broadly. If I had to guess, I think  
43 Alexander must have been kidnapped by someone who  
44 *opposed* Harper to try to ruin Harper's chance for the honest  
45 win Harper deserves. I was relieved and proud that Harper won  
46 the election on November 14, 2023, despite all of this, though  
47 the circumstances were not those that any of us had wanted.

48  
49 I was horrified when Deputy Kim obtained a warrant to search  
50 my house and car on November 16, 2023. When the deputy

1 searched my car, I explained that oxalic acid which I use to  
2 clean my boat, had recently spilled all over the trunk of my car. I  
3 was surprised to see that Deputy Kim thought it was necessary  
4 to confiscate a receipt as evidence. It was from the local  
5 hardware store and showed that I'd purchased a variety of  
6 boating supplies as I was planning on taking my boat out on  
7 the lake soon.

8  
9 I was even more devastated when Deputy Kim arrested me for  
10 the kidnapping on December 4, 2023. My goal has always been  
11 to help maintain peace and happiness in Emerald Bend, and I  
12 would *never* have done something like this. My heart goes out  
13 to Taylor Alexander for all of the pain and fear they must have  
14 experienced, but I had absolutely nothing to do with it.

15  
16 Deputy Kim read me my *Miranda* rights after I was arrested.  
17 The Deputy began questioning me in a small room when we  
18 arrived at the station, but I said I didn't want to speak without  
19 an attorney. Deputy Kim left the room after that. [[A few hours  
20 later, Deputy Kim told me that Harper had come to visit me and  
21 asked if I wanted to speak to Harper. I was relieved to see them,  
22 as I felt terrified and alone in custody. I told Deputy Kim I  
23 absolutely wanted to talk to Harper.

24  
25 Harper wanted to speak to me about setting up my legal  
26 representation, and also just provide some much-needed  
27 comfort. I was nervous when Deputy Kim stood just a few feet  
28 from me, put their hand on their holstered gun, and told me that  
29 I "better make sure Dorais knows everything. You don't wanna  
30 jeopardize Dorais's position by making them complicit in  
31 something." I felt like I was being pressured to admit to  
32 something I didn't do. Deputy Kim then sat down across from  
33 me and put a variety of objects, including a tape recorder, keys,  
34 and sunglasses, out on the table between us. I assumed the  
35 tape recorder was on, because otherwise I don't know why  
36 Deputy Kim would've taken it out. Deputy Kim said I needed to  
37 "lay everything out." I started feeling panicked then, unsure of  
38 what Deputy Kim wanted me to say, and not wanting to speak  
39 without my lawyer.

40  
41 I can't even fully remember what frightened nonsense I rambled  
42 to Harper. I know we talked about who to call as my lawyer,  
43 and I know I was nervous about my arrest somehow getting  
44 Harper's city council seat revoked or threatening the inn's  
45 prospects. I remember saying that I wanted the inn to be  
46 passed on to our children. Harper calmed me down and told me  
47 to focus on the issue at hand, and so we did. We locked down  
48 next steps about my representation, and then Harper left.  
49 Deputy Kim grabbed their items, including the tape recorder,  
50 and followed soon after.]]

1 **Defense Witness -**  
2 **Harper Dorais (Defendant's Spouse)**

3  
4 My name is Harper Dorais. My last name is pronounced like  
5 "Door A" with an emphasis on the second syllable. I have lived  
6 in Emerald Bend for my whole life and am 40 years old. I  
7 decided to run for city council because I am passionate about  
8 preserving what makes Emerald Bend so special. This includes  
9 our small-town character that prioritizes privacy and quiet  
10 living, but also includes our natural resources. I am a firm  
11 believer that increasing tourism to Emerald Bend will lead to an  
12 influx of people who do not respect these resources. This has  
13 already proven to be true, with guests throwing boat parties  
14 that trash the lake. I hadn't ever been involved in politics before  
15 but was motivated to start this career in order to try to help  
16 restore Emerald Bend to its best.

17  
18 I have been happily married to Logan Gold for 12 years. I can  
19 tell you firsthand that Logan is a wonderful partner in all senses  
20 of the word. Not only does Logan work extremely hard in  
21 Logan's own business at the Gold Standard Inn, but Logan has  
22 also been with me every step of the way during this campaign,  
23 taking the time to serve as my assistant campaign manager  
24 and assure everything moved forward as well as possible.  
25 Logan was actually the one who first encouraged me to run for  
26 office; I wouldn't have had the confidence to do it without their  
27 encouragement. Beyond all of this, however, Logan is  
28 profoundly kind and caring. I fully believe that, just like me,  
29 Logan's only goal has been to do what is best for Emerald Bend  
30 and everyone who lives here.

31  
32 Over the course of the campaign, I have gotten to know my  
33 opponent, Taylor Alexander. Taylor and I hadn't spent much  
34 time together before, other than the typical contact any two  
35 people living in Emerald Bend inevitably have. While Taylor and  
36 I disagree strongly on politics, specifically when it comes to  
37 tourism and vacation rentals, I think Taylor is a generally good  
38 person. I'm inclined to see the best in people, and as such I do  
39 believe that Taylor's views on tourism come from Taylor's desire  
40 to help the town, even if I think Taylor is misguided. Even with  
41 the tensions of the campaign, there has been no personal  
42 animosity between Taylor and I whatsoever. I believe this  
43 extends to everyone in our campaigns as well.

44  
45 Taylor Alexander and I were supposed to have a debate before  
46 the election at noon on November 11, 2023. I was extremely  
47 nervous, as public speaking has never been my strong suit, and  
48 this debate was crucial as my last chance to sway uncommitted

1 voters. I woke up around 9:00 AM that day and saw a note from  
2 Logan on my bedside table, explaining that Logan had gone out  
3 to hand out campaign flyers around town, and would see me at  
4 the town hall ahead of the debate.

5  
6 I wasn't particularly surprised by this; Logan likes to keep busy  
7 to keep nerves at bay. Also, I've told Logan in the past that,  
8 despite Logan's best intentions, sometimes Logan can stress  
9 me out a bit when it comes to the campaign. It is no judgment  
10 on Logan whatsoever, Logan is just so passionate that it can  
11 make me feel pressured. Given how conscientious Logan  
12 always is of my needs, it didn't surprise me that Logan wanted  
13 to give me some space to get myself ready for the debate.

14  
15 What did surprise me, however, was seeing that Logan's cell  
16 phone was still sitting on Logan's bedside table. Logan typically  
17 doesn't leave home without it. This was a sign to me of how  
18 stressed Logan must be, only that anxiety would cause Logan  
19 to forget it.

20  
21 I arrived at the town hall at approximately 11:00 AM. I was  
22 greeted by many members of my campaign staff, as well as  
23 onlookers for the debate. When I arrived, neither Logan nor  
24 Taylor Alexander was there. Neither of their absences bothered  
25 me at first, as I knew I was early. I could see Taylor's campaign  
26 getting progressively more anxious as time went on, however,  
27 as apparently no one could get a hold of Taylor. I thought it was  
28 very out of character for Taylor to be late or absent from the  
29 debate and didn't know what to make of it.

30  
31 I was getting nervous about Logan's absence. I had a nagging  
32 feeling that Logan might be late since Logan left their phone at  
33 home. Logan never wears a watch, so their phone is usually  
34 their only way to keep time. Despite any anxiety that Logan's  
35 enthusiasm for the campaign could cause me, I absolutely  
36 wanted them there at the debate. Logan is my rock, and I was  
37 extremely upset about the prospect of them not being there.

38  
39 At 12:00 PM, Taylor still hadn't shown up. I told everyone that I  
40 was happy to wait and would still debate Taylor even if they  
41 arrived late. I was trying to keep calm in front of everyone and  
42 keeping focused on the task at hand helped. We kept waiting,  
43 and I was relieved to see Logan run in at around 12:30 PM.  
44 When I walked up to Logan, I could tell that Logan looked  
45 extremely frazzled and apologetic. Logan never likes to get into  
46 personal issues in public, especially not at a campaign event  
47 with this many prying eyes. I think that's why Logan didn't offer  
48 a full explanation for their absence right away, instead just  
49 saying "I'm fine, it's all been taken care of."

1  
2 We all eventually agreed to call off the debate around  
3 1:00 PM, since Taylor was still a no show. Logan and I went  
4 back to the campaign headquarters with the rest of our  
5 team. Logan explained to me that their car had broken down  
6 on the fire road and apologized profusely for being late. The  
7 team all discussed what could have happened to cause  
8 Alexander to miss the debate, but we were all shocked when  
9 Deputy Kim arrived around 5:30 PM and told us that  
10 Alexander had been kidnapped.

11  
12 I was genuinely horrified to hear that such a thing had  
13 happened to Taylor, and shocked that Deputy Kim thought  
14 anyone on my campaign might have been involved. I  
15 personally interviewed and hired each member of my  
16 campaign team myself. I absolutely do not believe that any of  
17 them would have committed a crime like this, and certainly not  
18 in the name of my campaign.

19  
20 In the midst of all of the anxiety over the coming weeks given  
21 the ongoing investigation, I was honored to win the election for  
22 city council on November 14, 2023. I wish it could have  
23 happened under better circumstances, however, as I truly  
24 believe our policies could have brought me to victory in the  
25 election even without anything like this happening.

26  
27 Although I was elated about the results from the election, what  
28 followed was nothing short of devastating. Deputy Kim searched  
29 our home and Logan's car, and eventually arrested Logan. I am  
30 still shocked that all of this has happened to the person I love. I  
31 know Logan better than I know myself, and Logan would never  
32 have done this.

33  
34 [[I was at the office when Logan was arrested at our home. As  
35 soon as I found out, I rushed to the police station and  
36 demanded to talk to Logan. Deputy Kim let us do so, provided  
37 that Deputy Kim stayed in the room. As I entered the room and  
38 sat down next to Logan, Deputy Kim told Logan that since I was  
39 now representing the town, Logan "better make sure Dorais  
40 knows everything," as well as telling Logan that "You don't  
41 wanna jeopardize Dorais's position by making them complicit in  
42 something." While saying this, the deputy stood next to Logan,  
43 about three feet away, and it appeared that the deputy had  
44 their hand resting on their holstered gun. This made me very  
45 nervous. Afterward, Deputy Kim sat down across from Logan,  
46 put a tape recorder on the table, and told Logan to "lay  
47 everything out." I had no idea if the tape recorder was on or not,  
48 but I felt like this comment was pressuring Logan to talk about  
49 the investigation.

1  
2 Logan was obviously upset and anxious, making them sort  
3 of ramble throughout our conversation. I was very conscious  
4 that Deputy Kim had a tape recorder, and unsure if Logan  
5 was being recorded while we didn't have an attorney  
6 present. The possibility made me very uncomfortable. When  
7 Logan started talking about Logan's fears for the future of  
8 our family and the Gold Standard Inn, I decided it was best  
9 to stop talking. I know that Logan was just thinking about  
10 all the future possibilities that were now in jeopardy, but I  
11 didn't want anything to be misconstrued.]]

12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30



1 Defense Witness -  
2 Dr. Kody Palmer (Expert)

3  
4 My name is Dr. Kody Palmer. I am 52 years old and am a  
5 private consulting forensic investigator. I received my  
6 undergraduate degree in forensic science from Texas A&M  
7 University, and my medical degree from the University of  
8 Nevada, Las Vegas. Like Dr. Forrest, I also completed a six-year  
9 residency in forensic pathology, mine at Las Vegas General  
10 Hospital, and subsequently passed the necessary examinations  
11 to become a licensed pathologist.

12  
13 I previously worked as a deputy forensic investigator in a  
14 county near Rowan County. I realized that I preferred to work  
15 more closely on cases than this role allowed and struck out on  
16 my own in 2014. For the past 10 years, I have run my own  
17 forensic investigation consulting group. In addition to my formal  
18 education, I have stayed as up to date as possible with all  
19 relevant forensic techniques, taking supplementary training  
20 courses in a variety of relevant disciplines.

21  
22 I examined the toxicology report conducted by Dr. Forrest and  
23 have a different interpretation of the results. I do not dispute Dr.  
24 Forrest's finding that Taylor Alexander had approximately 160  
25 nanograms per milliliter of doxylamine at the time of  
26 Alexander's blood test. What I do take issue with, however, is  
27 Dr. Forrest's interpretation of what this value reveals about the  
28 sequence of events in Alexander's alleged kidnapping.

29  
30 Whereas Dr. Forrest hypothesizes that Alexander was given an  
31 initial large dose followed by a second smaller dose, I think the  
32 fact that 160 ng/mL of doxylamine remained in Alexander's  
33 bloodstream at approximately 4:45 PM suggests that  
34 Alexander must have had a large dose later in the timeframe  
35 than Alexander and Dr. Forrest are suggesting. The relative size  
36 of the first dose is impossible to say, but to have a level of  
37 doxylamine in Alexander's bloodstream that exceeds the  
38 standard therapeutic maximum of 120 ng/mL by 4:45 PM, I  
39 believe that Alexander must have received a substantial dose of  
40 doxylamine later in the day than Alexander reported.

41  
42 Neither I nor Dr. Forrest can say for certain whether Alexander's  
43 assertion that Alexander was given the drug twice is true. It  
44 would be entirely possible for Alexander to have taken only one  
45 sizable dose of doxylamine and have the same resulting  
46 toxicology report. I would actually suspect that, in order to have  
47 such a high blood concentration at 4:45 PM, there may have  
48 been a large dose given to Alexander around or after 12:00 PM.

1 There is no way to conclusively prove the spacing of the doses,  
2 or if there even were multiple doses at all.  
3  
4 More importantly, given that Alexander still had 160 ng/mL of  
5 doxylamine in their bloodstream after talking to police, I think it  
6 is fair to call into question the clarity of Alexander's memory  
7 with respect to the two doses they remember receiving, and  
8 even the events of the day more broadly. When I have  
9 previously examined individuals under a similar dose of  
10 doxylamine, they have appeared much groggier and more  
11 confused. Given that Alexander still had such a high  
12 concentration of doxylamine in their bloodstream, I am  
13 surprised that they were coherent enough to even call the  
14 police, let alone accurately describe all their experiences  
15 that day.

16  
17 I also know that certain cold medicines can cause extremely  
18 vivid dreams, which some people even mistake to be real.  
19 Indeed, doxylamine is often paired with dextromethorphan,  
20 which can cause intense hallucinations. Trace amounts of  
21 dextromethorphan were found in Alexander's bloodstream, and  
22 it can be powerful even in small doses. These factors again  
23 cause me to question Alexander's recollections of the day.

24  
25 I read Dr. Forrest's report about the blue docking (or dock line)  
26 ropes found at the scene. Though it is true that only Taylor  
27 Alexander's DNA was found on one of the rope pieces, that is  
28 consistent with Alexander handling the rope at any time prior to  
29 the deputy's arrival at 1335 Lakeside Drive. As for the ligature  
30 marks, it is possible for a person to tie a slipknot, with which a  
31 person can bind one's own wrists. Though a tricky procedure,  
32 with practice, a person can also untie the slipknot by pulling the  
33 tail end of the knot.

34  
35 I also reviewed the tire tracks found at 1335 Lakeside Drive in  
36 comparison with Logan Gold's car. I agree with Dr. Forrest that  
37 the tires seen at 1335 Lakeside Drive are almost certainly Total  
38 Tire 350 wheels, which are also found on Gold's car. I strongly  
39 disagree, however, with elements of the tire wear analysis that  
40 Dr. Forrest conducted.

41  
42 Dr. Forrest correctly points out that there is a rock in Gold's front  
43 passenger-side tire. However, if the prints at 1335 Lakeside  
44 Drive were made by Gold's car, I believe that the pebble would  
45 have made many more distinctive impressions in the tire tracks  
46 observed by Deputy Kim, instead of the single imprint identified  
47 by Dr. Forrest. Moreover, in a rural area like Emerald Bend, I  
48 take issue with Dr. Forrest's claim that the imprint of a single  
49 pebble at 1335 Lakeside Drive is unique so that it could have

1 only been made by Gold's car. Many of the roads in and around  
2 Emerald Bend are unpaved, and it is highly likely that pebbles in  
3 similar places may be found in other car's tires.  
4  
5 I also disagree with Dr. Forrest's analysis of tread depth.  
6 Whereas Dr. Forrest concludes that both sets of tires in  
7 question have a tread depth of  $5/32$ " , I find that this is true of  
8 the tracks at 1335 Lakeside Drive, but that Gold's vehicle has a  
9 tread depth of approximately  $6/32$ ". While to the average  
10 person's ear this may not sound like a significant difference,  
11 simply  $1/32$ " inch of difference in tread depth can cause tires to  
12 leave vastly different impressions. In my opinion, there is no  
13 way to conclusively prove that the tire tracks at 1335 Lakeside  
14 Drive are a match to Logan Gold's vehicle.

1 Defense Witness -  
2 C.J. Costly (Podcaster)

3  
4 I'm C.J. Costly. I'm 27 years old and have spent my whole life in  
5 Emerald Bend. It definitely wasn't the most exciting place to grow  
6 up, but I haven't found it in me to leave the people I've known since  
7 childhood. I've always liked to use social media to connect with  
8 people outside of Emerald Bend in order to broaden my horizons.  
9 When the race for city council between Taylor Alexander and  
10 Harper Dorais began, I realized that there was a lot of captivating  
11 drama and controversy surrounding the issue of vacation rentals,  
12 which could interest other people. I decided to start a podcast  
13 covering the race, called Small Town Intrigue. We've grown to  
14 about 1,200 monthly listeners, which is absolutely incredible to me.  
15 A national cable-news channel has even reached out to me about  
16 potentially doing a cable show based on my podcast, which is very  
17 exciting. I also discuss drama and criminal cases in other rural  
18 areas and small towns.

19  
20 To report on the race for my podcast, I've made a point of  
21 attending as many campaign events as possible, as well as  
22 meeting with the candidates one on one. I really didn't come  
23 into this preferring one candidate over the other, as I don't have  
24 much of an opinion on vacation rentals. I like the idea of  
25 bringing new people into town, but also get really annoyed  
26 when people are loud and disrespectful. As someone who lives  
27 on the lake, I can confirm that tourists throw loud parties on the  
28 water that can be really frustrating for those of us just trying to  
29 sleep or get work done.

30  
31 I had the opportunity to interview both Taylor Alexander and  
32 Harper Dorais separately for episodes of the podcast. While  
33 Harper Dorais was generally polite and respectful, I was  
34 surprised to hear a lot of negative things from Taylor Alexander.  
35 When I asked Taylor about their thoughts on the Dorais  
36 campaign, Taylor didn't just stick to politics, but got personal.  
37 Taylor clenched their fist and said to me that "Harper Dorais is  
38 horrible for Emerald Bend, and so is their spouse, Logan Gold.  
39 They're abusive to their overworked, underpaid employees at  
40 their overpriced hotel. Those two need to be stopped before  
41 they can do any permanent damage." While this type of drama  
42 is great for getting listeners, I had no idea if any of that was  
43 true. Most people in Emerald Bend are a lot nicer than that.

44  
45 On Saturday, November 11, 2023, I was planning to attend the  
46 last debate between Taylor and Harper. I went out to get the  
47 newspaper around 9:30 AM and happened to run into Logan  
48 Gold putting a flyer on my porch. I've spoken to Logan several

1 times over the course of my interviews and have always liked  
2 Logan. Logan is smart and has a good sense of humor. We  
3 chatted a little bit about the upcoming debate and our hopes for  
4 Harper to win the upcoming election. Given Taylor's nasty  
5 comments, I'd become more firmly in Harper's camp. We didn't  
6 speak for more than five or ten minutes, but I can confirm with  
7 total certainty that Logan Gold was passing out flyers that  
8 morning.

9

10 Like all of us at the town hall, I was surprised that Taylor  
11 Alexander didn't show up. I also saw Logan come in late,  
12 around 12:30 PM, but wasn't close enough to hear what Logan  
13 said to Harper about it. When I heard the next day that  
14 Alexander had been kidnapped, I was shocked. I felt terrible for  
15 Taylor, but also realized that this was one of the craziest things  
16 to ever happen in Emerald Bend. I took the opportunity to turn  
17 Small Town Intrigue into more of a true crime podcast for the  
18 time being. This is when our listenership really took off.

19

20 While working on the podcast, I relistedened to all my recorded  
21 interviews with Harper Dorais, Taylor Alexander, and Logan  
22 Gold. It really dawned on me just how much animosity  
23 Alexander seemed to hold for Harper and Logan, none of which  
24 seemed to be reciprocated. I didn't have any records of Harper  
25 or Logan making rude comments like those Taylor had directed  
26 at them. I also realized I had a recording of an interview in  
27 which I told Alexander to listen to my most recent podcast  
28 episode, where I discussed the case of Wes Beffa in Crescent  
29 City, California, who faked his own kidnapping.

30

31 I heard a few days later about the "Dorais for Emerald Bend"  
32 message written on the pillowcase used in Taylor's kidnapping.  
33 This really made me suspicious. Given that all the hostility in the  
34 race seemed to be coming from Taylor's side, I didn't believe  
35 that anyone on Harper's team would do something like this. I  
36 kept thinking back on what Taylor said in that one interview,  
37 that Harper and Logan "needed to be stopped."

38

39 Given what I know about the investigation and all that I have  
40 learned firsthand about Taylor, Harper, and Logan, I came to  
41 the conclusion that Taylor Alexander faked their own  
42 kidnapping, just like Wes Beffa. It makes sense to me that  
43 Taylor would want to garner sympathy and tarnish Harper's  
44 campaign by implicating Logan in it, since it was clear to me  
45 that Taylor was willing to stop at nothing to win. I was  
46 confident enough to publish my view of the case on my  
47 podcast. Yes, this theory absolutely did help me get more  
48 listeners, but that's not why I did it. I want people to know what  
49 I think happened, so hopefully it will help justice be served.

# Exhibit A

Map of Emerald Bend (Showing the Distances Between Key Locations)



This diagram is not necessarily to scale.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48

## Exhibit B

Comparison of Tire Tracks Found at 1335 Lakeside Drive with the Tires of Logan Gold's Vehicle



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43

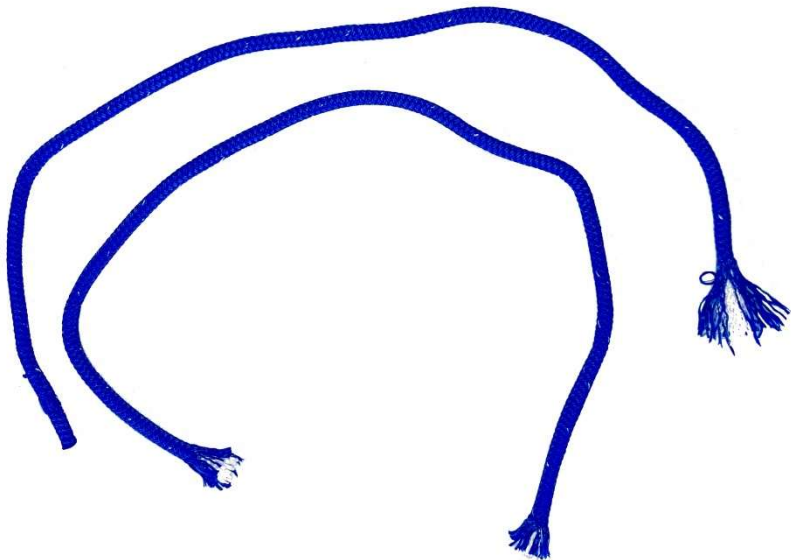
## Exhibit C

Toxicology Report for Taylor Alexander by Dr. Rae Forrest

<b>Toxicology Report</b>
Rowan County Forensics
Ordered by: Dr. Rae Forrest
Victim/Patient: Alexander, Taylor
Time of test: 11/11/23 4:45 pm
Type of Test: Blood draw
Results
Blood type***** O+
Doxylamine***** 160 nanograms p/milliliter

## Exhibit D

Blue 3/8" Dock Line (Rope) Found in Shed at 1335 Lakeside Drive





1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33

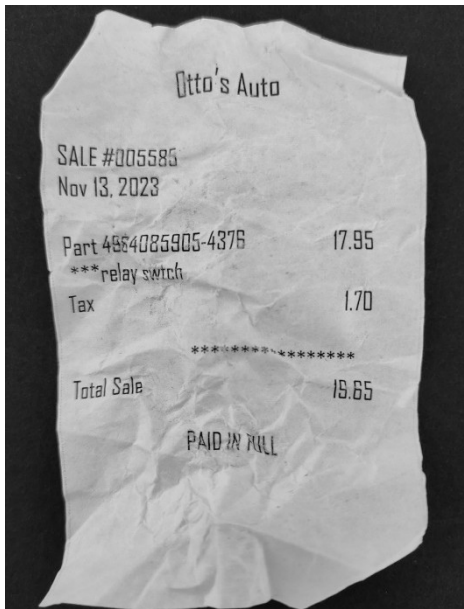
## Exhibit E

Receipt Found at Logan Gold's House for the Purchase of Rope



## Exhibit F

Receipt for the Purchase of a Replacement Starter Relay for Gold's Vehicle



# Form and Substance of a Trial

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42

## The Elements of a Criminal Offense

The penal (or criminal) code generally defines two aspects of every crime: the physical aspect and the mental aspect. Most crimes specify some physical act, such as firing a gun in a crowded room, and a guilty, or **culpable**, mental state. The intent to commit a crime and a reckless disregard for the consequences of one's actions are examples of a culpable mental state. Bad thoughts alone, though, are not enough. A crime requires the union of thought and action.

## The Concept of Reasonable Doubt

Despite its use in every criminal trial, the term "reasonable doubt" is hard to define. The concept of reasonable doubt lies somewhere between probability of guilt and a lingering possible doubt of guilt. A defendant may be found guilty "beyond a reasonable doubt" even though a possible doubt remains in the mind of the judge or juror. Conversely, triers of fact might return a verdict of not guilty while still believing that the defendant probably committed the crime. Reasonable doubt exists unless the triers of fact can say that they have a firm conviction of the truth of the charge.

Jurors must often reach verdicts despite contradictory evidence. Two witnesses might give different accounts of the same event. Sometimes a single witness will give a different account of the same event at different times. Such inconsistencies often result from human fallibility rather than intentional lying. The trier of fact (in the Mock Trial competition, the judge) must apply his or her own best judgment when evaluating inconsistent testimony.

A guilty verdict may be based upon circumstantial (indirect) evidence. However, if there are two reasonable interpretations of a piece of circumstantial evidence, one pointing toward guilt of the defendant and another pointing toward innocence of the defendant, the trier of fact is required to accept the interpretation that points toward the defendant's innocence. On the other hand, if a piece of circumstantial evidence is subject to two interpretations, one reasonable and one unreasonable, the trier of fact must accept the reasonable interpretation, even if it points toward the defendant's guilt. It is up to the trier of fact to decide whether an interpretation is reasonable or unreasonable.

Proof beyond a reasonable doubt is proof that leaves you firmly convinced of the defendant's guilt.

# Team Role Descriptions

1

2

## 3 Attorneys

4 The **pretrial-motion attorney** presents the oral argument for (or  
5 against) the motion brought by the defense. You will present your  
6 position, answer questions by the judge, and try to refute the  
7 opposing attorney's arguments in your rebuttal.

8 **Trial attorneys** control the presentation of evidence at trial and  
9 argue the merits of their side of the case. They do not themselves  
10 supply information about the alleged criminal activity. Instead, they  
11 introduce evidence and question witnesses to bring out the full  
12 story.

13 The **prosecutor** presents the case for the state against the  
14 defendant(s). By questioning witnesses, you will try to convince the  
15 judge or jury (juries are **not** used at state finals) that the  
16 defendant(s) is guilty beyond a reasonable doubt. You will want to  
17 suggest a motive for the crime and try to refute any defense alibis.

18 The **defense attorney** presents the case for the defendant(s). You  
19 will offer your own witnesses to present your client's version of the  
20 facts. You may undermine the prosecution's case by showing that  
21 the prosecution's witnesses are not dependable or that their  
22 testimony makes no sense or is seriously inconsistent.

23 Trial attorneys will:

- 24 • Conduct direct examination.
- 25 • Conduct cross-examination
- 26 • Conduct redirect examination, if necessary. Make appropriate  
27 objections: Only the direct and cross-examination attorneys for  
28 a particular witness may make objections during that  
29 testimony.
- 30 • Conduct the necessary research and be prepared to act as a  
31 substitute for any other attorneys.
- 32 • Make opening statements and closing arguments.

33 **Each** student attorney should take an active role in some part of  
34 the trial.

## 35 Witnesses

36 You will supply the facts of the case. As a witness, the official  
37 source of your testimony, or record, is composed of your witness  
38 statement, and any portion of the fact situation, stipulations, and  
39 exhibits, of which you would reasonably have knowledge. **The fact  
40 situation is a set of indisputable facts that witnesses and  
41 attorneys may refer to and draw reasonable inferences from.**

42 The witness statements contained in the packet should be viewed  
43 as signed statements made to the police by the witnesses.

1 You may testify to facts stated in or reasonably inferred from your  
2 record. If an attorney asks you a question, and there is no answer  
3 to it in your official testimony, you can choose how to answer it.  
4 You can either reply, “I don’t know” or “I can’t remember,” or you  
5 can infer an answer from the facts you do officially know.  
6 Inferences are only allowed if they are *reasonable*. Your inference  
7 cannot contradict your official testimony, or else **you can be**  
8 **impeached** using the procedures outlined in this packet. Practicing  
9 your testimony with your attorney coach and your team will help  
10 you to fill in any gaps in the official materials (see Unfair  
11 Extrapolation on page 71).

12 **It is the responsibility of the attorneys to make the appropriate**  
13 **objections when witnesses are asked to testify about something**  
14 **that is not generally known or that cannot be reasonably**  
15 **inferred from the Fact Situation or a Witness Statement.**

## 16 **Court Clerk, Court Bailiff, Unofficial Timer**

17 We recommend that you provide two separate people for the roles of  
18 clerk and bailiff, but if you assign only one, then that person **must**  
19 be prepared to perform as clerk or bailiff in any given trial.

20 The unofficial timer may be any member of the team presenting the  
21 defense. However, it is advised that the unofficial timer not have a  
22 substantial role, if any, during the trial so they may concentrate  
23 on timing. The ideal unofficial timer would be the defense team’s  
24 clerk.

25 The clerk and bailiff have individual scores to reflect their  
26 contributions to the trial proceedings. **This does NOT mean that**  
27 **clerks and bailiffs should try to attract attention to themselves;**  
28 **rather, scoring will be based on how professionally and**  
29 **responsibly they perform their respective duties as officers of**  
30 **the court.**

31 In a real trial, the court clerk and the bailiff aid the judge in  
32 conducting the trial. The court clerk calls the court to order and  
33 swears in the witnesses to tell the truth. The bailiff watches over  
34 the defendant to protect the security of the courtroom.

35 In the Mock Trial, the clerk and bailiff have different duties. For the  
36 purpose of the competition, the duties described below are  
37 assigned to the roles of clerk and bailiff. **(Prosecution teams will**  
38 **be expected to provide the clerk for the trial; defense teams are**  
39 **to provide the bailiff.)**  
40  
41  
42

## 1 Duties of the Court Clerk

2 When the judge and scoring attorneys arrive in the courtroom,  
3 introduce yourself, explain that you will assist as the court clerk  
4 and distribute team roster forms to the opposing team, each  
5 scoring attorney, and the judge.

6 In the Mock Trial competition, the court clerk's major duty is to time  
7 the trial. You are responsible for bringing a stopwatch to the trial.  
8 Be sure to practice with it and know how to use it when you come  
9 to the trials.

10 ***An experienced timer (clerk) is critical to the success of a trial.***

11 **Interruptions in the presentations do not count as time.** For  
12 direct, cross, and redirect examination, record only time spent by  
13 attorneys asking questions and witnesses answering them.

14 ***Do not include time when:***

- 15 ● **Witnesses are called to the stand.**
- 16 ● **Attorneys are making objections.**
- 17 ● **Judges are questioning attorneys or witnesses or offering**  
18 **their observations.**
- 19 ● **A witness asks for a question to be repeated**
- 20 ● **Attorneys request the time remaining (Note: The clerk**  
21 **must provide the time remaining for both teams when an**  
22 **attorney makes a request.)**

23 The clerk will stop students both visually and verbally at the end of  
24 the allotted time for each section. Both visual and verbal warnings  
25 will be given a two-minute, one-minute, 30 second, and STOP  
26 before the end of each section. The time remaining cards must be  
27 displayed in a manner to ensure that there is a clear view for the  
28 counsel and presiding judge. Remember to speak loud enough for  
29 everyone to hear you.

30 **Time allocations:** Two Minutes, One Minute, 30 Seconds, Stop

31 There is to be no allowance for overtime under any circumstance.  
32 This will be the procedure adhered to at the state finals. After each  
33 witness has completed his or her testimony, mark down the exact  
34 time on the time sheet. Do not round off the time.

## 35 Duties of the Bailiff

36 When the judge arrives in the courtroom, introduce yourself,  
37 explain that you will assist as the court bailiff and distribute team  
38 roster forms to the opposing team, each scoring attorney, and the  
39 judge.

1 In the Mock Trial competition, the bailiff's major duties are to call  
2 the court to order and to swear in witnesses. Please use the  
3 language below. When the judge has announced that the trial is  
4 beginning, say:

5 **"All rise, Superior Court of the State of California, County**  
6 **of \_\_\_\_\_ Department \_\_\_\_\_, is now in session.**  
7 **Judge \_\_\_\_\_ presiding, please be seated and come to**  
8 **order. Please turn off all cell phones and refrain from**  
9 **talking."**

10 When a witness is called to testify, you must swear in the witness  
11 as follows:

12 **"Do you solemnly affirm that the testimony you are about**  
13 **to give will faithfully and truthfully conform to the facts**  
14 **and rules of the Mock Trial competition?"**

15 **In addition, the bailiff is responsible for bringing to trial a copy**  
16 **of the "Rules of Competition." In the event that a question arises**  
17 **and the judge needs further clarification, the bailiff is to provide**  
18 **this copy to the judge.**

## 19 **Duties of the Unofficial Timer**

20 Any official member of the team presenting defense may serve as  
21 an official timer. This unofficial timer must be identified before the  
22 trial begins and sit next to the official timer (clerk).

23 If timing variations of 15 seconds or more occur at the completion  
24 of any task during the trial, the timers will notify the judge  
25 immediately that a time discrepancy has occurred. Any time  
26 discrepancies less than 15 seconds are not considered a violation.  
27 NO time discrepancies will be entertained after the trial concludes.

28 Any objections to the clerk's official time must be made by this  
29 unofficial timer during the trial, before the verdict is rendered. The  
30 judge shall determine whether to accept the clerk's time or make a  
31 time adjustment.

32 If the times differ significantly, notify the judge and ask for a ruling  
33 as to the time remaining. You may use the following sample  
34 questions and statements:

35 **"Your honor, before bringing the next witness, may I**  
36 **bring to the court's attention that there is a time**  
37 **discrepancy."**

38 **"Your honor, there is a discrepancy between my records**  
39 **and those of the official timekeeper."**

40 Be prepared to show your records and defend your requests.

1 **Team Manager**

2 Your team may also select a member to serve as **team manager**.  
3 Any team member, regardless of his or her official Mock Trial role,  
4 may serve as team manager. The manager is responsible for  
5 keeping a list of phone numbers of all team members and ensuring  
6 that everyone is informed of the schedule of meetings. In case of  
7 illness or absence, the manager should also keep a record of all  
8 witness testimony and a copy of all attorney notes so that another  
9 team member may fill in if necessary.

- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29
- 30
- 31
- 32
- 33
- 34
- 35
- 36
- 37
- 38
- 39
- 40
- 41
- 42
- 43
- 44
- 45
- 46
- 47

# 1 Procedures for Presenting a Mock Trial Case

2

## 3 Introduction of Physical Evidence

4 Attorneys may introduce physical exhibits, if any are listed under  
5 the heading “Evidence,” provided that the objects correspond to  
6 the description given in the case materials. Below are the steps to  
7 follow when introducing physical evidence (maps, diagrams, etc.)  
8 All items are presented prior to trial.

- 9 1. Present the item to an attorney for the opposing team prior to  
10 trial. If that attorney objects to the use of the item, the judge  
11 will rule whether the evidence is appropriate or not.
- 12 2. Before beginning the trial, mark all exhibits for identification.  
13 Address the judge as follows: **“Your honor, I ask that this item**  
14 **be marked for identification as Exhibit #\_\_\_\_\_.”**
- 15 3. When a witness is on the stand testifying about the exhibit,  
16 show the item to the witness and ask the witness if he/she  
17 recognizes the item. If the witness does, ask him or her to  
18 explain it or answer questions about it. This shows how the  
19 exhibit is relevant to the trial.

## 20 Moving the Item into Evidence

21 Exhibits must be introduced into evidence if attorneys wish the  
22 court to consider the items themselves as evidence, not just the  
23 testimony about the exhibits. Attorneys must ask to move the item  
24 into evidence during the witness examination or before they finish  
25 presenting their case.

- 26 1. **“Your honor, I ask that this item (describe) be moved into**  
27 **evidence as People’s (or Defendant’s) Exhibit # and request**  
28 **that the court so admit it.”**
- 29 2. At this point, opposing counsel may make any proper  
30 objections.
- 31 3. The judge will then rule on whether the item may be admitted  
32 into evidence.

## 33 The Opening Statement

34 The opening statement outlines the case as you intend to present it.  
35 The prosecution delivers the first opening statement. A defense  
36 attorney may follow immediately or delay the opening statement  
37 until the prosecution has finished presenting its witnesses. A good  
38 opening statement should:

- 39
- 40 ● Explain what you plan to prove and how you will prove it.
- 41 ● Present the events of the case in an orderly sequence that  
42 is easy to understand.



- 1 ● Suggest a motive or emphasize a lack of motive for the  
2 crime.

3 Begin your statement with a formal address to the judge:

- 4 ● **“Your honor, my name is (full name), the prosecutor**  
5 **representing the people of the state of California in this**  
6 **action,”** or  
7 ● **“Your honor, my name is (full name), counsel for Jordan**  
8 **Franks, the defendant in this action.”**

9 Proper phrasing includes:

- 10 ● **“The evidence will indicate that...”**  
11 ● **“The facts will show that...”**  
12 ● **“Witness (full name) will be called to tell...”**  
13 ● **“The defendant will testify that...”**  
14

## 15 Direct Examination

16 Attorneys conduct direct examination of their own witnesses to  
17 bring out the facts of the case. Direct examination should:

- 18 ● Call for answers based on information provided in the case  
19 materials.  
20 ● Reveal all of the facts favorable to your position.  
21 ● Ask the witnesses to tell the story rather than using  
22 leading questions, which call for “yes” or “no” answers. (An  
23 opposing attorney may object to the use of leading  
24 questions on direct examination.)  
25 ● Make the witnesses seem believable.  
26 ● Keep the witness from rambling about unimportant issues.  
27 ● Call for the witness with a formal request:  
28     ▪ **“Your honor, I would like to call (name of witness) to**  
29 **the stand.”**

30 The witness will then be sworn in before testifying

31 After the witness swears to tell the truth, you may wish to ask  
32 some introductory questions to make the witness feel more  
33 comfortable. Appropriate inquiries include:

- 34 ● The witness’s name.  
35 ● Length of residence or present employment, if this  
36 information helps to establish the witness’s credibility.  
37 ● Further questions about professional qualifications, if you  
38 wish to qualify the witness as an expert. Examples of  
39 proper questions on direct examination:  
40     ▪ **“Could you please tell the court what occurred on**  
41 **(date)?”**  
42     ▪ **“What happened after the defendant slapped you?”**

- 1                   ▪   **“How long did you see...?”**  
2                   ▪   **“Did anyone do anything while you waited?”**  
3                   ▪   **“How long did you remain in that spot?”**  
4                   Conclude your direct examination with:  
5                   ▪   **“Thank you, Mr./Ms. (name). That will be all, your**  
6                   **honor.”** (The witness remains on the stand for  
7                   cross-examination.)

## 8                   **Cross-Examination**

9                   Cross-examination follows the opposing attorney’s direct  
10                  examination of the witness. Attorneys conduct cross-examination  
11                  to explore weaknesses in the opponent’s case, test the witness’s  
12                  credibility, and establish some of the facts of the cross-examiner’s  
13                  case whenever possible. Cross- examination should:

- 14               •   Call for answers based on information given in Witness  
15               Statements or the Fact Situation.
- 16               •   Use leading questions, which are designed to get “yes” and  
17               “no” answers.
- 18               •   Never give the witness a chance to unpleasantly surprise the  
19               attorney.

20               In an actual trial, cross-examination is restricted to the scope of  
21               issues raised on direct examination. Because Mock Trial attorneys  
22               are not permitted to call opposing witnesses as their own, the  
23               scope of cross- examination in a Mock Trial is not limited in this  
24               way.

25               Examples of proper questions on cross-examinations:

- 26               •   **“Isn’t it a fact that...?”**  
27               •   **“Wouldn’t you agree that...?”**  
28               •   **“Don’t you think that...?”**  
29               •   **“When you spoke with your neighbor on the night of the**  
30               **murder, weren’t you wearing a red shirt?”**

31               **Cross examination should conclude with:**

32                       **“Thank you, Mr./Ms. (name of witness). That will be all,**  
33                       **your honor.”**

34  
35  
36

## 1 Impeachment During Cross-Examination

2 During cross-examination, the attorney may want to show the  
3 court that the witness on the stand should not be believed. This is  
4 called impeaching the witness. It may be done by asking questions  
5 about prior conduct that makes the witness's credibility  
6 (believability) doubtful. Other times, it may be done by asking  
7 about evidence of criminal convictions.

8 A witness also may be impeached by introducing the witness's  
9 statement and asking the witness whether he or she has  
10 contradicted something in the statement (i.e., identifying the  
11 specific contradiction between the witness's statement and oral  
12 testimony).

13 **The attorney does not need to tell the court that he or she is**  
14 **impeaching the witness**, unless in response to an objection from  
15 the opposing side. The attorney needs only to point out during  
16 closing argument that the witness was impeached, and therefore  
17 should not be believed.

18 Example: (Using signed witness statement to impeach) In the  
19 witness statement, Mr. Jones stated that the suspect was wearing  
20 a pink shirt. In answering a question on direct examination,  
21 however, Mr. Jones stated that the suspect wore a red shirt.

22 On cross-examination, ask, "Mr. Jones, you testified that the  
23 suspect was wearing a red shirt, correct?"

24 Mr. Jones responds, "Yes."

25 Show Mr. Jones the case packet opened up to Mr. Jones'  
26 statement. Ask Mr. Jones, "Is this your witness statement, Mr.  
27 Jones?" (Mr. Jones has no choice but to answer, "Yes.")

28 Then ask Mr. Jones, "Do you recognize the statement on page  
29 \_\_\_\_\_, line \_\_\_\_\_ of the case packet?"

30 Read the statement aloud to the court and ask the witness: "Does  
31 this not directly contradict what you said on direct examination?"

32 After you receive your answer (no matter what that answer is)  
33 move on with the remainder of your argument and remember to  
34 bring up the inconsistency in closing arguments.

## 35 Redirect Examination

36 Following cross-examination, the counsel who called the witness  
37 may conduct redirect examination. Attorneys conduct redirect  
38 examination to clarify new (unexpected) issues or facts brought  
39 out in the immediately preceding cross-examination **only**. They  
40 may not bring up any issue brought out during direct examination.  
41 Attorneys may or may not want to conduct redirect examination. If  
42 an attorney asks questions beyond the scope of issues raised on

1 cross, they may be objected to as “outside the scope of cross-  
2 examination.” It is sometimes more beneficial not to conduct re-  
3 direct for a particular witness. To properly decide whether it is  
4 necessary to conduct re- direct examination, the attorneys must  
5 pay close attention to what is said during the cross-examination of  
6 their witnesses.

7 If the credibility or reputation for truthfulness of a witness has  
8 been attacked on cross-examination, the attorney whose witness  
9 has been damaged may wish to ‘save” the witness through re-  
10 direct. These questions should be limited to the damage the  
11 attorney thinks has been done and enhance the witness’s truth-  
12 telling image in the eyes of the court. Work closely with your  
13 attorney coach on redirect strategies.

## 14 Closing Arguments

15 A good closing argument summarizes the case in the light most  
16 favorable to your position. The prosecution delivers the first closing  
17 argument. The closing argument of the defense attorney concludes  
18 the presentations. A good closing argument should:

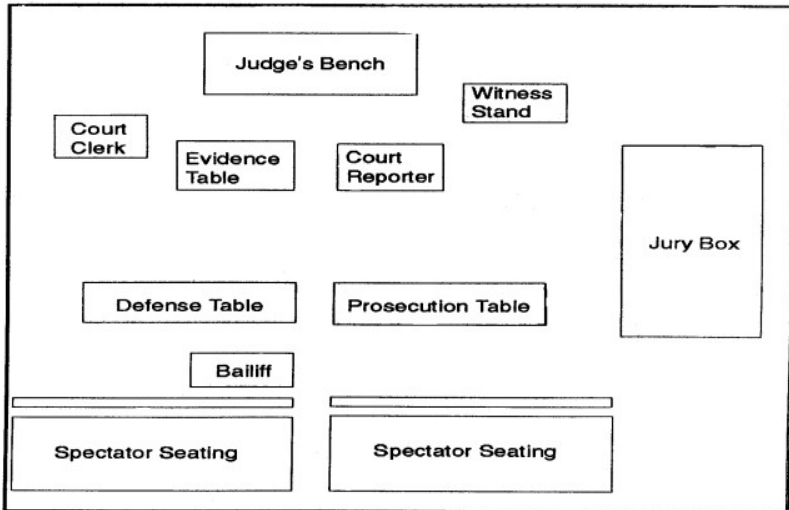
- 19 ● Be spontaneous, synthesizing what actually happened in  
20 court rather than being “prepackaged.” NOTE: Points will  
21 be deducted from the closing argument score if concluding  
22 remarks do not actually reflect statements and evidence  
23 presented during the trial.
- 24 ● Be emotionally charged and strongly appealing (unlike the  
25 calm opening statement).
- 26 ● Emphasize the facts that support the claims of your side,  
27 but not raise any new facts.
- 28 ● Summarize the favorable testimony.
- 29 ● Attempt to reconcile inconsistencies that might hurt your  
30 side.
- 31 ● Be well-organized. (Starting and ending with your  
32 strongest point helps to structure the presentation and  
33 gives you a good introduction and conclusion.)
- 34 ● The prosecution should emphasize that the state has  
35 proven guilt beyond a reasonable doubt.
- 36 ● The defense should raise questions that suggest the  
37 continued existence of a reasonable doubt.
- 38 ● Proper phrasing includes:
  - 39 ■ **“The evidence has clearly shown that...”**
  - 40 ■ **“Based on this testimony, there can be no doubt**  
41 **that...”**
  - 42 ■ **“The prosecution has failed to prove that...”**

- 1                   ▪    **“The defense would have you believe that...”**
- 2    Conclude the closing argument with an appeal to convict or acquit
- 3    the defendant.
- 4    **An attorney has one minute for rebuttal.** Only issues that were
- 5    addressed in an opponent’s closing argument may be raised
- 6    during rebuttal.

7

## 8                   Diagram of a Typical Courtroom

9



# Mock Trial Simplified Rules of Evidence

Criminal trials are conducted using strict rules of evidence to promote fairness. To participate in a Mock Trial, you need to know its rules of evidence. The California Mock Trial program bases its Mock Trial Simplified Rules of Evidence on the California Evidence Code.

Studying the rules will prepare you to make timely objections, avoid pitfalls in your own presentations, and understand some of the difficulties that arise in actual court trials. The purpose of using rules of evidence in the competition is to structure the presentation of testimony to resemble a real trial.

Almost every fact stated in the materials will be admissible under the rules of evidence. All evidence will be admitted unless an attorney objects. To promote the educational objectives of this program, students are restricted to the use of a select number of evidentiary rules in conducting the trial.

## Objections

It is the responsibility of the party opposing the evidence to prevent its admission by a timely and specific objection. Objections not raised in a timely manner are waived or given up. An effective objection is designed to keep inadmissible testimony, or testimony harmful to your case, from being admitted. A single objection may be more effective than several objections. Attorneys can, and should, pay attention to objections that need to be made to questions and those that need to be made to answers. Remember, the quality of an attorney's objections is always more important than the quantity of the objections.

For the purposes of this competition, teams will be permitted to use only certain types of objections. The allowable objections are found in the case packet. Other objections may not be raised at trial. As with all objections, the judge will decide whether to allow the testimony, strike it, or simply not the objection for later consideration.

The rulings of the trial judge are final. You must continue the presentation even if you disagree. A proper objection includes the following elements. The attorney:

- Addresses the judge,
- Indicates that he or she is raising an objection,
- Specifies what he or she is objecting to, i.e., the particular word, phrase, or question, and
- Specifies the legal grounds for the objection.

1 Example: “(1) Your honor, (2) I object (3) to that question (4)  
2 because it is a compound question.”

3  
4 Throughout this packet, you will find sections titled “Usage  
5 comments.” These comments further explain the rule and often  
6 provide examples of how to use the rule at trial.

7

## 8 Allowable Evidentiary Objections

9

### 10 1. Unfair Extrapolation (UE)

11 This objection is specific to the California Mock Trial and is not an  
12 ordinary rule of evidence.

13

14 Each witness is bound by the facts contained in his or her own  
15 official record, which, unless otherwise noted, includes his or her  
16 own witness statement, the Fact Situation (those facts of which  
17 the witness would reasonably have knowledge), and/or any exhibit  
18 relevant to his or her testimony. The **unfair extrapolation** (UE)  
19 objection applies if a witness creates a material fact not included  
20 in his or her official record. A **material fact** is one that would likely  
21 impact the outcome of the case.

22

23 Witnesses may, however, make **fair extrapolations** from the  
24 materials. A fair extrapolation is one in which a witness makes a  
25 reasonable inference based on his or her official record. A fair  
26 extrapolation does not alter the material facts of the case.

27

28 If a witness is asked for information not contained in the witness’s  
29 statement, the answer must be consistent with the statement and  
30 may not materially affect the witness’s testimony or any  
31 substantive issue of the case.

32

33 Unfair extrapolations are best attacked through impeachment and  
34 closing argument. They should be dealt with by attorneys during  
35 the trial. (See how to impeach a witness on page 67.)

36

37 When making a UE objection, students should be able to explain to  
38 the court what facts are being unfairly extrapolated and why the  
39 extrapolation is material to the case. Possible rulings by a  
40 presiding judge include:

- 41 a) No extrapolation has occurred;  
42 b) An unfair extrapolation has occurred;  
43 c) The extrapolation was fair.

44

45 The decision of the presiding judge regarding extrapolations or  
46 evidentiary matters is final.

47

1 Usage comments — The most common example of an unfair  
2 extrapolation would be if an expert witness or police officer is  
3 questioned about research and procedures that require them to  
4 have specialized knowledge outside what is contained in their  
5 official records. This type of unfair extrapolation is illustrated in  
6 Example #1 below.

7

8 Example #2 provides a set of facts and an example of fair and  
9 unfair extrapolation based on a sample fact scenario.

10

11 Example #1:

12

13 A defense expert witness testifies about using fluorescent light  
14 when collecting fingerprints, which is described in her witness  
15 statement. On cross-examination, the prosecutor asks, “Did you  
16 also use a superglue processing technique to collect fingerprints?”  
17 While a superglue processing technique is an actual way to collect  
18 fingerprints, the procedure was not mentioned anywhere in the  
19 case materials. The defense could object that the question calls for  
20 an unfair extrapolation.

21

22 Example #2: Sample Fact Scenario

23

24 John Doe, who is being charged with buying stolen goods on a  
25 particular night, states the following in his witness statement: “On  
26 the night in question, I pulled into the parking lot of the Acme  
27 Grocery Store and parked my car. I walked into the store with the  
28 other customers, picked up some items, went to the checkout  
29 stand, and left the store with my shopping bag.”

30

31 **Fair Extrapolation:** At trial, John Doe testifies to the following: “On  
32 the night in question, around 9:00p.m., I went to the Acme Grocery  
33 Store, parked my car, went into the store and purchased milk and  
34 a box of cereal. The fact that John Doe said he “purchased milk  
35 and a box of cereal” is a fair extrapolation. Even though there is no  
36 mention of what John purchased in his witness statement, it can  
37 be reasonably inferred from the context of his witness statement  
38 that he entered the store and purchased groceries. Furthermore,  
39 the items he purchased (milk and cereal) do not impact any  
40 substantive issue in the case.

41

42 **Unfair Extrapolation:** At trial, John Doe testifies to the following: “I  
43 pulled into the parking lot of the Acme Grocery Store and parked  
44 my car. I walked into the store, purchased some groceries, and  
45 withdrew \$200 from the ATM.” The fact that John Doe withdrew  
46 cash is an unfair extrapolation because the fact John withdrew  
47 \$200 on the night of the crime is material to the charge of buying  
48 stolen goods because it impacts the substantive issues of his  
49 motive and means to later buy stolen goods.



1  
2 Form of Objection: **“Objection, your honor. This is an**  
3 **extrapolation,”** or, **“That question calls for information beyond**  
4 **the scope of Mr. Doe’s witness statement.”**

5  
6 NOTE: The Unfair Extrapolation objection replaces the Creation of  
7 a Material Fact objection used in previous years in the California  
8 Mock Trial.

## 10 2. Relevance

11 Unless prohibited by a pretrial motion ruling or by some other rule  
12 of evidence listed in these Simplified Rules of Evidence, all relevant  
13 evidence is admissible. Evidence is relevant if it has any tendency  
14 to make a fact that is important to the case more or less probable  
15 than the fact would be without the evidence. Both direct and  
16 circumstantial evidence may be relevant and admissible in court.

17  
18 **Example:** Eyewitness testimony that the defendant shot the victim  
19 is **direct** evidence of the defendant’s assault. The testimony of a  
20 witness establishing that the witness saw the defendant leaving  
21 the victim’s apartment with a smoking gun is **circumstantial**  
22 evidence of the defendant’s assault.

23  
24 Usage Comments — When an opposing attorney objects on the  
25 ground of relevance, the judge may ask you to explain how the  
26 proposed evidence relates to the case.

27  
28 You can then make an “offer of proof” (explain what the witness  
29 will testify to and how it is relevant). The judge will then decide  
30 whether or not to let you question the witness on the subject.

31  
32 Form of Objection: **“Objection, your honor. This testimony is not**  
33 **relevant,”** or, **“Objection, your honor. Counsel’s question calls for**  
34 **irrelevant testimony.”**

## 36 3. More Prejudicial than Probative

37 The court in its discretion may exclude relevant evidence if its  
38 probative value (its value as proof of some fact) is substantially  
39 outweighed by the probability that its admission creates  
40 substantial danger of undue prejudice, confuses the issues, wastes  
41 time, or misleads the trier of fact (judge).

42  
43 Usage Comments — This objection should be used sparingly in  
44 trial. It applies only in rare circumstances. Undue prejudice does  
45 not mean “damaging.” Indeed, the best trial evidence is always to  
46 some degree damaging to the opposing side’s case. Undue  
47 prejudice instead is prejudice that would affect the impartiality of  
48 the judge, usually through provoking emotional reactions. To  
49 warrant exclusion on that ground, the weighing process requires a

1 finding of clear lopsidedness such that relevance is minimal and  
2 prejudice to the opposing side is maximal.

3

4 **Example:** A criminal defendant is charged with embezzling money  
5 from his employer. At trial, the prosecutor elicits testimony that,  
6 several years earlier, the defendant suffered an animal cruelty  
7 conviction for harming a family pet.

8

9 The prosecution could potentially argue that the animal cruelty  
10 conviction has some probative value as to defendant's credibility  
11 as a witness. However, the defense would counter that the  
12 circumstances of the conviction have very little probative value. By  
13 contrast, this fact creates a significant danger of affecting the  
14 judge's impartiality by provoking a strong emotional dislike for the  
15 defendant (undue prejudice).

16

17 Form of Objection: "**Objection, your honor. The probative value of**  
18 **this evidence is substantially outweighed by the danger of**  
19 **undue prejudice (or confusing the issues or misleading the trier**  
20 **of fact)."**

21

## 22 4. Laying a Proper Foundation

23 To establish the relevance of direct or circumstantial evidence, you  
24 may need to lay a proper foundation. Laying a proper foundation  
25 means that before a witness can testify about his or her personal  
26 knowledge or opinion of certain facts, it must be shown that the  
27 witness was in a position to know those facts in order to have  
28 personal knowledge of those facts or to form an admissible  
29 opinion. (See "Opinion Testimony" below.)

30

31 Usage Comments — Example: A prosecution attorney calls a  
32 witness to the stand and begins questioning with "Did you see the  
33 defendant leave the scene of the crime?" The defense attorney  
34 may object based upon a lack of foundation. If the judge sustains  
35 the objection, then the prosecution attorney should lay a  
36 foundation by first asking the witness if he was in the area at the  
37 approximate time the crime occurred. This lays the foundation that  
38 the witness was at the scene of the crime at the time that the  
39 defendant was allegedly there in order to answer the prosecution  
40 attorney's question.

41

42 Form of Objection: "**Objection, your honor. There is a lack of**  
43 **foundation.**"

44

## 45 5. Personal Knowledge/Speculation

46 A witness may not testify about any matter of which the witness  
47 has no personal knowledge. Only if the witness has directly  
48 observed an event may the witness testify about it. Personal

1 knowledge must be shown before a witness may testify  
2 concerning a matter.

3  
4 Usage Comments — Witnesses will sometimes make inferences  
5 from what they actually did observe. An attorney may properly  
6 object to this type of testimony because the witness has no  
7 personal knowledge of the inferred fact.

8  
9 **Example:** From around a corner, the witness heard a commotion.  
10 The witness immediately walked toward the sound of the  
11 commotion, found the victim at the foot of the stairs, and saw the  
12 defendant at the top of the landing, smirking. The witness then  
13 testifies that the defendant pushed the victim down the stairs.  
14 Even though this inference may seem obvious to the witness, the  
15 witness did not personally observe the defendant push the victim.  
16 Therefore, the defense attorney can object based upon the  
17 witness's lack of personal knowledge that the defendant pushed  
18 the victim.

19  
20 Form of Objection: **“Objection, your honor. The witness has no  
21 personal knowledge to answer that question.” Or “Objection,  
22 your honor, speculation.”**

## 23 24 **6. Opinion Testimony (Testimony from Non- 25 Experts)**

26 Opinion testimony includes inferences and other subjective  
27 statements of a witness. In general, opinion testimony is  
28 inadmissible because the witness is not testifying to facts. Opinion  
29 testimony is admissible only when it is (a) rationally based upon  
30 the perception of the witness (five senses) and (b) helpful to a clear  
31 understanding of his or her testimony. Opinions based on a  
32 common experience are admissible. Some examples of admissible  
33 witness opinions are speed of a moving object, source of an odor,  
34 appearance of a person, state of emotion, or identity of a voice or  
35 handwriting.

36  
37 Usage Comments — As long as there is personal knowledge and a  
38 proper foundation, a witness could testify, “I saw the defendant,  
39 who was crying, looked tired, and smelled of alcohol.” All of this is  
40 proper lay witness (non-expert) opinion.

41  
42 Form of Objection: **“Objection, your honor. Improper lay witness  
43 opinion.” Or “Objection, your honor. The question calls for  
44 speculation on the part of the witness.”**

## 45 46 **7. Expert Witness**

47 A person may be qualified as an expert witness if he or she has  
48 special knowledge, skill, experience, training, or education in a  
49 subject sufficiently beyond common experience. An expert witness

1 may give an opinion based on professional experience if the  
2 expert's opinion would assist the trier of fact (judge) in resolving an  
3 issue relevant to the case. Experts must be qualified before  
4 testifying to a professional opinion.

5  
6 Qualified experts may give an opinion based upon their personal  
7 observations as well as facts made known to them at, or before,  
8 the trial. The facts need not be admissible evidence if they are the  
9 type reasonably relied upon by experts in the field. Experts may  
10 give opinions on ultimate issues in controversy at trial. In a criminal  
11 case, an expert may not state an opinion as to whether the  
12 defendant did or did not have the mental state at issue.

13  
14 **Usage Comments** — Examples:

15 1. A handwriting comparison expert testifies that police  
16 investigators presented her with a sample of the defendant's  
17 handwriting and a threatening letter prepared by an  
18 anonymous author. She personally conducted an examination  
19 of both documents. Based on her training, her professional  
20 experience, and her careful examination of the documents, she  
21 concluded that, in her opinion, the handwriting in the  
22 anonymous letter matches the handwriting in the sample of  
23 the defendant's handwriting. This would be an admissible  
24 expert opinion.

25 2. A doctor testifies that she based her opinion upon (1) an  
26 examination of the patient and (2) medically relevant statements  
27 of the patient's relatives. Personal examination is admissible  
28 because it is relevant and based on personal knowledge. The  
29 statements of the relatives are inadmissible hearsay (hearsay is  
30 defined in Section 9 below) but are proper basis for opinion  
31 testimony because they are reasonably relevant to a doctor's  
32 diagnosis. A judge could, in her discretion, allow the expert  
33 witness to describe what the relatives told her and explain how  
34 that information supports her opinion. Although those  
35 statements would not be admissible to prove the statements are  
36 true, they can be used to explain how the statements support  
37 the doctor's opinion.

38  
39 Form of Objection: **“Objection, your honor. There is a lack of  
40 foundation for this opinion testimony,”** or, **“Objection, your  
41 honor. Improper opinion.”**

42

## 8. Character Evidence

“Character evidence” is evidence of a person’s personal traits or personality tendencies (e.g., honest, violent, greedy, dependable, etc.). As a general rule, character evidence is **inadmissible** when offered to prove that a person acted in accordance with his or her character trait(s) on a specific occasion. The Simplified Rules of Evidence recognize three exceptions to this rule:

### 1. Defendant’s own character

The defense may offer evidence of the defendant’s own character (in the form of opinion or evidence of reputation) to prove that the defendant acted in accordance with his or her character on a specific occasion (where the defendant’s character is inconsistent with the acts of which he or she is accused). The prosecution can rebut the evidence (See Usage Comments below).

### 2. Victim’s character

The defense may offer evidence of the victim’s character (in the form of opinion, evidence of reputation, or specific instances of conduct) to prove the victim acted in accordance with his or her own character on a specific occasion (where the victim’s character would tend to prove the innocence of the defendant). The prosecution can rebut the evidence (See Usage Comments below).

### 3. Witness’s character

Evidence of a witness’s character for dishonesty (in the form of opinion, evidence of reputation, or specific instances of conduct) is admissible to attack the witness’s credibility. If a witness’s character for honesty has been attacked by the admission of bad character evidence, then the opposing party may rebut by presenting good character evidence (in the form of opinion, evidence of reputation, or specific instances of conduct) of the witness’s truthfulness.

## Admission of Prior Acts for Limited Non-Character Evidence Purposes

### Habit or Custom to Prove Specific Behavior

Evidence of the habit or routine practice of a person or an organization is admissible to prove conduct on a specific occasion in conformity with the habit or routine practice. Habit or custom evidence is not character evidence.

### Prior Act to Prove Motive, Intent, Knowledge, Identity, or Absence of Mistake

Nothing in this section prohibits the admission of evidence that the defendant committed a crime, civil wrong, or other act when relevant to prove some fact (such as motive, intent, knowledge, identity, or absence of mistake or

1 accident) other than his or her disposition to commit such  
2 an act.

3 **Usage Comments** — If any prosecution witness testifies to the  
4 defendant or victim’s character, the defense may object. But the  
5 prosecution may then request to make an offer of proof, or an  
6 explanation to the judge, that the prosecution (a) anticipates the  
7 defense will introduce evidence of defendant’s or victim’s  
8 character, and (b) Mock Trial rules do not allow for rebuttal  
9 witnesses or recalling witnesses. If the judge allows, the  
10 prosecution may present evidence in the form of opinion, evidence  
11 of reputation, or specific instances of conduct to rebut the  
12 defense’s anticipated use of character evidence. If this evidence  
13 does not come in during the defense, the defense attorney can  
14 move to strike the previous character evidence.

15 **Examples:**

16  
17

**Admissible character evidence**

18 1. The defendant is charged with embezzlement (a theft  
19 offense). The defendant’s pastor testifies that the  
20 defendant attends church every week and has a  
21 reputation in the community as an honest and  
22 trustworthy person. This would be admissible character  
23 evidence.

24

**Inadmissible character evidence**

25 2. The defendant is charged with assault. The prosecutor  
26 calls the owner of the defendant’s apartment to testify in  
27 the prosecution’s case-in-chief. She testifies that the  
28 defendant often paid his rent late and was very  
29 unreliable. This would likely not be admissible character  
30 evidence for two reasons: (1) This character evidence  
31 violates the general rule that character evidence is  
32 inadmissible (and it does not qualify under one of the  
33 three recognized exceptions above), and (2) the  
34 character trait of “reliability” is not relevant to an assault  
35 charge (by contrast, propensity for violence or non-  
36 violence would be relevant character traits in an assault  
37 case).

38

39 Form of Objection: **“Objection, your honor. Inadmissible character**  
40 **evidence,”** or, **“Objection, your honor. The question calls for**  
41 **inadmissible character evidence.”**

42

## 9. Hearsay

Hearsay evidence is evidence of a statement that was made other than by a witness while testifying at trial and that is offered to prove the truth of the matter stated. Hearsay is considered untrustworthy because the declarant (aka the speaker) of the out-of-court statement did not make the statement under oath and is not present in court to be cross-examined. Because these statements are unreliable, they ordinarily are not admissible.

Usage Comments — Testimony not offered to prove the truth of the matter stated is, by definition, not hearsay. For example, testimony to show that a statement was said and heard, or to show that a declarant could speak a certain language, or to show the subsequent actions of a listener, is admissible.

### Examples:

1. Joe is being tried for murdering Henry. The witness testifies, “Ellen told me that Joe killed Henry.” If offered to prove that Joe killed Henry, this statement is hearsay and would likely not be admitted over an objection.
2. A witness testifies, “I went looking for Eric because Sally told me that Eric did not come home last night.” Sally’s comment is an out-of-court statement. However, the statement could be admissible if it is not offered for the truth of its contents (that Eric did not come home), but instead is offered to show why the witness went looking for Eric.

Form of Objection: **“Objection, your honor. Counsel’s question calls for hearsay.” Or “Objection, your honor. This testimony is hearsay. I move that it be stricken from the record.”**

### Hearsay Exceptions

Out of practical necessity, the law recognizes certain types of hearsay that may be admissible. Exceptions have been allowed for out-of-court statements made under circumstances that promote greater reliability, provided that a proper foundation has been laid for the statements. The Simplified Rules of Evidence recognize **only** the following exceptions to the hearsay rule:

- a. **Declaration against interest:** a statement which, when made, was contrary to the declarant’s own economic interest, or subjected the declarant to the risk of civil or criminal liability, or created a risk of making the declarant an object of hatred, ridicule, or social disgrace in the community. A reasonable person in the declarant’s position would not have made the statement unless the person believed it to be true.
- b. **Excited Utterance:** a statement that describes or explains

- 1 an event perceived by the declarant, made during or  
2 shortly after a startling event, while the declarant is still  
3 under the stress of excitement caused by the event.
- 4 c. **State of mind:** a statement that shows the declarant's  
5 then-existing state of mind, emotion, or physical condition  
6 (including a statement of intent, plan, motive, mental state,  
7 pain, or bodily health).
- 8 d. **Records made in the regular course of business**  
9 **(including medical records):** writings made as a record of  
10 an act or event by a business or governmental agency  
11 (Mock Trial does not require the custodian of the records to  
12 testify). To qualify as a business record, the following  
13 conditions must be established: (1) The writing was made  
14 in the regular course of business; (2) The writing was made  
15 at or near the time of the act or event; and (3) The sources  
16 of information and method of preparation are trustworthy.
- 17 e. **Official records by public employees:** writing made by a  
18 public employee as a record of an act or event. The writing  
19 must be made within the scope of duty of a public  
20 employee.
- 21 f. **Prior inconsistent statement:** a prior statement made by  
22 the witness that is inconsistent with the witness's trial  
23 testimony.
- 24 g. **Prior consistent statement:** a prior statement made by a  
25 witness that is consistent with the witness's trial  
26 testimony. Evidence of a prior consistent statement can  
27 only be offered after evidence of a prior inconsistent  
28 statement has been admitted for the purpose of attacking  
29 the witness's credibility. To be admissible, the consistent  
30 statement must have been made before the alleged  
31 inconsistent statement.
- 32 h. **Statements for the purpose of medical diagnosis or**  
33 **treatment:** statements made for purposes of medical  
34 diagnosis or treatment, describing medical history, past or  
35 present symptoms, pain, or sensations.
- 36 i. **Reputation of a person's character in the community:**  
37 evidence of a person's general reputation with reference to  
38 his or her character or a trait of his or her character at a  
39 relevant time in the community in which the person then  
40 resided or in a group with which the person habitually  
41 associated.
- 42 j. **Dying Declaration:** a statement made by a dying person  
43 about the cause and circumstances of his or her death, if  
44 the statement was made on that person's personal  
45 knowledge and under a sense of immediately impending  
46 death.



- 1 k. **Co-Conspirator's statements:** statements made by the  
2 declarant while participating in a conspiracy to commit a  
3 crime or civil wrong. To be admissible, the following must  
4 be established: (a) The statement was made in furtherance  
5 of the objective of that conspiracy; (b) The statement was  
6 made prior to or during the time that the declarant was  
7 participating in that conspiracy; and (c) The evidence is  
8 offered either after admission of evidence sufficient to  
9 sustain a finding of the facts specified in (1) or (2) or, in the  
10 court's discretion as to the order of proof, subject to the  
11 admission of this evidence.
- 12 l. **Adoptive admission:** a statement offered against a party,  
13 that the party, with knowledge of the content of that  
14 statement, has by words or other conduct adopted as true.
- 15 m. **Admission by a party opponent:** any statement by a party  
16 in an action when it is offered against that party by an  
17 opposing party. The statement does not have to be against  
18 the declarant's interest at the time the statement was  
19 made.

20

## 21 **Objections for inappropriately phrased** 22 **questions**

23

### 24 **10. Leading Questions**

25 Attorneys may not ask witnesses leading questions during direct  
26 examination or re-direct examination. A leading question is one  
27 that suggests the answer desired. Leading questions are permitted  
28 on cross- examination.

29

30 Usage Comments — Example: during direct examination, the  
31 prosecutor asks the witness, "During the conversation on March 8,  
32 didn't the defendant make a threatening gesture?" Counsel could  
33 rephrase the question, "What, if anything, did the defendant do  
34 during your conversation on March 8?"

35

36 Form of Objection: "**Objection, your honor. Counsel is leading the**  
37 **witness.**"

38

39

## 1 11. Compound Question

2 A compound question joins two alternatives with “and” or “or,”  
3 preventing the interrogation of a witness from being as rapid,  
4 distinct, or effective for finding the truth as is reasonably possible.

5

6 Example: “Did you determine the point of impact from  
7 conversations with witnesses and from physical remarks, such as  
8 debris in the road?” If an objection to the compound question is  
9 sustained, the attorney may state “Your honor, I will rephrase the  
10 question,” and then break down the question into two separate  
11 questions:

12

13 Q1: “Did you determine the point of impact from conversations  
14 with witnesses?”

15

16 Q2: “Did you also determine the point of impact from physical  
17 marks in the road?”

18

19 Remember that there may be another way to make your point.

20

21 Form of Objection: **“Objection, your honor, on the ground that  
22 this is a compound question.”**

23

## 24 12. Narrative

25 A narrative question is too general and calls for the witness in  
26 essence to “tell a story” or give a broad and unspecific response.  
27 The objection is based on the belief that the question seriously  
28 inhibits the successful operation of a trial and the ultimate search  
29 for the truth.

30

31 Usage Comments — Example: The attorney asks A, “Please  
32 describe all the conversations you had with X before X started the  
33 job.” This question calls for the witness to give a long narrative  
34 answer. It is, therefore, objectionable.

35

36 Form of Objection: **“Objection, your honor. Counsel’s question  
37 calls for a narrative.” Or “Objection, your honor. The witness is  
38 providing a narrative answer.”**

39

## 40 13. Argumentative Question

41 An argumentative question challenges the witness about an  
42 inference from the facts in the case. The cross-examiner may not  
43 harass a witness, become accusatory toward a witness,  
44 unnecessarily interrupt the witness’s answer, or make unnecessary  
45 comments on the witness’s responses. These behaviors are also  
46 known as “badgering the witness.” (If a witness is non-responsive  
47 to a question, see the non-responsive objection, #16 below).

48

49 Usage Comments — Example: Questions such as “How can you

1 expect the judge to believe that?” are argumentative and  
2 objectionable. The attorney may argue the inferences during  
3 summation or closing argument, but the attorney must ordinarily  
4 restrict his or her questions to those calculated to elicit relevant  
5 facts.

6

7 Form of Objection: **“Objection, your honor. Counsel is being**  
8 **argumentative.” Or “Objection, your honor. Counsel is badgering**  
9 **the witness.”**

10

## 11 **14. Asked and Answered**

12 Witnesses should not be asked a question that has previously  
13 been asked and answered. This can seriously inhibit the  
14 effectiveness of a trial.

15

16 Usage Comments — Examples: On direct examination, the  
17 prosecution attorney asks, “Did the defendant stop at the stop  
18 sign?” The witness answers, “No, he did not.” Then, because it is a  
19 helpful fact, the direct examining attorney asks again, “So the  
20 defendant didn’t stop at the stop sign?” Defense counsel could  
21 object on asked-and-answered grounds.

22

23 On cross-examination, the defense attorney asks, “Didn’t you tell a  
24 police officer after the accident that you weren’t sure whether X  
25 failed to stop for the stop sign?” The witness answers, “I don’t  
26 remember.” Defense attorney then asks, “Do you deny telling the  
27 officer that?” If the prosecution attorney makes an asked-and-  
28 answered objection, it should be overruled. Why? In this example,  
29 defense counsel rephrased the question based upon the witness’s  
30 answer.

31

32 Form of Objection: **“Objection, your honor. This question has been**  
33 **asked and answered.”**

34

## 35 **15. Vague and Ambiguous Questions**

36 Questions should be clear, understandable, and concise as  
37 possible. The objection is based on the notion that witnesses  
38 cannot answer questions properly if they do not understand the  
39 questions.

40

41 Usage Comments — Example: “Does it happen at once?”

42

43 Form of Objection: **“Objection, your honor. This question is vague**  
44 **and ambiguous as to...”**

45

46

1 **16. Non-responsive Witness**

2 A witness has a responsibility to answer the attorney's questions.  
3 Sometimes a witness's reply is vague, or the witness purposely  
4 does not answer the attorney's question. Counsel may object to  
5 the witness's non-responsive answer.

6  
7 Usage Comments — Example: The attorney asks, "Did you see the  
8 defendant's car in the driveway last night?" The witness answers,  
9 "Well, when I got home from work, I hurried inside to make dinner.  
10 Then I decided to watch TV, and then I went to bed." This answer  
11 is non-responsive, as the question is specifically asking if the  
12 witness saw the defendant's car on the night in question.

13  
14 Form of Objection: **"Objection, your honor. The witness is being  
15 non-responsive."**

16  
17 **17. Outside the Scope of Cross-Examination**

18 Redirect examination is limited to issues raised by the opposing  
19 attorney on cross-examination. If an attorney asks questions  
20 beyond the issues raised on cross-examination, opposing counsel  
21 may object to them.

22  
23 Form of Objection: **"Objection, your honor. Counsel is asking the  
24 witness about matters beyond the scope of cross-examination."**

# Summary of Allowable Evidentiary Objections for the California Mock Trial

**Argumentative Question:** “Objection, your honor. Counsel is being argumentative.” Or, “Objection, your honor. Counsel is badgering the witness.”

**Asked and Answered:** “Objection, your honor. This question has been asked and answered.”

**Character Evidence:** “Objection, your honor. Inadmissible character evidence,” or, “Objection, your honor. The question calls for inadmissible character evidence.”

**Compound Question:** “Objection, your honor, on the ground that this is a compound question.”

**Expert Opinion:** “Objection, your honor. There is a lack of foundation for this opinion testimony,” or, “Objection, your honor. Improper opinion.”

**Foundation:** “Objection, your honor. There is a lack of foundation.”

**Hearsay:** “Objection, your honor. Counsel’s question calls for hearsay.” Or, “Objection, your honor. This testimony is hearsay. I move that it be stricken from the record.”

**Leading Question:** “Objection, your honor. Counsel is leading the witness.”

**More Prejudicial than Probative:** “Objection, your honor. The probative value of this evidence is substantially outweighed by the danger of undue prejudice (or confusing the issues or misleading the trier of fact).”

**Narrative:** “Objection, your honor. Counsel’s question calls for a narrative.” Or “Objection, your honor. The witness is providing a narrative answer.”

**Non-Responsive:** “Objection, your honor. The witness is being non-responsive.”

**Opinion Testimony (Testimony from Non-Experts):** “Objection, your honor. Improper lay witness opinion.” Or, “Objection, your honor. The question calls for speculation on the part of the witness.”

**Outside the Scope of Cross-Examination:** “Objection, your honor. Counsel is asking the witness about matters beyond the scope of cross-examination.”

**Personal Knowledge/Speculation:** “Objection, your honor. The witness has no personal knowledge to answer that question.” Or, “Objection, your honor, speculation.”

**Relevance:** “Objection, your honor. This testimony is not relevant,” or, “Objection, your honor. Counsel’s question calls for irrelevant testimony.”

**Unfair Extrapolation:** “Objection, your honor. This question is an unfair extrapolation,” or, “That information calls for information beyond the scope of the statement of facts.”

**Vague and Ambiguous:** “Objection, your honor. This question is vague and ambiguous as to...”

## NOTES

## NOTES



## NOTES



## NOTES

## NOTES

## NOTES

## NOTES

# 2024–2025 California Mock Trial Competition Participating Counties

Alameda	Sacramento
Butte	San Benito
Contra Costa	San Bernardino
El Dorado	San Diego
Fresno	San Francisco
Imperial	San Joaquin
Kern	San Luis Obispo
Lake	San Mateo
Los Angeles	Santa Barbara
Madera	Santa Clara
Marin	Santa Cruz
Mendocino	Solano
Merced	Sonoma
Mono	Stanislaus
Monterey	Tulare
Napa	Tuolumne
Orange	Ventura
Placer	Yolo
Riverside	Yuba

# CONSTITUTIONAL RIGHTS FOUNDATION

is now



formerly Constitutional Rights Foundation

Since 1963, we've been known as Constitutional Rights Foundation. Now, six decades later, in 2023, we have changed our name to Teach Democracy! Our materials, our approach, and our vision have not changed. But the scope of our work has expanded beyond teaching about the Constitution to include engaging students in all facets of civic learning. We know that civic participation begins with civic education. That's why we are more committed than ever to ensuring that our representative democracy is brought alive for those who hold its future in their hands: students.

Join us as we - Teach Democracy!

**TeachDemocracy.org**

601 S. Kingsley Dr., Los Angeles, CA 90005 / 213.487.5590

## The Power of Mock Trial



Did your child have an unforgettable experience in Teach Democracy's California Mock Trial Program? Did they command the courtroom with their quick thinking and skillful questions or testimony — all while having fun? No matter their role — attorney, witness, clerk, bailiff, artist, or journalist — Mock Trial created a meaningful experience that will last their whole lives.

Your donation will help open more opportunities for middle and high school students across California to shine, grow, and learn valuable life skills through Mock Trial. Together, we can build a brighter future for our youth, one trial at a time!



**bit.ly/mt-give**