



# 2018-2019 Tryout Packet

## Important Dates:

<b><u>Clinics</u></b>		
Sunday, September 2nd	12:00-4:00 pm	Law Building Room A
Monday, September 3rd	12:00-4:00 pm	Law Building Room A
<b><u>Try Outs:</u></b>		
Round 1:		
Tuesday, September 4th	6:00-9:00 pm	Law Building Room J
Saturday, September 8th	6:00-9:00 pm	Law Building Room J
Sunday, September 9th	6:00-9:00 pm	Law Building Room J
Round 2: (invite only)		
Monday, September 10th	6:00-9:00 pm	Law Building Room A
Law Building Address:	504 East Pennsylvania Avenue Champaign, IL	

# Tournament Dates

We expect that members attend most of our major tournaments, particularly towards the end of the year. We understand if there are extenuating circumstances or a tournament or two that you cannot make. However, if you are unable to make too many of these tournament dates, this might pose a problem. If you believe that this might be the case, please send me a message and we can talk about it. **This is a tentative schedule and is subject to change. It does not include our regionals or nationals dates as those are not yet released.**

## Gold:

October: 6-7

October: 13-14

November: 10-11

January: 26-27

Silver/Orange/Blue: (Each team will go to different tournaments at different dates and dates will probably be removed/added as we solidify our schedule)

October 13-14 (Blue, Orange, Silver)

November 10-11 (Blue, Orange, Silver)

November 17-18 (Blue and Orange)

December 1-2 (Blue, Orange, Silver)

January 12-13 (TBD)\*

January 26-27 (Blue, Orange, Silver)

**This list is highly tentative, but it does give you an idea of when we will likely be competing. The team you are on will change your number of tournaments/schedule slightly.**

# Tryouts & Clinics Format and Procedures

## Overview:

There will be two rounds of tryouts this year. The first round will consist of two short parts lasting no longer than 15 minutes, a cross examination and a witness portrayal OR monologue. For Part One's examination, you will use the attached case, *State of Ohio v. Alex Miller*. For Part Two's witness portrayal, you will use the attached case, *State of Ohio v. Alex Miller*. In order to prepare for tryouts you should first read the attached case. After reading the case pick one witness to cross-examine. Next select either to portray a **different witness than the one you plan to cross-examine** or a monologue to perform. For example, if you choose to cross-examine Alex Miller you may not play Alex Miller as a witness.

When you come to your scheduled tryout time, please bring your filled out hard copy of the Tryout Questionnaire along with your resume. Please come around 5 minutes early.

## **ROUND 1 OF TRYOUTS:**

### **Part One: Cross Examine a Witness:**

During the first part of your tryout, you will be performing a **cross-examination** of one of the witnesses in the case. A cross examination is performed on an adversarial witness, called by the other party in a case. These witnesses are not your friends; here you will have to obtain the facts from them that help your case but may harm their case, or make the adverse witness look bad. Your questions should be simple and concise, ones that can only be answered with a **yes or no**. Your goal here is to control the witness and make them say what you want them to say, but be careful not to be too aggressive.

An example of a close-ended question on cross-examination is:

“You were at Quad Day on August 21st, weren’t you?”

### **Part Two: ONLY CHOOSE ONE!**

**(Either a witness portrayal from the case OR deliver a monologue.)**

#### **Portray a Witness**

Your first option is portraying a witness. If you choose this option, you will be **portraying** one of the four witnesses, Pat Smith, Dr. Avery Richards, Alex Miller, or Dean Jesse Thomas, excluding the witness you cross-examined. (For example, if you cross-examined Dean Jesse Thomas, you may not play him/her as a witness.) You will be asked a series of questions by one of the members of our team conducting tryouts. This is a direct examination, which is designed to tell a story and advance a certain theory of the case. Therefore, feel free to elaborate on your answers. If you can, try to envision this witness as a real person and create a character for them. Perhaps add an accent (if you can do a convincing one) or model them after a favorite television or movie character by giving them certain mannerisms or imagining funny lines that they would say. (For example: you could pretend to be a straight edge, professional, Dr. Avery Richards with a thick British accent.) The main point of this part of the tryout is to judge your ability to represent your chosen witness as if his or her personality is in fact yours. You will be judged on your ability to improvise as well as your ability to respond to questions asked of you.

## **Deliver a Monologue**

Your second option is to deliver a short, 45 second to 1 minute **monologue**. You will be cut off after one minute. You have a choice of reading one of the paragraphs attached to the last page of this packet, or another excerpt of your choosing. We generally recommend surprising us with a monologue of your choosing! This part of the tryout can be planned and prepared ahead of time. So, even if you get nervous about thinking on your feet for parts one and two, you can completely control this portion of the tryout. Try to give us some emotion, make us laugh, or portray an accent that you have mastered. Just have fun with it! It does not have to be memorized, but memorization might add to overall delivery!

## **ROUND 2 OF TRYOUTS:**

Those who perform well at the first round of tryouts will be invited back for a second round of tryouts.

*NOTE: There is no preparation involved for the second round.*

The Illinois Trial Team is more than just a competitive group of students that participate in mock trial tournaments. Our team is encouraged to participate in service activities, attend speaking events, and contribute to the University of Illinois campus. Being a part of a mock trial team also requires teamwork and group cooperation. For this reason, the second round of tryouts will last about 45 minutes, will test your ability to formulate arguments, and observe how you interact with a group. This round of tryouts is a way for the members of our organization to get to know you better as a person. It should also help you decide if the Trial Team is something you want to be a part of.

## **CLINICS:**

Current members of the Illinois Trial Team will be holding clinic sessions (office hours) to help with any unanswered questions. These clinics are not required, but can help you get to know the team and feel better prepared for your tryout. These clinics will be held on the following days:

**Sunday, September 2nd** – Law Building Room A 12:00-4:00 pm

**Monday, September 3rd**– Law Building Room A 12:00-4:00 pm

Treat these clinics as if they were office hours. Come prepared with questions, and be ready to practice. Come in any time, and stay as long as you would like.

If you really want some advice or feedback, but are unable to make office hours, please contact Sebastian Sulewski ([illinoistrialteam.vpe@gmail.com](mailto:illinoistrialteam.vpe@gmail.com)).

# Tryout Questionnaire

Instructions: Fill this form out and turn it in at the start of your tryout.

Name: \_\_\_\_\_

Email: \_\_\_\_\_ NetID: \_\_\_\_\_

Major: \_\_\_\_\_ Estimated Graduation Date: \_\_\_\_\_

**1. Why are you interested in being on the Illinois Trial Team?**

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**2. What previous experience do you have related to mock trial? (ie: high school mock trial, speech competition, acting, debate team, etc.). Have you received any sort of awards or recognition for any of these activities?**

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**3. What other organizations are you planning on joining this school year?**

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**4. How did you hear about us?**

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**5. Are you only interested in joining Gold? (This won't be held against you!)**

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**6. Please attach 2 copies of your resume!**

## Illinois Trial Team Contact Information

If, at any point, you have any questions at all, feel free to contact me, Sebastian Sulewski, at [illinoistrialteam.vpe@gmail.com](mailto:illinoistrialteam.vpe@gmail.com) or our President, Julia Petsche, below. We are more than happy to answer any questions you may have!

**Sebastian Sulewski (Vice President External) - [illinoistrialteam.vpe@gmail.com](mailto:illinoistrialteam.vpe@gmail.com)**

**Julia Petsche (President) - [illinoistrialteam@gmail.com](mailto:illinoistrialteam@gmail.com)**

**The Case:**

**State of Ohio, Prosecution**

**Vs.**

**Alex Miller, Defendant**

**BRIEF CASE SUMMARY:**

On November 22, 2010, 18-year-old Ashton Hinshaw died as a result of a 26-foot fall from the clock tower located in the student center of Columbus University. Hinshaw's death occurred during a pledging activity sponsored by Phi Gamma (hereafter Gamma), the coed fraternity Hinshaw was pledging at the time. Hinshaw was a freshman at Columbus University.

Greek life plays a large role on the Columbus University campus. Gamma, in particular, is known for having members in high academic and social standing. Hinshaw was eager to become a part of this organization.

Pledging is the process fraternities and sororities use to select which members they will accept into their group that year. In the Gamma fraternity, the last week of pledging is known as "Hell Week." During Hell Week, pledges are given various tasks by the fraternity's upperclassmen, which they must complete if they want to be considered for membership. The defendant, Alex Miller is the president of Gamma, and was in charge of planning Gamma's 2010 pledging activities.

On the last night of pledging, known as "Hell Night," all pledges of the Gamma fraternity were blindfolded while inside of the Gamma fraternity house. Then they were to be led, one at a time, outside of the fraternity house to perform one last task before they were informed who had made it into the fraternity and who had not. While Hinshaw was outside and blindfolded, the defendant, whispered something into Hinshaw's ear. Shortly thereafter, Hinshaw grabbed the fraternity flag, ran to the student center and up to the clock tower. It was from the top of the clock tower that Hinshaw fell.

At the time of Hinshaw's death, Hinshaw's blood alcohol content was 0.10. The level of legal intoxication is 0.08.

**Prosecution Witness 1:  
AFFIDAVIT OF PAT SMITH**

Ashton Hinshaw and I had been best friends since we met in the third grade. During our senior year in high school, Hinshaw and I decided to apply to the same colleges so that we would not have to go through the college experience alone. We were both excellent students and we knew that we would probably have our choice of schools. When we got our acceptance letters from various colleges, we both decided to enroll at Columbus University in Ohio. It is a reputable school in a quaint, picturesque town. It is also a big party school with lots of fraternities and sororities. Hinshaw and I thought it would be great to go to a college known for both its strong academics and its parties! Luckily, Hinshaw and I were housed in the same coed dormitory in rooms right next door to each other. We were so excited about being college students! We decided that we would try to be more social now that we were in college, so during rush week on campus, the second week of September, we decided to rush Phi Gamma. Phi Gamma is a coed fraternity. I was the one who chose it because both my parents had pledged Phi Gamma when they were in college. Everybody wants to pledge Gamma. It is the most popular Greek organization on campus. I also knew that I had an advantage because I was a legacy (both my parents are Gammas). My parents love to tell me stories about all their wild and crazy days in Gamma. They made Gamma sound like so much fun! Hinshaw was also very excited about Gamma. Hinshaw told me that Hinshaw's favorite aunt had been president of the Gammas at Columbus University.

When Hinshaw and I met the Gammas during rush week, they seemed so nice. They were like the "Who's who" on campus. Many of the students who held the most prestigious positions on campus were Gammas. The editor of the school paper; the captains of the basketball, football and soccer teams; the captain of the basketball cheerleaders; the most popular campus DJ; and officers in several campus organizations were all Gammas. Hinshaw and I were amazed! We were so impressed that we were willing to do whatever it took to be part of this fraternity. Alex Miller, the president of Gamma, seemed so welcoming to the eager freshmen when we visited the Gamma fraternity house. Miller told all of us that if we were lucky enough to become Gammas, we would be part of a family. Miller told us that Gamma was more than just a party organization. Miller said that Gamma sisters and brothers are also really supportive of each other and the community in general.

Hinshaw and I were so excited when we were first selected as pledges! Then things quickly changed for the worse. While we were pledging, the Gammas made all the pledges do really horrible things. They made us eat dirt, drink large quantities of alcohol, clean toilets with our toothbrushes and more! Hinshaw told me that Alex said that if Hinshaw would sleep with Alex's friend, that Hinshaw would be guaranteed to become a Gamma. Hinshaw really

wanted to be a Gamma, but Hinshaw said that it was not worth selling Hinshaw's body. After that, all of the Gammas were really mean to Hinshaw. They started calling Hinshaw stuck up, and they would always tease Hinshaw.

The last week of pledging is called Hell Week and the last night of Hell Week is called Hell Night. On Monday of Hell Week, November 17th, the Gammas made the pledges strip to our underwear. Then they stood around and made fun of us. We were all really frightened, and a couple of pledges started crying. The Gamma members swatted each of us on the behind really hard with a wooden paddle. Then they made us stand outside in our underwear. I got so upset that I started to have an asthma attack. I kept telling the Gammas that I needed my asthma inhaler, but they wouldn't let me go to my dorm to get it. The next thing I knew I had passed out, and I awakened in a hospital.

A few of the Gammas, including Alex, came to visit me Tuesday in the hospital. I thought they had come to apologize. Instead, they threatened me! Alex told me that if I told anyone what happened, they would make me an outcast on campus. When I returned to campus on Wednesday, I built up enough courage to tell Dean Thomas what happened. Instead of supporting me, Dean Thomas told me that I was over-reacting, and that the Gammas were harmless. Dean Thomas said, "it was all in good fun." All in good fun? I could have died!

Later, that very same afternoon, the police asked me about the incident. I was so scared that I lied. The Gammas had threatened me, and I knew that I had no support from the college administration. I felt so alone. I told the police that I was playing around, and that I had forgotten to take my asthma medicine. Now I wish I had told the truth. When Dean Thomas found out what I told the police Dean Thomas called me back into Dean Thomas' office. Dean Thomas said that Dean Thomas would not report my complaint as an act of hazing because I had retracted my original statement.

When the Gammas found out that I hadn't told the police anything, they allowed me to return to pledging. Even after this incident, I still refused to stop pledging. I can't believe how stupid I was! Maybe if I had quit, Hinshaw would have too. Then Hinshaw would still be alive today. Instead, we kept putting up with abuse from the Gammas. Saturday, November 22nd, was the last and worst night of Hell week. It was Hell Night, and the night of Hinshaw's death. That night, the Gammas had a pledge party. They pressured all of us to drink. All of the pledges drank. Hinshaw and I drank about three shots of tequila. We both got a little tipsy. However, I have seen Hinshaw drunk a couple of times and this certainly was not one of those times. Hinshaw laughed and talked. Hinshaw's words were not slurred and Hinshaw seemed focused. Later that night, at about 1 a.m. each of the pledges were blindfolded and taken out one at a time by a group of Gammas. I heard Alex's voice call for

Hinshaw. Alex said, “We have something special in mind for you, Hinshaw.” Hinshaw responded and I heard Hinshaw’s footsteps as Hinshaw was led away. Approximately five minutes later I heard people yelling and shouting. I pulled the blindfold off of my eyes and ran outside to see what was going on. I couldn’t believe it! I saw Hinshaw on the ledge of the clock tower. Then I saw Alex put Alex’s hand on Hinshaw’s shoulder and push Hinshaw off the ledge. The next thing I knew, Hinshaw’s bleeding, lifeless body was on the ground in front of the clock tower.

I know Alex is lying about having tried to stop Hinshaw from going out on the ledge. Hinshaw would never have gone up on the ledge of that building on Hinshaw’s own. Hinshaw has always been deathly afraid of heights. I think that is precisely why the Gammas made Hinshaw go on that ledge to hang the flag. They wanted to terrify Hinshaw or maybe they even intended to kill Hinshaw. I know Alex must have been pushing Hinshaw instead of pulling Hinshaw back on the ledge. Alex is just that mean! It was clear that they were making Hinshaw do more than the other pledges. What the Gammas did was cold-hearted murder.

**Prosecution Witness 2:**  
**AFFIDAVIT OF DR. AVERY RICHARDS**

My name is Avery Richards. I am a psychiatrist who specializes in student counseling, here on Columbus University's campus. I received a Master's in psychology and a Ph.D. in young adult psychology from Norfus University. I also have a medical degree from Gladden University. I specialize in what is known as "gang mentality." I have written two books: Sisters and Brothers in Sin: The Secret Pain of Fraternities, Sororities and Gangs, and How To Enjoy Your College Years.

I am quite familiar with the initiation processes of many gangs and Greek organizations. I began studying these organizations five years ago when I lost my son to a gang. He was a member of the Warmongers gang and members of a rival gang shot him. He was only seventeen years old. Since then, I have been delivering speeches to community organizations about gangs and violence prevention. I also speak at college campuses across the country. I encourage schools to either adopt strict disciplinary measures with their fraternities and sororities or to disallow them altogether.

Every year, students who pledge various Greek organizations come to me for counseling. In particular, many students have come to see me about the behavior of the Gammas. I myself pledged Gamma twenty years ago but I never became an initiated member. I know how vicious they can be. When I pledged, the Gammas pressured their pledges to engage in many life-threatening activities. Based on my sessions with students, it seems as though each year, the members of the various Greek organizations get increasingly cruel. I have talked with Dean Thomas about their behavior many times but Dean Thomas always minimizes the problem. I am sorry that it took the murder of a student to bring attention to this matter.

Ashton was one of my patients. Ashton came to see me the week after freshman campus orientation, before Ashton rushed Gamma. Ashton really wanted to be accepted. Ashton's shy sweetness and Ashton's insecurity touched me. Ashton had experienced a difficult childhood. Ashton told me that other kids teased her for most of her life, and her parents put tremendous pressure on her to be the best at everything. I found out that she had lost the weight that she had acquired as a child through unhealthy methods like self-starvation, regurgitation, and diet pills. It was clear from her behavior, along with her perfectionist personality, that she suffered from an eating disorder like anorexia and/or bulimia. She lived her life to please and impress others. She worked hard to be the prettiest, smartest, and most successful. I am aware of the fact that Ashton occasionally drank alcohol and smoked marijuana. Although she was not at the point of addiction, it is likely that she was approaching that stage.

Ashton told me that she was excited about starting anew in this place where nobody knew the “old” her. I told her that she should not give up the person she was to become somebody she felt others would like. I advised her to come see me on a regular basis so that we could talk through some of these insecurities. She agreed. We began to have sessions three days a week. I felt that the sessions should be this frequent because college is such a big transition, and Ashton’s fragile personality would be facing many new stresses.

When Ashton told me that she was thinking of rushing a sorority or coed fraternity, I strongly counseled her against it. She was just blossoming out of her shell, and she did not seem strong enough to take some of the cruelty that a Greek organization could dish out. I was especially worried about the fact that she really wanted to become a Gamma. Gamma is not an easy organization to get into. Many students rush Gamma, many students pledge Gamma, but only a few actually get in. I did not want her to be disappointed. She was insistent on pledging, however, so I decided to offer her support.

Interestingly, Ashton seemed to be confident about her ability to become a Gamma. She said that after rushing Gamma, she knew that she had found a place where she could belong. When Ashton discovered that she had been accepted as a pledge, she was absolutely delighted. I told her not to get her hopes up and that it was an honor in itself to have been accepted as a pledge. I shared with her my own experience with pledging Gamma, and how disappointed I was when I was not allowed to crossover. Ashton insisted that she would make it.

During the beginning of Hell Week, Ashton slipped into my office. She told me that she did not want to be spotted coming into my office by Gammas. When I asked her about how things were going, she said that Hell Week was really difficult for her. I asked her to tell me what was going on, but she refused to elaborate. She had already developed a strong sense of loyalty to the Gammas. She said that she would show them that she had what it took to be a Gamma. She would do whatever they asked her to do and more if necessary. She even told me that she was interested in trying to become head of New Gammas. This so-called honor is bestowed upon the Gamma that shows the most “loyalty” and “promise” to the organization. Even while she was telling me about her plans to excel as a Gamma, I could tell that she was upset and frightened by what was going on in the organization. I begged her to tell me what the Gammas were doing to her. She started to speak, then closed her mouth tightly and murmured “nothing.” When I asked her to report to Dean Thomas she became really upset. She said that nothing was happening, and that if I told the Dean anything she would discontinue our sessions. “Besides,” she said, “the Dean would not do anything against the Gammas anyway.” That was the last time Ashton visited my office. That Saturday she was dead.

Ashton revealed her fear of heights to me in one of our sessions. She said that she saw her favorite aunt, Tanya, commit suicide from a high ledge and that she had been afraid of heights ever since. Her aunt had always served as a role model to her. Ashton said that she wished she could be as perfect as her aunt was. I cannot imagine that Ashton would have gone out on that ledge without being pressured or forced to do so. On the other hand, the medical report revealed that her blood alcohol level was at .10 when she died. As you can see, from the National Drug and Alcohol chart, the legal intoxication level is .08 and Ashton's was just over this. Ashton was 5'7" and weighed 125 pounds. This means that it would have taken between two and three drinks to drive her blood-alcohol content up to the level it was at the time of her death. It is quite possible that a fear that she would normally have, such as fear of heights, would be lessened or eliminated at this level of intoxication. Also, since Ashton told me that she was a frequent drinker, I am unsure of her individual tolerance level and the effect that alcohol would have had on her in a situation like that which occurred during the Hell Night hazing.

Ashton's death was most likely the result of hazing. Her death and the events leading to it fit the typical hazing profile. Many times, fraternities and gangs will claim to strengthen the bonds of the organization by humiliating or dehumanizing their prospective members. In gangs, this may occur when they initiate a member through "jumping them in" (beating him/her up) or sex. Fraternities and sororities often use similar tactics. They will prey on the pledges' secret fears and weaknesses and expose them to the rest of the organization. These organizations claim that this is a way of creating a sense of brotherhood or sisterhood, but it is really a way to establish power dynamics and hierarchies within the group. Usually, the more influential members of the organization use these tactics to mask their own insecurities by bullying others. Unfortunately, the tactics they use are often dangerous and in a few cases, such as in this one, fatal.

Ashton's death is a classic case of what happens during the initiation process. Although Alex Miller has never visited this office, I believe that Alex felt threatened by Ashton in some way. Although Ashton could be shy at times, Ashton was very bright and beautiful. Her persona probably intimidated Alex, thereby resulting in Alex singling Ashton out for harsher treatment than the already dangerous and degrading activities all their pledges are forced to endure.

**Defendant's Witness 1:**  
**AFFIDAVIT OF ALEX MILLER**

My name is Alex Miller. I am the president of Phi Gamma, the oldest and largest coed Greek fraternity in the country. We are known for our great parties and our significant contribution to the community. As a result, numerous freshmen want to pledge Gamma. Rush week is the time of year when new freshmen on campus visit various fraternities and sororities to figure out which ones they would like to pledge. Likewise, the fraternities and sororities decide which freshman they would like to invite to pledge. Once someone becomes a pledge, they are what you call "on line." For the next couple of weeks they are tested in a variety of ways to see whether they have what it takes to "cross over the line" and become a member of that Greek organization.

I met Ashton Hinshaw and her friend Pat in the beginning of September 2010, during rush week. Ashton was pretty, bright, and very ambitious. She asked me a lot of questions about Phi Gamma. She wanted to know what would be required of her as a pledge. I thought that she was a little overconfident, since we hadn't made decisions as to which freshmen we would invite to pledge. I was not offended, however, because confidence is one of the qualities we seek in a future Gamma. I told her that if we invited her to pledge she would have to cross the line before becoming a Gamma. I also told her that if she showed strong leadership potential while on line, that she might be elected head of New Gammas. Being head of New Gammas as a freshman is a good way to become president of the fraternity during senior year. She said, "I am going to be head of New Gammas." I laughed and told her that she would have to be invited to be a pledge before she made all those plans for the future. Then I joked, "Well you know, if you really want to impress us, you will do something so great the campus administration will hang the Gamma flag from the top of the clock tower." We both laughed.

I noticed that Ashton's friend, Pat, didn't seem to be the Gamma type. Pat was kind of reserved and nerdy and didn't seem to fit in very well. Because they seemed so different, I asked how they knew each other. Ashton told me that Pat had been a friend of hers since grade school. She said that she cared very much for Pat, and she hoped that they would become Gammas together, but that she would not give up becoming a Gamma for Pat. Even though I knew that Pat would never be chosen to become a Gamma, I was really turned off by that remark. After all, one of Gamma's strongest principles is loyalty, and I thought that Ashton's attitude was not very loyal to her friend.

The Gammas voted to make Ashton a pledge. As president, I did not vote. I also did not warn them about some of Ashton's less desirable qualities. I was hoping that maybe I was mistaken, and Ashton had not been herself that day. Unfortunately, I was wrong. Ashton began to show her true colors shortly after she became a pledge. She could be really sweet sometimes and really

stuck up at other times. She was always nice to the Gamma officers but she could be really snotty to other Gamma members. When the news came out that she and her boyfriend broke up, a lot of guys started asking her out. I even tried to set her up with my friend Bryan. I thought that they would make a really nice couple. She turned the offer down flat and gave any guy that showed interest in her the cold shoulder.

Many of the Gammas began to dislike Ashton. I was hurt by her attitude at times, but I did not dislike her. I figured she must have had something serious going on in her life that made her behave that way. She could be a lot of fun sometimes. She was a lot of fun at parties. She would drink and be a lot more outgoing. We all enjoyed her at those times.

The last week of pledging is known on campus as "Hell Week." This is when a fraternity or sorority plays pranks on the pledges. The Gammas like to give our pledges a hard time, but we would never do anything to endanger their physical or emotional well being nor would we violate campus anti-hazing rules or the anti-hazing law. The pledges are responsible for knowing the history and charter of Phi Gamma. They also must know a detailed history of the Gamma fraternity here on Columbus University campus. We also had the pledges scrub the bathrooms with their toothbrushes, eat things sprinkled with hot pepper, and other harmless things of that nature. We never touched the pledges, nor did we encourage them to drink. We have had a couple of people get hurt while pledging, but these incidents were due to the recklessness of the pledges and not us. We encourage people to be responsible, but we can not force them to act that way. These people are adults and should be held accountable for their actions.

Pat Smith is a perfect example of someone who does not want to be held responsible for his/her actions. One night during Hell Week, Pat forgot his/her inhaler when we were all hanging out. S/he was sitting quietly in the corner and no one noticed him/her until s/he had passed out. We rushed him/her to the hospital. We were so worried. A few other Gammas and I went to visit Pat in the hospital. S/he seemed really happy to see us, I could tell that s/he really appreciated the visit. I think that the only reason s/he is telling these lies now is because s/he did not cross as a Gamma. S/he never raised any of these allegations when s/he talked to the police. I think that it is strange that s/he reported all of these things that we supposedly did only after s/he was not accepted as a Gamma. It really hurts to see her/him react this way. Even though s/he didn't cross, we were still nice to her. I don't understand why s/he is telling so many lies about us. I think that all of us have been through enough suffering with the death of Ashton.

On the evening of her death, Ashton seemed to have had a little too much to drink at our party. She started crying and saying that she knew we all hated her. I told her that that was not true. I said, "Sometimes we get offended by your attitude but we certainly do not hate or dislike you." Later, we blindfolded all the pledges as part of our fraternity tradition. On the last night of Hell

Week, we have them do one last task. It is always something harmless and in good fun. We brought each of the pledges out one at a time to perform the task. When we entered the fraternity house to bring Ashton outside, I said “we have something special in mind for you.” After we brought her out, I whispered to her, “you are going to have to raise the flag.” What I intended for her to do was to hang a flag on the door to our fraternity house. I just wanted to scare her a bit. We always do that to the pledges. Ashton went nuts! Before we could stop her, Ashton snatched off her blindfold, grabbed our Gamma flag and ran off towards the campus center. She started yelling that she was going to show everyone how great she was. A few of us chased her because she was drunk and upset and we had no idea what she might do. She ran up the stairs of the clock tower and walked out onto the ledge. I was the first person to catch up with Ashton. I was so terrified. I begged her to come inside, but she said that she wanted to hang our flag where everyone could see it. Then she stumbled. I reached out and grabbed her shoulder to stop her from falling but it was of no use. Ashton fell anyway. It was horrible!

I am so sorry that Ashton died, but I am not a murderer. She got drunk and chose to go out on that ledge without any prodding from me or the any of the other Gammas. I tried to stop her and now I am being accused of murder. The fact is that she put too much pressure on herself to be the best and that is what led to her death.

Even if I wanted to haze, I would not do it. The consequences are too severe. Dean Thomas sent a memo warning students about the consequences of hazing. Dean Thomas wrote an added note to me on the memo and also called me to say that Ashton seemed unhappy.

**Defendant's Witness 2:**  
**AFFIDAVIT OF DEAN JESSE THOMAS**

My name is Jesse Thomas and I have been Dean of Columbus University since 2000. I am proud to be a member of the University's community. This school provides numerous sports, clubs, support systems, and most important, exceptional academics. As Dean, it is my responsibility to help maintain this college's good reputation. I do this by overseeing the faculty, staff and students. I am also a major fundraiser for the college.

I am very familiar with the Phi Gamma fraternity. The Columbus University chapter of the fraternity has been in existence since 1908. It is an extremely popular organization whose members tend to be well-rounded students. Also, the alumni of Phi Gamma are the most generous of the campus organizations. Alumni of Phi Gamma have contributed over fifteen million dollars to the college. Much of this money was used to help pay for the new student center.

We enforce strict campus rules about hazing. We send out a letter to all Greek organizations during rush week at the beginning of each year, reminding them of the law and the school rules against hazing. Although we have had to discipline a few organizations in the past, most students seem to respect the policy and we have very few reported incidents of hazing. However, all fraternities and sororities on campus have had their share of mishaps, and the Gammas are no exception. Sometimes the students play pranks that misfire and people get hurt. This is no different from sport team injuries or injuries that occur when students go to parties. As a matter of fact, there have not been any substantiated reports of hazing by Gammas in the last five years. Although reports of hazing have gone down in all Greek organizations, none can beat that record. We have had to discipline several of the other fraternities and sororities due to reports of paddling or other physical abuse of students. Fortunately, none of the hazing we have discovered in the past few years has resulted in serious injury. In fact, due to our low rate of reported incidents in hazing, we were named the "Best Place to Pledge a Fraternity or Sorority" in two national magazines. I am proud to say that I have personally received several awards based on these statistics. As a result of the reputation I have for reducing the number of hazing incidents, our university has received several donations from charitable organizations and Columbus University has increased my salary. Furthermore, other universities have paid me to lecture at their schools about pledging safely.

I know Alex Miller personally. Alex is a credit to this university. Alex and other Gammas often volunteer at the local battered women's shelter and tutor elementary school students in the area. Alex plays a huge leadership role on this campus. At a campus-wide Greek meeting two years ago, Alex publicly denounced hazing of any kind. Alex was one of the students who helped me

organize an anti-hazing rally. I also had my office send a detailed memo to every student that explained the law and school policy on hazing. I wrote a special note to Chris on the memo I sent to Alex on November 18th.

In conjunction with dealing with physical abuse, the campus administration has also cracked down on under age campus drinking. We post alcohol awareness posters all over campus and mandate that each organization that serves alcohol go through an alcohol awareness program. This, unfortunately, is a much more persistent problem than hazing. Every fraternity and sorority on this campus has been warned about the problem. However, it does not seem to go away. Short of not allowing any of the organizations to serve alcohol at parties, we cannot avoid cases of underage drinking.

I remember when Pat Smith came into my office to report the hazing activities of the Phi Gammas. Pat told me that the Gammas were picking on some of the pledges. I tried to tell Pat that some teasing and pranks during pledging were to be expected. I asked Pat whether there were any instances where Pat was put in physical danger as a result of hazing activity. Pat told me that Pat had just gotten out of the hospital due to an asthma attack. Pat said that Pat began to have an asthma attack after being paddled by some Gammas. Pat said that they did not take Pat to get medicine or any type of medical attention until after Pat had passed out. I told Pat that I was sure that the Gammas meant no harm and that it was all in good fun, but that these allegations were serious and should be looked into. As soon as Pat left my office, I called the police as required by law. You can't imagine how confused I was when the police told me that Pat had recanted Pat's statement. I closed the investigation because campus security cannot base an investigation on what was admittedly a lie.

This is not the first time that I have received a complaint about Gammas where the complainant has changed his or her story. In order for us to use campus resources to investigate an incident of hazing, we must get a report from a complainant. If that complainant recants, then it is a waste of time for campus security or the local police to investigate when there are other things to which they can devote their time, like campus security. Because there are no records of recanted allegations, I do not know how many times a complainant has come to me specifically about hazing at Phi Gamma and then changed his or her story. Perhaps a couple of the allegations that have been made included a bit of truth, but it is just not fair to investigate a reported incident when the accuser won't stick to one story. The accused would have to go through the humiliation of the campus tribunal and would be at risk of expulsion as a result of a story we cannot be sure is true. I refuse to ruin someone's future by putting something false on their permanent academic record, especially the bright futures that most of the Gammas have!

Ashton came by my office on the Thursday before her death and said she had something to tell me about the situation with Pat. She said that she did not have time to talk but she would come back on Monday. When Ashton left my office, I immediately called Alex Miller to find out what was going on. I told Alex that Ashton had some information for me and that if it had anything to do with hazing, I would suspend the fraternity and bring Alex before the campus tribunal. Alex assured me that there was no hazing going on, nor would there be any in the future. I believed Alex.

I was greatly saddened by the news of Ashton's death. She was obviously a seriously disturbed young woman. She has been seeing a university psychologist since before she ever pledged Gamma. Unfortunately, the lack of self-esteem in young adults is a problem nationwide. Ashton wanted to be popular, and that desire probably drove her to act irrationally. I was here when Ashton's aunt, Tanya Maddox, attended Columbus University about six or seven years ago. Tanya was President of the Phi Gamma fraternity and a real credit to the university. She was certainly a hard act to follow and I would not be surprised if Ashton jumped off the ledge because she could not measure up to the successes of her aunt. If I had known that Ashton was experiencing emotional problems I certainly would have offered her support.

### **Monologue Ideas**

You can choose anything! It could be a poem, lyrics from a song, or a part from a movie. You could write it yourself. Here are some ideas, although I hope you find your own!

#### **Freaky Friday, Anna Coleman**

Mr. Bates may I please speak with you? By what stretch of the imagination, I mean, like, how could I, like, get an "F"? I mean, what mistakes did I make? That was a college-level analysis. As a matter of fact I most certainly am qualified of making that point. As in Hamlet, what's done is done? That's Macbeth, you know-nothing twit. Bates. Elton Bates. Griffith High School. Well, you asked me, I mean, my mom to the prom, but she turned you down. And now you're taking it out on her daughter, aren't you? Aren't you? Oh come on, it was a high school dance. I mean, you've got to let go and move on, man. And if you don't, I'm sure the school board would love to hear about your pathetic vendetta against an innocent student. Oh, and by the way Elton, she had a boyfriend. And you were weird.

#### **Good Will Hunting, Will Hunting**

Of course that's your contention. You're a first year grad student. You just got finished readin' some Marxian historian, Pete Garrison probably. You're gonna be convinced of that 'til next month when you get to James Lemon and then you're gonna be talkin' about how the economies of Virginia and Pennsylvania were entrepreneurial and capitalist way back in 1740. That's gonna last until next year. You're gonna be in here regurgitating Gordon Wood, talkin' about, you know, the Pre-Revolutionary utopia and the capitalforming effects of military mobilization...

#### **The Notebook, Noah Calhoun**

Well that's what we do, we fight... You tell me when I am being an arrogant son of a bitch and I tell you when you are a pain in the ass. Which you are, 99% of the time. I'm not afraid to hurt your feelings. You have like a 2 second rebound rate, then you're back doing the next pain-in-the-ass thing. ... So it's not gonna be easy. It's gonna be really hard. We're gonna have to work at this every day, but I want to do that because I want you. I want all of you, forever, you and me, every day. Will you do something for me, please? Just picture your life for me? 30 years from now, 40 years from now? What's it look like? If it's with him, go. Go! I lost you once, I think I can do it again. If I thought that's what you really wanted. But don't you take the easy way out.

#### **Legally Blonde, Elle Woods**

On our very first day at Harvard a very wise professor quoted Aristotle... "The law is reason free from passion." Well...no offense to Aristotle, but in my three years at Harvard I have come to find that passion is a key ingredient to the study and practice of law...and of life. It is with passion, courage of conviction, and strong sense of self that we take our next steps into the world. Remembering that first impressions are not always correct, you must always have faith in people, and most importantly...you must always have faith in yourself. Congratulations class of 2004...we did it!

For more examples visit: <http://www.monologuedb.com>