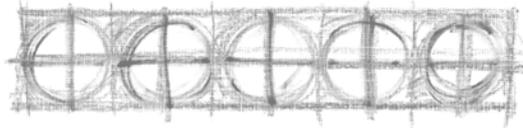


Mock Trial Competition

A black and white line drawing of a gavel with a wooden handle and a metal head, resting on an open book. The book is shown from a top-down perspective, with its pages slightly curved. The gavel is positioned diagonally across the right side of the book.

*Law Related Education
Idaho Law Foundation, Inc.*

2006

Case Materials

LAW RELATED EDUCATION PROGRAM
OF THE
IDAHO LAW FOUNDATION
2006 MOCK TRIAL CASE MATERIALS

Franklyn v. Cartwright

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The Idaho Mock Trial Program

The Law-Related Education Program of the Idaho Law Foundation began the Idaho Mock Trial Competition in 1987. Each year nearly five hundred high school students compete in regional and state Mock Trial competitions. In addition, up to a thousand students participate in *Mock Trial in the Classroom* activities.

This program offers students the opportunity to experience first-hand the challenge and drama of a courtroom proceeding while practicing communication and analytical skills. Not only do Mock Trial participants gain a greater understanding of our democratic system of law, they also have an opportunity to increase their self-confidence and build teamwork skills as they prepare and present their cases.

OBJECTIVES

- to better understand the law, court procedures and the legal system;
- to increase proficiency in life-skills such as critical thinking, listening, and speaking;
- to practice teamwork and cooperative learning
- to promote communication and cooperation among the legal community, educators, and students.

ACKNOWLEDGMENTS

The 2006 Idaho Mock Trial Case comes from a case written by the New Jersey Bar Foundation in 2002. The case was adapted by Eric Sloan, Idaho attorney, and Becky Jensen, Law Related Education Coordinator. The case is used with permission from the New Jersey State Bar Foundation, Copyright 2002. The New Jersey State Bar Foundation gratefully acknowledges the assistance of the Hon. William E. Nugent, Mark E. Roddy, Esq., Ronald S. Levitt, Esq., and the Mock Trial Committee in the preparation of this original case.

Mock Trial is indebted to the nearly 200 volunteers from the Idaho State Bar and Idaho communities who act as judges, coaches and advisors for the Mock Trial Competition. Special thanks also go to teacher-sponsors from participating high schools who spend untold (but not unappreciated) hours working with Mock Trial students.

The program would not be possible without the work of the Idaho Law Foundation's Law-Related Education Committee and regional competition organizers. These volunteers assist in selecting the case materials, adapting the case to Idaho law, securing attorney-coaches and judges, and organizing various rounds of competition.

Funding for this program from the IOLTA Program of the Idaho Law Foundation is gratefully acknowledged.

Competition Coordinators:

North Idaho: Honorable Eugene Marano

Treasure Valley: Kendra Hooper

Twin Falls: Karen McCarthy

Snake River Valley: Joan Thompson and Lynn MacAusland

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Case Overview

FRANKLYN V. CARTWRIGHT

During this past summer, plaintiff Jamie Franklyn was severely burned in a fire. A criminal investigation is ongoing, but to date no one has been indicted or arrested. Jamie Franklyn has filed a lawsuit against Pat Cartwright, the owner of the building where the fire occurred, and two other individuals, Alex Logan and Charlie Hoyt. Both entered into a settlement with Jamie Franklyn before trial. The issue to be tried is that of liability: whether Pat Cartwright, Charlie Hoyt and/or Alex Logan are liable for the injuries suffered by Jamie Franklyn and, if so, the extent of their respective liability. In pre-trial rulings, the court determined that Detective Sam Stone is an expert in the field of fire “cause and origin” and is qualified to express an opinion on the cause of the fire. Statements attributed to Logan and Hoyt are admissible. Additionally, the court has ruled that “assumption of risk” does not apply and therefore, there is no issue of plaintiff’s negligence.

WITNESSES

For Plaintiff

Jamie Franklyn, plaintiff
Sam Stone, detective
Alex Logan, co-operator of the lawn business

For Defendant

Pat Cartwright, owner of the barn
Chris Lewis, co-operator of the lawn business
Charlie Hoyt, friend of Alex Logan

STIPULATIONS:

1. The witnesses may be either male or female.
2. In view of the court’s pre-trial rulings, the parties may not contest the qualifications of Sam Stone to express an opinion on the cause of the fire. However, to the extent the student lawyers deem it tactically advisable to do so, they may bring out on direct or cross-examination Detective Stone’s qualifications contained in his/her witness statement.
3. All witness statements are deemed to have been signed. If asked, a witness must acknowledge that he or she signed and certified the statement on the date indicated.
4. The judge presiding over the trial may dispense with reading the Jury Charge to the jury.
5. Jamie Franklin may not use crutches.

CASE INFORMATION and JURY INSTRUCTIONS

Franklyn v. Cartwright is a civil case that involves negligence. As such, your job is not to convince the jury to find innocent or guilty per se, but rather to convince the jury who is responsible for plaintiff's injuries. The court has ruled that Jamie Franklyn was not negligent; therefore, the jury will only consider whether Franklyn's injuries were caused by Pat Cartwright, Alex Logan, and/or Charlie Hoyt. Under Idaho law, a negligence claim involves the following four elements: (1) Duty; (2) Breach of duty; (3) Causation; and (4) Damages. Negligence must be shown by a preponderance of the evidence. In other words, plaintiff's counsel must show that it is "more reasonable than not" that the defendant is liable.

The presiding judge has also ruled that this trial is bifurcated. This means that at this phase, there will be no evidence allowed with respect to monetary damages. Thus, element (4) above will not be considered at this time. As Franklyn has already settled with Logan and Hoyt, counsel for Franklyn is out to prove that Franklyn's injuries were caused solely by Cartwright. Conversely, counsel for Cartwright is out to convince the jury that Franklyn's injuries were caused by Logan and/or Hoyt. As such, the jury will apportion liability, if any, between Cartwright, Logan, and Hoyt.

The jury will be given the following instructions:

Jury Instruction No. 1: When I use the word "negligence" in these instructions, I mean the failure to use ordinary care in the management of one's property or person. The words "ordinary care" mean the care a reasonably careful person would use under circumstances similar to those shown by the evidence. Negligence may thus consist of the failure to do something which a reasonably careful person would do, or the doing of something a reasonably careful person would not do, under circumstances similar to those shown by the evidence. The law does not say how a reasonably careful person would act under those circumstances. That is for you to decide.

Jury Instruction No. 2: A landowner's liability for injuries sustained on the premises depends on the plaintiff's common law status as a trespasser, invitee, or licensee. An "invitee" is one who enters on the premises of the landowner for a purpose connected with the business conducted on the land or who enters in a situation in which it can reasonably be said that the visit may confer a tangible benefit on the landowner; a landowner's duty to an invitee is to warn of hidden or concealed dangers and to keep the land in a reasonably safe condition. A "trespasser" is one who enters on the premises of the landowner without permission, invitation, or lawful authority; a landowner's duty to a trespasser is to refrain from willful or wanton acts that might cause injury. A "licensee" is a visitor who enters on the premises of the landowner with the consent of the landowner in pursuit of the visitor's purpose; a landowner's duty to a licensee is to share with the licensee knowledge of dangerous conditions or activities on the land. Your first task is to determine whether plaintiff's status at the time of alleged injury was that of an invitee, trespasser, or licensee.

Jury Instruction No. 3: Willful and wanton misconduct is present if the defendant intentionally does or fails to do an act, knowing or having a reason to know facts which would lead a reasonable man to realize that his conduct not only creates unreasonable risk of harm to another, but involves a high degree of probability that such harm would result.

Jury Instruction No. 4: When I use the expression "proximate cause," I mean a cause which, in natural or probable sequence, produced the complained injury, loss or damage, and but for that cause the damage would not have occurred. It need not be the only cause. It is sufficient if it is a substantial factor in bringing about the injury, loss or damage. It is not a proximate cause if the injury, loss or damage likely would have occurred anyway. There may be one or more proximate causes of an injury. When the negligent conduct of two or more persons contributes concurrently as substantial factors in bringing about an injury, the conduct of each may be a proximate cause of the injury regardless of the extent to which each contributes to the injury.

Jury Instruction No. 5: The plaintiff has the burden of proving each of the following propositions:

1. That Defendant Cartwright was negligent;
2. That the plaintiff was injured; and
3. That the negligence of Defendant Cartwright was a proximate cause of plaintiff's injuries.

In this case Defendant Cartwright has asserted the affirmative defense that the Defendants Hoyt and/or Logan were negligent. Defendant Cartwright has the burden of proving each of the following propositions:

1. That Defendant Hoyt and/or Defendant Logan was/were negligent;
2. That the negligence of the Defendant Hoyt and/or Defendant Logan was a proximate cause of the injury claimed to have been suffered by the plaintiff.

JURY VERDICT FORM

In this case you will return a special verdict, consisting of a series of questions which you should answer. There are individual questions about the negligence or lack of negligence of each party. In answering each question you must be persuaded, considering all of the evidence in the case, that your choice of answers is more probably true than not true. Since the explanations on the form which you will have are part of my instructions to you, I will read the verdict form to you and explain it. It starts:

"We, the jury, answer the questions submitted to us in the special verdict as follows:

QUESTION NO. 1. Was there negligence on the part of the Defendant Cartwright which was a proximate cause of the accident?

ANSWER: Yes ___ No ___

QUESTION NO. 2. Was there negligence on the part of the Defendant Hoyt which was a proximate cause of the accident?

ANSWER: Yes ___ No ___

QUESTION NO. 3. Was there negligence on the part of the Defendant Logan which was a proximate cause of the accident?

ANSWER: Yes ___ No ___

If you answered any of the above questions "Yes," then please answer Question No. 4.

If you answered "No" to all of the questions above, you will not answer the remaining questions, but will simply sign the verdict.

QUESTION NO. 4. We find that the parties contributed to the cause of the accident in the following percentages:

(a) Defendant Cartwright	_____%
(b) Defendant Hoyt	_____%
(c) The Defendant Logan	_____%
TOTAL	100 %"

WITNESS STATEMENT OF JAMIE FRANKLYN

(Plaintiff)

My name is Jamie Franklyn. I am 17 years old and live at 5225 Larkspur Road in Liberty. I would be a junior at Liberty High School, however, I am being home-schooled because of severe burn injuries that I received last August.

Last summer, I worked at the pool at Blue Anchor Condominiums. I am a Red Cross certified lifeguard. Although getting my certification was tough, the job turned out to be, well, kind of boring. The deep part of the pool was only five feet, and most of the condo owners and their guests were in their 50s. There were very few young children. I had been hoping that some kids of my own age would use the pool, but that generally didn't happen.

During late July, my friend Stacy called me and told me that a couple of our classmates had turned an old barn into a casino. I couldn't believe it! I didn't know anyone in our whole high school that would have the guts to do something like that. I actually thought it was pretty cool. Stacy asked me if I wanted to go the next Friday and I said, "Sure."

The following Friday I have to admit that I couldn't believe what I saw. We pulled down this narrow dirt road with only our parking lights on. It was dark — I mean really dark. As we came out of the woods, I could make out some type of clearing, and then I realized that there were 20 or 30 cars already parked there. Off to one side I could just make out a fairly large barn. Stacy and I got out of the car and walked up to a small door on the side of the barn. After giving a "secret knock," the door opened. There was Alex Logan with a black visor and black sunglasses actually wanting to collect an entrance fee. We each paid our \$10 and went in.

What I saw was nothing short of amazing. Kids sitting and standing all over, playing pinball, playing slot machines, and listening to this funky loud music. A bar was set up at the far end, completely stocked with everything you could imagine. There was even one of those big, round wheel-type things like you see on "Wheel of Fortune." The money and alcohol were flowing fast and furious. We only stayed about two hours, but I have to admit that I had a really good time.

On Friday night, August 16, Stacy convinced me to go back again. I had another really boring week at the pool, so I was ready. I even took along all of my week's paycheck.

By 1 a.m. the place was really packed and hopping. It seemed like half the high school was there. I had already lost \$150 on the big wheel, and was sitting at the makeshift bar drinking my sorrows away. Like, the next thing I knew, I thought I smelled smoke. I could see other people looking around in a funny way, so I knew that I wasn't the only person who smelled it. The next thing I knew someone started screaming, "There's a fire!" People started racing to the door. From where I was sitting, I could see people pressed up against the door frantically trying to get out. But the door opened inward and not outward.

I have very little recollection about what happened after that. I vaguely remember crawling around, trying to stay low to avoid the smoke. But at some point I was overcome and lost consciousness. I could swear that I dreamed I was on fire, but in retrospect, I guess I actually was on fire.

The doctors tell me that the severe burns and scarring on my chest, back, shoulders and upper legs will probably never go away. There is a good chance that I will have to use crutches the rest of my life. All I have to look forward to now is my 8th skin graft operation, and a life of chronic pain and infection. I moved all pictures of me from before the fire out of my bedroom and I made my parents put away all of

the pictures that were around the house. Every time I see how I used to look, I start to cry.

The night of the fire, I would estimate that there were like 30 to 40 kids in the barn. Cars were parked everywhere outside. The music was playing. For the owner of this property to now claim ignorance about what was going on is absolutely ludicrous. If someone was operating a full-blown casino and bar on your property, don't you think you'd know about it?

I certify that the above statements made by me are true and correct to my best belief and knowledge. If any of the statements made by me are willfully false, I am subject to punishment.

Jamie Franklyn

October 17, 2003

WITNESS STATEMENT OF ALEX LOGAN

(Testifying for Plaintiff)

My name is Alex Logan. I am 16 years old. My dad is a jeweler, and our family has a fancy jewelry store in downtown Liberty. My parents hate the city though so we live about 20 miles from downtown – more out in the county – you know – so we could have space for a pool and tennis court and all that stuff.

So anyway, it was about the beginning of June and my parents were nagging me to get a job. They told me all the other kids had jobs and I was about the only one left with no plans for the summer. So I said, “Why should I work? It’s not like we need the money.” When my dad heard that, he flipped out and told me I’d be mowing lawns for the summer, working with his partner’s kid, Charlie Hoyt. What a dork. I certainly had no intention of mowing lawns – I don’t even mow our lawn, so why would I do it for other people?

Anyway, my dad knows this old-timer, Pat Cartwright, who owns a farm up on the ridge about a mile from where we live. Charlie and I met with Cartwright and s/he agreed to rent us the barn on the property for \$100 a week — cash. What a nut — hates the government and hates the IRS even more. For the \$100 a week we’d have complete use of the barn to store all the lawn-cutting equipment, Charlie’s pickup truck, and anything else we might need. I sure wasn’t going to keep that greasy, dirty stuff at my house.

The first couple weeks in June were really nasty. Every day was really hot, and I got home all dirty and sweaty. Personally, I don’t like to sweat. Plus when I got home, my parents would nag me to do something else and not just sit around, even though I was so tired from working all day. So Charlie and I decided we would hang out at the barn after work and have a few beers that s/he took from his/her parents’ house.

Well, one thing led to another pretty fast. When our friends found out that we had a place to drink without being bothered by anyone, things got pretty popular at night. Finally I told Charlie, “Hey, we ought to be charging a cover at the door.” Charlie agreed. The very next night we made 150 bucks. So we figured — why work hard all day when you can just sit and collect money?

By mid-July, we had all of the windows carefully boarded up and screwed shut. The money was really rolling in. We put in a surround sound 200 watt stereo system. When one of my friends told me that his older brother worked as a slot tech for a casino in Wisconsin, we cut a deal for some outdated slot machines. The pinball machines were easier to get. By the last week in July, we had a fully operating casino and we were clearing \$1,000 a night. It wasn’t unusual to have 25 or 30 cars parked out behind the barn.

On August 1, I’m at home getting ready to eat lunch when Cartwright calls. S/he tells me that the rent is going up to \$250 a week. I tell Pat you can’t mow enough lawns in a week to make that much. Here are Pat’s exact words: “I rented you the barn to store lawn care equipment, and you’ve put it to some other use. If you want to keep it up, you’ve got to pay.” We did.

I wasn’t there the night of the fire. Like I said, we were making so much money it got to the point where I didn’t even have to show up every night. My father’s lawyer tells me that I might be facing some criminal charges in juvenile court. But it really

isn't my fault. I'm just a kid. The big-shot farmer should have known better. Pat knew darn well what was going on and could have put a stop to it. But money was more important. I guess there are just some people in this world who don't want to work for a living.

I certify that the above statements made by me are true and correct to my best belief and knowledge. If any of the statements made by me are willfully false, I am subject to punishment

Alex Logan

October 17, 2003

WITNESS STATEMENT OF DETECTIVE SAM STONE (Testifying for Plaintiff)

My name is Sam Stone. I have been an Independence State Trooper for the past 15 years. I am currently assigned to Troop E. We are responsible for a major portion of the law enforcement in the central part of the state. Although one of our primary responsibilities is to patrol Interstates 35 and 94, we also act as a local police department for some of the more rural municipalities in Liberty County. Contrary to what most people believe, there are major portions of Liberty County that consist of heavily wooded areas and rolling farmland.

For the past seven years, I have been assigned to the Detective Bureau of Troop E. I have received extensive training in electronic surveillance, narcotics, auto theft and chop shop investigations, white-collar crime, computer crime (including theft of identity and child pornography), as well as arson investigation. With regard to the latter, I have been involved in more than 45 formal arson investigations and have testified as an expert on 14 prior occasions in District Court.

This particular investigation commenced on July 22, 2003. At approximately 3 p.m. I received a call from a vice president of Jones Brothers Plumbing Supply. He informed me that the business has three warehouses, one of which is located in a remote section of Liberty County. This past month, the electric bill for this particular facility was almost three times the normal monthly rate. The electric company had confirmed that the readings were accurate. An electrician hired by the company discovered that someone had "tapped in" to the electrical box on the outside of the building and that the cable was buried under ground headed in the direction of the nearby woods.

The following day I met with several Jones Brothers representatives, as well as a representative of the electric company, at the Jones Brothers facility. It was agreed that the illegal tap would be left in place, and that we would try to ascertain the nature of the theft. The electric company provided electromagnetic detectors. These devices look something like the metal detectors you may have seen people using on the beach to look for lost items or treasure. After following the underground wire for almost three-quarters of a mile, we broke into a clearing only to discover an old barn. Every opening in the barn was completely secured with plywood, and the steel door was locked.

I returned to the barracks at approximately 4 p.m. After a series of calls to the County Clerk's office, it was learned that the barn and the farm on which it stood belonged to one Pat Cartwright. A further search revealed that Cartwright now lived in a condominium in downtown Liberty. My attempt to obtain a phone number for Cartwright was unsuccessful. If there was a telephone, it was apparently unlisted.

As I prepared to leave the barracks for the day, I decided that I would try to meet with Cartwright the following day for a face-to-face interview and to attempt to obtain consent to search the barn. If I could not locate Cartwright, or if I could not obtain consent to allow a voluntary search of the premises, I would then seek a search warrant from a Superior Court Judge. Probable cause would be established by the apparent theft of electricity from the plumbing supply company.

However, the following day I was directed to participate in a wiretap operation involving local municipal officials in a nearby county. I cannot disclose the nature and extent of the investigation in that it remains highly confidential because it is an ongoing investigation. Moreover, I found myself doing repeated 12-hour shifts listening to various telephone conversations and creating electronic surveillance logs of conversations that might be deemed evidential at a later point and time. Accordingly, I was unable to follow up with the investigation concerning the theft of electricity from Jones Bros. Plumbing

Supply Company.

On Friday night, August 16, at approximately 11:45 p.m., I was awakened by the sound of my police pager. Upon calling the barracks, I learned that there was a barn fire in progress in Liberty County. The description sounded remarkably similar to the barn I had looked at earlier the preceding month. I jumped into my Patrol vehicle and was at the location in approximately 35 minutes.

When I arrived at the scene, the local fire departments were in the process of attempting to extinguish what could only be described as a very severe barn fire. I observed approximately 10 ambulances on location; many of the EMTs appeared to be treating high school aged students for severe burns. I was advised that two medivac helicopters were also on the way.

A cursory examination of the interior of the barn revealed 15 severely damaged slot machines, 10 pinball machines, a couple of gaming tables, and the remains of a fully stocked bar. My investigation led me to conclude that approximately 25 teenagers had been trapped inside the barn at the time of the fire. Although none of the victims is known to have died as a result of the fire, I was advised by the EMTs that seven teenagers were transported to local hospitals with burns, and that three of the individuals were in serious condition.

I returned the following morning to conduct an arson investigation to discover the cause and origin of the fire in order to ascertain whether the fire was accidental or intentional. I arrived on the scene shortly after daybreak. The remnants of the conflagration were still smoldering, and one or two State Police officers had secured the area and were keeping the possible crime scene intact.

As I conducted my examination of the property in daylight, there was no question that the barn had been converted to some type of illegal alcohol dispensing and gambling establishment. The remains of slot machines, pinball machines and other gambling apparatus and paraphernalia were readily apparent. In addition, it was obvious that a significant quantity of alcohol, which I viewed as a potential accelerant to a fire, had been stored in the northwest corner of the barn. It was apparent from the scorch marks and flame spread pattern that this was the location where the fire had originated.

I determined that the source of the fire was an illegal electrical connection from an unshielded electrical cable running underneath the floor of the barn and connected to a makeshift transformer. The amount of current being drawn through the cable was far in excess of conduit's electrical and resistive capacity. Due to the fact that there were no circuit breakers, fuses or other safety devices, the wiring had overheated and the energy released had caused combustion of the dry wooden flooring directly under the area where the alcohol was being stored. It was equally apparent that as the heat increased, the glass bottles began to crack and shatter allowing the alcoholic beverages to further fuel the blaze.

As I was finishing up my investigation, I looked up and saw a senior citizen standing approximately five feet away observing my actions. He/she was apparently unaware that I was a State Police Officer, as I was dressed in street clothes and not in uniform. However, I did advise the person that I was conducting an official investigation and asked him/her to please move behind the police barricade lines. The older person then admitted ownership of the property, and said that the police officer permitted entry. The person, who is the defendant Pat Cartwright, kept saying, "I knew I never should have rented the barn to those kids." I did not pursue the remark at that time, but I made a mental note of the statement, and continued with completing my investigation. As I was getting ready to leave the scene, Cartwright looked directly at me and said, "I told them I didn't care if they had a little fun, but I didn't expect this."

It is my opinion that as owner of the property, Pat Cartwright can be held responsible for the severe injuries that resulted to the teenaged victims of the fire. Cartwright leased the property and collected rent

in cash on a weekly basis. In my opinion, Cartwright had to have known what was going on.

I certify that the above statements made by me are true and correct to my best belief and knowledge. If any of the statements made by me are willfully false, I am subject to punishment.

Sam Stone

October 17, 2003

WITNESS STATEMENT OF CHARLIE HOYT (Testifying for the Defense)

My name is Charlie Hoyt. I am 17 years old and live at 363 High Ridge Lane in Liberty. I am a senior at Liberty High School.

For the past six years, I've done lawn work as a summer job. My customers love me for obvious reasons. I started out with two lawn mowers, but last winter I purchased two more large mowers, a used pickup truck, a Troybilt bushwhacker, and made arrangements to lease an old Farm-All tractor and hay mower. During June, my father told me that I would be getting some help. At first I was glad. Then I heard it was Alex Logan, whose father is my father's business partner. I thought I was going to get sick, but then I was told that part of the deal was that we could use an old barn in a remote section of Liberty County. That made it worthwhile. I would have a place to store all of my new equipment.

Without going into great detail, Alex turned out to be lousy help. Alex liked hanging out in the barn late in the evenings and drinking much better than working. Against my advice, Alex slowly turned the barn into an after hours tavern for other kids who were underage. How Alex wheeled and dealt to get the liquor, the slot machines, and the pinball machines, I'll never figure out. But it worked! I told Alex the lack of productivity was costing me \$400 a week. Alex's response was "How about if I just pay you 400 bucks a week and don't work at all?" I said that wasn't enough, but that I wouldn't tell either of our fathers if Alex gave me \$500 each week. So by the middle of July, I was doing the lawns by myself, keeping all the money, plus Alex's \$500. I would get the equipment I needed out of the barn around 7 a.m. and back to the barn about 5 p.m. That was about the time Alex would show up at the barn. I have no idea what time Alex left.

Pat Cartwright couldn't have known that Alex converted the barn into a casino. Every opening had been covered with plywood and screwed shut. That way nobody could see what we had done to the inside of the place. The only door into the barn, an old sliding type, had been replaced with a hinged steel door and had a double deadbolt lock. To the best of my knowledge, Cartwright never left his/her condo in downtown Liberty except to go to the library and grocery store. I certainly never saw Cartwright at the barn. The idea that Cartwright should somehow be responsible for Alex's criminal activity is ridiculous.

I certify that the above statements made by me are true and correct to my best belief and knowledge. If any of the statements made by me are willfully false, I am subject to punishment.

Charlie Hoyt

October 17, 2003

WITNESS STATEMENT OF CHRIS LEWIS

(Testifying for the Defense)

My name is Chris Lewis. I am 18 and a senior at Liberty High School.

I was really, really tight with Alex Logan all during our junior year and up to the beginning of the summer. That's when I finally realized that Alex only thinks of Alex, and everything and everybody else comes second. How I ever got so close to someone so conceited and self-absorbed is beyond me.

It didn't start that way. During our junior year, we had a lot of fun. We did a lot of stuff together and I spent a lot of time at Alex's house. What a house! It should be in *Architectural Digest* or something. The living room and dining room have all this imported furniture, and it's impressive. Not the kind of furniture you sit on, but real works of art. You would think that Alex's parents might be stuck up or something, but they couldn't have been nicer to me.

When Alex told me about mowing lawns for the summer, I started to laugh. I mean I couldn't believe it. Alex always seemed more like the future CEO type, not someone who would get dirty hands. I was secretly pleased. After all, I was working as a dishwasher in a large restaurant downtown. I figured if I had to work hard for my money, so could Alex.

Toward the end of June, Alex told me about working on a "secret project." When I asked what it was, Alex told me about converting a barn into a nightclub-casino. I thought this was some crazy story, but Alex said "just wait and see."

I think it was the third week in July when Alex called me about 10:30 in the morning and said I just had to see something really special. After picking me up at my mom's apartment, we drove almost 35 minutes back into the middle of nowhere. All of a sudden we came out of this little dirt road and I saw a barn. We parked the car, and Alex went up to a door on the side of the barn and unlocked it. I followed him inside.

I couldn't believe it! There was a fully stocked bar in the far corner. A row of 15 or so pinball machines lined one wall. Alex had actually gotten some old slot machines, which were facing the other wall. After showing me the whole layout, Alex talked about cleaning the downstairs of the barn to put in four pool tables. I was in disbelief.

As we were leaving, I asked, "How do you think you can get away with all of this?" Alex laughed and told me that "nobody knows." I asked, "Well, what about the owner of the property?" Alex said, "The owner doesn't know either. He/she never checks on the place. And as long as the money is paid every Monday, the owner has no reason to come out here."

On the drive back, Alex told me that the real reason for showing me the barn was because s/he wanted me to "work" there. I said that I already had a job at the Silver Knight restaurant in downtown Liberty. Alex bragged about making tons of money, but said the place needed a "server" to take care of all of the customers at night. All I would have to do is walk around, serve drinks and collect loads of tips.

I think I went ballistic at this point. I said I was a friend, not some loser that s/he could use. Alex got all defensive and said I was given the first opportunity because of our relationship, but there were plenty of other kids who would be more than willing. "I was just trying to give you an opportunity to get out of that

dump you live in,” Alex said. I think that’s when I hit Alex in the face.

Trust me, Alex only does or says what is in Alex’s best interest at the moment. And that includes lying.

I certify that the above statements made by me are true and correct to my best belief and knowledge. If any of the statements made by me are willfully false, I am subject to punishment.

Chris Lewis

October 17, 2003

WITNESS STATEMENT OF PAT CARTWRIGHT (Defendant)

My name is Pat Cartwright. I have been on this planet 77 years and I hope to have a few more.

I grew up on a dairy farm in rural Wisconsin. I can still remember farming with horses, although it wasn't too long before they were all replaced by tractors. Either way, farming was hard work, and it soon became apparent that our family would starve to death unless we tried something different. My folks sold the farm in 1939 and we moved to Liberty, Independence.

Liberty was far different from Wisconsin. I took full advantage of my newfound situation. I began sneaking out to bars, began smoking and played the numbers on a regular basis. It was all innocent fun. The situation changed dramatically when I graduated from high school in the spring of 1943. Five months later I was a medic's assistant in Europe following the 101st Airborne, fighting through France hedgerow by hedgerow. I was fortunate to make it back home.

A person does a lot of thinking when they see people getting killed all around them, and while in Europe I decided that I liked the slow farm life better than the city life. So my spouse and I bought a real nice spread in northwest Liberty County, had a family, and settled down. For the last 45 years or so we raised dairy cattle, beef cattle and grew a variety of crops. All of my children graduated from high school and went on to college. By 1992, they convinced me to stop farming because of my health. I sold off 10 acres of the farm, and bought a condominium in Liberty. So now I just sit around like the rest of the old people. It ain't no fun.

Anyway, last spring I got into a conversation with Joseph Hoyt, a member of my church. He asked me what I was doing with the farm. I told him "nothing." He called me about a month later and asked me whether or not I would consider renting the barn to his kid and his business partner's kid for the summer because they needed a place to keep all of their landscaping equipment. I told him that I'd rent them the barn for \$100 a week cash, paid every week. I also told him that I didn't want any gasoline being kept in the barn. They could keep it outside under a tarp. As a young kid I saw a barn fire and it wasn't a pretty sight. Once a barn fire gets going, nobody can put it out. What with hay in the loft and being made out of wood, a barn is nothing but a tinderbox.

During the month of June, the kids paid the rent promptly every Monday. I was happy. They seemed like a couple of nice responsible kids. Not like those kids you're always seeing on the TV shows and reading about in the paper.

Sometime during mid-July I spoke with Mrs. Smith after church. She told me that "the word was kids were hanging out at your barn late in the evening, drinking beer." I politely told her she was out of her mind. She then told me to "go look for yourself." So the next day I drove out to the barn around noon.

The place was completely locked up. Padlocks and all. I didn't see anything unusual, except for a lot of tire marks in the grass. Satisfied that Mrs. Smith didn't know what she was talking about, I left. Actually, I was annoyed that I had gone 12 miles out of my way for nothing.

The next Sunday I had a conversation with our pastor, the Reverend Steven Applegate. He pulled me aside, and also told me that he had heard that underage kids were drinking at my barn during the evening. I told him I didn't believe it. I also told him that at age 18 I saw a war, was smoking two packs

a day and drinking whatever I could get my hands on. So what was the big deal?

On Saturday morning, August 17, I was awakened by one of my neighbors knocking on my door. He watches a lot of TV. I don't even own one. He told me that on the seven o'clock news, there was footage of a barn fire, and it looked like my barn. I had a quick smoke and half a cup of coffee and jumped into my car. I guess you all know the rest of the story.

I had no idea that these two kids turned my barn into a casino. And to think that all the time I was standing up for them, telling everybody how responsible they were. Maybe kids nowadays are all the same — spoiled, lazy and looking for an easy buck.

I certify that the above statements made by me are true and correct to my best belief and knowledge. If any of the statements made by me are willfully false, I am subject to punishment.

Pat Cartwright

October 17, 2003

Exhibit 1: Map

