

John Clark Legal Argument 2026

John Clark Legal Argument is lovingly held in honor of the late John Clark. The Foley Committee greatly appreciates the \$1,000 scholarship which John's son, Steven Clark, annually provides to the winner of this event.

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.

John Clark Legal Argument Fact Pattern

This is a work of fiction. Names, characters, businesses, places, events, and incidents are either the products of the author’s imagination or used in a fictitious manner. Any resemblance to actual persons, living or dead, places, or actual events is purely coincidental.

State vs Starfire

This is an action for first degree murder arising out of the death of Dylan Starfire, which occurred on the evening of December 23rd, 2024, at the Chroqatomi Plaza in Someplace, Washington.

Dylan Starfire died as a result of a bullet wound incurred while his band, the Blazing Wickets, was performing at the annual John Clark Memorial Christmas Fundraiser. The fundraiser is an annual event and the main source of funding for the Someplace County Bar Association Pro Bono Panel.

The defendant, Noelle C. Starfire, is the spouse of Dylan Starfire. The State of Washington has charged Noelle C. Starfire with Aggravated First-Degree Murder. It is alleged that she hired one Veronica Gruberro-Hansian to kill her husband, Dylan Starfire. Ms. Gruberro-Hansian died on the night of the Starfire's death due to her falling from the 33rd floor of the Chroqatomi Plaza.

On the advice of counsel, Noelle Starfire has refused to either testify or give a statement to police.

Witness Statements Follow

Cullan Dragons

Cullan Dragons is a 36-year-old unmarried roadie for the Blazing Wickets Hard Rock Band.

Cullan Dragons States:

I've been with Dylan Starfire since he started the band back in 2016. In the early days, things were easier. We mostly played clubs and bars, local gigs around Someplace - pretty much just on weekends. Everything changed when we made it big. After "Love Mallet" hit number one on the US charts, we were suddenly the hottest ticket in the country. Then, after "Cry Hard", we were selling out every city we toured. The band became instant rock gods. I think a lot of it went to Dylan's head. He did not take fame well. He started partying with a lot of the groupies. He even moved in with Jenney Kingley for a while. About a year ago, he started up with Selena Gruberro-Hansian. They had a lurid affair for quite a while.

Dylan was supposedly back with his wife before he died, but I'm pretty sure that was a money thing. Last summer, Sweetest Love opened for us. Contessa Haines, the lead singer for Sweetest Love, is quite a looker, and believe me Dylan was looking. Word on the street was that he was dumping Selena. From what I saw of Dylan and Contessa, I believe the rumors. Most people did.

I never understood why Noelle put up with him. I mean, I guess she had 500 million or more reasons, but still, if she'd have divorced him, she'd have had half of that anyway.

I never heard the shot. I was just off stage. Dylan was about half way through "Wicket Love" when all of a sudden, the music just stopped. I ran on stage. Dylan was bleeding out of his mouth; I checked his pulse. He had no pulse. He was obviously dead. There was nothing I could do. I remember looking at Noelle. She was sitting in the front row. I think she was in shock. She was just staring at the stage. She wasn't crying or anything. She wasn't showing any emotion at all. Man, I felt sorry for her.

Jenney Kingsley

Jenney Kingsley is a 22-year-old self-described rock groupie. She has no known address. She has been following the Blazing Wickets for about two years.

Jenney Kingsley States:

I love being a groupie. When I was in high school, I watched an old movie about two friends who had been groupies. They called themselves sisters, but they were just friends. I watched that show and I knew just what I wanted to do with my life; I wanted to follow a band and fall in love with the lead singer. I've always had high aspirations.

I was living in LA when the Wickets played the Hollywood Bowl. One of my besties got me back stage passes. When I met Dylan Starfire, it was love at first sight. We became inseparable. He invited me stay on the bus and tour with the band.

Dylan's old lady was a witch. I hated her. Even though she lived by herself in Someplace, she acted like she owned him. I mean who does she think she is? Since Dylan told me how mean she was to him and that they were going to get a divorce, I told him he should stay with me at my pad in LA when they weren't touring. It's not actually my apartment. It's my bestie's place, but she lets me crash there and she likes rock stars too. So, I knew she wouldn't care.

The 22nd of December was our anniversary. I hitchhiked up to Washington to catch the band when they were playing Someplace. I wanted to surprise my Dylan baby. It didn't go like I thought. He was shackled up with his old lady Super Witch again.

I was furious. I stormed up to their mansion on the Southside of town and gave them both an ear full. I couldn't believe he was cheating on me.

Maverick "Mav" Sykes was there. He's the lead guitarist. He's always had a thing for me. Most men do. Anyway, he walked out with me. He was really comforting. He took me to dinner. I gotta say, I had been with the wrong bandmate.

I was at the concert the night Dylan was killed. Mav had given me back stage passes. I was sitting on a couch listening to the music. They were playing one of my favorite songs, "Wicket Love." They were almost to the point where Mav starts shredding. He plays guitar like a reincarnation of Eddie Van Halen, only he's a lot cuter. The music just stopped. I got up and looked through a curtain. Dylan was lying on the stage. I could see blood trickling out his mouth and the back of his head. I ran to Mav to comfort him. He was crying. I hugged him and didn't let go.

Man, people in the crowd were freaking. Everyone was trying to rush the stage. A few roadies made a line at the stage and kept people from getting to Dylan.

I saw RT run to Dylan's witch of a wife. RT is the band's drummer. His real name is Dakota Conrad, but everyone calls him RT because he has RT embroidered on the stocking cap he always wears when he's on stage. In any event, RT helped old Witch Face to the stage. When she got up on stage, she looked down at her husband. She actually stepped over his dead body. I heard her say "serves him right." Then she walked over to RT and they left together. She was gone even before the cops arrived. She didn't even have the decency to wait around for a paramedic to pronounce him dead. Of course, we all knew he was dead... but still. She could have shown a little decency.

I did notice she left with RT. He's such a nice guy. If I wasn't in love with Mav, I'd probably go after RT.

One thing I remember that was really weird. While I was hugging Mav, I glanced up into the mezzanine and saw this chick in dark clothing. She seemed odd because she wasn't dressed like a rocker. She was in a black suit. Not a cool black leather suit, but a suit like some weird politician chick would wear. She looked like she was going to a funeral. She wasn't freaked out like everyone else in the audience. She didn't show any more emotion than Witch Face. I remember her kneeling and then she just stood up. I saw her put something in her jacket pocket. She looked around and then walked out of the door that leads out to the building's upper floor. She wasn't even dazed. She wasn't bothered at all. Weird. Really weird.

Dakota Conrad

Dakota Conrad, aka “RT,” is a 43-year-old drummer for the hard rock group, the Blazing Wickets. He’s been a drummer in a rock and roll band since he joined the QE2s when he was only 19. However, he didn’t join the Wickets until November of 2022. After the QE2s disbanded.

Dakota Conrad States:

I joined the Wickets just after Thanksgiving in ’22. My old band had just died. We all went our separate ways. I never liked Dylan Starfire. I didn’t like him by reputation and I hated him after I joined the band, but he had that golden voice, you know. Don’t mess with success. We raked in money at every concert and on every record. It was supposed to be about rock and roll, but we were really about bank roll. The money just kept coming in, so who was I to complain or walk away from all that green.

I first met Noelle at the team Christmas party in ’22. She was standing under the mistletoe, so I gave her a peck on the cheek. I was just trying to be friendly. I felt bad for her. It was obvious to everyone that Dylan and Selena were having an affair. Not only did they not hide it, they flaunted it.

After the new year, I started working with Noelle on writing “Striker at the Baulk Line.” Noelle actually wrote most of the band’s music, but she never got any credit for it. Dylan always took credit for writing all of our songs and the copyrights were always in his name, even though he couldn’t have written his own name without his wife’s help. She said it galled her to give him credit, but then again there was the money. She had 500 million reasons not to complain. That’s probably why she put up with all of his philandering. Money talks man.

I remember Noelle telling me how much she hated the “ahh hawhhh” part Dylan inserted into her lyrics. He would do that just before Mav started his guitar solo. I don’t think he could handle anyone else in the band getting any attention. I don’t know why the fans liked it so much. To me, when he hit that note, he looked like a hippopotamus with its mouth wide open in some goofy yawn. He’d hold it like that for a full minute. It’s ironic he got shot in the mouth while doing his so called “iconic” ahh hawhhh. Noelle and I used to joke about how stupid he looked doing it. Now, I feel kind of bad for making all those jokes.

The night Dylan was shot, he had just stepped to center stage and started his ahh hawhhh. He was facing straight at the audience, with his head tilted slightly up like he was singing to the balcony. That was his classic stance, every night, when he went into the ahh hawhhh part. I was behind him on my drums. I never heard the shot. His head jerked back and he fell backwards to the stage. We all stopped playing. There was nothing we could do. There was a little blood trickling out his mouth and a hole in the lower part of the back of his head with a lot of blood. He was DOA, man. DOA!

I was lucky. If the bullet had been fired straight on, it would have hit me or my drums. Coming from that downward angle, the bullet hit the stage safely in front of me.

Before Starfire's death, Noelle and I were just very good friends. Unrequited love so to speak. Although we did hook up after Dylan's murder, I had made it clear to her, before his death, that I would not be any part of breaking up a marriage. The idea of her getting a divorce and then our becoming an item didn't work for me. That would have broken up the band and I had already been through a band break up before.

The night Dylan was murdered, I escorted Noelle home. I couldn't just leave her there by herself. She must have been devastated. I stopped by several times in the following weeks to comfort her; eventually, our love grew and we moved in together about a year after Dylan died.

Jack M. Schofield

Jack M. Schofield is a 62-year-old retired New York City cop. After his retirement in 2020, he went into private practice as a bounty hunter.

Jack M. Schofield States:

I've been following the notorious Veronica Gruberro-Hansian for five years. She's got a one-million-dollar dead or alive bounty on her head. I was determined to get the money.

Gruberro-Hansian was an enforcer for the Navarro gang. Essentially, an "enforcer" is a euphemism for a "hitman or hitwoman." She is one of the most prolific hired killers in US history. People don't expect a mob enforcer to be a woman. It's kind of a reverse misogyny. People don't think a woman will kill. They especially don't expect a woman to be a hired gun. The other most famous woman enforcer was the

legendary Joanie Wickinsky. She was assassinated in July of 2023 while dining at a restaurant in Chicago. The only evidence left at the scene was the bullet.

Wickinsky was killed with one shot. Almost all of the murders which have been attributed to Gruberro-Hansian have also been accomplished with only one shot. After Wickinsky's murder, other high-profile hits, all with one shot, began showing up around the country. The ballistics matched with exactly the same bullet striations that had been previously linked to Wickinsky. All of these subsequent hits have been attributed to Gruberro-Hansian.

Bullet striations are unique microscopic scratch patterns (tool marks) left on a fired bullet by the gun's barrel, created by the barrel's spiral grooves (rifling) as the bullet spins through it, acting like a unique fingerprint to link a bullet to a specific firearm in forensic investigations. All of the murders attributed to Wickinsky were ballistically found to have come from a Heckler & Koch P30L fitted with a custom compensator. Since the murders after her death have been attributed to the same firearm, and due to strong evidence that Wickinsky did commit the original murders, it has long been believed that Gruberro-Hansian murdered Wickinsky and took Wickinsky's gun as a personal trophy.

At the time of her death, Wickinsky was believed to be working for the notorious Finlerro gang. Randy Finlerro is the reported head of the Finlerro syndicate in Chicago. The FBI believes Randy Finlerro was cutting into Stan Navarro's "family business." Navarro is reputed to be the head of the Navarro crime family.

Veronica Gruberro-Hansian and her twin sister, Selena are Stan Navarro's goddaughters. He raised them as his own daughters after their parents died in what is thought to be a so called "honor killing" by a rival Someplace mob family to "even a score."

Veronica Gruberro-Hansian was believed to be the Navarro family enforcer. Selena is believed to be the family's financial manager. It is reputed that she is in charge of receiving money from clients and laundering the money so godfather can't be touched by the law.

Selena had been having an open affair with Dylan Starfire for quite some time. In early December of '24, I started hearing rumors that Starfire's wandering eyes had started looking at Contessa Haines. Haines is the lead singer for the soft rock band, Sweetest Love. I also received wind that Veronica was on her way home to Someplace for the holidays. I figured it was my time to visit the northwest.

I flew into Someplace and bought a ticket for the John Clark Memorial Christmas Fundraiser at the Chroqatomi Plaza. The fundraiser was on the 23rd of December, 2024. I arrived early for the concert. I couldn't take a weapon through security, but I figured I could get in some good reconnaissance at the concert. I purposely bought a ticket in the mezzanine so I could watch the audience.

I saw Dylan Starfire jerk backward and fall to the floor. I looked up and saw Veronica stand up. I recognized her immediately. She was dressed in her signature dark black suit. She arose from a crouched position, standing up. I watched her put something in her pocket, which I believed to be a gun. She quietly walked out the door leading from the mezzanine to what will eventually be offices on the 33rd floor. That floor is not yet finished – except for the concert hall mezzanine.

The Chroqatomi Concert Hall is immense. The stage is on the 30th floor and the top of the mezzanine is on the 33rd floor. That means that Starfire was killed with one shot from three stories up and quite a distance back.

I followed Veronica out into the 33rd floor to the elevator. Probably foolishly, I tried to tackle her from behind. We started fighting. She's tough. Her reputation as an expert in karate is well earned. I managed to get ahold of her from behind and had a wrestling hold on her by the neck. She managed to shoot straight down and got me in the right foot. That really hurt. I let go and she ran for the elevator. I cut her off. She broke through a glass window by firing several times directly into the window and got out onto the balcony that runs around the circumference of the 33rd floor of the building. Even though it seemed almost impossible to hold weight on my right foot, I managed to catch up to her by the yet unfinished balcony railing. She tried to fire at me, but the gun clicked. She was out of ammunition.

I lunged at her and knocked her off balance. We struggled. I managed to grab her gun. We both started to fall toward the unfinished balcony; I managed to grab a part of the railing and pull myself back up onto the balcony decking. Veronica went over. As she fell, she screamed, "tell her she'd better pay Stan the other 25."

Khloe Travis

Khloe Travis is a 37-year-old police detective for the Someplace Police Department.

Khloe Travis States:

On the evening of December 23rd, 2024, at 11:32 PM, I received a radio dispatch to report to the Chroqatomi Plaza in Someplace, Washington. When I arrived patrol officers had already cordoned off two crime scenes. Two victims had been transported by the county coroner's office to the Someplace County morgue and outlines of both bodies had been outlined in white chalk.

I interviewed witnesses, including a male by the name of Jack M. Schofield. His statement to me was consistent with his subsequent statements. He handed me a gun, which he claimed to have taken from the female victim prior to her fall. The gun was identified as a Heckler & Koch P30L fitted with a custom compensator and a silencer. Forensics examination on the gun showed fingerprints matching Schofield and ballistics confirmed it was the gun used to kill Dylan Starfire. No fingerprints matched the female victim.

One single .40 S&W caliber bullet was located at the crime scene in the floor of the Chroqatomi Plaza stage. As indicated, ballistics confirmed that the bullet was fired from the gun turned over to me by the witness, Jack M. Schofield.

The victims were identified as Veronica Gruberro-Hansian and Dylan Starfire.

Dr. Colton Savereo

Dr. Colton Savereo is the Someplace County Coroner. He holds a medical doctorate with a specialty in a forensic pathology. He worked for the Someplace County Coroner's office for ten years as chief medical examiner before being appointed county coroner. He has been elected to the position three times since his initial appointment.

Dr. Colton Savereo States

I examined the bodies of Veronica Gruberro-Hansian and Dylan Starfire.

Veronica Gruberro-Hansian's injuries were consistent with her reported fall from the 33rd floor of the Chroqatomi Plaza. I ruled her death as accidental.

Dylan Starfire died as a result of a single bullet wound. The bullet entered the mouth of the victim at a downward angle, cutting the victim's carotid and vertebral arteries. The bullet passed through the brainstem and exited the lower back of his skull. Death would have been instantaneous.

Donovan Barkowski

Donovan Barkowski is bank manager at the Someplace Bank in Someplace, Washington

Donovan Barkowski States:

On the afternoon of Tuesday, December 17th of 2024, at 12:30 PM, I met with bank customer, Noelle Starfire and a woman who was introduced to me as Noelle's friend and fellow philanthropist, Selena Gruberro-Hansian. Ms. Starfire withdrew \$255,000 from her joint bank account. She told me she was planning on making several Christmas cash donations to various charitable organizations in Someplace. I advised her to use cashier checks. However, she insisted on cash and insisted on receiving it in \$100 bills. She said that in our electronic world, it made her happy to give people real money. Her friend wholeheartedly agreed. I did as Ms. Starfire requested. I secured a case for her to carry the money. Ms. Starfire and her friend left the bank at approximately 1:15 PM.

Keven Kelowin

Keven Kelowin is a 36-year-old security expert, employed at the Chroqatomi Plaza in Someplace, Washington.

Keven Kelowin States:

I was asked by the Someplace, Police Department to review all security camera footage for December 23rd, 2024 and for a full week prior to the 23rd.

Security video footage recorded images of two women in and about the building at 11:30 PM on December 21st of 2024. The building should have been empty, except for my security officer Darlene Straw who would have been walking the building with a flashlight and/or sitting at the security desk monitoring cameras. When asked, Ms. Straw denied seeing any evidence of any persons in or about the building on that date. One of the women, who was subsequently determined to be Selena Gruberro-Hansian, used a key to open and enter the building through the back stage door along with another woman identified as Veronica Gruberro-Hansian. Both women were recorded on camera exiting the elevator and proceeding to the 30th floor concert hall. Camera footage showed Veronica Gruberro-Hansian taking measurements and walking about the concert hall. She is also seen in the mezzanine which is accessible through the concert hall elevator and the concert hall stairs.

No cameras are yet operational above the 30th floor.

The same two women were recorded in the early afternoon of December 24th. Selena Gruberro-Hansian was recorded using a key to again open the back stage door at 3:47 PM. Ms. Veronica Gruberro-Hansian entered the building. Selena Gruberro-Hansian then locked the door and departed any areas which could be viewed on camera.

I conducted a thorough investigation of all security officers. I was unable to determine how Selena Gruberro-Hansian obtained a key to the premises.

Sister Sophia Maria

Sister Sophia Maria is a 58-year-old nun who resides at the Sisters of Holiness Convent in Someplace, Washington.

Sister Sophia Maria States:

I will never forget December 17, 2024. That was the day I met those two wonderfully generous ladies. I first saw them as they were coming out of the Someplace bank. They were walking together and laughing. One of the ladies was carrying a case. They were walking South toward the university.

The Aloygon University German Club was holding its annual Christkindlesmarkt. In addition to being a fun activity for students, faculty members, and the public, the club donates all profits to Someplace Catholic Charities.

I was sitting in my booth selling English fruit cake. I used the recipe my mumsy taught me when I was a child. I know it's not German, but it's delicious. The two ladies came up to my booth. The lady with the case told me her name was Noelle. What a pretty name and so perfect for shopping the Christkindlesmarkt! Noelle told me how much she loved fruit cake. Well, was she in luck!

We nuns decided to bake our favorite pastries and simply ask people for donations. Noelle asked me if she could try my fruitcake. She said it was delicious. She pulled a stack of money out of her case and handed me ten \$100 bills. She said that would cover her piece, but she wanted to buy another piece for her friend, Selena. Noelle then handed me another thousand dollars for Selena's piece! Can you imagine such generosity?

Sister Kathleen Mueller was in the booth right next to me. She had made lebkuchen from a recipe her grandmother had brought with her when she immigrated from Bavaria. Those nice ladies gave Sister Kathleen \$3,000 for all of

her lebkuchen and then didn't even eat any of it. They told Sister Kathleen to give it to the children. Well, you'd better believe we told everyone we knew just how generous those two ladies were. They were the talk of the whole Christkindlesmarkt. I'm so glad they gave me their names or I'd have never been able to write up this story in the University newspaper.

After leaving our booths, Selena and Noelle walked across the grass to the parking lot. I was waiving, but they must not have seen me. Noelle handed the case to Selena as Selena was getting into the back of a black limousine with dark tinted windows. I guess rich people deserve a driver. Noelle got on the prettiest motorcycle I've ever seen. It was red and its front wheel stretched kind of far out in front of the bike. It was probably hard to ride. I really don't think she should be riding something like that in December, especially without a helmet. She could get hurt; and wouldn't that be just terrible!

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.

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 110.02 Criminal Conspiracy—Elements

To convict the defendant of the crime of conspiracy to commit (fill in underlying crime), each of the following elements of the crime of conspiracy must be proved beyond a reasonable doubt:

- (1) That on or about (date), the defendant agreed with one or more persons to engage in or cause the performance of conduct constituting the crime of murder;
- (2) That the defendant made the agreement with the intent that such conduct be performed;
- (3) That any one of the persons involved in the agreement took a substantial step in pursuance of the agreement; 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 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 26.04 Murder—First Degree—Felony—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 (date), the defendant committed or attempted to engage in securing an accomplice to commit murder;
- (2) That the defendant or an accomplice caused the death of (name of decedent) [in the course of or in furtherance of such crime;
- (3) That (name of decedent) was not a participant in the crime; 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 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.

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].