

**THE 32nd ANNUAL
HIGH SCHOOL MOCK TRIAL COMPETITION
CASE MATERIALS**

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**IN THE CIRCUIT COURT FOR
BARNSTEAD COUNTY, NEW JUSTICE**

**Jamie Franklyn, a minor
By and through his/her parents**

Plaintiff

v.

Case No. CR-08-0704

**Pat Cartwright
Defendant**

Case Overview

During this past summer, 2008, 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, Al/lice Logan and Eva/n Hoyt. Both entered into a settlement with Jamie Franklyn before trial. The issue to be tried is that of liability: whether Pat Cartwright, Eva/n Hoyt and/or Al/lice 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
Sam Stone, detective
Al/lice Logan, co-operator of the lawn business

For Defendant

Pat Cartwright
Chris Lewis, co-operator of the lawn business
Eva/n Hoyt, friend of Al/lice Logan

EXHIBITS

Exhibit 1: Map

STIPULATIONS

1. All exhibits included in the case are authentic and accurate in all respects. No objections to the authenticity of the exhibits will be entertained.
2. All witness statements are sworn affidavits and should be treated as such under proper rules of evidence. All statements are assumed to have been given shortly after the incident in question.
3. 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 that the student attorneys 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.
4. Stipulations may not be contradicted or challenged.

LEGAL AUTHORITIES AND JURY CHARGES

1. In this case, the plaintiff, Jamie Franklyn, contends that the defendant, Pat Cartwright, was the owner of a barn, was negligent with regard to the control or operation of said barn, and that as a result of that negligence Franklyn received various injuries. The issue to be determined is whether or not the defendant was negligent, and if so, what percentage of negligence the defendant should bear. The issue of the amount of damages, if any, to which the plaintiff may be entitled, shall be decided at a separate hearing, if defendant is found to be liable.
2. The burden of proof is on the plaintiff to establish his/her claim by a preponderance of the evidence. In other words, if a person makes an allegation, then that person must prove the allegation. In this action, the plaintiff, Jamie Franklyn, has the burden of establishing by a preponderance of the evidence all of the facts necessary to prove that Pat Cartwright was negligent and that defendant Cartwright's negligence was a proximate cause of plaintiff Franklyn's injuries.
3. The defendant Cartwright has the burden of establishing by a preponderance of the evidence all of the facts necessary to prove that Al/ice Logan or Eva/n Hoyt was negligent and a proximate cause of the plaintiff's injuries.
4. The term "**preponderance of the evidence**" means that amount of evidence that causes you to conclude that the allegation is probably true. To prove an allegation by the preponderance of the evidence, a party must convince you that the allegation is more likely true than not true. If the evidence on a particular issue is equally balanced, that issue has not been proven by a preponderance of the evidence. Therefore, the party having the burden of proving that issue has failed with respect to that particular issue.
5. **Negligence** may be defined as a failure to exercise, in the given circumstances, that degree of care for the safety of others, which a person of ordinary prudence would exercise under similar circumstances. It may be the doing of an act, which the ordinary prudent person would not have done, or the failure to do that which the ordinary prudent person would have done, under the circumstances then existing. In other words, negligence is the failure to use that degree of care, precaution and vigilance, which a reasonably prudent person would use under the same or similar circumstances. It includes both affirmative acts, which a reasonably prudent person would not have done and the omission of acts or precautions, which a reasonably prudent person would have done or taken in the circumstances. By a reasonably prudent person is not meant the most cautious person nor one who is unusually bold, but rather one of reasonable vigilance, caution and prudence. In order to establish negligence, it is not necessary that it be shown that the defendant had an evil heart or an intent to do harm.

6. To summarize, every person is required to exercise the foresight, prudence and caution, which a reasonably prudent person would exercise under the same or similar circumstances. Negligence then is a departure from that standard of care. In this case, the plaintiff alleges that the defendant violated the duty to maintain the barn in a reasonably safe condition. With regard to a condition of property, our law provides that the duty owed by the owner of property to a person entering upon the property depends on the status of such person.
7. A person coming onto the land or premises of another may hold one of three statuses. A **trespasser** is a person who enters or remains upon land owned by another without a right to enter or remain on the property. A right may be created by the owner's consent or otherwise. An owner owes a duty to a trespasser to refrain from acts, which willfully injure the trespasser. Moreover, the owner of land who knows, or from facts within his/her knowledge, should know, that trespassers constantly intrude upon a limited area thereof, is liable for any bodily harm ensuing from an artificial condition on the land if the condition is known to an owner, is likely to cause death or serious bodily harm to such trespassers, is of such a nature that s/he has reason to believe that such trespassers will not discover it, and s/he has failed to exercise reasonable care to warn such trespassers of the condition and the risk involved.
8. A **licensee** is a person who has the right to enter or remain upon land by the consent of the owner. There may be such acquiescence in the trespass as to amount to a license to use property. In other words, continued toleration of trespass amounts to implied permission to use the land and transforms a trespasser into a licensee. A licensee is a person who has the right to enter or remain upon land by consent of the owner. He or she is not invited but his or her presence is tolerated. The owner of property owes a duty to a licensee to abstain from willfully injurious acts. If the owner knows of a hazardous condition on the property and the owner could reasonably anticipate the licensee would not observe and avoid such condition, then the owner must either warn of the condition or make the condition reasonably safe.
9. The third class of person is an **invitee**. An invitee is one who is permitted to enter or remain on the premises for a purpose of the owner/occupier. S/he enters by invitation, expressed or implied. The owner/occupier of the premises who by invitation, expressed or implied, induced the persons to come upon his/her premises, is under a duty to exercise ordinary care to render the premises reasonably safe for the purposes embraced in the invitation. Thus, s/he must exercise reasonable care for the invitee's safety, must take such steps as are reasonable and prudent to correct or give warning of hazardous conditions or defects actually known to the owner, and of hazardous conditions or defects which s/he by the exercise of reasonable care, could discover.

10. In this matter, you will have to decide Jamie Franklyn's status and the nature of the duty, if any, which Pat Cartwright, Al/ice Logan and/or Eva/n Hoyt owed to Jamie Franklyn and whether the duty was breached.
11. You will also have to decide, by a preponderance of the credible evidence, whether Pat Cartwright's negligence was a proximate cause of Jamie Franklyn's injury.
12. If you find that defendant Cartwright was negligent, you must also find that the negligence was a **proximate cause** of the incident before you can find that Cartwright was responsible for the injuries claimed by the plaintiff. It is the duty of the plaintiff to establish, by the preponderance of evidence, that the negligence of the defendant was a proximate cause of the incident and of the injury alleged to have resulted from the defendant's negligence. The question for you to resolve is whether Jamie Franklyn's injury is so connected with the negligent actions or inactions of Pat Cartwright that you decide it is reasonable, in accordance with the instructions now given you, that the defendant Cartwright should be held wholly or partially responsible for the plaintiff's injury.
13. Al/ice Logan and Eva/n Hoyt were originally named as defendants in this case. Before the trial started, the plaintiff and Logan and Hoyt resolved their differences. As a result, while Logan and Hoyt have been called as witnesses, neither are now parties to this action.
14. If you find that the remaining defendant Cartwright was negligent and that such negligence was a proximate cause of the accident, you must next consider the conduct of the settling defendants. You will have to determine whether or not the settling defendants were also negligent and whether such negligence was a proximate cause of the accident. The burden of proving that either or both of the settling defendants was/were at fault is on Pat Cartwright and you are to follow all of the same instructions with regard to negligence and proximate cause. In the event that you find that the one or both of the settling defendants was/were also negligent and a proximate cause of the accident, you must apportion fault in terms of percentages, between or among either or both of the settling defendants and the remaining defendant.

Statement of Jamie Franklyn

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

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

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

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

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

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

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

39. get out. But the door opened inward and not outward.

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

44. The doctors tell me that the severe burns and scarring on my chest, back,
45. shoulders and upper legs will probably never go away. There is a good chance
46. that I will have to use crutches the rest of my life. All I have to look forward to
47. now is my 8th skin graft operation, and a life of chronic pain and infection. I
48. moved all pictures of me from before the fire out of my bedroom and I made my
49. parents put away all of the pictures that were around the house. Every time I see
50. how I used to look, I start to cry.

51. The night of the fire, I would estimate that there were like 30 to 40 kids in the
52. barn. Cars were parked everywhere outside. The music was playing. For the
53. owner of this property to now claim ignorance about what was going on is
54. absolutely ludicrous. If someone was operating a full-blown casino and bar on
55. 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
Jamie Franklyn
October 17, 2008

Witness Statement of Al/lice Logan

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

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

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

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

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

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

37. On August 1, I’m at home getting ready to eat lunch when Cartwright calls. S/he

38. tells me that the rent is going up to \$250 a week. I tell Pat you can't mow enough
39. lawns in a week to make that much. Here are Pat's exact words: "I rented you the
40. barn to store lawn care equipment, and you've put it some other use. If you want
41. to keep it up, you've got to pay." We did.

42. I wasn't there the night of the fire. Like I said, we were making so much money it
43. got to the point where I didn't even have to show up every night.

44. My father's lawyer tells me that I might be facing some criminal charges. But it
45. really isn't my fault. I'm just a kid. The big-shot farmer should have known
46. better. Pat knew darn well what was going on and could have put a stop to it. But
47. money was more important. I guess there are just some people in this world who
48. 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.

Alice Logan

Alice Logan

October 17, 2008

Statement of Detective Sam Stone

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

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

15. This particular investigation commenced on July 22, 2008. At approximately
16. 3 p.m. I received a call from a vice president of Jones Brothers Plumbing
17. Supply. He informed me that the business has three warehouses, one of which
18. is located in a remote section of Barnstead County. This past month, the
19. electric bill for this particular facility was almost three times the normal
20. monthly rate. The electric company had confirmed that the readings were
21. accurate. An electrician hired by the company discovered that someone had
22. "tapped in" to the electrical box on the outside of the building and that the
23. cable was buried under ground headed in the direction of the nearby woods.

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

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

39. As I prepared to leave the barracks for the day, I decided that I would try to

40. meet with Cartwright the following day for a face-to-face interview and to
41. attempt to obtain consent to search the barn. If I could not locate Cartwright,
42. or if I could not obtain consent to allow a voluntary search of the premises, I
43. would then seek a search warrant from a Superior Court Judge. Probably
44. cause would be established by the apparent theft of electricity from the
45. plumbing supply company.

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

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

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

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

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

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

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

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

111. It is my opinion that as owner of the property, Pat Cartwright can be held
112. responsible for the severe injuries that resulted to the teenaged victims of the
113. fire. Cartwright leased the property and collected rent in cash on a weekly
114. 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

Sam Stone

October 17, 2008

Statement of Eva/n Hoyt

1. My name is Eva/n Hoyt. I am 17 years old and live at 33 High Ridge Lane in
2. Liberty. I am a senior at Liberty High School.

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

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

26. Pat Cartwright couldn't have known that Al/ice converted the barn into a
27. casino. Every opening had been covered with plywood and screwed shut. That
28. way nobody could see what we had done to the inside of the place. The only
29. door into the barn, an old sliding type, had been replaced with a hinged steel
30. door and had a double deadbolt lock. To the best of my knowledge,
31. Cartwright never left his/her condo in downtown Liberty except to go to the
32. library and grocery store. I certainly never saw Cartwright at the barn. The
33. idea that Cartwright should somehow be responsible for Al/ice's criminal
34. 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.

Eva/n Hoyt

Eva/n Hoyt

October 17, 2008

Statement of Chris Lewis

1. My name is Chris Lewis. I am 18 and a senior at Liberty High School.
2. I was really, really tight with Al/ice Logan all during our junior year and up to
3. the beginning of the summer. That's when I finally realized that Al/ice Logan
4. only thinks of Al/ice, and everything and everybody else comes second. How I
5. ever got so close to someone so conceited and self-absorbed is beyond me.
6. It didn't start that way. During our junior year, we had a lot of fun. We did a lot
7. of stuff together and I spent a lot of time at Al/ice's house. What a house! It
8. should be in *Architectural Digest* or something. The living room and dining
9. room have all this imported furniture, and it's impressive. Not the kind of
10. furniture you sit on, but real works of art. You would think that Al/ice's
11. parents might be stuck up or something, but they couldn't have been nicer to
12. me.
13. When Al/ice told me about mowing lawns for the summer, I started to laugh. I
14. mean I couldn't believe it. Al/ice always seemed more like the future CEO
15. type, not someone who would get dirty hands. I was secretly pleased. After
16. all, I was working as a dishwasher in a large restaurant downtown. I figured if
17. I had to work hard for my money, so could Al/ice.
18. Toward the end of June, Al/ice told me about working on a "secret project."
19. When I asked what it was, Al/ice told me about converting a barn into a
20. nightclub-casino. I thought this was some crazy story, but Al/ice said "just
21. wait and see."
22. I think it was the third week in July when Al/ice called me about 10:30 in the
23. morning and said I just had to see something really special. After picking me
24. up at my mom's apartment, we drove almost 35 minutes back into the middle
25. of nowhere. All of a sudden we came out of this little dirt road and I saw a
26. barn. We parked the car, and Al/ice went up to a door on the side of the barn
27. and unlocked it. I followed him/her inside.
28. I couldn't believe it! There was a fully stocked bar in the far corner. A row of
29. 15 or so pinball machines lined one wall. Al/ice had actually gotten some old
30. slot machines, which were facing the other wall. After showing me the whole
31. layout, Al/ice talked about cleaning the downstairs of the barn to put in four
32. pool tables. I was in disbelief.
33. As we were leaving, I asked, "How do you think you can get away with all of
34. this?" Al/ice laughed and told me that "nobody knows." I asked, "Well, what
35. about the owner of the property?" Al/ice said, "The owner doesn't know
36. either. He/she never checks on the place. And as long as the money is paid
37. every Monday, the owner has no reason to come out here."

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

44. I think I went ballistic at this point. I said I was a friend, not some loser that
45. s/he could use. Al/ice got all defensive and said I was given the first
46. opportunity because of our relationship, but there were plenty of other kids
47. who would be more than willing. “I was just trying to give you an opportunity
48. to get out of that dump you live in,” Al/ice said. I think that’s when I hit
49. Al/ice in the face.

50. Trust me, Al/ice only does or says what is in Al/ice’s best interest at the
51. 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

Chris Lewis

October 17, 2008

State of Pat Cartwright (Defendant)

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

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

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

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

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

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

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

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

46. The next Sunday I had a conversation with our pastor, the Reverend Steven
47. Applegate. He pulled me aside, and also told me that he had heard that
48. underage kids were drinking at my barn during the evening. I told him I didn’t
49. believe it. I also told him that at age 18 I saw a war, was smoking two packs a
50. day and drinking whatever I could get my hands on. So what was the big deal?

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

56. I had no idea that these two kids turned my barn into a casino. And to think
57. that all the time I was standing up for them, telling everybody how responsible
58. they were. Maybe kids nowadays are all the same – spoiled, lazy and looking
59. 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
Pat Cartwright
October 17, 2008