**John Clark Legal Argument 2025**

**Suggestions for Competing in John Clark Legal Argument**

From a debater standpoint, the beginning Legal Argument competitor should think of a modified oratory and or a modified expository. When lawyers present their opening statements or closing arguments in front of a jury or judge, they do not really argue with each other. In a legal drama, one might hear an objection raised during one of these presentations, but in reality such objections are extremely rare. For example, think how often you have ever heard the other side in an LD or CX debate shout out objection during the opponent’s affirmative case. It never happens does it! It should not happen in this Legal Argument event. Instead, the contestants simply present their opening statements or closing arguments as they would if they were presenting the case to a jury.

The first thing the Legal Argument competitor must do is read the fact pattern through to get a general flavor for the facts. The student should then decide whether he or she wants to be a prosecuting attorney or a defense attorney. Then the competitor should decide whether to present the opening statement or the closing argument. Although both are allowed, most debaters seem to pick closing arguments; although a few students, mostly those with experience in expository speech have chosen to do opening statements and have done very well. Sometimes, doing something different helps one to stand out.

After deciding what side of the argument the competitor wants to represent and whether to take the closing argument or opening statement, the competitor should go back to the fact pattern and carefully read it. The fact pattern is designed so that both sides (prosecution and defense) can win. Look for any discrepancies in the factual statements or the opinions of the experts. Look at timelines. When did things actually happen, and how exactly did the event occur. Carefully go over the law provided with the fact pattern. This is the basic law. A student may research other aspects of Washington law if s/he wishes to do so and add it to his/her argument. No facts stated in the official fact pattern may be changed. However, a student is free to draw any reasonable inferences from the facts (in closing argument) to argue his or her case.

Remember, opening statement is designed to show the jury what the evidence at trial will show. Like a good expository speaker, in a non-persuasive manner, the event will be “explained” in such a manner that the jury is convinced that the defendant is guilty (prosecutor) or not guilty (defense) just from the manner and clarity of the way the evidence is presented. In the closing argument, the contestant will argue how the evidence meets the legal criteria (law) to convict the defendant or how doubt exists such that the defendant could not possibly be found guilty beyond a reasonable doubt.

When the competitor has written his/her argument, s/he may decide to create visual aids to help present his case. The use of visual aids is totally up to the competitor. I have seen students win this event with and without visual aids. Sometimes visual aids help and sometimes they detract from the presentation. Thus, their use is up to each individual competitor.

The time limit for legal argument is eight minutes with a 30 second grace period. Students will present their cases in a pattern consistent with any typical IE. Competitors do not actually cross examine each other. Students may use note cards.

One closing suggestion is that some competitors in the past have watched a courtroom drama or two (e.g., the movie*, The Verdict* or a similar TV drama) and modeled the manner in which they walk up and down in front of the jury or the way they speak after the movie/television lawyer(s). It sometimes helps, and at least the kids can enjoy a good courtroom drama.

I hope that everyone who attempts this event has a lot of fun with it.

Sincerely,

David Smith

***John Clark Legal Argument Rules***

Although the event is called “legal argument,” it encompasses both ***opening statements***, which are expository in nature, and ***closing arguments***, which are akin to persuasive oratories. The purpose of an opening statement is to preview what the evidence will show in a manner supportive of the proponent’s position – but in a non-argumentative fashion. This is usually done in a story fashion with introductory phrases such as “the evidence will show.” Closing argument “marshals the evidence” and argues it in a manner consistent with the proponent’s position. Visual aides may be used in both opening statements and closing arguments. **Competitors may choose to deliver either an opening statement or a closing argument for either the prosecution or the defense**. **Speeches must be based on the facts stated in the hypothetical fact pattern**. ***Washington State law applies and students are encouraged to research applicable legal issues***. The hypothetical fact pattern is attached to this invitation along with copies of the applicable criminal statutes. The **time limit for this event is 8 minutes, with a 30 second grace period**. Judges will be given access to the hypothetical fact pattern.

**State v. Dépourvu**

**Overview**

This is an action for first degree murder against Candide Dépourvu, arising out of the death of Kari Hollister, occurring on or about the early morning hours of September 3,2024, at or near Someplace Park High School in the northwest quadrant of the city and county of Someplace, Washington.

At approximately 8:00 a.m. on the morning of September 3rd the body of Kari Hollister was found floating in the Someplace Park deep pool in the John Clark Aquatics Center, located on the northwest side of Someplace Park, a city park which adjoins Someplace Park High School. The pool had been scheduled to be emptied, cleaned, and readied for winter. Park custodians, arriving for the scheduled maintenance, discovered the body and promptly called 911.

Meteorological records for the morning of September 3, 2024, from midnight until approximately 8:00 a.m., indicated temperatures ranging from a low of 63 to a high of 71 degrees Fahrenheit. A light intermittent rain had been falling most of the morning. The moon phase was a new moon with zero percent illumination. Sunrise was at 6:12 a.m. PST.

On the three-day weekend prior to the discovery of the body, the annual Labor Day High School Seniors Only Exhibition Croquet Tournament had been played at Someplace Park. The event is a preseason exhibition tournament designed to showcase senior players preparing for their last year of high school competition. It gives teams an opportunity to play against top ranked players from throughout the region, is frequently watched by college scouts, and, of course, is a matter of school pride, since the winning team earns the coveted honor of “caretaking” the silver mallet travelling trophy, affectionately known as the “Maxwell or Max” for the duration of the year.

The defendant, Candide Dépourvu, is a thirty-seven-year-old male, with no permanent legal address. For several weeks, his 1977 white Chevy van had been seen parked in the parking lot between the Mallwart store and the McRonald’s restaurant in the Someplace Park Shopping Center which is located to the immediate west of the city park. He had also been seen in the area on several occasions.

On the Thursday before the tournament, Candide Dépourvu had been hired as a temporary worker by the Greater Someplace League to clean the courts, remove pegs and wickets, and pick up debris following the tournament.

The victim, Kari Hollister, nicknamed Tuesday, was an eighteen-year-old senior at Enchanting Veils High School, and was captain of her school’s championship croquet team. She was a straight “A” student, who by the end of her junior high had already scored perfect 5s on four AP national tests. On the evening before her death, she had led her team to a championship in the annual Labor Day High School Seniors Only Exhibition Croquet Tournament.

On the advice of his attorney, Candide Dépourvu has decided not to take the stand and he has not given a formal statement to the police.

**Witness Reports Follow**

**Carmen Hepperson**

Carmen Hepperson is a 37-year-old teacher and the head croquet coach at Enchanting Veils HS. On the weekend prior to the discovery of Hollister’s body, she had been coaching her seniors in the annual Labor Day High School Seniors Only Exhibition Croquet Tournament.

**Carmen Hepperson states:**

It had been a great weekend. We won the tournament. I was especially excited for Kari. Several scouts from some pretty big-name universities approached me about her. Some of the scouts even inquired about my availability and interest in moving up to the college level. Kari was sure to get a scholarship and possibly a shot at the pros. I had to work my way through college. My mother raised me as a single parent on a meter maid’s salary. Money was tough. The thought of riding Kari’s coattails to the pros certainly crossed my mind. Like I said, the weekend was great. That first day back to school on Tuesday, however, was a nightmare.

The championship round didn’t end until after 10:00 p.m. Awards were held in the school theater and the trophy was awarded. Winning the Max is a big deal for the kids. They paraded around with it. They wanted to celebrate, so we walked over to McRonald’s for a late-night team dinner. McRonald’s was closing at 1:00 a.m. I got the kids on the bus about 12:30, but three of our seniors had driven themselves and wanted to stay. Kari was in that group. The kids call Kari “Tuesday.” I told her to take the Max home and bring it to school on Tuesday. I knew the principal would be ecstatic that we’d won it and I wanted Kari to get the accolades. The kids thought it funny that Tuesday was supposed to deliver the Maxwell on Tuesday. They have a strange sense of humor. I don’t know why they found that funny, but they did.

The last time I saw Kari, she was sitting with Dancer and Steal, in a booth near the east window of the restaurant. Steal’s real name is Johnkin Silfrsponn, but everyone calls him “Steal.” Dancer’s real name is Brenda Wilds, but I’ve never heard her called that except once when her parents picked her up from practice, and her mother was “not too happy about it.” Dancer had driven her mother’s prize BMW to school without permission, and her mother’s love of that car is legendary.

All three kids were eighteen and had permission to drive themselves to the tournament. They’ve been fast friends since making the team as freshmen. I always thought they were responsible kids. They said they would be leaving as soon as Tuesday finished her shake. I thought they’d be fine. I was wrong.

I escorted the kids back to school on the school bus, made sure they got into their cars or got picked up by their parents, and left for home. My car had been in the shop, so my mother, Rita Hepperson, met me at the school and drove me home. I arrived at my apartment about 2:00 a.m.

I found out about Kari’s death, when my principal called me into his office on Tuesday afternoon. I was a wreck. I couldn’t stop crying. The principal called my mom and asked her to come get me. He said I needed to take some time to deal with my grief and that he’d already called in a sub to cover my classes. My mom came to the school right away. She took me back to her house and talked with me for hours. My mom really is a lovely woman.

**Sebastian Nelson**

Sebastian Nelson is a 45-year-old level three maintenance worker for the Someplace Parks Department. He arrived at the John Clark Aquatics Center for the purpose of draining and cleaning the pools for winter.

**Sebastian Nelson states:**

I was scheduled to start work at 8:00 a.m. I always show up early for work so I can look over the job and have a cup of coffee before starting. I pulled into the parking lot in front of the John Clark Aquatics Center. The pool area is behind the building. It’s surrounded by an 8-foot fence. In order to get into the pool area, one has to either enter through the building or through the maintenance gate. The first thing I noticed when I arrived at the scene, was that the maintenance gate was hanging open and blowing back and forth in the light wind. I was ticked off. I couldn’t imagine what nimrod had left the gate open. Then as I approached the pools, I could see someone floating face down in the deep pool. I thought it was some kid being stupid. Boy, was I wrong.

The gated part of the facility has an Olympic sized swimming pool, a separate deep diving pool and a slide, and a kiddie pool which has a maximum depth of about three feet.

I yelled at the person in the pool to stop messing around and get the heck out of there, but the person didn’t respond. I jumped into the pool and turned the lady over. She didn’t appear to be breathing. I checked her pulse. She didn’t have a pulse. I swam her to the side of the pool, and laid her down on a deck lounging chair. I couldn’t find any sign of life.

About that time, my stupid assistant, Markie Simpson, showed up…late as usual. Any normal person would have known how serious this was. Not him. He just came groovin’ up slowly like he always does, and asked, “What’s up man. What we doin’ today.”

I yelled for to him to call 911. He tried to call from his cell phone, but actually got the wrong number. He finally got through to 911. All this time, I’m trying to administer CPR. He was just wandering around. Pretty soon the paramedics arrived. They took over the patient. I sat back. I was breathing hard. CPR takes a lot out of you.

The cops showed up not long after the paramedics. They taped the whole area off and said we couldn’t touch anything. I called my boss. He said to just do what the cops said and to come into the office to fill out the incident paperwork when I was released by the police. After the ambulance left with the girl, I gave the police a statement and was told me I could go.

When I was giving my report to the boss, I mentioned an unusual occurrence. There was a rather long orange extension cord rolled up and hanging in the mechanic’s shop, which is attached to the aquatic center. We never use orange. We use red and yellow, as the colors represent specific gauges. The color system provides our workers with a quick visual assurance that they aren’t using a cord that has too low or too high a gauge for their specific job. In twenty-five years with the park department, I have never seen an orange extension cord, nor I have ever seen the department ever using a cord of such an extreme length. Even stranger than the color of the cord, was its condition. I was startled that it had several spots where electrician’s tape had been wrapped around it, most likely to repair some type of rip in the cord. Some of these repairs were even frayed themselves. The department does not repair electrical cords because of the obvious electrical shock or fire danger of doing so. It was also oddly clean for an electrical cord in a maintenance department. Who cleans cords?

I would have taken it down and discarded it, but for the fact I didn’t have time to complete the “discard paperwork” while the police were trying to clear everyone from the scene.

**Markie Stinson**

Markie Stinson is a 49-year-old level one maintenance worker for the Someplace Park Department. He had previously been a college croquet coach, but lost his mind after years of running croquet tournaments. The only job he’s been able to keep since leaving croquet, is working as an assistant maintenance worker, and has often been in danger of losing this job due to his slovenly work.

Stinson had been assigned to arrive at the John Clark Aquatics Center to help Sebastian Nelson by 8:00 a.m. to drain and clean the pools for the winter.

**Markie Stinson states:**

Yeah, Dude. I was there. I was a little bit late to work because I messed up the directions. My watch said 8:07, but I know it runs a little slow. When I came around to the back of the aquatics building, I could see Sebastian with some chick. He yelled to me to call 911. I thought he said, “912.” Apparently, 912 is not a working number. I yelled at Sebastian, “Man, who do you want me to call? And what do ya want me to say, man.” Then I heard him say, “911.” I don’t know how I got 912 when he wanted “911.”

I called those 911 people, and said, “My supervisor’s pushing on some chick’s chest and keeps putting his mouth on her mouth. Dude it’s so weird.” They asked if I thought she was in immediate danger. I said, “It doesn’t look good, Man.” They asked if my supervisor was assaulting the woman. I yelled over to Sebastian and asked if he was assaulting the chick. He cursed me, Man. He said, “I’m doing CPR, you moron.” I don’t like it when he calls me a moron. He does it a lot.” Anyway, the lady on the phone call seemed relieved when I said Sebastian was doing something called CPR. Didn’t work though. Man; that chick was dead.”

Pretty soon, some firetrucks pulled up, and there was an ambulance. They were trying to help that chick. I was just walkin’ around. We sure couldn’t clean the pool with all those people around. I saw some blood under the slide ladder. It was just kind of there under the slide by the edge of the pool. I got out my trusty PPE and bleach spray bottle and cleaned that right up.” I then went over and emptied the trash. Wow! That was sure some smelly trash. While I was emptying the garbage, I found an orange electrical cord lying by the fence. I didn't even know we were using orange cords now. Somebody had worked hard to keep this in good shape. There were repairs on it, but it was sure dirty, so I whipped out my trusty bottle of spray bleach and some old rags and cleaned that puppy right up. I then carefully rolled it up and hung it in the shed. Man! that was one long cord. I wonder what we use it for. When I came out of the shed, I saw the cops pull up with their flashing lights. I figured they sure didn’t want me there, so I got in my rig and took off. We couldn’t work with all those people hanging around, so it was like, “Cool! Free day for Markie!

**Virginia Hendrix**

Virginia Hendrix is a paramedic working for the Someplace Fire Department

**Virginia Hendrix states:**

I arrived at the John Clark Aquatics Center at 8:16:37 a.m. on September 3, 2024. I found a park employee by the name of Sebastian Nelson attempting to administer CPR to a young female, who was subsequently identified to me as Kari Hollister. I took over care for the patient. It was clear to me that the victim was clinically dead. Although, as a paramedic in Washington State, I can declare death if the victim is a trauma patient without signs of life, like breathing or pulses, it was unclear to me whether this victim, who had been found floating in the pool, would be covered by the law. I therefore, advised that she be transported to Someplace Municipal Hospital, where the morgue is also located, so that the victim could be officially declared dead and an autopsy could be performed.

**Dr. Stacey Henderson**

Dr. Stacey Henderson is an emergency room physician at Someplace Municipal Hospital.

**Dr. Stacey Henderson states:**

I examined Kari Hollister upon her admission to the emergency room at 8: 47:26 a.m. Upon examination, I declared the victim dead and authorized transportation of the body to the county morgue, which is located in the basement of the hospital.

**Dr. Sandra Shell**

Dr. Sandra Shell is a board-certified pathologist, employed as the chief medical examiner for the Someplace County Coroner’s office.

**Dr. Sandra Shell states:**

I performed an autopsy on Ms. Kari Hollister. Examination revealed the following:

1. Ms. Hollister sustained a concussion from an injury to her right frontal lobe. This injury was caused by direct injury to the right frontal lobe either from a blunt object or a fall onto a flat surface. This injury did not cause death, but examination of the brain tissue in the right frontal lobe indicated serious damage which would have most likely left the patient in a confused state for at least several hours. This injury would have been sustained within 24 hours of death, but did not cause or lead to the patient’s death.

2. Ms. Hollister sustained massive left sided blunt force resulting in occipital trauma sufficient to break the skull. This injury would have been subsequent to the initial concussion. Such damage could have resulted in death, but in this case was not the immediate cause of death.

3. Ligature marks around the neck indicate definite strangulation with a nylon or plastic covered cord of some type. The level of strangulation would have been sufficient to cause the victim to experience excruciating pain and to lose consciousness, but did not cause the patient’s actual death.

4. Chlorinated water, such as that used in a municipal pool, was found in the patient’s lungs, which would indicate that the patient had to have been breathing, although only faintly, at the time the water was ingested into her lungs. Aspiration, i.e. the entry of water into the lungs can only happen when a person is actively inhaling air. Thus, the ultimate cause of death must be ruled as drowning.

5. I estimated the time of death as having occurred sometime between 3:00 and 5:00 a.m. on the morning of September 3, 2024.

6. It should be noted that the extent of the occipital blunt force trauma and strangulation sustained by the patient would indicate that the victim was quite likely to have been unconscious at the time her body entered the water.

**Dr. Kristine Heart**

Dr. Kristine Heart is a criminal behavioral analyst, employed by the Someplace, Washington Police Department. Dr. Heart holds dual doctorates from Someplace University in forensic psychology, and criminology, as well as a master’s degree in criminal justice.

**Dr. Kristine Heart States:**

I examined crime scene photographs from the initial crime scene and the second crime scene, photographs of the body, photographs of the blood splatter on the water tower, evidence of blood revealed by luminol on the silver mallet, as well as the autopsy report and photographs of the victim. The extent of damage indicates a probability that the perpetrator was acting out of extreme emotion. Such emotion would indicate that the perpetrator either knew the victim or that the perpetrator held emotional anger toward a class of persons of which the victim was a member or could have been seen as representing such a group.

**Melanie Michaels**

Melanie Michaels is a forensic biologist with the Someplace Police Department.

**Melanie Michaels states:**

1. I examined blood samples said to have been located by the use of luminol under the slide at the John Clark Aquatics Center. This sample had been degraded by the use of bleach as a cleaning agent. I was unable to extract any usable DNA from this sample.

2. I examined blood samples said to have been taken from the water tower at Some Place park. I was able to obtain usable DNA from this sample. The DNA matched that of Kari Hollister.

3. I examined blood samples said to have been taken from the silver mallet or hammer known as the Big Max. I was able to obtain usable DNA from this sample. The DNA matched that of Kari Hollister.

4. I examined blood samples said to have been taken from a shirt which was being worn by Candide Dépourvu at the time of his arrest. I was able to obtain usable DNA from this sample. The DNA matched that of Kari Hollister.

5. I examined a sweater said to have been found in the vicinity of the water tower at Someplace Park. I located a strand of hair which matched the color of hair of the victim. I was able to extract usable DNA from this sample. The DNA matched that of Kari Hollister.

**Karla Smoothers**

Karla Smoothers is an eighteen-year-old senior, and captain of her varsity croquet team at Rough Ridges High School in Someplace, Washington.

**Karla Smoothers states:**

I had been playing in the big Labor Day tournament. My team left right after the awards ceremony. My parents picked me up at the tournament and I went home and went to bed. However, early in the morning, I awoke and realized I had left my prized 1962 Epiphone Casino Croquet Mallet that my grandfather gave me, and which he had used when he played croquet in college. I woke up my mother. I remember her saying, “It’s 2:00 a.m., do we really need to do this now?” Of course, we did. It took us about an hour and a half to get dressed and get back to Some Place Park.

We parked at McRonald’s. I ran as fast as I could to get to the school. I ran past the south side of the water tower. Something really terrible was happening on the other side of the water tower. I could hear a pounding and someone let out a grunt and some type of scream. I was scared, so I kept on running. The school was several hundred yards away. I looked around and found my mallet. It probably took me half an hour to find it. I walked back as quietly as I could because I was still scared about what could be happening by the water tower. When I got about half way to the water tower, I saw an adult. I ran over to him. It was dark, but I could tell that it was McCreep. He scares me. However, I knew he’d been working at the tournament, so I told him what I had heard and that he should check it out or even call the police. I couldn’t see what he was wearing. It was too dark.

After I told him to call the cops, I ran as fast as I could to my mom’s car. I was so scared and so glad to be back in her car.

**Nellie Chronister**

Nellie Chronister is a detective with the Some Place Police Department.

**Nellie Chronister states:**

I received a call from dispatch at 8:30 a.m. to report to the John Clark Aquatics Center to investigate a possible homicide. I viewed the first scene. It didn’t look to me like I was at the initial crime scene. The paucity of evidence led me to believe that if it was a homicide, there must have been a different crime scene. I walked around the park keeping my eye out for anything unusual. On the water tower, close to a little hill, I saw what appeared to be blood splatter. I photographed the red spots which I took to be blood and swabbed the spots. I was able to get a sample, which I had sent to our forensics department for analysis. I looked around at the grass in the area, but it was so wet that any blood on the ground would have been washed away. I did find a woman’s sweater. I had that bagged and sent to forensics as well. I took statements from two friends of the victim by the names of Brenda Wilds and Johnkin Silfrsponn. Their statements were provided to the prosecutor’s office. Later, I was informed by the Park Department about a mysterious orange cord found at the aquatics center. I examined it and photographed it. I had it checked for fingerprints. There was no trace of fingerprint evidence found.

**Brenda Wilds**

Brenda Wilds, nicknamed “Dancer” by her croquet teammates, is an eighteen-year-old senior at Enchanting Veils HS. She is of a rather slim and somewhat petite build. She is a varsity member of both the school’s competitive dance and croquet teams.

**Brenda Wilds states:**

Kari, Johnkin Silfrsponn, and I were hanging out at the McRonald’s after the big game. We call Kari “Tuesday” and everyone calls Johnkin “Steal.” The team had gotten together to celebrate. The coach and the rest of the team left somewhere between midnight and 12:30. Since we’d driven ourselves, after the team left, we just sat around until McR’s closed and kicked us out of the place.

It was only about 1:00 a.m. and we were still pretty stoked about winning the Max. We decided to take a walk around the park. At first, we were just messing around over by that big green and yellow water tower and then Steal suggested we go swimming in the deep pool; by swimming, I mostly mean using the waterslide. We’ve done this before with other members of the team.

At night, you can get in by climbing up the portico over the walkway area leading up to the door of the aquatic center. If you’re small enough, you can slip through the bathroom window on the second floor of the front building. Steal jumped up and pulled himself to the first level. From there, he grabbed my hands and pulled me up. We’re supposed to be just friends, but I’ve always had a crush on him. I always want to just hold his hand, so if I can get that by being pulled up on a building, I guess it’s something. Anyway, Steal pulled me up to level one. From there, I got up on his shoulders. Steal is a really tall guy with broad shoulders that I can stand on and reach the window. A long time ago, we put a magnetic strip over the window latch bore hole. It’s a metal window frame, so the magnetic strip gives the appearance of a closed door and doesn’t set off any alarms, but it allows the window to be cracked open. I’m the only one on the team who is small enough to squirm through the window, but once I’m inside, I just go down the stairs and out into the pool area. The fence surrounding the pools has a maintenance gate that locks from the outside, but can be opened from the inside. I just opened the gate and let my friends into the pool area. We do it all the time. There are lights on the top of the water tower that give us enough light that we can see, but it’s not so bright that it’s obvious what we’re doing. At best, someone might know there were people in the pool area, but we’d probably just look like we worked there – especially at night. We have it all to ourselves. It’s great.

Tuesday was up on the top of the slide. Steal was throwing the Max to her. He was pretending he was Tom Brady throwing the Lombardi Trophy to Cameron Brate. Every time she caught the Max, she’d jump in the air holding the trophy up with both hands above her head. It was awesome! Well, it was great until she missed. She got hit smack in her right eye. She wobbled for just a moment and then fell off the slide onto her head. I ran over to her. She wasn’t bleeding. She got up kind of slowly. She said she felt dizzy and had a blistering headache. I tried to help her walk to the gate. She wasn’t walking like a normal person. She said she felt sick and thought she was about to upchuck. I got her to the garbage can and she puked her guts out! After she quit throwing up, Steal and I helped her out of the pool area. We walked her over to a little hill by the water tower, so she could sit down. She was complaining that she was tired and wanted to go home.

Tuesday was feeling so bad we decided we should probably go home. She had driven her mom’s car. We had all driven ourselves. I offered her a ride home, but she said her mom would kill her if she left the car at the tournament. Her mom does get uptight about her car. Tuesday said she’d be fine if she could just lie down for a few minutes. She said she’d snooze for a few minutes and drive home. She said she’d be fine. She told us we should leave, so we did. It was probably about 2:30 in the morning when we left. Kari was kind of lying on her side using her sweater as a pillow. She didn’t look very good, but she told us to leave. She kept saying she’d be fine and she wouldn’t drive until she’d taken a nap and felt better.

**Johnkin Silfrsponn**

Johnkin Silfrsponn, nicknamed “Steal” by his croquet teammates, is an eighteen-year-old high school senior at Enchanting Veils HS. He a varsity member of both the school’s Olympic-style weightlifting and championship croquet teams. He is also interested in genealogy and was proud to discover that he has ancestors who would have been Vikings. He has been best friends with Brenda Wilds and Kari Hollister since his freshman year of high school. He is 6’5 inches tall and quite muscular for someone of his age. He looks every bit like his Viking ancestors.

**Johnkin Silfrsponn states:**

The whole team was in pretty great spirits after winning the Max. I mean who wouldn’t be?

I’ve been buddies with both Tuesday and Dancer throughout high school. “Tuesday” is what everyone called Kari. We call her that because she always seems to miss school on Mondays after big games; it was kind of like she started every week on Tuesday, so the name “Tuesday” just stuck. I guess you already know that Dancer is Brenda Wilds. We all have nick names on the team and most people on other teams, and even in our classes, call us by our nick names.

I’ve always had a serious crush on Dancer, but she could have any guy she ever wanted and believe me every guy loves her. Just about every guy I know has dated her. There’s no way I could ever compete, and since I don’t want to lose my friendship by asking her out, I’m happy to stay in the friend’s zone, but I would do anything for her, and whatever she asks me to do, I do – no questions. Anything. And she knows it. I always will.

The team celebrated our big win at McR’s, which is just across the street from the park. Coach left earlier in the evening with most of the team. Before she left, she handed the Max to Tuesday, and said to bring it in on Tuesday and give it to the principal. Coach said she deserved the accolades for the incredible game she played. Dancer, joked and said, “Coach, I could take it in. Since today is a Monday, Tuesday won’t be able to get it to school until Wednesday.” We all laughed. Tuesday said, “This is one weekend, I will earn my nickname. I will definitely be at school on Tuesday. No problem Coach. I will be there.” Tuesday took the Max and put it on the bench seat between her and Dancer. We told Coach that since we had our own transportation, we’d hang out for a bit before driving home.

We got kicked out of McR’s at 1:00, so they could close up. We weren’t tired. We were still too stoked to go home, so we walked over to the park. On the way over there, we saw McCreep’s van parked outside of the restaurant, by Mallwarts. Nobody knows what the guy’s name is. Everyone I know just calls him “McCreep” because he lives in a beaten down white van, always seems to be parked somewhere near anywhere we ever play, stands around watching every game through the fence instead of buying a ticket like a normal person, he looks like he’s never shaved and doesn’t even know what soap is. This weekend, Swift (he’s Someplace Park’s coach) hired him to clean up the croquet gardens after each match. I guess that was nice of Swift to give McCreep a job, but it meant we had to see the guy hanging out inside the gardens ALL WEEKEND!! He’s got this weird Marty Feldman like ju-ju eyeball that just freaks you out when he looks at you. It’s just weird. I hate it. The only one who was ever nice to him was Tuesday. She said she felt sorry for him. I just think the guy’s too weird; and if Tuesday really knew how he stares at her, she’d be weirded out too. I told her that he’s constantly staring at her, but just sai, “Oh, he’s harmless. No worries.” Tuesday might have been a bit full of herself, but she was always nice to everyone. Looks like it cost her this time.

As we walked by the van, Dancer said, “Pull out his cord. That’ll shake him up.” The guy has this extremely long orange extension cord that runs through a window in the back door of his van. It’s old, dirty, and patched up with tape in several different spots. He plugs it into outside outlets when people have gone to bed and steals their power. Tonight, he’d plugged into an outside outlet at McR’s. I pulled the plug out of the McR’s outlet and since the van was empty, I just slipped my hand into the van window and pulled it loose from the portable heater he has in his truck. He was probably out looking for food in the garbage cans by the snack bar. For a dude who lives in a van, he should get that window fixed. Lots of kids have messed with him by throwing crap in his window. It’s a pretty big van window. Even I could climb through it if I wanted, and I’m a big guy; but he does nothing about it. It just hangs open all the time with that stupid cord sticking out of it.

We took the cord with us. Usually, when we’re messing with him, we just wrap the cord around his van and tie it up like a bow on a birthday present, but for some reason, we took it with us.

When we got to the park, the lights were still on in the big pool area. Dancer asked if we wanted to go swimming. Tuesday wasn’t interested at first, but we egged her on and she finally agreed that it would be fun. The only way to get in after closing, is to climb in through the bathroom window on the second floor. The window’s too small for most people to get through, but Dancer can always slither her svelte little body through it.

We went around to the front of the building. Since it was so late, nobody was around to see what we were doing. There’s some kind of big wood thing that hangs out over the front door and walkway to the aquatic center. I hoisted Dancer up. From atop my shoulders, she can easily stand and pull herself up on that wood thing. Once up, she stands on it and pulls herself up to the window. Since we swim there after hours a lot, several weeks ago, Dancer stuck some type of magnetic tape over the window lock, so that it can’t lock and we can get inside to swim whenever we want. All Dancer has to do, is get inside and then come down into the pool area, open the gate, and let us in.

We were messing around. I pretended that I was Tom Brady passing the Lombardi Trophy to Cameron Brate. Tuesday was playing the part of Brate. She was standing on the top of the slide ladder. Every time she caught a pass, she’d jump up in the air and thrust the Max up like it was a major victory. About the seventh time I passed it to her, it went high. Tuesday jumped for it, grabbed it and then fell on the way down. She was out cold; but I got to say, she protected the Max.

She was breathing and she wasn’t bleeding. I laid her on her back so she could breathe a bit easier. She had a huge red mark on her right forehead. She came to pretty quickly. She was quite dizzy though and had a really bad headache. Dancer helped her walk about. Dancer said she should be able to walk it off, but nothing seemed to be working. Tuesday puked pretty good into the garbage can nearest the slide. Dancer and I walked her out of the pool area and over to a little hill by the big green and gold water tower. Kari was clutching the Max. When we got up by the water tower, she wanted to lie down for a bit. We put her head on her sweater. The ground was kind of wet, but we’d planned on swimming anyway, so what the hey. I offered to drive her to the hospital or at least call an ambulance. She did not want to go. She just wanted to lie there and sleep for a bit. Dancer laid next to Tuesday and I laid down next to Dancer. We kind of spooned to keep warm. At least that part was nice.

It seems like we laid there quite a while. We decided we should probably go home. Tuesday had driven her mom’s car. We had all driven ourselves. Dancer offered Tuesday a ride, but she said her mom would kill her if she left the car at the tournament. Both of those girls should buy their own cars because their moms get freaky about anyone using their cars.

Kari said she’d be fine if she could just lie down for a few minutes. She said she needed to sleep for a few minutes and then she’d be able to drive home. She told us she’d be fine and that we should leave, so we did. It was probably about 2:30 in the morning when we left. Kari was kind of lying on her side using her sweater as a pillow. She didn’t look very good, but she told us to go. She kept saying she’d be fine and she wouldn’t drive until she’d taken a nap and felt better. I read somewhere that it’s actually okay for a concussion victim to sleep after an injury, so Dancer and I left.

As we walked by the pool, I saw that the gate was swinging open. The gate only opens and locks from the inside. I told Dancer, that she’d been through too much to try and get herself through the window. I told her I’d take care of it. After she left, I realized I couldn’t get out of the building if I locked myself inside the pool area. I saw McCreep’s electrical cord lying by the door of the aquatic center where we dropped it when we started swimming. I used it to tie the gate closed from the outside. I used to be a boy scout, so a quick square knot is no big deal and it kept the door from swinging open. Then I drove home.

**Lars Swift**

Lars Swift is a teacher and the head croquet coach of the Some Place HS Tartan Kilts. The Kilts had hosted the annual Labor Day Seniors Croquet Tournament. Although his team had been favored to win, he was as always, a good sport about the loss and heartily congratulated the Enchanted Veils team.

**Lars Swift states:**

I had the honor of hosting this year’s Labor Day High School Seniors Only Exhibition Croquet Tournament. It’s put on each year as a benefit. Croquet gets a lot from the Someplace Community, so it’s nice to give back. It was especially nice this year as the benefit was for the husband of my friend and fellow coach. Jude Kite. Her husband has been battling cancer for over a year. The medical bills have pretty much wiped out the family. Jude is the coach of the Mt. Someplace Cat Tails. She’s a good coach who works hard. Croquet brings in big gate receipts. It’s nice that those receipts will be going to help her husband in his fight against cancer rather than some school district’s coffers.

I hired Candide Dépourvu on a temporary basis to keep things cleaned up during the tournament and clean everything up and collect all the wickets following the games. Dépourvu seems like a nice enough guy to me. He’s pretty much homeless. He lives in a van that’s usually parked outside the Mallwart Store across from the park. I can usually see his van from my classroom window. Mallwart is pretty good about the whole thing. They have a policy which allows people to camp in their parking lot. I doubt they ever thought “camping” could be so permanent; but like I said, they’re pretty good about it. It’s well known that he’s always stealing someone’s power with that long orange extension cord of his. If he doesn’t have it plugged into Mallwart, he has it plugged into McRonald’s, or outlets in the park. I’ve even seen him pull up to games at other schools, and while he’s watching the game, he’s got his extension cord plugged into some home owner’s patio outlet. But that’s always seemed pretty harmless.

Every once in a while, when a practice session goes late, I let him take a shower in the school gym after everyone else has left. When I’ve done so, you can tell he washed his clothes with him in the shower and then wore them wet back to his van.

Monday, after the tournament, I didn’t leave until about 2:00 in the morning. As I was leaving, I thought I saw kids playing around in the aquatic park. I thought to myself, man I must be getting rummy. There’s no way, kids could get into that fenced off area. It scared me to think I was so tired that I could “see people that couldn’t possibly be there.” Fortunately, I live close to the school. I grabbed a quick nap before I had to be back to school by 6:30 a.m. so I could meet Jude Kite and give her the money we collected for her husband’s benefit.

On the way to the school, Tuesday morning, I drove by the green and yellow water tower. The sun was starting to come up, but it was still a bit dark,. I saw Candide Dépourvu walking from the water tower with something shoved up under an old coat. He was headed towards his van, which was parked in its regular spot. I was running a bit late, so I didn’t stop and ask him if he needed help.

**Jude Kite**

Jude Kite is a 33-year-old social studies teacher and head croquet coach oat Mt. Someplace. She has been working at Mt. Someplace since completing her student teaching ten years ago. This has been an especially hard year for her, since in addition to her teaching and coaching, she has had to nurse her husband.

**Jude Kite states:**

On Tuesday, September 3rd, I arrived quite early at Someplace Park HS. I was supposed to meet Lars Swift to collect the money that had been raised for my husband. I couldn’t remember what time Lars said to meet, and with all he’d been through with the tournament and benefit for my husband, I didn’t want to bother him. I thought I’d just get there about 5:00 and sit in my car until I saw him drive up and then I could make it look like I’d just arrived.

On my way to Someplace Park, at about a quarter to five, I drove west on Walleye Blvd past the John Clark Aquatic Park. I saw two students from Enchanted Veils, Steal and Dancer. They played extremely well in the final match against the Kilts and I wanted to congratulate them. I waved, but they didn’t waive back. I’ve known them for about three years, so I was surprised they didn’t acknowledge me. It was still fairly dark, but I had my headlights on. My lights pretty much lit up that old jalopy Steal drives. Everyone knows that car. It’s a 1970s vintage light blue Ford LTD which has been banged up in several accidents and looks more like a boat than a car. Steal was holding the passenger door open for Dancer as she got into the car. Steal is a gentleman and dotes on Dancer.

It’s kind of funny. I’ve got a kid on my team they call “Rob” for the same reason they call Silfrsponn “Steal.” They’re both extremely good at roqueting their opponent’s ball.

After passing by Steal and Dancer, I drove down Bolt so I could swing around and park in the parking lot. As I drove past the water tower, I saw that homeless man Swift hired to keep things cleaned up. He was down on his knees by the tower looking at something. It wasn’t light enough for me to see what he was so interested in. However, it occurred to me that he’d certainly worked hard this weekend and couldn’t help wondering if he was still working.

I pulled into the school parking lot almost exactly at 5:00 a.m. I let my car run and listened to the radio until Lars showed up at 6:30. He gave me the money. I thanked him and drove out to Mt. Someplace without incident.

I didn’t hear about Kari’s murder until late in the afternoon when I received a general email from District Manager Dean Selby, advising all coaches of the tragic occurrence, and letting us know the district would provide counselors if necessary to any student or coach who might be having problems dealing with the situation. My first thoughts went to my student, Claire “Rob” Stetson. He and Tuesday have been quite an item for about six months and I know they were looking to get croquet scholarships to Notre Dame with the hopes of being able to play on the same team. They’re both excellent students and extremely talented croquet players. When I saw the Notre Dame scouts this weekend, I thought, well good for them. They deserve this.”

**Clarence Diamond**

Clarence Diamond is a seventeen-year-old senior student and croquet player at Someplace Park HS.

**Clarence Diamond states:**

This is my last year to make it as big as my mother did. My mom, Lucille, was a famous player for this school. Some of the kids know she’s my mom. She’s one of the best croquet players Someplace history. I have a lot to live up to, but it would be harder if people knew my is the famous Lucille Skyes.

Following the final match, I went over to McRonald’s, across from the park, to get dinner and nurse my wounds. The final match was close and a good game. We did everything right, still it’s hard to be favored to win and then get upset, even when you get upset by a team led by the likes of Tuesday. She’s a heck of a player. Her team isn’t bad, but it really comes down to her. She could have been a pro.

The whole Enchanting Veils team came in to celebrate. I walked over and said congratulations and then went to the far corner. I could watch, but also enjoy my dinner in peace. I couldn’t help thinking about what a weird love triangle/social politics game plays out on that team. Tuesday, Dancer, and Steal started out as just close friends when we were playing freshman croquet, but it’s different now. Anyone who is paying any attention, knows that regardless of he appearances they put out, or even wat they might want to believe, that “just friends” ship sailed a while ago and the ship of foolish love they’ve got going over there is plain weird. I’ve always said, “Don’t date within the croquet community, and especially don’t try to find romance with someone on your own team. It’s a recipe for disaster.

Tuesday seemed to be oblivious to it all. For a four point Someplace Scholarship nominee and recipient of countless college scholarships, she wasn’t very smart when it came to seeing what was going on around her with her “closest friends.” She was in a serious relationship with Rob from Mt. Someplace. They had a good thing going. They were both extremely smart and were amazing croquet players, so I had hopes things would work out for them.

Dancer is obviously in love with Rob, the boyfriend of her supposed best friend. Although you’d never believe they were best friends. Ever since it became clear Rob was only interested in Tuesday, Dancer’s been talking smak behind her back. Most people think we all call Brenda Wilds “Dancer” because in addition to croquet, she’s also a competitive dancer, but that’s not the reason. We call her Dancer, because she dances from one guy to the next. She’s always dated anyhone whe wanted and couldn’t comprehend that a guy wouldn’t grovel at her feet. The fact that Rob turned her down fried her backside. It blew her little narcissistic mind that she could have Steal, but she could not have Rob. Jealousy isn’t even close to the word. She secretly hates her “best friend.”

Steal is just lost. He’s been hopelessly in love with Dancer since the moment they met and everyone knows it, but Dancer just uses him and leads him on with these slight teases while claiming they’re in the friend zone. He’s her lackey.

That love triangle is plain weird, but on the other hand, it provides comical relief for those of us who get to watch it play out.

I ended up leaving just after the three lovers. I followed them out, but had to go back to get my croquet mallet. When I came back outside, I saw Steal ripping off McCreep’s electrical cord. Yeah, he’s a creepy guy and yes, he steals power from anyone he can, but he’s also essentially homeless. I think stealing something so important to someone as down on his luck as McCreep is pretty low. I was disgusted. I went over to the park and walked around until I found McCreep over by the dumpsters on the far southside of the park. I told him what happened. He looked to be both deflated and enraged. He thanked me for telling him, and said he’d “take care of them.”

I found my car and drove home. I didn’t hear about what happened to Tuesday until Coach Swift called us into his office after school on, ironically, Tuesday and told us that she had died. We weren’t given any details about her death, but we were asked to reach out to police if we saw, heard, or thought we might know anything that could be of help. That’s why I came forward to talk about this.

**Darryl Shopsguard**

Darryl Shopsguard is a forty-seven-year-old co-owner of Darryl and Joel’s Fairness First Pawnshop and is an avid fan of Greater Someplace high school croquet.

**Darryl Shopsguard states:**

About 3:00 in the afternoon of Tuesday, September 3, 2024, a rather unkempt and dirty looking man, who identified himself as Candide Dépourvu, came into my shop and wanted to pawn what he called a big silver hammer. I knew instantly that it was the Max. I bought tickets for every match of the Labor Day Tournament and I watched the awards ceremony when the Max was awarded to Coach Hepperson and the Enchanting Veils. I probably shouldn’t say this, but I got some pretty good odds at the local casino because I bet on the Veils, whereas the Kilts were favored heavily to win it all. I knew that Kari “Tuesday” Hollister would bring it home, and I was right. At that time, I hadn’t heard anything about Tuesday’s murder, but I knew stolen goods when I saw them. I told the seller I would have to take the item back to be examined and evaluated by my partner. I went into our office and called the police and told them what I had. They asked me to stall, which I did.

The cops showed up in no time. A big beefy looking sergeant, named Ralf Fresno, approached my customer and said, “What’s going on here buddy.” The customer tried to brush off the police officer. I pulled out the Max and said, “Officer, he was trying to pawn this, Someplace’s own Silver Max.”

Sergeant Fresno looked him in the eyes, and said, “Well how did you win this buddy? I remember seeing you at the tournament, but don’t remember seeing you competing. I thought I saw you cleaning up. Are they giving these to the clean up crew now?”

Dépourvu, screamed, “I found it, so it’s mine.”

Sergeant Fresno, replied, “Well I don’t know about that. Let me look at it. By the way, it looks like you’ve got quite a bit of blood on your shirt buddy. Did you injure yourself?”

Dépourvu told the officer, “When I found it, it had a lot of blood on it. I wiped it off on my shirt because I didn’t think it would be worth as much if it had blood on it. Those kids are always stealing my extension cord and they throw crap through the window of my van. I don’t have very much, but what I have is important to me. Those spoiled little jerks owe me.”

Sergeant Fresno told him, “I’m going to place you under arrest.” I watched the officer read Dépourvu his Miranda rights, as he was being placed in handcuffs. The officer put him in the backseat of a patrol car and I gave the sergeant the Max.

I was shocked that Dépourvu was charged with murder. I just thought he was a thief. I was devastated when I learned that it was Tuesday that was killed. What a tragedy. What a complete waste. I just don’t get it.

**Applicable Washington State Pattern Jury Instructions**

**Note:** Students may use their own research into Washington State Law in addition to these instructions.

**WPIC 26.01 Murder—First Degree—Definition**

A person commits the crime of murder in the first degree when, with a premeditated intent to cause the death of another person, he or she causes the death of such person or of a third person [unless the killing is *[excusable][or][justifiable]*].

**WPIC 26.01.01 Premeditated—Definition**

Premeditated means thought over beforehand. When a person, after any deliberation, forms an intent to take human life, the killing may follow immediately after the formation of the settled purpose and it will still be premeditated. Premeditation must involve more than a moment in point of time. The law requires some time, however long or short, in which a design to kill is deliberately formed.

**WPIC 26.02 Murder—First Degree—Premeditated—Elements**

To convict the defendant of the crime of murder in the first degree, each of the following elements of the crime must be proved beyond a reasonable doubt:

(1) That on or about \_\_\_\_\_\_\_\_\_\_, the defendant acted with intent to cause the death of \_\_\_\_\_\_\_\_\_\_;

(2) That the intent to cause the death was premeditated;

(3) That \_\_\_\_\_\_\_\_\_\_ died as a result of the defendant's acts; and

(4) That any of these acts occurred in the State of Washington.

If you find from the evidence that each of these elements has been proved beyond a reasonable doubt, then it will be your duty to return a verdict of guilty.

On the other hand, if, after weighing all of the evidence, you have a reasonable doubt as to any one of these elements, then it will be your duty to return a verdict of not guilty.

**WPIC 27.01 Murder—Second Degree—Intentional—Definition**

A person commits the crime of murder in the second degree when with intent to cause the death of another person but without premeditation, he or she causes the death of such person or of a third person [unless the killing is *[excusable][or][justifiable]*].

**WPIC 27.02 Murder—Second Degree—Intentional—Elements**

To convict the defendant of the crime of murder in the second degree, each of the following elements of the crime must be proved beyond a reasonable doubt:

(1) That on or about \_\_\_\_\_\_\_\_\_\_, the defendant acted with intent to cause the death of \_\_\_\_\_\_\_\_\_\_;

(2) That \_\_\_\_\_\_\_\_\_\_ died as a result of defendant's acts; and

(3) That any of these acts occurred in the State of Washington.

If you find from the evidence that each of these elements has been proved beyond a reasonable doubt, then it will be your duty to return a verdict of guilty.

On the other hand, if, after weighing all of the evidence, you have a reasonable doubt as to any one of these elements, then it will be your duty to return a verdict of not g

**WPIC 28.01 Manslaughter—First Degree—Reckless—Definition**

A person commits the crime of manslaughter in the first degree when he or she recklessly causes the death of another person [unless the killing is *[excusable][or][justifiable]*]

**WPIC 28.02 Manslaughter—First Degree—Reckless—Elements**

To convict the defendant of the crime of manslaughter in the first degree, each of the following elements of the crime must be proved beyond a reasonable doubt:

(1) That on or about \_\_\_\_\_\_\_\_\_\_, the defendant engaged in reckless conduct;

(2) That \_\_\_\_\_\_\_\_\_\_ died as a result of defendant's reckless acts; and

(3) That any of these acts occurred in the State of Washington.

If you find from the evidence that each of these elements has been proved beyond a reasonable doubt, then it will be your duty to return a verdict of guilty.

On the other hand, if, after weighing all of the evidence, you have a reasonable doubt as to any one of these elements, then it will be your duty to return a verdict of not guilty.

**WPIC 4.01 Burden of Proof—Presumption of Innocence—Reasonable Doubt**

*The* defendant has entered a plea of not guilty. That plea puts in issue every element of the crime charged. The *State* is the plaintiff and has the burden of proving each element of *the*  crime beyond a reasonable doubt. The defendant has no burden of proving that a reasonable doubt exists *[as to these elements]*.

A defendant is presumed innocent. This presumption continues throughout the entire trial unless during your deliberations you find it has been overcome by the evidence beyond a reasonable doubt.

A reasonable doubt is one for which a reason exists and may arise from the evidence or lack of evidence. It is such a doubt as would exist in the mind of a reasonable person after fully, fairly, and carefully considering all of the evidence or lack of evidence. *[If, from such consideration, you have an abiding belief in the truth of the charge, you are satisfied beyond a reasonable doubt.]*

**WPIC 5.01 Direct and Circumstantial Evidence**

The evidence that has been presented to you may be either direct or circumstantial. The term “direct evidence” refers to evidence that is given by a witness who has directly perceived something at issue in this case. The term “circumstantial evidence” refers to evidence from which, based on your common sense and experience, you may reasonably infer something that is at issue in this case.

The law does not distinguish between direct and circumstantial evidence in terms of their weight or value in finding the facts in this case. One is not necessarily more or less valuable than the other.

**WPIC 25.02 Homicide—Proximate Cause—Definition**

To constitute *[murder][manslaughter][homicide by abuse][or][controlled substance homicide]*, there must be a causal connection between the criminal conduct of a defendant and the death of a human being such that the defendant's *[act][or][omission]* was a proximate cause of the resulting death.

The term “proximate cause” means a cause which, in a direct sequence, unbroken by any new independent cause, produces the death, and without which the death would not have happened.

*[There may be more than one proximate cause of a death]*.

**WPIC 4.11 Lesser Included Crime or Lesser Degree**

The defendant is charged *[in count ]* with \_\_\_\_\_\_\_\_\_\_. If, after full and careful deliberation on this charge, you are not satisfied beyond a reasonable doubt that the defendant is guilty, then you will consider whether the defendant is guilty of the lesser crime[s] of \_\_\_\_\_\_\_\_\_\_.

When a crime has been proved against a person, and there exists a reasonable doubt as to which of two or more *[degrees] [crimes]* that person is guilty, he or she shall be convicted only of the lowest *[degree] [cri*