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TEXAS A&M MOCK TRIAL



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# Audition Material Packet

*A Complete Guide for the Witness Audition*

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## **A NOTE ON THIS PACKET**

*This is a closed-universe problem. All facts and materials needed for your audition are contained here.*

*No outside resources are needed or allowed.*

*All witnesses are gender-neutral and may be referred to, played by, or played as any gender.*

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## CASE OVERVIEW

# Case Premise

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On August 8, 2009, 3-year-old Joey Davis swallowed a toy called Princess Beads, manufactured by HappyLand Toy Company. Joey later died of respiratory distress caused by a GHB overdose. Joey's father, Andy Davis, is now suing HappyLand Toy Co. for negligence, stating that HappyLand failed to meet a reasonable level of care when creating the Princess Beads, resulting in Joey's death.

**KEY LEGAL TERM**

*Negligence: When someone or something fails to use the level of care a reasonable person would have used in the same circumstance, resulting in harm, injury, or death.*

## THE AFFIDAVITS

# Witness Affidavits

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The following affidavits — witness testimonies taken before trial — form the factual universe of this case. Read all of them, regardless of which witness or role you are preparing for.

**Andy Davis** (*Plaintiff / Sympathy*)

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My name is Andy Davis. I'm a father of one little girl, Hillary. My spouse, Lee, passed away a couple of years ago in a freak car accident, and my son, Joey, passed away recently from swallowing a toy called Princess Beads. It's just Hillary and me now. I'm here today suing HappyLand Toy Co. for negligence in killing my son.

Joey was a healthy kid, with occasional episodes where he'd have trouble breathing. The doctor told me to take him to a specialist, but I couldn't afford it. I still don't know why he had trouble breathing. One day, I left for work while Joey and Hillary were with a babysitter. I got a call a couple of hours later saying that Joey was in the hospital. By the time I got there, it was too late. Joey had died. The doctor said Joey had swallowed Princess Beads, which caused respiratory distress, then a seizure. The doctor asked me if Joey had any prior respiratory distress. I said no.

I've been grieving ever since. I've also been unable to get a job, and I'm spending the last few dollars I have for this trial. If we win, the payout from HappyLand Toy Co. will be enough to support Hillary and me for a very long time.

**Dr. Chase Tuchmont** (*Expert*)

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My name is Dr. Chase Tuchmont. I'm a clinical toxicologist, the current director of the Midlands Poison Control Center, and a treating physician at the Polk County General Hospital. When someone is poisoned, my job is to identify the source, the probable cause, and the best way to prevent another occurrence.

In the case of Joey Davis, Andy Davis' son, I was in the ER when Joey was initially brought in. I took this case personally; Joey reminded me too much of my own kid. Joey's vomit contained dozens of small beads, which we sent to toxicology for testing. When the results came back, the screen showed a significant amount of gamma-hydroxybutyric acid (GHB) in Joey's blood.

The mere presence of GHB is not unusual in the human body. Usually, it's less than 10 micrograms per milliliter. Joey's blood contained 148 milligrams per liter. We then tested the beads themselves. The chemical substance used to make the beads stick together was not, by itself, illegal in use, but the amount ingested had elevated the GHB levels in Joey's blood, causing his respiratory distress and subsequently, his death. It's my conclusion that Joey's death

was HappyLand's fault. Regardless of legality, I think HappyLand Toy Co. should never be able to produce toys again.

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**Emerson Zimmer** *(Law Enforcement)*

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My name is Emerson Zimmer. I am the former Commissioner of the Midlands Department of Health (MDH), with extensive experience in Midlands standards regarding controlled substances, including GHB and the chemical agent used in the Princess Beads. I was asked by defense counsel to provide my knowledge of HappyLand Toy Co.'s official MDH investigation, which I personally led. I'm only testifying because one of the defense attorneys is my best friend.

I've testified before the Midlands legislature, expressing how GHB and its precursors are more often in household objects and common materials than you think, and are a hazard to children, adults, or anyone exposed to these unregulated products. During my investigation of HappyLand, I initially informed Blake Lexington, the CEO of HappyLand, that the Princess Beads contained dangerous chemicals. The thing was that they knew, and had explicitly put on the toy box that these beads should not be swallowed, and to keep them away from young children.

Our investigation ultimately led to HappyLand Toy Company not having violated any law. After interviewing the CEO, I feel even more confident that HappyLand would not knowingly design a toy that puts children at risk.

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**Blake Lexington** *(Defendant)*

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My name is Blake Lexington. I founded HappyLand Toy Co. in 1998 and have been its Chief Executive Officer ever since. The year before the Princess Beads, HappyLand had been operating at a nearly \$2 million loss, despite the years before that earning upwards of \$16 million in profit. The toy market is volatile and depends on one new launch every year to maintain momentum. That's why, when our toy developer proposed Princess Beads, I was insistent on seeing it through until it was on store shelves.

The board was also putting pressure on me to release something, or else I'd be fired, so the process needed to get going fast. I heard back from our development team that the Princess Beads were chemically tested and were good to go. I didn't bother reading any other emails. I trusted my team.

After we released the Princess Beads, I got a call from a parent, Andy Davis, who'd lost their son to our product. Davis threatened that if I didn't pay Davis \$1 million, they were going to spread their son's death on the news. I had no clue why they were threatening me. The Princess Beads box explicitly says 'Do Not Swallow' on the front. I maintain my company did nothing wrong.

**Tristan Frost** *(Character)*

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My name is Tristan Frost. I'm a reporter for BNN (Blitz News Network), and I specialize in undercover journalism. My most recent assignment was going undercover to investigate HappyLand Toy Company. I was there to get my big break. I was able to get hired as a personal assistant to the CEO, Blake Lexington, and while there, I made sure to copy every important document and bug all of Lexington's rooms. I only had one year to find dirt.

I found nothing — until the very last moment. An angry parent called and said their son died of a GHB overdose from swallowing one of their toys, the Princess Beads. I remember seeing Lexington exchange messages back and forth with the HappyLand Risk Assessment Officer, who warned Lexington that the Princess Beads contained potentially dangerous chemicals. I also knew that if Lexington didn't release a product soon, the board was going to cut Lexington loose. It was the most rushed and careless I'd ever seen a toy get released at the company.

I reported on the story as soon as I could. Ever since, I've been the #1 reporter in the case of HappyLand, I've won awards for my reporting, and my career has been saved.

## WITNESS AUDITION

# Witness Instructions

If you are preparing to audition as a witness, you will read the affidavits listed above and pick two witnesses whom you'd like to portray. The audition will be in the format of a direct examination — a back-and-forth Q&A that allows the witness to testify to information they know. You will then be cross-examined on both witnesses.

## Audition Format

### Before the Audition

You will come into the audition having prepared two things per witness:

1. Your own characterization of the witness.
2. Answers to the base questions (found under Audition Material below), which will be delivered in character and fully memorized.

### At the Audition: Base Questions

During the audition, an officer board member will ask you the base questions. Your job is to respond conversationally and in your own unique character. You may choose which witness you perform first. You will spend the first 2:30 minutes answering all base questions you have previously prepared for that witness.

### At the Audition: Impromptu Questions

You will spend 1 minute answering impromptu questions from the officer board, which will test your knowledge of the affidavit facts, ability to improvise, and ability to stay in character. Once complete, you will repeat the entire process for your second witness portrayal.

**NOTE**

*While we don't want you to memorize all the affidavits, we highly recommend reading through them all to gain a full understanding of your witness's role in the trial.*

## Instructions

Your job is to make this witness come to life. As long as you deliver the basic facts provided in the affidavit, you may choose how those facts are delivered, while staying within the context of a trial. Think of the affidavits as blank canvases for you to create a persona for. You will be writing and performing your own script, so no one person should have the same character for each witness.

Come up with this witness's history, their personality, and their background. During the audition, feel free to put on an accent, wear a costume, walk into the room as your character, bring props, and take up space — all while keeping in mind your main performance will be done sitting down.

We want to see you get creative! We've seen everything from a grieving southern widow to a kooky British sculptor to a humble scientist. We recommend choosing a characterization that will show off your strengths, while staying grounded and real.

**NOTE**

*Please keep in mind that you only have so much time to answer all the questions. You are not obligated to use up all your time.*

**Performance Tips**

While we want you to spend time crafting your content, we also care about the presentation of your speech.

- a. Speak slowly and clearly. We would rather you get fewer facts out, but provide a more measured appearance.
- b. Move thoughtfully. Move only when you want to draw emphasis to a statement or transition between parts.
- c. Project your voice. Make sure we can hear you from across the room.
- d. Add variation. Don't just recite your speech in one tone. We encourage dynamism and emotion.
- e. Practice, practice, practice. We want to see you at your most prepared. The more practiced and memorized you are, the better.

**Audition Material: Base Questions**

Answer all of the following in character, fully memorized:

1. Introduce yourself. What's your name?
2. What do you do for a living?
3. How'd you get into that occupation?
4. Why are you in trial today?

**Audition Material: Impromptu Questions**

The officer board will ask follow-up questions testing your knowledge of the affidavit facts, your ability to improvise, and your ability to stay in character. Knowing the affidavits and characterization well will prepare you to answer anything thrown your way.

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**Sample Witness: Ashley Connel**

The following is a sample affidavit and base-question answers to illustrate what a strong characterization looks like. ***Do not copy this example.***

### **Sample Affidavit**

My name is Ashley Connel. I was on the Mid Riverina Express, a luxury Australian train, with my daughter last Spring, when the billionaire Avery Bancroft passed away during the trip. My daughter, Bailey Connel, was the one who found his body. On the very first day of the trip, I met Mr. Bancroft and his child, Taylor Hopson, while looking for somewhere for Bailey and me to sit. It was awkward, to say the least. Mr. Bancroft and Taylor kept arguing the entire time as if we weren't there, until Taylor finally exploded and said, "I hope the next time I see you, you're dead!" When Taylor stormed off, I asked Mr. Bancroft if he was alright. He told me that he's used to hearing things like that from Taylor, but that Taylor doesn't really mean it. Bancroft also asked me if we'd met each other before — I didn't want to remind him, but I'm actually in a million-dollar lawsuit with Mr. Bancroft's company, which was dropped now that he's dead. Good thing — it was putting a lot of strain on my family. The only bad thing is that the police think Taylor killed Bancroft. I really liked Taylor.

### **Sample Base Question Answers**

#### **1. Introduce yourself. What's your name?**

*Hi darlin'. My name is Ashley Connel.*

#### **2. What do you do for a living?**

*I'm a stay-at-home mom by day, and a pageant mom by night. This year, the goal is to make sure Bailey Caroline Jo Connel becomes Little Miss Midlands for the third year in a row. And we're not playing around this time.*

#### **3. How'd you get into that occupation?**

*You mean you don't recognize me? Little Miss Midlands '98? Big Miss Midlands 2004? I've been in the pageant game for a long time. They tried to make a TLC show about me, but it didn't work out — probably because I had too much charm. And because my husband couldn't open-carry on set.*

#### **4. Why are you in trial today?**

*I was taking Bailey Caroline Jo to her first pageant of the year on a train called the Mid Riverina Express. When we were on the train, a man named Avery Bancroft passed away. I'm here to talk about what I saw.*

#### **5. How do you know the defendant, Taylor Hopson?**

*Oh, Bailey and I met Taylor on the very first day of our trip! She was a sweetheart. Her dad was... not.*

### **Sample Impromptu Questions**

- What was Bancroft's company suing you for?
- How did you feel knowing your young child was the one who found Mr. Bancroft's body?
- You said that Mr. Bancroft's death was a good thing for you. How do we know you didn't kill him?