



2020/2021

**State of Nebraska
vs.
Chris Hall**

CR 20 - 6837

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

www.nebarfnd.org/mock-trial

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NEBRASKA STATE BAR FOUNDATION
P.O. Box 95103
Lincoln, NE 68509-5103
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MEMO

TO: ALL MOCK TRIAL PARTICIPANTS

FROM: Doris J. Huffman, Executive Director

RE: 2020 Judge Lyle Strom High School Mock Trial Program

DATE: October 2020

On behalf of the Nebraska State Bar Foundation, I welcome your participation in the 2020-2021 Mock Trial competition! This year's criminal case involves an accusation that a high school student possessed a controlled substance. Competitors for high school valedictorian are involved. One accuses the other of having a controlled substance while the accused argues that the accuser planted the drugs.

This year, teams are allowed to have nine (9) team members. This is due to the pandemic.

Students – You will experience what it is like to prepare for and present a case before a jury. Additionally, 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, and this knowledge will help 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 provide you with a glimpse of the different interpretations of trial procedure and the different approaches of individual judges.

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 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!

Student News Reporters Contest – This educational component will resume next fall.

NOTE – There have been changes to the Rules of the Competition since the competition will be held virtually this year.

If you have any questions, please contact me at doris@nebarfnd.org.

Good luck and have fun

ACKNOWLEDGEMENTS

Participation in the Judge Lyle Strom High School Mock Trial Program is completely voluntary. The Mock Trial Program is administered and funded by the **Nebraska State Bar Foundation**. Over 350 lawyers and judges volunteer each year for this educational program.

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. Beginning in 1992, this statewide organization has given \$1,000 annually to the winning State Champion. Since 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 Susan Bazis 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
Cameron Guenzel, Lincoln
Mark Richardson, Lincoln

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

Defense Counsel Association of Nebraska
Nebraska Association of School Boards
Nebraska Association of Trial Attorneys
Nebraska Council of School Attorneys
Nebraska County Attorneys Association

Nebraska County Judges Association
Nebraska Criminal Defense Attorneys Association
Nebraska District Judges Association
Nebraska State Bar Association
Nebraska State Council for the Social Studies

Nebraska Broadcasters Association – *This educational component of Mock Trial will resume next fall.*

MOCK TRIAL 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?

CODE OF ETHICAL CONDUCT

The purpose of the Judge Lyle Strom High School Mock Trial Program is to deepen students' understanding and appreciation of the legal system through an experiential learning opportunity. One of the Mock Trial Program's goals is to educate students through a **respectful** and **civil competition**. Other goals are to strengthen speaking, listening, reading and reasoning skills and to promote cooperation between educators and lawyers. Mock Trial provides students an opportunity to compete academically with other students of diverse interests and abilities.

Per the Nebraska Rules of Competition, the Code of Ethical Conduct (CODE) must be followed:

- Team members (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.
- Teacher Coaches agree to focus attention on the educational value of the Mock Trial Program and they shall discourage willful violations of the Rules. Coaches will instruct students as to proper procedure and decorum, and will assist their students in understanding and abiding by the Rules of the Competition and this CODE.
- 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 Rules of the Competition and this CODE. Attorney and Teacher Coaches are in a position of authority and thus serve as positive role models for students.
- Scouting by a team, its teachers, attorneys or parents or by affiliates of any other team is prohibited. No information about any previous trials may be shared with any other team/school at either the regional or state competition.
- 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.

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.
- To learn to lose a trial gracefully and accept defeat with dignity and restraint.

2020-2021 MOCK TRIAL COMPETITION TIMELINE AND DATES

Registration deadline	October 28, 2020
(including Payment and Dates & Times Preference Form)	
Regional Competition	January 11, 2021 – February 26, 2021
Regional winners announced.....	February 26, 2021
State Championship	Week of March 5 th , 2021
National Championship.....	May 13-15, 2021
Evansville, Indiana	

IN THE DISTRICT COURT OF WAGON WHEEL COUNTY, NEBRASKA

STATE OF NEBRASKA,	)	Case ID: CR20-6837
Plaintiff,)	
)	
vs.	)	Statement of the Facts
)	
CHRIS HALL,)	
Defendant.)	

On the morning of February 26, 2020, students in Lee Devaney's third period advanced chemistry class at Goldenrod High School in Goldenrod, Nebraska, were deeply involved in a sheep cloning experiment. All of the students were moving about the room, working at various lab stations splicing genes. Classmate Cody Grant tried to focus on the periodic table over the smartboard when s/he became distracted by the movements of Taylor Jennings who appeared to be fooling with the zipper on a computer bag. S/he thought little of it at the time and went back to his/her experiment.

After third period, Jennings reported to Principal Norris that s/he believed Chris Hall to be in possession of an illegal substance. Acting on the tip, Principal Norris related to Officer Lane Schultz, the school resource officer, what student Jennings had told him/her. Officer Schultz asked Principal Norris to call students Hall and Jennings to the office and ask them to bring their computer bags. Officer Schultz talked with Chris Hall and searched his/her computer bag for evidence of contraband. Officer Schultz located a lip balm container with a white substance resembling methamphetamine. Later testing revealed it to be methamphetamine, less than one gram, the knowing possession of which is a felony in the state of Nebraska.

The same day that the methamphetamine was found in Chris Hall's backpack, Principal Norris, pursuant to school policy, suspended Chris Hall from extracurricular activities, including the basketball team. Therefore, Hall was not allowed to play for the Goldenrod Gazelles team that had qualified for the state tournament, which was to begin on March 5, 2020. In addition, Chris Hall's chances of being named the class valedictorian are in serious jeopardy because of the methamphetamine accusation. Taylor Jennings' chance at valedictorian would also be in question if the accusation turns out to be false. Jennings and Hall are the leading candidates for class valedictorian with identical grade point averages of 4.5. In case of a tie in class standing, the principal, based on additional criteria that are listed in the school board policies, will make the decision concerning who will become the Goldenrod High School valedictorian for the class of 2020.

IN THE DISTRICT COURT OF WAGON WHEEL COUNTY, NEBRASKA

STATE OF NEBRASKA,	)	Case ID: CR20-6837
Plaintiff,)	
)	
vs.	)	Information
)	
CHRIS HALL,	)	Ct. 1: Possession of a controlled
	)	substance Neb. Rev. Stat. § 28-
	)	416(3) (Felony IV)
Defendant.)	

Edie J. Mullin, Deputy Wagon Wheel County Attorney, by authority of the State of Nebraska, comes here in person into Court at this, the 2020 jury term, thereof, and for the State of Nebraska gives the Court to understand and be informed that Chris Hall, on or about February 26, 2020, in the County of Wagon Wheel, and the State aforesaid, contrary to the form of the statutes in such cases, made and provided, did then and there being, knowingly or intentionally possess a controlled substance, to wit: Methamphetamine, a Schedule II controlled substance.

STATE OF NEBRASKA, Plaintiff

Charlie S. Radil,
Wagon Wheel County Attorney

By _____
Edie J. Mullin, #31320
Deputy Wagon Wheel County Attorney

Edie J. Mullin, Deputy Wagon Wheel County Attorney, being sworn according to law, says that the facts stated in her foregoing information are true, as she verily believes.

By _____
Edie J. Mullin, #31320
Deputy Wagon Wheel County Attorney

Sworn and Subscribed to before me this 17th day of March 2020.

Jana Allen
Deputy Clerk of the District Court

IN THE DISTRICT COURT OF WAGON WHEEL COUNTY, NEBRASKA

STATE OF NEBRASKA,	)	Case ID: CR20-6837
Plaintiff,)	
)	
vs.	)	Honorable Mark Beeder
	)	Presiding Judge
CHRIS HALL,)	
Defendant.)	

Witnesses, Exhibits and Stipulations

Witnesses for Plaintiff

- 1: Taylor Jennings
- 2: Principal Kelly Norris
- 3: Officer Lane Schultz

Witnesses for the Defendant

- 1: Chris Hall
- 2: Coach Lee Devaney
- 3: Cody Grant

Exhibits

- 1. Diagram of Chemistry classroom
- 2. Lip Balm Tube Container
- 3. Photograph of Taylor Jennings' backpack
- 4. Class Schedule for Taylor Jennings
- 5. Juvenile Adjudication Order
- 6. Class Schedule for Chris Hall
- 7. School board's policies for selecting valedictorian
- 8. School board's policies on suspension from extra-curricular activities
- 9. Photograph of Chris Hall's backpack
- 10. Nebraska State Criminalistics Laboratory Report

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. In arguing legal issues, the parties may rely upon the legal authorities provided below and upon the jury instructions provided with this case.
- 3. The lab report from the Nebraska State Criminalistics Laboratory is admissible without further foundation. No hearsay or confrontation objection to this exhibit should be sustained.
- 4. Officer Lane Schultz appeared for his/her deposition, was sworn, and then by stipulation of the parties adopted his/her police report in its entirety as a statement made under oath. The parties have agreed that the police report may be treated the same as a deposition for purposes of this trial.
- 5. Methamphetamine, also referred to as meth, speed, crank, crystal, glass and ice, is a potent central nervous stimulant. It is not physically addictive but can be psychologically addictive. The drug produces euphoria, alertness, and an increased sense of energy. It also produces

increased nervousness, irritability and paranoia. Long-term effects may include insomnia, hyperactive behavior, severe depression, aggressiveness, stomach disorders, weight loss, paranoid psychosis, respiratory problems, extreme anorexia, confusion, tremors, irreversible damage to blood vessels in the brain, strokes, and auditory and visual hallucinations.

6. In Nebraska, the prosecution is referred to as the plaintiff.
7. The “X Y” under MEET DAYS in Exhibit #4 and Exhibit #6 stands for every day. The “X” or “Y” ONLY stands for every other day.
8. In Exhibit #7, the reference of attaining 200 credits to be eligible for being selected valedictorian is a Nebraska requirement.
9. **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.
10. 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.
11. All witnesses must testify.

Legal Statutes:

Neb. Rev. Stat. § 28-416 provides in part that

(1) Except as authorized by the Uniform Controlled Substances Act, it shall be unlawful for any person knowingly or intentionally: (a) To manufacture, distribute, deliver, or dispense a controlled substance; or (b) to create, distribute, or possess with intent to distribute a counterfeit controlled substance.

(3) A person knowingly or intentionally possessing a controlled substance, except marijuana, unless such substance was obtained directly or pursuant to a medical order issued by a practitioner authorized to prescribe while acting in the course of his or her professional practice, or except as otherwise authorized by the act, shall be guilty of a Class IV felony.

Neb. Rev. Stat. § 28-405 - Schedule II (c)(3) provides that methamphetamine, its salts, isomers, and salts of its isomers constitute Schedule II controlled substances.

Neb. Rev. Stat. §28-105 provides that Class IV felonies carry a two-year maximum term of imprisonment and twelve months-post release supervision or ten thousand dollar fine, or both. There is no mandatory minimum sentence for imprisonment or post-release supervision. A person convicted of a Class IV felony can be ordered to pay restitution for any harm caused and a person convicted of a Class IV felony can be considered for probation.

Jury Instructions

[Note: This material will not be read in court or submitted to a jury. Attorneys may rely upon these instructions in their arguments to the presiding judge and during closing arguments. These instructions are based on Nebraska Pattern Jury Instructions, 2d Edition.]

Instruction No. 1: Function of Judge, Jury, and Counsel

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.

A. The law does not permit me 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 or any of the inflections of my voice as reflecting an opinion as to how this case should be decided.

B. 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 the general knowledge that everyone has. You must disregard your personal knowledge of any other specific fact.

C. 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 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.

D. The attorneys have a duty to represent their clients. In arguing their clients' case, attorneys may draw legitimate deductions and inferences from the evidence. The attorneys have a duty to make all objections they deem proper. Do not be influenced by any objection.

E. 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: Charge and Plea

This is a criminal action prosecuted by the State of Nebraska against the defendant upon an information filed by the Wagon Wheel County Attorney, pursuant to law. The complaint charges, in substance that:

Count I: On or about the 26th day of February 2020, in Wagon Wheel County, Nebraska, the defendant did knowingly or intentionally possess a controlled substance, to wit: Methamphetamine, a Schedule II controlled substance.

To this charge, the defendant has entered a plea of not guilty. The charge and the defendant's plea make up the issues that you are to determine by your verdict. The information or the fact that the county attorney has filed the information is not to be considered by you as evidence.

Instruction No. 3: Elements

Count I: The material elements which the state must prove by evidence beyond a reasonable doubt in order to convict the defendant of the crime of possession of a controlled substance are:

1. On or about the 26th day of February 2020, the defendant possessed a controlled substance, to wit: Methamphetamine, a Schedule II controlled substance
2. the defendant did so knowingly or intentionally, and
3. the defendant did so in Wagon Wheel County, Nebraska.

The state has the burden of proving beyond a reasonable doubt each and every one of the foregoing material elements necessary for conviction. If you find from the evidence beyond a reasonable doubt that each and every one of the foregoing material elements are true, it is your duty to find the defendant guilty. If you find that the state has failed to prove beyond a reasonable doubt any one or more of the foregoing material elements, it is your duty to find the defendant not guilty.

Instruction No. 4: Definitions

Possession means to knowingly have something in one's actual physical possession or to knowingly or intentionally exercise control over it.

A reasonable doubt is defined to mean 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. 5. Presumption of Innocence

The defendant is presumed innocent. This presumption of innocence is evidence in favor of the defendant and continues throughout the trial unless and until the state shall have proven the defendant guilty beyond a reasonable doubt, if it can do so.

Instruction No. 6: Evidence

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

1. The testimony of the witnesses;
2. Documents and other things received as exhibits; and
3. Any facts that have been stipulated to--that is formally agreed to by the parties.

B. The following things are not evidence:

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

C. Direct and Circumstantial Evidence

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 one or more facts from which another fact can logically be inferred.

The law makes no distinction between these two kinds of evidence. A fact may be proved by either direct evidence, circumstantial evidence or both.

Instruction No. 7: Credibility

You are the sole judge 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 self-interest or lack of self-interest of the witness in the result of this case;
6. The apparent fairness or bias of the witness, or the witness's relationship to the parties;
7. Any previous statement or conduct of the witness that is consistent or inconsistent with 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. 8: Expert Witness

A witness who has special knowledge, skill, experience, training, or education in a particular area may testify as an expert in that area. You determine what weight, if any, to give to an expert's testimony just as you do with the testimony of any other witness. You should consider the expert's credibility as a witness, the expert's qualifications as an expert, the sources of the expert's information, and the reasons given for any opinions expressed by the expert.

Instruction No. 9: Submission to the Jury

This case is now ready to be submitted to you for your consideration. 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. Remember that you are not partisans or advocates. Do not hesitate to reexamine your own views and to change your mind if reason and logic so dictate.

When you get to the jury room, the first thing you must do is to select one of you to be the foreperson, the person who will preside over your deliberations. It is the foreperson's job 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.

Your verdict must be unanimous and will be signed by the foreperson only.

BY THE COURT:

District Judge

IN THE DISTRICT COURT OF WAGON WHEEL COUNTY, NEBRASKA

STATE OF NEBRASKA,	)	Case ID: CR20-6837
Plaintiff,)	
)	
vs.	)	Honorable Mark Beeder
	)	Presiding Judge
CHRIS HALL,)	
Defendant.)	

Count I.

We the jury, being duly sworn, in the above captioned matter, do hereby find the defendant, Chris Hall, ___not guilty, ___guilty of the offense of possession of a controlled substance, methamphetamine, this 11 day of May, 2020.

Jury Foreperson

IN THE DISTRICT COURT OF WAGON WHEEL COUNTY, NEBRASKA

STATE OF NEBRASKA,	)	Case ID: CR20-6837
Plaintiff,)	
)	
vs.	)	Honorable Mark Beeder
	)	Presiding Judge
CHRIS HALL,)	
Defendant.)	

Witness Statement of Taylor Jennings

1 My name is Taylor Jennings and I am a senior at Goldenrod High School and live at 1905 Standing Bear
2 Lane in Goldenrod, Nebraska. I'm an only child and live with my parents Steve and Linda. My dad is a
3 retired city planner and tries to golf any chance he gets. I don't understand the appeal of golf, but I think
4 he just likes to hang out with his friends. Plus, it gives Dad a chance to show off his sweet ride that he
5 inherited from his Dad. He has a Highland Green 1968 Mustang Fastback that is ultra cool! My Dad
6 actually let me drive this baby once and let me tell ya....WHOA... that V8 engine really makes this car
7 hum!

8 Oh, I should mention my mom is a dental hygienist. She has worked in the same office with Dr. Schleiger
9 since before I was born. Mom enjoys her job and she knows everyone in town...AND I mean everyone!
10 Mom is still pretty active as she goes to Barre Class twice a week and then volunteers at the local soup
11 kitchen several times a month. My parents had me later in life, so while most of their friends have kids out
12 of college and are babysitting grandkids, mine are still attending my math competitions and parent
13 teacher conferences. When not busy with golf or work or me, my parents enjoy hiking in the Wildcat Hills
14 in western Nebraska since we still have family out there. Our other family member is Winston, a
15 Bernedoodle with a ton of personality!

16 I am currently on the Goldenrod High math team – The Pi-Oneers! I came up with the name as a founding
17 member of the math team. Pi is a math symbol (π) and it just works perfectly since one of my favorite
18 books is *O Pioneers!* by the famous author Willa Cather. When I was in middle school, I participated in
19 MATHCOUNTS competitions and now that I am in high school our team participates in several national
20 competitions. Last year we placed 3rd in the American Regions Mathematics League (ARML). We traveled
21 to Iowa University to compete. It was amazing to be around such strong mathematicians! We have also
22 participated in the worldwide Caribou Mathematics Competition where we placed 2nd in the 9/10 grade
23 level. Math is something I excel at. I don't have a problem letting everyone know I am good at it.

24 I believe very strongly that honesty and integrity are the cornerstones of any moral being. I also strongly
25 believe that drugs are going to unravel this great nation unless we take hold of the problem and face it
26 head on without fear and with the strength of our convictions. I intend to make that the theme for my
27 speech as valedictorian at our graduation. It is for these reasons that I felt compelled to tell Principal
28 Norris what I saw on that tragic day in February. Before I begin, let me state unequivocally that it is not
29 my intention to tarnish the reputation of this fine learning academy by exposing the wrongdoing of another
30 student. On the contrary, I am a supporter of all our students, our athletes and our teams. I worried over
31 the effect this disclosure would have on our basketball team's chances to win state. Even if they had
32 overcome the stigma and embarrassment of having a player on the squad accused of using drugs, the
33 accusation still cast a cloud of shame over the school.

34 Principal Norris has been a friend of my parents since before I was born, which is why I felt comfortable
35 telling him/her about what I saw. Our families have lake houses right next to each other on Middle Island
36 Lake. The house was my grandparents, and my mom grew up spending summers at the lake. She and
37 Principal Norris were best friends during their summers at the lake. They attended different out of state
38 colleges, and they lost touch with each other. Once they both moved back to Goldenrod, they became
39 fast friends.

40 We like to go to the lake in the off season. Dad likes to do puzzles and enjoy the silence and the beauty
41 of nature. Mom likes to curl up with her books and Winston. We frequently see Principal Norris at the
42 lake house. After doing some ice fishing one weekend in February 2020, we were huddled around the
43 campfire enjoying s'mores and Principal Norris was talking to my mom about a conversation s/he had had
44 with Chris Hall. Chris Hall and I were almost tied with our GPA's. Of course, the student with the highest
45 GPA would be valedictorian this year. Principal Norris didn't know I was there and that I could hear what
46 was being said. Principal Norris said that Hall appeared "to have been drugging." S/he said that Hall
47 was disrespectful too. Principal Norris also mentioned to my mom that it looked like Hall was the front-
48 runner for valedictorian, but only slightly.

49 I heard a rumor that Chris Hall got a good ACT score, maybe even better than mine, but I really didn't
50 pay much attention to it. I think Cody Grant, a fellow Pi-Oneers member, told me. I got a 33 on my ACT
51 test.

52 There are rumors going around on all the social media sites that I planted the drugs in Hall's computer
53 bag. I have been getting texts and even notes in my locker that it is my fault the basketball team didn't
54 win! Such malicious gossip is certainly the work of jealous underachievers who would seek to take me off
55 the podium at our graduation. I would certainly hope that by exposing Hall's "activities," I have only
56 further enhanced my position as the moral beacon of our class, but still I understand that my association
57 with this scandal might taint my reputation.

58 Sometimes I have to get into my own computer bag during a class to retrieve my computer charger or a
59 pen or something. I may have even gotten into my bag during chemistry class on the day I saw Hall with
60 his/her drugs. I just don't remember. However, I do remember what I saw Hall doing that day.

61 It was right after third period started, which is my advanced chemistry class. Personally, I find the
62 curriculum to be about as challenging as watching paint dry. While I was waiting for Coach Devaney to
63 finish putting up the lab instructions on the smartboard, I was reciting the periodic table in my head. That is
64 when I noticed Hall standing between our desks. Exhibit #1. S/he took out a lip balm container from
65 his/her pant pocket, opened it up and dumped out something that looked like white rocks into his/her
66 hand. Then Hall put the rocks back in the lip balm container and placed it in the pocket of his/her
67 computer bag. Exhibit #2. I was immediately suspicious. Everyone knows Hall has been burning the candle
68 at both ends trying to keep up his/her grades and letter in three sports. But who would've guessed s/he
69 had to resort to drugs to keep herself/himself going? In fact, one friend told me she overheard Hall and
70 another student talking about needing help to stay awake to study. Even with my busy schedule, taking
71 drugs has never been an option for me. My friends and I have seen Hall in the library late at night many
72 times. S/he always seems irritable to me. My friends have tried to talk with him/her, and s/he just yells
73 at them.

74 Anyway, after chemistry class, I went straight to Principal Norris' office and reported my observations. My
75 mathlete teammates heard that Coach Devaney has also tried to implicate me in planting the drugs in
76 Hall's computer bag because of something I said in passing in the hallway after class to a friend about the
77 cloning experiment. So, you can see why I couldn't tell Coach Devaney. Besides that, Hall is a starting
78 guard on the basketball team. In addition, Coach Devaney would've taken Hall's side like s/he took some

79 players' side three years ago when they were suspended for violating the alcohol policy. In light of this, I
80 knew I could only depend on Principal Norris to do what's right.

81 Principal Norris came and got me during 4th period and had me go into an open office off the reception
82 area. That is when the School Resource Officer came in and spoke with me about what I saw. Officer
83 Schultz asked if s/he could look through my computer bag. Exhibit #3 I had nothing to hide so I handed
84 my bag over for the search. It obviously turned up nothing. Officer Schultz asked me to look at my
85 schedule and make sure that it was correct, which it was. Exhibit #4.


86 After my visit with Officer Schultz, Principal Norris told me that Hall denied the drugs were his/hers, but
87 what else would you expect? Hall knows that getting caught with drugs takes him/her out of the running
88 for valedictorian. This would mean s/he would not get the full-ride university scholarship that Goldenrod
89 University gives to the student whose leadership, scholarship and commitment to the community best
90 exemplifies the values that made this country great. This is what I have worked so hard for throughout my
91 school years. I would feel honored to be chosen and would wear it with pride.

92 I am a model student and deserve this recognition. There is only the one stain on my record, and it is such
93 an embarrassment! Several years ago, my parents wanted to teach me the value of money. So, they
94 opened a checking account for me. Instead of giving me a debit card like everyone else, I had to use
95 actual paper checks! My parents wanted me to learn how to balance my checkbook and see the money
96 coming in and going out. I thought I had enough money in my account from all the weekend lawn mowing
97 jobs but turns out the money didn't make it to my account as fast as I was spending it at the bookstore. So,
98 I ended up bouncing a couple of checks. I was charged in juvenile court with two counts of having issued
99 insufficient funds checks. My attorney told me that my best bet was to admit to one and have the other
100 filed charge dismissed. I took the deal. Exhibit #5. I had to pay restitution for all of the checks, and I had
101 to do 15 hours of community service. Since this happened, my parents have allowed me to have a debit
102 card. I have really learned my lesson and just want this to be in the past!

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 2020-2021 Nebraska State High School Mock Trial Competition.



Kristi Ann Flowers, Notary Public
My Commission Expires: April 30, 2021

IN THE DISTRICT COURT OF WAGON WHEEL COUNTY, NEBRASKA

STATE OF NEBRASKA,	)	Case ID: CR20-6837
Plaintiff,)	
)	
vs.	)	Honorable Mark Beeder
	)	Presiding Judge
CHRIS HALL,)	
Defendant.)	

Witness Statement of Kelly Norris

1 My name is Kelly Norris. I live in a Tudor style home on what is referred to as Old Professor Row in the
2 Near South neighborhood of Goldenrod, Nebraska. My address is 4995 Bryan Street. I am a Principal
3 at Goldenrod High School (GHS) and have been for the last 14 years. Prior to being named Principal, I
4 served as the Assistant Principal at Goldenrod Middle School for 10 years. Additionally, for 8 years I was
5 a Social Studies teacher in the Cottonwood Public School District. I obtained my Bachelor of Science
6 Degree from Nebraska's FlatWater University in 1988. I also got my Nebraska teacher certification in
7 December 1987. I started teaching in 1988. I earned both my master's degree in Educational Methods
8 (2001) and a Ph.D. in Educational Administration (2005) from Sterling Morton University.

9 My partner Blake and I have 3 kids – Luke, Brecken, and Phoebe. Luke is a Pediatric Dentist here in
10 Goldenrod and he and his wife Jana just had their first child – a little baby girl named Harlow. She is just
11 as cute as they come, and I can't wait to spoil her! Brecken is living in Pointe Reyes, California, with his
12 girlfriend Tess. They live on a farm and help make cheese. Brecken is also the cheese monger at the farms
13 store front. He loves working for Millerton Family Farms and what a beautiful place to visit. Phoebe lives
14 in Denver with her best friend Joey. She is a graphic artist for a large commercial real-estate firm. I think
15 she decided to live there because there is no humidity, and the Rocky Mountains are gorgeous. Plus, she
16 has always been the outdoorsy/adventurous one.

17 I have a great love for this school district and especially for this high school. My grandparents graduated
18 from Goldenrod, my mom and dad graduated from Goldenrod, my siblings and I graduated from
19 Goldenrod and my own children graduated from Goldenrod. I love to walk the halls and see pictures of
20 the numerous academic and sport teams my family participated in while at GHS. That is why I cannot
21 tolerate any violations of our school policies, especially in regard to our zero-tolerance drug policy. I
22 believe drugs are causing so many of the problems with our young people today.

23 I have known Taylor Jennings since before s/he was even at GHS. The Jennings' family and mine have
24 family lake houses right next door to each other on Middle Island Lake. Our lake house has been in my
25 family for over 70 years. I remember learning to water ski and then teaching my own kiddos to ski and
26 then Taylor. Taylor's mom and I grew up together on the water. We had the best summers and I'm glad
27 that I still get to enjoy the lake and all it has to offer. Since Taylor is an only child s/he is pretty close to
28 his/her parents, however, Steve and Linda can be a little overprotective...bordering on helicopter parent
29 status. Taylor has worked very hard to get good grades and is active on the math team and various
30 community activities.

31 Since our children are grown, Blake and I treat Taylor as if s/he were one of our own. We try and let
32 Taylor be a kid and not worry about making mistakes, which I hope balances out his/her parents' style.
33 S/he mows our lawn and does other helpful chores for us when needed. Taylor also helps out around the

lake house too! S/he has always been truthful with me. It is my opinion that s/he has also been honest with his/her parents. I have never known Taylor to do a dishonest thing in his/her life.

On Tuesday morning, February 11, 2020, before school started, I spoke with Chris Hall in the common area just outside of my office. I initiated the conversation by saying that Hall seemed to be dragging a bit. S/he stopped and appeared to perk up some when I mentioned that the valedictorian race was neck and neck, but that my preliminary evaluation indicated that s/he was slightly ahead. I also praised Hall and encouraged him/her to "take state."

As Principal, I feel it's my job to know all the kids at school. Know what they like, what they don't like...it helps make me human in their eyes and not just the rule enforcer. So, I mentioned to Hall that I had heard s/he was hanging around with some new friends. I stressed how important it is not to cut corners. Hall responded by saying s/he "did not know how s/he was going to manage it without help," but that it was "none of my business how s/he did it." Hall actually told me to stay out of his/her life. I was shocked by his/her attitude.

Blake and I were up at the lake house over the weekend of February 15-16, 2020, and I ran into Taylor walking his/her dog Winston. After some small talk, Taylor asked me how the valedictorian race was shaping up. I basically repeated my conversation with Hall from the preceding week, including Hall's comments to me. Taylor seemed disappointed but not excessively so. All Taylor said was, "We'll see."

All of this is why I believed Taylor when s/he came to me after third period on February 26, 2020, and told me that s/he had seen Chris Hall with a possible illegal drug in his/her computer bag. Hall has always disliked Taylor because s/he is Hall's stiffest competition in academics. When I heard what Taylor had seen, I told him/her to go to his/her next class and that I would be contacting him/her after I called the School Resource Officer (SRO). I believe I instructed Taylor at that time not to discuss his/her report with anyone. I then called in Officer Lane Schultz, the SRO. It took some time to locate Officer Schultz because s/he was in a distant part of the school dealing with a fistfight that had taken place between third and fourth period. The two-way radios from the school district were not working properly once again, which also lengthened the response time.

When Officer Schultz finally arrived, ten or fifteen minutes after I had spoken with Taylor, I explained what Taylor had said. Officer Schultz wanted to see the class schedules for both students, so I had a counselor provide this information. Exhibits #4 and #6. I also told the officer that these two students are tied for #1 in the class, both with identical perfect grade point averages and both are in the running for class valedictorian. In addition, I informed the officer of my knowledge of Taylor's honorable character and belief that s/he was telling the truth. Also, I felt that I had to tell the officer that Coach Devaney was the chemistry teacher and that is why Taylor had avoided talking with him/her. The Coach would not have been sympathetic toward Taylor and would have wanted to protect Hall, like s/he protected those three players years ago.

Officer Schultz then asked me to have both Jennings and Hall escorted to my office with their computer bags. I personally went to fetch Taylor and sent Assistant Principal Bazis to retrieve Hall. Jennings and Hall were placed in adjoining offices and Officer Schultz took over. I believe that s/he interviewed Taylor first because when I saw Taylor come out of the room, I spoke briefly with him/her to find out if everything was okay and to thank her/him for reporting this incident so promptly and honestly.

Upon discovering that Hall had meth in his/her computer bag, I knew that Taylor was going to be our class valedictorian. There were other worthy candidates, but Hall had eliminated himself/herself with this episode. Taylor was now clearly the class leader in grade point average and having high moral fiber.

77 According to school guidelines instituted more than five years ago, the class valedictorian is to be
78 determined by class rank. Exhibit #7. Class rank is determined by grade point average (GPA). If two or
79 more students have identical GPA's, then other factors must be weighed to determine who will be
80 valedictorian. Such factors include commitment to the community, as evidenced by participation in
81 community events, and being of the highest moral fiber. Also considered and acknowledged are
82 extracurricular school activities such as participation on the academic teams or sports teams. Exhibit #8.
83 After weighing all criteria, the final decision on selection of the valedictorian lies within my scope of
84 responsibility as directed by the Board of Education.

85 In applying these factors to break the tie between Jennings and Hall, it is not even close after the meth
86 was found in Hall's computer bag. Hall has always seemed too good to be true, and now I know why –
87 s/he was using illegal drugs to enhance his/her performance. I hate to have to admit that this type of
88 activity is going on in our high school. I am so glad that Taylor was honest and brave enough to come
89 forward with the information that someone was violating not only the law but also our zero-tolerance
90 policy for drugs and alcohol. I probably should have known that Hall might be involved in illegal drugs
91 when I saw him/her talking with four or five other students outside the school the morning of February 26,
92 2020. It was before classes started, and Hall and the others were standing across the street from the
93 school. Two of the students in that group have been reported to me to be using drugs, but I have never
94 been able to catch them.

95 That same morning, I also saw Taylor speaking with another group of students, but I thought nothing of it
96 because I'm certain that none of those students have ever been in any kind of trouble. I have heard rumors
97 about Hall's drug use, but I tried to keep them to myself until I had hard evidence. Now it looks like we've
98 got some. Unfortunately, this also gives the school and our basketball team a black eye.

WITNESS ADDENDUM

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

Signed,

Kelly Norris

SIGNED AND SWORN to before me at 8:00 a.m. on this day of this round of the 2020-2021 Nebraska State High School Mock Trial Competition.

K. Flowers

Kristi Ann Flowers, Notary Public

My Commission Expires: April 30, 2021

IN THE DISTRICT COURT OF WAGON WHEEL COUNTY, NEBRASKA

STATE OF NEBRASKA,	)	Case ID: CR20-6837
Plaintiff,)	
)	
vs.	)	Honorable Mark Beeder
	)	Presiding Judge
CHRIS HALL,)	
Defendant.)	

Witness Statement of Officer Lane Schultz

[Officer Lane Schultz appeared for his/her deposition, was sworn, and then by stipulation of the parties adopted his/her police report in its entirety as a statement made under oath. The parties have agreed that the police report may be treated the same as a deposition for purposes of this trial.]

REPORT OF OFFICER LANE SCHULTZ #1205

GOLDENROD POLICE DEPARTMENT

Case No. W32726275

Persons Mentioned in this Report:

Kelly Norris - Goldenrod High School Principal

Taylor Jennings – Reporting Party

Chris Hall - Suspect

Lee Devaney – Chemistry Teacher/Coach

Cody Grant – Witness

1 Synopsis:

2 On February 26, 2020, at approximately 1041 hours, Taylor Jennings reported to Principal Kelly Norris that s/he
3 observed Chris Hall putting a lip balm tube containing a white, rock-like substance into a pocket of his/her computer
4 bag.

5 Upon receiving consent to search from Chris Hall, this officer found the lip balm tube in defendant Hall's computer bag.
6 Exhibit #9. This officer opened the lip balm tube and it contained a white, rock-like substance. Exhibit #2. The
7 substance was field tested and showed positive for methamphetamine. Hall denied any knowledge of the contents of
8 the lip balm tube. Hall was taken into custody but refused to answer any further questions.

9 Body of Report:

10 On February 26, 2020, at 1054 hours, this officer began an investigation of a report of a possible possession of a
11 controlled substance. This officer is assigned by the Goldenrod Police Department as a School Resource Officer at
12 Goldenrod High School. Goldenrod is located at 24th and Main Street, in Goldenrod, Nebraska. This officer
13 contacted Kelly Norris, the school's principal. The principal explained that immediately after third period, which ended
14 at 1035 hours, Taylor Jennings, an honor student at Goldenrod High School, reported to the office and asked to speak
15 directly with the principal.

16 Principal Norris reports that Taylor Jennings told him/her that during Jennings' third period advanced chemistry class,
17 s/he saw defendant Chris Hall place a lip balm tube containing a white, rock-like substance into the pocket of his/her
18 computer bag. Taylor Jennings then told the principal that because of the schools zero tolerance policy concerning
19 drugs, s/he felt a duty to report this suspicious activity.

20 This officer then obtained the class schedule for both Taylor Jennings and Chris Hall. Those schedules disclosed that
21 Jennings and Hall are in the same third period chemistry class. Exhibits #4 and #6.

22 The principal also disclosed that Chris Hall and Taylor Jennings are tied for the number one ranking in competition for
23 class valedictorian, each having an identical 4.5 GPA. The principal also disclosed that Hall is a starting guard for the
24 school's state championship contending basketball team. The principal also indicated that the basketball coach, Lee
25 Devaney, is the third period chemistry teacher. The principal indicated that Taylor Jennings is active on the school's
26 math team.

27 The principal indicated that recently s/he noticed a group of Goldenrod students hanging out at Lasso Expresso South.
28 S/he could not be certain, but s/he thought s/he saw items being tossed from one student to another. S/he did note
29 that the group seemed in quite high spirits with a lot of laughing and some horseplay. S/he could not say for certain,
30 but s/he thought that Chris Hall might have been in the group.

31 This officer asked the principal to have both students escorted to the office and to have each bring his/her computer
32 bag with them. The principal went to Taylor Jennings' fourth period class and returned with Jennings and his/her
33 computer bag. Exhibit #3. Jennings was placed in a room adjoining the office area. Chris Hall with his/her computer
34 bag was escorted to the office by Assistant Principal Bazis and placed in another room adjoining the office area.

35 Taylor Jennings was interviewed briefly by this officer. S/he disclosed that s/he saw Chris Hall with a lip balm tube
36 containing a white, rock-like substance. Jennings reported that Hall put the lip balm tube in the pocket of his/her
37 computer bag. Jennings said that s/he did not report these observations to the chemistry teacher because the
38 chemistry teacher, Lee Devaney, is also the coach of the basketball team. Considering Chris Hall is the star guard for
39 the team, Jennings did not trust Coach Devaney. Jennings reported that one reason for the lack of trust is the coach's
40 previous scandal involving student athletes. Instead, Jennings went to the office to report his/her observations directly
41 to Principal Norris. Jennings consented to a search of his/her computer bag. This officer found nothing of interest.

42 This officer interviewed Chris Hall next. After a brief introduction, this officer asked Hall if s/he knew why I was there.
43 Hall responded in a defensive tone, "I have no idea why you are hassling me." This officer obtained a verbal consent
44 pursuant to school policy to search Hall's computer bag. This officer immediately removed a lip balm tube from the
45 pocket of the computer bag. Exhibit #2. This officer asked Hall what was in the lip balm tube. Hall would not look this
46 officer in the eye, but said, "I have no idea."

47 This officer then opened the lip balm tube and saw that it contained a white, rock-like substance in place of the actual
48 lip balm. At this point, Chris Hall jumped up and said, "Hey, that's not mine. What kind of a trick are you trying to
49 pull?" This officer asked Hall if s/he could account for this material being in his/her computer bag. Hall glared at this
50 officer and said, "No." Hall then voluntarily asked, "Does this have anything to do with Taylor Jennings?" As of this
51 time, this officer had not mentioned Jennings, although it is possible that Hall saw Jennings being brought to the office.

52 The substance was pretested and was positive for methamphetamine. Hall was arrested and lodged on suspicion of
53 possession of a controlled substance, a Class IV Felony. Hall made no additional comments. Upon being Mirandized,
54 Hall invoked his/her right to counsel, so this officer did not ask any further questions. Other items found in Hall's
55 computer bag included the school issued computer, pens, a notebook, and a class schedule listing Hall's name at the
56 top. The computer bag itself had Hall's name written on the outside of it. It was photographed and logged into
57 evidence.

58 This officer took custody of the lip balm tube and its contents. At the police station, this officer attempted to obtain
59 fingerprints from the lip balm tube, although this officer found no prints of comparable value. In fact, the only prints
60 found on the lip balm tube are those of this officer.

61 The lip balm tube and the white, rock-like substance were sent to the state criminalistics laboratory and tested. The
62 attached lab report indicated that the white, rock-like substance tested positive for methamphetamine. Exhibit #10.
63 This report and all of the related documentation is to be forwarded to the County Attorney's office for prosecution. I
64 took no further steps to investigate this matter and that concludes this officer's investigation. Case is considered closed
65 with the arrest of Chris Hall.

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 2020-2021 Nebraska State High School Mock Trial Competition.



Kristi Ann Flowers, Notary Public

My Commission Expires: April 30, 2021

IN THE DISTRICT COURT OF WAGON WHEEL COUNTY, NEBRASKA

STATE OF NEBRASKA,	)	Case ID: CR20-6837
Plaintiff,)	
)	
vs.	)	Honorable Mark Beeder
	)	Presiding Judge
CHRIS HALL,)	
Defendant.)	

Witness Statement of Chris Hall

1 My name is Chris Hall, and I am a senior at Goldenrod High School. I live at 1867 S. 43rd Street in Goldenrod,
2 Nebraska. As a guard on the basketball team, I lead the team in steals and assists. I have received numerous
3 scholarship offers from Division I universities asking me to play on their team. In addition, I am proud to say that I have
4 held the number one class ranking throughout my high school career.

5 I live with my parents Don and Laurie and my two sisters Marti and Addison. Marti is in 8th grade at Goldenrod Middle
6 School and Addison is in 3rd grade at Goldenrod Elementary. Marti is always trying to be with me, like me, and in my
7 space all the time!!! Mom wants me to coach Marti in basketball, but she just doesn't have the talent I do. Addison and
8 I are 10 years apart...so really all I do is drive her to dance or a playdate when mom can't. We also have some pet
9 chickens (Hen Solo, Princess Layer, and BBQ) because Addison's class hatched chickens for some project...and she
10 begged dad to keep them.

11 Although I tend to get along well with most people, I believe that my popularity, athletic ability, and academic
12 achievements have alienated a few students in my class. This is particularly true of Taylor Jennings because s/he is
13 jealous of my athletic abilities and we are now tied for the number one class ranking based upon our grade point
14 averages. Since the end of January, Jennings has been asking me what I got on the December ACT test. I've told
15 him/her it was none of his/her business but then our friend Cody told him/her that I got a 35. I really got a 33, which I
16 know is what s/he got too. Since Jennings has been so sure s/he will be valedictorian because s/he's in good with
17 Principal Norris, I wanted to give him/her something to worry about. I never thought s/he'd stoop so low as to plant
18 drugs in my computer bag. Talk about character, we all know that Jennings got in serious trouble for writing bad
19 checks! Who even has a checkbook anymore?

20 I remember hearing rumors our freshman year that Coach Devaney allowed three senior starters to play in some
21 games after having violated the school's zero tolerance policy for alcohol. Some people say the coach swore never to
22 let anything like that happen to his/her team again. A group of us have started hanging out at Lasso Espresso South
23 drinking coffee just to stay awake. The coffee helps me to finish all the studying and reading necessary to maintain my
24 grades. We have talked about the coach's previous scandal at one of our coffee get-togethers.

25 Anyway, I have never taken illegal drugs of any kind. Well, I may have tried creatine after Jackie Robinson made it
26 sound so good, but that is not an illegal substance and I only used it for a short time before I decided it was not
27 helping me. Sure, I have sipped a beer or two once or twice during high school, but never during basketball season.
28 Besides, most high school students have tried alcohol at least once, right? No one, except for maybe Jennings and some
29 of his/her close friends. Sometimes my friends and I like to go out on a weekend night and enjoy just hanging out,
30 talking. Usually we do not bother with any alcohol, but once in a while someone will buy a six pack for us and we
31 drink a few. But most of the time I am simply too busy studying or playing basketball to be bothered with drinking.
32 Besides I found that alcohol makes me tired, and I cannot afford to be sleepy when there is so much to be learned in
33 my tough classes.

34 Needless to say, I was shocked when the police officer found that lip balm tube full of meth in my computer bag.
35 Exhibit #2. I told the officer that I had no idea how it got there. Besides, the cop was a little rude with me and I was
36 pulled out in the middle of an important civics test. I thought that whatever it was it could at least have waited until I
37 finished the exam. So I was upset when I met this police officer who seemed to be accusing me of doing something
38 when I knew that I had done nothing wrong. S/he asked to search my computer bag (Exhibit #9) and I gave my
39 verbal consent, because I had nothing to hide. I felt this was mere harassment, and I did not know why I was being
40 picked on. That is, until I saw Taylor Jennings outside the office speaking with the principal.

41 The principal looked like s/he was thanking Jennings for something and s/he was smiling and nodding. I noticed that
42 Jennings had his/her computer bag and suggested to the officer that it would be more productive to search his/her
43 computer bag. The officer pulled a lip balm tube out of a pocket of my computer bag that I never even use, and said
44 that s/he thought s/he had found what s/he was looking for and that s/he had already searched the computer bag of
45 Jennings and had found nothing incriminating.

46 The officer asked me what the lip balm tube contained, and I said I had never seen it before and that it was not mine.
47 But s/he did not believe me and kept questioning me about the white substance in the lip balm tube. Where did I get
48 it? Who sold it to me? How much was I taking? I told him/her that I had no idea where it came from and that it was
49 not mine. The officer said that the white substance looked like methamphetamine and s/he asked if I knew what it was
50 doing in my computer bag. I told him/her again that I had no knowledge of the substance or the lip balm tube. I then
51 asked if this whole situation had anything to do with Jennings, but the officer just shrugged and said that it had to do
52 with me having an illegal substance in my possession and that I was under arrest. I was afraid then and remembered
53 what my mom, who has been in a spot of trouble herself, told me about not saying anything that might be interpreted
54 incorrectly, so at this time I told the officer that I wanted to talk to my parents and a lawyer.

55 A couple of weeks before the incident in question, Principal Norris bugged me in the hallway at school. S/he said
56 something about me being in the lead for valedictorian, although I am not certain what was said since I wasn't listening
57 very carefully. S/he implied that I was cutting corners, whatever that means. S/he also said s/he had heard that I was
58 hanging around with the wrong crowd. Still, I thought s/he told me that in order for me to be valedictorian, our
59 basketball team would have to win the state championship. This made me angry since I had enough pressure on me
60 already with my heavy class load and extracurricular commitments. I told Principal Norris to leave me alone. I am not
61 certain I was that polite, either.

62 I cannot believe all of this is happening to me. I have plans for my future and now Taylor Jennings may ruin them all
63 because of jealousy. Principal Norris has never liked me as much as s/he likes Jennings. I do not know why, but s/he
64 just has always favored Jennings. Jennings must have planted that lip balm tube containing the meth in my computer
65 bag during third period advanced chemistry class since I sit next to him/her. Exhibit #1. That is all I can figure.
66 Advanced Chemistry is the only class that we have together this year and my computer bag is with me at all times
67 except when I am working on an experiment in advanced chemistry or in honors psychology class.

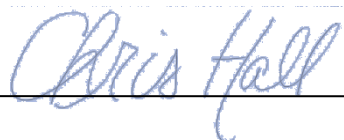
68 I already have a heavy class load this year, and I do not need any distractions in addition to the scholarship offers.
69 My parents are afraid my health is suffering this year because of the pressure I put upon myself.

70 Unfortunately, several colleges have already withdrawn their scholarship offers, at least until this mess is cleared up.

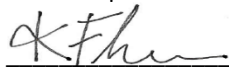
WITNESS ADDENDUM

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 2020-2021 Nebraska State High School Mock Trial Competition.

A handwritten signature in cursive script, appearing to read 'K. Flowers', written in dark ink.

Kristi Ann Flowers, Notary Public

My Commission Expires: April 30, 2021

IN THE DISTRICT COURT OF WAGON WHEEL COUNTY, NEBRASKA

STATE OF NEBRASKA,	)	Case ID: CR20-6837
Plaintiff,)	
)	
vs.	)	Honorable Mark Beeder
	)	Presiding Judge
CHRIS HALL,)	
Defendant.)	

Witness Statement of Lee Devaney

1 My name is Lee Devaney. I live at 9495 Victory Lane, Goldenrod, Nebraska. My spouse is in the military and is
2 deployed right now. Being a military family is harder than I ever imagined! But I have an amazing support team in
3 my extended family, my military spouses' group, and my co-workers. Our kids Eliza and Andrew are doing ok under
4 the circumstances. It's tough to be a girl in middle school and dealing with all the pressures of school, friends, and
5 social media. I'm constantly trying to monitor it all and be two parents at once but failing miserably at both! Andrew
6 is at the fun age right now (8) where he still thinks I'm cool and will tell me everything that happens in his life. We try
7 SnappyGab or FaceChat whenever my spouse gets a chance. I still need to break the news to my spouse that I gave in
8 and bought the kids a dog! I just wanted them to be happy and apparently a goldendoodle named Jasper was just
9 the trick...for the first week anyway. Things should settle down in a few months once my spouse returns home.

10 I received my B.S. in Chemistry from Washington University in St. Louis, Missouri, in 1998. I began working as a
11 forensic chemist for the Nebraska State Patrol criminalistics laboratory. The job was never very stimulating. I ran
12 simple lab tests of suspected controlled substances normally using a gas chromatograph, although I also examined
13 "brown leafy substances" using a microscope. Between 1998 and 2002, I went to night school and obtained a
14 teaching certificate and my master's degree in secondary education. I also minored in physical education. I have been
15 teaching chemistry at Goldenrod High School since 2002. I have also been the basketball coach at Goldenrod since
16 2003.

17 Three years ago, several student athletes were suspended because of a violation of the school's alcohol policy. I did
18 not see them violating the policy. When I heard a rumor about the incident, I confronted those students. They flatly
19 denied the rumors at that time. I believed them. Maybe I should be more cynical but really these are just kids and most
20 of them are really good people. Now, there is a very unfair letter in my personnel file about that situation. I thought I
21 had better disclose that now.

22 Taylor Jennings is a student in my third period advanced chemistry class. S/He is an excellent student with a solid
23 "A+" average in my class. At the same time, Jennings seems to me to be a tad bit too ambitious. Chris Hall is also a
24 student in my third period advanced chemistry class. S/He is also an excellent student with a solid "A+" average. The
25 seating chart accurately indicates where Hall and Jennings sat during the class. Exhibit #1.

26 Chris is the starting guard on Goldenrod's basketball team. S/He has a real gift for managing the floor. S/he leads
27 the team in assists and in steals. S/He is also a good rebounder and a dependable scorer. Mostly s/he has maturity
28 and leadership on the court, and off which means a lot to the younger players. S/He is a viable Division I college
29 athletic scholarship prospect. S/He could have led our team to our first state championship in basketball in 17 years, if
30 this drug accusation matter had not surfaced.

31 I cannot believe that Chris would risk losing the championship and any scholarship opportunities s/he might have by
32 using or even possessing a controlled substance. I know something about the effects of meth from working for the State

33 Patrol. I never saw Chris act as if s/he were under the influence of anything of the kind. Yes, s/he was burning the
34 candle at both ends with studying, basketball practice and so on. I, myself, have seen him/her at the library studying
35 late on school nights. There was one time there when I thought Hall looked a little rundown. It had been a long season,
36 and the strain was showing. I felt that I had to tell Chris to slow down a little, to get some rest, and not push
37 him/herself so hard. Still, these kids are young and resilient, and they can handle a little extra pressure.

38 Hall and Jennings are neck and neck in the race for school valedictorian. Both are outstanding candidates, although I
39 feel that Chris's basketball contributions to the school substantially outweigh Jennings' math team participation.

40 It is not unusual for students to get things out of their computer bags during chem lab. Over the years, I have seen many
41 students, including both Hall and Jennings, get into their bags during class.

42 On February 26, 2020, my advanced chemistry class was doing a cloning experiment. I posted the instructions on the
43 smartboard. The experiment required all students to be up and away from their desks. Naturally, there was some
44 movement around the classroom throughout the class period. Both Hall and Jennings were in class that day, and both
45 finished their experiment and turned in top-notch lab reports. I really did not notice either student being out of sorts or
46 nervous. Chris finished first.

47 I was quite surprised to learn that Hall and Jennings had been taken to the Principal's office. I was even more
48 surprised to learn that Chris had been arrested. It seems strange to me that I was not even interviewed about the
49 situation. I hope this gets worked out soon because of the possible long-term effects this could have on Chris.

50 I've heard rumors since the beginning of the year that Jennings has been saying s/he will be the valedictorian. It seems
51 s/he is obsessed with obtaining this goal, always volunteering and forever competing with anything Chris Hall would
52 say. I heard that Jennings became very upset when s/he heard that Chris got a 35 on his/her ACT. I think it's great if
53 Chris scored that high. This would give him/her a good chance at being valedictorian because that is in the school
54 board policy for breaking ties. I don't think we've had anyone do that well on that test since I've been here.

55 There is one more thing about this situation that really bothers me. When class was over on the 26th, I was standing
56 outside my classroom to monitor hall activity and I overheard a friend of Jennings ask him/her, "What's up"? I
57 remember hearing Jennings reply, "It's in the bag." That just seems odd to me in light of what has happened to Hall.

WITNESS ADDENDUM

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

Signed,

Lee Devaney

SIGNED AND SWORN to before me at 8:00 a.m. on this day of this round of the 2020-2021 Nebraska State High School Mock Trial Competition.

Kristi Ann Flowers

Kristi Ann Flowers, Notary Public

My Commission Expires: April 30, 2021

IN THE DISTRICT COURT OF WAGON WHEEL COUNTY, NEBRASKA

STATE OF NEBRASKA,	)	Case ID: CR20-6837
Plaintiff,)	
)	
vs.	)	Honorable Mark Beeder
	)	Presiding Judge
CHRIS HALL,)	
Defendant.)	

Witness Statement of Cody Grant

1 My name is Cody Grant, and I am a junior at Goldenrod High School. I live at 1215 Bradfield Drive, in Goldenrod,
2 Nebraska. I live with my parents - Patrick and Lora and my younger brother Elliott. My parents moved to Goldenrod
3 three years ago for my new dad's job as the math teacher at Goldenrod High School. I know... who wants their
4 parent teaching at their school, let alone a new high school! But it hasn't been all that bad. Dad can give me a ride to
5 school when it's raining or snowing, or I can use his car for lunch off campus.

6 My dad helped start the math team The Pi-Oneers! at Goldenrod and I have gotten to know Jennings well because
7 s/he was a founding team member. I also have gotten to know Hall because of basketball. I love the game but am
8 horrible at it. Coach Devaney lets me act as the team statistician. I also am in Coach Devaney's third period
9 advanced chemistry class, even though I am only a junior, as I have always excelled in science and math.

10 Back in early February of this year, we were working on a sheep cloning experiment. Everyone was very excited
11 about doing the experiment because we've never done this stuff. I sat in the rear of the classroom near the middle
12 row. Chris Hall and Taylor Jennings were also in my class and sat directly across from each other. Exhibit #1. I used to
13 watch them vying for Coach Devaney's attention. It seemed like they were always competing for everything. They
14 couldn't volunteer fast enough for extra credit work and were constantly correcting the other's responses in class.

15 So, on February 26th, Coach Devaney posted specific assignments for each lab partner on the smartboard. Most of the
16 other students were in the room when Chris arrived. Taylor arrived in a rush just as the bell rang. Coach Devaney was
17 moving about the lab tables and stopped momentarily near where Chris was working on his/her part of the
18 experiment. Students were moving about the room a lot as they completed each part of the assignment and there was
19 lots of chaos throughout the entire period. People were going back and forth to their computer bags to retrieve
20 pencils and paper, so it was not suspicious to me that Taylor went to his/her desk. Everyone has access to all of the
21 computer bags in the chemistry room during that period. None of them are in a secure place.

22 Anyway, I was trying to see the periodic table that is above the smartboard at the front of the classroom. The light
23 coming in the east windows and the overhead lights were causing a glare in the room. I needed to know the atomic
24 weight of carbon. Out of the corner of my eye, I saw Taylor go over to his/her desk and sit down. It seemed a little
25 odd to see Taylor stay at the desk so long, it could have been as much as an entire minute. It appeared that Taylor
26 was putting something into a computer bag that was on the floor near his/her desk. It looked about the size and shape
27 of a lip balm tube. With both Chris and Taylor's computer bags on the floor between their desks, it was hard to tell
28 exactly which one belonged to whom. I do remember that Taylor used his/her right hand because I noticed the black
29 silicone watchband. I do not know exactly what the item was and cannot say for sure if the item was being put in or
30 taken out of the computer bag.

31 I can't say whose computer bag Taylor was messing with. My eyesight with these safety goggles on isn't very good.
32 Since I wear glasses, I need to put the safety glasses over my own lenses, which causes the image to be a bit fuzzy.

33 Having a new pair of safety goggles might have helped because the ones I had were scratched and I had to clean
34 them. But I remember thinking it was weird that s/he was sitting at his/her desk when everyone else was working at
35 the lab stations, especially since this project was such a big part of our final grade. The lab tables are in the front of
36 the room, so it seemed odd that Taylor was away from his/her lab table and bending over his/her computer bag in
37 the area of his/her desk. Taylor's lab table assignment is at the table nearest to the window, mine is in the middle and
38 Chris' lab table is nearest the door.

39 I sit near Taylor in Study Hall during 4th period, which begins at 10:45 a.m. I overheard him/her bragging about
40 seeing someone with drugs and reporting it to Principal Kelly Norris. I really didn't think anything of it until I heard that
41 they found some drugs in Chris' computer bag. That got me thinking about something I saw before school when I was
42 standing outside near a group of Chris' friends. They were either on their cell phones or rummaging around in their
43 bags handing stuff to each other.

44 I heard Taylor ask Chris about his/her ACT score several times. I had talked to both and knew both Chris and Taylor
45 got 33's. It wasn't my place to say anything. Then Chris asked me to tell Taylor that s/he got a 35, for a joke. The
46 next day when Taylor was talking about being valedictorian, I stated that I wouldn't be so sure since Chris got a 35 on
47 the ACT. Taylor seemed upset about the fact Chris got a 35 and asked me if I was sure of Chris' score several times. I
48 felt kind of bad about pulling a prank on Taylor like that. We were friends, too, and s/he seemed so upset, but then
49 Taylor had it coming, always talking about being first in the class.

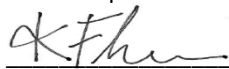
WITNESS ADDENDUM

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 2020-2021 Nebraska State High School Mock Trial Competition.



Kristi Ann Flowers, Notary Public

My Commission Expires: April 30, 2021

Exhibit #1

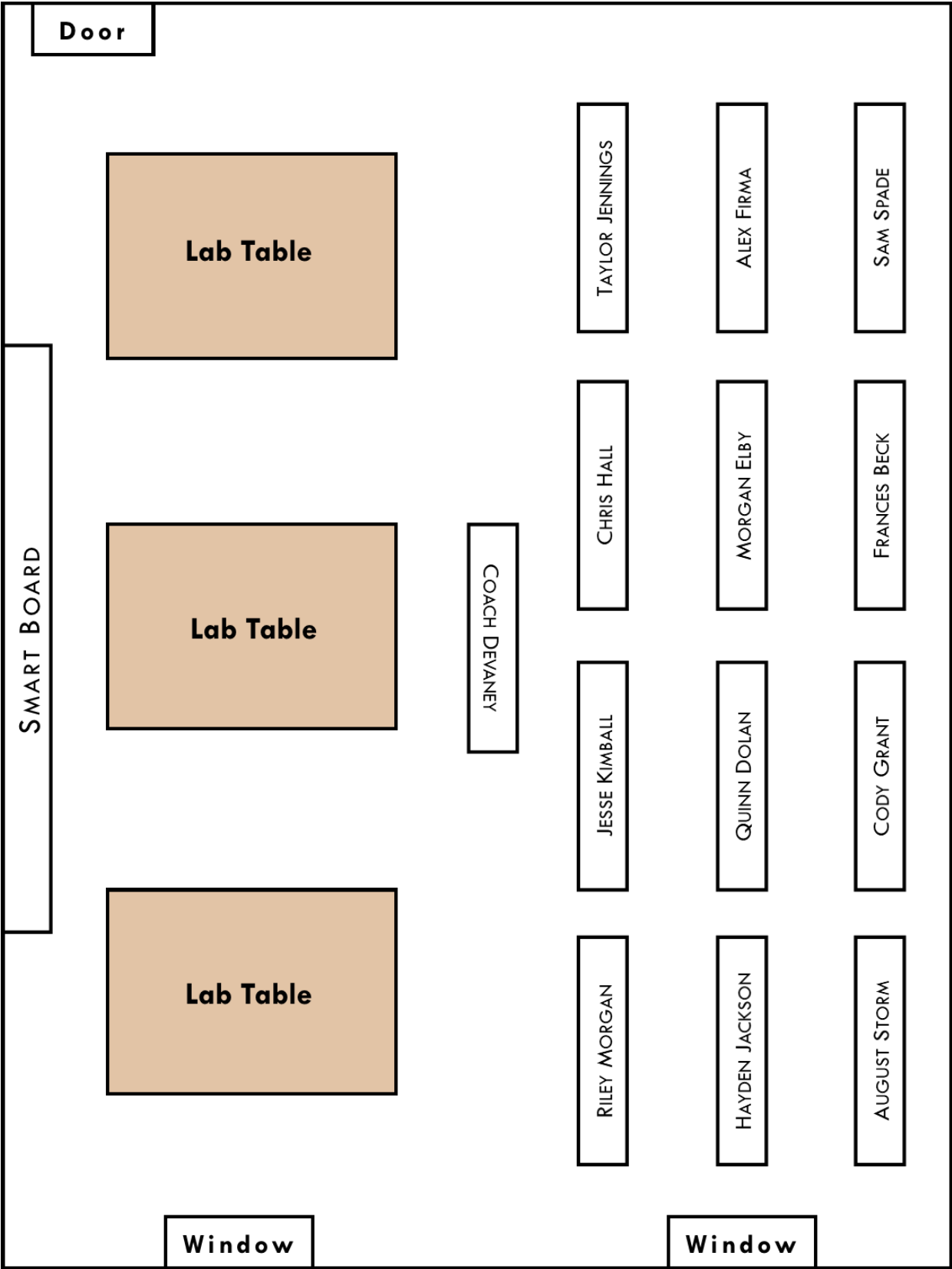


Exhibit #2

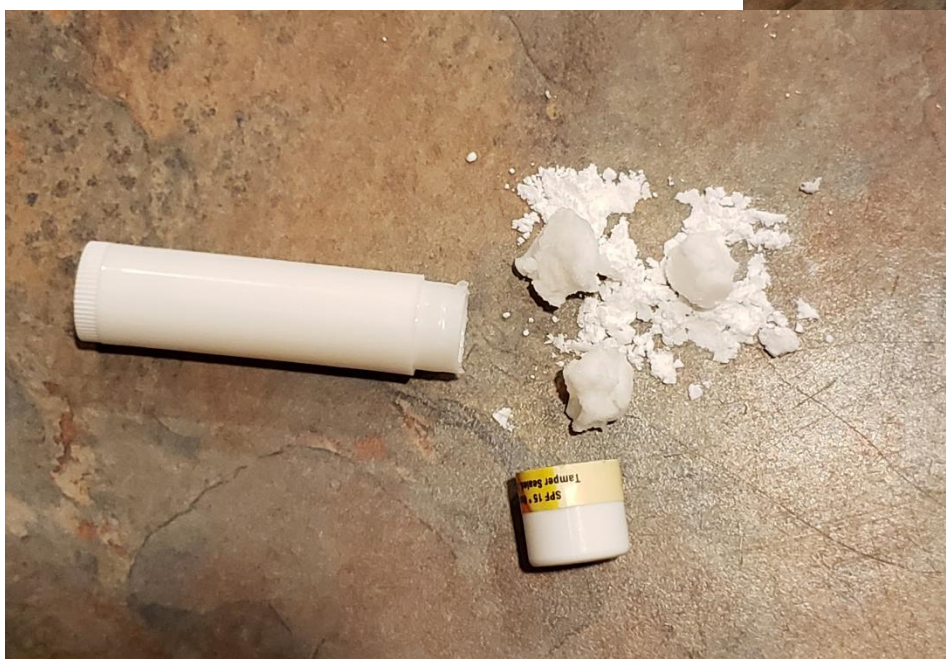
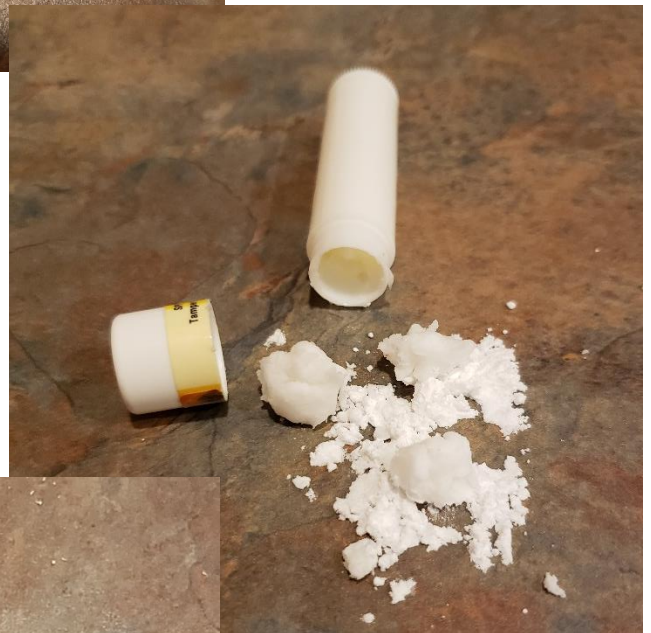
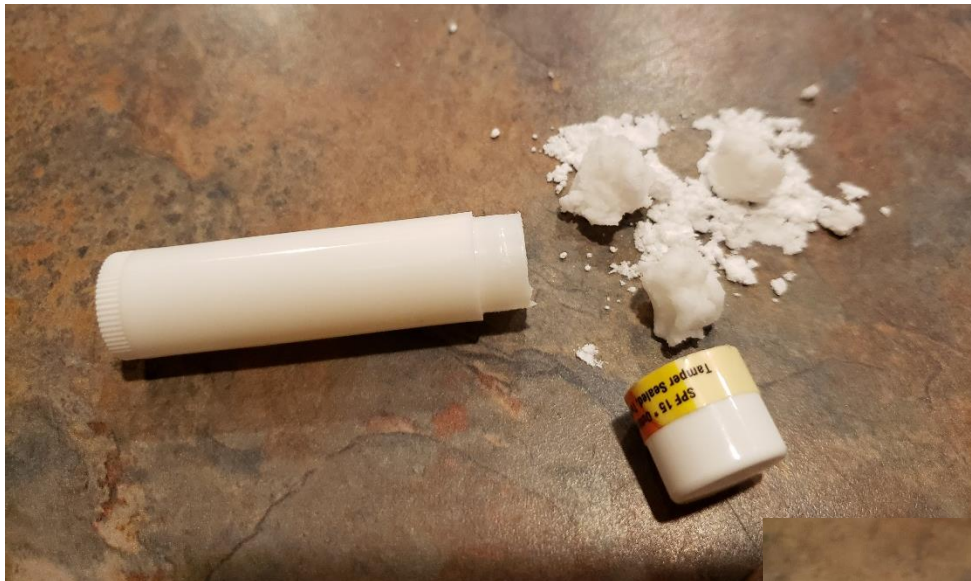


Exhibit #3



Exhibit #4**Goldenrod High School**

Student Schedule

Year: 2019-2020

Jennings, Taylor F.

STUDENT	Jennings, Taylor	STUDENT ID	2378472
GRADE	12	COUNSELOR	E. Marvin

FIRST SEMESTER						
PERIOD	TEACHER	ROOM	MEET DAYS	TERM	COURSE	SECTION
1	Fielder, P.	218	X Y	S1	80336 – AP Computer Science	80336-0001
2	Stanley, N.	305	X Y	S1	88101 - Spanish 4	88101-0002
3	Devaney, L.	117	X Y	S1	65351 - Adv. Chemistry	68351-0001
4	Able, P.	Gym	X	S1	60301 – Phys Ed 12	60301-0003
4	Able, P.	013	Y	S1	60351 – Health	60351-0003
5	Carson, J.	311	X Y	S1	20351 – Diff English	20351-0001
6	Dyson, F.	315	X Y	S1	70351 – Trigonometry	70351-0004
7	Pershing, B.	304	X Y	S1	52298 – AP Gov. & Politics	52298-0004
8	Freud, S.	202	X Y	S1	39865 – Psychology	39865-0002

SECOND SEMESTER						
PERIOD	TEACHER	ROOM	MEET DAYS	TERM	COURSE	SECTION
1	Kodak, E.	019	X Y	S2	44256 – Photography	44256-0003
2	Stanley, N.	305	X Y	S2	88101 – Spanish 4	88101-0002
3	Devaney, L.	117	X Y	S2	65351 – Adv. Chemistry	68351-0001
4	Norris, K.	Cafeteria	X	S2	00001 - Study Hall	00001-0001
4	Able, P.	Gym	Y	S1	60301 – Phys Ed 12	60301-0003
5	Carson, J.	311	X Y	S1	20351 – Diff. English	20351-0001
6	Dyson, F.	315	X Y	S1	54869 - Calculus	54869-0001
7	Pershing, B.	304	X Y	S1	52298 – AP Gov. & Politics	52298-0004
8	Buffet, W.	232	X Y	S2	38461 - Economics	38461-0002

Extracurriculars: Photojournalism and Math Club

PERIODS	TIMES
Period 0	7:00—7:50 a.m.
Period 1	8:00—8:50 a.m.
Period 2	8:55—9:45 a.m.
Period 3	9:50—10:40 a.m.
Period 4	10:45—11:40 a.m.
Period 5: See below for lunch schedule	11:45 a.m.—1:10 p.m.
Period 6	1:15—2:05 p.m.
Period 7	2:10—3:00 p.m.
Period 8	3:05—3:55 p.m.



LUNCH SCHEDULE	TIMES
1st Lunch	11:40 a.m.—12:10 p.m.
1st Lunch Class	12:15—1:10 p.m.
2nd Lunch Class	11:45 a.m.—12:10 p.m.
2nd Lunch	12:10—12:40 p.m.
2nd Lunch Class	12:45—1:10 p.m.
3rd Lunch Class	11:45 a.m.—12:40 p.m.
3rd Lunch	12:40—1:10 p.m.

|

Exhibit #5

IN THE SEPARATE JUVENILE COURT FOR Wagon Wheel COUNTY, NEBRASKA

STATE OF NEBRASKA,	)	Case No. 96-2413
IN THE INTEREST OF)	
)	
TAYLOR JENNINGS,	)	ADJUDICATION ORDER
)	
A minor child.)	

Now on this 4th day of December 2018, the above named Juvenile appeared personally and by Counsel G. Radil, and both parents of the Juvenile appeared without counsel, and the prosecution appeared by Deputy County Attorney C. Thomas;

Allegations: Said juvenile was arraigned on **Count I**, for issuing or passing insufficient funds check, Neb. Rev. Stat. §28-611 (Reissue 1995) brought under Neb. Rev. Stat. §43-247(1) and on **Count II**, for issuing or passing insufficient funds check, Neb. Rev. Stat. §28-611 (Reissue 1995) brought under Neb. Rev. Stat. §43-247(1).

Explanation of rights: Said juvenile's rights were explained to him/her personally and on the record, including:

1. Nature of the charge(s)
2. Possible Dispositions
3. Right to Counsel, either retained or court appointed
4. Right to personal service

Acknowledgement: Said juvenile acknowledged the following:

1. Understands the nature of the proceedings, the consequences and possible dispositions of being adjudicated as alleged.
2. Has not received any promises, threats, or other pressure to make an admission.
3. Understands that by admitting the allegations, s/he allows the Court to find the allegations to be true without hearing any evidence and gives up the following rights:
 - a. Trial-type hearing in which the State is required to prove the allegations beyond a reasonable doubt.
 - b. An opportunity to see and hear the State's witnesses and to question them.
 - c. An opportunity to testify himself or herself.
 - d. An opportunity to compel other witnesses to attend and testify for the juvenile.
 - e. An opportunity to remain silent.
 - f. A right to appeal any order of this Court to the Court of Appeals.

Admission/Denial: Said juvenile admitted or denied as follows:

As to Count I, Said juvenile entered an admission. Count II was dismissed with prejudice by the State pursuant to a plea agreement.

Findings: The Court finds the following beyond a reasonable doubt:

1. The Court finds the admission(s) of the juvenile to be freely, knowingly, voluntarily, and intelligently made.
2. The Court finds the admission(s) of the juvenile to be supported by an adequate factual basis as provided by the state.
3. The Court accepts the admission(s) of the juvenile and finds the allegations to be true beyond a reasonable doubt. The Court finds that Taylor Jennings violated the law as alleged and thereby comes within the jurisdiction of this Court pursuant to Neb. Rev. Stat. §43-247 (1)

Disposition: This Court finds that no predispositional report is warranted in this case and proceeds to disposition accordingly. After granting both parties an opportunity to be heard, in person and by counsel, this Court accepts the recommendation of the State and hereby ORDERS that Taylor Jennings, is ordered to perform unsupervised probation for a term of 6 months, the conditions of said probation being that Taylor Jennings is to:

1. Refrain from unlawful or injurious behavior;
2. Avoid persons or places of dishonorable repute;
3. Be at home or with a parent before 9:00 p.m. on week nights and before 11:00 p.m. on Friday and Saturday nights;
4. Not have or use a checking account during the period of probation;
5. Write a letter of apology to each vendor who received an insufficient funds check;
6. Perform 15 hours of community service; and
7. Make restitution for 4 checks in the stipulated amount of \$141.66, to be paid to the Clerk of this Court prior to completion of the term of probation. The Clerk is directed to disburse the restitution according to a list to be provided by the State.

The foregoing conditions were explained and agreed to by Taylor Jennings on the record.

IT IS SO ORDERED this 4th day of December 2018.

BY THE COURT:

C. Kresha, Juvenile Court

Exhibit #6

Goldenrod High School

Student Schedule

Year: 2019-2020

Hall, Chris J.

STUDENT	Hall, Chris	STUDENT ID	2937663
GRADE	12	COUNSELOR	B. Mullin

FIRST SEMESTER						
PERIOD	TEACHER	ROOM	MEET DAYS	TERM	COURSE	SECTION
1	Frost, S.	GYMWT	X Y	S1	15684 – Adv. Weight Training	15684 - 0003
2	Cook, J.	011	X Y	S1	07607 – Sports & Event Marketing	07607-0001
3	Devaney, L.	117	X Y	S1	65351 – Adv. Chemistry	68351-0001
4	Ginsburg, R	226	X Y	S1	52298 – AP Gov. & Politics	52298-0004
5	Able, P.	Gym	X	S1	60301 – Phys Ed 12	60301-0003
5	Able, P.	013	Y	S1	60351 – Health	60351-0003
6	Klum, H.	312	X Y	S1	87451 – AP German	87451-0002
7	Morrison, T.	334	X Y	S2	27301 – AP Lang/Comp	27301-0003
8	Lovelace, A.	120	X Y	S1	70351 – Trigonometry	70351-0004

SECOND SEMESTER						
PERIOD	TEACHER	ROOM	MEET DAYS	TERM	COURSE	SECTION
1	Frost, S.	GYMWT	X Y	S1	15684 – Adv. Weight Training	15684 - 0003
2	Fielder, P.	218	X Y	S2	80336 - AP Computer Science	80336-0001
3	Devaney, L.	117	X Y	S2	65351 – Adv. Chemistry	68351-0001
4	Ginsburg, R	226	X Y	S1	52298 – AP Gov. & Politics	52298-0004
5	Norris, K.	Cafeteria	X	S2	00001 - Study Hall	00001-0001
5	Able, P.	013	Y	S1	60301 – Phys Ed 12	60301-0003
6	Klum, H.	312	X Y	S1	87451 – AP German	87451-0002
7	Morrison, T.	334	X Y	S2	27301 – AP Lang/Comp	27301-0003
8	Lovelace, A.	120	X Y	S2	54869 - Calculus	54869-0001

Extracurriculars: Varsity Basketball, Varsity Golf, Varsity Soccer

PERIODS	TIMES
Period 0	7:00—7:50 a.m.
Period 1	8:00—8:50 a.m.
Period 2	8:55—9:45 a.m.
Period 3	9:50—10:40 a.m.
Period 4	10:45—11:40 a.m.
Period 5: See below for lunch schedule	11:45 a.m.—1:10 p.m.
Period 6	1:15—2:05 p.m.
Period 7	2:10—3:00 p.m.
Period 8	3:05—3:55 p.m.



LUNCH SCHEDULE	TIMES
1st Lunch	11:40 a.m.—12:10 p.m.
1st Lunch Class	12:15—1:10 p.m.
2nd Lunch Class	11:45 a.m.—12:10 p.m.
2nd Lunch	12:10—12:40 p.m.
2nd Lunch Class	12:45—1:10 p.m.
3rd Lunch Class	11:45 a.m.—12:40 p.m.
3rd Lunch	12:40—1:10 p.m.

|

Goldenrod Public School Board Policy for Selecting Valedictorian

Each year, one senior class member at Goldenrod High School shall be selected as Valedictorian. The Valedictorian shall be permitted to give a presentation at the commencement ceremonies of the graduating class. Each valedictorian shall be chosen using the following criteria:

1. The student in the senior class with the highest accumulative grade point average (GPA) for all four years of high school.
2. If there is a tie in the GPA of two or more students, then the tie shall be broken by comparing the ACT scores of each such student. The student with the highest ACT score, from among the students with identical GPA's, shall be Valedictorian.
3. If there is still a tie between two or more students, then the high school principal shall choose the Valedictorian, taking into consideration each students' commitment to the school, commitment to the community, and high moral character. Participation in extracurricular activities, such as academic or athletic endeavors, civic or community related groups, or in leadership roles, shall be given consideration. Awards or recognition given for exemplary accomplishments shall be given consideration. Letters of recommendation are given appropriate consideration.
4. Students must have completed eight semesters with a total of not less than two hundred credits earned to be eligible.

Exhibit #8

Goldenrod Public School Board

Extra-curricular Activity Suspension Policy

The purpose of these policies is to provide direction and guidelines to building administrators for action to be taken in cases involving student violation of policies related to the possession, use, or distribution of alcohol, tobacco, or controlled substances (drugs) on school grounds or at school activities.

1. Student possession, use, or distribution of alcohol, tobacco, or controlled substances (drugs) on school grounds or at school activities is an act of misconduct and as such shall be subject to disciplinary action.
2. An administrator who discovers a student possessing, using, or distributing alcohol, tobacco, or controlled substances (drugs) on school grounds or at school activities, shall order said student banned from participation in any extra-curricular activity sponsored by the school until there is a formal hearing held by the school board. This includes all try-outs, fund-raisers, practices, and competitions.
3. An administrator who discovers a student possessing, using, or distributing alcohol, tobacco, or controlled substances (drugs) on school grounds or at school activities, shall report such conduct to law enforcement authorities and to the parents of such student immediately.
4. A student who is determined to have been in possession, used or to have distributed alcohol, tobacco, or controlled substances (drugs) on school grounds or at school activities, may be suspended from school and barred from participation at any school sponsored activity for at least one complete year.
5. A student who completes an approved drug or alcohol treatment program may request readmission to school earlier than the end of the one-year expulsion period.

Exhibit #9





NEBRASKA STATE PATROL CRIMINALISTICS

635 South 14th St. Ste 120
Lincoln, NE 68508



**DORIS HUFFMAN
GOVERNOR**

LABORATORY REPORT

DATE: MARCH 4, 2020

LAB #: NSBF1963

SUBMITTING AGENCY: GOLDENROD POLICE DEPARTMENT
TO: NAME, WAGON WHEEL COUNTY ATTORNEY'S OFFICE
REGARDING: CHRIS HALL
RECEIVED: MARCH 4, 2020
EXAMINATION: CONTROLLED SUBSTANCES

EVIDENCE RECEIVED:

One sealed brown paper bag with property report containing:

A. One plastic bag containing:

1: One lip balm tube containing an off white powder.

Net weight = 0.15 grams. Labeled Exhibit #10

RESULTS OF EXAMINATION:

Item A1 revealed methamphetamine, Schedule II*

*Drug class schedule(s) in accordance with 28-405 R. R. S.

Sincerely,

M. Curie
Forensic Drug Chemist
Criminalistics Laboratory

A NATIONALLY ACCREDITED LAW ENFORCEMENT AGENCY
An Equal Opportunity/Affirmative Action Employer

2020 NEBRASKA HIGH SCHOOL MOCK TRIAL RULES

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****Given the ongoing Covid-19 pandemic, the Judge Lyle Strom High School Mock Trial Program adopts the following PROVISIONAL rules for a virtual competition for this calendar school year 2020-2021. These are unprecedented times, and please understand that these temporary rules are a work in progress because we are all learning to adapt, navigate and adjust to this new structure.***

The Bar Foundation hopes that the 2021-2022 Mock Trial season will return to the traditional format.

I. RULES OF THE COMPETITION

A. ADMINISTRATION

The Rules of the Competition are based on the rules of the National High School Mock Trial Championship. There are some modifications specifically for Nebraska.

1. CODE OF ETHICAL CONDUCT FOR ALL PARTICIPANTS

The Rules of the Competition, as well as proper rules of courtroom decorum, must be followed. In the event of a Rules violation, the Mock Trial Commission will handle any issue. The Commission was created by the Nebraska State Bar Foundation Board of Directors (see Rule 22).

Please follow a proper sense of fairness in the competition and understand that the Mock Trial Commission possesses the discretion to impose any appropriate sanctions. The sanctions may include but are not limited to disqualification, immediate exclusion from the competition, and the forfeiture of all awards for any misconduct occurring while a team is participating at any level of competition.

All teams are responsible for the conduct of persons associated with their teams throughout any Mock Trial event. At all times, team members, coaches and team supporters shall be bound by the CODE OF ETHICAL CONDUCT (CODE) and shall exhibit and act with civility, professionalism, integrity, honesty, and good sportsmanship in both victory and in defeat. Showing respect for fellow team members, coaches, supporters, opponents, volunteer judges, competition staff, and courthouse personnel is expected.

Teacher coaches, attorney coaches, and students are responsible for reading and understanding the Rules of the Competition and the CODE. All coaches have a special responsibility to know, follow and enforce the CODE and they shall discourage willful violations of the CODE. All coaches are reminded that they are in positions of authority and shall serve as positive role models for the students. Coaches shall be responsible for educating team members and team supporters about the CODE and shall encourage compliance with it. Students shall not willfully violate the Rules of the Competition and shall avoid tactics that wrong or that violate the rules.

Due to the virtual nature of the competition each team and every team member shall consent to the Bar Foundation recording each round. At the conclusion of the competition, any teacher coach may request the links to the recordings of that specific team's trials.

Videotaping or recording with an electronic device of any trial is prohibited by team members, the teacher and attorney coaches or anyone else associated with a team.

All teacher and/or attorney coaches are encouraged to resolve any issues between the schools themselves before involving the State Coordinator.

Please sign the Code of Ethical Conduct form found on the Bar Foundation website and submit it to the Bar Foundation office.

Regional Competition Most Effective Attorney & Most Effective Witness Optional Opportunity

The Nebraska State Bar Foundation's Mock Trial Program encourages coaches to teach high school students about civility and good sportsmanship. Included in the Case Materials and on the Bar Foundation website is a "Most Effective Attorney Certificate" and a "Most Effective Witness Certificate." At the conclusion of each trial, student team members will have the opportunity to select two opposing team members and email the certificates to the Bar Foundation. The Foundation will email any certificates to a team's teacher coach.

2. Online Zoom Protocol

1. The Zoom waiting room feature and password will be used. The password will be emailed to participants prior to the tournament.
2. Trial rooms will be locked at the start of the trial (no one will be able to come and go from the Zoom room without Bar Foundation staff's approval).
3. It is not permissible to share Zoom links with anyone that is not a competing team member, teacher and or attorney coach. Do not post links on social media or other platforms.
4. Anyone who violates Zoom security will be automatically disqualified from the Competition.
5. No virtual backgrounds are allowed except for solid color black or white.
6. With the exception of timekeeper, the Zoom chat is not to be used during the trial for communications, including the private chat feature. Students on the competing side only (attorneys and witnesses) may communicate privately with one another using other methods such as text (with phones on vibrate or silent), or a different chat platform.
7. All cell phones need to be silenced or on vibrate. Participants need to take precautions to have a quiet background during their performance.

3. EMERGENCIES – VIRTUAL COMPETITION

Before The Trial:

If there is an emergency before the start of the trial (30-60 minutes in advance of the start time) where a team is unable to call upon any alternates and there are less than six (6) students participating in that specific trial, then the coach (teacher or attorney) shall notify the Bar Foundation staff. Teams shall select one of the options listed below.

OPTION 1. The team may compete with fewer than six (6) team members with the understanding that points may be deducted from the point totals at the discretion of the scoring judges.

OPTION 2. The team may forfeit that specific trial. A team that forfeits will receive a loss, zero ballots and the average number of points from all competing teams in that Region on that specific trial date.

During The Trial:

If an emergency occurs during the trial where a team is unable to call upon any alternates and has fewer than six (6) team members participating, the presiding judge shall have discretion to continue the trial with fewer than six (6) team members (Option 1 above) or to forfeit the trial (Option 2 above).

Technical Difficulties

For purposes of this rule, technical difficulties include internet failure and computer, device or microphone failure. Failure of a camera only does not permit an emergency substitution under this rule. Students who lose internet connection shall rejoin the trial using a telephonic connection, if possible.

In the event of technical difficulties, the presiding judge shall have discretion to declare a brief recess to resolve any technical difficulty substantially impairing a student's participation in the trial. If the technical difficulty cannot be resolved within a reasonable, but brief, amount of time, then the trial will continue with another member of the affected team substituting for the affected team member. The emergency substitute must be a member of the same team as the affected participant.

Before making an emergency substitution, the affected team must make the presiding judge aware, by stating words to the effect of, *"Your honor, before I begin, I would like to inform the court that I am [insert name] and I am substituting for [insert name], who is unable to compete due to technical difficulties."* Teams shall advise the State Coordinator via email of any emergency substitution following the round of competition.

The presentation will be scored based on the performance by the initial team member and the emergency substitute, taken as a whole. Points should not be deducted due to technical difficulties in this specific situation.

If the presiding judge determines that a student is unable to compete in a role due to technical difficulties and to minimize disruption, the affected student is not permitted to return and compete in the role for which a substitution was made. For purposes of this rule, a witness examination consisting of direct, cross, any re-direct and any re-cross is one role, so that a student who requires an emergency substitution for a witness examination may not return and participate until the entire witness examination is completed. If the technical difficulty is resolved, the affected student may return and participate in his/her other roles, if any.

In the event of a loss of connectivity for a timekeeper, that team shall defer to its opponent's timekeeper for that trial segment. The team whose timekeeper has lost connectivity may substitute another timekeeper as qualified under Rule 13 for the remaining trial segments. Consistent with Rule 13, the timekeepers shall confer regarding time remaining at the beginning of each trial segment.

Technical emergencies resulting from the loss of connectivity of a presiding or scoring judge shall be handled in accordance with Rule 24.

In the event that a technical emergency prevents an entire team from competing in part or all of a round, the presiding judge shall declare a recess of up to 15 minutes, to allow that team to reconnect, either via video or by connecting on audio-only via telephone. If reconnection is impossible, a forfeit shall be declared in favor of the team that maintains its connectivity.

If fewer than five witnesses have completed their cross-examination and either team loses connectivity, then the Bar Foundation will reschedule that specific trial.

If at least five witnesses have completed their cross-examination, then the scoring judges must complete their score sheet. The team that lost connectivity will receive the average score of the five

witnesses as the score for the sixth witness and or for the closing argument. The team that remained connected will receive a "10" for their closing argument.

No student or team may fake/invent a technical difficulty or invoke the technical difficulty rule for purposes other than a genuine technical difficulty. Such an act would violate the Rules of Competition and the CODE and may be sanctioned at the discretion of the Commission through point deductions or other means up to and including disqualification from the competition.

B. 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 Regional Coordinators and State Coordinator, whose decisions are final. Any Post-Trial Objections (Rule 22) involving a Gross Rules Violation shall be decided by the Mock Trial Commission.

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 his/her own witness statement, the statement of facts, if present, and/or any necessary documentation relevant to his/her 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's 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

An invention of facts is 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 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 Trial uses created fact situations, all of the necessary facts may not be within the knowledge of the witnesses. Therefore, for Mock Trial 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 to clarify the course of further proceedings. The decision of the presiding judge regarding invention of facts or evidentiary matters is final.

Direct and Re-direct 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 Re-cross Examination

An invention of facts may only be allowed on cross or re-cross 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's affidavit and other substantive issues of the case.

An answer that is contrary to the witness's 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.

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.

C. THE TRIAL

Rule 7. Team Eligibility

Each team competing in the Judge Lyle Strom High School Mock Trial Program must be comprised of students from the same school who are registered in grades 9-12 at a Nebraska public, private or home school. During a virtual competition, a maximum of two (2) teams per school may compete. [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 comprised 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 this participant. The individual acting as the substitute must be enrolled as a student at the school and cannot have served on any other Mock Trial team at that school during that competition year. Participation by an ineligible team member shall result in forfeiture of each trial in which the ineligible team member participated.

To participate in the competition, schools must register their teams by doing the following:

1. Complete and submit the Official Mock Trial Entry Form to the State Coordinator. This form is located on the Bar Foundation website at www.nebarfnd.org/law-related-education/mock-trial/mock-trial-2020. The form can be filled out via the Google Doc link or printed, completed and returned by fax, email or mail.
2. Submit the Entry Form and the \$50 PER TEAM entry fee by Wednesday, October 28, 2020, to avoid the \$100 late fee. The entry fee can be paid online via PayPal on the Bar Foundation website or a check can be mailed in and made payable to the **Nebraska State Bar Foundation**.
3. Submit your team's **SIGNED Code of Ethical Conduct** form by Wednesday, October 28, 2020, to the Bar Foundation office.
4. Submit your Time/Date Preference form and school activities calendar for October and November to the State Coordinator by Wednesday, October 28, 2020.

Rule 8. Team Composition

Teams may consist of a **minimum** of six (6) and a **maximum** of nine (9) students. Only **SIX** (6) members may participate in any given trial and this includes three (3) student attorneys and three (3) witnesses. The duties of the three (3) alternate team members may be assigned at the discretion of the coaches. Students may only participate on one team per school year. A student timekeeper shall be provided by each participating team. The timekeeper may be an alternate on the team.

Rule 9. Team Presentation

Teams must be prepared to present both the Prosecution/Plaintiff and Defense/Defendant sides of the case, using **SIX** (6) team members per trial. For each trial, teams shall use three (3) students as attorneys and three (3) students as witnesses.

Rule 10. Team Duties

Each of the three (3) 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 and Closing Statements must be given by both sides unless there are technical difficulties. See Emergencies.

The attorney who will cross-examine a particular witness is the only one permitted to make objections during the direct examination of that witness. 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 (3) 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.

In a virtual competition, students will be directed to display screen names according to the following protocol:

- School code – assigned by the Bar Foundation
- Side of case team is portraying (P or D)
- Attorney – Atty – first or last name (easy for competing team to pronounce)
- Witness – Wit – first initial and last name
- Timekeeper – TK – last name
- Examples - 301 (P) Atty Jones or 301 (D) Wit, J. Smith or 301 (D) TK

In a virtual competition, judges will be directed to display screen names according to the following protocol:

- Presiding judge
- Scoring judge 1
- Scoring judge 2

Rule 11. Swearing in of Witnesses

All witnesses will be deemed to be sworn in during a virtual competition.

"All witnesses promise that the testimony given 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. Prosecution/Plaintiff's opening statement
2. Defense's opening statement
3. Prosecution/Plaintiff's direct examination and Defense's cross-examination of Prosecution/Plaintiff's three (3) witnesses
4. Defense's direct examination and Prosecution/Plaintiff's cross-examination of Defense's three (3) witnesses
5. Prosecution/Plaintiff's closing argument
6. Defense's closing argument
7. Prosecution/Plaintiff may reserve a portion of its closing argument time for rebuttal if it does so at the beginning of its closing argument. The Prosecution/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 Re-direct Examination.
3. Each team shall have a total of 20 minutes for Cross and Re-cross 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 or extensive questioning from the judge shall NOT be counted as part of a team's allotted time. Time does not stop for introduction of exhibits. Each team shall have its own timekeeper.

Timekeepers are responsible for fairly and accurately keeping, reporting and recording the time for all participants during the trial presentation. Each team's timekeeper(s) may hold up time cards. Time cards can be found on the Bar Foundation website at www.nebarfnd.org/law-related-education/mock-trial/mock-trial-2020.

During a virtual competition, before and or after each trial segment, the timekeepers shall confer using the "chat" or similar feature regarding how much time remains for each team.

- a. If a team has only six (6) official members, it must designate one (1) or more of its witnesses to serve as a timekeeper in each round.
- b. The timekeepers must signal time by posting the time signals in the chatroom function of the virtual competition platform and or displaying Time Remaining cards by activating their cameras.
- c. Students keeping time may use stopwatches or cellular phones. Any cellular phone used for timekeeping shall be kept in airplane mode and silenced during the duration of the trial round.

No time disputes will be entertained after the trial concludes. The decisions of the presiding judge regarding the resolution of time disputes are final except for Rule 22.

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 to deduct points 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.** Should a recess be called, team members are to remain in place and shall not communicate with any coaches or observers 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 are not permitted in either in-person or virtual competitions. Objections are deemed to have occurred at sidebar.

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 by the State Coordinator. An accent is not considered costuming.

No exhibits may be modified before trial; however, attorneys and witnesses may highlight, underline or otherwise mark the paper exhibits during direct or cross-examination. Such marked documents may be used as demonstrative exhibits during the trial and during closing arguments, but may not be entered into evidence. If a team wishes to mark an exhibit entered by the opposing team, it must substitute its own clean copy of that exhibit for this purpose before markings are made.

An exception to this Rule is if a student has a visual impairment. Please see Rule 41.

Rule 19. Trial Communication

A. Team Members

Team members are defined as the three (3) student attorneys, three (3) student witnesses and or the three (3) alternates, which include the timekeeper(s). During the trial, the participating team members may use computers, cellular telephones, or other devices to facilitate communication among themselves. Non-participating alternates who are not serving as a timekeeper shall not talk to, signal, electronically communicate with, or coach their teams during trial.

It is prohibited for any team member to communicate with a witness while that witness is testifying other than through the course of that witness's questioning. Disruptive communication is not allowed.

Signaling of time by the team's timekeeper(s) shall not be considered a violation of this Rule. Refer to Rule 13.

During the trial, communication of any kind between any team member and a teacher and or attorney coach is prohibited.

B. Coaches

Teacher coaches and attorney coaches shall not talk to, signal, electronically communicate with, or coach their teams during trial.

This Rule remains in force during any emergency recess.

Rule 20. Viewing a Trial

Regional Trials

1. Only team members including alternates, teacher and attorney coaches may view a trial.
2. All coaches shall turn off their cameras and mute the audio on all electronic devices. Videotaping or recording is prohibited by any team member, the teacher and the attorney coach.

State and National Championships

Team members including alternates, teacher coaches, attorney coaches, and any other persons directly associated with a Mock Trial team are not allowed to virtually view/watch other teams in the competition, so long as their team remains in the competition. Exceptions to this Rule may be authorized by the State Coordinator or the National Board.

Rule 21. Videotaping/Photography

Regional Trials -- See Rule 20.

Regional & State Championship – All trials will be recorded and stored on a virtual platform (Zoom). Refer to Rule 24. A video release form must be completed for each student at both the Regional Competition and the State Championship.

At the conclusion of the Mock Trial season, a teacher coach may request the links to view the trials that his/her team competed in. Please complete the form on the Foundation website.

<https://www.nebarfnd.org/civics-education/mock-trial/mock-trial-2020>.

Due to school district privacy regulations, there can be no video or audio recording done except by the Bar Foundation. If any team records, posts or shares a video recording, this team shall be disqualified from the Regional and State competitions for the school year 2020-2021.

Rule 22. Post-Trial Objection

Appeals are not permitted *per se*; however, any errors/violations are handled in the following manner:

- A. After closing arguments are completed, the presiding judge will ask, “*Does either team have serious reason to believe that a material violation of any rule has occurred during this trial? I will allow up to three (3) minutes, during which time any protest or objection may be brought to my attention by a team attorney. The team attorneys may communicate only with performing team members (witnesses and timekeeper) involved in this round. Team attorneys shall not communicate in any way with the teacher and/or attorney coaches.*”

1: Motions for directed verdict or dismissal of the case are not permitted.

2: Objections that could have been raised during the trial, including evidentiary objections, may not be raised at this time.

If there is an objection, then one of the team attorneys will state the objection(s) and the grounds for it. The judge shall solicit a response from the other team and/or inquire further into the facts. All objections shall be made before the presiding judge concludes the virtual trial.

The presiding judge does not announce a finding. The presiding judge and the scoring judges may consult with each other after the virtual trial has concluded.

- B. If neither team has any Post Trial Objection, then the three-minute limit may be waived by unanimous consent. The presiding judge will then conclude the virtual trial.
- C. Material Rule Violation - If a majority of the judging panel determines that there has been a material violation of the competition rules that affected the fairness of the trial, five (5) points shall be deducted from the offending team's total score on each scoresheet. An example of a material rule violation would be a team going over its time limit for closing arguments by more than 15 seconds without prior permission of the presiding judge.
- D. Gross Rule Violation - In the event the team raises a violation that the majority of the judging panel believes is more serious than a five-point violation, the student attorneys are asked to verbally describe the issue in as much written detail as possible on the Gross Rule Violation Form. The Gross Rule Violation Form is included in the Case Materials and on the Bar Foundation website. An example of a gross rule violation would be communication between team members and their teacher or attorney coach, whether through signals, notes, or electronically.

Gross Rule Violations are referred to the **Nebraska State Bar Foundation's Mock Trial Commission**, which is comprised of seven Mock Trial volunteers (no active attorney coaches). The Commission is sent all of the details, and asked to construct an appropriate remedy, up to and including disqualification.

- E. ALL DECISIONS FROM THIS PROCESS ARE FINAL AND NOT SUBJECT TO ANY FURTHER APPEAL.
- F. Power Matching is not subject to any appeal.

D. JUDGING

Rule 23. Decisions

All decisions of the judging panel are **FINAL** with the exception of a violation that falls under Rule 22.

Rule 24. Composition of Judging Panel

The volunteer judging panel shall consist of one presiding judge and two scoring judges, all of whom shall complete an individual score sheet. No trial shall proceed without three (3) volunteer judges, unless one volunteer judge is unavoidably, unexpectedly absent. If a volunteer judge is absent or unable to return to the virtual competition platform in a reasonably short period of time, contact the State Coordinator/Bar Foundation staff.

During any recess under this Rule, the teams, whenever possible, should remain in their appropriate positions within the virtual competition platform until the round resumes.

If a technical or other emergency impacts the presiding judge, a designated scoring judge will serve as the presiding judge.

If one volunteer judge is unavoidably, unexpectedly absent, the other two (2) judges may proceed to score the trial. The Bar Foundation recording of this specific trial will be viewed by the absent volunteer judge and scored; therefore, this trial will have three (3) ballots.

The State Championship trial may have a panel of five to seven jurors (volunteer Mock Trial judges) at the discretion of the State Coordinator.

Rule 25. Score Sheets/Ballots

The term "ballot" refers to the score sheets and 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 the form on which team points are recorded. Score sheets are to be completed individually by all three (3) judges. Scoring judges are not bound by the rulings of the presiding judge. The team that earns the highest points on an individual performance judge's score sheet is the winner of that ballot. The team that receives the majority of the three (3) ballots wins the trial.

Teams will receive copies of the score sheets at the conclusion of the Regional Competition.

During the State Championship, Nebraska follows the National High School Mock Trial Championship Power Matching as modified for the 12 teams participating at State. Power Matching considers the following: 1) win/loss record, 2) number of ballots received for each trial and 3) cumulative points. Teams will receive copies of their score sheets at the conclusion of the State Championship.

Rule 26. Courtroom Decorum

Mock Trials are meant to simulate real trials. Participants should act and dress accordingly.

Rule 27. Pre-trial Conferences

Each virtual Mock Trial should begin with a pretrial conference. Mock Trial student attorneys may ask the presiding judge to clarify Rules of Procedure or Rules of Evidence.

E. DISPUTE RESOLUTION

Rule 28. 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.** During this process, all communication between the team members and the teacher and or attorney coach is prohibited.

Rule 30. 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 exclusively by the teacher or attorney coaches. Such disputes must be made promptly to the appropriate Regional Coordinator and State Coordinator who will ask the complaining party to complete a Dispute Resolution Form. The completed form will be emailed to the Regional Coordinator and State Coordinator. The State Coordinator will then a) notify all pertinent parties; b) allow time for a response, if appropriate; and c) rule on the complaint. The State Coordinator will notify all pertinent parties of the 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

The Bar Foundation will schedule Regional trials once the Date/Time Preference Form is completed by the individual teams. A total of twelve (12) teams, one team from each region, will compete at the State Championship.

Rule 31. Courtroom Setting

For a virtual competition, each participant will log into the virtual platform (Zoom) individually from a personal computer, tablet, cellular phone, or similar device. At a minimum, each participating attorney, witness, and timekeeper shall use an individual device. Each participant must use the team code and screen name format as stipulated in Rule 10.

Teams may participate in one room in a district approved building. Participants shall mute the audio when not speaking.

Once the trial begins, only participants who are competing in a particular trial segment will have their camera turned on. All team members who are not actively participating in that trial segment may have their cameras turned off, except for timekeepers turning on their cameras to display remaining time consistent with Rule 13. For purposes of this Rule, the witness, direct-examining attorney and cross-examining attorney must have their cameras turned on for the entire witness examination.

Rule 32. Team Roster

The Team Roster form must identify the gender of each witness so that references to such parties must be made using the preferred pronoun. A copy of the Team Roster shall be electronically provided to the State Coordinator at the start of the Regional Competition and become official at 5:00 p.m. CDT two days before any round of a virtual competition. Foundation staff will provide each participating team and all volunteer judges with an electronic Team Roster of the competing team before every trial.

Rule 33. Stipulations

The attorney assigned the Prosecution/Plaintiff's opening statement shall offer any stipulations into evidence before beginning the opening statement.

Rule 34. The Record

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

B. BEGINNING THE TRIAL**Rule 35. 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. The scoring judges will have their video turned off and audio muted. The presiding judge shall have both the camera and audio on.

Rule 36. Standing During Trial

All student attorneys may stand when addressing the court or the jury, including opening statements and closing arguments. Attorneys shall sit for direct and cross-examinations and for making objections.

An attorney's device (computer, tablet, phone, etc.) used for the trial must be stationary/static with the appropriate angle in the event the attorney moves during opening or closing statements. Consideration should be given to the distance of the device and where the attorney is seated/standing. Consideration should be given to the microphone placement so that the attorney can be heard if s/he moves around during the trial.

Witnesses shall be seated for their direct and cross-examinations. Please position your camera so that you are seen from the waist up, as you would be if seated in-person in a court room. Witnesses are prohibited from using notes (paper or electronic) during their examination.

Rule 37. 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 his/her 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 38. 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 39. Lack of Proper Predicate/Foundation

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

Rule 40. Procedure for Introduction of Exhibits

As an example, the following steps effectively introduce evidence during a virtual trial.

1. All evidence shall be pre-marked as exhibits. Attorneys will not be required to confirm that they have shown the exhibit to opposing counsel.
2. All witnesses shall have all case materials available and in their possession during their testimony, however, may only refer to the case materials when prompted by an examining attorney.
3. Attorneys will identify the exhibit they wish to display to the witness and request the Court's permission for the witness to view it.
4. The attorney will state a phrase to the effect of "I now display what has been marked for identification as Exhibit No. _____. Would you identify it please?" Witness should only answer to identify it.
5. When an exhibit is displayed to a witness, a member of the examining attorney's team shall make that document available to all participants via "screen sharing" or similar technology. Either a team member or the timekeeper participating in a round will be responsible for posting the exhibit.
7. Offer the exhibit into evidence. "Your Honor, we offer Exhibit No. ____ into evidence at this time. The authenticity of this exhibit has been stipulated."
8. Presiding Judge: "Is there an objection?"
If proper foundation has not been laid, opposing counsel should object at this time.
9. Opposing Counsel: "No, your Honor," or "Yes, your Honor proper foundation has not been laid for Exhibit No. ____."
10. Presiding Judge: "Is there any response to the objection?"
11. Presiding Judge: "Exhibit No. ____ is/is not admitted."
12. Exhibits or other documents displayed in this manner will be deemed not to have been shown to the jury unless they are admitted into evidence and formally published to the jury. Publication to the jury is at the presiding judge's discretion.

13. Teams may use technology to mark exhibits electronically only to the extent that marking physical exhibits would have been permitted by Rule 18.
14. The judging panel will receive the Case Materials, which includes all exhibits, before the trial.

Rule 41. 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 through the use of electronic notes as permitted by Rule 19.

Exhibits may not be enhanced or enlarged without permission from the State Coordinator. No protective covering (i.e. lamination) of paper exhibits is allowed.

Rule 42. Re-direct/Re-cross

Re-direct and re-cross 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 43. Scope of Closing Arguments

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

E. WRITTEN FEEDBACK

Rule 44. Optional Feedback Form for Volunteer Judges

Judges may provide additional feedback on their scoresheet.

Judges shall **not** inform the students of the score sheet results.

Rule 45. Proposed Suggestion Form for Teacher and Attorney Coaches

The Proposed Suggestion Form can be found in the Case Materials and on the Bar Foundation website. This is only available to teacher and/or attorney coaches. This form must be submitted to the Nebraska State Bar Foundation's Executive Director. Coaches should describe the proposed suggestion in a maximum of 100 words. The suggestion(s) will be carefully considered and brought before the Mock Trial Commission. Based upon the Commission's recommendation, the suggestion will be accepted or denied. All suggested Rule changes will most likely be considered over the summer.

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 should be construed so as to administer every proceeding fairly, eliminate unjustifiable expense and delay, and promote the development of evidence law, to the end of ascertaining the truth and securing a just determination.

ARTICLE IV. RELEVANCY AND ITS LIMITS

Rule 401. Test for Relevant Evidence

Evidence is relevant if:

- (a) it has any tendency to make a fact more or less probable than it would be without the evidence;
and
- (b) the fact is of consequence in determining the action.

Rule 402. General Admissibility of Relevant Evidence

Relevant evidence is admissible unless these rules provide otherwise. Irrelevant evidence is not admissible.

Rule 403. Excluding Relevant Evidence for Prejudice, Confusion, or Waste of Time or Other Reasons

The court may exclude relevant evidence if its probative value is substantially outweighed by a danger of one or more of the following: unfair prejudice, confusing the issues, misleading the jury, undue delay, wasting time, or needlessly presenting cumulative evidence.

Rule 404. Character Evidence; Crimes or Other Acts

- (a) Character Evidence.
 - (1) Prohibited Uses. Evidence of a person's character or character trait is not admissible to prove that on a particular occasion the person acted in accordance with the character or trait.
 - (2) Exceptions for a Defendant or Victim in a Criminal Case. The following exceptions apply in a criminal case:
 - (A) a defendant may offer evidence of the defendant's pertinent trait, and if the evidence is admitted, the prosecutor may offer evidence to rebut it;
 - (B) a defendant may offer evidence of an alleged victim's pertinent trait, and if the evidence is admitted, the prosecutor may:
 - (i) offer evidence to rebut it; and
 - (ii) offer evidence of the defendant's same trait; and
 - (C) in a homicide case, the prosecutor may offer evidence of the alleged victim's trait of peacefulness to rebut evidence that the victim was the first aggressor.
 - (3) Exceptions for a Witness. Evidence of a witness's character may be admitted under Rules 607, 608, and 609.
- (b) Crimes, Wrongs, or Other Acts.
 - (1) Prohibited Uses. Evidence of a crime, wrong, or other act is not admissible to prove a person's character in order to show that on a particular occasion the person acted in accordance with the character.
 - (2) Permitted Uses. This evidence may be admissible for another purpose, such as proving motive, opportunity, intent, preparation, plan, knowledge, identity, absence of mistake, or lack of accident.

Rule 405. Methods of Proving Character

- (a) **By Reputation or Opinion.** When evidence of a person's character or character trait is admissible, it may be proved by testimony about the person's reputation or by testimony in the form of an opinion. On cross-examination of the character witness, the court may allow an inquiry into relevant specific instances of the person's conduct.
- (b) **By Specific Instances of Conduct.** When a person's character or character trait is an essential element of a charge, claim, or defense, the character or trait may also be proved by relevant specific instances of the person's conduct.

Rule 406. Habit, Routine Practice

Evidence of a person's habit or an organization's routine practice may be admitted to prove that on a particular occasion the person or organization acted in accordance with the habit or routine practice. The court may admit this evidence regardless of whether it is corroborated or whether there was an eyewitness.

Rule 407. Subsequent Remedial Measures

When measures are taken that would have made an earlier 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 or its design; or
- a need for a warning or instruction.

But the court may admit this evidence for another purpose, such as impeachment or — if disputed — proving ownership, control, or the feasibility of precautionary measures.

Rule 408. Compromise Offers and Negotiations

(a) **Prohibited Uses.** Evidence of the following is not admissible — on behalf of any party — either to prove or disprove the validity or amount of a disputed claim or to impeach by a prior inconsistent statement or a contradiction:

- (1) furnishing, promising, or offering — or accepting, promising to accept, or offering to accept — a valuable consideration in compromising or attempting to compromise the claim; and
- (2) conduct or a statement made during compromise negotiations about the claim — except when offered in a criminal case and when the negotiations related to a claim by a public office in the exercise of its regulatory, investigative, or enforcement authority.

(b) **Exceptions.** The court may admit this evidence for another purpose, such as proving a witness's bias or prejudice, negating a contention of undue delay, or proving an effort to obstruct a criminal investigation or prosecution.

Rule 409. Offers to Pay Medical and Similar Expenses

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

Rule 410. Pleas, Plea Discussions, and Related Statements

(a) **Prohibited Uses.** In a civil or criminal case, evidence of the following is not admissible against the defendant who made the plea or participated in the plea discussions:

- (1) a guilty plea that was later withdrawn;
- (2) a nolo contendere plea;
- (3) a statement made during a proceeding on either of those pleas under Federal Rule of Criminal Procedure 11 or a comparable state procedure; or
- (4) a statement made during plea discussions with an attorney for the prosecuting authority if the discussions did not result in a guilty plea or they resulted in a later-withdrawn guilty plea.

(b) **Exceptions.** The court may admit a statement described in Rule 410(a)(3) or (4):

- (1) in any proceeding in which another statement made during the same plea or plea discussions has been introduced, if in fairness the statements ought to be considered together; or
- (2) in a criminal proceeding for perjury or false statement, if the defendant made the statement under oath, on the record, and with counsel present.

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

Evidence that a person was or was not insured against liability is not admissible to prove whether the person acted negligently or otherwise wrongfully. But the court may admit this evidence for another purpose, such as proving a witness's bias or proving agency, ownership, or control.

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. Need for Personal Knowledge

A witness may testify to a matter only if evidence is introduced sufficient to support a finding that the witness has personal knowledge of the matter. Evidence to prove personal knowledge may consist of the witness's own testimony. This rule does not apply to a witness's expert testimony under Rule 703. (*See Rule 2.2*)

Rule 607. Who May Impeach A Witness

Any party, including the party that called the witness, may attack the witness's credibility.

Rule 608. A Witness's Character For Truthfulness or Untruthfulness

- (a) **Reputation or Opinion Evidence.** A witness's credibility may be attacked or supported by testimony about the witness's reputation for having a character for truthfulness or untruthfulness, or by testimony in the form of an opinion about that character. But evidence of truthful character is admissible only after the witness's character for truthfulness has been attacked.
- (b) **Specific Instances of Conduct.** Except for a criminal conviction under Rule 609, extrinsic evidence is not admissible to prove specific instances of a witness's conduct in order to attack or support the witness's character for truthfulness. But the court may, on cross-examination, allow them to be inquired into if they are probative of the character for truthfulness or untruthfulness of:
 - (1) the witness; or
 - (2) another witness whose character the witness being cross-examined has testified about.

By testifying on another matter, a witness does not waive any privilege against self-incrimination for testimony that relates only to the witness's character for truthfulness.

Rule 609. Impeachment by Evidence of a Criminal Conviction

- (a) **In General.** The following rules apply to attacking a witness's character for truthfulness by evidence of a criminal conviction:
 - (1) for a crime that, in the convicting jurisdiction, was punishable by death or by imprisonment for more than one year, the evidence:
 - (A) must be admitted, subject to Rule 403, in a civil case or in a criminal case in which the witness is not a defendant; and
 - (B) must be admitted in a criminal case in which the witness is a defendant, if the probative value of the evidence outweighs its prejudicial effect to that defendant; and
 - (2) for any crime regardless of the punishment, the evidence must be admitted if the court can readily determine that establishing the elements of the crime required proving — or the witness's admitting — a dishonest act or false statement.
- (b) **Limit on Using the Evidence After 10 Years.** This subdivision (b) applies if more than 10 years have passed since the witness's conviction or release from confinement for it, whichever is later. Evidence of the conviction is admissible only if its probative value, supported by specific facts and circumstances, substantially outweighs its prejudicial effect.
- (c) **Effect of a Pardon, Annulment, or Certificate of Rehabilitation.** Evidence of a conviction is not admissible if:
 - (1) the conviction has been the subject of a pardon, annulment, certificate of rehabilitation, or other equivalent procedure based on a finding that the person has been rehabilitated, and the person has not been convicted of a later crime punishable by death or by imprisonment for more than 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 Adjudications.** Evidence of a juvenile adjudication is admissible under this rule only if:
 - (1) it is offered in a criminal case;
 - (2) the adjudication was of a witness other than the defendant;
 - (3) an adult's conviction for that offense would be admissible to attack the adult's credibility; and
 - (4) admitting the evidence is necessary to fairly determine guilt or innocence.
- (e) **Pendency of an Appeal.** A conviction that satisfies this rule is admissible even if an appeal is pending. Evidence of the pendency is also admissible.

Rule 610. Religious Beliefs or Opinions

Evidence of a witness's religious beliefs or opinions is not admissible to attack or support the witness's credibility.

Rule 611. Mode and Order of Interrogation and Presentation

- (a) **Control by the Court; Purposes.** The court should exercise reasonable control over the mode and order of examining witnesses and presenting evidence so as to:
 - (1) make those procedures effective for determining the truth;

- (2) avoid wasting 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 except as necessary to develop the witness's testimony. Ordinarily, the court should allow leading questions:
 - (1) on cross-examination; and
 - (2) when a party calls a hostile witness, an adverse party, or a witness identified with an adverse party.
- (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.
- (e) **Permitted Motions.** The only motion permissible is one requesting the judge to strike testimony following a successful objection to its admission.

Rule 612. Writing Used to Refresh a Witness's 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. Witness's Prior Statement

- (a) **Showing or Disclosing the Statement During Examination.** When examining a witness about the witness's prior statement, a party need not show it or disclose its contents to the witness. But the party must, on request, show it or disclose its contents to an adverse party's attorney.
- (b) **Extrinsic Evidence of a Prior Inconsistent Statement.** Extrinsic evidence of a witness's prior inconsistent statement is admissible only if the witness is given an opportunity to explain or deny the statement and an adverse party is given an opportunity to examine the witness about it, or if justice so requires. This subdivision (b) does not apply to an opposing party's statement under Rule 801(d)(2).

ARTICLE VII. OPINIONS AND EXPERT TESTIMONY

Rule 701. Opinion Testimony by Lay Witness

If a witness is not testifying as an expert, testimony in the form of an opinion is limited to one that is:

- (a) rationally based on the witness's perception;
- (b) helpful to clearly understanding the witness's testimony or to determining 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.

Rule 703. Bases of an Expert's Opinion Testimony

An expert may base an opinion on facts or data in the case that the expert has been made aware of or personally observed. If experts in the particular field would reasonably rely on those kinds of facts or data in forming an opinion on the subject, they need not be admissible for the opinion to be admitted. But if the facts or data would otherwise be inadmissible, the proponent of the opinion may disclose them to the jury only if their probative value in helping the jury evaluate the opinion substantially outweighs their prejudicial effect.

Rule 704. Opinion on Ultimate Issue

- (a) **In General — Not Automatically Objectionable.** An opinion is not objectionable just because it embraces an ultimate issue.
- (b) **Exception.** In a criminal case, an expert witness must not state an opinion about whether the defendant did or did not have a mental state or condition that constitutes an element of the crime charged or of a defense. Those matters are for the trier of fact alone.

Rule 705. Disclosing the Facts or Data Underlying An Expert's Opinion

Unless the court orders otherwise, an expert may state an opinion — and give the reasons for it — without first testifying to the underlying facts or data. But the expert may be required to disclose those facts or data on cross-examination.

ARTICLE VIII. HEARSAY

Rule 801. Definitions

The following definitions apply under this article:

- (a) **Statement.** "Statement" means a person's oral assertion, written assertion, or nonverbal conduct, if the person intended it as an assertion.
- (b) **Declarant.** "Declarant" means the person who made the statement.
- (c) **Hearsay.** "Hearsay" means a statement that:
 - (1) the declarant does not make while testifying at the current trial or hearing; and
 - (2) a party offers in evidence to prove the truth of the matter asserted in the statement.
- (d) **Statements That Are Not Hearsay.** A statement that meets the following conditions is not hearsay:
 - (1) **A Declarant-Witness's Prior Statement.** The declarant testifies and is subject to cross-examination about a prior statement, and the statement:
 - (A) is inconsistent with the declarant's testimony and was given under penalty of perjury at a trial, hearing, or other proceeding or in a deposition;
 - (B) is consistent with the declarant's testimony and is offered to rebut an express or implied charge that the declarant recently fabricated it or acted from a recent improper influence or motive in so testifying; or

- (C) identifies a person as someone the declarant perceived earlier.
- (2) **An Opposing Party's Statement.** The statement is offered against an opposing party and:
 - (A) was made by the party in an individual or representative capacity;
 - (B) is one the party manifested that it adopted or believed to be true;
 - (C) was made by a person whom the party authorized to make a statement on the subject;
 - (D) was made by the party's agent or employee on a matter within the scope of that relationship and while it existed; or
 - (E) was made by the party's coconspirator during and in furtherance of the conspiracy.

The statement must be considered but does not by itself establish the declarant's authority under (C); the existence or scope of the relationship under (D); or the existence of the conspiracy or participation in it under (E).

Rule 802. Hearsay Rule

Hearsay is not admissible except as provided by these Rules.

Rule 803. Exceptions to the Rule Against Hearsay – Regardless of Whether the Declarant is Available as a Witness

The following are not excluded by the hearsay rule, regardless of whether the declarant is available as a witness:

- (1) **Present Sense Impression.** A statement describing or explaining an event or condition, made while or immediately after the declarant perceived it.
- (2) **Excited Utterance.** A statement relating to a startling event or condition, made while the declarant was under the stress of excitement that it caused.
- (3) **Then-Existing Mental, Emotional, or Physical Condition.** A statement of the declarant's then-existing state of mind (such as motive, intent, or plan) or emotional, sensory, or physical condition (such as mental feeling, pain, or bodily health), but not including a statement of memory or belief to prove the fact remembered or believed unless it relates to the validity or terms of the declarant's will.
- (4) **Statement Made for Medical Diagnosis or Treatment.** A statement that:
 - (a) is made for — and is reasonably pertinent to — medical diagnosis or treatment; and
 - (b) describes medical history; past or present symptoms or sensations; their inception; or their general cause.
- (5) **Recorded Recollection.** A record that:
 - (a) is on a matter the witness once knew about but now cannot recall well enough to testify fully and accurately;
 - (b) was made or adopted by the witness when the matter was fresh in the witness's memory; and
 - (c) accurately reflects the witness's knowledge.

If admitted, the record may be read into evidence but may be received as an exhibit only if offered by an adverse party.
- (6) **Records of Regularly Conducted Activity.** A record of an act, event, condition, opinion, or diagnosis if:
 - (a) the record was made at or near the time by — or from information transmitted by — someone with knowledge;
 - (b) the record was kept in the course of a regularly conducted activity of a business, organization, occupation, or calling, whether or not for profit;
 - (c) making the record was a regular practice of that activity;

- (d) all these conditions are shown by the testimony of the custodian or another qualified witness; and
- (e) the opponent does not show that the source of information or the method or circumstances of preparation indicate a lack of trustworthiness.

(7) **Absence of Regularly Conducted Activity.** Evidence that a matter is not included in a record described in paragraph (6) if:

- (a) the evidence is admitted to prove that the matter did not occur or exist;
- (b) a record was regularly kept for a matter of that kind; and
- (c) the opponent does not show that the possible source of information or other indicated a lack of trustworthiness.

(8) **Public Records.** A record or statement of a public office if:

- (a) it sets out:
 - (i) the offices activities;
 - (ii) a matter observed while under a legal duty to report, but not including, in a criminal case, a matter observed by law enforcement personal; or
 - (iii) in a civil case or against the government in a criminal case, factual findings from a legally authorized investigation; and
- (b) the opponent does not show that the source of information or other circumstances indicate a lack of trustworthiness.

(10) **Absence of a Public Record.** Testimony that a diligent search failed to disclose a public **record** or statement if the testimony or certification is admitted to prove that:

- (a) the record or statement does not exist; or
- (b) a matter did not occur or exist, if a public office regularly kept a record or statement for a matter of that kind.

(16) **Statements in Ancient Documents.** A statement in a document that is at least 20 years old and whose authenticity is established.

(18) **Statements in Learned Treatises, Periodicals, or Pamphlets.** A statement contained in a treatise, periodical, or pamphlet if:

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

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

(21) **Reputation Concerning Character.** A reputation among a person's associates or in the community concerning the person's character.

(22) **Judgment of a Previous Conviction.** Evidence of a final judgment of conviction if:

- (a) the judgment was entered after a trial or guilty plea, but not a nolo contendere plea;
- (b) the conviction was for a crime punishable by death or by imprisonment for more than a year;
- (c) the evidence is admitted to prove any fact essential to the judgment; and
- (d) when offered by the prosecutor in a criminal case for a purpose other than impeachment, the judgment was against the defendant.

The pendency of an appeal may be shown but does not affect admissibility.

Rule 804. Hearsay Exceptions, Declarant Unavailable

- (a) **Criteria for Being Unavailable.** A declarant is considered to be unavailable as a witness if the declarant:
- (1) is exempted from testifying about the subject matter of the declarant's statement because the court rules that a privilege applies;
 - (2) refuses to testify about the subject matter despite a court order to do so;
 - (3) testifies to not remembering the subject matter;
 - (4) cannot be present or testify at the trial or hearing because of death or a then-existing infirmity, physical illness, or mental illness; or
 - (5) is absent from the trial or hearing and the statement's proponent has not been able, by process or other reasonable means, to procure:
 - (A) the declarant's attendance, in the case of a hearsay exception under Rule 804(b)(1) or (6); or
 - (B) the declarant's attendance or testimony, in the case of a hearsay exception under Rule 804(b)(2), (3), or (4).

But this subdivision (a) does not apply if the statement's proponent procured or wrongfully caused the declarant's unavailability as a witness in order to prevent the declarant from attending or testifying.

- (b) **The Exceptions.** The following are not excluded by the rule against hearsay if the declarant is unavailable as a witness:
- (1) **Former Testimony.** Testimony that:
 - (A) was given as a witness at a trial, hearing, or lawful deposition, whether given during the current proceeding or a different one; and
 - (B) is now offered against a party who had — or, in a civil case, whose predecessor in interest had — an opportunity and similar motive to develop it by direct, cross-, or redirect examination.
 - (2) **Statement Under the Belief of Imminent Death.** In a prosecution for homicide or in a civil case, a statement that the declarant, while believing the declarant's death to be imminent, made about its cause or circumstances.
 - (3) **Statement Against Interest.** A statement that:
 - (A) a reasonable person in the declarant's position would have made only if the person believed it to be true because, when made, it was so contrary to the declarant's proprietary or pecuniary interest or had so great a tendency to invalidate the declarant's claim against someone else or to expose the declarant to civil or criminal liability; and
 - (B) is supported by corroborating circumstances that clearly indicate its trustworthiness, if it is offered in a criminal case as one that tends to expose the declarant to criminal liability.
 - (4) **Statement of Personal or Family History.** A statement about:
 - (A) the declarant's own birth, adoption, legitimacy, ancestry, marriage, divorce, relationship by blood, adoption, or marriage, or similar facts of personal or family history, even though the declarant had no way of acquiring personal knowledge about that fact; or

- (B) another person concerning any of these facts, as well as death, if the declarant was related to the person by blood, adoption, or marriage or was so intimately associated with the person's family that the declarant's information is likely to be accurate.
- (5) **Not Applicable**
- (6) **Statement Offered Against a Party That Wrongfully Caused the Declarant's Unavailability.**
A statement offered against a party that wrongfully caused — or acquiesced in wrongfully causing — the declarant's unavailability as a witness, and did so intending that result.

Rule 805. Hearsay within Hearsay

Hearsay included within hearsay is not excluded by the rule against hearsay if each part of the combined statements conforms with an exception to the rule.

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

Team Rosters shall be provided to the Bar Foundation two (2) days prior to any trial. The Roster shall identify the gender of each witness and the preferred pronoun. **Changes in a team's roster are prohibited after the first round of the regional competition.** Contact the State Coordinator if there are questions.

School Name		Assigned School Code	
During this trial our team will be representing the (circle one):	Plaintiff/ Prosecution	Defense	
Student Attorneys			
Student Name	Direct Examination	Cross Examination	Other
Student Witnesses			
Student Name	Male OR Female	Trial Name	Preferred Pronoun
Student Alternates			
1:	2:	3:	

Teacher Coach(es): _____

Attorney Coach(es): _____

Signature of Coaches(s): _____

TRIAL SCORING & DEDUCTION OF POINTS

TRIAL SCORING: Winners are determined by which team earns the most judges' ballots (score sheet). A Mock Trial team has the opportunity to receive three (3) ballots during each trial. The presiding judge and the two (2) performance judges all complete a ballot. 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 shall indicate on the line - ***If my total scores are tied, the win goes to "X"***, 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's ballot will 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.

Performance judges may wish to deduct points brought to the judges' attention during a dispute resolution (see Rules 22 and 28-30).

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.

Nebraska follows the National High School Mock Trial Championship Power Matching as modified for the 12 teams at the State Championship. Rankings are determined by 1) win/loss record, 2) total number of ballots received and 3) cumulative points.



PRESIDING JUDGE'S SCORE SHEET

Date: _____

Round #: _____

Plaintiff/Prosecution: _____ Defense: _____
(School Name/Code) (School Name/Code)

Determine which team gave the best overall performance. Your decision is independent of the performance judges.

The presiding judge's scoresheet and the two performance judges' scoresheets are used in the Power Matching to determine a team's ranking.

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 the time limits; and
- were courteous of their opponent.

PERFORMANCE EVALUATION

The team that gave the BEST OVERALL PERFORMANCE is the:

CIRCLE ONE: **Plaintiff/Prosecution** OR **Defense**

COMMENTS (optional):

Judge's Signature

Date

Please print name



PERFORMANCE JUDGE'S SCORE SHEET

P = Plaintiff/Prosecution _____
(School Name & color/#)

D = Defense _____
(School Name & color/#)

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		
Plaintiff/Prosecution					
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				
Defense					
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		
Total Scores					
TOTAL PLAINTIFF/PROSECUTION SCORE (Min. Points 12, Max. Points 120)			TOTAL DEFENSE SCORE (Min. Points 12, Max. Points 120)		

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

Explanation of any point deduction: _____

Please double-check your scores!

Name (Print): _____ Date: _____
Signature: _____

SUGGESTIONS FOR SCORING MOCK TRIALS
Nebraska High School Mock Trial Competition

POINTS	PERFORMANCE	CRITERIA FOR EVALUATING STUDENT PERFORMANCE
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. Understand the intricacies, the nature, depth and breadth of the case.
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.

FEEDBACK FORM INSTRUCTIONS

An important aspect of the educational process of mock trials is written constructive critique provided by the presiding and performance judges on the Feedback Form. The comments and suggestions below are meant to assist volunteer 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 written feedback is a valuable part of the competition. They learn from understanding *specifically* what they did well and what areas could be improved.

- Your written feedback 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.
- Be realistic about the legal system. It is not perfect.
- Remember you are a role model for the students and an ambassador for your profession.
- Comment on items that are actionable.
- Let students know that not all attorneys use the same methods and techniques. Differences of opinions regarding style of trial presentations are common.

DO NOT:

- Criticize students about their attire.
- Expect high school students to understand all that law students or lawyers understand.



Optional Feedback Form for Volunteer Judges

Please complete this form and return with your score sheet or visit our website at www.nebarfnd.org and complete this form online.

Please complete this form along with your scoresheet.

(★) Scoresheets do not change as a result of this form.

School Name	Team Color/#

Round of Competition: 1 2 3 4 5

PLAINTIFF / PROSECUTION or DEFENSE

Overall Team Performance:

Areas that Need Improvement:

Areas the Team Excelled In:

General Notes:

Name (Print): _____ Date: _____

Signature: _____

Thank you for participating in this Law-Related Education Program Sponsored by the Nebraska State Bar Foundation



DISPUTE RESOLUTION FORM -- INSIDE THE BAR
(See Rules 28 & 29)

DATE _____

REGION _____

Plaintiff/Prosecution _____ Defense _____
(School Name/Code) (School Name/Code)

Name of school filing dispute	
Name of student attorney filing dispute	

NATURE OF DISPUTE. Explain briefly why you are filing this dispute. Then display this form on the screen for the **PRESIDING JUDGE**.

PRESIDING JUDGE

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

My reasons for denying this dispute are _____

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 request their written response on page 2 of this form.*

SIGNATURE OF PRESIDING JUDGE _____

DATE & TIME _____



DISPUTE RESOLUTION FORM -- INSIDE THE BAR
(See Rules 28 & 29)

Opposing team's RESPONSE TO DISPUTE

DATE _____

REGION _____

Plaintiff/Prosecution _____ Defense _____
(School Name/Code) (School Name/Code)

Name of school filing response	
Name of student attorney filing response	

RESPONSE TO DISPUTE. Write a brief response to the written dispute. Then display this form on the screen for the PRESIDING JUDGE.

After each team has submitted written details (information) about the dispute, a hearing will be held. Each team shall designate one (1) student attorney to present the objection/response. Each student attorney has 3 minutes to present. After reviewing all the written information, hearing oral arguments and reviewing the relevant mock trial rules, a decision has been made in the matter. My decision is:

SIGNATURE OF PRESIDING JUDGE _____

DATE & TIME _____



DISPUTE RESOLUTION FORM -- OUTSIDE THE BAR
(See Rule 30)

DATE _____

REGION _____

Plaintiff/Prosecution _____ Defense _____
(School Name) (School Name)

Name of school filing dispute	
Name of teacher/attorney filing dispute	

NATURE OF DISPUTE. Explain briefly why you are filing this dispute. When finished, email this form to the Regional Coordinator and the State Coordinator.

REGIONAL COORDINATOR

I received this Dispute Resolution Form on _____ (date) and have notified all pertinent parties of the nature of the dispute. I DID or I 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 this dispute is: _____

I have notified all pertinent parties of my decision

SIGNATURE OF REGIONAL COORDINATOR _____

DATE & TIME _____



GROSS RULE VIOLATION FORM

(See Rule 22)

DATE _____

REGION _____

Plaintiff/Prosecution _____ Defense _____
(School Name/Code) (School Name/Code)

Name of school filing dispute	
Name of student attorney filing dispute	

NATURE OF DISPUTE. Explain briefly why you are filing this dispute. When finished, email this form to the Regional Coordinator and the State Coordinator.

OPPOSING COUNSEL RESPONSE: _____

The Mock Trial Commission will be given all the details to review. The Commission will make a determination and communicate that to the State Coordinator who will inform the coaches.



**PROPOSED SUGGESTION FORM FOR TEACHER
AND/OR ATTORNEY COACH(ES)**
(See Rules 45)

DATE _____

REGION _____

Name of school filing suggestion	
Name of teacher &/or attorney filing suggestion	

Proposed Suggestion. Briefly explain why you are proposing this suggestion.

The Proposed Suggestion Form is available only to teacher and/or attorney coaches. This form must be submitted to the Nebraska State Bar Foundation's Executive Director. Coaches should describe the proposed suggestion in a maximum of 100 words. The suggestion(s) will be carefully considered and brought before the Mock Trial Commission. Based upon the Commission's recommendation, the suggestion is either accepted or denied. All suggested Rule changes will most likely be considered over the summer.

Nebraska State Bar Foundation
Re: Mock Trial
P.O. Box 95103
Lincoln, NE 68509

doris@nebarfnd.org

Fax: 402-475-7106



2020-2021 Regional Competition

Most Effective Attorney

(Name of Student)

This certificate is presented by the _____
team to the Most Effective
Attorney of the _____ team.

(Date)





2020-2021 Regional Competition

Most Effective Witness

(Name of Student)

This certificate is presented by the _____ team to the Most Effective Witness of the _____ team.

(Date)



2020-21 MOCK TRIAL COORDINATORS & REGIONS

REGION 1

Coordinator:	Honorable Leo Dobrovolny 1725 10 th St. Gering, NE 69341 (308) 436-6660 Fax: (308) 436-6759 leo.dobrovolny@nebraska.gov	Honorable Kristen D. Mickey 1725 10 th St. Gering, NE 69341 (308) 436-6648 Fax: (308) 436-6782 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 300 E 3 rd St. #254 P.O. Box 907 North Platte, NE 69101 (308) 535-8342 Fax: (308) 535-8344 frankie.moore@nebraska.gov	Lindsay Pedersen 121 N. Dewey St. #210 North Platte, NE 69101 (308) 696-3250 Fax: (308) 696-3252 lindsay@hall-atty.com
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Counties: Arthur, Custer, Dawson, Grant, Hooker, Keith, Lincoln, Logan, McPherson and Thomas

REGION 3

Coordinators:	Honorable David W. Urbom P.O. Box 847 McCook, NE 69001 (308) 345-4539 Fax: (308) 345-7907 dave.urbom@nebraska.gov	Deb League P.O. Box 378 Benkelman, NE 69021 (308) 423-2374 Fax: (308) 423-2325 deb.league@nebraska.gov
	Kathy Woodmancy P.O. Box 222 Grant, NE 69140 (308) 352-7530 Fax: (308) 352-7532 kathy.woodmancy@nebraska.gov	

Counties: Chase, Dundy, Frontier, Furnas, Gosper, Hayes, Hitchcock, Perkins and Red Willow

REGION 4

Coordinator: **Honorable Mark D. Kozisek**
P.O. Box 225
Ainsworth, NE 69210
(402) 387-2162
Fax: (402) 387-0918
mkoz@threeriver.net

Counties: Boyd, Brown, Cherry, Holt, Keya Paha, and Rock

Coordinator: **Mike S. Borders**
940 S D St.
P.O. Box 133
Broken Bow, NE 68822
(308) 872-3311
Fax: (308) 872-2255
borderslaw@gpcom.net

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

REGION 5

Coordinators:	Honorable John E. Rademacher P.O. Box 520 Kearney, NE 68848 (308) 236-1229 Fax: (308) 236-1243 john.rademacher@nebraska.gov	Elizabeth Chrisp P.O. Box 1060 Kearney, NE 68848 308-234-5579 Fax: (308) 234-9305 elizabeth@jacobsenorr.com
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County: Buffalo

Coordinator: **Amy Skalka**
303 N. Burlington, Ste. C
P.O. Box 907
Hastings, NE 68902
(402) 834-3300
Fax: (402) 463-3110
amys@centralnebraskalaw.com

Counties: Adams, Clay, Franklin, Hall, Harlan,
Kearney, Nuckolls, Phelps, and Webster

REGION 6

Coordinators: **Honorable Donna Farrell Taylor**
501 Main – Courthouse
Neligh, NE 68756
(402) 887-4650
Fax: (402) 887-4160
judgetaylor7jdcc@yahoo.com

Counties: Antelope, Burt, Cedar, Cuming, Dakota, Dixon, Dodge, Knox, Madison, Pierce, Stanton, Thurston, Washington and Wayne

REGION 7

Coordinator: **Honorable James C. Stecker**
PO Box 36
Seward, NE 68434
(402) 643-4060
Fax: (402) 643-2950
stecker27@gmail.com

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

REGION 8

Coordinator: **Honorable Robert B. O'Neal**
1210 Golden Gate Drive, Suite 2165
Papillion, NE 68046
(402) 593-5918
Fax: (402) 593-2158
boneal@sarpy.com

Counties: Sarpy

REGION 9

Coordinator: Honorable Julie D. Smith 4 th & Broadway Tecumseh, NE 68450 (402) 274-7955 Fax: (402) 335-6311 liz.johnson@nebraska.gov (Judge's bailiff)	Kelly Werts 713 4 th St. P.O. Box 126 Humboldt, NE 68376 (402)-862-2321 Fax: (402) 862-3290 kellywerts@gmail.com
--	--

Counties: Cass, Fillmore, Gage, Jefferson, Johnson, Nemaha, Otoe, Pawnee, Richardson, Saline and Thayer

REGION 10

Coordinators: **Honorable Jodi L. Nelson**
575 South 10th Street
Lincoln, NE 68508
(402) 441-7371
Fax: (402) 441-3833
jnelson@lancaster.ne.gov

Counties: Lancaster, Saunders, Seward and York

REGIONS 11 & 12

Coordinator: **Honorable Thomas K. Harmon**
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thomas.harmon@nebraska.gov

County: Douglas

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Nebraska State Bar Foundation