
TEXAS A&M MOCK TRIAL



Audition Material Packet

A Complete Guide for Witness and Attorney Auditions

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

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

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*)

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*)

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.

Emerson Zimmer *(Law Enforcement)*

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.

Blake Lexington *(Defendant)*

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*)

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.

COMBINED AUDITION

Combined Instructions

If you are preparing to audition as both a witness and an attorney, you will give one witness portrayal and one prepared speech.

For your witness audition, you will read the affidavits listed above and pick one witness 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 as that witness.

For your attorney audition, you will read the affidavits listed above and prepare either an Opening Statement or Closing Argument.

Audition Format

Before the Audition

You will come into the audition having prepared 2 things:

1. Answers to the base witness questions (found under Audition Material below), which will be delivered in your own characterization.
2. A prepared attorney speech. Choose one of the following to prepare (max 2:00 minutes):
 - a. Opening Statement — Opening remarks to a jury before a trial. You will tell us the story of the case from the perspective of either the Plaintiff or the Defendant, your choice.
 - b. Closing Argument — Final remarks to a jury after trial. Your goal is to make an argument about what happened in this case, and whether the defendant should be found liable or not liable, your choice.

You will perform your witness audition first, and your attorney audition second.

At the Audition: Witness Audition

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 will spend the first 2:30 minutes answering all base questions you have previously prepared for that witness.

You will spend 1:00 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.

At the Audition: Attorney Audition

You will perform either your prepared Opening Statement or Closing Argument in front of the officer board in 2:00 minutes. A board member will give you hand signals throughout to keep you on track. If able, we'd prefer you to stand for your speech, but it will not affect your score if you do not.

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.

WITNESS AUDITION

Witness 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 Witness 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.

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?

ATTORNEY AUDITIONS

Attorney Instructions

Opening Statement Instructions

The goal of an opening statement is not to argue, but to paint a simple and compelling picture of both the case and your side's evidence before the trial begins. From your speech, you should be able to tell us three things:

- a. How did this case come about?
- b. Why did it happen?
- c. Who was involved?

Remember, you are not arguing your side of the case; you are telling a story. To explain your side of the case without veering into argument territory, we recommend using the following language:

- "You will hear in trial today..."
- "The evidence will show..."
- "You're going to learn..."

Closing Argument Instructions

The goal of a closing argument is to convince the jury of a verdict you're in favor of after all the evidence in the trial has been presented. Your arguments should be supported by evidence, but you should also think outside the scope of the facts. The questions you should ask yourself include, but are not limited to, the following:

- a. What are your main points, and where in the evidence is it supported?
- b. What is the greater impact of these arguments?
- c. What is gained or lost depending on which way the jury decides?

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.

Sample Speeches

The following are sample attorney speeches to illustrate what strong opening statements and closing arguments look and sound like. These examples are based on a separate case and are provided for reference only. ***Do not copy them.***

Sample Opening Statement

It's April 6th, 2025. Famous reality TV contestant Rob Armstrong is on the ground. His body had just been pulled from 30 feet underwater. He drowned. And members of the jury, you're going to learn he drowned because of the defendant's decision.

Just moments before, Mr. Armstrong had been competing on a reality TV show called The Saboteurs. He was on his final challenge, a diving challenge that required him to strap on a blue diving mask tight to his face, dive 30 feet underwater, and make it out the other side. But you're going to learn today, the same mask that was supposed to be giving him oxygen was filled with a powdered chemical called oxalic acid. An acid you'll learn didn't get there by accident, but because the defendant, Charlie Martin, recklessly decided to put it in Mr. Armstrong's mask.

You're going to learn, the defendant did so for revenge. You'll hear how five years ago, Mr. Armstrong beat the defendant to win The Saboteurs. For five years, the defendant was humiliated on a national scale. So the defendant made a decision. Come back to the show, compete with the man that cost her everything, and make sure that he would never win again. You'll hear how, on the morning of April 6th, the defendant poured a deadly dose of oxalic acid into Mr. Armstrong's only source of breathing underwater, and watched as Mr. Armstrong drowned.

At the end of this trial, we ask that you find the defendant liable. Thank you.

Sample Closing Argument

Members of the jury, every single one of us makes decisions every day. You decided when to wake up this morning. What route to take to get here. Whether to speed through a yellow light or stop. And on April 6th, 2025, the defendant made a decision too.

Because this case — at its core — is not about a TV show. It's not about producers. It's not about pressure. It's about decisions.

Putting oxalic acid in Rob Armstrong's mask was the defendant's decision.

You heard that it's corrosive. That it burns. That it destroys metal. You heard that the defendant didn't stumble across it by accident. He researched it. He obtained it. He handled it carefully. And he poured it into a scuba mask — into the very air Rob Armstrong would breathe thirty feet underwater.

That's not failing to notice a risk. That's recognizing the risk and proceeding anyway.

The defense wants you to focus on the people yelling from the backseat — the producers. But the law looks at the person with their hands on the wheel.

Producers didn't buy the acid. Producers didn't sneak into Rob Armstrong's equipment. Producers didn't decide where to pour it so it wouldn't be seen.

The defendant did. Pressure might explain why someone does something. It does not excuse what they chose to do.

Find the defendant liable. Thank you.

Sample Impromptu Questions

- Which is better: strawberry ice cream or chocolate ice cream?
- Is a hot dog a sandwich?
- Which is better: going back in time, or going forward in time?