

**JUDGE LYLE STROM HIGH SCHOOL  
MOCK TRIAL PROGRAM  
2018 CASE**

**The State of Nebraska  
Vs.  
Ricky/Ricki Glossner**

**CR 18-37847**

Sponsored by the  
Nebraska State Bar Foundation  
and its State Center for Law-Related Education

[www.nebarfnd.org/mock-trial](http://www.nebarfnd.org/mock-trial)

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**NEBRASKA STATE BAR FOUNDATION  
P.O. Box 95103  
Lincoln, NE 68509-5103  
402-475-1042**

**MEMO**

**TO: ALL MOCK TRIAL PARTICIPANTS**

**FROM: Doris J. Huffman, EXECUTIVE DIRECTOR**

**RE: 2018 Judge Lyle Strom High School Mock Trial Program**

**DATE: August 21, 2018**

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On behalf of the Nebraska State Bar Foundation, I welcome your participation in the 2018 Mock Trial competition! This year's criminal case decides the following: 1) whether the prosecution can prove that Ricky/Ricki Glossner conspired with Ally/Ali Fink to distribute fentanyl and 2) whether Ricky/Ricki then tampered with Ally/Ali when s/he began cooperating with the prosecution.

**Students** – You will experience what it is like to prepare for and present a case before a judge. Working with your team and coaches, you will learn to evaluate information, respond quickly, and sharpen your public speaking skills.

The greatest benefit of Mock Trial is the opportunity to learn how the legal system works. After the competition, you will have gained knowledge that will be most helpful to you as an adult. By studying and understanding courtroom procedure, you should become more comfortable with federal and state laws as part of the legal system. Your interaction with some of Nebraska's finest attorneys and judges will give you a glimpse of the different interpretations of trial procedure and the different approaches of individual members of the judiciary.

**Teacher Coaches, Attorney Coaches and Judges** – I strongly encourage you to focus on the goal of participation by students rather than stressing competition while preparing your case. Your contributions of time and talent are making many experiential educational opportunities available to over 1,000 Nebraska students. Your participation is an essential element to the success of this program. You can be proud of the positive impact you have made on the lives of these students. Thank you so much!

**Reporters Contest** – A new educational component has been added to Mock Trial. Please see the Nebraska Broadcasters Association paragraph on the next page for additional information.

***Gentle reminder*** - *Scouting by a team's teachers, attorneys, or parents or by affiliates of any other team is not permitted. This includes talking to other schools about a specific team's strategy.*

If you have any questions, please contact me. **Good luck and have fun!**

## ACKNOWLEDGEMENTS

The Judge Lyle Strom High School Mock Trial Program is administered and funded by the **Nebraska State Bar Foundation** and supported by over 350 volunteer lawyers each year.

The Nebraska State Bar Foundation is a nonprofit corporation that was established in 1963. Its mission is *to serve the citizens of Nebraska and the legal profession through the administration and funding of innovative and creative programs directed toward the improvement of justice and the fulfillment of the American vision of equal justice for all.*

Annually, the NEBRASKA STATE BAR FOUNDATION and the NEBRASKA COUNCIL OF SCHOOL ATTORNEYS provide financial assistance for the winning Nebraska Mock Trial team to attend the National High School Mock Trial Championship.

**A sincere thank you is extended to the Nebraska Council of School Attorneys. Since 1992, this statewide organization has given \$1,000 annually to the winning State Champion. In 2018, the Council increased its gift to \$2,000. The Council's continued support is a testament of the positive impact Mock Trial has on young Nebraskans.**

A most sincere thank you is extended to The Honorable Lyle Strom for his continued leadership and invaluable input with the Mock Trial Program. The Foundation also appreciates the time and input from The Honorable John Gerrard and The Honorable Riko Bishop to the Case Committee.

A special thank you is also extended to the members of the Mock Trial Case Writing Committee for all their time and creative ideas that made this case “come to life”:

**Hon. Karen Flowers, Lincoln, Chair (ret.)**  
**Stephanie Hupp, Lincoln, Vice Chair**  
**Stan Beeder, Lincoln**  
**Kristi Egger, Lincoln**  
**Michael Gooch, Omaha**  
**Lory Pasold, Seward**  
**Tina Marroquin, Seward**

**The following organizations endorse the Nebraska High School Mock Trial Program:**

Defense Counsel Association of Nebraska	Nebraska County Judges Association
Nebraska Association of School Boards	Nebraska Criminal Defense Attorneys Association
Nebraska Association of Trial Attorneys	Nebraska District Judges Association
Nebraska Council of School Attorneys	Nebraska State Bar Association
Nebraska County Attorneys Association	Nebraska State Council for the Social Studies

**Nebraska Broadcasters Association** – The Bar Foundation is most pleased to collaborate with the Nebraska Broadcasters Association to offer a new educational component of the Mock Trial program for students interested in a media career. ***The Reporters Contest*** is for teams that advance to the State Championship and a team may bring a student to write a story about the first-round trial. Students will have the opportunity to meet with a member of the judiciary and members of the media over lunch to visit about reporting on the trial (legal system).

### **MOCK TRIAL OATH**

Do you promise that the testimony you are about to give will truthfully conform to the facts and rules of the Mock Trial Competition?

### **CODE OF ETHICAL CONDUCT**

The purpose of the Judge Lyle Strom High School Mock Trial Program is to stimulate and encourage a deeper understanding and appreciation of the legal system. This is accomplished by providing students the opportunity to participate actively in the learning process. The education of students is the primary goal of the Mock Trial program, and healthy competition helps to achieve this goal. Other important objectives include improving proficiency in speaking, listening, reading, and reasoning skills; promoting effective communication and cooperation between the educational and legal communities; providing an opportunity to compete in an academic setting; and promoting cooperation among young people of diverse interests and abilities.

**As a means of diligent application of the Mock Trial Competition Rules, the Nebraska State Bar Foundation encourages all participants to follow the Code of Ethical Conduct:**

- a. Team members promise to compete with the highest standards of deportment, showing respect for their fellow team members, opponents, judges, evaluators, attorney coaches, teacher coaches and Mock Trial personnel. All competitors will focus on accepting defeat and success with dignity and restraint. Trials will be conducted honestly, fairly, and with the utmost civility. Members will avoid all tactics they know are wrong or in violation of the Rules, including the use of Invention of Facts. Members will not willfully violate the Rules of the competition in spirit or in practice.
- b. Teacher Coaches agree to focus attention on the educational value of the Mock Trial Competition. They shall discourage willful violations of the Rules. Teachers will instruct students as to proper procedure and decorum and will assist their students in understanding and abiding by the competition Rules and this Code of Ethical Conduct.
- c. Attorney Coaches agree to uphold the highest standards of the legal profession and will zealously encourage fair play. They will promote conduct and decorum in accordance with the competition Rules and this Code of Ethical Conduct. Attorney coaches are reminded that they are in a position of authority and thus serve as positive role models for the students.
- d. All participants (including observers) are bound by all sections of this Code and agree to abide by the provisions. Teams are responsible for ensuring that all observers are aware of the Code.
- e. Scouting by a team, its teachers, attorneys, or parents or by affiliates of any other team is not permitted. No information about any previous trials may be shared with any other team/school at either the regional or state competition.

**NEBRASKA MOCK TRIAL GOALS**

- To increase student comprehension of the historical, ethical and philosophical bases of the American system of justice.
- To clarify operation of the law, court procedures and the legal system.
- To help students develop basic life and leadership skills, such as listening, speaking, writing, reading and analyzing.
- To build bridges of mutual cooperation, respect and support between the community (teachers, students, parents and schools) and the legal profession.
- To heighten appreciation for academic studies and promote positive scholastic achievements.
- To bring law to life for students through active participation in the program.
- To encourage participation and growth toward understanding the meaning of good citizenship in our democracy through the system of law. All students who participate are winners.

**2018-2019 MOCK TRIAL COMPETITION TIMELINE AND DATES**

Entry deadline .....	September 10, 2018
Dates and Times Preference Form due to Regional Coordinator .....	September 21, 2018
Local and regional competition .....	October 1 -
(7-week period in 12 regions).....	November 21, 2018
Regional winners announced.....	November 21, 2018
State Competition .....	December 3-4, 2018
Roman L. Hruska Federal Courthouse	
Omaha, Nebraska	
Mock Trial Banquet .....	December 3, 2018
Hilton Downtown Omaha	
Omaha, Nebraska	
National Championship.....	May 16-18, 2019
Athens, Georgia	

IN THE DISTRICT COURT OF WAGON WHEEL COUNTY, NEBRASKA

THE STATE OF NEBRASKA,

Plaintiff,

vs.

RICKY/RICKI GLOSSNER,

Defendant.

Case No. CR18-37487

**INFORMATION**

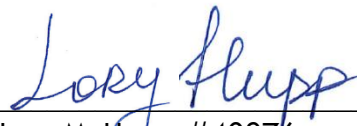
Ct 1: DELIVERY OF A CONTROLLED  
SUBSTANCE Neb. Rev. Stat. §28-416(1)(a);  
CLASS IIA FELONY

Ct 2: TAMPERING WITH WITNESS OR  
INFORMANT Neb. Rev. Stat. §28-919; CLASS  
IV FELONY

BE IT REMEMBERED, that Lory M. Hupp, Wagon Wheel Deputy County Attorney, in and for Wagon Wheel County, and in the Thirteenth Judicial District of the State of Nebraska, who prosecutes in the name and by authority of the State of Nebraska, comes here in person into Court at this, the 2018 Term thereof, and for the State of Nebraska, gives the Court to understand and be informed that RICKY/RICKI GLOSSNER, late of the County aforesaid, did Count 1: on or about the 13<sup>th</sup> day of October, 2017, in the County of Wagon Wheel and State of Nebraska aforesaid knowingly or intentionally distribute, deliver, or dispense a controlled substance, to wit: Fentanyl, a Schedule II controlled substance;

Count 2: on or about the 31<sup>st</sup> day of October, 2017, in the County of Wagon Wheel and State of Nebraska aforesaid, believing that an official proceeding or investigation of a criminal or civil matter was pending or about to be instituted, did attempt to induce or otherwise cause a witness or informant to (a) testify or inform falsely, (b) withhold any testimony, information, document, or thing, or (c) elude legal process summoning him or her to testify or supply evidence;

contrary to the forms of the Statutes in such cases made and provided, and against the peace and dignity of the State of Nebraska.



Lory M. Hupp, #40276  
Wagon Wheel Deputy County Attorney  
1022 S. 9<sup>th</sup> St, Goldenrod, NE 68011  
Phone (402) 475-1042 Fax (402) 475-7106

States Witnesses: Officer Drew Wright, Goldenrod PD, Ally/Ali Frank, Hayden Jackson

IN THE DISTRICT COURT OF WAGON WHEEL COUNTY, NEBRASKA

THE STATE OF NEBRASKA,

Case No. CR18-37487

Plaintiff,

vs.

RICKY/RICKI GLOSSNER,

Defendant.

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**NOTICE OF ALIBI**

COMES NOW the defendant, Ricky/Ricki Glossner, by and through their counsel of record and hereby provides notice of their intention to rely upon an alibi, pursuant to Neb. Rev. Stat. §29-1927 (Reissue 2008).

Rickey/Ricki Glossner, Defendant

BY:

*Rachel Sokolik*

\_\_\_\_\_  
Rachel Sokolik, #20182  
9813 Pine Lake Blvd.  
Goldenrod, NE 68011  
Attorney for Defendant

CERTIFICATE OF SERVICE

On November 30, 2017, the above was served on the attorney of record for all adverse parties by delivering a copy or copies thereof at their office address.

*Rachel Sokolik*

\_\_\_\_\_  
Rachel Sokolik, #20182



IN THE DISTRICT COURT OF WAGON WHEEL COUNTY, NEBRASKA

The State of Nebraska  
Plaintiff

CR 18-37847

vs.

Ricky/Ricki Glossner  
Defendant.

Honorable Tina Beeder  
Presiding Judge

**WITNESSES, EXHIBITS, AND STIPULATIONS**

**Witnesses for Plaintiff**

- 1: Officer Drew Wright
- 2: Ally/Ali Fink
- 3: Hayden Jackson

**Witnesses for the Defendant**

- 1: Ricky/Ricki Glossner
- 2: Taylor Nuttles
- 3: Rizzo Romano

**Exhibits**

- 1: Image of Parking Lot
- 2: Glossner Miranda Rights
- 3: Image of Pill and Drug Money
- 4: Fink Miranda Rights
- 5: Letter from Glossner to Fink
- 6: Phone Transcript
- 7: Image of Burnie
- 8: Proffer Letter
- 9: Offer Letter
- 10: Phone Log
- 11: Text between Jackson and Glossner
- 12: Employment Application
- 13: Pizza Video Screenshot

**Stipulations**

Both sides stipulate to the following:

1. All exhibits included in the case are authentic and accurate in all respects. No objections to the authenticity of the exhibits will be entertained.
2. **This is a work of fiction.** Names, characters, businesses, places, occupational characteristics, events and incidents are either the product of the Case Committee members' imagination or are intended to be used in a fictitious manner. Any resemblance to actual persons, living or dead, or actual events is purely coincidental.
3. All witnesses are fictional and written so that they may be played by any student regardless of gender. Students are to complete the team roster and designate the preferred pronoun to be used in connection with themselves or the witnesses they will be portraying.
4. The investigation conducted by Officer Drew Wright established that the license plate on the vehicle that left the parking lot at the same time as Fink's arrest was registered to the Defendant's mother.

## **Jury Instructions**

### **INSTRUCTION NO 1.**

Members of the jury, now that you have heard all of the evidence and the arguments of counsel it is my duty to instruct you in the law.

(1) I am not permitted to comment on the evidence, and I have not intentionally done so. If it appears to you that I have commented on the evidence, during either the trial or the giving of these instructions, you must disregard such comment entirely.

You must not interpret any of my statements, actions, or rulings nor any of the inflections of my voice as reflecting an opinion as to how this case should be decided.

(2) It is my duty to tell you what the law is. It is your duty to decide what the facts are and to apply the law to those facts.

In determining what the facts are you must rely solely upon the evidence in this trial and that general knowledge that everyone has. You must disregard anything else you know about the case.

(3) You must apply the law in these instructions, even if you believe that the law is or should be different.

No one of these instructions contains all of the law applicable to this case. You must consider each instruction in light of all of the others.

The law demands of you a just verdict. You must not indulge in any speculation, guess, or conjecture. You must not allow sympathy or prejudice to influence your verdict.

(4) The attorneys for the state and the defendant have a duty to represent the interest of the state and the defendant respectively. In arguing their case, attorneys may draw legitimate deductions and inferences from the evidence.

(5) During this trial I have ruled on objections to certain evidence. You must not concern yourselves with the reasons for such rulings since they are controlled by rules of law. You must not speculate as to possible answers to questions I did not permit to be answered; you must not consider the fact that objections to evidence were overruled. You must disregard all evidence ordered stricken.

### **INSTRUCTION NO 2.**

As I told you at the beginning of the trial this is a criminal case in which the State of Nebraska has charged the defendant, Ricky/Ricki Glossner, with Delivery of a Controlled Substance and Tampering with a Witness or Informant. The fact that the State has brought these charges is not evidence of anything. The charges are simply an accusation nothing more.

The defendant has pleaded not guilty to the charges. S/he is presumed to be innocent. That means you must find him/her not guilty of the charges unless and until you decide that the State has proven him/her guilty beyond a reasonable doubt of the charges.

INSTRUCTION NO. 3.

COUNT I

A. ELEMENTS

Regarding Delivery of a Controlled Substance, the elements of the State's case are:

1. Ricky/Ricki Glossner knowingly or intentionally distributed, delivered, or dispensed a controlled substance, to wit: Fentanyl; and
2. Ricky/Ricki Glossner did so:
  - a. On or about the 13<sup>th</sup> day of October, 2017, and
  - b. In Wagon Wheel County, Nebraska.

B. EFFECT OF FINDINGS

If you decide that the state proved each and every element listed beyond a reasonable doubt then you must find the defendant guilty of Delivery of a Controlled Substance. Otherwise, you must find the defendant not guilty of Delivery of a Controlled Substance.

COUNT II

A. ELEMENTS

Regarding Tampering with a Witness or Informant, the elements of the State's case are:

1. Ricky/Ricki Glossner believed that an official proceeding or investigation of a criminal or civil matter was pending or about to be instituted; and
2. Ricky/Ricki Glossner intentionally attempted to induce or otherwise cause a witness or informant to:
  - a. Testify or inform falsely, or
  - b. Withhold any testimony, information, document, or thing, or
  - c. Elude legal process summoning him or her to testify or supply evidence; and
3. Ricky/Ricki Glossner did so:
  - a. On or about the 31<sup>th</sup> day of October, 2017, and
  - b. In Wagon Wheel County, Nebraska.

B. EFFECT OF FINDINGS

If you decide that the state proved each and every element listed beyond a reasonable doubt then you must find the defendant guilty of Tampering with a Witness or Informant. Otherwise, you must find the defendant not guilty of Tampering with A Witness or Informant.

INSTRUCTION NO. 4

Intent is an element of Delivery of a Controlled Substance and Tampering with a Witness or Informant. In deciding whether the defendant acted with the intent you should consider his words and acts and all the surrounding circumstances.

INSTRUCTION NO. 5

DEFINITIONS

Intentionally means willfully or purposely and not accidentally or involuntarily.

Controlled substance means a drug, biological, substance, or immediate precursor in Schedules I

through V of section 28-405.

Dispense means to deliver a controlled substance to an ultimate user or a research subject pursuant to a medical order issued by a practitioner authorized to prescribe, including the packaging, labeling, or compounding necessary to prepare the controlled substance for such delivery.

Distribute means to deliver other than by administering or dispensing a controlled substance.

Prescribe means to issue a medical order.

Deliver or delivery means the actual, constructive, or attempted transfer from one person to another of a controlled substance, whether or not there is an agency relationship.

Witness means anyone who has knowledge of a relevant fact or occurrence sufficient to testify in respect to it.

#### INSTRUCTION NO. 6

Section 28-405 provides:

The following are the schedules of controlled substances referred to in the Uniform Controlled Substances Act, unless specifically contained on the list of exempted products of the Drug Enforcement Administration of the United States Department of Justice as the list existed on November 9, 2017:

##### Schedule II (b)

Unless specifically excepted or unless in another schedule any of the following opiates, including their isomers, esters, ethers, salts, and salts of their isomers, esters, and ethers whenever the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation, dextrophan excepted:

- (1) Alphaprodine;
- (2) Anileridine;
- (3) Bezitramide;
- (4) Diphenoxylate;
- (5) Fentanyl;

#### INSTRUCTION NO. 7

A reasonable doubt is one based upon reason and common sense after careful and impartial consideration of all the evidence. Proof beyond a reasonable doubt is proof so convincing that you would rely and act upon it without hesitation in the more serious and important transactions of life. However, proof beyond a reasonable doubt does not mean proof beyond all possible doubt.

#### INSTRUCTION NO. 8

##### EVIDENCE

The evidence from which you are to find the facts consists of the following:

1. The testimony of the witnesses;
2. The exhibits received in evidence;

The following are not evidence:

1. Statements, arguments, and questions of the lawyers for the state and the defendant;
2. Objections to questions;
3. Any testimony I told you to disregard; and
4. Anything you may have seen or heard about this case outside the courtroom except where I specifically told you otherwise.

#### INSTRUCTION NO. 9

There are two kinds of evidence, direct and circumstantial.

Direct evidence is either physical evidence of a fact or testimony by someone who has first-hand knowledge of a fact by means of his or her senses. Circumstantial evidence is evidence of a fact from which another fact logically can be inferred.

A fact may be proved by direct evidence alone; by circumstantial evidence alone; or by a combination of the two.

#### INSTRUCTION NO. 10

You are the sole judges of the credibility of the witnesses and the weight to be given to their testimony. In determining this, you may consider the following:

1. The conduct and demeanor of the witness while testifying;
2. The sources of information, including the opportunity for seeing or knowing the things about which the witness testified;
3. The ability of the witness to remember and to communicate accurately;
4. The reasonableness or unreasonableness of the testimony of the witness;
5. The interest or lack of interest of the witness in the result of this case;
6. The apparent fairness or bias of the witness;
7. Any previous statement or conduct of the witness that is consistent or inconsistent with the testimony of the witness at this trial; and
8. Any other evidence that affects the credibility of the witness or that tends to support or contradict the testimony of the witness.

#### INSTRUCTION NO. 11

There has been testimony from Ally/Ali Fink, a claimed accomplice of the defendant. You should closely examine his/her testimony for any possible motive s/he might have to testify falsely. You should hesitate to convict the defendant if you decide that Ally/Ali Fink testified falsely about an important matter and that there is no other evidence to support his/her testimony.

In any event, you should convict the defendant only if the evidence satisfies you beyond a reasonable doubt of his/her guilt.

#### INSTRUCTION NO. 12

Your duty is to decide whether the defendant is guilty or not guilty of the charges. My duty is to decide what happens to the defendant if you decide that s/he is guilty. You must make your decision without considering what will happen to the defendant.

INSTRUCTION NO. 13

This case is now ready to be submitted to you for your consideration. Any verdict you reach must be unanimous.

When you get to the jury room, the first thing you must do is to select one of you to be the presiding juror, the person who will preside over your deliberations. It is the job of the presiding juror to see that a verdict is fairly reached and that each juror has a chance to speak fully and freely on the issues in this case.

It is your duty to determine what the facts are. You must approach this task with open minds-consulting with one another, freely and honestly exchanging your views concerning this case, and respectfully considering the views of the other jurors. Do not hesitate to reexamine your own views and to change your mind if you are persuaded that you should. But do not surrender your honest conviction as to the weight or effect of the evidence solely because of the opinion of the other jurors or for the mere purpose of returning a verdict.

If you do not agree on a verdict by \_\_\_\_\_ o'clock (this afternoon/evening,) you may separate and return for further deliberation at \_\_\_\_ o'clock tonight/tomorrow morning.

If you do separate, then, during the time that you separate, you are not allowed to discuss this case with anyone, even another juror.

Two forms have been prepared for you, and you will have them in the jury room. You are to complete only one of them for each count but you are to return them all.

This case is submitted to you at \_\_\_\_\_ o'clock \_\_. m., at which time your deliberations are deemed to commence.

Dated \_\_\_\_\_, 20\_\_.

BY THE COURT

\_\_\_\_\_  
DISTRICT JUDGE

**IN THE DISTRICT COURT OF WAGON WHEEL COUNTY, NEBRASKA**

STATE OF NEBRASKA

CASE NUMBER CR18-37487

Plaintiff

vs.

RICKY/RICKI GLOSSNER,

Defendant

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**VERDICT OF JURY**

We, the jury duly impaneled and sworn in the State of Nebraska vs. Ricky/Ricki Glossner, the Defendant do find the Defendant:

Count I Delivery of a Controlled Substance:

\_\_\_\_\_ Not Guilty

\_\_\_\_\_ Guilty

Count II Tampering with a Witness or Informant:

\_\_\_\_\_ Not Guilty

\_\_\_\_\_ Guilty

Date \_\_\_\_\_

Presiding Juror \_\_\_\_\_

IN THE DISTRICT COURT OF WAGON WHEEL COUNTY, NEBRASKA

The State of Nebraska

CR 18-37847

Plaintiff

)

)

vs.

)

Ricky/Ricki Glossner

)

Honorable Tina Beeder

Defendant.

)

Presiding Judge

)

**Witness Statement of Officer Drew Wright**

1 My name is Officer Drew Wright. I am divorced with two great kids, Sofia who is 9 and Sam,  
2 who is 7. I also have a retired police dog, Max. Max served on the Goldenrod K9 Unit for 8  
3 years. Max is a tan and black German Shepard and is great with my kids. Sofia is very active  
4 and is learning to play volleyball. She has attended one summer volleyball camp where she  
5 made many friends and she hopes to attend another camp next year. Sam is really getting into  
6 LEgo robotics and I occasionally help him build and bring his robot to life. He uses my tablet as a  
7 remote control to make his DINOR9 XX slither and spin. Sam also likes to share his creations with  
8 the LEgo community.

9 I am an investigator for the Goldenrod Police Department. My office is on the first floor of the  
10 Goldenrod Police Department, in the Hall of Justice, in Goldenrod, Nebraska. The exact address  
11 is 635 S. 14<sup>th</sup> Street, Goldenrod, Nebraska. I was hired 6 years ago, and my career has been a  
12 steady climb out of the hamster cage of traffic patrol to real police work. No more working  
13 behind a dash cam, thank goodness. I have recently been assigned to the federal/state drug task  
14 force as there have been 5 deaths (two teenagers) related to opioid use in Goldenrod within the  
15 last six months. This was my first real bust.

16 On Friday, 13 October 2017, I was working undercover to break a major drug trafficking ring. I  
17 began by making a call to Ally/Ali Fink based on a referral from a CI that Fink was trying to  
18 expand his/her customer base. We had intel that Fink was selling an odd assortment of controlled  
19 substances to a group of high school and community college students on the south side of the city.  
20 Everything was small quantities. We thought half ounce per week, tops. S/He was never big  
21 enough to target until I got the case. I had never worked patrol in that part of Goldenrod and so  
22 we figured that no one would know I was an undercover officer.

23 Everything went according to plan. I called and used the street name of our CI to make contact  
24 with Fink. I asked what was on the menu. S/he said s/he could get some pills. I suggested fentanyl  
25 and s/he said how many. I asked for 40, but s/he said s/he did not have that many. We  
26 scheduled a controlled buy for the parking lot of the local Café Beignet. Funny, s/he never got  
27 the irony of that. However, later, when I called to confirm, s/he said s/he was going to the game  
28 and would I agree to meet in the west parking lot next to the football field. We negotiated a  
29 cash price and I described my undercover vehicle.

30 I arrived on the scene at 2045 hours, which was early and parked in the unlit western most corner  
31 of the north parking lot. Yes, Exhibit #1 is an accurate copy of an aerial photo of the parking lot



32 from the Hogweed Herald. My surveillance crew was able to park a couple of rows east of my  
33 vehicle. Prior to departing for the buy, I reviewed a Goldenrod Police Department booking photo  
34 taken when Fink was detained for assault. I also obtained a photograph of a fentanyl seizure  
35 from our evidence locker, so I could identify the pills. When Fink arrived, s/he got out of her/his  
36 vehicle and into my undercover police vehicle. I asked, "Do you have the stuff?" S/He said, "Do  
37 you have my cash?" I flashed the buy money. S/He said, "Everything's good, I'll get your stuff."  
38 This was the first time we knew anything about Ricky/Ricki Glossner. Two minutes later, Glossner  
39 drove into the parking lot and stopped several parking stalls away.

40 Fink got out of my undercover police vehicle and walked over to Glossner's vehicle. Glossner was  
41 driving a 2004, shiny brown colored, Ford Taurus, with a V6 engine – it was a loud car. Although  
42 we had surveillance from several angles, we were not able to record this contact. None of the  
43 surveillance team saw Glossner hand anything to Fink, but when Fink came back to my undercover  
44 police vehicle, s/he handed me a plastic baggie. I opened the baggie and removed an object  
45 wrapped in a cellophane-like material, inside of which I found ten small blue-ish pills which based  
46 on my training and experience appeared to be fentanyl. I gave the buy money to Fink. When  
47 s/he took the money, I said, smiling, "Gotcha." Fink began crying and asked if s/he was under  
48 arrest. I told him/her, "Yes, you are under arrest."

49 For some reason, the surveillance camera and radio/receiver in my undercover police vehicle  
50 were not functioning properly. I flashed my headlights, which was a backup signal that I had  
51 arrested Fink. When the backup team started to move in, Glossner drove away at a high rate of  
52 speed and escaped. Surveillance did obtain a license plate number (97-219B) and later we were  
53 able to identify the registered owner of the Taurus as the Defendant's mother.

54 Glossner was arrested a couple of weeks later by other officers of the Goldenrod Police  
55 Department. I was told that s/he had meth on her/his person upon arrest and that s/he was  
56 wearing a wig. Yes, Exhibit #2 is an accurate copy of the Miranda Rights form read to Glossner.

57 Later, at the police station, I photographed the items seized in the baggies. Exhibit #3 is an  
58 accurate copy of the photograph I took of the items I seized, which shows the pills and the buy  
59 money. That money has Fink's fingerprints on it. I then administered the Miranda Rights to Fink  
60 and Exhibit #4, which I have examined, is a true and accurate copy of the form. Fink signed the  
61 form and indicated a willingness to freely and voluntarily speak to me without having a lawyer  
62 present. Fink admitted that s/he was the person to whom I had spoken to set up the controlled  
63 buy. S/He admitted that they had been selling modest quantities of product on the south side for  
64 almost 2 months. S/He said that her supplier is a person from Kansas City, s/he knows only as  
65 Vilnius. At my suggestion, Fink agreed to cooperate with my investigation. I made no promises  
66 except that s/he would be treated fairly and that the prosecutor might give some consideration  
67 for a sentence reduction in exchange for the cooperation. After receiving permission from Fink, we  
68 examined his/her cell phone which did not show any calls to a Kansas City, Missouri, area code  
69 and no incoming calls from that area code either. I have no idea whether there were Kansas City,  
70 Kansas, calls on the telephone as the department forensic scientist did not mention that in the oral  
71 summary I received.

72 Fink was processed and jailed. Later s/he was released to go to drug treatment. A few days  
73 later, I got a call from dispatch to meet with Fink and his/her attorney. When I arrived at the  
74 attorney's office, they told me that Glossner had sent Fink a letter and was making recorded  
75 calls. I have examined Exhibit #5 and it is a true and accurate copy of the letter Fink's attorney  
76 provided to me. Fink said s/he did not feel threatened or intimidated by the communications from  
77 Glossner. Fink also, finally, admitted that s/he had lied previously and that her/his partner in the  
78 drug business was Glossner and it was Glossner who delivered the pills which Fink then delivered  
79 to me on 13 October.

80 I also checked with the Goldenrod jail records administrator. They provided transcripts of  
81 recorded calls initiated by Glossner to Fink that took place during this investigation. I have  
82 reviewed Exhibit #6 which is a true and accurate transcription of one of the 9 calls made by  
83 Glossner to Fink. These communications were an obvious attempt to cause Fink to untruthfully  
84 change his/her version of events to exculpate Glossner. It is a small irony that Fink had not  
85 mentioned Glossner until my contact with Fink at the attorney's office. Our suspicions about  
86 Glossner were not enough to persuade the prosecutor to file. I went to the jail and attempted to  
87 interview Glossner, but s/he declined to speak with me without having an attorney present.


88 Also, I obtained the name of Hayden Jackson, an offender in the same modular unit as Glossner.  
89 This witness informed me that s/he had overheard Glossner bragging that s/he was going to  
90 have his/her charges dropped because his/her witnesses were falling for a line of baloney by  
91 Glossner. Specifically, s/he claimed to hear Glossner, during an exercise period on the yard,  
92 claim that her/his "golden ticket" had agreed to say s/he was not involved in the trafficking of  
93 controlled substances. I took this to mean that Glossner had persuaded this person, apparently  
94 someone who has been friends with him/her for a long time, to say s/he had nothing to do with  
95 the drug dealing. Jackson denied having any motive for making up this information. S/He  
96 acknowledged that Glossner had complained about some harmless prank from high school but  
97 that was water under the bridge, so to speak. Jackson did not ask for any consideration for  
98 providing the information about Glossner's bragging. S/He did offer to testify if that would help.

99 Based upon these communications, I recommended to the County Attorney that charges should be  
100 brought against Glossner both for drug trafficking and for tampering with a witness which is  
101 exactly why we are here today.


WITNESS ADDENDUM

I have reviewed this statement and I have nothing of significance to add. The material facts are true and correct.

Signed,

  
\_\_\_\_\_

SIGNED AND SWORN to before me at 8:00 a.m. on this day of this round of the 2018-2019 Nebraska State High School Mock Trial Competition.

  
\_\_\_\_\_

Kristi Ann Flowers, Notary Public

My Commission Expires: December 31, 2018

IN THE DISTRICT COURT OF WAGON WHEEL COUNTY, NEBRASKA

The State of Nebraska

CR 18-37847

Plaintiff

)

)

vs.

)

Ricky/Ricki Glossner

)

Honorable Tina Beeder

Defendant.

)

Presiding Judge

)

Witness Statement of Ally/Ali Fink

1 My name is Ally/Ali Fink. I turned 18 on May 20, 2018. Right now, I live in Mammoth, but for  
2 the whole rest of my life I lived in Goldenrod, Nebraska. Oh, yeah, my current address is 1650  
3 Fossil Road, Mammoth, Nebraska. I just love jamming out to Wake Me Up (Avicil), Drive By  
4 (Train), an oldie but goodie We'll Be Together (Sting), Come On Come On (Smashmouth), House  
5 of Gold (Twenty One Pilots), Here I Dreamt I Was An Architect (The Decemberists), Delicate  
6 (Taylor Swift), Photograph (Ed Sheeran), Budapest (George Ezra), Days Go By (Keith Urban), Sad  
7 Café (Eagles), The Next Storm (Frank Turner), Who's Zoomin' Who (Queen of Soul – Aretha  
8 Franklin), Life in a Northern Town (Little Big Town) and Thriller (by the King of Pop – Michael  
9 Jackson).

10 Anyway, I grew up in Goldenrod and went to school there from kindergarten on up through high  
11 school. Well, except for the last semester. My parents pulled me out of school after all this  
12 happened, and then my mom home-schooled me AND I didn't get to compete at District Speech  
13 with my Informative speech on 'The plight of the Honeybee.' I didn't even get to graduate with  
14 my class. Just got a diploma in the mail, and my family had a lame party with just close family  
15 friends and relatives. No graduation cake - we just had blueberry and apple pie with French  
16 Vanilla ice cream. Nothing like the extravagant parties I heard my fellow graduating seniors  
17 had. I wasn't allowed to go. My parents thought it wouldn't be a good idea, and since I'm an  
18 only child, I didn't have much of a choice. No one before me to test the waters for me. Or  
19 whatever. Oh well, I guess there's more to life than a fancy party, but it would have been nice, is  
20 all I'm saying.

21 I screwed up major big time with this whole deal, and I regret it every day. Lucky for me, my  
22 grades didn't absolutely stink, and I got accepted into the community college in Meadowlark. I  
23 could get away from all the gossip and hogwash and lies. At least in Goldenrod. They painted  
24 me like some slimy snitch. Some dirty drug dealer who turned in their best friend to get out of  
25 trouble. It's not like that at all. That's just what the "law", the prosecutor and cops and all turned  
26 it into. And all the gossips in Goldenrod. Boy, am I glad I got away from that all, or I thought I  
27 got away from it. Then I have to come to do this dumb deposition and go to court and testify  
28 "against" Ricki/Ricky. Against. I don't like this one bit. That's not the way it was, at all.  
29 Ricki/Ricky has pretty much been my best friend since 1st grade. Would have been since  
30 kindergarten, but s/he didn't move to Goldenrod until 1st grade.

31 We hung out all the time. I helped Ricki/Ricky with his/her homework, and s/he helped me not  
32 be a total dud at sports. We would go to each other's houses for dinner and would ride our used  
33 Trecc Zekktorr EX bikes all over Goldenrod...got'em at annual the Police Department bike  
34 auction. My bike was the cool Miami Green to Volt color, so everybody knew my bike! We did  
35 everything together. We even went to the same doctor. I guess that turned out to be bad, but,  
36 really, Dr. Dane was the only doctor in town, and he really wanted to help people.

37 Trouble is, Ricki/Ricky and I figured out how to milk our problems into something a person could  
38 get a prescription for. It started out with hydrocodone, like for pain. Real pain, when we crashed  
39 our bikes, and each broke an arm. My left and Ricki/Ricky's right. We were 16 then, and when  
40 we saw how many extra pills we got and didn't really need them all, we came up with an idea.  
41 Sell them. Neither one of us came from a rich family, so the extra bucks were pretty handy to use  
42 to go out to eat and buy stuff. You know. Plus, lots of kids were itching to buy them.... Way  
43 before we started selling them. They went for \$20 a pill. I could hardly believe it. That's a lot  
44 of money, and Ricki/Ricky and I split it – 60-40. S/he said it was only fair that s/he got some  
45 "greenbacks" for gas, and I agreed. It WAS Ricki/Ricky's car we used, and that's wear and tear  
46 and all that. Plus, using gas. Ricki/Ricky said her/his 2004 Ford Taurus (it is a great metallic  
47 beige by the way and we called it Tyrannosaurus because of the loud muffler and it rhymed) got  
48 about 20 miles a gallon, so, you know, the gas adds up. The way Ricki/Ricky explained it, it  
49 made sense to me. We went to the Doc for other issues, as well, like his/her trouble concentrating  
50 and my anxiety. Got pills for that, too. Same price. I could honestly use some of those anxiety  
51 pills now, this time for real, but I doubt I could get any. At least legally.

52 So, on October 13, 2017, it was a Friday, just another day at school, and I got a call around  
53 lunchtime from somebody who said that Reese Jenkins said to call me to score some pills. So, I say  
54 to myself, "I don't know this number, but I do know Reese, and Reese is no snitch. Reese is a real  
55 good customer." So, I say "OK. Where do you want to meet?" And they say, "Since there is a  
56 football game tonight, why don't you meet me at the east side of the parking lot at halftime?"  
57 So, I say OK and hang up. I'm pretty sure that they said the east side. I didn't have any pills on  
58 me that day, and I knew Ricki/Ricky would have some, so I talked to him/her at school and s/he  
59 said, sure, s/he would get me some. The plan was for Ricki/Ricky to come to the parking lot  
60 around 8:45 p.m., because that's usually about the time halftime starts, and I would pick up the  
61 pills from her/him then. So that night of the football game, about 8:45 p.m., it's almost halftime,  
62 and I head out to the side of the parking lot. Almost ran into Burnie, our mascot, coming out of the  
63 Snak Shak with a fire extinguisher. Burnie let out an oink (always in character, that Burnie) and  
64 kept on going. I heard that halftime show was pretty good. Obviously, I missed it, but I heard  
65 Burnie was a big hit. Yes, Exhibit #7 is a pic of Burnie...before the fire.

66 So, anyway, I get out to the parking lot, and I see this older, dark colored Toyota Corolla sitting  
67 there with the window rolled down and parking lights on. It's dark in the parking lot. The only  
68 lights were the lights on the football field, and I'm a ways away from that. Somebody yells out  
69 my name and I go to the car. They asked me to get in, but I am not an idiot. I stayed outside the  
70 car. I don't get in anyone's car. Especially someone I don't know. Anyway, no one was around to  
71 see me. Anyway, it was really stupid to ask me to get in their car, and I was a little suspicious, so

72 I asked them if they were a cop or a narc or a snitch trying to get me in trouble, and since cops  
73 aren't supposed to lie, I knew they'd have to tell me if they were one. So, when they said they  
74 weren't a cop, I figured it was OK. I guess I know better now. I won't fall for that again!

75 Anyways. So, the cop who I don't know is a cop says to me "do I have the pills?" and I say "do  
76 you have the money.?" So, they show me some money and I said "Well, I don't have the pills on  
77 me, but I will get them." I knew Ricki/Ricky would be there right away to get the pills to me, but I  
78 didn't tell them that. Just then, Ricki/Ricky pulled into the parking lot with a couple other cars.  
79 Ricki/Ricky was driving the Tyrannosaurus and parked about 5 cars away from me, and I go  
80 over, get the 10 pills, and say "half yours later tonight" and s/he said "catch ya on the flipside"  
81 and then drove off. So, I walk to the cop car, they hand me the \$200, and I hand them the 10  
82 pills. They say, "Gotcha. You are under arrest." Geez, like in some stupid movie or something.  
83 And I said, well, you can probably guess what I said. Later, my lawyer showed me the cops  
84 statement and the cop is lying. I never started bawling. Anyways. And they put handcuffs on me  
85 and called some cop car to come and they locked me in the back of the cop car. And they are  
86 lying when they said Ricki/Ricky sped away. S/he did not. Ricki/Ricky just drove away  
87 normally...it's not like the Tyrannosaurus can speed! What reason would Ricki/Ricky have to  
88 speed away? S/he didn't know any more than I did that this was a cop.

89 So, I get arrested and thrown in juvenile detention. I had been there once before, for smacking  
90 this jerk at school who spit on me. That case got dismissed later, and I was only in detention one  
91 night. This case, with that Tricky Undercover Cop, was different, and I knew it. This was felony  
92 stupid, and I knew I had to do something. So, I lied. It was the cop who made me think about  
93 lying. Honest. I never would have done it if the cop hadn't scared me with all that talk about  
94 going to adult jail and then adult prison and told me that if I talked, it would go better for me.  
95 The cop read me my Miranda rights, which is right there - Exhibit #4. It's bad when they do that.  
96 So, at juvie detention, in a whole separate room, away from everyone else, the cop plops the pills  
97 and the bills on the table, tells me it's all on tape and that I better talk. Yeah, Exhibit #3 shows  
98 the money and the pills.

99 Jeez, everything is recorded nowadays, so I believed him/her. Come to find out that was a lie,  
100 too, or just a screw up, 'cause nothing was recorded from that night. So, I make up this story  
101 about me selling drugs for about 2 months and about my supplier being somebody from Kansas  
102 City. I made up a name for them, "Villanous", because it was the first name I could think of. It's  
103 my cat's name. I'm not proud about my lying. The cop really wanted me to talk, and I knew I  
104 was caught red handed, but I didn't want to snitch on Ricki/Ricky. S/he is my best friend or was.  
105 The cop also stole my phone from me that night and turned it on. They were mad that there  
106 weren't recent phone calls, except the one the cop made to me earlier in the day. What can I  
107 say? I really don't make that many phone calls. When the cop was done talking to me, and I got  
108 booked into dentition. On Monday, October 16, when I went to Juvenile Court, I got a lawyer  
109 appointed to represent me, and got out of juvie on home detention. I thought, OK, Ricki/Ricky is  
110 safe, but then I talked to my mom and dad, and they told me how stupid I was to lie to the cop. I  
111 should have just shut up and not said anything.

112 So, I go talk to my lawyer, Karen Killeen, and she tells me how stupid I am, which I already knew  
113 because my parents already told me, and she says I have to go and talk to the cop again and  
114 this time tell the truth. So, she calls the cop and the prosecutor, and then I have to sign this letter  
115 saying I agree to talking. Have to spill the beans about everyone and tell the truth and they  
116 won't even say that I get a deal. I thought it was a crock, but my parents said I had to do it to  
117 make things right, and my lawyer said I better try to save my hide, so I signed it. That's Exhibit  
118 #8.

119 By the time I have to do that interview with the cop and my lawyer there, Ricki/Ricky was already  
120 arrested and in detention, so I didn't feel so bad telling the truth this time. After all, Ricki/Ricky  
121 already got caught and it wasn't because I snitched, because I hadn't then. So, the cops said they  
122 wanted me to talk, because they wanted the big fish. I said I didn't know any big fish, it's really  
123 only Ricki/Ricky and me, and maybe a couple other people Ricki/Ricky knows. I didn't ask  
124 Ricki/Ricky about them. I trust Ricki/Ricky. Well, trusted. Anyway, my lawyer said that the best  
125 deal I would get would be to keep my case in juvenile court, but I had to snitch on EVERYONE,  
126 including Ricki/Ricky. So I had to. I told on everyone I could remember selling to, buying from,  
127 sharing with. Everyone. Everyone, that is, except for the people only Ricki/Ricky knew, like  
128 whoever the fentanyl came from. So, about a week later, the County Attorney gives my lawyer  
129 the offer letter. That's Exhibit #9. And my lawyer says I must sign it. Said this was the best deal I  
130 was going to get, and the adult system and prison and a felony conviction would follow me  
131 around, so I had to sign. What else could I do?

132 I figured Ricki/Ricky knew I snitched, because I didn't hear from her/him for like a week. Then  
133 s/he called me collect from detention and I accepted the call. Again, what else could I do? I  
134 could at least be there to talk. We would talk about anything. What we did when we were kids;  
135 what we had to eat that day; what people in town were saying, that kind of stuff. Right before I  
136 would accept calls from her/him there was that voice saying "this is a recorded call from the  
137 Goldenrod Juvenile Detention Facility. If you wish to accept the call, press 1." Both Ricki/Ricky  
138 and I knew the calls were being recorded, so we tried really hard to not talk about what was  
139 really on our minds -the case, so I was kind of surprised when Ricki/Ricky brought it up.

140 That was on Halloween – Oct 31, 2017. I took the collect call, like always, and Ricki/Ricky gets  
141 right to the point. Says "I need you to do something for me. You owe me, after all this." So, I say,  
142 "What? What do you need? I'll do anything." See, I was out, and Ricki/Ricky was locked up. I  
143 felt guilty. So, s/he says "Tell your lawyer I didn't have anything to do with the drugs. Tell your  
144 lawyer I wasn't there. You know the truth. Tell the truth." S/he said they had to go and hung up  
145 the phone. Yes, Exhibit #6 is an accurate copy of the transcript. On the phone logs (Exhibit #10),  
146 it has to be that call on Oct. 31, 2017, that lasted about 2 minutes. That was the only short phone  
147 call we had. I didn't hear anything from Ricki/Ricky, so I thought s/he was mad at me. Then, I get  
148 a letter on November 9, 2017, from Ricki/Ricky, saying I better go talk to my lawyer and tell  
149 them that Ricki/Ricky didn't do it, and stuff, so I knew Ricki/Rickey really wanted me to tell that  
150 story to my lawyer. So, I owe Ricki/Ricky, so I go see my lawyer a couple days later and tell her  
151 about the phone call and the letter. The letter is Exhibit #5. My lawyer is ticked off at me for  
152 talking to Ricki/Ricky on the phone at all, told me not to, but sometimes, you just have to do what

153 you think is right. So, I told my lawyer that I think Ricki/Ricky must know that I was cooperating,  
154 and that Ricki/Ricky doesn't want me to be a snitch and that I don't feel good about this.

155 Ms. Killeen told me she would talk to the Prosecutor and see what could be done. Well,  
156 apparently my lawyer tells the Prosecutor that I got cold feet, because the next week I get  
157 dragged into the County Attorney's office by my lawyer. The cop is there, too. So, they all say  
158 that I should tell them the truth. And I say that I already did that. Everything I told them has been  
159 the truth, except for the first time I talked to Officer Wright and when I didn't tell my lawyer that  
160 I was talking to Ricki/Ricky, but those were more hiding the truth, I think. So, I basically had to go  
161 over everything again - the football game deal, the getting caught, what I told the cop the first  
162 night, and then the proffer interview. It was like they didn't believe me. They all made me  
163 promise to not accept any more collect calls from Ricki/Ricky. The ones I did take all happened  
164 before then.

165 The last time I talked to Ricki/Ricky was that supposed tampering call. It was maybe the last time  
166 I will ever talk to Ricki/Ricky. Unless there is a trial. I really don't want to testify at a trial. It  
167 makes me nervous. I just want to move on.

WITNESS ADDENDUM

I have reviewed this statement and I have nothing of significance to add. The material facts are true and correct.

Signed,

  
\_\_\_\_\_

SIGNED AND SWORN to before me at 8:00 a.m. on this day of this round of the 2018-2019 Nebraska State High School Mock Trial Competition.

  
\_\_\_\_\_

Kristi Ann Flowers, Notary Public

My Commission Expires: December 31, 2018

IN THE DISTRICT COURT OF WAGON WHEEL COUNTY, NEBRASKA

The State of Nebraska  
Plaintiff

CR 18-37847

vs.  
Ricky/Ricki Glossner  
Defendant.

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Honorable Tina Beeder  
Presiding Judge

Witness Statement of Hayden Jackson

1 Look. I know Ricki/Ricky Glossner. S/he is total loser. Video games, smoking cigarettes and  
2 doing drugs, that's her/his deal. Not me. Me and my squad are way more high level than 'those  
3 people.' Everyone in Goldenrod knows it, too. We put the keisters in the stands at our school  
4 athletic events. We are the ones who get those banners that hang in the gym. We are the ones  
5 the whole town talks about in the barbershops, coffee shops and at church. My picture has been  
6 in the paper nearly every month since I was a sophomore starting for the basketball team and  
7 running track and my friends and I have rooms full of trophies and ribbons to show for  
8 it...#squadgoals.

9 Oh, yeah, I live at 4392 Aksarbenn Lane in Goldenrod. My dad, Ray, was an outstanding  
10 athlete back in his day. He was a real jock! My dad works as a Curator of Paleontology at the  
11 University and his baby is a 1954 Horizon Blue Chevrolet Bel Air 2 door Sedan. My mom is a  
12 Pharmacist at Proctor Pharmacy, which is named after the Father of Pharmacy and the man who  
13 established the American Pharmacists Association – William Proctor. Anyway, my mom was a  
14 track star – she could do anything. After they got married, she got started in MMA and did some  
15 competing in the ring...ya know, Mixed Martial Arts. She's one bad you know what! Don't be  
16 talkin' any smack to her!! Even my little brother Finn, who is 13, watches his motormouth around  
17 her. And Vica – my 11 year-old sis – knows when to keep her trap shut. Mavis, our 10-month old  
18 Golden Retriever/Springer Spaniel, cowers in the corner when mom raises her voice.

19 Anyway, all of this is why my parents are so bent that I ended up in juvenile detention. The  
20 people there called it "kid prison." I called it a dump. Scurvy losers everywhere. I bet some of  
21 them can't even read and write. Well everyone except my friend Alex, who was in there for the  
22 same thing.

23 But you should know it's not our fault we got stuck in there. Nope. It's the fault of Addison Willis -  
24 the kid we had to punch. S/he was throwing shade about conference and we had to defend our  
25 team and our honor. One punch landed me straight in there with those lows. The Judge said I  
26 showed no remorse. You got that straight. I would be weak if I had remorse for someone who  
27 got what they deserved. The Judge said it doesn't appear that I can control my anger.  
28 Whatever. I have been angry tons of times during games and never had to punch anyone. If  
29 anything, it made me perform better. It made me dominate. It is definitely so much easier to



30 deal with people when you're playing than when you're dealing with them in real life. People  
31 can be the worst.

32 Well, to be honest, based on me being me, the Judge put me in kid prison until I got supervised  
33 release. Total waste of time. It was a shoddy gym and none of the other kids besides Alex could  
34 play ball at all. No exercise and no practice meant my skills were getting sloppy. I couldn't wait  
35 to get out.

36 Yeah, Glossner was there, too. No surprise. We all hundo p knew that was coming. There was  
37 no doubt in any of our minds that Glossner wouldn't amount to squat ever since s/he complained  
38 to the school counselor that me and my friends were hazing her/him in gym last year. It was our  
39 words, with our parents, against Glossner and her/his trash pack and the counselor took their  
40 word for it. Got suspended for a week and had to miss the game against the Bullfrogs. It was  
41 just a little shaving cream and Glossner had it coming. I will never forgive him/her for all that  
42 nonsense. I could've gone for 40 that game and been the GOAT because their guards were  
43 terrible.

44 Yeah, you're right, I did send a text to Glossner after my suspension. I was angry. I think it said  
45 something like "I'll get u for this – someday, somehow – count on it." Exhibit #11 is an accurate  
46 copy of the text message.

47 Glossner is a manipulator and a total extra. No doubt. Glossner loves to work the system and  
48 make people feel sorry for her/him. I have obviously seen it with my own eyes. I think it  
49 happened again, too, in detention. Yeah. I heard Glossner making all sorts of comments about  
50 her/his case. S/he was always going on and on about how s/he was innocent, they got the  
51 wrong person, blah blah blah. Some of the other scrubs in there even seem to believe it. They  
52 are drawn to Glossner like bugs to a porch light. They couldn't get enough of his/her phony  
53 stories and lies. The only thing worse than a loser like Glossner are the losers that hang on every  
54 one of his/her words. I seriously couldn't wait to get out of there.

55 What's even worse is that I think Glossner had some fam on the outside that s/he thought was the  
56 key to her/his case. I heard him/her talking about it again just before I got out.

57 By the way, I heard that the night of Glossner's little drug deal that Burnie went rogue at the  
58 football game. Apparently, the idiot in the costume – no one knows who it is, but we all have our  
59 theories – had a flame thrower item of some sort and lit a part of the field up. They had to put it  
60 out with the water in the coolers from the visiting team's sidelines! What a joke. That mascot has  
61 always been a distraction. Yeah, Exhibit #7 is Burnie before the fire.

62 Anyway, Glossner was going on and on about how s/he just had a phone call with the "golden  
63 ticket" and that s/he was sure all of the witnesses were lining up in a big way based on what  
64 Glossner was able to convince the "golden ticket" to do. Glossner even said s/he was sure s/he'd  
65 be out in no time so long as her/his "golden ticket" came through with what they had discussed.  
66 Well, good for him/her! Although it would be hilarious if this "golden ticket" curved her/him hard

67 and didn't go along with what Glossner has apparently been instructing her/him to do. Someday,  
68 Glossner is going to actually end up where s/he belongs for a long time – prison!

WITNESS ADDENDUM

I have reviewed this statement and I have nothing of significance to add. The material facts are true and correct.

Signed,

Hayden Jackson

SIGNED AND SWORN to before me at 8:00 a.m. on this day of this round of the 2018-2019 Nebraska State High School Mock Trial Competition.

K. Flowers

Kristi Ann Flowers, Notary Public

My Commission Expires: December 31, 2018

IN THE DISTRICT COURT OF WAGON WHEEL COUNTY, NEBRASKA

The State of Nebraska  
Plaintiff

CR 18-37847

vs.  
Ricky/Ricki Glossner  
Defendant.

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Honorable Tina Beeder  
Presiding Judge

Witness Statement of Ricky/Ricki Glossner

1 My name is Ricky/Ricki Glossner. I am 18 years old. I've lived all my life in Goldenrod,  
2 Nebraska, but can't wait to get out of that town. Oh, yeah, my address is 839 S. 5<sup>th</sup> Street...you  
3 know, close to the other side of the "tracks." Everyone assumes I'm up to no good because I am a  
4 Glossner. Well, I'm sick of it. Just because some of my family members have gotten into trouble  
5 does not mean that I am a common criminal, too.

6 My mom Rita Glossner is a good mom. She works hard for the money and stands up for us when  
7 we are falsely accused. Mostly, she stays out of our business. My brothers, Derrick and Wade,  
8 are the trouble makers. The cops are always accusing them of causing trouble. My sister, we call  
9 her "Girl," has had a few run-ins with the law, too.

10 Let's get this out of the way. I got popped for MIP with a bunch of friends while we were  
11 hanging out at the lake when I was in 10<sup>th</sup> grade. The Game and Parks officer found some half-  
12 empty beer cans by our campsite and we all got in trouble for it. It was the first time I was ever  
13 in trouble and I completed the Diversion program for it. Took some alcohol education classes and  
14 did some community service.

15 I also had to go to Juvenile Court for a False Reporting charge when I was in 11<sup>th</sup> grade. One  
16 night a Goldenrod Police Officer contacted me as I was going to my car in the parking lot after  
17 working the late shift at The Magic Morchella. Exhibit #12 is a copy of my application for  
18 employment. She told me that there had been some car break-ins in the area and that I matched  
19 the description of one of the people involved. She asked my name and I told her my name was  
20 Ricky Jones. I honestly thought she knew who I was because "everyone knows the Glossners." I  
21 didn't have anything to do with the break ins because I was working, but once the officer found  
22 out what my real name was, she decided to give me a ticket for False Reporting. I went to  
23 Juvenile Court and admitted to the charge. I was only on probation for 3 months and did  
24 everything my PO asked me to do. I even wrote an apology letter to the officer. I don't even  
25 know why I'm telling you about this because my lawyer told me that they can't use cases that  
26 happened when I was a juvenile against me.

27 I am not guilty of tampering with a witness. I can't believe that I am facing up to 22 years in  
28 prison for these charges. I was only 17 years old when this supposedly happened, but the Judge

29 said because I have been in trouble before and because I am now 18 years old, that the case  
30 was going to be transferred to adult court. I am going to fight this case. The charge is not fair!  
31 First of all, I did NOT sell drugs to anyone! Ally/Ali is a big liar. I mean, did you read that plea  
32 agreement s/he has? The prosecutors were practically begging him/her to rat someone out. I am  
33 just an easy target because I am a Glossner. Ally/Ali knew that s/he was in big trouble, so s/he  
34 did what s/he needed to do to get a good deal. And to think, we used to be best friends.

35 I was so confused when I was arrested for selling drugs. When the officers arrested me, I kept  
36 asking them why they were arresting me. They just said, you can talk to Officer Wright about it.  
37 They read me my rights, but I sure as heck didn't sign that Miranda sheet they asked me too.  
38 They took me to detention. I had never been there before. By the way, Officer Wright didn't tell  
39 you the whole story about the wig I was wearing when the cops arrested me. I TOLD them that I  
40 had that wig on because I had just been hanging out with Taylor and we were dressed up as our  
41 "FortCrusade" characters. It's called cosplay. Look it up. Someday, I'm gonna go to the Fan  
42 Convention – it'd be a blast!

43 Officer Wright tried to interview me about the case, but my lawyer told me never to talk to  
44 police without her being present, so I didn't. My lawyer also told me not to talk about all of those  
45 other drug deals Ally/Ali accused me of, so I'm not going to.

46 Yes, I did call Ally/Ali from detention. I couldn't believe that s/he had lied about me. I didn't say  
47 anything about her/him owing me, even though that is true, I just wanted him/her to tell the truth!  
48 I said that s/he got me into this trouble, and s/he needed to get me out of it. I was mad. I asked  
49 her/him to tell her/his lawyer that I didn't have anything to do with those drugs.... Because I  
50 didn't! I mean, you think I would make more problems for myself by trying to get Ally/Ali to  
51 lie???? I'm not a dummy. Those calls from detention are recorded and everyone knows that. Ole  
52 Hayden just kept hanging around trying to listen to my conversations. Geez! S/he is such a punk  
53 for doing that shaving cream thing....and then sending me that threatening text. Exhibit #11 is  
54 the text message that was sent to me.

55 I have seen the letter Ally/Ali gave to Wright and the transcript of the phone call I made.  
56 (Exhibits #5 and #6) The transcript is wrong. I did not say Ally/Ali 'owed me', but I did say all of  
57 the other things. I AM NOT GUILTY OF SELLING DRUGS AND I WANTED HIM/HER TO TELL THE  
58 COPS S/HE LIED AND HAD SET ME UP!!!!

59 By the way, I can prove I didn't sell drugs to Ally/Ali as I was playing FortCrusade with Taylor  
60 when the cops say this supposedly happened. I was at home in my room that I share with my  
61 baby brother, Duke. He's only 10 months old so he can't testify. I was online playing when I saw  
62 that Taylor was online, too. In fact, Taylor sent me a text of that pizza pic, which is Exhibit #13.  
63 Taylor goes by Copperfield. My online tag is TrickyRicky. It's a fun game. Taylor and I played  
64 for hours that day. We even used our headsets to talk most of the time while we were playing.  
65 Rita did come in to put Duke down for the night, so I had to be quiet. At one point, Duke got  
66 fussy, so I stopped talking, but I NEVER LEFT THE HOUSE!

67 My family does have an old rusted out Taurus, but everyone drives that thing. We are not made  
68 of money and so we share a car.

69 I would very much like to be excluded from this narrative! All I want is for Ally/Ali to tell the  
70 truth.

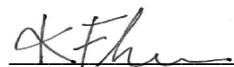
WITNESS ADDENDUM

I have reviewed this statement and I have nothing of significance to add. The material facts are true and correct.

Signed,

A handwritten signature in cursive script, appearing to read "K. Flowers", written over a horizontal line.

SIGNED AND SWORN to before me at 8:00 a.m. on this day of this round of the 2018-2019 Nebraska State High School Mock Trial Competition.

A handwritten signature in cursive script, appearing to read "K. Flowers", written over a horizontal line.

Kristi Ann Flowers, Notary Public

My Commission Expires: December 31, 2018

IN THE DISTRICT COURT OF WAGON WHEEL COUNTY, NEBRASKA

The State of Nebraska

Plaintiff

vs.

Ricky/Ricki Glossner

Defendant.

CR 18-37847

Honorable Tina Beeder  
Presiding Judge

Witness Statement of Taylor Nuttles

1 My name is Taylor Nuttles and I live at 3401 N. 98<sup>th</sup> Circle in Mammoth, Nebraska. I have an  
2 older sister named Jessica, who got a soccer scholarship, and she is studying horticulture at Platte  
3 River University. Jess wants to do some kind of research or something. My younger brother, Luke,  
4 is in middle school and he is always bugging me to play video games with him. Gets on my  
5 nerves, if ya know what I mean. Good thing Luke has to walk Max, our 3-year old Australian  
6 Shepard dog. Otherwise, he'd be buggin' me and Ricky/Ricki. My dad is a mechanic at  
7 Gansvind Gear Shop and my mom is a Civics teacher at Prairie Agate High School. She teaches  
8 the We The People: The Citizen & The Constitution curriculum to the senior class.

9 Anyway, when I found out that Ricky/Ricki had these charges, I thought, man s/he just can't stay  
10 out of trouble. But then when I found out when this whole thing went down and who was involved,  
11 I knew something wasn't right.

12 Ricky/Ricki Glossner and I are great friends. We met during high school when we both worked at  
13 The Magic Morchella slingin' pizzas. Even though I didn't go to Goldenrod, I still know a lot of the  
14 kids from there because my high school, the Prairie Agate Gnomes, are big rivals with Goldenrod.  
15 So, when I first met Ricky/Ricki at the pizza place, we gave each other a hard time when our  
16 schools would play each other in like football, basketball, ya' know, for games and stuff. I know  
17 Ally/Ali too. I've just met Ally/Ali through Ricky/Ricki like when Ally/Ali would pick Ricky/Ricki up  
18 from work we might all have a smoke out back before they took off.

19 Ricky/Ricki and I would hang out after work quite a bit. You know, we might take a pizza with us  
20 and chill out playing video games all night. We are true gamers. One weekend, we only left my  
21 basement to get snacks from the fridge and pee. It was lit! We both really wanted the  
22 PlayyStation 4 and the headsets to play the virtual reality games. So, we both saved up all of  
23 our tips from September to November last year, and at Christmas time we looked for a Black  
24 Friday sale. Totally hit one! We found it for like 30% off and hit the store at 3:00 a.m. when  
25 they went on sale.

26 That game system is so lit! Ricky/Ricki and I are always on it playing a game called  
27 "FortCrusade". That's our go to. It's a game where there is a battle that takes you through 14  
28 days of challenges. Each day is a level, but the challenges get harder as you move through each  
29 day. You are searching for each other and trying to kill the other players, so they can't finish the

30 daily battle. We would chat on our headsets about teaming up and going after players in the  
31 game that are winning. It helps to go after people in a group, especially the good players. My  
32 gamer tag is Copperfield. You know, because I'm mysterious. I kind of keep to myself. I guess  
33 that's why I like video games so much! Ricky/Ricki's tag is TrickyRicky.

34 So, the night you all are talking about here, you know, the night of the football game, I was  
35 totally hangin' with Ricky/Ricki. I remember that day because I sent Ricky/Ricki a text around  
36 2:00 p.m., right after the lunch crowd left the restaurant. I said, "looks like the Hogweeds are  
37 going down for the third year in a row tonight", because Goldenrod and Prairie Agate had a  
38 game that night. I didn't hear back until after I got off at 5:00 p.m. Ricky/Ricki said s/he might  
39 swing by to see the score and make sure the Gnomes were getting pounded, but that the game  
40 was on tonight! Which meant "our game", you know, FortCrusade. So, I texted something back  
41 like, "let's play"!

42 I guess it was around 6:30 or 7:00 that night that I got on my PlayyStation and started playing.  
43 See, that's why I know Ricky/Ricki wasn't at the high school later that night, Ricky/Ricki's name,  
44 well his/her tag, showed up on my screen that s/he was in the game. I remember thinking s/he  
45 was already in the game when I started. I had my headset on, and we were talking with each  
46 other right away. Some of our other friends, well, not personal friends, but friends that play with  
47 us were also playing in a party. Oh, sorry, that means there was a group of us talking on  
48 headsets and playing together. It's more fun to play with a party, because we all just chat on  
49 headsets and shot the bull the whole time. I don't even know what we all talked about, just stuff.

50 I guess I do remember one thing that came up. Jamie, another kid from Goldenrod said that he  
51 just saw on SnappyGab a video of Burnie, the mascot at Goldenrod, running off the football field  
52 in flames. Burnie must have gone bonkers during halftime. Apparently, Burnie was carrying a  
53 burning torch and started the chant "Feel The Burn". Then somehow, he really felt the burn  
54 because his cape caught on fire. I don't think it was a big deal and nobody got hurt, but the half-  
55 time show probably got cut short since they had to put his cape out. We were kind of laughing  
56 about it. I mean, it's a funny picture having a pig running around the field with its cape on fire.  
57 Yes, Exhibit #7 is a pic of Burnie before the fire. I'm almost certain that Ricky/Ricki was talking  
58 and laughing about that with everyone in the party too.

59 The other thing I remember is I discovered a pizza place in the game. I took a screen shot of it  
60 and sent it to Ricky/Ricki. I thought s/he would get a kick out of it since it looked kind of like the  
61 Magic Morchella. Exhibit #13 is an enlarged copy of the screen shot I took. Other than that text,  
62 I don't recall actually texting Ricky/Ricki. We were just talking over our headsets.

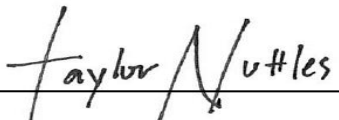
63 I really can't recall if Ricky/Ricki ever went AFK, oh sorry again, that means "away from  
64 keyboard". I'm sure s/he did a few times because you know, you gotta' go to the bathroom, run  
65 and get food, whatever. I am almost certain that s/he was never AFK for more than 20 minutes  
66 though. You see, FortCrusade, will kick you out of the game if your player is completely still for  
67 more than 20 minutes. It's happened to me before, so that's why I know it's 20 minutes because I  
68 looked it up on UTube. I for sure know Ricky/Ricki was there when I stopped playing because we

69 played until late, like 2:00 in the morning! Neither of us had to work Saturday morning, so we  
70 just killed it that night.


WITNESS ADDENDUM

I have reviewed this statement and I have nothing of significance to add. The material facts are true and correct.

Signed,

  
\_\_\_\_\_

SIGNED AND SWORN to before me at 8:00 a.m. on this day of this round of the 2018-2019 Nebraska State High School Mock Trial Competition.

  
\_\_\_\_\_

Kristi Ann Flowers, Notary Public

My Commission Expires: December 31, 2018



IN THE DISTRICT COURT OF WAGON WHEEL COUNTY, NEBRASKA

The State of Nebraska

CR 18-37847

Plaintiff

)

)

vs.

)

Ricky/Ricki Glossner

)

Honorable Tina Beeder

Defendant.

)

Presiding Judge

)

**Witness Statement of Rizzo Romano**

1 I'm the owner and sole proprietor of The Magic Morchella. The Magic Morchella has been in my  
2 family for three generations. We have pizza in our blood. Actually, I think I have pizza sauce  
3 running in my veins. My great grandparents moved from a hut in Sicily to Goldenrod. They didn't  
4 speak English, but my great grandmother made the best pizza in town! Even better than what  
5 you could buy back home in The Isles. When *Il Fungo Magico* didn't have them rolling in the  
6 dough, they changed the Italian name to English, "The Magic Morchella". We've become the local  
7 hot spot. Whenever there are celebrities in town, they pop in for a slice and we hang their  
8 picture on the wall. We even have pictures of Johnny Carson and Dick Cavett. My friend, Casey,  
9 even sells our pizza out of his gas station. We're all over Goldenrod.

10 I have been married for 30 years to the spice of my life, Riley. We live at 7496 Roma Blvd, in  
11 Goldenrod. We have 3 children Edam, Monterey Jack – Jack for short, little Brie and our faithful  
12 companion, a Bolognese named Pup R. Owny. Our children are all grown with little piazzanos of  
13 their own. The Magic Morchella is a whole family labor of love. Riley is the numbers person  
14 (bookkeeper) and does all the business side. I handle the kitchen. Edam is the heir apparent to  
15 the pizza throne.

16 I hired Ricky/Ricki Glossner about 2 years ago. As a proud Hogweed myself, I like to hire other  
17 Hogweeds. It is great to hire high school students. They bring in their parents and friends, plus  
18 everyone goes to The Magic Morchella after big football and basketball games. Even when the  
19 games don't go our way, everyone still goes to The Magic Morchella for a slice!

20 I hired Ricky/Ricki along with 4 other students that year. I had Ricky/Ricki fill out an Application,  
21 which is Exhibit #12. I don't ever bother to do background checks. They are high school students;  
22 how bad could it be? I just want kids that will show up when it is their shift, work hard, and take  
23 the oath seriously to protect the secret family pizza sauce recipe. Honesty and crustworthiness  
24 are very important when it comes to protecting the family secret. Everyone tries to guess what is in  
25 the secret Romano Family recipe. It is from my great-great-great grandparents, Papa John and  
26 Yia Yia, from Sicily. All the big pizza places have tried to duplicate my Romano Family recipe,  
27 they have even offered big dough to buy it, but we didn't knead it. It isn't for sale.

28 I also hired Taylor that year. Taylor is not as good as Ricky/Ricki. Taylor just can't stop talking  
29 about gaming. S/he is a bit of a weirdough if you ask me.

30 Ricky/Ricki worked for me for about 2 years, until s/he was arrested on this misunderstanding.  
31 After Ricky/Ricki was taken to jail, s/he missed a couple of shifts and I just had to refill the  
32 position, but Ricky/Ricki still has a job waiting for him/her with me when this mess gets  
33 straightened out. Ricky/Ricki is one of the best, honest, most crustworthy Hogweeds that I have  
34 ever had work for me. Ricky/Ricki has won Employee of the Month 3 times. The first time was  
35 shortly after s/he started working for me. One of our regular customers, Owen Maxwell Lazzari,  
36 came in. He is a little old man that everyone calls "Godfather". Well, when Owen got up to  
37 leave his table, he dropped his wallet. It slid down in the booth. Ricky/Ricki was just bussing  
38 tables and s/he saw the wallet. Owen had already left the restaurant, but Ricky/Ricki tracked  
39 him down to return his wallet. Owen was very appreciative and said, "My wife always told me  
40 that I carry too much cash in my wallet and that someday a no gooder would steal it, but here  
41 Ricky/Ricki returned my wallet to me and all of my cash was still in it!" He tried to give  
42 Ricky/Ricki a finder's reward, but Ricky/Ricki wouldn't accept the \$2 bill.

43 The second time Ricky/Ricki won Employee of the Month, s/he was working the counter. It was the  
44 first time that an employee had their drawer check out perfectly for every shift during a month.  
45 #crustworthy

46 Last, but not yeast, Ricky/Ricki won Employee of the Month for September last year, because  
47 every Friday night Ricky/Ricki covered for Kent Clark. The rumor was that Kent Clark was Burnie,  
48 because no one ever saw Kent and Burnie in the same place. Kent used to always say that  
49 whoever was Burnie's secret identity was only on a knead to know basis.

50 I didn't know about Ricky/Ricki's MIP. That wouldn't have changed my opinion of Ricky/Ricki and  
51 I would still have hired him/her. We needed 4 employees and I only had 4 apply. The False  
52 Reporting happened while Ricky/Ricki was working for me. I was still here when the police came  
53 to the parking lot and questioned him/her. I guess I didn't know that Ricky/Ricki was actually in  
54 trouble for False Reporting. I knew s/he wasn't involved in the car break ins and Ricky/Ricki  
55 didn't miss any work.

56 I was at the football game the night that all of this supposedly happened. I don't just go to the  
57 football games. I'm the announcer at Hogweed Stadium, you know, I announce the starting  
58 lineups, first downs, who made the tackle, etc. I'm no Keith Jackson, but I've been doing this for a  
59 long time, so I'm getting pretty good at it. The first year I called a Hogweed game was when my  
60 son was a Freshman. I thought I would just do it while my kids were in school, but here I am 15  
61 years later, still calling the games. I had a perfect view of Burnie when he came running out of  
62 the end zone to lead the team onto the field and he fell flat on his face! It was hilarious, except  
63 half the football team fell down like Dominoes running in right behind him. Good thing no one  
64 was hurt. Burnie just jumped up and acted like it was all part of the act. That was the last time  
65 Burnie led the team onto the field. Since then, he has been on the opposite end zone until the  
66 team gets on the field. Yes, Exhibit # 7 is a pic of Burnie before the incident.

67 I'll give you a pizza my mind. I just know that Ricky/Ricki isn't involved in this drug charge. The  
68 only drugs around Ricky/Ricki are caffeine and oregano. Ok, so oregano isn't a drug. The  
69 Ricky/Ricki that I know didn't have any part of this.

WITNESS ADDENDUM

I have reviewed this statement and I have nothing of significance to add. The material facts are true and correct.

Signed,

  
\_\_\_\_\_

SIGNED AND SWORN to before me at 8:00 a.m. on this day of this round of the 2018-2019 Nebraska State High School Mock Trial Competition.

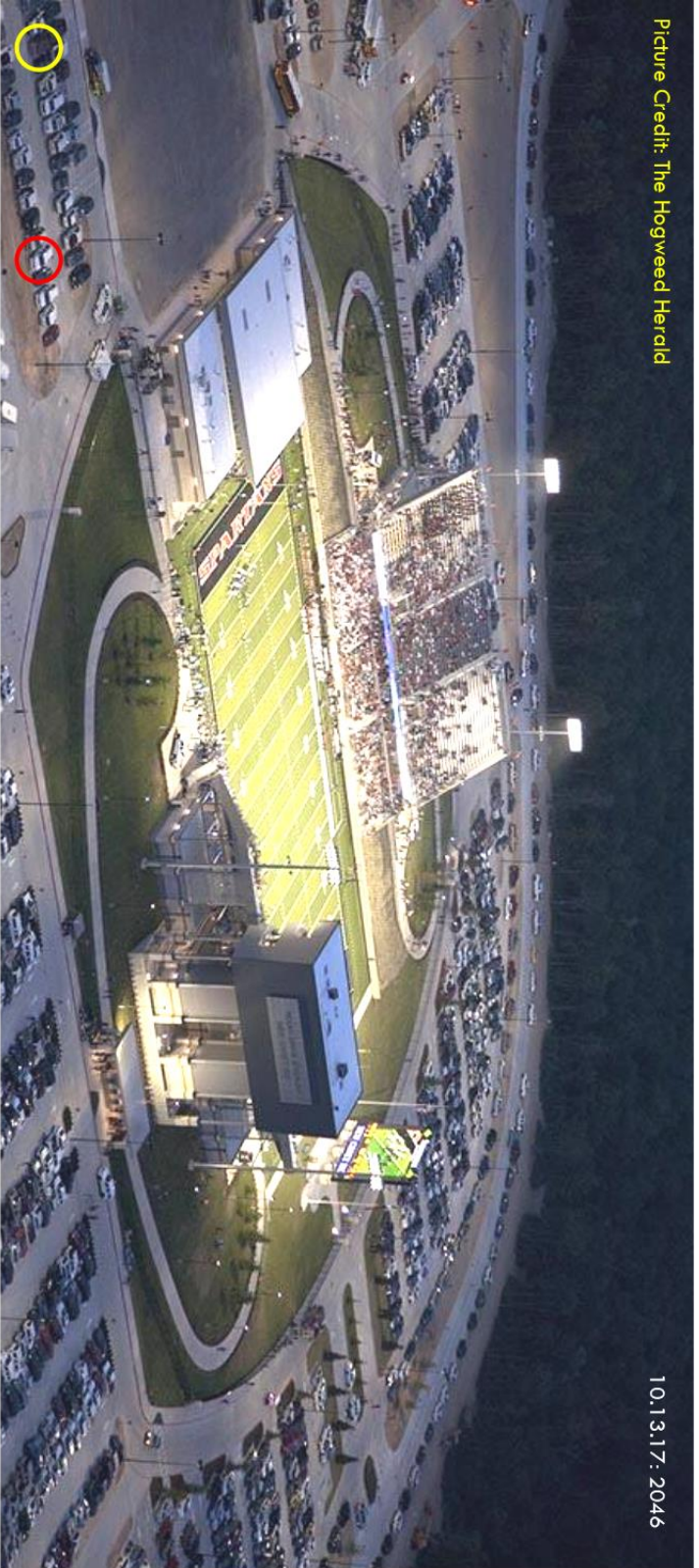
  
\_\_\_\_\_

Kristi Ann Flowers, Notary Public

My Commission Expires: December 31, 2018

Picture Credit: The Hogweed Herald

10.13.17: 2046



Key:  
Office Wright: Yellow Circle  
Undercover Vehicle: Red Circle

**Exhibit #1**

**Exhibit #2**

**Goldenrod Police Department  
Police Headquarters  
Goldenrod, Nebraska  
(402) 489-8565**

**MIRANDA WARNING AND WAIVER**

Location: <i>Late Beignet Parking lot</i>	Case Number:	Interviewee Name and DOB: <i>Ricky / Ricki Crossner</i>
Date: <i>27 October, 2017</i>		Time: <i>1708</i>
Officer: <i>Officer T.J. Hoffman</i>		Witness:

You have the right to remain silent.

Do you understand this right?

Yes [ ] No

Anything you say can and probably will be used against you in a court of law.

Do you understand?

Yes [ ] No

You have the right to speak with a lawyer and have that lawyer be present with you during questioning.

Do you understand?

Yes [ ] No

If you cannot afford to hire a lawyer, one will be appointed for you.

Do you understand?

Yes [ ] No

You may answer any questions but are not required to answer any of my questions. You may invoke these rights and stop this interview at any time.

Do you understand?

Yes [ ] No

**WAIVER OF RIGHTS**

By signing this waiver, you agree that you have read this form (or had it read to me); that you understand the rights as I have explained them to you; that you are willing to make a statement and to answer questions; that you do not want to have a lawyer at this time; that no promises or threats have been made against me and that no pressure or coercion or any kind has been used against me.

*Refused to sign*  
Interviewee Signature

**Exhibit #3**



**Exhibit #4**

**Goldenrod Police Department  
Police Headquarters  
Goldenrod, Nebraska  
(402) 489-8565**

**MIRANDA WARNING AND WAIVER**

Location: <i>Parking lot</i>	Case Number:	Interviewee Name and DOB: <i>Atty. Atli Fink 5/20/2000</i>
Date: <i>13 Oct 2017</i>		Time: <i>2051</i>
Officer: <i>Drew Wright</i>		Witness:

You have the right to remain silent.

Do you understand this right?

Yes [ ] No

Anything you say can and probably will be used against you in a court of law.

Do you understand?

Yes [ ] No

You have the right to speak with a lawyer and have that lawyer be present with you during questioning.

Do you understand?

Yes [ ] No

If you cannot afford to hire a lawyer, one will be appointed for you.

Do you understand?

Yes [ ] No

You may answer any questions but are not required to answer any of my questions. You may invoke these rights and stop this interview at any time.

Do you understand?

Yes [ ] No

**WAIVER OF RIGHTS**

By signing this waiver, you agree that you have read this form (or had it read to me); that you understand the rights as I have explained them to you; that you are willing to make a statement and to answer questions; that you do not want to have a lawyer at this time; that no promises or threats have been made against me and that no pressure or coercion or any kind has been used against me.

*Atty. Atli Fink*  
\_\_\_\_\_  
Interviewee Signature

**Exhibit #5**

A

TALK TO YOUR LAWYER! Tell them I had nothing to do w/it!

You know what really happened!

I cant believe Im rotting in detention just b/c my name is GLOSSNER

You are out having fun b/c of the LIES YOU TOLD!

FIX THIS!

BL





**Exhibit #6**

Case #: B8-000112  
TRANSCRIPTION REQUESTED 1240 hrs 11-15-17 BY WRIGHT 1002  
FILED AS : 1-3-18\_1258\_1002

Typed 1-3-18

GOLDENROD POLICE DEPARTMENT, GOLDENROD, NEBR.

RECORDED BY . . . :  
DATE RECORDED: 10-31-2017  
TIME RECORDING STARTED: 1538

PROPERTY# . . . . : Q1801000  
RECORDER USED . . . :  
CONFERENCE YES NO

PARTY (NAME)	DOB	ADDRESS
#1: Ricky/Ricki Glossner Goldenrod, NE	05-01-2000	839 South 5 <sup>th</sup> St.,
#2: Ali/Ally Fink Mammoth, NE	05-20-2000	1650 Fossil Rd,

\*\*\*TRANSCRIPT\*\*\*

CALL NUMBER 7518000 INMATE ID 81500 DATE 2017-10-31 TIME 1538 DIALED NUMBER 14024882741 FROM STATION 105. PRESS 1 FOR ENGLISH. THE TIME IS 1538 PM. YOUR PAYMENT WITH CSM NUMBER PRESS THE PASSCODE YOU CREATED. PRESS 1 TO PLACE A (DIAL TONE) FOR CALLS WITHIN THE UNITED STATES (DIAL TONE) PLEASE STAND BY. THE COST FOR THIS CALL WILL BE 21 CENTS FOR THE FIRST MINUTE AND 21 CENTS FOR EACH ADDITIONAL MINUTE EXCLUDING TAXES AND OTHER APPLICABLE FEES. THE TIME LIMIT IS 20 MINUTES.

(RINGING)

HELLO YOU HAVE A CALL AT NO EXPENSE TO YOU FROM RICKY/RICKI GLOSSNER, AN INMATE AT THE GOLDENROD JUVENILE DETENTION CENTER. TO ACCEPT THIS CALL PRESS OR SAY – THIS CALL WILL BE RECORDED AND SUBJECT TO MONITORING AT ANY TIME. THANK YOU FOR USING (inaudible) SOLUTIONS. YOU MAY BEGIN SPEAKING NOW.

RICKY/RICKI GLOSSNER: Hey

ALI/ALLY FINK: Hello?

RICKY/RICKI GLOSSNER: Hello, hey. Yeah, how's it goin'?

ALI/ALLY FINL: Oh, OK, I can hear you now. It's OK. How about you?

RICKY/RICKI GLOSSNER: It is what is always is. Getting' blamed for stuff I didn't do.

ALI/ALLY FINK: Well . . . I don't know (inaudible) but we aren't supposed to be talking about the case.

RICKY/RICKI GLOSSNER: That's what I have to talk to you about. I'm up here in jail and you be out there messing around and all.

ALI/ALLY FINK: Hey, you know you'd do what I'm doing if you (inaudible) out.

RICKY/RICKI GLOSSNER: Huh, you know this is all your fault . .

ALI/ALLY FINK: Uhuh (inaudible)

(Talking over each other, inaudible) you . . . the . . . deal . . . ticket . . . and

RICKY/RICKI GLOSSNER: You gotta do something for me. You owe me.

ALI/ALLY FINK: What do I owe you? I paid (inaudible)

RICKY/RICKI GLOSSNER: Yeah, money on my books ain't nothing. You gotta do more.

ALI/ALLY FINK: What? What do you want me to do? What can I do (inaudible)?

RICKY/RICKI GLOSSNER: You gotta tell your lawyer I didn't have nothing to do with drugs and it was all you. Tell them that! Tell the truth! You (inaudible)

ALI/ALLY FINK: I (inaudible)

END OF CALL

Typing started 12:58, 01-03-18 by 3513

Finished 15:05, 01-03-18

(The approximate time for the total call, including introduction, dialing, etc., is 1:50.00)

**Exhibit #7**



**Exhibit #8**

**WAGON WHEEL COUNTY ATTORNEY**

1122 S. 9<sup>TH</sup> ST.  
GOLDENROD, NE 68011

Phone (402) 475-1042  
Fax (402) 475-7106

HENRY H. HUFFMAN  
WAGON WHEEL COUNTY ATTORNEY

JOSEPH E. SCHAFER  
CHIEF DEPUTY COUNTY ATTORNEY

GEORGIA D. CLINE  
DEPUTY COUNTY ATTORNEY

November 16, 2017

*Ally/Ali Fink*  
c/o Karen Killeen  
Wagon Wheel County Public Defender  
2920 Prairie Rd. #120  
Goldenrod, NE 68011

**RE: State v. *Ally/Ali Fink***

Dear Mr./Ms. *Ally/Ali Fink*:

You have indicated that you are interested in pursuing negotiations to arrive at a plea agreement regarding the criminal charges you are now facing in Wagon Wheel County in the above referenced cases. The State is also interested in pursuing this matter to arrive at an equitable resolution. The following procedure is necessary to place the State in a position to adequately evaluate whether or not entering into such an agreement is in its best interest. It has been proposed that you meet with investigating agents for the purpose of an "off-the-record" discussion or proffer. The State is willing to consider such an "off-the-record" discussion or proffer in formulating an appropriate resolution to the case. Specifically, it is necessary for the investigators to assess the degree of assistance you can give them in on-going investigations.

In order to assure that there are no misunderstandings concerning the "off-the-record" discussion or proffer, I am writing to clarify the ground rules for any "off-the-record" discussion or proffer.

**First**, no statements made or other information provided by you during the "off-the-record" discussion or proffer will be used against you in the State's case-in-chief, as the basis for additional charges, or for sentencing purposes. This does not include any statements made or information provided by you prior to or subsequent to the "off-the-record" discussion(s) or proffer interview(s) conducted pursuant to this agreement.

**Second**, the State may make derivative use of and may pursue any investigative leads suggested by any statements made by or other information provided by you. This provision is necessary in order to *eliminate* the necessity for a *Kastigar* Hearing. *Kastigar v. United States*, 406 U.S. 441 (1972). A *Kastigar* hearing would require the State to prove that the evidence it would introduce at trial was derived from a legitimate source wholly independent of any statements made by or other information provided by you during the "off-the-record" discussion or proffer.

**Third**, in the event that you testify or present evidence materially different from any statement made or other information provided during the "off-the-record" discussion or proffer, any statements made or other information provided by you may be used against you. This provision is necessary in order to assure that you do not abuse the opportunity for an "off-the-record" discussion or proffer, do not make materially false statements to a Governmental agency, and do not commit perjury when testifying.

**Fourth**, the State may have an obligation under certain circumstances to provide such statements to defense counsel representing client parties about whom such statements are made.

**Fifth**, after the completion of the "off-the-record" discussion or proffer, the State's unilateral evaluation of your case will be undertaken in good faith.

**Finally**, you must agree to submit to a polygraph examination(s) by a government polygraphist in order to ensure your full cooperation with the investigation and disclosure of information.

After reviewing this agreement with your attorney, please sign this letter where indicated below. Once signed, please return the original to me and retain a copy for your files. I will then make arrangements for the proffer interview.

Sincerely,

Georgia D. Cline  
Deputy Wagon Wheel County Attorney

I understand the terms and conditions of this letter and agree to be bound by them.

11-17-17  
DATE

11.17.17  
DATE

Ally/Ali Fink  
Ally/Ali Fink

Karen Killeen  
Karen Killeen

**Exhibit #9**

**WAGON WHEEL COUNTY ATTORNEY**

1122 S. 9<sup>TH</sup> ST.  
GOLDENROD, NE 68011

Phone (402) 475-1042  
Fax (402) 475-7106

HENRY H. HUFFMAN  
WAGON WHEEL COUNTY ATTORNEY

JOSEPH E. SCHAFER  
CHIEF DEPUTY COUNTY ATTORNEY

GEORGIA D. CLINE  
DEPUTY COUNTY ATTORNEY

December 18, 2017

*Ally/Ali Fink*  
c/o Karen Killeen  
Wagon Wheel County Public Defender  
2920 Prairie Rd #120  
Goldenrod, NE 68011

Dear Mr./Ms. *Ally/Ali Fink*,

Based upon your representations that: (1) You are willing to cooperate with the State in the investigation into illegal activities involving controlled substances, and (2) The representations you made to law enforcement agents are true to the best of your knowledge, the Office of the Wagon Wheel County Attorney will enter into an agreement with you on the following conditions:

1. You shall truthfully disclose all information regarding your activities and those of others in all matters about which the Office of the Wagon Wheel County Attorney inquires of you and accompany law enforcement agents of the State of Nebraska to any location in order to accomplish that purpose. Further, you shall truthfully testify, if subpoenaed, at any trial or other court proceedings regarding any matters about which the Office of the Wagon Wheel County Attorney may request your testimony. You must answer all questions and must not withhold any information. You must neither attempt to protect any person or entity through false information or omission, or falsely implicate any person or entity. You must furnish any documents in your custody or possession or under your control that are relevant to the investigation. You must also make yourself available for interview by attorneys and law enforcement officers of the State of Nebraska upon request and reasonable notice.

2. If subpoenaed, you shall at all times, give complete, truthful, and accurate information and testimony. Should it be judged by the Office of the Wagon Wheel County Attorney, in its sole discretion, that you have given false, incomplete, or misleading testimony or information or have otherwise violated any provision of this agreement, you shall thereafter be subject to prosecution for any state or federal criminal violation of which either office has knowledge, including, but not limited to, perjury and obstruction of justice. Any such prosecutions may be

premised upon any information, statements, or testimony provided by you and such information deduced and derived therefrom. You expressly waive your objection to the use of any such statements, testimony or information to which you may otherwise be entitled to object in any federal or state prosecution now or at any time in the future.

3(a). You agree to waive and hereby waive any and all Constitutional and statutory rights to a speedy trial and understand and agree that entry of plea and/or sentencing may be delayed until the cooperation phase of this agreement has been completed. You stipulate that such a delay is in your best interest, is in the interest of justice, and constitutes full and sufficient grounds for the Court to find that any delay in the judicial process is excluded time in computing your right to a speedy trial under the Sixth and Fourteenth Amendments of the U.S. Constitution, Article I §11 of the Nebraska Constitution, and Neb. Rev. Stat. § 29-1207 (Reissue 2016). This waiver is necessary so the Court will have the benefit of all relevant information regarding your cooperation at time of sentencing.

3(b). You agree to waive your right to jury trial(s) at or before the next scheduled status/pretrial conference hearings. In the event this agreement is revoked or terminated for any reason, your right to a jury trial(s) will be deemed waived and may not be re-invoked. Once waived, Judges of the Wagon Wheel County and/or District Courts will be the triers of fact in any subsequent trial(s).

4. In exchange for your cooperation as set forth in this agreement, the Office of the Wagon Wheel County Attorney agrees not to prosecute you for the statements and acts of criminal conduct committed by you and reported by you to Officers of the Goldenrod Police Department or any other law enforcement officers during the proffer interview, other than as set forth in paragraph seven (7) of this agreement. This agreement does not limit in any way the right or ability of the Office of the Wagon Wheel County Attorney or law enforcement to investigate or prosecute crimes occurring outside the scope of this agreement.

5(a). You shall not violate any local, state or federal law during the pendency of this agreement. Any law violation, with the exception of speeding or parking tickets, committed by you will constitute a breach of this agreement and may result in the revocation of the entire agreement or any of its terms. You or your attorney shall notify the Office of the Wagon Wheel County Attorney within 48 hours if you are questioned, charged, or convicted for any law violation.

5(b). If you violate any term or condition of this agreement, in any respect, the entire agreement will be deemed to have been breached and may be rendered null and void by the Office of the Wagon Wheel County Attorney. You understand, however, that the State may elect to proceed with your pleas and sentencing pursuant to the terms of this agreement. This decision shall be in the sole discretion of the Office of the Wagon Wheel County Attorney. If you do breach this agreement, you face the following possible consequences: (1) All testimony and other information you have provided at any time may and will be used against you in any prosecution or proceeding; (2) the Office of the Wagon Wheel County Attorney will be entitled to reinstate previously dismissed charges and/or pursue additional charges against you and to use any information obtained directly or indirectly from you in those additional prosecutions; and (3) the

Office of the Wagon Wheel County Attorney will be released from any obligations, agreements or restrictions imposed upon it under this agreement. Should it be judged by the Wagon Wheel County Attorney or her designate, in her sole discretion, that you have given false, incomplete, or misleading testimony or information, have committed a crime, or have otherwise violated any provision of this agreement, you shall be considered to have violated this agreement and shall be subject to prosecution for any federal, state, or local criminal violation of which the office has knowledge, including, but not limited to, perjury, obstruction of justice, and any crime(s) which this agreement otherwise anticipated would be dismissed or not prosecuted.

5(c). Any dismissal of counts or agreement to forego filing charges is conditional upon final resolution of this matter. If this agreement is revoked or your conviction is ultimately overturned, the Office of the Wagon Wheel County Attorney retains the right to reinstate previously dismissed counts and file charges which were not filed because of this agreement. Dismissed counts may be reinstated and uncharged offenses may be filed if: (1) the agreement is revoked; or (2) you successfully challenge your conviction through a final order in any appeal, cross appeal, habeas corpus action or other post-conviction relief matter. A final order is an order not subject to further review or an order which no party challenges. The Office of the Wagon Wheel Attorney may reinstate any dismissed counts or file any uncharged offenses within 90 days of the filing date of the final order. You waive all statute of limitations or other objections or defenses you may have related to the timing or timeliness of the filing or prosecution of charges referred to in this paragraph.

5(d). In addition to criminal prosecution purposes, the Office of the Wagon Wheel County Attorney can use against you any disclosure(s) you have made pursuant to this agreement in any civil proceeding. Nothing contained in this agreement shall in any manner limit your civil liability which may otherwise be found to exist, or in any manner limit or prevent the State of Nebraska from pursuing against you any applicable civil remedy, including but not limited to remedies regarding asset forfeiture or taxation.

6. This agreement is limited to the Office of the Wagon Wheel County Attorney, and cannot bind any other federal, state or local prosecuting authorities although your cooperation will be brought to the attention of other prosecuting authorities or any sentencing judge if so requested.

7. In addition to your cooperation as set forth in the above-numbered paragraphs, you agree to admit to the allegation set out in the Petition, one count of delivery of a controlled substance.

8. This agreement is limited to those statements and acts of criminal conduct committed by you and known of by the Office of the Wagon Wheel County Attorney as of the date of this agreement and does not limit in any way the right or ability of the Office of the Wagon Wheel County Attorney to investigate or prosecute crimes occurring outside the scope of this agreement.



9. No promises, agreements, or conditions have been made other than those set forth in this letter and none will be entered into unless in writing and signed by all parties.

10. This agreement will become effective upon your signing of it thereby stating your agreement to all terms and conditions therein. This agreement may be withdrawn at any time prior to acceptance by you. Acceptance is deemed to occur when this document has been signed by you and your attorney and has been received by the Office of the Wagon Wheel County Attorney. If this agreement has not been received back from you properly executed on or before December 28, 2017, this proposed plea agreement is automatically withdrawn.

11. You hereby agree not to disclose, directly or indirectly, the negotiations for nor the terms of this agreement to any other person until you have testified in open court, without the written consent of the Wagon Wheel County Attorney. The Office of the Wagon Wheel County Attorney may disclose this agreement and anything which you say as it sees fit.

12-20-17  
Date

Ally/Ali Fink  
Ally/Ali Fink

12.20.17  
Date

Karen Killeen  
Karen Killeen  
Defense Counsel

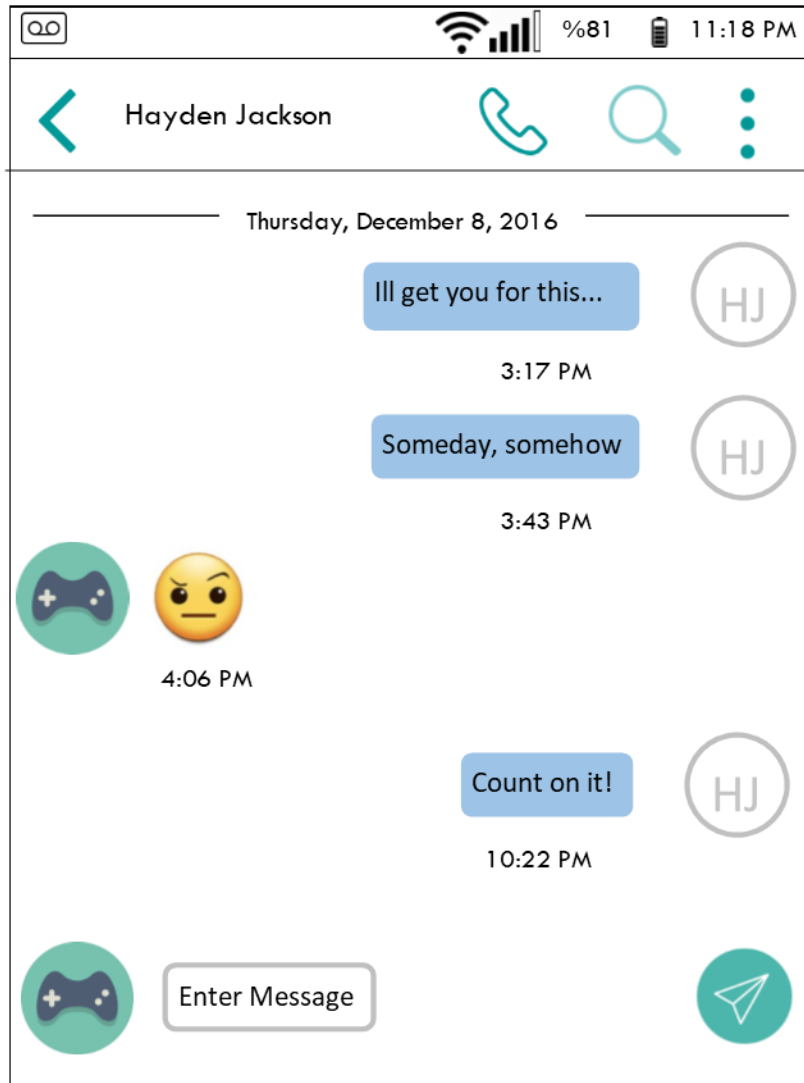
Dec 20, 2017  
Date

G. Cline  
Georgia D. Cline  
Deputy Wagon Wheel County Attorney

**Exhibit #10**

Listened	Call Date/Time	Caller Name	Caller PIN	Destination	Duration (in seconds)	Charges	Disposition
	10.31.17 15:24:40	R. Glossner	47546	402-235-2729	308	\$1.26	Comp: Prepaid-Caller
	10.31.17 15:30:12	R. Glossner	47546	402-235-2729	428	\$1.47	Comp: Prepaid-Caller
Karen Killeen	10.31.17 15:38:33	R. Glossner	47546	402-488-2741	111	\$0.42	Comp: Prepaid-Caller
	10.31.17 21:55:07	R. Glossner	47546	402-488-2741	3	\$0.00	Comp: Free
	11.01.17 10:14:52	R. Glossner	47546	402-488-2741	3	\$0.00	Comp: Free
	11.01.17 10:19:23	R. Glossner	47546	402-488-2741	3	\$0.00	Comp: Free
Karen Killeen	11.04.17 07:33:02	R. Glossner	47546	402-235-2729	212	\$0.84	Comp: Prepaid-Caller
	11.04.17 07:43:14	R. Glossner	47546	402-488-2741	5	\$0.00	Comp: Free
	11.07.17 15:25:11	R. Glossner	47546	402-488-2741	4	\$0.00	Comp: Free
	11.07.11 15:34:15	R. Glossner	47546	402-235-2729	244	\$1.05	Comp: Prepaid-Caller
	11.08.17 15:31:26	R. Glossner	47546	402-488-2741	3	\$0.00	Comp: Free
	11.09.17 11:41:18	R. Glossner	47546	402-488-2741	5	\$0.00	Comp: Free

**Exhibit #11**



**Exhibit #12**



# Application for The Magic Morchella

We consider applicants for all positions without regard to race, religion, color, sex, natural origin, age, marital status, disability or any other status protected by law. The Magic Morchella is an equal opportunity employer.

**Job Interest**

Position Applied for <i>Pizza Server</i>	Date Available <i>now</i>
Referred by <i>Taylor</i>	Salary Requirement <i>lots \$10/hr</i>
<input type="checkbox"/> Full-time <input checked="" type="checkbox"/> Part-time If part-time, specify days/hours available: <i>not school hours</i>	
Are you willing to work overtime? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Are you able to travel if required? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

**Personal Information**

Name (Last) <i>Gloesner</i>	(First) <i>Kelley/Ricki</i>	(Middle) <i>J</i>
Address <i>839 South St</i>		
City <i>Goldenrod</i>	State <i>NE</i>	Zip
Social Security No.	Driver License No. <i>EE9705217</i>	Phone Day <i>(402) 235-2729</i>

**Emergency Contact**

Name <i>MOM - Rita Gloesner</i>	Relationship <i>MOM</i>	
Address <i>same</i>	Phone Day <i>(402) 235-2729</i>	Phone Night ( )

**Additional Information**

Do you know anyone currently working/or anyone who has worked for The Magic Morchella?  Yes  No  
 If yes, list name(s) *Taylor Mutter*

Are you a U.S. Citizen or otherwise authorized to work in the U.S. on an unrestricted basis?  Yes  No

Are you under 18 years of age? *16*  Yes  No

Have you ever been fired or asked to leave a job?  Yes  No  
 If yes, why? \_\_\_\_\_

Have you ever been convicted of a felony?  Yes  No  
 If yes, describe conditions. \_\_\_\_\_  
 (Conviction will not necessarily disqualify an applicant for employment.)

**Education**

Type of School	Name & Location	Course of Study	Years Completed	Diploma/Degree
High School	<i>Goldenrod Highschool!</i>		<i>10th</i>	<i>not yet</i>
College				
Graduate				
Other				

**Employment History**

Present or Last Employer <i>Settlers Summit</i>	Phone ( )	From <i>Summer</i>	To
Address <i>1671 Rd 82 Giddinod NE</i>		Position <i>Detassler</i>	
Duties <i>Detassling Com</i>		Supervisor's Name <i>DJ Hoffman</i>	
		Starting Salary <i>\$7</i>	
Reason for Leaving <i>Job was done</i>		Final Salary <i>\$12</i>	

Previous Employer <i>None</i>	Phone ( )	From	To
Address City, State, Zip		Position	
Duties		Supervisor's Name	
		Starting Salary	
Reason for Leaving		Final Salary	

Previous Employer <i>None</i>	Phone ( )	From	To
Address City, State, Zip		Position	
Duties		Supervisor's Name	
		Starting Salary	
Reason for Leaving		Final Salary	

**Additional Qualifications**

In addition to your work history, what other qualifications, experiences or skills qualify you to work here?

*lots of friend to come eat there / lots of siblings so can deal w/ busy crowd*  
*good @ math*  
*good eye hand coordination b/c of video games*

**References**

List at least three professional references. Exclude personal friends, clergy and relatives.

Name	Address	Phone
<i>John Gimble</i>	<i>@ Giddinod High</i>	<i>(402) 770-0773</i>
<i>DJ Hoffman</i>	<i>@ Settlers Summit</i>	<i>(402) 770-0846</i>
<i>Nino Tendo</i>	<i>Arada @ Mall</i>	<i>(402) 489-8565</i>

**Employment Terms**

Read the following before signing this application.

The above information is true and complete to the best of my knowledge. I understand that false statements, misrepresentations, or omission of facts will disqualify my application, or if hired will be cause for dismissal. The Company has my permission to investigate all statements contained herein, or any other sources concerning my prior employment, personal history, medical history, credit standing or other related matters. I release all parties from any possible damages resulting from disclosing such information with or without prior written notice to me. I understand that this application does not constitute an employment contract of any kind should the Company employ me. I may resign such employment at any time at my own discretion with or without cause and the Company may terminate my employment at any time at their discretion, with or without prior notice.

Applicant's Signature *[Signature]* Date *9/2/16*

**Exhibit #13**



**NEBRASKA HIGH SCHOOL MOCK TRIAL RULES**

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## I. RULES OF THE COMPETITION

The Rules of the Competition are based on the rules of the National High School Mock Trial Competition. Some additions or modifications have been made for Nebraska.

### A. THE PROBLEM

#### **Rule 1. Rules**

All trials are governed by the Nebraska High School Mock Trial Rules of the Competition, the Rules of Procedure, and the Federal Rules of Evidence (Mock Trial Version). Questions or interpretations of these rules are within the discretion of the mock trial coordinators, whose decisions are final.

#### **Rule 2. The Problem**

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

#### **Rule 3. Witness Bound by Statements**

Each witness is bound by the facts contained in her/his own witness statement, the statement of facts, if present, and/or any necessary documentation relevant to her/his testimony.

- If, on direct examination, an attorney asks a question which calls for an invention of facts, the question is subject to objection under Rule 4.
- If, on cross-examination, an attorney asks a question which calls for an invention of facts, the witness may or may not respond, so long as any response is consistent with the witness' statement or affidavit. The question is not subject to objection. See Rule 4 for further clarification.
- A witness is not bound by facts contained in other witness statements.

#### **Rule 4. Invention of Facts**

Inventions of facts are best attacked through impeachment and closing arguments and are to be dealt with in the course of the trial. The purpose of this rule is to keep the case as even as possible by not allowing either side to create an advantage for their side by inventing facts. In real trials, this rule is not necessary because all of the facts are within the knowledge of the witnesses. Since mock trials use created fact situations, all of the necessary facts may not be within the knowledge of the witnesses. Therefore, for mock trials we need a rule to prevent inventions of facts that are not included in the case materials.

When an attorney objects to an invention of facts, the judge will rule in open court to clarify the course of further proceedings. The decision of the presiding judge regarding invention of facts or evidentiary matters is final.

#### **Direct and Redirect Examination**

Attorneys shall not ask questions calling for an invention of facts and witnesses shall not provide answers that involve an invention of facts. Attorneys for the opposing team may refer to Rule 4 in a special objection, such as: "Objection, Your Honor. The question calls for an invention of facts."

#### **Cross and Recross Examination**

An invention of facts may only be allowed on cross or recross examination and only if the question being asked calls for facts that are not included in the case materials. If a witness is asked a question calling for an invention of facts, the witness may respond:

1. "I do not know the answer to that question because that information is not contained in the Nebraska Mock Trial case materials." OR
2. With any answer which is consistent with the witness' affidavit and other substantive issues of the case.

An answer that is contrary to the witness' affidavit may be impeached.

#### **Rule 5. Gender of Witnesses**

All witnesses are gender neutral. The preferred pronoun of a witness should be indicated on the Team Roster. Any student may portray the role of any witness of either gender. In certain years the Nebraska case may have a specific gender witness role. This may be portrayed by any student on the team.

#### **Rule 6. Voir Dire**

Voir dire examination of a witness is not permitted. This is the preliminary questioning of a witness or juror to determine competency, prejudices, biases, or personal knowledge.

### **B. THE TRIAL**

#### **Rule 7. Team Eligibility**

Each team competing in the Judge Lyle Strom High School Mock Trial Program must be composed of students who are registered in grades 9-12 in a Nebraska public, private or home school. Schools may enter as many teams as they can effectively organize and properly supervise. [Special permission may be granted for two schools to register a combined team. Contact the State Mock Trial Coordinator.] Exceptions on eligibility issues will be considered on a case-by-case basis.

A team that earns the right to compete at the State Championship shall be composed of the same students (including alternates) that participated at the Regional competition. If any student participant from the Mock Trial team is unable to compete and there are no alternates, another student may substitute for such participant as provided herein. The individual acting as the substitute must be enrolled as a student at the school and not have served on any other Mock Trial team at that school. Participation by an ineligible team member shall result in forfeiture of each trial in which the ineligible team member participated.

To be a part of the competition, schools must register their teams by completing and mailing the Official Mock Trial Entry Form to the State Coordinator, along with a check for **\$40 PER TEAM** (made payable to the **Nebraska State Bar Foundation**) no later than September 10, 2018. Registrations received after Monday, September 10<sup>th</sup> will be charged **\$100.00**. Additionally, by September 21, 2018, each school should forward to their Regional Coordinator, the time and date preference form and if possible a school activities calendar for October and November.

#### **Rule 8. Team Composition**

Teams may consist of a **minimum of six** and a **maximum of eight** students. Only **SIX** members may participate in any given trial. The duties of the two alternate team members may be assigned at the discretion of the coaches. Students may only participate on one team per school year. Student timekeepers may be provided, but are not considered "official timekeepers" unless so designated by the trial judge.

#### **Rule 9. Team Presentation**

Teams must be prepared to present both the Plaintiff and Defense sides of the case, using **SIX** team members per trial. For each trial, teams shall use three students as attorneys and three students as witnesses.

In the event of an emergency that would cause a team to participate with less than six members, the team must notify the Regional Coordinator as soon as possible. If the Regional Coordinator agrees that an emergency exists, he or she will decide whether the team will forfeit a trial or take appropriate measures to continue a trial round with less than six members. Trials may be rescheduled at the discretion of the Regional Coordinator. If the Regional Coordinator is unavailable, the presiding judge will make these decisions. A team proceeding with fewer than six team members may have points deducted from their point totals at the discretion of the scoring judges.

A team that forfeits a trial shall be given zero points, zero judges' ballots and a loss on their trial record. A team that was to have competed against a forfeiting team shall receive a win on their trial record.

The starting time of any trial may not be delayed longer than 15 minutes, unless agreed to by both teams and the presiding judge.

#### **Rule 10. Team Duties**

Each of the three attorneys shall conduct one direct examination and one cross examination. In addition, one attorney shall present the opening statement and a different attorney shall present the closing argument.

Opening Statements must be given by both sides at the beginning of the trial.

The attorney who will cross-examine a particular witness is the only one permitted to make objections during the direct examination of that witness, and the attorney who questions a particular witness on direct examination is the only person who may make objections during cross-examination of that witness. Each team must call three witnesses. Witnesses shall be called only by their own team. Witnesses shall be examined by both teams. Witnesses may not be recalled by either team.

#### **Rule 11. Swearing of Witnesses**

Witnesses shall be sworn, either individually or as a group, by the presiding judge, using the following oath:

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

#### **Rule 12. Trial Sequence and Time Limits**

The trial sequence shall be as follows:

1. Plaintiff's opening statement
2. Defense's opening statement
3. Plaintiff's direct examination and Defense's cross-examination of Plaintiff's three witnesses
4. Defense's direct examination and Plaintiff's cross-examination of Defense's three witnesses
5. Plaintiff's closing argument
6. Defense's closing argument

7. Plaintiff may reserve a portion of its closing argument time for rebuttal if it does so at the beginning of its closing argument. The Plaintiff's rebuttal, if any, is limited to the scope of the Defense's closing argument.

### **Time Limits**

1. Each team shall have a total of 10 minutes for the Opening Statement and Closing Argument. For example, a 3 minute opening and a 7 minute closing.
2. Each team shall have a total of 25 minutes for Direct and Redirect Examination.
3. Each team shall have a total of 20 minutes for Cross and Recross Examination.

Attorneys are not required to use the entire time allotted to each part of the trial. Time remaining in one part of the trial may not be transferred to another part of the trial, except as allowed by this rule.

### **Rule 13. Timekeeping**

Time limits are mandatory and shall be enforced by the presiding judge. Time for objections, extensive questioning from the judge, or administering the oath shall NOT be counted as part of a team's allotted time. Time does not stop for introduction of exhibits. Each team may have its own timekeeper for the benefit of the team.

### **Rule 14. Time Extensions and Scoring**

The presiding judge has sole discretion to grant time extensions. If time has expired and an attorney continues without permission from the presiding judge, the scoring judges may determine individually whether or not to deduct points in a category because of the overrun in time.

### **Rule 15. Prohibited Motions**

The only motion permissible is one requesting the judge to strike testimony following a successful objection to its admission. Other motions, for example, a motion for directed verdict, acquittal, or dismissal of the case at the end of the Plaintiff's case, may not be used. A motion for a recess may be used only in the event of an emergency or before closing arguments. Should a recess be called, team members are to remain in place and shall not communicate with any observers, coaches, or instructors regarding the trial.

### **Rule 16. Sequestration**

Teams may not invoke the rule of sequestration of witnesses (exclusion of witnesses from the courtroom).

### **Rule 17. Bench Conferences**

Bench conferences may be granted at the discretion of the presiding judge, but should be made from the counsel table in the educational interest of handling all matters in open court.

### **Rule 18. Supplemental Material/Illustrative Aids**

During the trial teams may refer only to materials included in the mock trial case packet. No physical evidence, illustrative aids, enlargements, props or costumes are permitted unless authorized specifically in the case materials.

### **Rule 19. Trial Communication**

Teacher sponsors, attorney coaches, non-participating team members (the two alternates), and observers shall not talk to, signal, communicate with, or coach their teams during trial. Team members (defined as the three student attorneys and three student witnesses) participating in the trial may, among themselves, communicate during the trial; however, no disruptive communication is allowed. Signaling of time by the

teams' timekeeper(s) shall not be considered a violation of this rule. Timekeeper(s) may verbally communicate the remaining time to their teammates during a recess. Non-participating team members serving as the timekeeper(s) and/or the videographer may sit in the jury box if space allows.

Teacher sponsors, attorney coaches, and observers must remain outside the bar in the spectator section of the courtroom.

This rule remains in force during any recess time that may occur.

### **Rule 20. Viewing a Trial**

#### *Local and Regional Trials*

Check with the Regional Coordinator for your county regarding persons not associated with the competing teams viewing a trial. Coordinators may choose one of the following options:

- A. All trials are open to the public. Trials may be videotaped only by the competing schools or local media, OR
- B. Only team members, alternates, attorney coaches, teacher sponsors, observers or other persons directly associated with the competing teams may view a trial. Videotaping is allowed only by the competing teams IF both teams agree to permit it.

#### *State and National Championships*

Team members, alternates, attorney-coaches, teacher-sponsors, and any other persons directly associated with a mock trial team, except those authorized by the State Coordinator or the National Board, are not allowed to view other teams in competition, so long as their team remains in the competition.

### **Rule 21. Videotaping/Photography**

*Local and Regional Trials* -- See Rule 20.

*State and National Championships* -- Any team has the option to refuse participation in videotaping, tape recording, still photography, or media coverage, except that media coverage will be allowed by the two teams in the state championship round and at the national championship.

## **C. JUDGING**

### **Rule 22. Decisions**

All decisions of the judging panel are FINAL.

### **Rule 23. Composition of Panel**

The judging panel shall consist of one presiding judge and two scoring judges, all of whom shall complete individual score sheets. No mock trial shall proceed without three judges, unless one mock trial judge is unavoidably, unexpectedly absent. [Contact your coordinator if a mock trial judge is absent.]

If one mock trial judge is unavoidably, unexpectedly absent, the other two judges may proceed to score the trial and determine a winner by mutual agreement. If the two judges cannot agree on a winner, then the two teams shall retry the case at a mutually agreeable later date. Any mock trial with less than two judges shall be rescheduled by the two participating schools at a mutually agreeable later date.

The state championship trial may have a panel of five to twelve jurors (mock trial judges) at the discretion of the State Coordinator.

#### **Rule 24. Score Sheets/Ballots**

The term "ballot" will refer to the decision made by a presiding or scoring judge as to which team made the best presentation in the trial. The term "score sheet" is used in reference to the form on which speaker and team points are recorded. Score sheets are to be completed individually by all three judges. Scoring judges are not bound by the rulings of the presiding judge. The team that earns the highest points on an individual judge's score sheet is the winner of that ballot. The team that receives the majority of the three ballots wins the trial.

Whether or not teams receive copies of the score sheets from their trials is up to the discretion of the local coordinators.

#### **Rule 25. Courtroom Decorum**

Mock trials are meant to simulate real trials in a courtroom atmosphere. Participants should act and dress accordingly. Check with your local coordinator for guidelines.

#### **Rule 26. Pre-trial Conferences**

Each mock trial should begin with a pretrial conference held in open court with all participants, coaches and spectators present. Mock trial attorneys may ask the presiding judge to mark exhibits and clarify rules of procedure or rules of evidence. Roster forms should be presented to all three judges.

### **D. DISPUTE RESOLUTION**

#### **Rule 30. Reporting a Rule Violation/Inside the Bar**

Alleged rule violations that involve students competing in a trial and occur during the trial should be brought to the attention of the presiding judge by a student attorney through an objection at the time of the alleged violation. The presiding judge shall rule on the objection and the trial shall continue. Any alleged rule violation known, or through the exercise of reasonable diligence should have been discovered during the trial and which is not brought to the attention of the judge, is waived.

If an alleged material rule violation could not reasonably have been discovered until after the trial has concluded, the alleged violation should be brought to the attention of the presiding judge immediately at the conclusion of the trial. The scoring judges will be excused from the courtroom and the presiding judge will provide the student attorney with a dispute form on which the student will record in writing the nature of the alleged rule violation. The student attorney may communicate with co-counsel and student witnesses before preparing the form. At no time in this process may teacher sponsors, attorney coaches or observers communicate with the students.

#### **Rule 31. Dispute Resolution Procedure**

The presiding judge will review the written dispute form and determine whether the dispute should be heard or denied. If the dispute is denied, the judge will record the reasons for this, announce her/his decision in open court, retire to complete her/his score sheet and turn the dispute form in with the score sheets. If the presiding judge feels the grounds for the dispute merit a hearing, the form will be shown to opposing counsel for their written response. After the team has recorded its response and transmitted it to the judge, the judge will ask each team to designate a spokesperson. After the spokespersons have had time (not to exceed three minutes) to prepare their arguments, the judge will conduct a hearing on the dispute, providing each team's spokesperson three minutes for a presentation. The spokespersons may be questioned by the judge. At no time in this process may teacher sponsors, attorney coaches or observers communicate with the students. After the hearing the presiding judge will adjourn the court and retire to

consider her/his ruling on the dispute. That decision will be recorded in writing on the dispute form, with no further announcement.

**Rule 32. Effect of Violation on Score**

If the presiding judge determines that a material rule violation has occurred, the judge will inform the scoring judges of the dispute and provide a summary of each team's argument. The scoring judges will consider the rule violation before reaching their final decisions. The dispute may or may not affect the final decision, but the matter will be left to the discretion of the scoring judges.

**Rule 33. Reporting of Alleged Rule Violation /Outside the Bar**

Disputes that involve people other than student team members and occur outside the bar during a trial round may be brought by teacher sponsors or attorney coaches exclusively. Such disputes must be made promptly to the appropriate local coordinator who will ask the complaining party to complete a dispute form. The form will be taken by the coordinator. The coordinator will (a) notify all pertinent parties; (b) allow time for a response, if appropriate; and (c) rule on the charge. The coordinator will notify all pertinent parties of her/his decision.

**II. RULES OF PROCEDURE**

The Nebraska Rules of Procedure are based on the Rules of the National High School Mock Trial Competition.

**A. BEFORE THE TRIAL**

Local coordinators will schedule trials once the school activities forms are completed by the individual teams. Twelve teams will compete at the state championship – one from each of twelve regions.

**Rule 34. Courtroom Setting**

The Plaintiff/Prosecution team shall be seated closest to the jury box. No team shall rearrange the courtroom without prior permission of the judge.

**Rule 35. Team Roster**

*Before beginning a trial, the teams must exchange copies of the Team Rosters. The form shall identify the gender of each witness so that references to such parties shall be made using the preferred pronoun. Copies of the Team Rosters shall be made available to all three judges during the pretrial conference. A copy of the team roster shall be provided to the Regional Coordinator at the start of the regional competition.*

**Rule 36. Stipulations**

The attorney assigned the Plaintiff's opening statement shall offer any stipulations into evidence prior to beginning the opening statement.

**Rule 37. The Record**

The stipulations, indictment and charge to the jury shall not be read into the record.

**B. BEGINNING THE TRIAL**



### **Rule 38. Jury Trial**

The case shall be tried to a jury; arguments are to be made to judge and jury. Teams may address the scoring judges as the jury.

### **Rule 39. Standing During Trial**

Based on the Rule 4.16 of the National High School Mock Trial Competition Rules all attorneys shall stand when addressing the court or the jury, including opening statements, closing arguments, direct and cross-examination, and for the making of objections. Direct and cross-examination may be conducted from counsel table, a podium, or with leave of the court, from any place in the well of the court. Counsel shall obtain permission from the court before approaching a witness.

### **Rule 40. Objection During Opening Statement/Closing Argument**

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

If a team believes an objection would have been proper during the opposing team's closing argument, one of its attorneys may, following the closing argument, raise her/his hand to be recognized by the judge and say, "If I had been permitted to object during closing arguments I would have objected to the opposing team's statement that \_\_\_\_\_." The presiding judge shall not rule on this "objection." Judges shall weigh the "objection" individually for purposes of determining their scores. No rebuttal by opposing team shall be heard.

## **C. PRESENTING EVIDENCE**

### **Rule 41. Argumentative Questions**

An attorney shall not ask argumentative questions. However, the Court may, in its discretion, allow limited use of argumentative questions on cross-examination.

### **Rule 42. Lack of Proper Predicate/Foundation**

Attorneys shall lay a proper foundation prior to moving for the admission of evidence. After motion has been made, the exhibits may still be objected to on other grounds.

### **Rule 43. Procedure for Introduction of Exhibits**

As an example, the following steps effectively introduce evidence.

1. All evidence shall be pre-marked as exhibits.
2. Ask for permission to approach the bench. Show the presiding judge the marked exhibit. "Your honor, may I approach the bench to show you what has been marked as Exhibit No. \_\_\_?"
3. Show the exhibit to opposing counsel.
4. Ask for permission to approach the witness. Give the exhibit to the witness.  
"I now hand you what has been marked as Exhibit No. \_\_\_ for identification."
5. Ask the witness to identify the exhibit. "Would you identify it please?"  
Witness answers with identification only.
6. Offer the exhibit into evidence. "Your Honor, we offer Exhibit No. \_\_\_ into evidence at this time. The authenticity of this exhibit has been stipulated."
7. Presiding Judge: "Is there an objection?"  
If proper foundation has not been laid, opposing counsel should object at this time.
8. Opposing Counsel: "No, your Honor," or "Yes, your Honor proper foundation has not been laid for Exhibit No. \_\_\_."
9. Presiding Judge: "Is there any response to the objection?"

10. Presiding Judge: "Exhibit No. \_\_\_ is/is not admitted."

**Rule 44. Use of Notes/Exhibits**

Attorneys may use notes in presenting their cases. Witnesses are not permitted to use notes while testifying during the trial. Attorneys may consult with each other at counsel table verbally or through the use of notes. The use of laptops or other electronic devices is prohibited.

Exhibit Binders: Teams may prepare a binder of some or all of the exhibits, but at no time during the trial shall the binder be left on or near the witness stand. If an exhibit is admitted into evidence, only the copy of the exhibit authenticated by the witness and admitted by the presiding judge shall be used in evidence. Teams shall use only the exhibit actually admitted into evidence for the duration of the trial, including publication to the jury, during further testimony by any witness, and during closing argument. Exhibits may not be enhanced or enlarged without permission from the State Coordinator. No protective covering of paper exhibits is allowed.

**Rule 45. Redirect/Recross**

Redirect and recross examinations are permitted, provided they conform to the restrictions in Rule 611(d) in the Federal Rules of Evidence (Mock Trial Version).

**D. CLOSING ARGUMENTS**

**Rule 46. Scope of Closing Arguments**

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

**E. DEBRIEFING/CRITIQUE**

**Rule 47. Debriefing/Critique**

The judging panel is allowed 5-10 minutes for debriefing. Presiding judges shall limit debriefing sessions to the 10 minutes total time allotted. Judges may not inform the students of the score sheet results.

**III. FEDERAL RULES OF EVIDENCE (Mock Trial Version)**

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

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

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

The Mock Trial Rules of Competition and these Nebraska High School Mock Trial Rules of Evidence govern Nebraska High School Mock Trial competition.

#### **ARTICLE I. GENERAL PROVISIONS**

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

*These National High School Mock Trial Rules of Evidence govern the trial proceedings of the National High School Mock Trial Championship.*

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

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

#### **ARTICLE IV. RELEVANCY AND ITS LIMITS**

##### **Rule 401. Definition of “Relevant Evidence”**

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

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

All relevant evidence is admissible, except as otherwise provided by these Rules. Evidence which is not relevant is not admissible.

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

Although relevant, evidence may be excluded if its probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury, or by considerations of undue delay, waste of time, or needless presentation of cumulative evidence.

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

(a) **Character evidence generally.** Evidence of a person's character or a trait of character is not admissible for the purpose of proving action in conformity therewith on a particular occasion, except:

- (1) **Character of accused** - In a criminal case, evidence of a pertinent trait of character offered by an accused, or by the Plaintiff to rebut the same, or if evidence of a trait of character of the alleged victim of the crime is offered by an accused and admitted under Rule 404 (a)(2), evidence of the same trait of character of the accused offered by the Plaintiff;
- (2) **Character of alleged victim** - In a criminal case evidence of a pertinent trait of character of the alleged victim of the crime offered by an accused, or by the Plaintiff to rebut the same, or evidence of a character trait of peacefulness of the alleged victim offered by the

Plaintiff in a homicide case to rebut evidence that the alleged victim was the first aggressor;

- (3) **Character of witness** - Evidence of the character of a witness, as provided in Rules 607, 608 and 609.

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

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

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

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

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

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

#### **Rule 407. Subsequent Remedial Measures**

When, after an injury or harm allegedly caused by an event, measures are taken that, if taken previously, would have made the injury or harm less likely to occur, evidence of the subsequent measures is not admissible to prove negligence, culpable conduct, a defect in a product, a defect in a product's design, or a need for a warning or instruction. This rule does not require the exclusion of evidence of subsequent measures when offered for another purpose, such as proving ownership, control, or feasibility of precautionary measures, if controverted, or impeachment.

#### **Rule 408. Compromise and Offers to Compromise**

(a) **Prohibited uses.** Evidence of the following is not admissible on behalf of any party, when offered to prove liability for, invalidity of, or amount of a claim that was disputed as to validity or amount, or to impeach through a prior inconsistent statement or contradiction:

(1) furnishing or offering or promising to furnish--or accepting or offering or promising to accept--a valuable consideration in compromising or attempting to compromise the claim; and

(2) conduct or statements made in compromise negotiations regarding the claim, except when offered in a criminal case and the negotiations related to a claim by a public office or agency in the exercise of regulatory, investigative, or enforcement authority.

(b) **Permitted uses.** This rule does not require exclusion if the evidence is offered for purposes not prohibited by subdivision (a). Examples of permissible purposes include proving a witness's bias or

prejudice; negating a contention of undue delay; and proving an effort to obstruct a criminal investigation or Plaintiff.

**Rule 409. Payment of Medical or Similar Expenses**

Evidence of furnishing or offering or promising to pay medical, hospital, or similar expenses occasioned by an injury is not admissible to prove liability for the injury.

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

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

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

However, such a statement is admissible (1) in any proceeding wherein another statement made in the course of the same plea or plea discussions has been introduced and the statement ought, in fairness, be considered with it, or (2) in a criminal proceeding for perjury or false statement if the statement was made by the defendant under oath, on the record and in the presence of counsel.

**Rule 411. Liability Insurance (*civil case only*)**

Evidence that a person was or was not insured against liability is not admissible upon the issue whether the person acted negligently or otherwise wrongfully. This rule does not require the exclusion of evidence of insurance against liability when offered for another purpose, such as proof of agency, ownership, or control, or bias or prejudice of a witness.

**ARTICLE V. PRIVILEGES**

**Rule 501. General Rule**

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

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

**ARTICLE VI. WITNESSES**

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

Every person is competent to be a witness.

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

A witness may not testify to a matter unless evidence is introduced sufficient to support a finding that the witness has personal knowledge of the matter. Evidence to prove personal knowledge may, but need not, consist of the witness' own testimony. This rule is subject to the provisions of Rule 703, related to opinion testimony by expert witnesses.

### **Rule 607. Who May Impeach**

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

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

(a) **Opinion and reputation evidence of character.** The credibility of a witness may be attacked or supported by evidence in the form of opinion or reputation, but subject to these limitations: (1) the evidence may refer only to character for truthfulness or untruthfulness, and (2) evidence of truthful character is admissible only after the character of the witness for truthfulness has been attacked by opinion or reputation evidence or otherwise.

(b) **Specific instances of conduct.** Specific instances of the conduct of a witness, for the purpose of attacking or supporting the witness' character for truthfulness, other than conviction of crime as provided in rule 609, may not be proved by extrinsic evidence. They may, however, in the discretion of the court, if probative of truthfulness or untruthfulness, be inquired into on cross-examination of the witness (1) concerning the witness' character for truthfulness or untruthfulness, or (2) concerning the character for truthfulness or untruthfulness of another witness as to which character the witness being cross-examined has testified.

The giving of testimony, whether by an accused or by any other witness, does not operate as a waiver of the accused or the witness' privilege against self-incrimination when examined with respect to matters that relate only to character for truthfulness.

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

(a) **General rule.** For the purpose of attacking the character for truthfulness of a witness,  
(1) evidence that a witness other than an accused has been convicted of a crime shall be admitted, subject to Rule 403, if the crime was punishable by death or imprisonment in excess of one year under the law under which the witness was convicted, and evidence that an accused has been convicted of such a crime shall be admitted if the court determines that the probative value of admitting this evidence outweighs its prejudicial effect to the accused; and

(2) evidence that any witness has been convicted of a crime shall be admitted regardless of the punishment, if it readily can be determined that establishing the elements of the crime required proof or admission of an act of dishonesty or false statement by the witness.

(b) **Time limit.** Evidence of a conviction under this rule is not admissible if a period of more than ten years has elapsed since the date of the conviction or of the release of the witness from the confinement imposed for that conviction, whichever is the later date, unless the court determines, in the interests of justice, that the probative value of the conviction supported by specific facts and

circumstances substantially outweighs its prejudicial effect. However, evidence of a conviction more than 10 years old as calculated herein, is not admissible unless the proponent gives to the adverse party sufficient advance written notice of intent to use such evidence to provide the adverse party with a fair opportunity to contest the use of such evidence.

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

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

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

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

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

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

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

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

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

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

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

*If a written statement is used to refresh the memory of a witness either while testifying or before testifying, the Court shall determine that the adverse party is entitled to have the writing produced for*

*inspection. The adverse party may cross examine the witness on the material and introduce into evidence those portions, which relate to the testimony of the witness.*

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

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

(b) **Extrinsic Evidence of Prior Inconsistent Statement of Witness.** Extrinsic evidence of a prior inconsistent statement by a witness is not admissible unless the witness is afforded an opportunity to explain or deny the same and the opposite party is afforded an opportunity to interrogate the witness thereon, or the interests of justice otherwise require. This provision does not apply to admissions of a party-opponent as defined in rule 801(d)(2).

## **ARTICLE VII. OPINIONS AND EXPERT TESTIMONY**

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

If the witness is not testifying as an expert, the witness' testimony in the form of opinions or inferences is limited to those opinions or inferences which are (a) rationally based on the perception of the witness, and (b) helpful to a clear understanding of the witness' testimony or the determination of a fact in issue, and (c) not based on scientific, technical, or other specialized knowledge within the scope of Rule 702.

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

If scientific, technical, or other specialized knowledge will assist the trier of fact to understand the evidence or to determine a fact in issue, a witness qualified as an expert by knowledge, skill, experience, training, or education, may testify thereto in the form of an opinion or otherwise, if (1) the testimony is based upon sufficient facts or data, (2) the testimony is the product of reliable principles and methods, and (3) the witness has applied the principles and methods reliably to the facts of the case.

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

The facts or data in the particular case upon which an expert bases an opinion or inference may be those perceived by or made known to the expert at or before the hearing. If of a type reasonably relied upon by experts in the particular field in forming opinions or inferences upon the subject, the facts or data need not be admissible in evidence in order for the opinion or inference to be admitted. Facts or data that are otherwise inadmissible shall not be disclosed to the jury by the proponent of the opinion or inference unless the court determines that their probative value in assisting the jury to evaluate the expert's opinion substantially outweighs their prejudicial effect.

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

(a) Except as provided in subdivision (b), testimony in the form of an opinion or inference otherwise admissible is not objectionable because it embraces an ultimate issue to be decided by the trier of fact.



(b) No expert witness testifying with respect to the mental state or condition of a defendant in a criminal case may state an opinion or inference as to whether the defendant did or did not have the mental state or condition constituting an element of the crime charged or of a defense thereto. Such ultimate issues are matters for the trier of fact alone.

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

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

**ARTICLE VIII. HEARSAY**

**Rule 801. Definitions**

The following definitions apply under this article:

(a) **Statement.** - A “statement” is an oral or written assertion or nonverbal conduct of a person, if it is intended by the person as an assertion.

(b) **Declarant.** - A “declarant” is a person who makes a statement.

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

(d) **Statements which are not hearsay.** A statement is not hearsay if--

- (1) **Prior statement by witness.** - The declarant testifies at the trial or hearing and is subject to cross examination concerning the statement and the statement is (A) inconsistent with the declarant’s testimony, and was given under oath subject to the penalty of perjury at a trial, hearing, or other proceeding, or in a deposition, or (B) consistent with the declarant’s testimony and is offered to rebut an express or implied charge against the declarant of recent fabrication or improper influence or motive, or (C) one of identification of a person made after perceiving the person; or
- (2) **Admission by party-opponent.** The statement is offered against a party and is (A) the party's own statement in either an individual or a representative capacity or (B) a statement of which the party has manifested an adoption or belief in its truth, or (C) a statement by a person authorized by the party to make a statement concerning the subject, or (D) a statement by the party's agent or servant concerning a matter within the scope of the agency or employment, made during the existence of the relationship, or (E) a statement by a coconspirator of a party during the course and in furtherance of the conspiracy. The contents of the statement shall be considered but are not alone sufficient to establish the declarant's authority under subdivision (C), the agency or employment relationship and scope thereof under subdivision (D), or the existence of the conspiracy and the participation therein of the declarant and the party against whom the statement is offered under subdivision (E).

**Rule 802. Hearsay Rule**

Hearsay is not admissible except as provided by these Rules.

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

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

- (1) **Present sense impression.** - A statement describing or explaining an event or condition made while the declarant was perceiving the event or condition, or immediately thereafter.
- (2) **Excited utterance.** - A statement relating to a startling event or condition made while the declarant was under the stress of excitement caused by the event or condition.
- (3) **Then existing mental, emotional, or physical conditions.** - A statement of the declarant's then existing state of mind, emotion, sensation, or physical condition (such as intent, plan, motive, design, mental feeling, pain, and bodily health), but not including a statement of memory or belief to prove the fact remembered or believed unless it relates to the execution, revocation, identification, or terms of declarant's will.
- (4) **Statements for purposes of medical diagnosis or treatment.** Statements made for purposes of medical diagnosis or treatment and describing medical history, or past or present symptoms, pain, or sensations, or the inception or general character of the cause or external source thereof insofar as reasonably pertinent to diagnosis or treatment.
- (5) **Recorded recollection.** - A memorandum or record concerning a matter about which a witness once had knowledge but now has insufficient recollection to enable the witness to testify fully and accurately, shown to have been made or adopted by the witness when the matter was fresh in the witness' memory and to reflect that knowledge correctly. If admitted, the memorandum or record may be read into evidence but may not itself be received as an exhibit unless offered by an adverse party.
- (6) **Records of regularly conducted activity.** - A memorandum, report, record, or data compilation, in any form, of acts, events, conditions, opinions, or diagnoses, made at or near the time by, or from information transmitted by, a person with knowledge, if kept in the course of a regularly conducted business activity, and if it was the regular practice of that business activity to make the memorandum, report, record, or data compilation, all as shown by the testimony of the custodian or other qualified witness, unless the source of information or the method or circumstances of preparation indicate lack of trustworthiness. The term "business" as used in this paragraph includes business, institution, association, profession, occupation, and calling of every kind, whether or not conducted for profit.
- (8) **Public records and reports.** - Records, reports, statements, or data compilations, in any form, of public offices or agencies, setting forth (A) the activities of the office or agency, or (B) matters observed pursuant to duty imposed by law as to which matters there was a duty to report, excluding, however, in criminal cases matters observed by police officers and other law enforcement personnel, or (C) in civil actions and proceedings and against the Government in criminal cases, factual findings resulting from an investigation made pursuant to authority granted by law, unless the sources of information or other circumstances indicate lack of trustworthiness.
- (18) **Learned treatises.** - To the extent called to the attention of an expert witness upon cross examination or relied upon by the expert witness in direct examination, statements contained in published treatises, periodicals, or pamphlets on a subject of history, medicine, or other science or art, established as a reliable authority by the testimony or admission of the witness or by other expert testimony or by judicial notice. If admitted, the statements may be read into evidence but may not be received as exhibits.

(21) **Reputation as to character.** - Reputation of a person's character among associates or in the community.

(22) **Judgment of previous conviction.** - Evidence of a final judgment, entered after a trial or upon a plea of guilty (but not upon a plea of nolo contendere), adjudging a person guilty of a crime punishable by death or imprisonment in excess of one year, to prove any fact essential to sustain the judgment, but not including, when offered by the Government in a criminal Plaintiff for purposes other than impeachment, judgments against persons other than the accused.

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

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

- (1) is exempted by ruling of the court on the ground of privilege from testifying concerning the subject matter of the declarant's statement; or
- (2) persists in refusing to testify concerning the subject matter of the declarant's statement despite an order of the court to do so; or
- (3) testifies to a lack of memory of the subject matter of the declarant's statement; or
- (4) is unable to be present or to testify at the hearing because of death or then existing physical or mental illness or infirmity; or
- (5) is absent from the hearing and the proponent of a statement has been unable to procure the declarant's attendance (or in the case of a hearsay exception under subdivision (b)(2), (3), or (4), the declarant's attendance or testimony) by process or other reasonable means. A Declarant is not unavailable as a witness if exemption, refusal, claim of lack of memory, inability, or absence is due to the procurement or wrongdoing of the proponent of a statement for the purpose of preventing the witness from attending or testifying.

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

- (1) Former testimony. Testimony given as a witness at another hearing of the same or a different proceeding, or in a deposition taken in compliance with law in the course of the same or another proceeding, if the party against whom the testimony is now offered or, in a civil action or proceeding, a predecessor in interest, had an opportunity and similar motive to develop the testimony by direct, cross, or redirect examination.
- (2) Statement under belief or impending death. In a Plaintiff for homicide or in a civil action or proceeding, a statement made by a declarant while believing that the declarant's death was imminent, concerning the cause or circumstances of what the declarant believed to be impending death.
- (3) Statement against interest. A statement which was at the time of its making so far contrary to the declarant's pecuniary or proprietary interest, or so far tended to subject the declarant to civil or criminal liability, or to render invalid a claim by the declarant against another, that a reasonable person in the declarant's position would not have made the statement unless believing it to be true. A statement tending to expose the declarant to criminal liability and offered to exculpate the accused is not admissible

unless corroborating circumstances clearly indicate the trustworthiness of the statement.

- (4) Statement of personal or family history. (A) A statement concerning the declarant's own birth, adoption, marriage, divorce, legitimacy, relationship by blood, adoption, or marriage, ancestry, or other similar fact of personal or family history, even though declarant had no means of acquiring personal knowledge of the matter stated; (B) a statement concerning the foregoing matters, and death also, of another person, if the declarant was related to the other by blood, adoption, or marriage or was so intimately associated with the other's family as likely to have accurate information concerning the matter declared.
- (5) Forfeiture by wrongdoing. A statement offered against a party that has engaged or acquiesced in wrongdoing that was intended to, and did, procure the unavailability of the declarant as a witness.

**Rule 805. Hearsay within Hearsay**

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

**ARTICLE XI. OTHER**

**Rule 1103. Title**

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

**OFFICIAL TEAM ROSTER FORM**

Before beginning a trial, the teams must exchange copies of the Team Rosters. The form shall identify the gender of each witness so that references to such parties shall be made using the preferred pronoun. Copies of the Team Rosters shall also be made available to all three judges during the pretrial conference. At the conclusion of each trial, the presiding judge shall forward a copy of each team's roster to the local coordinator. **No changes in a team's roster should be made after the first round of local competition.** Contact your local coordinator with questions.

**NAME OF SCHOOL:** \_\_\_\_\_

**Name of Team** (if school has more than one team): \_\_\_\_\_

**During this trial our team will be representing the: (circle one)** Plaintiff/Prosecution OR Defense

**STUDENT ATTORNEYS**

	<u>Name</u>	<u>Direct Examination</u>	<u>Cross Examination</u>	<u>Other</u>
1.	_____	_____	_____	_____
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____

**WITNESSES**

	<u>Name</u>	<u>(Circle One)</u>	<u>Trial Name</u>	<u>Preferred Pronoun</u>
1.	_____	Male/Female _____	_____	_____
2.	_____	Male/Female _____	_____	_____
3.	_____	Male/Female _____	_____	_____

**NAMES OF ALTERNATES**

1. \_\_\_\_\_ 2. \_\_\_\_\_

**Teacher-Coach(es):** \_\_\_\_\_

**Attorney-Coach(es):** \_\_\_\_\_

**Signature of Coaches(s):** \_\_\_\_\_

## **TRIAL SCORING & DEDUCTION OF POINTS**

**TRIAL SCORING:** Trial winners are determined by which team earns the most judges' ballots. Do NOT add the two performance judges' team totals together to determine the trial winner.

Each of the performance judges should total their scores separately. If an individual judge's team totals are the same for both teams, that judge should indicate on the line ***If my total scores are tied, the win goes to \_\_\_\_\_***, which of the teams s/he feels gave the best overall performance. The team which earns the greatest number of points on a judge's score sheet (or receives the judge's vote if the numbers were tied) wins that judge's ballot. **TO WIN A TRIAL, A TEAM MUST WIN AT LEAST TWO JUDGES' BALLOTS.**

In other words, if each of the performance judges has awarded the greatest number of points to the same team, that team is the winner. If the performance judges have made a "split" decision (i.e., each awarded the most points to a different team) then the presiding judge must determine the winner based on which team gave the best overall performance.

### **Example A:**

Judge Smith's:	Team #1	<u>83</u> points &	Judge Jones'	Team #1	80 points &
score sheet shows:	Team #2	<u>76</u> points	score sheet shows:	Team #2	<u>78</u> points

In Example A, **Team #1 is the clear winner** because both performance judges gave them a greater number of points than the judges gave to Team #2 -- 83 and 80 versus 76 and 78.

### **Example B:**

Judge Smith's:	Team #1	<u>83</u> points &	Judge Jones'	Team #1	<u>79</u> points &
score sheet shows	Team #2	<u>76</u> points	score sheet shows:	Team #2	<u>80</u> points

In Example B, Judge Smith has chosen Team #1 as the winner. Judge Jones has chosen Team #2 as the winner. Even though one team has more total points than the other, it is the number of judges' ballots NOT the total points which determines a trial winner. Therefore, this is a situation in which the performance judges have given a "split" decision. The presiding judge must determine the winner based upon overall team performance. In example B the team which earns the presiding judge's vote/ballot is the trial winner.

**DEDUCTION OF POINTS:** Performance judges may, at their discretion, consider subtracting points from an individual's score because of rule violations. For example, if a team violates its time limits, the performance judges MAY decide to reduce the points given to each of the three attorneys, or reduce the point total of the attorney who appeared to be the greatest cause of the time limit violation.

Other rule violations for which performance judges may wish to deduct points may be brought to the judges' attention during a dispute settlement (see Rules 30-33). For example, if it is brought to the judges' attention that a team member was improperly coached by a teacher or attorney-coach during the trial round, the judges may wish to reduce the points given to that particular team member.

**Whatever rule violations are brought to the attention of the judges, it is entirely within the judges' discretion whether or not they will deduct points from any participant's score. The decision of the judges is final.**

**PRESIDING JUDGE'S SCORE SHEET**

Date: \_\_\_\_\_ Round: \_\_\_\_\_

Plaintiff/Prosecution: \_\_\_\_\_ Defense: \_\_\_\_\_

Indicate your decision regarding which team made the best overall performance independent of the decisions of the performance judges. If the decisions of the performance judges are split, your decision as to the best overall performance will be used to decide which team wins the trial. If the two performance judges agree regarding which team gave the better performance, your score sheet will not be used in the calculation of the winner, but at the regional or state championships your score sheet may decide pairings and round advancement.

The criteria for BEST OVERALL PERFORMANCE are, among other things, whether ALL team members:

- complied with all rules of the competition and spirit of fair play;
- were poised and spoke clearly and distinctly;
- observed courtroom decorum;
- used their time effectively and stayed within their allotted time; and
- were courteous of their opponent.

**PERFORMANCE EVALUATION**

In my opinion, the team which gave the BEST OVERALL PERFORMANCE is the:

CIRCLE ONE:            Plaintiff/Prosecution            OR            Defense

COMMENTS (optional):

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\_\_\_\_\_  
Judge's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
**Please print name**



# Judge Lyle E. Strom High School Mock Trial Program

Sponsored by the Nebraska State Bar Foundation

## PERFORMANCE JUDGE'S SCORE SHEET

**P = Plaintiff/Prosecution** \_\_\_\_\_ **D = Defense** \_\_\_\_\_  
 (School Name) (School Name)

**Round:** \_\_\_\_\_ **Court Room:** \_\_\_\_\_

On a scale of 1 to 10, as outlined below, rate each team's performance in each of the 12 scoring categories.

Ineffective	Fair	Average	Excellent	Superior
1-2	3-4	5-6	7-8	9-10

**PLEASE DO NOT:** 1 – Leave any categories blank; 2 – Give any scores of zero; 3 – Use Fractions

		P			D
Opening Statement			Opening Statement		
<b>Plaintiff/Prosecution</b>					
First Plaintiff/Prosecution Witness	Attorney Direct Examination		Attorney Cross Examination		
	Witness Performance				
Second Plaintiff/Prosecution Witness	Attorney Direct Examination		Attorney Cross Examination		
	Witness Performance				
Third Plaintiff/Prosecution Witness	Attorney Direct Examination		Attorney Cross Examination		
	Witness Performance				
<b>Defense</b>					
Attorney Cross Examination			First Defense Witness	Attorney Direct Examination	
			Witness Performance		
Attorney Cross Examination			Second Defense Witness	Attorney Direct Examination	
			Witness Performance		
Attorney Cross Examination			Third Defense Witness	Attorney Direct Examination	
			Witness Performance		
Closing Arguments			Closing Arguments		
Team Decorum & Professionalism			Team Decorum & Professionalism		
<b>Total Scores</b>					
<b>TOTAL PLAINTIFF/PROSECUTION SCORE</b>			<b>TOTAL DEFENSE SCORE</b>		
<b>(Min. Points 12, Max. Points 120)</b>			<b>(Min. Points 12, Max. Points 120)</b>		

Tiebreaker (in case of tie, circle the party that won this round): Plaintiff/Prosecution Defense

Explanation of any point deduction: \_\_\_\_\_

Name (Print): \_\_\_\_\_ Date: \_\_\_\_\_

Signature: \_\_\_\_\_



**SUGGESTIONS FOR SCORING MOCK TRIALS**  
Nebraska High School Mock Trial Competition

<b>POINTS</b>	<b>PERFORMANCE</b>	<b>CRITERIA FOR EVALUATING STUDENT PERFORMANCE</b>
1-2	Ineffective	Unsure of self, illogical, uninformed, not prepared, speaks incoherently, definitely ineffective in communication.
3-4	Fair	Minimally informed and prepared. Performance is passable but lacks depth in terms of knowledge of task and materials. Communications lack clarity and conviction.
5- 6	Average	Good, solid, but less than spectacular performance. Can perform outside the script but with less confidence than when using script. Logic and organization are adequate, but not outstanding. Grasps major aspects of the case, but does not convey mastery of same. Communications are clear and understandable, but could be stronger in fluency and persuasiveness.
7-8	Excellent	Fluent, persuasive, clear and understandable. Organizes materials and thoughts well and exhibits mastery of the case and materials.
9-10	Superior	Superior in qualities listed for "Excellent" rating. Thinks well on feet, is logical, and keeps poise under duress. Can sort out essential from the nonessential and use time effectively to accomplish major objectives. Demonstrates the unique ability to utilize all resources to emphasize vital points of the trial.

**Factors to Consider in Scoring**

**OPENING STATEMENTS**

Provided a case overview; mentioned the key witnesses; stated the relief requested; and provided a clear and concise description of their case.

**DIRECT EXAMINATION**

Used properly phrased questions (who, what, where, when, how); used proper courtroom procedure; demonstrated understanding of issues and facts; proper introduction of evidence; defended objections in clear, concise terms; used time effectively; and complied with all rules of the competition and spirit of fair play.

**CROSS EXAMINATION**

Used leading questions; properly impeached witnesses; raised proper objections and stated reasons clearly; knew Rules of Evidence and did not overuse objections; courteous of opponent; and complied with rules of competition and spirit of fair play.

**WITNESSES**

Credible; understood facts; responded spontaneously; poised and observed courtroom decorum.

**CLOSING ARGUMENTS**

Summarized the evidence; emphasized the supporting points of their own case and damaged

the opponent's; concentrated on the important, not the trivial; applied the applicable law; and used arguments that followed a logical pattern, in direct and easily understood language.

### **CONSTRUCTIVE CRITIQUES**

An important aspect of the educational process of mock trials is the critique provided by the presiding and performance judges at the conclusion of the trial. The comments and suggestions on this page are meant to assist judges in their roles as educators about the law and our legal system.

**Please read these comments and try to give students positive suggestions that will help them 1) do better next time, and 2) understand how our justice system works.**

For many students the critique is the most valuable part of the competition. They learn from hearing *specifically* what they did wrong, as well as from hearing your approval of what they did well.

- Humor is a welcome tension reliever during the critique.
- Your comments should bear in mind the educational goals of the mock trial program.
- Remember that you are helping *educate, guide and nurture* these young people. Treat them with the respect you expect to receive from them.
- Encourage questions during the critique.
- Be realistic about the legal system. It is not perfect.
- Let students see you as a real human being. Share your interests, concerns, and satisfactions.
- Remember you are a role model for the students and an ambassador for your profession.
- Maintain eye contact.
- Keep your critique to the time suggested (**10 minutes for the entire panel**).
- Let your personality come across. Let students know that not all attorneys use the same methods and techniques. Differences of opinions regarding style of trial presentations are common.

### **POSITIVE APPROACHES FOR SUGGESTIONS TO STUDENTS**

"Perhaps an alternative way of handling the questioning of that witness would have been to..."

"Your opening statement was good, but it may have been even better if you had..."

"I cannot recall hearing evidence about ..., which would have helped your client's case. If you did include such evidence I suggest that next time you make it somehow stand out stronger by..."

#### **DO NOT:**

Criticize students about their attire.

Expect high school students to understand all that law students or lawyers understand.

Talk down to students.

**DISPUTE RESOLUTION FORM -- INSIDE THE BAR**  
*(See Rules 30 & 33)*

DATE \_\_\_\_\_ PLACE OF TRIAL \_\_\_\_\_

SCHOOLS COMPETING \_\_\_\_\_

NAME OF STUDENT ATTORNEY FILING DISPUTE \_\_\_\_\_

SCHOOL OF STUDENT ATTORNEY FILING DISPUTE \_\_\_\_\_

**NATURE OF DISPUTE.** Explain briefly why you are filing this dispute. When finished, give this form to the PRESIDING JUDGE.

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**PRESIDING JUDGE**

*I have read this dispute form and determined that the dispute should be DENIED.*

My reasons for denying this dispute are \_\_\_\_\_

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**OR**

*I have read this dispute form and determined that the dispute should be HEARD. I will now present this form to opposing counsel and ask for their written response on the reverse side of this form.*

**SIGNATURE OF PRESIDING JUDGE** \_\_\_\_\_

**DATE & TIME** \_\_\_\_\_

**DISPUTE RESOLUTION FORM -- INSIDE THE BAR**  
*(Page Two)*

Opposing sides' RESPONSE TO DISPUTE.

**NAME OF STUDENT ATTORNEY RESPONDING** \_\_\_\_\_

**SCHOOL OF STUDENT ATTORNEY** \_\_\_\_\_

**RESPONSE TO DISPUTE. Write a brief response to the opposing side's dispute claim. When finished, return this form to the presiding judge.**

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**PRESIDING JUDGE** (please print): \_\_\_\_\_

The respective teams have submitted a dispute and a response to the dispute in writing. Both sides have now had an opportunity to argue the dispute in an open hearing in my presence. After reviewing the dispute, the response, the oral arguments, and the relevant mock trial rules, I have reached a decision in this matter. My decision is:

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**SIGNATURE OF PRESIDING JUDGE** \_\_\_\_\_

**DATE AND TIME** \_\_\_\_\_

**DISPUTE RESOLUTION FORM -- OUTSIDE THE BAR**  
*(See Rule 33)*

Date \_\_\_\_\_ Place of trial \_\_\_\_\_

Schools Competing \_\_\_\_\_

Name of TEACHER OR ATTORNEY COACH filing dispute \_\_\_\_\_

School of Teacher or Attorney Coach filing dispute \_\_\_\_\_

**NATURE OF DISPUTE:** Explain briefly why you are filing this dispute. When complete, give this form to the REGIONAL COORDINATOR.

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**COORDINATOR** (please print)

I received this Dispute Resolution Form on \_\_\_\_\_ (date) and have notified all pertinent parties of the nature of the dispute. I DID DID NOT feel that a response was necessary for me to make a decision.  
(circle one)

If received, the response is attached to this form.

My decision in the dispute is

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I have notified all pertinent parties of my decision.

**REGIONAL COORDINATOR'S SIGNATURE** \_\_\_\_\_

**DATE & TIME** \_\_\_\_\_

## 2017-2018 MOCK TRIAL COORDINATORS & REGIONS

### REGION 1

**Coordinator:**      **Honorable Leo Dobrovlny**                      **Honorable Kristen D. Mickey**  
1725 10<sup>th</sup> St.                      1725 10<sup>th</sup> St.  
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Fax: (308) 436-6759                      Fax: (308) 436-6782  
[leo.dobrovlny@nebraska.gov](mailto:leo.dobrovlny@nebraska.gov)                      [kris.mickey@nebraska.gov](mailto:kris.mickey@nebraska.gov)

Counties: Banner, Box Butte, Cheyenne, Dawes, Deuel, Garden, Kimball, Morrill, Scotts Bluff, Sheridan and Sioux

### REGION 2

**Coordinators:**      **Honorable Frankie J. Moore**                      **Lindsay Pedersen**  
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North Platte, NE 69101                      **(308) 696-3250**  
**(308) 535-8342**                      Fax: (308) 696-3252  
Fax: (308) 535-8344                      [lindsay@hall-atty.com](mailto:lindsay@hall-atty.com)  
[frankie.moore@nebraska.gov](mailto:frankie.moore@nebraska.gov)

Counties: Arthur, Custer, Dawson, Grant, Hooker, Keith, Lincoln, Logan, McPherson and Thomas

### REGION 3

**Coordinators:**      **Honorable David W. Urbom**  
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**Kathy Woodmancy**  
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Fax: (308) 352-7532  
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Counties: Chase, Dundy, Frontier, Furnas, Gosper, Hayes, Hitchcock, Perkins and Red Willow

#### REGION 4

**Coordinator:**     **Honorable Mark D. Kozisek**  
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Counties: Boyd, Brown, Cherry, Holt, Keya Paha, and Rock

**Coordinator:**     **Mike S. Borders**  
940 S D St.  
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Fax: (308) 872-2255  
[borders1lawoffice@qwestoffice.net](mailto:borders1lawoffice@qwestoffice.net)

Counties: Blaine, Garfield, Greeley, Howard, Loup, Sherman, Valley, and Wheeler

#### REGION 5

<b>Coordinators:</b>	<b>Honorable Teresa K. Luther</b> 111 W. 1 <sup>st</sup> Street Grand Island, NE 68801 <b>(308) 385-5666</b> Fax: (308) 385-5669 <a href="mailto:tluther@hallcountyne.gov">tluther@hallcountyne.gov</a>	<b>Elizabeth Chrisp</b> P.O. Box 1060 Kearney, NE 68848 <b>308-234-5579</b> Fax: (308) 234-9305 <a href="mailto:elizabeth@jacobsenorr.com">elizabeth@jacobsenorr.com</a>
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Counties: Buffalo & Hall

**Coordinator:**     **Amy Skalka**  
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Counties: Adams, Clay, Franklin, Harlan, Kearney, Nuckolls, Phelps, and Webster

## REGION 6

**Coordinators:**     **Honorable Donna Farrell Taylor**  
501 Main – Courthouse  
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Counties: Antelope, Burt, Cedar, Cuming, Dakota, Dixon, Dodge, Knox, Madison, Pierce, Stanton, Thurston, Washington and Wayne

## REGION 7

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Counties: Boone, Butler, Colfax, Hamilton, Merrick, Nance, Platte and Polk

## REGION 8

**Coordinator:**     **Honorable Robert B. O'Neal**  
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Counties: Sarpy

## REGION 9

<b>Coordinator:</b>	<b>Honorable Julie D. Smith</b> 4 <sup>th</sup> & Broadway Tecumseh, NE 68450 <b>(402) 274-7955</b> Fax: (402) 335-6311 <a href="mailto:liz.johnson@nebraska.gov">liz.johnson@nebraska.gov</a> (judges bailiff)	<b>Kelly Werts</b> 713 4 <sup>th</sup> St. P.O. Box 126 <b>Humboldt, NE 68376</b> <b>(402)-862-2321</b> Fax: (402) 862-3290 <a href="mailto:kellywerts@gmail.com">kellywerts@gmail.com</a>
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Counties: Cass, Fillmore, Gage, Jefferson, Johnson, Nemaha, Otoe, Pawnee, Richardson, Saline and Thayer



**REGION 10**

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**REGIONS 11 & 12**

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County: Douglas

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**Nebraska State Bar Foundation**