

Illinois State Bar Association

High School Mock Trial Invitational
March 1 and 2, 2002
University of Illinois at Springfield

2002 Case Materials

People of the State of Illinois v. Robin Hightower©

This is a fictional case based on a compilation of facts and situations drawn from recent media reports of incidences of violence in sports. None of the characters in this mock trial are real. Any similarities to actual events is unintentional. These materials may be reproduced without permission for classroom or educational use.

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Illinois State Bar Association

Mock Trial Coordinator: Donna Schechter

dschecht@isba.org

424 South Second Street, Springfield, Illinois 62701

phone: 217/525-1760

toll-free in Illinois 800/252-8908

fax: 217/525-9063

www.isba.org

**IN THE CIRCUIT COURT OF LINCOLN COUNTY
STATE OF ILLINOIS**

THE PEOPLE OF THE STATE OF ILLINOIS

vs.

ROBIN HIGHTOWER, Defendant.

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Case No. CR 01-222

INDICTMENT

The Grand Jury, in and for the County of Lincoln, State of Illinois, upon their oath and in the name and by the authority of the State of Illinois, does hereby charge the following offenses under the Criminal Code of the State of Illinois:

Count I

That on February 9, 2001, at and within the County of Lincoln in the State of Illinois, defendant, Robin Hightower committed the crime of

RECKLESS CONDUCT

in violation of Section 720 ILCS 5/12-5 of the Illinois Criminal Code of 1986 as amended, in that he/she did recklessly engage in the contact sport of basketball in such a manner as to cause bodily harm to Cameron Duncan, contrary to the Law and against the peace and dignity of the People of the State of Illinois.

Count II

That on February 9, 2001, at and within the County of Lincoln in the State of Illinois, defendant, Robin Hightower committed the crime of

BATTERY

in violation of Section 720 ILCS 5/12-3 of the Illinois Criminal Code of 1986, as amended, in that he/she did intentionally and knowingly cause bodily harm to Cameron Duncan, contrary to the Law and against the peace and dignity of the People of the State of Illinois.

Count III

That on February 9, 2001, at and within the County of Lincoln in the State of Illinois, defendant, Robin Hightower committed the crime of

AGGRAVATED BATTERY

in violation of Section 720 ILCS 5/12- 4of the Illinois Criminal Code of 1986, as amended, in that he/she did intentionally and knowingly cause great bodily harm to Cameron Duncan thereby rendering her/him permanently disabled, contrary to the Law and against the peace and dignity of the People of the State of Illinois.

Dated this the 11th day of March, 2001.

A TRUE BILL:

State's Attorney

Foreperson of the Grand Jury

Second STATEMENT OF ROBIN HIGHTOWER (Defense Witness)
MINOR DEFENDANT/RESPONDENT

(statement transcribed on February 15th, 2001, at office of defendant's attorney)

1. My name is Robin Hightower; I am 17 years of age, and I am a senior at Lincolnboro High School, where I play on and am co-captain of the varsity basketball team. I am making this statement because I want to. My rights have been explained to me by my attorney in the presence of my parents, and I want to give them up and tell what really happened. I gave an earlier statement to the police about all of this that is not 100% complete. I said some things I said then because I was scared. This statement is the complete truth.

2. Both Lincolnboro High and our archrival, Douglas High School had progressed to the state championship game. Cameron Duncan (the person I accidentally injured), is a power forward for Douglas, and also their team captain. He/she and I have been friendly rivals since we first met six years ago at Hoops Basketball Camp. We both really enjoy basketball, and we're both very good at it. In many ways we are alike. We are both from humble means and view sports as a way to improve our lives, and ourselves as an opportunity for college, success and wealth.

3. The night before the tournament game, Lincolnboro High School held its traditional pep rally. When I arrived, I was surprised to see Leslie Lane, my co-captain, with Cameron. I must admit I was unable to contain my emotions at that time. I was mad. I saw Cameron and Leslie looking at a piece of paper and my instincts told me that Leslie was showing Cameron, her/his cousin, our secret game plan. Strong words were spoken, but no physical exchange took place.

4. Rumors are circulating that there was shoving and hitting, but there wasn't. Just words. I remember telling Cameron, as I turned to leave, that I was disgusted and that the best team would win, and I knew it was going to be my team. Things would be settled on the basketball court. There was no threat. I meant nothing by it, other than that I was confident that our team would prevail. Even if Leslie had let our secret game plan out of the bag, I certainly did not mean my comments as a threat to do bodily harm.

5. The minute the championship game started, competition was fierce. Our teams were pretty evenly matched, and, as usual, I was told to guard Cameron. In the fourth quarter, with the score tied, I was tied up with Cameron going for a rebound, and Cameron hit me squarely in the nose with his/her elbow, obviously intending to hurt me, which it did. S/He came up and apologized and denied that s/he was trying to hurt me, but it was pretty obvious to me that the elbow was intentional. The referees called a foul on Cameron. Our coach called a time out to permit the team doctor the opportunity to attend to my nosebleed. Although I was encouraged by my coach to leave the game and stay on the bench, I refused and insisted that I could continue to play. I felt like the team needed me. There was just too much at stake.

6. The game started again, and after a few points were scored by each side, the coach told us to set up the formation for our new, secret full court press that was specifically designed to put pressure on Cameron and keep him from getting the ball. This is the plan I thought that Leslie Lane had showed to Cameron. I could hardly wait to see if I was right. Sure enough, with just a

few seconds left, Cameron was trying to get open and got open under the basket. I needed to intercept the pass intended for Cameron, and I was in position to do it. Unfortunately, I slipped on a wet spot on the court and slid into Cameron. The weight of my body falling forced Cameron into the ball rack and the bleachers behind. I tried to grab for Cameron to help break the fall, but I didn't manage to grab hard enough.

7. I know Cameron saw me coming because s/he looked me right in the eye a fraction of a second before I slid. At the moment of impact, neither Cameron nor I was in possession of the ball. All I heard was Cameron yell, the noise of the balls scattering on the court, and the buzzer, all at once. I knew we were close to the end of the game, but I didn't realize we were that close. The referees whistled me for a foul. One of Cameron's teammates took the foul shot and won the game for Douglas.

8. The team doctor examined Cameron on the basketball floor and later diagnosed a fracture to the spinal cord. Ambulances were called; Cameron was carefully lifted off the court and was taken to the hospital. Later I learned that Cameron would still be able to walk, and even run, but the doctor said s/he probably won't be able to play basketball again, since another injury to her/his back might give her/him permanent paralysis.

9. I think it's tremendously unfortunate that the game wasn't being videotaped. I think an actual tape of the play would show that I had tried to help Cameron, not cause harm.

10. The Illinois High School Association (IHSA) and the local police and prosecutors are reviewing this matter. I have been told that the prosecutors are charging me with aggravated battery. I can't believe this is happening to me. Although the incident took place during play, they are saying that I intentionally ran into Cameron, and that this was a deliberate act, a foul, committed for the sole purpose of causing injury to Cameron. They also say that the turn of events the night before, when I saw Leslie and Cameron looking at that paper and I blew up, as well as the elbow to my nose, and the prospect of losing the game, and maybe even the opportunity to secure a college scholarship or professional contract, made me act aggressively and want to hurt Cameron.

11. I swear I never intended to cause Cameron harm. I only wanted to intercept that pass. That's all that happened.

12. The school authorities have declined to take corrective action on their own, choosing rather to leave judgement to the IHSA. I really feel that I'm getting a bum rap. I am scheduled to graduate in May. I had heard rumors that before that game, I was being seriously considered as a first round draft pick for a pro team. I know there are rumors that I had it in for Cameron. That's just not true. That's not how the game is played at all. My motto has always been, let the best person win, let the best team win. I may be on my way to a professional career, why would I have done anything as stupid as intentionally hurting another team's player? That's just too stupid...I've worked too hard to risk jeopardizing my chances for a future full of the promise of fame and fortune.

Statement signed by Robin Hightower on this 15th day of February 2001_____

Original STATEMENT OF ROBIN HIGHTOWER (Defense Witness)

Given to Lincolnboro Police Officer Pat Brown on February 9, 2001; 23:20 hours

1. My name is Robin Hightower. I am 17 years old and my date of birth is August 5, 1983. I am making this statement of my own free will. My rights have been explained to me by the police officer in the presence of my parents. I want to give up those rights and tell what really happened during the Lincolnboro High versus Douglas High state championship basketball game earlier tonight.
2. I am co-captain and point guard for the Lincolnboro Lions. We were playing in the final game of the state championship. Just before the buzzer sounded, I was guarding Cameron Duncan who is team captain of the Douglas Bruins. My coach had just directed us to set up formation for a new court press specifically designed to keep the ball away from the Bruins' star player, Cameron Duncan.
3. Just as the Bruins were setting up a play designed to free up Cameron for the potentially game winning basket, I saw a golden opportunity to intercept a pass intended for Cameron, so I seized it. Unfortunately, I must have tripped or something, and I fell into Cameron. The force of my fall set up a chain reaction like a domino effect. The weight of my body forced Cameron into the ball rack and bleachers behind.
4. I never intended to cause Cameron any harm. I only wanted to intercept that pass and that is what happened. I know there are rumors that I had it in for Cameron as a result of her/him getting my teammate Leslie to reveal our game plan to her/him the night before the game. Nothing could be further from the truth. My motto is and has always been to let the best man/woman win. I'm the best and when I make it to the pros I will have thousands of admirers falling at my feet, so what do I care about stupid high school rumors.
5. This statement was given to Detective Pat Brown at the Lincolnboro Police Department on February 9, 2001, at 23:20 hours. I have read the typed statement and signed it below.

Subscribed to and Sworn to on
this 9th day of February, 2001.

ROBIN HIGHTOWER

STATEMENT AND TESTIMONY OF LESLIE LANE (Prosecution Witness)

(statement transcribed by Lincolnboro Police Dept. on February 10th, 2001)

1. My name is Leslie Lane. I am 17 years old and I go to Lincolnboro High School. I am co-captain of the basketball team along with Robin Hightower. I have known Robin since grade school, and we have played on the same basketball teams all through junior and high school.

2. On the night of our school's pep rally, before the state championship game, I wanted to talk to Robin about the game. We'd been having a few disagreements about the way the team was approaching games and I was concerned that things were getting pretty bad between us lately. The majority of the team was tired of Robin acting like a hotshot all the time. Ever since Robin got a few calls from pro basketball scouts or whatever, the game had changed...Robin had a real attitude. The team had asked that I speak to Robin to express our concern. They didn't want to deal with the attitude problems anymore and neither did I.

3. I went to the pep rally early specifically to meet with Robin so no one else would have to hear it if Robin didn't take the criticism well. Cameron, who is my cousin and happens to be the team captain of Douglas High School's basketball team, went with me to make sure Robin didn't over react. We'd all been friends for a long time. I sort of had the feeling that Robin wouldn't like seeing me with Cameron so close to a game, but Cameron wanted to be there and I wanted Cameron there too. Sometimes two heads are better than one in dealing with sensitive issues.

4. While I was meeting with Cameron and waiting for Robin, Cameron showed me the letter she/he'd received from Central University. Cam applied there for a full scholarship and had just been accepted. Cameron wanted me to know because I am going to go there as well. We were thrilled and were kidding around and laughing and waving the paper around when Robin saw us and walked over.

5. Before I could even say hello to Robin, s/he spotted Cameron and me talking together. Robin looked pretty angry and came over right away and started making some pretty nasty comments directed at Cameron. Robin had totally lost her/his cool...and that was just because I had been standing and talking with my cousin, who happened to be the captain of the team we were going to play the next day. Even though my being with Cameron was totally appropriate, Robin was obviously angry.

6. It was just like Cameron to defend me. Cameron is loyal as all get out. A great person and a wonderful cousin...and a tremendous basketball player. I wish we had 6 just like Cameron on our team. Cameron and Robin got into a pretty heated discussion and I kept trying to intervene and keep things from getting out of hand. I thought for a few seconds at one point that Robin might actually get a little physical. Finally I yelled at Cameron that we should just leave and they stopped fighting. Robin looked shocked, like s/he couldn't believe I was going to leave with Cameron. I told Robin that I was sorry, Cameron was my cousin and that I couldn't condone the way s/he had been acting on the court and off anymore.

7. Just as Cameron and I turned to walk away, Robin told us that the score was going to be settled at the game or something like that. It honestly never occurred to me that Robin would

lose control so completely at a game. I didn't realize until later that Robin thought I was showing Cameron the plan for our new full court press. Cameron and I had an understanding about our sports. We were rivals on the court but not off. But we never shared team secrets. Nothing like that had ever entered our minds.

8. At first, during the game, I thought Robin had forgotten about the incident. The play was fast paced and really fun. We were all having a great time. There has always been an intense rivalry between our two teams. The teams were evenly matched and I didn't see any problems. During one of the time outs, we learned that a big time recruiter was in the stands watching the game. Coach told us that the recruiter had expressed interest in Robin and in Cameron. I immediately got a sinking feeling in my gut over that.

9. I worried that Robin would start showing off, and that Cameron would become a target. And, that's pretty much what happened. It didn't happen until the final few seconds of the game, when the score was tied. Douglas High had the ball, and despite our full court pressure, Cameron broke free under the basket and way wide open for a lay up, that would have won the game. Robin, who was guarding Cameron, got beat, and s/he knew it. As Cameron was waiting for the pass, Robin ran full steam into her/him, colliding with her/him a split second before the ball got there. Even though Robin may have been trying to grab the ball, it really did look like there was an intentional push that made Cameron fall into the rack of balls and slide into the bleachers. I've seen quite a few really challenging and heated games and it's not at all rare for a player to get too aggressive. I think that's what happened with Robin. With the pressure of the recruiter watching, and the anger about Cam and me talking at the pep rally, and having gotten beat on that last second play, I think Robin crossed a line and went too far. Way too far. So far that Cameron will never be able to play basketball again.

10. I don't know if Cam was aware or would have even cared that a recruiter was watching. I do know that Cam has a full academic scholarship to Central University and doesn't need an athletic scholarship to get into a good school. Robin does. Robin's grades aren't nearly as good as Cameron's. Robin has had to struggle for all s/he has achieved. Like I said, I have a full academic scholarship as does Cameron. While I'd love to continue playing basketball in the future at college and maybe beyond, it's not everything to me. I think it is to Robin. That's pretty much the reason Robin exists - to play basketball and win. Robin wants to be a star, and all the money, fame and attention it will bring.

11. Until this game, Robin had pretty much been in control of her/his temper on the court. There had been a few instances when I felt s/he had crossed the line and been a little too aggressive, I don't think any of the play up until that day had been excessive. Coach wouldn't have put up with it. There's a zero tolerance rule at Lincolnboro High and it extends into the sports arena. We are taught that sportsmanship is all-important, and that winning is important, but that playing a good clean game is the best reward. I believe all that. I just don't think Robin does. Robin wants to win. Win the game, win the college scholarship, and win the chance to play professionally, or in the Olympics, or anywhere that will show Robin off and gain her/him access to the fame s/he craves.

12. Cameron told me that after s/he elbowed Robin in the face and bloodied her/his nose, Cameron had a sort of premonition that something bad was going to happen. Cameron told me that the elbow was inadvertent and that s/he never intended to hit Robin in the face or at all.

13. Cameron got the foul for that elbow, but it wasn't a technical foul. The referees could obviously tell that the elbow was an accident. If they had thought Cameron had intentionally thrown her/his elbow into Robin's nose, Cameron would have gotten a technical foul and would have been tossed out of the game. Robin knows that. Everyone knows that.

14. I've visited Cameron every day since the accident. It's been very hard seeing Cam in traction and in pain, knowing that even though he/she can still walk, and may even be able to run again, that Cam won't be able to play basketball ever again, and that another injury to his/her back may permanently paralyze her/him. I sure wish I could go back and do things differently – maybe find a way to have reached Robin that wouldn't have caused as much friction and anger.

15. I feel just awful about what happened. I wish Robin had taken all those talks about non-violence and tolerance more to heart. I remember hearing Robin laugh at some of the stuff the coaches and the refs were telling us about good sportsmanlike conduct. Robin used to always say stuff like, "all that goody-two-shoes sort of stuff isn't going to help me become a millionaire and get me recognized." I think Robin only knew one way to reach that particular goal, the whole fame and fortune thing. Basketball. It was the only way to the top for Robin and s/he almost killed someone to reach that goal.

Subscribed to and Sworn to on
this 10th day of February, 2001.

Witness Signature

**STATEMENT OF KINSLEY RENDLEMAN, LINCOLNBORO HIGH SCHOOL
PRINCIPAL (Defense Witness)**

(statement transcribed by Lincolnboro Police Dept. on Feb. 10th, 2001)

1. My name is Kinsley Rendleman. I have been the head principal at Lincolnboro High School for the past ten years. During my tenure at Lincolnboro, I have never witnessed a turn of events like those that occurred last night.

2. The night of the state final championship game began just like any other game night. There was an air of excitement as two equally talented, equally matched, competitive teams engaged in a game of basketball. I had heard no talk of cross-town rivalries or any hints that there could have been an undercurrent of anger. That's never been a problem in Lincolnboro. Lincolnboro High School and Douglas High School have a friendly rivalry and when the teams aren't playing each other, they support each other like township schools should. We're striving for a family-like atmosphere. We've cultivated that attitude carefully for years.

3. Unfortunately, I missed most of the action as I spent the best part of the night walking around the gymnasium and the bleachers, chatting with parents, community leaders and school personnel. I do this at every game. It helps keep the fans under control. In the past, we had experienced some troublesome activities from over-zealous parents and students that seemed to encourage bad behavior on the basketball court. I implemented a series of meetings with staff, parents, community leaders and students that explained the zero tolerance for excessive violence in sports, and the absolute zero tolerance for violence on school grounds.

4. Lincolnboro High School and all the teachers and staff have been trained to encourage and support good sportsmanlike behavior and we encourage our students to participate in a broad range of activities. All of us strive toward one goal--giving each student the best possible opportunity to become a responsible, well-rounded citizen. Sports are a tremendous outlet for pent-up energy, both for the players and for the spectators. However, that energy can get out of hand unless it is controlled. We have tried to teach that there is a difference between hard play and over aggressive or abusive play.

5. Because I was in the stands, I did not witness the rough-housing that occurred between the two star players, although I strongly believe no harm was intended by either incident. Bloody noses on the court, or the field, are fairly common and are usually considered one of the hazards of hard play. It did not surprise me that a technical foul was not called on Cameron when s/he bloodied Robin's nose during the fourth quarter. The referees obviously felt that the action was not the result of any over-zealous or mean-spirited act. A foul was called and that was sufficient.

6. I think the referees and the coaches do a remarkable job of policing the players. They are a consistently professional group of people who find ways of dealing with some pretty stressful situations. Competitions can become emotional, but with consistent adult supervision, things stay calm and fun for the players and the fans alike.

7. I did witness the incident at the end of the game when Robin lost balance during a last second attempt to intercept a pass intended for Cameron, accidentally knocking Cameron into the rack of balls and, ultimately, the bleachers.

8. From where I was standing, directly across the court from the action, parallel to the action, it clearly looked like Robin slipped and began to fall, realized that Cameron would fall along with her/him and appeared to reach forward to help Cameron avoid crashing into the rack of balls. That act of trying to help Cameron has turned into what some people are calling the fatal push.

9. I must say again that Lincolnboro High School prides itself on its reputation for zero tolerance for any exhibition of unsportsmanlike behavior. Our school policy mirrors that of the Illinois High School Association, which strongly discourages violence in school sponsored sporting events. The IHSA Beliefs, which Lincolnboro High has adopted fully, include the belief that sportsmanship is a core value and its promotion and practice is essential. We have also adopted our own Code of Conduct, which clearly states that players will not participate in or encourage unsportsmanlike or disruptive conduct or excessive violence either on the playing field or off. The student-athletes sign it, their coaches sign it, the parents are given a copy, and it is posted throughout the school as a reminder.

10. I was aware that a well-known professional basketball recruiter was in the stands that night. I believe Robin had received a few indications of interest from this recruiter and others prior to this game. I hadn't witnessed any great change in Robin's demeanor or play, other than there was a certain increase in his concentration and focus. Robin hadn't been paying as much attention to the fans in the stands and had really been working hard in practice and on the courts. I firmly believe that Robin Hightower will achieve great things in life, especially in basketball at the professional level. I would certainly hate to see this tragedy grow in scope and ruin Robin's chances at such a bright future.

11. Every player and every parent out there knows that there are risks involved in sports. In some sports, like in basketball, a certain level of contact is expected. While players are encouraged to play fairly, they are also taught to be aggressive and competitive. I think if there are problems that arise during a sanctioned high school game, it is entirely appropriate for the school to take corrective action, rather than the police. I don't want our players looking over their shoulders wondering if something they do on the court could land them in jail. I have heard in the past that there have been instances like this particular one in professional sports, and that no legal action was taken. It seems like the kids playing in recreational or school games are being hauled into court. I'm not at all sure that's fair. Is the threshold for what is tolerated different for kids than adults?

12. I have known Robin since s/he first entered middle school and I have never known her/him to be in trouble before. Quite the opposite in fact. Robin has always been a good student, often helping in tutoring other students and helping those less fortunate. S/He was one of the first athletes to sign the Code of Conduct and worked hard to make sure that all the other athletes at Lincolnboro High School understood and signed the document. I wish Lincolnboro High School had more students with the work ethic and standard of behavior that Robin

routinely displays. This was a tragic incident, but it was an accident. I am absolutely certain that the act was entirely unintentional. I am also absolutely certain that no high school player on our team would purposely maim or cause permanent harm to another player. Absolutely certain.

Subscribed to and Sworn
on this 10th day of February, 2001.

Witness Signature

STATEMENT OF ARTIS MICHAEL (Defense Witness)

(statement transcribed by Lincolnboro Police Dept. on Feb. 10th, 2001)

1. My name is Artis Michael. I am a sports agent for several college and professional basketball players. I have been working as a professional agent for over fifteen years. Over my career, I've seen hundreds of high school basketball games. I attended the game in which Cameron Duncan was hurt.

2. Robin Hightower was a hot prospect. S/He had the athleticism to bypass the college system altogether and move straight from high school to professional status with the W/NBA. Had Hightower gone to college or junior college first, s/he could probably still have entered the draft as an underclassman. S/he probably would have gone early in the W/NBA draft if s/he skipped college altogether.

3. At the state final championship game where the accident occurred, I was sitting in the scouting section, right behind the press table. The coach of one of the local universities, Bobby Day, and I were discussing how hard play, especially on the boards, was becoming routine with high school players. Especially in tournament play, all the players are rougher, partially because they know coaches, scouts and agents are looking for and watching recruits. Both team's coaches introduced themselves to me before the game, telling me about their current team and upcoming prospects.

4. Coaches know that many of these kids have their futures on the line during state championships. A good showing from a top prospect can cement his/her future. A player with borderline talent, if he/she can show something in a big game, can often better his/her chances of going to a good school or getting some financial assistance. Tournament games are often showcases for the coaches to let us see what we need to see.

5. At the time of the collision between Hightower and Duncan, the score was tied, and Douglas High had the ball with just a few seconds left. If Duncan couldn't get open, or if s/he couldn't get off a last second shot, the game would go into overtime. It seemed to me that if the game went into overtime, that Lincolnboro would probably win, as they had the momentum, in large part due to Hightower's defensive play during the fourth quarter. It almost seemed as though being hit in the face by Duncan's pass elbow earlier in the fourth quarter woke up Hightower, and s/he and the ~~Douglas~~ Lincolnboro High team were playing much more aggressively.

6. I was watching when Hightower ran into Duncan and I had a clear view of Hightower's face and hands. I've seen hundreds of collisions over my career. While this one was hard, it was not unfair or malicious, and I think it was provoked earlier when Hightower took that elbow in her/his nose. Given what was on the line in those last few seconds of the game, I was surprised that Duncan did not get up right away and finish the game. Only later did I learn that s/he was seriously injured.

7. There was certainly a foul. Games at this level are physical. Was it a hard foul? Sure it was. Hard charge? Yes. Was it criminal? Definitely not. It was a high school championship

basketball game and the players were simply playing as aggressively and as professionally as they could.

8. There's always talk after an accident about how violent sports have gotten. People start saying that sports have a "dark side" and that there are big problems with how competitive the teams have become. People start worrying that winning is becoming all-important and that sportsmanship and camaraderie is falling in importance. I don't think that's true. I think students should have a creative outlet for their energy. Besides, we live in an incredibly competitive society. Why not teach the students, and prepare them for what to expect when they enter the real world? Competition builds character. Even when players get hurt, it's an opportunity to build character. I'm not saying that I think it's good that a player was hurt, or that s/he will never be able to play the game again. I'm saying that sports and the competition probably prepared that student to face the possibility of failure and the real challenges of life.

9. I certainly didn't see anything in the play that I would consider to have been overly aggressive, threatening or intimidating. The coaches had those kids well in hand. This was an accident, plain and simple.

Subscribed to and Sworn
on this 10th day of February, 2001.

Witness Signature

**Statement of Pat Auerbach – Douglas High School Basketball Coach
(Prosecution Witness)**

(statement transcribed by Lincolnboro Police Department on Feb. 10th, 2001)

1. My name is Pat Auerbach. I have been the head coach of the Douglas High School basketball team for the past 10 years and was an assistant coach for six years previous to that. I have also coached junior high school and summer league teams since the 1970's. I used to referee in the 1980's in our town's summer basketball league. Some of our best budding high school players were in that summer league.

2. I was also the starting point guard my senior year of college at State U. in 1970. During that time I was actively recruited by a scout from a team in the old, now defunct Continental Basketball League, and was even contacted by a scout for an Italian team in the European League. I had a bit of bad luck at this point and my playing career was cut short when I suffered a leg injury during a pickup game the summer after college graduation. The injury was a result of a hard, but clean, foul, which would probably be classified as an intentional foul today. Those are the breaks though, and I still love the game and all the players and students I have come in contact with through the years.

3. I have known Cameron Duncan for over five years. S/he is a natural talent, team leader, excellent student, and all-around great kid. He/she's also a clutch player who actively seeks out the ball in tight game situations; a rare type of desire that most players only dream about. He/she was like having another coach on the floor, that all of the team relied upon. Cameron already had an academic scholarship to Central University, but I was certain that he/she also would have been offered an athletic scholarship or even a pro contract.

4. I also know Robin Hightower, Lincolnboro High's best player this year. I watched her/him play in both junior high school and summer league competition a few years back. Robin has what I call raw talent, based on pure athletic ability, but he/she was never a team player the way Cameron is. You could always tell when Robin was upset by the way he/she curled his/her lip after a ref made a call he/she didn't like. Robin's always been a bit of a showboat when things didn't go his/her way. Robin is still a kid on the inside, definitely not a polished player. When his/her team was behind he/she became a bit of a ball hog, which I'm sure his/her teammates noticed and didn't appreciate. Robin always appears to be in his/her own world during a game. During time-outs in the semi-finals game he/she kept staring at our huddle instead of listening to his/her own coach. Robin always seems to have a chip on his/her shoulder. I'm sure he/she knew there was a pro scout present during the game; all the kids were aware the scout was there. That fact alone would have had a big impact on a kid like Robin who would never have the options that Cameron would be offered.

5. The teams for this championship game were very well matched. The lead swung back and forth minute-to-minute. Earlier in the fourth quarter, Robin got hit in the nose – purely an accident – as a direct result of a spirited play under the basket. Even though Cameron got whistled for a foul, it was a clean play. After that, Robin's nose was reddened the remainder of

the game and I could tell that he/she took the incident personally against Cameron, even though it was an accident.

6. In the final seconds of the game, as we were attempting to make the go-ahead bucket, Lincolnboro High put on a new variation of a full court press, a defense we hadn't seen before. Cameron was being guarded by Robin, but was able to get free anyway, and was wide open under the basket for a lay up. Robin must have been beaten by a good five to ten feet. Our point guard, seeing that Cameron was open, then threw a pass to Cameron, and Robin, knowing that he/she had been beaten on the play, and obviously in total desperation, decided to take Cameron out with a head-first lunge. From where I was standing just feet from where the incident took place, I am sure that there was nothing for Robin to slip on as he/she claims. There was no water on the floor; that hothead Hightower just wanted to stop Cameron. He/she couldn't stand the thought of a loss due to his/her own defensive mistake. It was more than a foul – more than an intentional foul based on the impact as I witnessed it. It was a cheap shot, plain and simple, delivered with great completely flagrant force. I'm no lawyer, but it was a classic mugging on the part of Robin Hightower. I haven't seen anything that bad on a basketball court since Rudy Tomjanovich was decked by Kermit Washington in the 1970's.

7. If that pro scout is interested in another immature player with a big ego in his/her league, I guess he/she will still offer Robin a contract. Something has to be done to address these aggressive, cheap-shot fouls in the modern game of basketball. If not, the game will suffer, just like hockey has experienced because of all the unnecessary violence.

8. Sports can be incredibly motivational. They can lead to bigger and better things, and do for most of the participants. But, every once in awhile, there is a student who believes that winning is everything. They tend to set aside the rules, bend them, and do whatever it takes to bring the team to a level that will enable them to win consistently. That is not always a good thing. Most of the kids on these teams are there because they love the sport. They love the team, they love the exercise and the challenges. But, it is my firm belief that Robin Hightower is the exception. I honestly believe that Robin crossed a line that should never be crossed and, in doing so, jeopardized the safety of Cameron.

9. Now we are faced with how to manage this event in the media, in the school, in our community, and most importantly, in Cameron's life. I have sent school counselors to meet with Cameron and her/his family, in case there are issues that need to be resolved. Cameron's health and well-being are my primary concern right now. As one of my students, care deeply about Cameron and his/her future. I can appreciate the fact that the state's attorney is taking this as seriously as possible.

Subscribed to and Sworn
on this 10th day of February, 2001. _____ Witness Signature

WITNESS STATEMENT OF CAMERON DUNCAN (Minor) (Prosecution Witness)
(Statement given to State's Attorney Cunningham on February 14, 2001)

1. My name is Cameron Duncan. I am a senior at Douglas High School, Lincoln County, Illinois. I fully understand that the actions of Robin Hightower are being investigated by the police and the State's Attorney's Office and I have been asked to tell my recollection of what happened on February 9, the day of the game where I was injured.

2. I guess I should start the night before the tournament game. There was a pep rally at Lincolnboro High School and I went because my cousin, Leslie Lane asked me to be there. Leslie and I are fast friends, as well as relatives. I didn't see anything unusual about attending the pep rally for our rival school. In fact, I really wanted to go and show Leslie the letter I'd received from the college I want to attend in the fall. I'd applied some weeks ago and had been keeping my fingers crossed that I'd get a scholarship. The letter said that I'd been accepted and had a full academic scholarship. I was incredibly excited and couldn't wait to share my good news with Leslie.

3. I guess Robin saw Leslie and me together and must have thought something strange was going on. Robin came over as I was showing Leslie the letter and made some pretty angry remarks about how Leslie and I were being pretty sneaky right before a big game. I didn't understand what Robin was getting at, but it was obvious there was a lot of anger in the remarks. I didn't really think anything of it. Robin has a temper. The whole team knows it. And, the teams were going to be under pressure to perform during the game because there were supposed to be scouts for some of the college and professional teams in the stands watching.

4. I was glad I didn't have to worry any longer about an athletic scholarship. My grades are good, in fact I worked hard to make sure they were as good as I could get. Now I'm glad I did, because I won't be able to accept any athletic scholarship. Or any offers at all to play in sports again.

5. I think I may have made Robin even angrier when, during the fourth quarter of the game, with the score tied, I managed to accidentally elbow Robin in the nose and made it bleed. The game was stopped, I apologized immediately and drew a foul for what had happened. I thought that would be the end of it. The doctor attended to Robin and s/he came right back into the game. Nose bleeds aren't all that unusual in basketball. It's not supposed to be a contact sport, but there are some fast plays that get in close and it's not impossible or strange to bump into someone who's guarding or trying to get around you to make a play. The refs saw what happened and didn't give me a technical foul. They realized it had been an accidental bump and not an intentional elbow to the face. If it had been intentional, I should have been tossed out of the game. I wasn't going to risk that during this game, believe me.

6. Anyhow, I could tell from Robin's face that there was a lot of anger and resentment building up. There was nothing I could do about it during the game, but I pretty much decided I'd go talk to Robin right after the final buzzer to see if I could straighten things out. I never got that chance. At least, I haven't as yet. I've been in the hospital and Robin hasn't come to see me.

7. As I recall, during the last play of the game, I was under our basket waiting to see if a pass could get to me. I was in a great position. Robin had been guarding me during that quarter and I saw one of my team mates spot me and begin to pass in my direction. The next thing I remember is being pushed. Hard. Robin had hit me. I remember thinking to myself, for crying out loud, this is basketball, not football. I'm not supposed to be tackled.

8 I know Robin saw the surprise in my face. I made eye contact as Robin came right at me. I have to tell you, I was afraid. Robin's face was ugly. Twisted with anger.

9. I don't remember hitting the ball rack, although that's what I've been told I hit. I don't remember them stopping the game, but I do remember sirens from the ambulance. I remember being told over and over again to hold still, not move. I was scared.

10. After getting to the hospital, I was given something for the pain and the doctors met with my parents and me. We were told that I'd sustained a fracture to my lower spine and, even though I had some pretty serious numbness in my legs right then, they hoped I'd regain full function. I am currently undergoing physical therapy and the doctor wrote a letter to me telling me I should never play sports again. And, the letter is pretty plain. I'll have to be careful for the rest of my life. If I have another trauma in the same area, I could lose the use of my legs.

11. I have a copy of the letter with me from my doctor, Dr. Mathewson. I can show it to you, if you like. Looks to me like I'm not going to be playing sports any longer, ever again. Unless maybe they discover some new technology to strengthen the weak spot on my spine.

12. My cousin Leslie has been telling me all about Robin's reaction to the police investigation. I guess s/he's pretty scared right now too. I know I am. I hate the thought that I'll always have to worry about a fender bender in a car taking away my ability to walk...and I keep wondering if someday in the future...will I be able to play with or carry my own children?

Subscribed and Sworn to on
this 14th Day of February, 2001

Cameron Duncan

STIPULATIONS

The parties have agreed to the following stipulations:

1. All witness affidavits contained in the case file are authentic and may not be disputed.
2. Dr. Mathewson's letter to Cameron was made and kept in the regular course of the hospital's business and satisfy all the requirements of the business records exception to the hearsay rule.
3. The accused was already seventeen years old at the time of the alleged incident, and can thereby be charged as an adult.
4. All players on Robin Hightower's team signed and were considered to be bound by the Bylaws and Code of Conduct provided in the mock trial materials.

STIPULATION: CONTENTS OF THIS LETTER ARE AN ACCURATE
DEPICTION OF CAMERON'S INJURIES SUSTAINED AT THE
BASKETBALL GAME IN QUESTION.

(Letter from Dr. Mathewson, specialist in orthopedic medicine, is a family friend of Cameron's and has seen Cameron many times in the past for minor sports injuries. Cameron has, during her/his high school sporting career, sustained a sprained wrist and a broken thumb, as well as routine cuts and bruises sustained in the normal course of play.)

February 14, 2001

Dear Cameron,

Please be advised that your injury, sustained at last week's basketball game, should be taken seriously. I am **not**, and will **not**, release you to return to the basketball court and strongly advise against any additional trauma to your lower lumbar (back) region. At this time, I am quite certain that with continued physical therapy, you will be able to walk with little or no discomfort or danger to your physical wellbeing. However, should another similar trauma be sustained, due to sports, traffic accident, or other stress to the injured area, you may sustain permanent, debilitating injury that could cause you to lose the function and feeling in both legs and your lower torso.

As your physician, I strongly encourage you to remember this and take great care in protecting the injured region.

By copy of this letter, I am advising your parents, school principal and team coach that you will be unable to finish this basketball season.

Should you feel compelled to participate in any sport in the future, I would recommend swimming as a wonderful way to gain muscle strength in the injured area without straining the area. However, having said that, I would recommend that you not dive from any great height.

Should you have any questions or concerns, please feel free to contact me at any time.

Sincerely,

Anthony Mathewson, M.D.

cc: Parents
School Principal
Team Coach

JURY INSTRUCTIONS
AND
STATUTES

Illinois Pattern Jury Instructions - Criminal

Reckless Conduct:

11.37 Definition of Reckless Conduct:

A person commits the offense of reckless conduct when he recklessly performs any act which causes bodily harm to another person.

A person (is reckless) (acts recklessly) when he consciously disregards a substantial and unjustifiable risk that circumstances exist or that a result will follow, and such disregard constitutes a gross deprivation from the standard of care which a reasonable person would exercise in the situation."

11.38 Issue in Reckless Conduct

To sustain a charge of reckless conduct, the State must prove the following proposition: That the defendant recklessly performed an act which caused bodily harm to _____.

If you find from your consideration of all the evidence that this proposition has been proved beyond a reasonable doubt, you should find the defendant guilty.

If you find from your consideration of all the evidence that this proposition has not been proved beyond a reasonable doubt, you should find the defendant not guilty.

Battery:

11.05 Definition of Battery

A person commits the offense of battery when he intentionally, knowingly and without legal justification, and by any means causes bodily harm to another person.

11.06 Issue in Battery

To sustain the charge of battery, the State must prove the following proposition: That the defendant knowingly and intentionally caused bodily harm to _____.

If you find from your consideration of all the evidence that this proposition has been proved beyond a reasonable doubt, you should find the defendant guilty.

If you find from your consideration of all the evidence that this proposition has not been proved beyond a reasonable doubt, you should find the defendant not guilty.

Aggravated Battery:

11.13 Definition of Aggravated Battery--Great Bodily Harm

A person commits the offense of aggravated battery when he intentionally, knowingly and without legal justification, and by any means causes great bodily harm or permanent disability to another person.

11.14 Issue in Aggravated Battery--Great Bodily Harm

To sustain the charge of aggravated battery, the State must prove the following proposition:

That the defendant intentionally and knowingly caused great bodily harm or permanent disability to _____.

If you find from your consideration of all the evidence that this proposition has been proved beyond a reasonable doubt, you should find the defendant guilty.

If you find from your consideration of all the evidence that this proposition has not been proved beyond a reasonable doubt, you should find the defendant not guilty.

Note: some of the language may differ (for mock trial purposes) from the actual Illinois Pattern Jury Instructions.

**Illinois Compiled Statutes/Criminal Offenses
Criminal Code of 1961 720 ILCS 5/**

ARTICLE 12. BODILY HARM

(720 ILCS 5/12-1)

(720 ILCS 5/12-3) **Sec. 12-3. Battery.**

(a) A person commits battery if he intentionally or knowingly without legal justification and by any means, (1) causes bodily harm to an individual or (2) makes physical contact of an insulting or provoking nature with an individual.

(b) Sentence. Battery is a Class A misdemeanor.

(720 ILCS 5/12-4) **Sec. 12-4. Aggravated Battery.**

(a) A person who, in committing a battery, intentionally or knowingly causes great bodily harm, or permanent disability or disfigurement commits aggravated battery.

(b) In committing a battery, a person commits aggravated battery if he or she:

(e) Sentence. Aggravated battery is a Class 3 felony.

720 ILCS 5/12-5) **Sec. 12-5. Reckless conduct.**

(a) A person who causes bodily harm to or endangers the bodily safety of an individual by any means, commits reckless conduct if he performs recklessly the acts which cause the harm or endanger safety, whether they otherwise are lawful or unlawful.

(b) Sentence. Reckless conduct is a Class A misdemeanor.

2002 ISBA HIGH SCHOOL MOCK TRIAL INVITATIONAL

INFORMATIONAL ITEMS

NewsPaper Article

Section C1

The Lincolnboro Digest

Tuesday, February 13, 2001

Sports

Page 1

LINCOLNBORO H.S. STAR CHARGED

By Chris Chambers

Lincolnboro High School's star basketball player, Robin Hightower, was charged today with one count of aggravated battery for her/his role in the incident last Friday night that injured Douglas High School basketball star, Cameron Duncan.

Lincoln County Assistant State's Attorney Dean Johnson approved the upgrade to aggravated battery from reckless conduct and simple battery, after reviewing statements from witnesses taken by Lincolnboro Police Department Detective J.P. Brown.

The coach from Douglas High School, Pat Auerbach, and one of Hightower's teammates, Leslie Lane, provided statements alleging that Hightower's conduct was "intentional violence" inflicted on Duncan because of a prior argument between the two players.

Lane, a senior at Lincolnboro, recounts

a heated exchange between Hightower and Duncan outside Lincolnboro's pep rally Thursday night, in which Hightower allegedly threatened Duncan. "Robin said 'the score would be settled between them at Friday night's game,'" recalls Lane. Visibly shaken, Lane contends, "Robin crossed the line and went too far. Way too far. Cam (Duncan) will never play basketball again."

Lane isn't the only person to be visibly shaken by Friday night's incident. The assault on Duncan was viewed with concern from the stands. Hightower appeared angry with the Douglas star at times during the game. After the tragic contact, it was impossible for Duncan to regain balance.

As Duncan lay motionless on the

court, teammates and coaches rushed to her/his aid. Hightower seemed unfazed by the screams of onlookers and didn't move until Lincolnboro's principal, Dr. Kinsley Rendleman, escorted Hightower to the locker room.

Paramedics and police arrived minutes later. Duncan was rushed to Community Hospital, where s/he is in stable condition with a spinal cord injury. Hospital staff declined to offer a prognosis for full recovery at this time.

Hightower was taken to Lincolnboro police headquarters shortly after the incident, accompanied by her/his parents. Hightower will appear in Lincoln County criminal court on March 1st to answer the charges filed today.

ILLINOIS HIGH SCHOOL ASSOCIATION

BELIEFS

1. IHSA believes equal opportunity and access must be provided for all it serves.
2. IHSA believes that interscholastic athletics and activities are an integral component of secondary education.
3. IHSA believes in respect, appreciation, and acceptance of diversity.
4. IHSA believes each individual's involvement and acceptance of personal responsibility is critical to achieving outcomes.
5. IHSA believes that sportsmanship is a core value and its promotion and practice are essential.
6. IHSA believes that each member school is equal and equally important to the association's existence.
7. IHSA believes that equality and fairness must be safeguarded at all cost.
8. IHSA believes that all persons involved in interscholastic activities need to be positive role models.
9. IHSA believes each individual is important and that striving to reach one's full potential is the measure of success.
10. IHSA believes effective communication promotes knowledge, understanding, and collaboration.
11. IHSA believes in the pursuit of excellence.
12. IHSA believes that to remain effective it must be a self-governing organization where each member school must take responsibility for the enforcement of all rules and regulations.
13. IHSA believes integrity and honesty are non-negotiable.

IHSA BYLAWS, excerpted.

2.040 Sportsmanship of School Representatives

2.0401 Students, school staff, boards of education, spectators and all other persons connected directly or indirectly with a member school shall practice and promote the highest principles of sportsmanship and the ethics of competition in all interscholastic relationships. The Executive Director shall have authority to investigate allegations and incidents of unsportsmanlike conduct or conduct which adversely affects the ethics of competition in connection with interscholastic contests. The Executive Director shall also have full authority to invoke penalties, in the context of the provisions of Division 6.000 of these Bylaws, against a member school and/or individuals whose conduct in connection with an interscholastic contest violates these principles or ethics.

2.0402 Member schools shall maintain proper crowd control and enforce the principles of good sportsmanship and ethics for all interscholastic activities. The Executive Director shall have authority to investigate reported incidents of unsportsmanlike conduct or conduct which adversely affects the ethics of competition in connection with interscholastic contests and shall have full authority to invoke penalties, in the context of Division 6.000 of these Bylaws, against a member school which fails to fulfill its obligations as provided in this section.

3.150 Misbehavior During Contests

3.151 Students participating in interscholastic athletic contests in violation of the Bylaws, or other persons found to be in gross violation of the ethics of competition or the principles of good sportsmanship, may be barred by the Board of Directors from interscholastic contests.

6.010 Penalty for Violating Rules

Any violation of the Constitution and/or Bylaws, Terms and Conditions, IHSA Policies and Guidelines, and/or other rules of the Association shall be reported to the Executive Director, who shall have authority to investigate all alleged violations. The findings of the investigation shall be made known to the school (or schools), person (or persons), alleged to have committed a violation. The Executive Director shall then have full authority to invoke penalties against such school or persons found to have committed violations. Penalties shall include, but not be limited to, written warning or reprimand, requisite affirmative corrective action, up to and including suspension and/or expulsion. Failure to take the corrective action required by any penalty shall be the basis for further action, up to and including suspension and/or expulsion.

* * *

6.011 Players Ejected for Unsportsmanlike Conduct

Any player ejected from a contest for unsportsmanlike conduct shall be ineligible for the next interscholastic contest at that level of competition, and all other interscholastic contests at any level in the interim, in addition to other penalties the IHSA or the school may assess.

IHSA - Code of Conduct

It is recommended by the IHSA Board of Directors that, in the context of IHSA Bylaw 2.040, every member school establish and maintain a local Code of Conduct, dealing with the problem of the use of tobacco products, alcohol and other illegal, mood-altering and/or performance enhancing drugs or chemicals by students who participate in school athletic and activity programs.

The IHSA also endorses the statement regarding steroid use, contained in all National Federation of State High School Association sports playing rules publications. This statement points out, in part, that "while steroid use is not rivaling the use of alcohol and other drugs in schools, it is a concern. The use of steroids in sports is cheating. We stand opposed to the use of steroids by athletes and all members of the student body because of health and ethical concerns."

CODE OF CONDUCT

Athletic and Scholastic Competition Participants

A. Lincoln High School, Lincoln County, Illinois

- I will treat my teammates, coaches and referees with respect.
- I will treat opponents with respect: shake hands prior to and after contests.
- I will respect the judgment of contest officials, abide by rules of the contest and display no behavior that could incite fans.
- I will cooperate with officials, coaches or directors and fellow participants to conduct a fair contest.
- I will accept seriously the responsibility and privilege of representing school and community; and display positive public action at all times.
- I will live up to the high standard of sportsmanship and citizenship established by my coaches.
- I will take no illegal or performance enhancing drugs...
- I will not drink alcoholic beverages...
- I will not smoke...
- I will not participate in or encourage unsportsmanlike or disruptive conduct or excessive violence either on the playing field or off.

Signature of Student _____ Dated: _____

Signature of Coach of Teacher Sponsor _____ Dated: _____

**Basketball Glossary of Terms that may be used in the
2002 ISBA High School Mock Trial Invitational.**

blocked shot:	the successful deflection of a shot by touching part of the ball on its way to the basket, thereby preventing a field goal
blocking:	the use of a defender's body position to legally prevent an opponent's advance; the opposite of charging
charging:	an offensive foul which occurs when an offensive player runs into a defender who has established position
double team:	when two teammates join efforts in guarding a single opponent
drive to the basket:	to move rapidly toward the basket with the ball.
elbowing:	It is a violation if a player vigorously or excessively swings his/her elbows, even if there is no contact; it is a foul if contact is made, and an automatic ejection if that contact is above shoulder level.
flagrant foul:	unnecessary or excessive contact against an opponent
floor violation:	a player's action that violates the rules but does not prevent an opponent's movement or cause him/her harm; penalized by a change in possession.
foul:	actions by players which break the rules but are not floor violations; penalized by a change in possession or free-throw opportunities; see personal foul or technical foul.
foul shot:	see free throw
free throw:	an unguarded shot taken from the foul line by a player whose opponent committed a personal or technical foul; it is worth 1 point.
full court press:	when defenders start guarding the offense in the backcourt.
guarding:	the act of following an opponent around the court to prevent him/her from getting close to the basket, taking an open shot or making an easy pass, while avoiding illegal contact.
incidental contact:	minor contact usually overlooked by officials.
officials:	the crew chief, referee and umpire who control the game, stop and start play, and impose penalties for violations and fouls.
open:	when a player is unguarded by a defender.
out of bounds:	the area outside of and including the end lines and sidelines.
pass:	when a passer throws the ball to a teammate; used to start plays, move the ball downcourt, keep it away from defenders and get it to a shooter.

passer:	the player who passes the ball to a teammate.
personal foul:	contact between players that may result in injury or provide one team with an unfair advantage; players may not push, hold, trip, hack, elbow, restrain or charge into an opponent; these are also counted as team fouls.
possession:	to be holding or in control of the ball.
rebound:	when a player grabs a ball that is coming off the rim or backboard after a shot attempt.
scoring opportunity:	when a player gets open for a shot that is likely to score.
sidelines:	2 boundary lines that run the length of the court.
team fouls:	each personal foul committed by a player is also counted against his/her team; when a team goes over the limit, its opponent is awarded free-throw opportunities.
technical fouls:	procedural violations and misconduct that officials believe are detrimental to the game; penalized by a single free-throw opportunity to the non-offending team (2 free-throws in college).
timeout:	when play is temporarily suspended by an official or at the request of a team to discuss strategy or respond to an injured player.
turnover:	when the offense loses possession through its own fault by passing the ball out of bounds or committing a floor violation.

For a full-text version of this Glossary, please see visit <http://www.firstbasesports.com/glossaries>

UPDATE MEMO #1

TO: Mock Trial Teachers
 FROM: Donna Schechter
 RE: 2002 Mock Trial Updates
 DATE: January 8, 2002

The Committee on Law-Related Education discussed questions that have come up regarding the 2002 materials, and determined:

- change all references from "opening argument" to "opening statement"
- indicate that in witness testimony, the use of dialects and accents is prohibited
- any reference in the materials to "Aaron" Hightower was an error and should be changed to "Robin" Hightower
- no diagram of the basketball court will be provided
- all county references should be changed to Lincoln County, not County of Judicata
- additional language will be added to witness statements indicating which team won the game (Statement of Robin Hightower, pp.4, paragraph 7, add sentence at end of paragraph "One of Cameron's teammates took the foul shot and won the game for Douglas."

- Statement of Artis Michael, paragraph 5, last sentence, "Douglas High team" should be changed to "Lincolnboro High team"
- The newspaper article and the police report are not admissible
- Stipulation has been added indicating that all players on Robin Hightower's team and signed and were considered to be bound by the Bylaws and Code of Conduct provided in the packet.
- This will be a bench trial
- witness designations will be clarified as follows:

Prosecution	Defense
Leslie Lane	Robin Hightower
Cameron Duncan	Kinsley Rendleman
Pat Auerback	Artis Michael

If you have additional questions or concerns, please e-mail them to dschecht@isba.org, or fax them to my attention at 217/525-9063. Thank you.

Update Memo #2

TO: Mock Trial Teachers
 FROM: Donna Schechter
 RE: 2002 Mock Trial Updates
 DATE: January 29, 2002

In response to additional questions:

- * The IHSA Beliefs, Bylaws and Code of Conduct, the Lincoln HS Code of Conduct may be used as exhibits.
- * The glossary to terms is informational only
- * There is a conflict between the language of the statutes and the language of the jury instructions with regard to "intentionally and/or knowingly." Use the "Intentional and Knowingly" language in the jury instructions for this mock trial problem.
- * The foul called on Robin at the end of the game was a personal foul
- * Principal Rendleman states that he/she was "directly across the court from the action." Take this to mean Rendleman was across the sideline (parallel to the action) rather than down court.
- * Question arose, are teams allowed to drop charges and try to prove a lesser charge of aggravated battery. No.
- * In Artis Michael's affidavit there is a contradiction between paragraphs 5 and 6. Paragraph 5 states that Duncan's pass hit Hightower in the face. In paragraph 6 it is stated that Hightower was hit with an elbow. It was an elbow.
- * Auerbach says there was no water on the floor; Hightower says there was water on the floor. Discrepancy stands.
- * Add a definition for **RECKLESS**
 "A person (is reckless) (acts recklessly) when he consciously disregards a substantial and unjustifiable risk that circumstances exist or that a result will follow, and such disregard constitutes a gross deviation from the standard of care which a reasonable person would exercise in the situation."
- * There is no "expert" witness in this year's problem.

THANK YOU.