

MOCK TRIAL
STATE V. FREEMAN
VOCABULARY TERMS

GEORGIANA BATTISONNICOL

ELENA CORDONEAN

JAMES PONCE

AILEEN RAMOS

SPRING '17 LAW 16

STIPULATED/STIPULATIONS: FACTS THAT ARE AGREED TO. (PG 5 OF TEXT)

C. Stipulations

Note: No witness may contradict or deny knowledge of the facts contained in the stipulations.

1. All exhibits included in these Case Materials are authentic and accurate in all respects; no objection to the authenticity of these exhibits will be entertained. Unless stated otherwise herein, the admissibility of the exhibits on other grounds may be challenged.
2. All witness statements were signed by each witness under oath.
3. The autopsy of Devin Frost concluded that Frost died as a result of hypothermia. Hypothermia causes the body to be pale and waxy, not cyanotic, because the blood withdraws from the skin by the body's defensive mechanisms to avoid loss of heat.
4. Time of death could not be determined from typical physical examination of the body, i.e. body temperature, because the body was frozen.
5. The autopsy results dated the cigarette burns found on Frost to have occurred two weeks prior to death, and strangulation of neck, non-life-threatening, to have occurred less than one week prior to death.
6. Fingerprint analysis shows that Freeman's fingerprints are on the padlock to the cooler, cooler door, and kitchen knife. Contralto's fingerprints were not detected on the padlock to the cooler, cooler door, or doors to the restaurant.
7. Exhibits 2, 3, 4 and 5 were made at or about the time of the events by a person with knowledge of the events, and are kept in the course of regularly conducted business activity, and it is the regular practice to make such records. Exhibits 2, 3, 4 and 5 do not need to be introduced through the custodian of the records.
8. Exhibit 8 is the original photograph taken by Detective Riggs at the scene of the crime and accurately depicts the victim and the surroundings at the time of Detective Riggs' investigation.
9. Exhibit 10 is a true and accurate copy of the original note of Devin Frost provided by Defendant Freeman shortly after being charged with the murder of Frost. The handwriting contained in Exhibit 10 has been confirmed to be that of Devin Frost, per expert handwriting analysis. The original note was to be analyzed using inkdating techniques. Prior to undergoing the inkdating analysis, a copy of the original note was made. The original note disappeared from the evidence room prior to the inkdating analysis. Therefore, the dating of the handwriting on the note cannot be determined. Exhibit 10 is admissible, without objection.

D. Witness List

The witnesses for each side of the case are as follows:

For the prosecution:

Accountant – Les Moore

Police Detective - Chris Riggs

TESTIMONY: THE STATEMENTS OF A WITNESS MADE
UNDER OATH IN COURT, OR IN A DEPOSITION.

EXHIBITS: PHYSICAL ITEMS THAT ARE SHOWN TO THE TRIER-OF-FACT. (PAGE 5 OF TEXT)

E. Exhibits List

- Exhibit 1. Les Moore, CPA, CFE
- Exhibit 2. Ticket Order and Cash Register Receipt
- Exhibit 3. Deposit Slip and Cash Register Receipt
- Exhibit 4. Check and Check Register
- Exhibit 5. Buy-Sell Agreement
- Exhibit 6. Investigation Report
- Exhibit 7. Supplemental Investigation Report
- Exhibit 8. Photograph
- Exhibit 9. Padlock Receipt
- Exhibit 10. Menu Notes
- Exhibit 11. Pat Ives, Curriculum Vitae

F. Legal Authority and Jury Instructions

This section includes a crime with which a witness(es) may have had prior experience. The only crimes that the defendant has been charged with are contained in the jury instructions along with any affirmative defenses that are being raised by the defendant.

11 Crim. C. § 846 Extortion; class E felony

A person commits extortion when, with the intent prescribed in §841 of this title, the person compels or induces another person to deliver property to the person or to a third person by means of instilling in the victim a fear that, if the property is not so delivered, the defendant or another will:

- (1) Cause physical injury to anyone; or
- (2) Cause damage to property; or
- (3) Engage in other conduct constituting a crime; or
- (4) Accuse anyone of a crime or cause criminal charges to be instituted against anyone; or
- (5) Expose a secret or publicize an asserted fact, whether true or false, tending to subject anyone to hatred, contempt or ridicule; or
- (6) Falsely testify or provide information or withhold testimony or information with respect to another's legal claim or defense; or
- (7) Use or abuse the defendant's position as a public servant by performing some act

WITNESS STATEMENT: IS A DOCUMENT THAT RECORDS THE EVIDENCE OF A PERSON WHICH IS SIGNED BY THAT PERSON CONFIRMING THAT THE CONTENTS OF THE STATEMENT ARE TRUE.

1 **Statement of Willy A. Freeman, Defendant**

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My name is Willy Freeman. I grew up on a farm in rural Oregon where life was pretty idyllic. We made a lot of our own foods on the farm, butter, cheese, homemade sausage, homemade ice cream, and I suppose that's what got me interested in the culinary arts. After high school, I made the giant leap and moved to New York to attend the Culinary Institute of America (CIA). Moving to a big city from a rural community was an eye-opener. I was pretty naïve, and I probably still am today. At the CIA, I trained with world-renowned, classically trained chefs. It was the time of my life. After the 38 months in the program, I received my Bachelor's degree. It was my dream to one day open my own restaurant, but I was only 21 and I needed to gain more experience and raise some funds. I moved to Portland to be closer to my family, but yet be in a city that could offer me a decent wage and experience. I was thrilled when I landed a position at Grüner, one of Portland's top-rated restaurants. I worked there for 4 years and developed my skills in a variety of areas. I initially started as a pantry chef, making salads, and cold appetizers such as pâté. I also worked as a pastry chef, which is my passion, and poissonnier, or fish chef. After those first two years, I was asked to step in as saucier, responsible for sautéing and making all of the sauces for the restaurant. The next year, I became sous chef, which is the second in command. If I took any time off, I used it only to further my skills. I enjoyed entering culinary ice sculpting competitions. I worked long and hard during those years – 6 days a week, usually 10 hour days. But the sacrifices were worth it, if it would help me reach my goal of owning my own restaurant one day.

I met Devin Frost at a conference of the Western Culinary Association. The conference was about owning your own restaurant. Devin was one of the speakers; she seemed very knowledgeable about the management and finances of owning a restaurant business. She had graduated from the University of Washington with a double major in Foodservice Management and Accounting in 2002, *magna cum laude*. She was extremely bright, energetic, and had an air of sophistication. She came from money and was well connected. You could tell she had already started to make her mark on the culinary world. After the conference, I made a point of meeting her. She was looking to open a fine dining restaurant in Irving, and for a co-partner who could focus on the food preparation aspects of the business. This was the perfect opportunity to further my dream of owning a restaurant. What we lacked in experience, we made up for in enthusiasm and passion. She convinced me that Irving was the best place to start a restaurant like we envisioned. She knew what she was doing – if we started somewhere in Portland, we'd be just one of a thousand places and the rent would be high. We would have a niche in Irving.

We agreed to a 50-50 split on everything. We each were bringing our respective talents to the table, excuse the pun, and we agreed to each contribute the same working capital. She already had a substantial bankroll of cash to contribute for the start-up. It was like nothing to her to come up with \$100,000. I suppose, in a way I resented that, to be perfectly honest. I've never

JURY INSTRUCTIONS: STATEMENT BY THE COURT TO THE JURY INSTRUCTING THE JURY ON THE LAW. (PAGE 4 TEXTBOOK)

THE END!! THANK YOU!