



# Approaching a Case File

Welcome to Lecture 02 of Mock Trial RISE SOT

# Story of the Case

- Brief summary about the case
- Usually one of the first things that you will see

## I. The Case

On Monday August 9, 2021, the quiet town of Dullsville in the Arizona high country of Cascade County experienced a first. On that day, as the bank employees of the Dullsville branch of the Cascade Community Bank opened for business a person dressed in a black mask, hoodie, black gloves, jeans, and white sneakers entered the facility, pointed a silver handgun at the bank manager and gave instructions via a note, "Put Everything Behind the Counter in the Bag." When all was said and done the masked person fled the scene with roughly \$3,000. For the first time that anyone could remember, a Dullsville bank had been robbed. Local authorities were stumped and had little to go on other than eyewitness descriptions. The bank's security cameras were not operational that morning due to a scheduled service upgrade. It seemed that this robbery may remain an open case.

Two days later, on Wednesday, August 11, 2021, a similar event took place not too far from Dullsville. This time the Randolph River branch of the Cascade Community Bank was the target. As with the robbery two days earlier, a person in a black mask, hoodie, black gloves, jeans, and white sneakers entered the facility early in the day, pointed a silver handgun at those inside and handed a teller a note instructing them to put everything behind the counter into a paper bag. This time the robber escaped with just over \$5,000. Once again, the cameras, due to service upgrades, were inoperable and no footage of the event was captured. When local police officers and detectives arrived, it seemed that they were once again without much to go on for their investigation, yet this time something was different. A teller at the Randolph River branch had placed a GPS tracking device into the robber's bag amongst the stolen cash. The authorities tracked that GPS signal all the way to an off ramp just off Interstate 17 and near the Chalmer's Casino.

On Thursday, August 12, 2021, Bronnie Parker walked into the Dullsville branch of the Cascade Community Bank and handed over a check for \$5,212.14 to make Bronnie current on Bronnie's mortgage payment. Since being fired from Bronnie's former employer, Dewing Security, back in January 2021, Bronnie had been having a difficult time paying the monthly mortgage, missing payments from March to July. Bronnie's payment came at just the right time, as the bank was set to foreclose on Bronnie's house that week. The check made out to the bank for the exact amount due was issued by Chalmer's Casino the day prior, August 11, 2021.

Following Bronnie's visit to the bank, the branch manager, Lolo Baldwin, called Detective Elliot Kress to report the interaction with Bronnie and some uneasy feelings about the entire situation. Bronnie had mentioned that a lucky night in the casino was the origin of the sudden cash windfall and Lolo began to draw connections between Bronnie and Monday's robbery, including Bronnie's involvement in scheduling the bank's security camera upgrades when still working for Dewing Security. After a brief investigation by Detective Kress, Bronnie Parker was arrested and indicted on two charges of armed robbery for both the August 9<sup>th</sup> and August 11<sup>th</sup> robberies at the respective Cascade Community Bank branches.

# - LEGAL AUTHORITIES -

## Legal Authorities

### Statutes

#### **Miss. Code Ann. § 97-3-19. Homicide; murder defined; first-degree murder**

(1) The killing of a human being without the authority of law by any means or in any manner shall be first-degree murder:

(a) When done with deliberate design to effect the death of the person killed, or of any human being;

....

(c) When done without any design to effect death by any person engaged in the commission of any felony . . . , (Miss. Code Ann § 97-3-19(1)(c) is also known as "felony murder")

#### **Miss. Code Ann. § 97-3-29. Homicide; killing while committing a misdemeanor**

The killing of a human being without malice, by the act, procurement, or culpable negligence of another, while such other is engaged in the perpetration of any crime or misdemeanor not amounting to felony, or in the attempt to commit any crime or misdemeanor, where such killing would be murder at common law, shall be manslaughter.

#### **Miss. Code Ann. § 97-3-7(1)(a). Simple assault**

A person is guilty of simple assault if he (i) attempts to cause or purposely, knowingly or recklessly causes bodily injury to another; (ii) negligently causes bodily injury to another with a deadly weapon or other means likely to produce death or serious bodily harm; or (iii) attempts by physical menace to put another in fear of imminent serious bodily harm. . . . [The crime of simple assault shall be a misdemeanor.].

#### **Miss. Code Ann. § 97-3-7(2)(a). Aggravated assault**

A person is guilty of aggravated assault if he (i) attempts to cause serious bodily injury to another, or causes such injury purposely, knowingly or recklessly under circumstances manifesting extreme indifference to the value of human life, [or] (ii) attempts to cause or purposely or knowingly causes bodily injury to another with a deadly weapon or other means likely to produce death or serious bodily harm . . . . [The crime of aggravated assault shall be a felony.].

*What are statutes?*

They are the laws that have been enacted by whoever is suing (government or private party)

*What can we take away from statutes?*

We need to closely study them when preparing the THEORY of the case (part of prep)

They are the basis of what we need to cover (need to meet every part)

IN THE CIRCUIT COURT OF THE STATE OF ARIZONA FOR CASCADE COUNTY

THE STATE OF  
ARIZONA,

Plaintiff,

v.

BRONNIE PARKER,

Defendant.

No. 21CR06118

**STIPULATIONS**

The parties stipulate and agree to the following:

1. Each witness testifying at trial has waived and agreed not to assert his or her right against self-incrimination, whether arising under the Fifth Amendment to the United States Constitution, Article 2, Section 10 of the Arizona Constitution, or otherwise.
2. For purposes of Rule of Evidence 609(b), the state has given the defense reasonable written notice of its intent to offer the prior conviction of Pat Hurst, such that, should the government ultimately choose to offer it, the defense has had a fair opportunity to contest its use.
3. On both August 9, 2021, and August 11, 2021, each branch of Cascade Community Bank was in the process of upgrading its security system, which means that neither of the robberies that occurred on those dates were captured on any video or audio recording system. A deadly weapon was used during the course of each robbery.
4. Exhibit 5 accurately depicts data obtained from Bronnie Parker's Google account concerning the date, time, and physical location of an Android mobile device associated with the account. The account contains no data indicating that the device was in Randolph River at any time on August 11, 2021. Both parties have waived all objections arising under Rules of Evidence 801-805 to any of the foregoing information.

# Stipulations

Undisputed facts between both sides

You may call attention to one in pre-trial if you anticipate it being a problem later on

- Or just explain if every is brought up throughout the trial

# Jury Notes

- Supposed to aid the jury (if it is prepared as this - could be a bench trial) about terminology in trial & how should make a verdict
- Can aid your understanding on how the jury is supposed to see the case
- Usually highlights what you need to prove as well

## IN THE CIRCUIT COURT OF THE STATE OF ARIZONA FOR CASCADE COUNTY

THE STATE OF  
ARIZONA,

Plaintiff,

v

BRONNIE  
PARKER,

Defendant.

No. 21CR06118

### FINAL JURY INSTRUCTIONS

The Court will now submit the case to the jury; you need to decide, based on the law and the evidence presented to you at trial, whether the prosecution has prevailed in proving the prosecution's charges against the defendant.

#### EVALUATING WITNESS TESTIMONY

In deciding the facts of this case, you should consider what testimony to accept, and what to reject. You may accept everything a witness says, or part of it, or none of it.

In evaluating testimony, you should use the tests for truthfulness that people use in determining matters of importance in everyday life, including such factors as: the witness's ability to see or hear or know the things the witness testified to; the quality of the witness's memory; the witness's manner while testifying; whether the witness had any motive, bias, or prejudice; whether the witness was contradicted by anything the witness said or wrote before trial, or by other evidence; and the reasonableness of the witness's testimony when considered in the light of the other evidence.

Consider all of the evidence in the light of reason, common sense, and experience.

#### DIRECT AND CIRCUMSTANTIAL EVIDENCE

Evidence may be direct or circumstantial. Direct evidence is the testimony of a witness who saw, heard, or otherwise sensed an event. Circumstantial evidence is the proof of a fact or facts from which you may find another fact. The law makes no distinction between direct and circumstantial evidence. It is for you to determine the importance to be given to the evidence, regardless of whether it is direct or circumstantial.

#### EXPERT WITNESS

A witness qualified as an expert by education or experience may state opinions on matters in that witness's field of expertise, and may also state reasons for those opinions.

Expert opinion testimony should be judged just as any other testimony. You are not bound by it. You may accept it or reject it, in whole or in part, and you should give it as much credibility and weight as you think it deserves, considering the witness's qualifications and experience, the reasons given for the opinions, and all the other evidence in the case.

#### WITNESS (PRIOR CONVICTION)

You have heard evidence that a witness has previously been convicted of a criminal offense. You may consider this evidence only as it may affect the witness' believability.

# - More On Statutes -

## **CRIMINAL CHARGES - ARMED ROBBERY**

The crime of armed robbery requires proof of the following:

1. The defendant took property of another person; *and*
2. The taking was from the other person's person or immediate presence; *and*
3. The taking was against the other person's will; *and*
4. The defendant used or threatened to use force against any person with the intent to force surrender of the property or to prevent resistance to taking or keeping the property; *and*
5. The defendant, in the course of committing the robbery, was armed with a deadly weapon.

# C A S E L A W

## Case Law

*The following excerpts are from Case Law concerning the legal issues raised in this mock trial case. Only portions of the opinions are provided, and only those portions may be used in the course of the trial. Citations and internal quotation marks are omitted in the excerpts of the cases that follow.*

First-degree murder is defined as the killing of a human being "with deliberate design to effect the death of the person killed . . ." In Mississippi, "deliberate design" and "malice aforethought" are considered synonymous terms, and both "connote an intent to kill." This intent may be formed quickly, even moments before the act and may be inferred from the use of a deadly weapon. Intent may be proven by showing the acts of the person involved at the time, and the circumstances surrounding the incident. Intent is a question of fact gleaned by the jury.

### Collins v. State, 221 So. 3d 366 (Miss. Ct. App. 2016)

This Court has held that unless one expresses his intent, the only method by which intent may be proven is by showing the acts of the person involved at the time, and by showing the circumstances surrounding the incident. "Deliberate design" is synonymous with "malice aforethought" and connotes an intent to kill. Deliberate design to kill a person may be formed very quickly, and perhaps only moments before the act of consummating the intent. It is well-established that malice, or deliberate design, may be inferred from the use of a deadly weapon. Deliberate design, as a matter of law, may be inferred through the intentional use of any instrument which based on its manner of use, is calculated to produce death or serious bodily injury.

### Holliman v. State, 178 So. 3d 689 (Miss. 2015)

Motive is not an indispensable element of murder.

### Dillon v. State, 18 So. 2d 454 (Miss. 1944)

It is true that the record in this case does not disclose any adequate motive for the awful tragedy; but, while such disclosure may and often does give tone and color to the action of the parties, it is not absolutely necessary to show the motive in order to sustain conviction, for sometimes knowledge of the secret motive may die with the dead man, or be locked up in the breast of the slayer.

### House v. State, 48 So. 3 (Miss. 1908)

Using past cases with similar features to help prove your point

Some may be more geared to help prosecution... others defense

OR BOTH

Look for all opportunities in case law... and read them all closely... especially after you have read the case a few times

# Witness Affidavits

- This is where you get the meat of your case
  - As a witness, you cannot deviate from what this says about you
    - Impeachment
  - You can add flavor to your character - but not something insane or that substantially affects the case
- Use line numbers

1 AFFIDAVIT OF KELLY SIMON

2 STATE OF ARIZONA )

3 County of Maricopa ) ss.

4 Kelly Simon, first duly sworn, under oath, states as follows:

5 1. I am the 34-year-old only surviving parent of Jordan Simon. Jordan is my only

6 child and died on May 6, 2022.

7 2. My former spouse, Keane, and I found out we were expecting Jordan when I was

8 only 16 years old. Keane and I were both in high school. We were both very successful

9 runners. Keane ran long distances and I was a sprinter. We were hoping to go to college

10 on track scholarships when we learned about the pregnancy.

11 3. Keane died when Jordan was only 2 years old. I worked two, and often three, jobs

12 to make sure that I could take care of Jordan. I wanted to make sure that Jordan had a

13 good life. I probably wasn't home enough, but I had to do what it took to get food on the

14 table and pay for insurance.

15 4. Insurance from Keane's death was set aside in a trust account for Jordan. Until

16 Jordan was 16 years old, I controlled the trust. I never took money out of the trust. At

17 times, I even worked 18 hours a day to make sure that we could get by without touching

18 Jordan's trust money. According to the terms of the trust, when Jordan turned 16 years

19 old, Jordan could access the money and withdraw funds without my consent.

20 5. I knew, even when Jordan was little, that Jordan had serious running talent.

21 Jordan ran a 2-mile race at only six years old and finished before a lot of adults. Jordan

22 and I often ran together on the weekends and early in the morning – it was our time

23 together. Jordan was a strong runner.

24 6. By 6<sup>th</sup> grade, Jordan could often beat me in sprints. Of course, I was not in great

25 shape, but Jordan was really fast, particularly in the 100 meters.

26 7. By 8<sup>th</sup> grade, Jordan met numerous high school track coaches. Terry Swift from

27 Desert Willow High School, one of the top track coaches in the state, was at Jordan's

28 middle school for a meeting during one of Jordan's track meets. Jordan was very excited



EXHIBIT 4: Dullsville Branch Mortgage Foreclosure Letter to Parker

**Cascade Community Bank**  
*Serving your needs since 1936*

<b>Main branch</b> 1721 Harrington Ave. Dullsville, AZ 86201 (928) 897-2224	<b>Randolph River branch</b> 880 Atwood St. Randolph River, AZ 85089 (928) 674-5899
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July 26, 2021

Bronnie Parker  
26 Piper Lane  
Coho City, AZ 85010

Dear Bronnie:

I write regarding your mortgage with Cascade Community Bank. As we have discussed, we have not received a payment from you since February of this year. Your current outstanding balance, including all applicable late fees, is \$5,212.14.

Regrettably, if we do not receive payment in full by August 12, 2021, we will have no choice but to initiate foreclosure proceedings the following day.

If there is any way in which we might assist you in paying down your balance, please let us know as soon as possible. On behalf of all of us at Cascade Community Bank, I wish you all the best.

Sincerely,  
*Lois Baldwin*

Lois Baldwin  
Manager, Cascade Community Bank

# Exhibits → Evidence

- Anything from a police report to a map to a receipt
- These are physical pieces of evidence we use to supplement witness testimony
- Introduce them throughout the trial with appropriate witness
  - More on this later (lecture 10 - mastering the courtroom)



BIT 5: Area Map - Parker's Google Location Data