

**THE 11th ANNUAL
MIDDLE SCHOOL MOCK TRIAL COMPETITION
CASE MATERIALS**

**Sponsored by:
The CT Consortium for Law & Citizenship Education, Inc.**

**IN THE CRIMINAL CIRCUIT COURT FOR
MORTIS COUNTY, NEW JUSTICE**

**State of New Justice,
Prosecution**

v.

Case No. CR-07-424899

**Jesse Dubois and Pat Dowling,
Defendants**

*Adapted with permission from an original case written by the Illinois State Bar
Association Standing Committee on Law-Related Education for the Public*

Stipulations:

1. The event being prosecuted occurred on the evening of September 28, 2006, and the early morning of September 29, 2006; summer visiting hours were in effect as the event fell during Daylight Savings Time.
2. All parties agree that the weather was rainy off and on all day on the 28th, with periods of heavy rain and all parties agree that the rain stopped sometime before midnight.
3. It is also stipulated that Shelby Cullom is the owner of the 2004 Volkswagen Galactic Blue Beetle, with a distinctive white half-moon logo on the driver's side door; New Justice license SC 2004.
4. Shelby Cullom's plea agreement is recognized by all parties as being valid and an official offer by the State's Attorney that has been accepted by Cullom and entered by the Judge.
5. All parties agree that damages to the monuments and markers at the Cemetery exceed \$500 total.
6. All students in the trial problem are to be considered minors at the time of the incidents charged. As such, Cullom's plea agreement is not public; however, his/her admission information is in his/her witness statement.
7. Police officers and government officials adhered to all constitutionally and statutorily required investigative procedures, including administering proper *Miranda* warnings prior to custodial interrogation, contacting parents prior to questioning minors, securing warrants, consent, or having probable cause with exigencies prior to conducting any search of persons or property.
8. Officer Mathewson may be qualified as an expert in the field of fingerprint and shoe print analysis and may testify as to the forensics report with a reasonable degree of scientific certainty.
9. All sentences given in the State of New Justice are imposed by the Judge after a defendant is found to be guilty as charged. Therefore, the sentence to be imposed, other than the fact that the defendants may receive a sentence of imprisonment should they be convicted of any of the charged offenses, should not be the subject of questioning, discussion or argument in the case.
10. There is no "chain of custody" for evidentiary issue.
11. There is no entrapment issue in this case.
12. There is no jurisdictional issue in this case.
13. All exhibits are stipulated as authentic.
14. All witness statements are sworn affidavits and should be treated as such under proper rules of evidence. All statements should be assumed to have been given shortly after the incident in question in the fall of 2006.
15. Stipulations may not be contradicted or challenged.

Statement of The Case

(This statement is not evidence, is not admissible at trial and may not be relied upon by any witness. It is provided as background information only to allow familiarization with the case.)

On the evening of September 28, 2006, and into the early morning hours of September 9, 2006, Mortis County Cemetery, in rural Springfield, New Justice experienced acts of vandalism considered serious enough to bring criminal charges against three Springfield teens (class three felony charges).

Eye witness, Tracy Ferris, employed by the Cemetery, witnessed three youths exiting the cemetery as they climbed a fence at the walk-in gate, a gate not currently in use, at approximately 2:00 a.m., on the morning of September 29. Ferris also witnessed a car owned by one of the youths leaving the perimeter of the cemetery immediately following the youths climbing the fence and running away. Ferris was able to note distinctive markings on the car and get a partial license plate.

Ferris' dog, Wolf, led Ferris to a part of the cemetery that had been vandalized following the departure of the students. Ferris immediately reported the incident to the Director of the Cemetery, who notified the police. An extensive search of the property ensued, during which additional vandalism was discovered. Also discovered was a student identification card, which matched the name of the owner of the car Ferris had seen departing the cemetery with the three youths inside.

Three youths were arrested, based on a partial license plate and the confession of witness Shelby Cullom. Cullom testifies that s/he did enter the cemetery after hours, accompanied by Jesse Dubois and Pat Dowling; all three are students at Herndon High School. Cullom admits to being on the property after hours and has agreed to cooperate with police and the State's Attorney and, under plea agreement, will testify against Dubois and Dowling at trial. The plea agreement is stipulated as including a plea of guilty, with 20 hours of community service and six months of supervision, after which, if Cullom has no additional legal problems, the record will be expunged.

Dubois denies having been in the cemetery after hours, but does admit to being on the property during the day on September 28, 2006.

Dowling admits to being on the property, but denies that any of the damage caused was intentional vandalism.

Definition of Vandalism: the crime of intentionally damaging property belonging to other people.

**IN THE CIRCUIT COURT OF THE 7TH JUDICIAL CIRCUIT FOR MORTIS
COUNTY, NEW JUSTICE**

**State of New Justice,
Prosecution**

v.

Case No. CR-07-424899

**Jesse Dubois and Pat Dowling,
Defendants**

INFORMATION

Vandalism of a Cemetery, Class 3 Felony

State's Attorney Tracy Anders, representing the People of the State of New Justice, complainant, now appears before the Circuit Court of Mortis County and states that Pat Dowling and Jesse Dubois, defendants, have, on or about the late evening and/or early morning hours of September 28 and/or September 29, 2006, in Mortis County, State of New Justice, committed the offense of a cemetery vandalism in that they, without legal justification, knowingly committed the offense of vandalism when they willfully and knowingly defaced, vandalized and/or injured the gravestones and other memorials, monuments and markers inside Mortis County Cemetery in Springfield, New Justice, a class 3 felony if the estimated number of markers damaged is at least five (5) and no more than ten (10).

Vandalism of a Cemetery, Class 4 Felony

Should the trier of fact find inconclusive on the charges of Class 3 Felony Vandalism of a Cemetery, State's Attorney Tracy Anders, representing the People of the State of New Justice, complainant, would ask that Defendants Pat Dowling and Jesse Dubois be found guilty of Vandalism of a Cemetery, a Class 4 Felony, as on or about the late evening and/or early morning hours of September 28 and/or September 29, 2006, in Mortis County, New Justice, defendant, without legal justification, knowingly committed the offense of vandalism when they willfully and knowingly defaced, vandalized and/or injured gravestones and other memorials, monuments and markers inside Mortis County Cemetery in Springfield, New Justice, a class 4 felony is the estimated number of markers damaged is at least one (1) but no more than four (4) gravestones.

Criminal Defacement of Property, Class 4 Felony

Should the trier of fact find inconclusive on the charges of Class 3 or Class 4 Felony Vandalism of a Cemetery, State's Attorney Tracy Anders, representing the People of the State of New Justice, complainant, would ask that Defendants, Pat Dowling and Jesse Dubois be found guilty of Criminal Defacement of Property, a Class 4 Felony, as on or about the late evening and/or early morning hours of September 28 and/or September 29, 2006, in Mortis County, New Justice, defendants knowingly defaced property when they knowingly damaged the property of another without consent by defacing or otherwise damaging property within Mortis County Cemetery. Criminal Defacement of Property is a class 4 felony if the damage to the property exceeds \$300.

Criminal Trespass to a Cemetery, Class A Misdemeanor

Should the trier of fact find inconclusive on charges of Class 4 Felony Vandalism of a Cemetery, and/or Criminal Defacement of Property, State's Attorney Tracy Anders, representing the People of the State of New Justice, complainant, would ask that Defendants, Pat Dowling and Jesse Dubois be found guilty of Criminal Trespass to a Cemetery, a Class A Misdemeanor, as on or about the late evening and/or early morning hours of September 28 and/or September 29, 2006, in Mortis County, New Justice, defendants knowingly entered the premises of a public or private cemetery without authorization and did so during the hours that the cemetery was posted as closed to the public.

Signature _____
Tracy Anders, State's Attorney, Mortis County

I have examined the above complaint and the person presenting same and have heard evidence thereon and am satisfied that there is probably cause of filing same. Leave is given to file said complaint.

Summons issued by Judge Barry Lyman

_____ (Signature)

Applicable Law

This Act may be cited as the Cemetery Protection Act

New Justice Revised Statute § 21.12.1

- (a) Any person who acts without proper legal authority and who willfully and knowingly destroys or damages the remains of a deceased human being or who desecrates human remains is guilty of a Class 3 felony.
- (b) Any person who acts without proper legal authority and who willfully and knowingly removes any portion of the remains of a deceased human being from a burial ground where skeletal remains are buried or from a grave, crypt, vault, mausoleum, or other repository of human remains is guilty of a Class 4 felony.
- (c) Any person who acts without proper legal authority and who willfully and knowingly:
 - (1) obliterates, vandalizes, or desecrates a burial ground where skeletal remains are buried or a grave, crypt, vault, mausoleum, or other repository of human remains;
 - (2) obliterates, vandalizes, or desecrates a park or other area clearly designated to preserve and perpetuate the memory of a deceased person or group of persons;
 - (3) obliterates, vandalizes, or desecrates plants, trees, shrubs, or flowers located upon or around a repository for human remains or within a human graveyard or cemetery; or
 - (4) obliterates, vandalizes, or desecrates a fence, rail, curb, or other structure of a similar nature intended for the protection or for the ornamentation of any tomb, monument, gravestone, or other structure of like character; is guilty of a Class A misdemeanor if the amount of the damage is less than \$500, a Class 4 felony if the amount of the damage is at least \$500 and less than \$10,000, a Class 3 felony if the amount of the damage is at least \$10,000 and less than \$100,000, or a Class 2 felony if the damage is \$100,000 or more and shall provide restitution to the cemetery authority or property owner for the amount of any damage caused.
 - (5) Any person who acts without proper legal authority and who willfully and knowingly defaces, vandalizes, injures, or removes a gravestone or other memorial, monument, or marker commemorating a deceased person or group of persons, whether located within or outside of a recognized cemetery, memorial park, or battlefield is guilty of a Class 4 felony for damaging at least one but not more than 4

gravestones, a Class 3 felony for damaging at least 5 but not more than 10 gravestones, or a Class 2 felony for damaging more than 10 gravestones and shall provide restitution to the cemetery authority or property owner for the amount of any damage caused.

- (d) The provisions of this Section shall not apply to the removal or unavoidable breakage or injury by a cemetery authority of anything placed in or upon any portion of its cemetery in violation of any of the rules and regulations of the cemetery authority, nor to the removal of anything placed in the cemetery by or with the consent of the cemetery authority that in the judgment of the cemetery authority has become wrecked, unsightly or dilapidated.
- (e) If an unemancipated minor is found guilty of violating any of the provisions of subsection (b) of this Section and is unable to provide restitution to the cemetery authority or property owner, the parents or legal guardians of that minor shall provide restitution to the cemetery authority or property owner for the amount of any damage caused, up to the total amount under the Parental Responsibility Law.
- (f) Any person who shall hunt, shoot or discharge any gun, pistol, or other missile, within the limits of any cemetery, or shall cause any shot or missile to be discharged into or over any portion thereof, or shall violate any of the rules made and established by the board of directors of such cemetery, for the protection or government thereof, is guilty of a Class C misdemeanor.
- (g) Any person who knowingly enters or knowingly remains upon the premises of a public or private cemetery without authorization during hours that the cemetery is posted as closed to the public is guilty of a Class A misdemeanor.
- (h) All fines when recovered, shall be paid over by the court or officer receiving the same to the cemetery association and be applied, as far as possible in repairing the injury, if any, caused by such offense. Provided, nothing contained in this Act shall deprive such cemetery association, or the owner of any lot or monument from maintaining an action for the recovery of damages caused by any injury caused by a violation of the provisions of this Act, or of the rules established by the board of directors of such cemetery association. Nothing in this Section shall be construed to prohibit the discharge of firearms loaded with blank ammunition as part of any funeral, any memorial observance or any other patriotic or military ceremony.

New Justice Revised Statute § 21.12.3

The directors of any cemetery society, or cemetery association, may appoint policemen to protect such cemetery and preserve order therein, and such policemen shall have the same power in respect to any offenses committed in such cemetery, or any violation of this act, that city marshals or policemen in cities have in respect to maintaining order in such cities or arresting for offenses committed therein.

New Justice Revised Statute § 19.1.3 Criminal defacement of property.

- (a) A person commits criminal defacement of property when the person knowingly damages the property of another without his or her consent by defacing, deforming, or otherwise damaging the property by the use of paint or any other similar substance, or by the use of a writing instrument, etching tool, or any other similar device.
- (b) Criminal defacement of property is a Class A misdemeanor for a first offense if the damage to the property does not exceed \$300. Criminal defacement of property is a Class 4 felony if the damage to property does not exceed \$300 and the property damaged is a school building or place of worship. Criminal defacement of property is a Class 4 felony for a second or subsequent conviction or if the damage to the property exceeds \$300. Criminal defacement of property is a Class 3 felony if the damage to property exceeds \$300 and the property damaged is a school building or place of worship. In addition to any other sentence that may be imposed for a violation of this Section that is chargeable as a Class 3 or Class 4 felony, a person convicted of criminal defacement of property shall be subject to a mandatory minimum fine of \$500 plus the actual costs incurred by the property owner or the unit of government to abate, remediate, repair, or remove the effect of the damage to the property. To the extent permitted by law, reimbursement for the costs of abatement, remediation, repair, or removal shall be payable to the person who incurred the costs.

This Act shall be known and may be cited as the Parental Responsibility Law.

New Justice Revised Statute § 25.1.1

Sec. (a). As used in this Act, unless the context otherwise requires, the terms specified have the meanings ascribed to them:

- (1) "Legal guardian" means a person appointed guardian, or given custody, of a minor by a circuit court of the State, but does not include a person appointed guardian, or given custody, or a minor under the Juvenile Court Act or the Juvenile Court Act of 1987.
- (2) "Minor" means a person who is above the age of 11 years, but not yet 19 years of age.

Sec. (b). Liability. The parent of legal guardian of an unemancipated minor who resides with such parent or legal guardian is liable for actual damages for the willful or malicious acts of such minor which cause injury to a person or property,

including damages caused by a minor who has been adjudicated delinquent for violating Section 21-1.3 of the Criminal Code of 1961. Reasonable attorney's fees may be awarded to a plaintiff that is not a governmental unit in any action under this Act.

Sec. (c). Any municipal corporation, county, township, village or any other political subdivision or department of the State of New Jersey, or the United States or any of its instrumentalities, or any person, partnership, corporation, association or any incorporated or unincorporated religious, educational or charitable organization is entitled to enforce the liability imposed by this Act.

Sec. (d). Limitation on damages; damages allowable. No recovery under this Act may exceed \$2,500 actual damages for each person, or legal entity as provided in Section 4 of this Act, for each occurrence of such willful or malicious acts by the minor causing injury, in addition to taxable court costs and attorney's fees. In determining the damages to be allowed in an action under this Act for personal injury, only medical, dental and hospital expenses and expenses for treatment by Christian Science practitioners and nursing care appropriate thereto may be considered.

Sec. (e). This Act shall not affect the recovery of damages in any other cause of action where the liability of the parent or legal guardian is predicated on a common law basis.

11.83 Definition of Cemetery Vandalism

A person commits the offense of cemetery vandalism when he/she willfully and knowingly obliterates, vandalizes or desecrates a grave and the amount of damage is at least \$10,000 and less than \$100,000;

Or

Defaces, vandalizes, injures or removes a gravestone or other memorial or monument, or marker commemorating a deceased person or group of persons and damages at least five (5) but no more than ten (10) gravestones.

11.84 Issues in Cemetery Vandalism

To sustain a charge of cemetery vandalism, the State must prove the following proposition:

That the defendant(s) willfully and knowingly obliterated, vandalized or desecrated a grave and the amount of damage was at least \$10,000 and less than \$100,000;

Or that the defendant(s) willfully and knowingly defaced, vandalized or injured a gravestone or other memorial, monument or marker commemorating a deceased person and damaged at least five but no more than ten gravestones.

16.01 Issues in Criminal Defacement to Property

A person commits the offense of criminal defacement of property when s/he knowingly damages the property of another without that person's consent by defacing, deforming or otherwise damaging such property by the use of paint or any similar substance or by the use of a writing instrument, etching tool, or any other similar device and such damage to the property exceeds \$300.

To sustain the charge of criminal defacement of property, the State must prove the following propositions:

1. That the defendant(s) knowingly damaged the property by defacing, deforming or otherwise damaging such property by the use of paint of any similar substance or by the use of a writing instrument, etching tool, or any other similar device; and
2. The defendant(s) did so without the consent of the property owner; and
3. The damage to the property was more than \$300.

16.23 Definition of Criminal Trespass to a Cemetery

A person commits the offense of criminal trespass to a cemetery when s/he intentionally violates any of the rules made and established by the board of directors of a cemetery for the protection or government thereof.

Or

Knowingly enters or remains upon the premises of a public or private cemetery without authorization during hours that the cemetery is posted as closed to the public.

16.24 Issues In Criminal Trespass to a Cemetery

To sustain the offense of criminal trespass to a cemetery, the State must prove the following proposition(s):

1. That the defendant(s) knowingly violated any of the rules made and established by the board of directors of a cemetery for the protection or government thereof; OR
2. That the defendant(s) knowingly entered the premises of a public or private cemetery without authorization and did so during the hours that the cemetery was posted as closed to the public.

Witness Statements

Prosecution

Reece Mathewson, Mortis County Sheriff's Department – Police Officer
Tracy Ferris, Cemetery After-Hours Watchperson
Shelby Cullom, Student

Defense

Lee Dubois, Parent of Jesse Dubois
Jesse Dubois, Student
Pat Dowling, Student

Statement of Reece Mathewson, Morris County Sheriff's Deputy

1. My name is Sheriff's Deputy Reece Mathewson. I have been employed as
2. a Deputy in Mortis County for 15 years and have two citations for
3. excellence. My routine patrol takes me past the Mortis County Cemetery
4. almost daily. I am quite familiar with the entire property and the
5. surrounding area.

6. At 0325 hours on 29 September 2006, I responded to a call from Robin
7. McDermott, Director of Mortis County Cemetery, indicating that there had
8. been an overnight breach of cemetery security and that significant
9. damage had been done to some historical markers on the property.
10. Director McDermott relayed a report from the night watch person, Tracy
11. Ferris, indicating that Ferris had witnessed intruders leaving the property
12. and had found a number of damaged headstones in the general vicinity of
13. where Ferris believed the intruders to be loitering.

14. McDermott apprised me that Ferris had chased three youths to the walk-
15. in gate and Wolf; his/her dog, had chased them over the fence at
16. approximately 0130 hours, Tracy proceeded back to the phone and had
17. reported the incident to the Director of the Cemetery, Robin McDermott,
18. who advised Ferris to stay inside with the dog so the crime scene would
19. not be disturbed, pending arrival of the police. McDermott placed a call to
20. the Sheriff's department, indicating that the youths had already left the
21. crime scene. After a preliminary discussion with Director McDermott, and
22. because the rain occurring earlier had stopped and the sky was clear, I, in
23. consultation with the Sheriff, concluded that the proper course of action
24. was to wait for daylight to conduct the investigation of the scene. Sheriff's
25. deputies were posted around the damaged monuments and officers set up
26. perimeter tarps in case the rain started again. This was done to protect
27. any fingerprints and other evidence that might lead to finding the vandals.
28. As identified in the forensics report attached to my statement as Exhibit B,
29. fingerprints and footprints were identified that conclusively show that three
30. suspects were present at the property on the late evening hours of 28
31. September 2006 or early morning hours of 29 September 2006 – one
32. Jesse Dubois, one Pat Dowling and one Shelby Cullom. All three suspects
33. were minors at the time in question.

34. A temporary investigation headquarters was set-up near the caretaker's
35. residence, as that area is enclosed by a fence and would not be subject to
36. disturbance by visitors after the cemetery opened at 0900 hours.

37. Following the initial police investigation, which included taking a statement
38. from Tracy Ferris, and surveying the grounds with Ferris, I led a group of
39. law enforcement officials and trained cemetery volunteers in a sweep of
40. the entire property to determine the extent of the damage. All volunteers

41. were briefed on procedures, which included obtaining the assistance of a
42. police officer to a suspected site to protect evidence. This search was
43. conducted with the assistance of the Mortis County Association for the
44. Preservation of Historic Graves. They are perhaps the most familiar with
45. the various markers and their condition. They have provided a map of the
46. damaged markers. This group of individuals is qualified and highly
47. professional and has undergone police training in how to identify and
48. preserve evidence. The volunteers worked in teams, and those teams
49. each had a police officer present to ensure a proper line of evidence, if
50. any was found.

51. At approximately 0835 hours, while surveying the grounds of the
52. cemetery as part of a sweep team, I located what appeared to be a plastic
53. identification badge lying on the ground, near the Dowling monument,
54. partially obscured by grass and mud specks. With tweezers, I picked up
55. the identification badge and swept a few specks of mud off of the badge.
56. The badge displayed the name, picture and student identification of
57. suspect Shelby Cullom. After ascertaining the identity on the badge, the ID
58. was properly bagged, tagged and preserved as a piece of evidence, with
59. no possibility that fingerprints were damaged.

60. Given the muddy conditions, it was evident that we would be able to
61. obtain a number of excellent fingerprints on various toppled monuments.
62. The fingerprints all matched Dowling and Dubois. None of the fingerprints
63. matched Cullom, though Cullom's fingerprints were found on the walk in
64. gate, as were those of Dowling and Dubois. Cullom subsequently admitted
65. to being present on the night in question. Cullom's admission was
66. corroborated by Ferris' observation of Cullom's car and coat while Cullom
67. was leaving the property. In fact, Cullom has provided assistance to our
68. case by agreeing to plead guilty to the crime and receive court supervision
69. in exchange for testifying against the other two involved in this vandalism.

70. It is obvious that Cullom's story is accurate. These three students were all
71. in the same areas of the cemetery and at least two of the students could
72. be linked to the two major damage sites with excellent fingerprint
73. evidence. Forensics has confirmed that the cloth swatches are from the
74. jacket owned by Cullom.

75. Cullom, in his/her statement, indicates that the damage started at the
76. Dubois monument. There is no conclusive evidence that all the damage to
77. the markers in question in this case was caused by the accused.
78. However, the damage included on the abbreviated forensics report is
79. consistent with vandalism. I do not believe that natural causes were the
80. cause of the damage to the monuments. I am no geologist or weather guy,
81. but mud does not get smeared all over gravestones and stones do not get
82. toppled over by regular rain or wind. It is merely common sense.

83. Nothing in this state's Cemetery Protection Act limits the liability of any
84. party. As some of the monuments damaged are large and historically
85. significant, the parties who are found guilty, and if they are minors, their
86. parents are looking at a hefty restitution payment for fixing the damage
87. that was done.

88. I am also aware, and this information is posted around the perimeter of
89. the cemetery for the public, that there are posted hours when the public is
90. allowed on the property. That law states that any person who knowingly
91. enters or knowingly remains upon the premises of a public or private
92. cemetery without authorization during hours that the cemetery is posted
93. as closed to the public is guilty of a Class A misdemeanor. This law is a
94. step in the right direction but I firmly believe that it should be strengthened
95. and provide much stiffer penalties to those that enter or remain on
96. cemetery properties after hours. These people should be able to rest in
97. peace, and we have a responsibility to honor our heritage, including our
98. fallen relatives. I imagine that a large percentage of people who do remain
99. or enter after hours are intending no good. Perhaps a greater penalty
100. would serve as a more effective deterrent.

101. I was also present for some of the questioning of the three minor
102. suspects. We made three separate arrests in this case and
103. separately interviewed Dubois, Cullom, and Dowling before they
104. could get together to discuss their stories. Sheriff's deputies went
105. into their homes with duly authorized and executed search
106. warrants. At each of the minors' homes, Sheriff's deputies collected
107. one (1) pair of muddy shoes, which each student voluntarily
108. admitted belonged to them. At Cullom's home, I recovered one (1)
109. pair of muddy shoes and one (1) torn jacket matching the
110. description provided by Ferris at the cemetery. Cullom also
111. admitted that these items belonged to him/her. I personally arrested
112. Cullom and Dubois and they voluntarily turned over their muddy
113. shoes. Other officers were dispatched to arrest Dowling. I must say
114. I was impressed with the two kids I arrested. At least they showed
115. respect for their elders. Other Sheriff's deputies reported to me that
116. Dowling struggled during the arrest. They said that Dowling was
117. pretty confrontational and verbally abusive.

118. During my years as a deputy, I have observed and investigated this kind
119. of vandalism before. There are problems in this county with
120. ritualistic violence, or violence conducted as part of an initiation.
121. While there is no current evidence that these three students were
122. participating in a ritual initiation, which may have included an act of
123. vandalism, we aren't ruling that out. If evidence is found that links
124. additional individuals to this case, we will provide that information
125. to the state's attorney to bring additional charges against any other

126. punks or vandals.

127. Shelby Cullom has cooperated with our office and the State's Attorney
128. and is going to help us prosecute the other two kids. Cullom's
129. truthful statements provided as a result of the plea agreement will
130. help us in this case. Cullom has admitted to the vandalism and will
131. be able to testify as to what happened at the cemetery and, in
132. return, I hope the judge will grant supervision and community
133. service. Of course, there is no guaranty as to what sort of break
134. Cullom will receive for his/her assistance, as Cullom did plead guilty
135. to a crime and was not granted immunity. There is, I believe, some
136. possibility that the college will allow Cullom to keep his/her
137. scholarship. It's nice to see a kid admitting to his/her mistakes and
138. taking responsibility for them.

Statement of Tracy Ferris, Cemetery Watchperson

1. My name is Tracy Ferris. I am an employee of Mortis County Cemetery.
2. I work three nights a week at the Cemetery, as a night watch person. On
3. the nights I work, my dog, his name is Wolf, and I arrive at 6:00 p.m. and
4. work until 6:00 a.m. It's a long, twelve-hour shift, but the work is quiet and
5. we like it. We walk the perimeter of the grounds at least twice each shift,
6. and occasionally use one of the cemetery golf carts to cruise around the
7. place. There are cameras posted at the official entrances still in use with
8. tapes in them. I also monitor those cameras when we're not out walking or
9. driving the grounds. There is no camera at the old walk-in gate as it's
10. padlocked. It's a small cemetery. It's only about 50 rather hilly acres, with
11. some beautiful trees, but it's easy to walk.

12. I've worked for the cemetery for about 25 years now. I'm 45 years old. In
13. addition to working for the cemetery as a night watch person, I also serve
14. on the Cemetery Board, I am familiar with virtually every aspect of the
15. Cemetery's management. I am also a member of the Mortis County
16. Association for the Preservation of Historic Graves. It's a citizen's group
17. that meets once a month to talk about history, geology, and archeology
18. with professors from Mortis Community College, and to raise money for
19. historic preservation. The group has been a whole lot of fun. I've met a
20. couple of people there to date, since they don't get all jittery when they
21. hear that I work in a cemetery and I found a weekly poker group there. I
22. usually win, since I'm used to being up all night. Oh, and through the
23. Association, I learned a bunch about cemetery restoration and
24. maintenance. I love the cemetery – its quiet peacefulness, its history, its
25. ability to tie us to the past.

26. On the night of September 28-29, I had been on duty for about six hours
27. or so when Wolf started acting funny and pulling on his leash. He almost
28. never does that. He's a calm old pooch, not easily riled. When he tugs like
29. that, it usually means something's up so I follow his nose. He pulled me
30. along at a right good clip until we came across one of the damaged
31. markers. I'd never seen that damage before, that's when I knew for sure
32. he was on to something serious.

33. I don't carry a cell phone or a flashlight. It's light enough in the cemetery
34. with the security lighting, or the moon, and the cell phone would just be
35. another thing to carry and make noise if it happened to ring. Wouldn't like
36. to disturb the peace of the place. Funny, I know, but that's how I think. I
37. respect those who rest there. Anyhow, my pockets are usually full of dog
38. treats for Wolf.

39. Wolf and I like the quiet times we spend at the cemetery at night. Lots of
40. folks might think it's a creepy job, or a nervous kind of thing to do, but it's

41. not. It's like spending time in a park. Only this park has lots of statues and
42. monuments in it. And it's also got quite a few very old markers, and some
43. of the first citizens of this county rest here. Some of the markers date back
44. to 1865, and mark the graves of the pioneers and founding fathers of New
45. Justice. Guess you could say that about any old cemetery, but this one is
46. ours and we're proud of it.

47. Anyhow, I made a mental note of where the broken marker was located. (I
48. have a very good memory-photogenic, I think they call it), and kept
49. following Wolf. He dragged me toward the walk-in gate. As we
50. approached, we saw three young people running toward the fence. Wolf
51. was begging for me to drop the leash so he could go chase them. I knew
52. Wolf wouldn't hurt anyone, so I let him go.

53. He dashed toward those kids like he was on fire. You should have seen
54. those kids. The one in the jacket turned toward me and yelled. Got me to
55. almost laughing, seeing those kids scramble over the fence. Afraid of a
56. dog like Wolf. Wolf's nothing but a tiny old Yorkshire Terrier, weighs in at a
57. full five pounds soaking wet, and these kids were yelling and making a big
58. deal like Wolf was going to rip them apart. It was a sight to see.

59. Those three kids climbed the fence with no problems, except for Wolf
60. jumping at their toes and barking. They were obviously young people, and
61. in good shape, I didn't run after them, because I knew there was no way I
62. could catch them. I couldn't tell if they were boys or girls, but one had on a
63. pretty distinctive plaid jacket. I could see it very well as the streetlights
64. were on at the gate, lighting the area pretty well. Goofy place for kids to
65. sneak in and out, it's so well lit. Guess they were relying on the fact that
66. the land outside the gate isn't much traveled anymore, especially at night.

67. Anyhow, after the kids made their escape, I walked over to the gate to see
68. if they'd bent or damaged anything there. As I got to the gate, I leashed
69. Wolf and then we heard a car engine start up the street a bit and then tires
70. squealing. The car came right past the gate. There were three people in it,
71. and because of the light, I could see that one of the people had that same
72. plaid jacket on. Those three were the ones that had climbed the fence just
73. minutes before. I made a note of the type of car, a dark blue or black
74. Volkswagen with a white thing painted on the driver's side door, and got a
75. partial license plate, letters SC and the first three of four numbers. I
76. remember that clearly because my folks came from South Carolina, I'm
77. pretty sure I told the police the numbers, but I can't remember them now.
78. The police, from that, were able to find the car owner.

79. After that, I walked back through the cemetery through some of the older
80. sections, where I'd seen the kids running from, checking on the condition
81. of some of the oldest markers. Wolf pulled me to some of the ones that

82. had been knocked down. Wolf was a tremendous asset. I think he should
83. get some sort of commendation for his work that night.

84. Anyhow, by about 2:00 a.m. it was clearing enough to see better by
85. moonlight, and I could see additional damage in some areas. That's when
86. I walked back to the Cemetery office and placed a call to the Director
87. reporting the incident. At that time, I told the Director that I had a partial
88. license plate ID of people who could be questioned about the damage.

89. It was Wolf, by the way, who helped the police find the swatches of cloth
90. from that plaid coat. One swatch was found at a headstone, and another
91. was found at the walk-in gate. Kid must have torn it when climbing on the
92. way in or out.

93. The next day, a meeting of the Board was called and I attended that
94. meeting. We toured the cemetery property again viewed the damage.
95. Because we had the full cooperation of the police, we very quickly were
96. able to figure out the full extent of the damages in a timely manner.

97. Repairs are going to be expensive. The reason for the expense is based
98. on many factors. It varies depending on the damage done. If there's minor
99. damage, and we are able to mount the stone back on its footings and seal
100. it without complications, the expense may be minimal. However,
101. sometimes lifting the broken pieces causes additional damage to
102. them or fragile pieces. Some of the stones are made of sandstone
103. or limestone and they've been out in the elements for almost 100
104. years. Some we may be able to refit and epoxy or cement back
105. together, but the breakage will always be visible. Some may be
106. damaged to the point where they need to be replaced entirely.
107. Special machinery may be needed to jack the heavier pieces into
108. position. And, given the age of the cemetery, the age of the
109. monuments in the areas having the most damage, we're not going
110. to be able to drive a lift into the area. This is going to cost us in
111. hours, sweat and labor, as well as for materials and professional
112. consultations. I know all of this because the Association helped with
113. some restorations in another cemetery in the county – I forget the
114. name – about five years ago when another group of hooligans
115. busted up a bunch of monuments to get into a club or gang or
116. something.

117. I've been asked if the cemetery's visiting hours are clearly posted. They
118. are. Signs are at all official entrances still in use that indicate the
119. hours of operation when the public is welcome to visit. We try to
120. make the property as accessible as possible while protecting the
121. historical and significant monuments that are entrusted to our care.

122. We all know that after dark a cemetery is “spooky” and most youths
123. would not dare enter a cemetery’s protected and sacred ground,
124. especially at night. Most teens are raised to respect public and
125. private property. There are some, the more curious, adventurous,
126. lonely, rowdy and “just for the heck of it” type teens that seem to
127. perceive a cemetery as a challenge. They’re the ones who cause
128. these problems. They see the cemetery as an irresistible
129. temptation. . . a challenge. . .a place to smoke, drink, make out and
130. not be hassled by adults. It’s been like this for generations. We are
131. lucky that laws have been implemented to protect our cemeteries,
132. the dearly departed that are laid to rest in them, and the historical
133. monuments and works of art that can be found in many cemeteries.

134. When you see damage in a cemetery, it’s not always vandalism. Metal
135. pinning causes condensation, rusting and movement. The pins will
136. eventually bend or break, and the weight of the stone will naturally
137. topple the monument. The defense will probably try to tell you that
138. the area damaged on the night in question is one of the oldest in
139. the cemetery and that the damage could have been natural. If you’d
140. seen it, you’d know it wasn’t natural aging that damaged those
141. stones. It was reckless destruction that followed a direct path,
142. cutting a swath through one of the most historically significant areas
143. of the cemetery. The muddy footprints left clearly indicate the path
144. of destruction and there are fingerprints. It’s about time the Sheriff
145. is doing something about this kind of vandalism. After all, the
146. elections are coming up, and there are a lot of us in the Association
147. who want to know our Sheriff will get after these sorts of kids.

Statement of Shelby Cullom, Student

1. My name is Shelby Cullom. I'm a 17-year old senior at Herndon High
2. School. I've never been in trouble before. I've never been arrested. I've
3. never even been sent to the principal's office. I'm a good student, with
4. about a 3.5 grade point average on a four-point scale. I've been
5. accepted to New Justice State Teacher's College, as I want to be a
6. history teacher. I have a full scholarship to college, based on my SAT
7. and ACT scores and my participation in the history club. The
8. scholarship is also based on an essay I wrote on the social
9. responsibilities of teens.

10. I've agreed, on the advice of my lawyer and after consulting with my
11. parents and school counselor, that I should plead guilty and accept an
12. agreement proposed by the State's Attorney; in return I'll testify about
13. the events of the night of September 28-29. I don't feel particularly
14. proud of what I'm doing, but I have to do what's best for my family and
15. me. So, I'll testify and I'll be able to do the community service and
16. keep my nose clean for six months and my record will be spotless. I've
17. also heard from my college that I'll be able to keep my scholarship.
18. I've also decided to write letters of apology to the cemetery and to the
19. families affected by our acts. We did something wrong and I'm trying
20. the best way I know how to make it right.

21. I think the idea of visiting the cemetery came up after our history club
22. read a booklet on the history of Mortis County Cemetery. It was sort of
23. cool to realize that someone with my name was buried there. I wanted
24. to visit the grave and talked with Pat Dowling and Jesse Dubois about
25. it. I specifically mentioned it to them as their names appeared in the
26. same booklet. We had been friends since grade school and usually
27. agree on just about everything. This time we didn't agree. I wanted to
28. visit the cemetery during the daytime so I could get some good photos
29. of the markers to send to one of my cousins, also named Shelby
30. Cullom. Jesse and Pat had other ideas. They wanted to sneak in after
31. dark. They thought it would be more challenging and interesting. I
32. guess I let myself get talked into it, even though I knew it wasn't a
33. good idea. I didn't want to appear to be scared or timid, and when I
34. voiced my concerns, they called me "chicken."

35. I will admit that the idea of visiting the cemetery after hours did
36. become more challenging and exciting when we started to actually plan
37. the visit, but as we pulled up to park along the lane by the walk-in
38. gate, I remember saying out loud that I thought this might not be such a
39. good idea. Dowling and Dubois laughed at me. They called me

40. "chicken" again. I don't think of myself as being afraid, I just didn't think
41. it was a good idea. I don't like being in trouble. I don't like
42. disappointing my parents. They work hard and trust me to do the right
43. thing. I know I let them down when I climbed that fence.

44. I was the one who drove to the cemetery. I guess I thought that if I
45. were driving, I'd have some control of the situation and would be able
46. to leave when I wanted to leave. When I realized my ID was missing, I
47. got nervous. I wanted to retrace our steps to see if I could find it. Not
48. just because I was nervous about losing the ID, and maybe having
49. someone find it and know we were in the cemetery after hours, but I'd
50. need it to get into school the next day.

51. I realized that my student ID was missing when I reached into my
52. pocket for a tissue. I have allergies and my nose was running. I had to
53. stop once in a while to blow my nose as I'd forgotten to take my allergy
54. medicine. Pat and Jesse teased me and said I was a crybaby. I quickly
55. became a target of verbal abuse from Pat and Jesse. Maybe that's
56. because they were afraid and they were picking on me to cover up
57. their jitters. I don't know. It wasn't fun.

58. I parked about a half a block away from the walk-in gate. I parked
59. under some trees so the car wouldn't be too obvious to any passers by
60. that might be in the area. I was driving my car, a 2004 Volkswagen
61. Beetle in Galactic Blue. It was a gift from my parents when I learned
62. about my college scholarship.

63. After we parked, I guess that was around midnight, we walked to the
64. gate and climbed over with no problems. That was what I thought was
65. going to be the hard part. There was a dim security light over the gate,
66. making us entirely visible to anyone passing by.

67. Once we got inside the cemetery, I noticed it was really muddy from
68. the rain that night. Sometimes my shoes would sink in the mud all the
69. way. But once we trudged through the sludge, it was easy to find the
70. Cullom gravesite. It's close to the gate we'd just climbed. The
71. streetlights helped us find it. It was still really damp and had just
72. stopped raining and I suggested leaving again. Jesse and Pat laughed
73. at me. Told me to button my jacket and chill. They walked off toward
74. the north end of the cemetery, looking for Dowling's marker.

75. We stopped and scraped the mud off our shoes on a big marker with
76. some sort of seat. The thing was massive. I don't know whose it was. I
77. guess we figured the next time it rained, the mud would wash away.
78. Didn't see any harm in it, but now they've included that marker as one
79. they've accused us of damaging. Is a little bit of mud considered

80. damage?

81. We stayed as close to the fence as we could while we walked toward
82. the North end of the cemetery; I suppose we were all thinking that if
83. we were seen, we could jump the fence and run to the car. I think by
84. this time even Jesse and Pat were feeling nervous. We were all pretty
85. quiet.

86. We found the Cullom monument and moved on to the Dowling plot
87. toward the north. We found that easily enough. Then we were on the
88. Dubois marker. This one was much harder to find as it's in a more
89. central part of the cemetery. I remember saying that we'd already seen
90. two of the monuments at night, why do the third? Jesse and Pat
91. laughed at me again and sort of shoved me, trying to kid me out of
92. being so cautious, I suppose. I wasn't happy. That I do know. I am
93. really sorry that I ever agreed to go to the cemetery and even sorrier
94. that I didn't leave when I knew I should have left.

95. We eventually found the Dubois marker and I said, "Great, now let's
96. get out of here." That's when the real problems started. I turned
97. around and started to walk toward the walk-in gate and tripped over
98. something on the ground. I caught myself but cut myself and hurt my
99. wrist when I fell. I remember yelling to Pat and Jesse, "Now can we
100. leave?" They laughed. Turns out I fell over a marker that was already
101. broken and sticking out of the ground.

102. Pat and Jesse thought I was faking it, until I showed them I was
103. bleeding and had ripped my jacket during the fall. It wasn't until later
104. that I realized a piece of cloth had torn away and was left on the
105. ground.

106. I begged them to leave. I didn't know how I was going to explain my
107. cuts, the sprained wrist and my ruined jacket to my parents. I said,
108. "I'm leaving, you do whatever you want." And I started to walk away.
109. The ground was soggy and I was miserable. There was thunder and
110. a bit of lightening, but the rain had stopped a while ago, when we'd
111. gotten to the cemetery I think. I didn't even turn around to look back
112. to see if they were following me. I just kept on walking back toward
113. the Dowling monument where I thought I might have lost my school
114. ID.

115. I guess I got far enough ahead of Jesse and pat that I couldn't hear
116. what they were doing. I was concentrating on holding my wrist so it
117. wouldn't hurt. I was also trying not to bleed all over myself. I found
118. the Dowling monument pretty easily, but didn't find my ID. I did turn
119. around then to see if Pat and Jesse were behind me. They were

120. there, but they were pretty far away. As they caught up with me, I
121. heard one of them say, "They'll never be able to pin that one on us." I
122. am positive it was Jesse who said that. I waited as they caught up
123. with me and we three walked along the East side of the cemetery,
124. following the fence again, until we got near the walk-in gate. We were
125. all muddy as all get out so we stopped by some big monument and
126. scraped our shoes and boots on the seats until we were relatively
127. clean.

128. It wasn't until the police came to my house the next day to arrest me
129. that I really heard the extent of the damage Jesse and Pat were
130. doing behind me. My parents are so disappointed. I hate seeing them
131. so upset and sad. I'd do anything to undo what happened.

132. I'm willing to take responsibility for my actions. I admit to being in the
133. cemetery after hours, I admit to tripping over a marker that was
134. already destroyed. I admit that I lost my student ID and ripped my
135. coat when I fell and again when we left the cemetery. But, I had
136. absolutely nothing to do with the rest of the destruction that
137. happened that night and I was not aware that it was going on. As I
138. said, I got nervous and afraid after I hurt myself and I walked pretty
139. far ahead of Jesse and Pat to get to the gate. I haven't spoken to
140. either Jesse or Pat since the incident, but I do believe that they are
141. responsible for the damages.

Statement of Pat Dowling, student

1. My name is Pat Dowling. I'm a senior at Herndon High School I am 17
2. years old. I deny having anything to do with the damage in the
3. cemetery. We were there at the cemetery during the afternoon. I
4. already have a bit of a record and I'm an easy target. I once got caught
5. shoplifting, and I've got a reputation for being a bit of a daredevil. I'll try
6. almost anything, so long as it's legal.

7. They're trying to make me a scapegoat because Shelby Cullom's
8. precious college scholarship was in jeopardy. Shelby and his/her family
9. are trying to make me the scapegoat and they're dragging Jesse
10. Dubois into the story for good measure. I thought the three of us were
11. friends, but I can't say now that there are all these accusations and
12. I've been arrested. For crying out loud, I know I have to behave. I'm on
13. probation now at school, and was when this happened, so this will
14. probably get me expelled for the rest of my senior year. I'll have to
15. either transfer to a private school, which my parents won't be able to
16. afford, drop out, or spend a year waiting to come back to try my senior
17. year again.

18. My family has money problems. I'm not an only child, like Cullom. I
19. have to share and help out around the house. I've made mistakes, but
20. I got my head on straight now and I want to make something of myself.
21. I have a part time job after school, working at a grocery store. Most
22. afternoons and evenings I'm there. I don't have much time to hang
23. with my friends anymore. That's turned out to be a good thing. I've
24. been staying out of trouble.

25. About a week before the incident, Cullom and Dubois came to me
26. during lunch one Friday and asked if I'd be interested in going to the
27. cemetery to check out the graves with our family names on them. I
28. thought, what the heck, sure. It would be interesting. It might make my
29. parents proud of me to know that I cared about my ancestors and
30. learning more about them. And we did go to the cemetery, but it was
31. the afternoon before the destruction happened and we left way before
32. dark. I went there with Cullom and Dubois, like they said, to see the
33. monuments with our family names on them. I was going to do rubbings
34. of some of the monuments. We had a map of the cemetery that
35. showed where the family markers could be found.

36. Anyhow, that afternoon it was rainy, so I didn't bring paper and pencils
37. with me, but I did bring a map. The cemetery was a nice place to visit.
38. Like a big park. We walked in the area where the damage was done,
39. but I'm guessing that most of the damage we're accused of doing was
40. already stuff that was broken. We sure didn't do anything intentional. It

41. was pretty muddy and slippery and we may have slipped and fallen
42. into some monuments, maybe once or twice, but we didn't mean to
43. harm anything. I sure don't remember any stones breaking or
44. moving very much. We were just there to look.

45. That's probably when my fingerprints got all over the place. I guess
45. the cemetery wants payment or satisfaction or something. . . but
46. I'm telling you that if we did hurt anything, we didn't mean to. We're
47. not vandals. The police are saying that my fingerprints being found
48. means that I was there at night. They're saying something about all
49. the rain having washed them away if they'd been made during the
50. day. Well, all the places where most of the damage occurred were
51. under huge trees, full canopies of leaves. Sure it was muddy
52. because it had been raining for days, but the rain in the afternoon
53. and evening was pretty light, as I recall, and it might not have
54. touched those fingerprints at all because of all the trees and leaves
55. around.

56. The cemetery guard says there were three people running for the
57. fence, but this Tracy Ferris, the guard, says s/he couldn't see faces.
58. So how come they're accusing us? They're saying that Cullom's
59. coat was ripped and pieces were left all over the cemetery.
60. Cullom's ID was also supposedly found in the cemetery, and I've
61. heard that Cullom admits to being in there after hours. So what if
62. none of his/her fingerprints were found? It's pretty obvious that
63. Shelby Cullom is more interested in a college scholarship than in
64. friendship and telling the truth.

65. The police arrested all of us separately and I've had no contact
66. with Cullom or Dubois since being arrested so I don't have any
67. idea what they're saying. We're all grounded, according to what my
68. parents say. I'm not allowed to use the phone and I'm not allowed
69. to use the computer. I'm allowed to go to classes and go to work. I
70. don't have classes with either Cullom or Dubois, so it's been easy
71. not to see them.

72. I'm betting that Cullom's exaggerating the entire event, making it
73. into an ordeal for him/her and playing the innocent kid, all brilliant
74. and talented. Bet s/he is saying none of this was his/her idea and
75. s/he got forced into everything that may have gone on. Cullom
76. knew about my history and knew people would believe that I had
77. done these things. I don't know if Cullom is just covering his/her
78. own vandalism or what, but I didn't do what they're accusing me of.

Statement of Jesse Dubois, student

1. My name is Jesse Dubois; I'm a junior at Herndon High School. I'm
2. 16 years old. I'm friends with both Shelby Cullom and Pat Dowling
3. and have been for years. The three of us have always been a team.
4. Even though I'm a year younger, we've been close. I remember
5. well the night we were supposed to have been at the cemetery.
6. We'd been there the afternoon before it was raining and we
7. decided that coming back at night would be fun. We were all
8. laughing about it. Pat didn't have to work that night, the first night
9. s/he had had off in some time. We were all looking forward to
10. spending time together. But even though we talked about it, we
11. didn't go through with it.

12. Pat's been having trouble in senior year. Pat got caught shoplifting,
13. but no charges were filed. Pat's parents were called and they took
14. care of the punishment. And Pat's been having trouble maintaining
15. grades, so we've been seeing less than we'd like of him/her. Pat, to
16. his/her credit, has admitted to making mistakes and has been
17. working hard to rectify the situation. I can't say I'd mind Pat doing
18. senior year again, as we'd get to be in class together, but that's not
19. what Pat wants. Me neither really. Pat and I sometimes think
20. Shelby's a bit of a brainiac, always thinking about grades and
21. school and the future and making his/her parents proud. Pat
22. doesn't share that same commitment to excellence and I guess
23. neither do I. Pat and I like to have fun. Shelby's more serious.

24. Anyhow, we went to the cemetery the afternoon in question and
25. walked around in the rain for a while. It was pretty muddy, so I'm
26. sure we left tracks all over the place. We didn't see anyone at all
27. while we were there. We found all of the markers we were looking
28. for and it was cool seeing our names carved out like that. I don't
29. think any of us are really related to those folks, it's a coincidence,
30. but it's pretty eerie. Seeing your name on a monument makes you
31. think about being dead. Pretty creepy stuff. But we mentioned, I
32. remember, that maybe those folks buried there would think it was
33. cool that folks were walking around with names the same as theirs.
34. Different kind of conversation for us, as we're usually talking about
35. movies or TV shows and junk like that. I think we felt grown up,
36. thinking about mortality and being remembered after death.

37. So, we were at the cemetery that afternoon, and that's when we
38. decided to go back that evening. . . but we didn't go. We decided
39. against it. I remember while talking that Shelby even offered to
40. drive later that night. While walking around the cemetery during the

41. afternoon, we found the walk-in gate and decided that 's where
42. we'd enter later, if we came back. It wouldn't have been a big deal. .
43. . the gate's pretty easy to climb and there are no houses around so
44. no one would have seen us. But we didn't go back. We didn't think
45. much about it the rest of the afternoon. Pat decided to go home and
46. check in with the parents and then come back to my house.

47. Shelby came over to my house after dinner. We went to the
48. basement and started watching movies, waiting for Pat to show up.
49. Pat got there at about 9:00 p.m. We knew my parents were home
50. and we kept watching movies until we fell asleep. I remember I
51. wore a pair of old work boots to the cemetery in the afternoon
52. because I knew it would be muddy because of all the rain. They're
53. pretty worn, but they're comfortable and keep my feet dry. After the
54. afternoon trip to the cemetery, I didn't wear them again. The police
55. took them when they came to my house. The police haven't
56. returned them to me yet. Evidence I guess.
57.

58. A little after Pat arrived, I think Mom called down to the basement
59. and asked how much longer we were going to be there and did we
60. want a pizza. That's when I asked if Shelby and Pat could spend
61. the night. Mom said it was ok with her if it was ok with their parents.
62. We assured her it was and I think Mom and Dad went to bed then
63. or soon after.

64. I've seen the list of damage we're supposed to have done. Could it
65. be possible that the cemetery is trying to take advantage of us kids
66. and our parents by charging us for damages to monuments we
67. never went near? Some of the damage is for chipping. We didn't
68. have anything with us that afternoon we went there that could have
69. chipped a stone. Wouldn't that take a tool of some kind? And
70. they're charging us for damages to some Governor's monument
71. and we didn't go near it. And they're also saying we damaged the
72. Lindsay and the Broadwell stones. We never saw them. Sure didn't
73. go near them. Couldn't have been us that did that damage. I'm
74. betting those particular monuments crumbled or leaned or
75. collapsed on their own due to negligence on the part of the
76. cemetery, or cemetery staff knocked them when mowing and
77. they're blaming us to get us to pay for the damages. I hear that the
78. "guard" Ferris stumbles around in the dark at night. Weirdo. S/he
79. probably knocked the stones over during the night and is looking for
80. someone to blame. Cullom probably pointed a finger at us to get off
81. the hook and keep his/her reputation and scholarship in good order.
82. Disappointing to have a friend like that.

Statement of Mr./Mrs. Lee Dubois, Parent of Jesse Dubois

1. My name is Lee Dubois. I am the parent of Jesse Dubois. We have
2. three other children and live five blocks from Mortis County
3. Cemetery. Jesse is our oldest child and we are very proud of
4. him/her. Ours is a very open and trusting family. We believe in our
5. children and have no reason to believe that Jesse, Pat and Shelby
6. were up to any mischief. In fact, I am willing to testify under oath
7. that all three of the accused in this matter were at our home when
8. the infractions took place.

9. On the night in question, Jesse had been to the cemetery in the
10. afternoon helping Pat with a school project. Pat has had some
11. problems and Jesse has been very supportive and helpful in
12. helping Pat find direction. Another reason we are proud of Jess. We
13. were aware of the afternoon cemetery trip and approved of it. I
14. think history is important and our children should learn from the
15. past and respect it. I was delighted that the three of were taking
16. such an interest in local history.

17. I'm not sure what time they returned from the cemetery that
18. afternoon, but Jesse said that s/he had invited Pat and Shelby over
19. for the evening to watch television and hang out in our basement.
20. This was fine with me. I like having the kids around our home. That
21. way we know what they are doing and I think the other parents feel
22. the same about our home and our parenting. We have good
23. children. They obey and are nice, good kids. They don't fight or
24. argue or get into trouble. All our children have good grades and
25. have no behavior problems. I've never received a phone call from
26. school complaining about any of our children.

27. That evening, we ate dinner as a family and at about 8:00 p.m.
28. Shelby arrived. Shelby is a wonderful child. So bright and outgoing.
29. We chatted for a bit about the scholarship Shelby had been
30. awarded and then Shelby and Jesse went to the basement family
31. room and I heard the television set go on. Around 9:00 p.m. or so,
32. Pat arrived and I sent him/her to the basement to join the others.
33. Pat was very polite and sweet, thanking me for letting him/her come
34. over for the evening. As I said, I don't believe it could possibly have
35. been these three children who did the damage at the cemetery.
36. They were, I am confident, in our basement enjoying the evening.

37. We ordered a pizza at about 9:15 or so and it was delivered very
38. quickly. I remember thinking that the kids were eating rather late
39. and might end up staying until about midnight, which wasn't
40. unusual at all. That was fine because Jesse had asked if the others

41. could spend the night and we had approved, and I knew they would
42. all be with us all night. I was also very glad that they were at our
43. house on such a rainy evening. I don't like Jesse out driving in bad
44. weather. Especially in heavy rain.

45. After the pizza was delivered, our younger children were put to
46. bed. This is sometimes a time consuming project. By 10:00 they
47. were tucked in and asleep, leaving only Jesse and the other kids in
48. the basement. I remember we called down the basement stairs
49. later in the evening to see if the kids needed anything else and
50. Jesse said no, they were great. They were laughing and having fun.
51. Jesse came upstairs a little later to get sodas for the others and
52. went right back down. That's when we said good night and locked
53. the house and went upstairs to our bedroom.

54. We left the lights on in the kitchen in case the kids needed
55. anything. There is a bathroom in the basement, and blankets and
56. pillows in a closet, so I didn't think we'd hear anything more from
57. the kids during the evening. The basement is furnished with a
58. television, video games, a computer with internet access and two
59. sofas that pull out into beds. We often have kids spend the night at
60. our home because the room is so comfortable and there is so much
61. they can do.

62. I remember that I stayed up until about midnight reading and never
63. heard anything other than the television and an occasional laugh
64. from the basement. I know those kids were in our home the whole
65. night. Even though I didn't go down to check, I am confident they
66. were there. The police have asked if the kids might have been able
67. to sneak out that evening after we went to sleep. I just can't
68. imagine that we wouldn't have heard or sensed something. I was
69. up until around midnight or a little before and I know I heard them
70. laughing and I heard the television set as I turned out the light.

71. I'm not a heavy sleeper and neither is my spouse. I think we'd have
72. known if the kids had snuck out. I remember that I woke up in the
73. early morning hours and looked at the clock in our bedroom. It was
74. 3:12 a.m. I don't know what woke me; it may have been a noise of
75. some kind. I got out of bed and went to the basement to check on
76. the kids. They were sprawled all over the basement, sleeping
77. soundly.

78. I got up early the next morning and I was quiet in the kitchen, as I
79. thought the kids were still sleeping in the basement. Jesse's muddy
80. boots were in the laundry room at the head of the basement stairs,
81. where they must have been since they had got home from the

82. cemetery in the afternoon. Jesse came upstairs at about 7:30 and
83. said that the others had left already. He said that they hadn't slept
84. much and Pat and Shelby had left at about an hour earlier. That
85. wasn't unusual either. I know Pat has a job and might have needed
86. to get some sleep at home before going to work. I was absolutely
87. horrified when the police came to our home that day and arrested
88. Jesse for what had happened at the cemetery. Again, I honestly
89. and truly don't believe these kids are capable of that kind of activity.

90. I heard that Shelby Cullom has pleaded guilty and has reached an
91. agreement with the State's Attorney that will probably wipe the slate
92. clean. I don't know why Shelby did that. I think any reasonable
93. person would believe these kids and understand that there's been a
94. horrible misunderstanding. I think Shelby was afraid of losing that
95. scholarship and decided to admit to anything in order to keep it.
96. After all, what's community service and six months of good
97. behavior in exchange for a college scholarship? The cemetery
98. board has contacted us to say that they will be filing a lawsuit for
99. the damage to the monuments in the cemetery under that state's
100. parental responsibility law. We are responsible parents.
101. Responsible enough to know that our child was in our home
102. on the night this happened.