



NORTH CAROLINA
BAR FOUNDATION

The 2020 Middle School Mock Trial Criminal Case

IN THE COURT OF GENERAL SESSIONS
COUNTY OF LYONS
STATE OF NEW HARMONY

State of New Harmony

Prosecution,

v.

Charlie Spencer,

Defendant.

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2019-GS-46-2695

2019-GS-46-2696

*NOTE: All characters, names, events, places, and circumstances in
this Mock Trial case are fictitious.*

A PROJECT OF THE
North Carolina Bar Foundation
CIVIC EDUCATION and COMMUNITY ENGAGEMENT COMMITTEE
AND THE MIDDLE SCHOOL MOCK TRIAL SUB-COMMITTEE

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The South Carolina Bar.

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CASE SUMMARY

Sometime during the night of August 8, 2019, the “Leeway,” a lobster fishing boat registered in the name of Brook Bentley, sunk while docked at the marina in Spencer Harbor. When the boat was pulled out of the water and examined, a symmetrical hole was visible in the boat, which raised the suspicion that someone intentionally sabotaged the boat. The boat, hauling system, and motor cannot be salvaged and the cost to replace them was in excess of \$7,000.00. During DNR Marine Patrol Agent Chris London’s investigation, it was determined the hole was drilled and was 7/8th inch in diameter. Following up on an accusation, Agent London searched the boat of commercial lobster fisherman Charlie Spencer and found a battery-operated electric drill in the cabin. Agent London then inspected Spencer’s traps stacked on the dock next to the boat. After having found nothing, Agent London noticed Spencer’s truck parked nearby and decided to take a closer look. In the bed of the truck under a tarp, Agent London found a 7/8th inch butterfly spade drill bit and confirmed that it was the same size as the hole drilled in Bentley’s boat.

On August 17, 2019, Agent London arrested Charlie Spencer for sinking Brook Bentley’s boat on or about the night of August 8, 2019 and charged Spencer with malicious injury to personal property under the State of New Harmony Criminal Code. Spencer was also charged with assault and battery of a high and aggravated nature, for hitting Brook Bentley in the nose during a confrontation between the two that occurred earlier the same day on the pier at Spencer Harbor. The fight was witnessed by Charlie Spencer’s sternman, Parker Watson, and Capeside High School Vice Principal, Dee Preston.

This case summary is not to be used as evidence in the case, but rather is provided for background purposes only.

PLEADINGS

WITNESSES

DNR Agent, Chris London

ARREST WARRANT NUMBER

DIRECT INDICTMENT

ACTION OF GRAND JURY

TRUE BILL

Brynn Forsyth

Foreperson of Grand Jury

Date: October 1, 2019

VERDICT

Foreperson of Grand Jury

Date:

DOCKET NO. 2019-GS-46-2695

The State of New Harmony
County of Lyons

COURT OF GENERAL SESSIONS

THE STATE OF NEW HARMONY

vs.

CHARLIE SPENCER

INDICTMENT FOR

Code § 16-11-510

STATE OF NEW HARMONY)
)
COUNTY OF LYONS)

INDICTMENT

At a Court of General Sessions, convened on October 1, 2019, the Grand Jurors of Lyons County present upon their oath:

**MALICIOUS INJURY TO PERSONAL PROPERTY
CODE § 16-11-510**

That Charlie Spencer did, on Spencer Island in Lyons County, on or about August 8, 2019, commit the crime of Malicious Injury to Personal Property in that the Defendant, Charlie Spencer, did unlawfully cause malicious injury to personal property contrary to the laws of the State of New Harmony: to wit, the intentional sinking of a lobster boat identified as “Leeway” with New Harmony registration of NH-27958-J.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

David W. Miller
DAVID W. MILLER, SOLICITOR

WITNESSES

DNR Agent, Chris London

ARREST WARRANT NUMBER

DIRECT INDICTMENT

ACTION OF GRAND JURY

TRUE BILL

Brynn Forsyth

Foreperson of Grand Jury

Date: October 1, 2019

VERDICT

Foreperson of Grand Jury

Date:

DOCKET NO. 2019-GS-46-2696

The State of New Harmony

County of Lyons

COURT OF GENERAL SESSIONS

THE STATE OF NEW HARMONY

vs.

CHARLIE SPENCER

INDICTMENT FOR

Code § 16-3-600

STATE OF NEW HARMONY)
)
COUNTY OF LYONS)

INDICTMENT

At a Court of General Sessions, convened on October 1, 2019, the Grand Jurors of Lyons County present upon their oath:

**ASSAULT AND BATTERY OF A HIGH AND AGGRAVATED NATURE
CODE § 16-3-600**

That Charlie Spencer did, on Spencer Island in Lyons County, on August 8, 2019, commit the crime of Assault and Battery of a High and Aggravated Nature in that the Defendant, Charlie Spencer, did unlawfully and without provocation strike Brook Bentley in the face causing a broken nose, swelling, and bruising contrary to the laws of the State of New Harmony.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

David W. Miller
DAVID W. MILLER, SOLICITOR

STATE OF NEW HARMONY	)	SIXTEENTH JUDICIAL CIRCUIT
)	
COUNTY OF LYONS	)	COURT OF GENERAL SESSIONS
)	
)	
STATE OF NEW HARMONY,	)	2019-GS-46-2695
	)	2019-GS-46-2696
Prosecution,)	
vs.)	
)	
CHARLIE SPENCER,)	
)	
Defendant.	)	DEMAND FOR JURY TRIAL
)	

The State of New Harmony filed two indictments against Defendant, Charlie Spencer. The indictments were true billed by the Grand Jury on October 1, 2019. Defendant pleads not guilty.

I, the undersigned, do hereby demand a jury trial in the above matter.

Dated: October 1, 2019

Signed: Charlie Spencer
Charlie Spencer, Defendant

STATE OF NEW HARMONY	)	SIXTEENTH JUDICIAL CIRCUIT
)	
COUNTY OF LYONS	)	COURT OF GENERAL SESSIONS
)	
)	
STATE OF NEW HARMONY,	)	2019-GS-46-2695
	)	2019-GS-46-2696
Prosecution,)	
vs.)	
)	
CHARLIE SPENCER,)	
)	
Defendant.)	
)	

Pre-Trial Order

On this the 7th day of January, 2020, this matter came before the undersigned judge for pretrial conference. The parties, appearing through their counsel, indicated their agreement to the terms of this Order, and requested that it be made the Order of this Court. The terms of this order shall not be altered, except upon a showing of good cause.

I. Statement of Case

The State charged Defendant, Charlie Spencer, with one count of Malicious Injury to Personal Property in violation of New Harmony Code Annotated § 16-11-510 and one count of Assault and Battery of a High and Aggravated Nature in violation of New Harmony Code Annotated § 16-3-600, alleging that on or about August 8, 2019, the Defendant unlawfully sunk a boat and struck Brook Bentley, contrary to the laws of the State of New Harmony. Upon arraignment, Charlie Spencer pled not guilty to all charges.

II. Stipulations of the Parties

The parties have entered into the following stipulations, which shall not be contradicted or challenged:

1. This case is governed by the laws of the state of New Harmony. The parties are bound by the laws as set forth in the Jury Charges. The parties may not argue or present any statutory or case law other than what is included in these case materials.

2. All island clocks and watches are synchronized.
3. The illustrated map, while not to scale, accurately depicts the layout of the Spencer Harbor Marina.
4. All roles are gender neutral. The question of one gender hitting another gender will not come into question for the purpose of this Mock Trial case (i.e. the assumption that boys do not hit girls).
5. Any person, regardless of gender, who engages in lobster fishing / lobstering is called a lobster fisherman or lobsterman.
6. Any person, regardless of gender, can be called a sternman.
7. A picture of a gaff ([Exhibit #2](#)) is provided in the exhibits as a visual aid. This is not a picture of the actual gaff referenced in the case.
8. [Exhibit #4](#) can be entered into evidence by any of the witnesses.
9. Dr. Herman is providing medical relief in the Philippines as part of Doctors without Borders and is unavailable for trial.
10. All exhibits included in the case materials are authentic and are accurate copies of the originals. No objections to the authenticity of the exhibits will be entertained. The only exhibits to be used at the trial are those included in the case materials. The signatures on the witness statements and all other documents are authentic.
11. No witness may be examined or cross-examined as to the contents of anything not included in the case materials. This includes, but is not limited to, information found on the internet, social media, books, magazines, or other publications.
12. The charge of the court is accurate in all respects, and no objections to the charge will be entertained.
13. The chain of custody for evidence is not in dispute.
14. A piece of evidence for the Prosecution of this case is the 7/8th inch butterfly spade drill bit that was seized. The parties had a pre-trial hearing and it was ruled that the butterfly drill bit can be introduced into evidence with an appropriate witness.
15. Students may not wear hats or hoodies to portray characters as it is a costuming violation.
16. All parties are responsible for knowing the technical terms of the lobstering industry located in the “Terminology” section clarified for the purposes of this case.

TERMINOLOGY

Aquaculture:	the culture or husbandry of marine organisms by any person
Big water:	the large water source also referenced as Harmony Bay
Bilge pump:	a water pump used to remove excess water from inside the boat (see Exhibit #8)
Biodegradable escape hatch:	the biodegradable lid of the lobster pot that ensures if a lobsterman loses or does not retrieve the lobsters in a timely manner, the hatch disintegrates so that the lobster may escape and search for food, thus not starving and dying
Bow:	the forward part of the <i>boat</i> , the point that is most forward when the vessel is underway (see Exhibit #8)
Brown tail moth:	a small white and brown tussock moth (<i>Euproctis phaeorrhoea</i>) whose caterpillars consume leaves of shade trees and produce a poison capable of causing a skin rash on contact
Buoy:	a floating device with multiple purposes to include marking navigation, holding weather reporting devices, marking water depth, marking fishing trap locations, etc.; comes in varying sizes, heights, and color combinations
Butterfly spade drill bit:	a spinning blade. In the center of the blade is a triangle. On each side is a sharp edge. The triangular section starts a pilot hole in the material being drilled. Then the blade hits the drilling surface and bores in. (see Exhibit #3)
Davit:	a large metal arm, which extends over the side of the boat at an angle (see Exhibit #8)
Epoxy:	an adhesive, plastic, paint, or other material made from a class of synthetic thermosetting polymers containing epoxide groups
Gaff:	a fishing tool with a hook on the end used to retrieve a line to a string of traps (see Exhibit #2)
Harmony Bay:	the “big water” located just outside of Spencer Harbor Marina; situated between the mainland and Spencer Island
Hauler:	part of the hydraulic pulley system along with the davit and snatch block; “hauls” the traps onto the rail (see Exhibit #8)
Line:	rope used to tie traps to each other; the buoy line is the line running

from the buoy to the lead trap; the ground line is the line linking the traps to one another

- Lobster:** crustacean of the genus *Homarus americanus*
- Lobster pound:** a place where the live lobsters are held for sale
- Lobster trap:** a lobster trap, pot, or other stationary device that may be set on the ocean bottom or used for capturing lobsters or crabs; includes an escape vent located on the cage; bait is placed in the traps to lure their catch
- Outboard motor:** a propulsion system with a propeller attached to the stern of a boat ([see Exhibit #8](#))
- Port side:** the left side of the boat when a person is facing the bow (the front of the boat) ([see Exhibit #8](#))
- Propeller guard:** a propeller protection device used to prevent potential hazards near the propeller ([see Exhibit #8](#))
- Shedders:** lobsters who have just shed their shells. During July and August, large numbers of lobsters shed their shells and hide under the ocean floor rocks. Once shells harden sufficiently, the lobsters feel safe enough to crawl out from hiding to search for food; aka “soft shell lobster”
- Short lobsters:** lobsters that are not at the minimum lobster size of 3 8/32”
- Snatch block:** a block that is suspended from the davit and is part of the hauling system ([see Exhibit #8](#))
- Spencer Island:** the isolated piece of land located in Harmony Bay across from the mainland (Westover, New Harmony) ([see Exhibit #4](#))
- Spencer Harbor/ Marina:** the place in which all boats of Spencer Island are docked
- Starboard side:** the right side of the boat when a person is facing the bow (the front of the boat) ([see Exhibit #8](#))
- Stern:** the rear part of the boat ([see Exhibit #8](#))
- Sternman:** a person who sits at the stern or rear of a boat
- Trap lot:** a place where fisherman can store their lobster traps
- Trawl(s):** multiple traps connected to one another by lines; also called stringers

Trawl line(s):	the line connecting the trawls together
Upwelling:	a rising of seawater, magma, or other liquid
V-notched lobster:	a female lobster that is/has been egg-bearing (it is unlawful to transport, sell, or possess a v-notched lobster)
Wake:	a track of waves left by a ship or moving object through the water
Westover:	closest town on the mainland from Spencer Island; located in the state of New Harmony

NEW HARMONY CRIMINAL STATUTES

Code § 16-3-600. Assault and battery.

- (A) For purposes of this section:
- (1) "Great bodily injury" means bodily injury which causes a substantial risk of death or which causes serious, permanent disfigurement, or protracted loss or impairment of the function of a bodily member or organ.
 - (2) "Moderate bodily injury" means physical injury requiring treatment to an organ system of the body other than the skin, muscles, and connective tissues of the body, except when there is penetration of the skin, muscles, and connective tissues that require surgical repair of a complex nature or when treatment of the injuries requires the use of regional or general anesthesia.
- (B) (1) A person commits the offense of assault and battery of a high and aggravated nature if the person unlawfully injures another person, and:
- (a) great bodily injury to another person results; or
 - (b) the act is accomplished by means likely to produce death or great bodily injury.
- (2) A person who violates this subsection is guilty of a felony, and, upon conviction, must be imprisoned for not more than twenty years.
- (3) Assault and battery of a high and aggravated nature is a lesser-included offense of attempted murder.

Code § 16-11-440. Presumption of reasonable fear of imminent peril when using deadly force against another unlawfully entering residence, occupied vehicle or place of business.

- (A) A person is presumed to have a reasonable fear of imminent peril of death or great bodily injury to himself or another person when using deadly force that is intended or likely to cause death or great bodily injury to another person if the person:
- (1) Against whom the deadly force is used is in the process of unlawfully and forcefully entering, or has unlawfully and forcibly entered a dwelling, residence, or occupied vehicle, or if he removes or is attempting to remove another person against his will from the dwelling, residence, or occupied vehicle; and
 - (2) Who uses deadly force knows or has reason to believe that an unlawful and forcible entry or unlawful and forcible act is occurring or has occurred.
- (B) The presumption provided in subsection (A) does not apply if the person:
- (1) Against whom the deadly force is used has the right to be in or is a lawful resident of the dwelling, residence, or occupied vehicle including, but not limited to, an owner, lessee, or titleholder; or
 - (2) Who uses deadly force is engaged in an unlawful activity or is using the dwelling, residence, or occupied vehicle to further an unlawful activity.

- (C) A person who is not engaged in an unlawful activity and who is attacked in another place where he has a right to be, including, but not limited to, his place of business, has no duty to retreat and has the right to stand his ground and meet force with force, including deadly force, if he reasonably believes it is necessary to prevent death or great bodily injury to himself or another person or to prevent the commission of a violent crime.
- (D) A person who unlawfully and by force enters or attempts to enter a person's dwelling, residence, or occupied vehicle is presumed to be doing so with the intent to commit an unlawful act involving force or a violent crime.

Code § 16-11-510. Malicious injury to animals and other personal property.

- (A) It is unlawful for a person to willfully and maliciously cut, shoot, maim, wound, or otherwise injure or destroy any horse, mule, cattle, hog, sheep, goat, or any other kind, class, article, or description of personal property, or the goods and chattels of another.
- (B) A person who violates the provisions of this section is guilty of a:
 - (1) Felony and, upon conviction, must be fined in the discretion of the court or imprisoned not more than ten years, or both, if the injury to the property or the property loss is worth ten thousand dollars or more;
 - (2) Felony and, upon conviction, must be fined in the discretion of the court or imprisoned not more than five years, or both, if the injury to the property or the property loss is worth more than two thousand dollars but less than ten thousand dollars;
 - (3) Misdemeanor triable in magistrate's court or municipal court, if the injury to the property or the property loss is worth two thousand dollars or less. Upon conviction, the person must be fined not more than one thousand dollars, or imprisoned, not more than thirty days, or both.

Code § 48-4-10. Department created; composition; transfer of powers, from predecessor agencies; certain commissions abolished.

- (A) The New Harmony Department of Natural Resources is created to administer and enforce the laws of this State relating to wildlife, marine resources, and natural resources and other laws specifically assigned to it. The Department must be comprised of a Natural Resources Enforcement Division, a Wildlife and Freshwater Fisheries Division, a Marine Resources Division, a Water Resources Division, and a Land Resources and Conservation Districts Division. Each division of the Department must have the functions and powers provided by law.
- (B) All functions, powers, and duties provided by law to the New Harmony Wildlife and Marine Resources Department, the Geological Survey Division of the Budget and Control Board, to include the State Geologist, and the New Harmony Migratory Waterfowl Committee are transferred to the Department of Natural Resources. All non-regulatory functions, powers, and duties provided by law to the New Harmony Water Resources Commission and the State Land Resources Conservation Commission are transferred to the Department of Natural Resources. All rules, regulations, standards, orders, or other actions of these entities remain in effect unless specifically changed or voided by the Department in accordance with the Administrative Procedures Act.
- (C) All divisions are directly accountable to and subject to the Department of Natural Resources.
- (D) The Wildlife and Marine Resources Commission, the Land Resources Conservation Commission, and the Water Resources Commission are abolished.

Code § 50-3-110. Supervision of enforcement officers; enforcement of laws.

The Department shall have charge of the enforcement officers of the Natural Resource Enforcement Division of the Department and exercise supervision over the enforcement of the laws of the State, regulatory, tax, license or otherwise, in reference to birds, nonmigratory fish, game fish, shellfish, lobsters, shrimp, oysters, oyster leases, and fisheries.

Code § 50-3-120. Wildlife law-enforcement personnel designated as enforcement officers.

Notwithstanding any other provision of law, all law-enforcement personnel of the Department are hereby designated enforcement officers with all the power and authority now possessed by game wardens, conservation officers, and inspectors as provided for in this title.

Code § 50-21-130. Duties of vessel operator involved in collision; offense and penalties; immunity of person rendering assistance; accident reports; suspension of privileges.

- (A) It is the duty of the operator of a vessel involved in a collision, accident, or other casualty, if he can do so without serious danger to his own vessel, crew, or passengers, to render assistance as may be practical or necessary to persons affected by the collision, accident, or other casualty including personal injury or property damage and also to give his name, address, and identification of his vessel in writing to any person injured and to the owner of any property damaged in the collision, accident, or other casualty. A person who fails to stop or to comply with the requirements of this section, is guilty of:
- (1) A misdemeanor, when personal injury or property damage results but great bodily injury or death does not result, and, upon conviction, must be imprisoned not less than thirty days nor more than one year or fined not less than one hundred dollars nor more than five thousand dollars, or both;
 - (2) A felony when great bodily injury results and, upon conviction, must be imprisoned not less than thirty days nor more than ten years and fined not less than five thousand dollars nor more than ten thousand dollars; or
 - (3) A felony when death results and, upon conviction, must be imprisoned not less than one year nor more than twenty-five years and fined not less than ten thousand dollars nor more than twenty-five thousand dollars.
- (B) Any person who complies with subsection (1) of this section or who gratuitously and in good faith renders assistance at the scene of a vessel collision, accident, or other casualty shall not be liable for any civil damages as a result of the rendering of assistance or for any act or omission in providing or arranging salvage, towage, medical treatment, or other assistance.

STATE OF NEW HARMONY	)	SIXTEENTH JUDICIAL CIRCUIT
)	
COUNTY OF LYONS	)	COURT OF GENERAL SESSIONS
)	
)	
STATE OF NEW HARMONY,	)	2019-GS-46-2695
	)	2019-GS-46-2696
Prosecution,)	
vs.)	
)	
CHARLIE SPENCER,	)	JURY INSTRUCTIONS
)	
Defendant.)	
)	

Note:

Jury instructions are NOT to be read to the jury on the day of the Mock Trial Competition.

The Court hereby approves the following preliminary jury instructions in the above-captioned case. It notes that the presentation of evidence at trial may warrant additional instructions, and it will consider those instructions at a later date.

A. Opening Instruction

You have been selected and sworn as the jury to try the case of the State of New Harmony against Charlie Spencer. The Defendant is charged with the following offenses: one count of Malicious Injury to Personal Property in violation of New Harmony Code Annotated § 16-11-510, and one count of Assault and Battery of a High and Aggravated Nature in violation of New Harmony Code Annotated § 16-3-600. The Defendant has pled “not guilty.” A plea of not guilty puts in issue each element of the crime with which the Defendant is charged. A plea of not guilty requires the State to prove each element of the crime beyond a reasonable doubt. The Defendant is presumed innocent of the crimes and this presumption continues unless and until after consideration of all the evidence you are convinced of his/her guilt beyond a reasonable doubt. The Defendant must be found not guilty unless the State produces evidence which convinces you beyond a reasonable doubt of each element of the crimes. It is your responsibility as jurors to determine the facts from the evidence, to follow the law as stated in the instructions from the presiding judge, and to reach a verdict of not guilty or guilty based upon the evidence.

B. Closing Instruction

It is your responsibility as jurors to determine the facts from the evidence, to follow the rules of law as stated in these instructions, to reach a fair and impartial verdict of guilty or not guilty based upon the evidence, as you have sworn you would do. You must not use any method of chance in arriving at a verdict, but must base your verdict on the judgment of each juror.

C. Introduction

Now that all the evidence has been presented, it is my duty under the law to give you the instructions that apply in this case. The instructions contain all rules of the law that are to be applied by you, and all the rules of law by which you are to weigh the evidence and determine the facts in issue in deciding this case and in reaching a verdict. You must consider the instructions as a whole and not as a part to the exclusion of the rest. All the testimony and evidence that is proper for you to consider has been introduced in this case. You should not consider any matter of fact or of law except what has been given to you while this court is or has been in session.

D. Summary of Charges / Elements of the Charges

The Defendant, Charlie Spencer, is charged with one count of Malicious Injury to Personal Property in violation of New Harmony Code Annotated § 16-11-510 and one count of Assault and Battery of a High and Aggravated Nature in violation of New Harmony Code Annotated § 16-3-600. The first count for malicious injury to personal property requires showing Charlie Spencer caused the sinking of the boat named “Leeway”. The second count for assault and battery of a high and aggravated nature requires showing Charlie Spencer did strike Brook Bentley causing great bodily injury. To these charges, the Defendant has entered a plea of “not guilty.”

E. Presumption of Innocence

The Defendant is presumed innocent of the crimes charged, and the presumption continues unless, after consideration of all the evidence, you are convinced of his/her guilt beyond a reasonable doubt. The State has the burden of presenting the evidence that establishes guilt beyond a reasonable doubt. The Defendant must be found not guilty unless the State produces evidence which convinces you beyond a reasonable doubt of each element of the crime. “Beyond a reasonable doubt” is “proof of such a convincing character that you would be willing to rely and act upon it without hesitation in the most important of your own affairs.”

F. Evidence-Definition

Evidence is the testimony received from the witnesses under oath, stipulations made by the attorneys, and the exhibits admitted into evidence during the trial.

G. Evidence – Inferences

You should consider only the evidence introduced while the court is in session. You are permitted to draw such reasonable inferences from the testimony and exhibits as you feel are justified when considered with the aid of the knowledge which you each possess in common with other persons. You may make deductions and reach conclusions which reason and common sense lead you to draw from the facts which you find to have been established by the testimony and evidence in the case.

H. Indictments Not Evidence

The indictments in this case are the formal method of accusing the Defendant of a crime. This is not evidence of guilt, and the law is that you should not allow yourselves to be influenced against the Defendant by reason of the filing of the indictments.

I. Judicial Rulings

The Court has made rulings in the conduct of the trial and the admission of evidence. In so doing, I have not expressed nor indicated in any way the weight or credit to be given any evidence or testimony admitted during the trial. Nor have I indicated in any way the conclusions to be reached by you in this case.

J. Objections

From time to time during this trial, the attorneys have made objections that I have ruled on. You should not speculate upon the reasons why objections were made. If I approved or sustained an objection, you should not speculate on what might have been said or what might have occurred had the objection not been sustained by me.

K. Credibility of Witnesses

It is your responsibility to determine the credibility of each witness and the weight to be given the testimony of each witness. In determining such weight or credibility, you may properly consider: the interest, if any, which the witness may have in the result of the trial; the relation of the witness to the parties; the bias or prejudice of the witness, if any has been apparent; the candor, fairness, intelligence, and demeanor of the witness; the ability of the witness to remember and relate past occurrences, the means of observation, and the opportunity of knowing the matters about which the witness has testified. From all the facts and circumstances appearing in evidence and coming

to your observation during the trial, aided by the knowledge which you each possess in common with other persons, you will reach your conclusions. You should not let sympathy, sentiment or prejudice enter into your deliberations, but should discharge your duties as jurors impartially, conscientiously, and faithfully under your oaths and return such verdict as the evidence warrants when measured by these instructions.

L. Punishment

You are only concerned with the guilt or innocence of the Defendant. You are not to concern yourselves with punishment.

M. Closing Instruction

After you have retired to consider your verdict, select one of you as foreperson and enter upon your deliberations. When you have agreed on a verdict, your foreperson alone will sign it, and you will, as a body, return it in open court. Your verdict must be unanimous. Forms of verdict will be furnished. You will now listen to the argument of counsel, which is a proper part of this trial.

N. Verdict Form

A copy of the verdict Form approved by the Court is attached hereto as Appendix A.

IT IS SO ORDERED, this day of this round of the Middle School Mock Trial Competition.

/s/ Presiding Judge

The Honorable Presiding Judge

STATE OF NEW HARMONY	)	SIXTEENTH JUDICIAL CIRCUIT
)	
COUNTY OF LYONS)	COURT OF GENERAL SESSIONS
)	
)	
STATE OF NEW HARMONY,)	2019-GS-46-2695
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Prosecution,)	
vs.)	
)	
CHARLIE SPENCER,)	
)	
Defendant.)	
)	

Appendix A

VERDICT FORM

We, the jury, empaneled and sworn in the above-entitled cause, do, upon our oaths, find as follows:

Defendant is:

COUNT 1 – Malicious Injury to Personal Property

_____ Guilty
 _____ Not Guilty

COUNT 2 – Assault and Battery of a High and Aggravated Nature

_____ Guilty
 _____ Not Guilty

Foreperson

WITNESSES
and
AFFIDAVITS

WITNESS LISTING

PROSECUTION	
Chris London	DNR Marine Patrol Agent
Brook Bentley	Victim
Dee Preston	Vice Principal at Capeside HS

DEFENSE	
Charlie Spencer	Defendant
Parker Watson	Sternman on Spencer's Boat
Mason Spencer	Parent of Defendant and president of Fishermen's Co-op

Affidavit of
CHRIS LONDON

1 1. My name is Chris London. I am a Marine Patrol Agent with the New
2 Harmony Department of Natural Resources (DNR). I am stationed out of Westover on
3 the mainland and my primary patrol is the waters around Harmony Bay. I have been a
4 Marine Patrol Agent for four years. Before becoming a Marine Patrol Agent, I attended
5 the New Harmony Criminal Justice Academy to earn my certification as a police officer.
6 I patrol the local waterways and conduct inspections at the docks and piers as part of
7 my responsibility to enforce the marine resource laws of the New Harmony statutes. My
8 primary police powers include the authority to investigate charges for violating the
9 lobster fishing laws in this jurisdiction. Over the years, I have dealt with a wide range of
10 cases. I have issued citations for possession of short lobsters and of v-notched
11 lobsters, lobster trap tampering, fishing without a license or during closed periods, and
12 violations of trap standards. I have, of course, also been the responding officer for
13 boating accidents; assaults on docks and piers; and boating while intoxicated (BWI)
14 cases.

15 2. At approximately 08:15 hours on August 9, 2019, I received a call at the
16 station from Brook Bentley on Spencer Island. Bentley holds a student license to
17 engage in lobster fishing on Harmony Bay. Bentley's lobster fishing territory is located
18 next to the Spencer lobster fishing territory. Bentley's boat had been sunk while
19 docked at the marina in Spencer Harbor. Bentley asked for my help to raise the boat
20 out of the water and bring it to the boatyard for a closer look.

21 3. When I got to the marina, I found Bentley on the ramp at the north pier,
22 slip 3N, tugging on a line connected to the submerged boat in approximately 12 feet of
23 water. I provided a copy of the map of Spencer Harbor, marked as Exhibit #4, to the
24 prosecutor. It was just past high tide. Bentley seemed quite upset alleging to be the
25 victim of an unprovoked attack the day before. Bentley said another lobster fisherman,

26 Charlie Spencer, threatened him/her on the water, bumped their boats, and followed
27 Bentley all the way back to the marina. Bentley further alleged Spencer punched
28 him/her in the nose on the pier after Bentley had asked Spencer to stop the
29 harassment. The force of the blow broke Bentley's nose. Bentley claimed Dee Preston,
30 Vice Principal at Capeside High School, witnessed the whole incident. I noted bruising
31 under Bentley's eyes and the nose appeared swollen. I made note of the swelling and
32 bruising in my incident report.

33 4. I helped Bentley contact a salvage company to raise the boat out of the
34 water and to take it to the boatyard so we could examine the boat. It was an 18-foot
35 flat-bottomed wooden work boat called the "Leeway" registered in the name of Brook
36 Bentley, Registration Number NH-27958-J. The boat was fitted with a hauler, davit,
37 snatch block, and a 50-horsepower outboard motor. The motor controls were rigged
38 into the center console. I took a closer look at the boat and saw something suspicious -
39 - a symmetrical hole, a little less than 1" in diameter, near the stern, which went clear
40 through the bottom of the boat. Drilling a hole is a great way to slowly sink a boat. My
41 suspicions were verified when I saw that the power wire connecting the bilge pump to
42 the battery had been cut. A bilge pump is necessary to pump out excess water that
43 enters the boat. Had it been connected, the bilge pump would have automatically
44 removed the water from the boat despite there being a hole. The power wire was cut
45 clean, like it was cut with a pocket knife. Unfortunately, every fisherman carries a
46 pocket knife with them, so this discovery provided no leads. I estimated it would take
47 no more than 30 minutes to sink a boat under those circumstances, long enough for
48 the culprit to be gone by the time the boat sunk. Upon further examination of the boat,
49 I noted the underside of the port side of the boat was also damaged, but had been
50 patched with epoxy. My sketch of the boat is marked as Exhibit #8.

51 5. I told Bentley I thought someone might have intentionally sabotaged the
52 boat. Bentley became agitated and demanded: "You have got to arrest Charlie

53 Spencer. S/he threatened and then assaulted me yesterday. I know Charlie is the one
54 who drilled the hole in my boat.” I told Bentley to cool down, explained that I could not
55 arrest Spencer without probable cause, but assured Bentley I would do a thorough
56 investigation.

57 6. I dealt with Bentley before. Last year, I cited Bentley for possession of a
58 v-notched lobster. A v-notched lobster is egg bearing. It is unlawful to transport, sell, or
59 possess a v-notched lobster. Bentley promised then to respect the rules and, for the
60 most part, had followed through on the promise. Also, earlier this summer, I received a
61 complaint from Parker Watson, the sternman on Spencer’s lobster boat. Watson saw
62 Bentley trying to cut one of their trap lines. I explained to Watson that I could not
63 charge Bentley unless I witnessed the tampering. It is almost impossible to sort out
64 these kinds of disputes. There is always confrontation over territory on the water. If
65 possible, I like the lobstermen to resolve conflicts themselves.

66 7. I assured Watson I would keep an eye on Bentley. Sure enough, on patrol
67 one day, I spotted Bentley over in Spencer family territory. Bentley seemed to be
68 having trouble with his/her boat motor, so I went over to assist. As I got closer, I saw
69 Bentley cut a red, yellow, and white buoy off a trawl line and toss it aside. I recognized
70 the buoy as one of the Spencers’. When I confronted Bentley, Bentley claimed to have
71 accidentally run over the buoy trying to weave through the trawl lines when the
72 propeller snagged a trawl line and the line had to be cut to free his/her boat. A trawl
73 line is the rope that connects multiple lobster traps together. I let Bentley off with a
74 warning, but said to be more careful about where his/her boat wandered. Bentley was
75 a newcomer and just a kid, so I thought I would go easy.

76 8. Later, on the morning of August 9, 2019, while I was out on patrol, I got a
77 call from dispatch that Dee Preston wanted to speak to me regarding the Bentley
78 incident. I turned my patrol boat around and headed back across Harmony Bay to
79 Spencer Island to interview Preston. I conducted the interview at Preston’s home

80 overlooking the harbor. Preston told me about witnessing the tail end of a fight
81 between Spencer and Bentley on August 8th. Preston claimed to have found Bentley
82 lying semi-conscious on the pier, while Spencer was standing over Bentley with fists
83 clenched. Preston further alleged that Spencer appeared to kick Bentley in the side
84 while lying defenseless on the south pier. Preston also stated later that same evening
85 on August 8th, at approximately 20:10 hours, Preston saw Spencer on the north pier
86 over by Bentley's boat. Preston claimed to see Spencer jump off the boat and conceal a
87 bulky object under his/her jacket. Preston said it was Spencer because of the clothing
88 s/he was wearing. Preston gave me a detailed description -- an orange hooded
89 pullover, jeans, and a Braves baseball cap. Preston stated there was no reason for why
90 Spencer would be on the north pier by Bentley's boat. Preston claimed Spencer must
91 have been snooping around and up to no good considering Spencer's boat was located
92 on the south pier.

93 9. After I took Preston's statement, I decided to interview Charlie Spencer.
94 Around 16:00 hours on the afternoon of August 9th, I found Spencer and his/her
95 sternman, Parker Watson, on their boat repairing traps for the next day. I liked Charlie
96 and Charlie's parent, Mason Spencer. They were always straightforward with me. As I
97 approached Spencer's boat, named "Cook's Choice," Charlie Spencer looked up and
98 saw me. Spencer turned towards Watson and appeared to be saying something in
99 Watson's direction. I noticed Charlie Spencer was wearing a Braves baseball cap.

100 10. Since I knew the Spencers, I hated to ask Charlie Spencer about
101 Bentley's boat sinking. Spencer smiled a little nervously and said, "No, but I am not
102 surprised. Brook has been asking for it." Spencer became serious when I said Bentley
103 was accusing him/her of assault. Spencer admitted hitting Bentley, but declared it was
104 in self-defense. Spencer then stated, "Brook was swinging a gaff at me and I had to
105 stop it somehow." Next I interviewed Parker Watson, who confirmed Bentley was
106 carrying a gaff and was threatening to hit Spencer with the gaff. A gaff is a fishing tool

107 with a hook on the end used to retrieve a line to a string of traps. It is very dangerous if
108 used inappropriately. For a visual reference, there is a picture of a gaff marked as
109 Exhibit #2. Parker stated, "It looked like Brook was about to take a swing at Charlie, so
110 Charlie took Brook down first." Upon further questioning, Watson clarified that Bentley
111 never actually swung the gaff at Spencer.

112 11. I thought I should search for more clues, so I asked to board Spencer's
113 boat. Spencer said, "Sure, take a look around." I did a thorough search on the boat.
114 First, I examined all of the gear on deck. I noted the odds and ends scattered about,
115 including rope, buoys, two fishing knives, and a worn down gaff with a red handle. It is
116 characteristic for lobstermen to keep a variety of tools on their boat. In the cabin of the
117 boat, I found a cardboard box. Inside the box was an old DeWalt battery-operated drill.
118 I pulled the trigger and found the drill worked and appeared fully charged. In the box
119 with the drill was an array of drill bits in various sizes. The drill bits were aged, but still
120 useable.

121 12. I told Spencer that I also wanted to inspect the traps set aside for repair
122 on the pier. I monitor the fishermen's activities as part of my duty to enforce the lobster
123 fishing laws. I like to keep a close eye on the traps. Since I was already there, it only
124 made sense to do inspections too. As I inspected the traps on the pier, I noticed
125 Spencer's blue Chevy pick-up truck parked across the street in the parking lot near the
126 trap lot. The trap lot is a place where fishermen can store their lobster traps. When I
127 asked to take a closer look, Spencer shrugged a little and said, "I cannot stop you." I
128 strolled over to check it out. There was a canvas tarp draped loosely over the bed of the
129 truck. When I lifted a corner of the tarp, I discovered a butterfly spade drill bit in plain
130 view with Spencer's gear. The drill bit appeared to have been used recently since it still
131 had wood-dust on its surface. I showed the drill bit to Spencer and said I was seizing
132 the drill bit as evidence. I told Spencer I would return it at the conclusion of the
133 investigation. Spencer looked surprised, denied ever owning a drill bit of that

134 description, and wondered how it ended up in his/her truck.

135 13. I took the drill bit, placed it in an evidence bag, sealed the bag, and
136 wrote a description of the contents and the date on the marked bag for chain of
137 custody purposes. I took the evidence bag with the drill bit back to the boatyard, took
138 the drill bit out, and compared it to the hole drilled in Bentley's boat. The drill bit was a
139 perfect match to the hole in Bentley's boat! I placed the drill bit back in the evidence
140 bag, resealed it, and took it back to the station for further analysis. I determined the
141 drill bit was a 7/8th inch butterfly spade drill bit. A picture of this drill bit is marked as
142 Exhibit #3. Although a spade drill bit can be fitted to any standard drill, it is uncommon
143 to see one with a fisherman. A spade drill bit is generally used for carpentry work in
144 home construction for making holes through framing 2x4's for the purpose of running
145 wiring through a house. There is no good reason for a fisherman to have a tool like that
146 on a boat that its sole purpose is to make holes. Holes do not help boats float, for sure.

147 14. I thoroughly investigated the boat sinking that occurred on or about the
148 night of August 8, 2019. I know that Bentley's parents were out of town. Based on my
149 review of the phone records of calls from the Bentley family landline, marked as Exhibit
150 #7, Bentley was the only person at home to make the phone calls on August 8th. Given
151 Bentley's injuries, I would not be surprised if s/he went straight to bed after the phone
152 call ended. I do not find Spencer's alibi to be completely credible. While the auto shop
153 confirmed Spencer's truck was out of gas, Spencer had other means to access the
154 marina.

155 15. The damages to the boat were significant. Marine Estimating provided
156 me with a copy of the damage estimate for the total loss of the Leeway, marked as
157 Exhibit #5.

158 16. Based upon the findings of my investigation, and accompanying
159 incident report marked as Exhibit #6, the Lyons County Solicitor's Office charged
160 Charlie Spencer with assault and battery of a high and aggravated nature and

161 malicious injury to personal property. Therefore, I took Charlie Spencer into custody
162 on August 17, 2019.

WITNESS ADDENDUM

I have reviewed this statement, and I have nothing of significance to add at this time. The material facts are true and correct.

Signed,

Chris London

Chris London

SIGNED AND SWORN to me before 8:00 a.m. on the day of this round of the Middle School Mock Trial Competition.

Anthony Roberts

Anthony Roberts, Notary Public
State of New Harmony
My Commission Expires: 10/24/22

Affidavit of
BROOK BENTLEY

1 1. My name is Brook Bentley and I live at 5 Channel Road on Spencer Island, New
2 Harmony. I am 18 years old and I am a senior at Capeside High School in Westover on the
3 mainland. I own an 18-foot flat-bottomed, wooden boat called the “Leeway” used for lobster
4 fishing. I should say my dad, Warren Bentley, bought the boat for me when we moved to
5 Spencer Island in 2018, but it was registered in my name. I added a purple strip on both sides
6 of the boat to make it more noticeable. I also modified the boat for lobstering by building in a
7 center console with controls for the motor and installing a hydraulic system to haul my traps,
8 including a davit, hauler, and a snatch block. For those who do not lobster fish, a davit is a
9 large metal arm, which extends over the side of the boat at an angle. The snatch block is
10 suspended from the davit and is part of the hauling system. The hauler is simply part of the
11 hydraulic pulley system, which pulls the traps up off the ocean bottom to the snatch block on
12 the davit. Agent London drew an accurate sketch of my boat, after it sunk, which is identified
13 as Exhibit #8. I needed all of this equipment, because I am trying to earn money for college
14 after I graduate from high school. I want to go to Georgia Tech to study engineering.

15 2. I hold a student lobster license issued by the State, which limits the number of
16 traps I can place and allows me to fish only three days a week. I can qualify for a full lobster
17 license if I have a 25 foot boat or bigger. I do my best to follow the fishing regulations as
18 carefully as possible. I have a sponsor, Dee Preston, who taught me all I know about lobster
19 fishing. My goal is to set 150 traps, the maximum trap limit under the terms of my license. In
20 the two years I have been lobster fishing, I have struggled to achieve my goal. Still, I have
21 never given up. I work three days a week. On my best day, I make \$100 a day, and the current
22 market price is \$2 per pound, which is the lowest it has been in years. Of course, that is the
23 price paid to the lobstermen, not the retail price. Lobster season is from the beginning of
24 June to the end of December. I have my eyes on a new, larger boat that I am sure I could
25 bring in at least twice my usual haul, but the boat dealer needs an initial deposit of \$5,500. My
26 parents said they bought my first boat, so they would not buy me a second one.

27 3. Thursday, August 8, 2019, was a lousy day for lobster fishing – for me any way.
28 Morning fog and drizzle affected the visibility on the water and I had trouble locating my
29 buoys. The buoys are a floating device used as a marker. I use them to mark where my traps
30 are set under the water. The dense atmosphere made me claustrophobic, like walls were
31 coming in around me. Thankfully, by mid-afternoon, there was a break in the weather. The
32 skies cleared, the fog lifted, and the winds diminished to around 3 to 5 knots coming from the
33 southeast. Even though I was wet and cold, I hauled 35 pounds of lobster that day, which is
34 still a good catch for me any day. I knew the calm seas meant fog would settle in soon, so I
35 headed back to Spencer Harbor Marina around 3:30 p.m.

36 4. I was happy for the smooth ride on the way back to port. Spencer Island had
37 been surrounded by fog since the first of August. The weather was seriously messing up my
38 fishing. Exhibit #1 shows the weather forecast that week. It was such screwy weather – sunny
39 one day and foggy the next. Two days earlier on that Tuesday, I had an unfortunate accident.
40 I was trying to set my traps when somehow I got my leg tangled in the trawl line and I was
41 pulled overboard. Two local lobstermen, Scott and Andy Conrad, saw me go overboard and
42 quickly pulled me out of the water. I thanked them, but they were not too pleased to cut
43 short their day fishing to give me a lift back to the marina. They had been so preoccupied
44 pulling me out of the water; they did not see my boat drift away into the fog. We tracked it
45 down where it had beached on the rocks and towed it to the marina. Unfortunately, the port
46 side of the boat got scraped up pretty bad. I patched up the boat as best I could with some
47 old epoxy I had in my garage at home, because I could not afford to take it to a boat shop.
48 The boat appeared to be seaworthy after my repairs.

49 5. Anyway, I was making good time going home on August 8th until my run in
50 with Charlie Spencer and Parker Watson. Honestly, I was taking a short cut trying to get back
51 to the harbor, but Charlie started yelling at me about invading Spencer territory again. It was
52 not true -- I was only passing through. I am sure I was not trespassing too much. The locals
53 measure their boundaries to within a few feet of one another. It is easy to drift into another
54 territory, especially when my territory is next to the Spencer territory. Mistakes do happen.

55 6. Charlie brought his/her boat around to my port side, hit my boat hard, and
56 shouted, “What is your problem? Get your rowboat out of my area! Someone oughta sink
57 that piece of junk!” I calmly yelled back at them that I had a right to be there and to stay
58 away from my boat. Those jerks would not stop harassing me. Charlie and Parker followed
59 me all the way up the west side of the island and around the point to the pier. For the entire
60 distance back to the marina, they were swearing at me. I could not hear everything they said
61 over the sound of the engines, but the message was clear – they did not want me lobster
62 fishing anywhere on the bay and were definitely going to do something about it.

63 7. I was so rattled about the incident with Charlie and Parker; I forgot to take my
64 catch that day to the lobster pound. Instead, I went straight to the north pier. I tied up my
65 boat at the north pier in my assigned slip – slip 3N. All the while, I was trying to put out of my
66 mind how Charlie and Parker harassed me. They rammed my boat pretty hard! I checked it
67 for damage. Some of my epoxy repairs had been scraped off, but the boat seemed intact. I
68 was about to head home when I saw Charlie and Parker next to their boat at the south pier.
69 Charlie’s family docks their boat, the Cook’s Choice, in slip 5S on the south pier. A diagram of
70 Spencer Island and the marina can be seen in Exhibit #4. I walked across the boardwalk and
71 down the gangway to the south pier to give them both a piece of my mind.

72 8. Charlie was up on the pier. Parker was still on the boat putting gear away. I
73 remember saying to Charlie that I had had enough, to knock it off, to stay away from my boat,
74 and to leave me alone. The next thing I know, a fist is between my eyes, and I am flat on my
75 back on the pier. What a surprise! It literally took a minute or two to shake it off, but my nose
76 was busted up bad. When I opened my eyes I saw Dee Preston, who happened to be on the
77 pier and witnessed the whole thing.

78 9. My folks were out of town in Boston for a few days, so Dee Preston took me to
79 see Dr. Herman, the island’s physician. Dr. Herman told me I had a broken nose, along with
80 heavy bruising, and swelling around my eyes. He gave me medication for the pain and told
81 me to take it easy for a few days. After the doctor taped up my nose, Preston took me home,
82 which was just before 6:30 p.m. Since, it was about an hour and a half before sunset, I

83 decided to head on down to my boat to check my catch. I live an easy walk from north pier
84 where my boat is docked – it is only a quarter mile away. After a quick look around, I made
85 sure the live well with my catch was secure and decided to go back home – my nose was
86 throbbing too much. Then, I realized my gaff was missing from my boat. Exhibit #2 is a picture
87 of a gaff that is similar to mine, which has a yellow wooden handle. It took me a few seconds
88 to remember that I was holding my gaff when Charlie punched me. I swear I never raised the
89 gaff at Charlie intentionally. I would never do that. I only wanted to give Charlie a piece of my
90 mind.

91 10. I figured I would need to find my gaff for the next time I went fishing. I looked
92 across at the other pier at Charlie’s boat. Seeing no one was there, I walked over to search for
93 the gaff. I found my gaff lying on the pier next to Charlie’s boat. After picking up the gaff, I got
94 out of there fast! There was no point getting into another confrontation with such a bully. As
95 soon as I got home, I called my parents in Boston. We had a long conversation about the bad
96 day I had. A look at our phone bill, entered as Exhibit #7, shows I did not get off the phone
97 until 7:53 p.m. I felt a little woozy from the pain and swelling in my nose, so I went straight to
98 bed after getting off the phone.

99 11. The next morning when I went back down to the pier; I found my boat under
100 water! I ran home and called my parents to ask them what I should do. They suggested I call
101 the Department of Natural Resources (DNR). I immediately called DNR Marine Patrol Agent
102 London for help in hauling the boat out of the water. Agent London was concerned after
103 seeing my face and asked what happened. I told Agent London that Charlie Spencer and
104 Parker Watson threatened me out on the big water “Harmony Bay,” hit my boat, and I was
105 also the victim of an unprovoked attack by Charlie Spencer on the pier the day before. Agent
106 London made notes of my injuries and then helped me contact a salvage company to raise
107 the boat out of the water and to take it to the boatyard for a closer look. Agent London found
108 a symmetrical hole near the stern, 7/8th inch in diameter to be exact. Agent London was sure
109 someone had drilled the hole on purpose. I wonder who would want to sink my boat? We also
110 discovered the power wire to the bilge pump had been cut. Later, I tried to flush out the

111 motor so it would not seize up, but it had been underwater too long and could not be
112 salvaged. Marine Estimating provided me with a copy of the damage estimate for the total
113 loss of the Leeway, marked as Exhibit #5. The cost to replace the boat, motor, and hydraulic
114 equipment came to \$7,237.19. The insurance company paid out my claim within 30 days of
115 the sinking. Agent London did a thorough investigation of the crime. There is no doubt in my
116 mind Charlie sabotaged my boat.

117 12. Charlie has had it in for me since the beginning. It all started in my sophomore
118 year of high school when Charlie really got ticked off at me. It was not my fault. Charlie and I
119 were in class together when I saw Charlie cheating on a test. The following Monday, Vice
120 Principal Dee Preston pulled me out of Mr. Lowery's English class to grill me on the details. I
121 was telling the truth when I told Dee Preston about Charlie cheating. I did not have a choice. I
122 had to be honest. As a result, Charlie got suspended from school and could not compete in
123 the regional swim meet.

124 13. Well, the cheating incident was just the beginning. Charlie really had it in for
125 me. The real problem is that I am an outsider who lobster fishes on Harmony Bay. Charlie did
126 everything imaginable to get me to stop fishing. Charlie claimed I was fishing on family turf,
127 accused me of keeping undersized lobsters, and spoiling lobster fishing for the real pros. I do
128 not see why Charlie has sole claim to the choice areas just because of being a "Spencer" who
129 was born on the island. I got my fishing license to fish in Harmony Bay. I was assigned the
130 territory at the southern end of the island next to the Spencer family. I have as much right to
131 be here as anyone else does. Still, Charlie kept threatening to stop me. They moved my buoys
132 and threw dead fish parts in my boat. Once, Charlie went so far as to pull my traps out of the
133 water and dump them on shore. It took me forever to get the lines untangled.

134 14. I admit one time earlier this summer, I did set my traps in "Charlie's territory."
135 It was an honest mistake. I did not mean to invade Charlie's turf, especially the way they had
136 been treating me. I am still new at this, but these locals will not cut me any slack. I do not
137 know why they get so upset. I guess that another time I accidentally ran over one of Charlie's
138 buoys and my propeller got caught in the buoy line. There was so much gear in the area, it

139 was darn impossible to avoid running over something. I had to cut Charlie's line to get my
140 propeller free. Agent London was patrolling and saw me cut the line. When I explained what
141 happened, I was given a warning. Luckily, I was not charged with tampering Charlie's traps.
142 Last year, I got fined for keeping a v-notched lobster and did not want to lose my license
143 altogether.

144 15. After Charlie sunk my boat, it was no longer seaworthy. Of course, we had
145 insurance on the boat, but that is not the point. I would not sink my own boat. After all, I was
146 looking forward to lobster fishing. Charlie and Parker got what they wanted. They drove me
147 out by sinking my boat.

WITNESS ADDENDUM

I have reviewed this statement, and I have nothing of significance to add at this time. The material facts are true and correct.

Signed,

Brook Bentley

Brook Bentley

SIGNED AND SWORN to me before 8:00 a.m. on the day of this round of the Middle School Mock Trial Competition.

William Smith

William Smith, Notary Public

State of New Harmony

My Commission Expires: 12/08/23

1 1. My name is Dee Preston. I reside at 11 Cliff Ridge Road on Spencer Island, New
2 Harmony. I am the Vice Principal at Capeside High School on the mainland in Westover. I have
3 been Vice Principal at the school for 19 years. Before that I was a social studies teacher at New
4 Hope Middle School. I earned both my Bachelor and Master's degrees in education from Francis
5 Marion University. I pride myself on running a tight ship. I have had a lot of success in keeping
6 the students focused on their work and studying hard. A few years ago, I implemented a Zero
7 Tolerance Policy to curb cheating of any kind among the students. It is based on the honor
8 system. I rely on students to help police those who violate the policy. I have the students sign a
9 pledge stating they will not cheat nor tolerate those who do.

10 2. On the afternoon of August 8, 2019, I had my sailboat, "Dawn Delight," out on
11 Harmony Bay. It was one of my last days on the water before school started back. It started out
12 as a great day for sailing, but I checked the weather report (marked as Exhibit #1) so I would
13 know what the afternoon weather would bring. Around 3:00 p.m., the wind died down, the water
14 calmed, and I knew the fog would soon drift in. There is no point getting caught in fog. The
15 fishing boats were all heading back to the harbor and I knew not to take any chances. I brought
16 the sailboat around, lowered the sails, and started the outboard motor to head back towards
17 Spencer Harbor Marina. It seemed like I was following the 3:05 p.m. ferry most of the way back
18 to the island. The ferry is the only way back and forth to the mainland for most of the residents
19 of Spencer Island.

20 3. I no sooner pulled up to the pier and tied off, when in the distance at the mouth of
21 the harbor, I noticed Brook Bentley's boat chugging in towards the north pier. I knew it was
22 Brook because of the purple stripe along the side of the boat. Not to mention, I had been on the
23 boat to teach Brook how to fish for lobster and Brook has the slip next to mine. I can identify
24 Exhibit #8 as a sketch of the boat Brook owned. Brook was being followed by a larger fishing
25 boat – I would say a 35 to 40 footer. I could not identify which lobster boat it was initially, but it
26 seemed to be following Brook's boat very closely, weaving from side to side in Brook's wake. As

27 the boats came closer to me, I could easily identify the larger boat following the Leeway as the
28 Cook's Choice, the boat owned by the Spencers. I could also hear yelling back and forth
29 between the people on board, although I could not understand what the fuss was all about.

30 4. I was stowing my gear when Brook brought the boat in beside my sailboat. I was
31 in my assigned slip, 4N on the north pier. You can see my slip on the diagram of the marina in
32 Exhibit #4. Brook barely said hello, which was not like Brook. Instead, Brook went about silently
33 securing the boat. Brook was obviously upset and seemed oblivious to the surroundings. I asked
34 what was wrong, but Brook just muttered, "I will show them." I noticed Brook had a gaff in one
35 hand, although s/he was in such a state s/he might not have been aware s/he was holding a gaff.
36 It was a gaff like the one in the picture marked as Exhibit #2. Next thing I knew, Brook was
37 marching along the pier over to the south side of the marina where the big lobster boats were
38 docked. It must be a hundred feet between the two piers. Several boats had already docked for
39 the day and I could see the fishermen working on their traps. I could not see what happened
40 next at the north pier, but I heard a lot of yelling. I decided to go over to investigate.

41 5. As I got closer, I saw Brook lying flat on the pier, still holding the gaff in his/her
42 right hand. Blood was coming from Brook's nose and s/he seemed dazed. Charlie Spencer was
43 standing over Brook looking pretty angry. Then I saw Charlie kick Brook. Parker Watson was on
44 the boat holding a rope. I heard Parker say, "Good shot! Brook was asking for it." Charlie was
45 leaning over Brook when I finally got there. I helped Brook up and took a look at the injuries.
46 Brook seemed badly shaken, so we went to Dr. Herman at First Care, the island medical clinic.
47 Dr. Herman determined Brook had a broken nose and gave him/her pain medication. After
48 leaving Dr. Herman, I drove Brook home.

49 6. When I dropped Brook off at home it was already 6:30 p.m. I realized I needed to
50 get to the Co-op meeting of the Spencer Island Lobstermen's Cooperative. I hurried over to the
51 Co-op hall next to Ruby's Grill on the south side of the marina. Now I am going to give you my
52 commercial. I bought Ruby's Grill two years ago from the Conrad family and have big plans for
53 the place. My business partners and I want to renovate and expand Ruby's into a four-story hotel
54 with a full service restaurant on the first floor and a brand new outdoor pavilion. We are going to

55 call it “The Seaside Manor.” We plan to attract the tourists who have discovered the island in the
56 last few years. I may even conduct lobster fishing tours out of Spencer Harbor since I was once a
57 lobster fisherman myself and still have my license. I think tourists would like being a lobsterman
58 for the day and feasting on their catch for dinner.

59 7. I was delighted to sponsor Brook’s student license. I taught Brook everything I
60 know, including where the best fishing grounds are located. Brook’s father, Warren Bentley, and
61 I are good friends and former business associates. Warren had been one of the partners in the
62 hotel project, but recently pulled out of the deal. I heard he lost quite a bit of money during the
63 last downturn in the stock market and was shying away from new ventures. I was sorry to lose
64 him as a partner, although I totally understand. Both of us already lost money trying to develop
65 a salmon farm on the backside of Spencer Island. Mason Spencer’s Co-op killed that project.
66 They claimed there was not enough flushing action from the island currents to sustain
67 aquaculture and there would be too much pollution from the operation of the farm. They got
68 Agent London with the Department of Natural Resources (DNR) to go along with their phony
69 science. The real reason they were against the salmon farm was that they want all the waters
70 around the island all to themselves as an exclusive lobster fishing conservation zone. Mason
71 Spencer went so far as to accuse me in open court of doctoring the tidal statistics on my
72 application for a permit, but I swear I was as accurate as possible.

73 8. Now, Mason Spencer is campaigning hard to stop my hotel project from going
74 forward. I went to the Co-op meeting on August 8th so they would know I was not intimidated by
75 them. I have my lobster license and I have as much right as the rest of them to be a member of
76 the Co-op. There is no reasoning with the Spencer family. They talk a good game about
77 preserving a working waterfront at Spencer Harbor. The fact is, they do not care about
78 preservation of the marina or conservation of the lobster fishery. They are in lobstering for the
79 money and will do anything to keep others out. Take Brook for example. Brook is a quick study
80 and was really learning the ropes on the water. It is a shame the Spencers forced Brook out of
81 lobstering. Frankly, I think the “old school” lobster fishermen are shortsighted. The island has
82 been steadily losing year-round residents. The hotel development will give folks jobs and bring

83 much needed revenue to the community. Not to mention, the extra cash will help support the
84 medical clinic and other important infrastructure on the island.

85 9. I got sick of listening to Mason Spencer spout off at the Co-op meeting about
86 outsiders taking over the island. I interrupted Mason and said that the planning board was
87 already on my side with the hotel renovations. I said my peace, so I left the Co-op meeting soon
88 after 8:00 p.m. It was getting dark and the foghorns were blaring. My house is directly above the
89 north pier. It had been a long day, so I was taking a slow walk down Main Street. When I was
90 walking directly above the north pier turning to go on Buoy Boulevard, I heard a noise coming
91 from the north pier. I paused. The marina has assigned spots for each of the different types of
92 boats. I stopped to peer down at the line of boats snug against the inside of the pier. Then I saw
93 a figure jump off Brook's boat half way down the pier. The person stumbled a little as they
94 landed and gripped the line securing the boat to the pier with their hand. The person was facing
95 me, but I could not quite make out who it was in the fog. The person bent over and tried to pick
96 up an object that fell onto the pier with a thump. Whatever it was, it must have been slippery or
97 heavy. The person shoved the object under their clothing as s/he walked towards me to the
98 front of the pier where I could get a better look at the person. I am pretty sure it was Charlie
99 Spencer. I do not think Charlie saw me. When Charlie got to the end of the pier, Charlie looked
100 around, turned, and walked towards Ruby's.

101 10. I thought it was odd for Charlie to be over by Brook's boat because Charlie's boat
102 is tied up at the south pier. Even though the weather was foggy, I am sure it was Charlie. I
103 recognized Charlie's cocky walk, the orange hooded pullover, and the Atlanta Braves cap. I know
104 the lobstermen have similar pullovers, but Charlie always wore that cap. Charlie used to drive
105 me nuts wearing that cap in class. It was so disrespectful to the teachers. Charlie was not one to
106 care about school. Once, I had to suspend Charlie for violating the Zero Tolerance Policy when
107 s/he was caught cheating on a test. Charlie was really upset about this because it also meant not
108 competing in the regional swim meet during his/her suspension. But, I could not let Charlie get
109 away with cheating. After that, Charlie has held a grudge against me. Still, I believe it was a fair
110 punishment.

111 11. The day after the Co-op meeting, I got a call Warren Bentley that someone sunk
112 Brook's boat. I immediately called Agent Chris London to report what I saw the night before in
113 case there was a connection. I told Agent London that I suspected Charlie. Charlie had already
114 done enough harm by hitting Brook. But, it would not surprise me if Charlie also sunk Brook's
115 boat. Charlie deserves a stiff sentence for these reprehensible actions.

[The witness addendum for Dee Preston is continued on the next page.]

WITNESS ADDENDUM

I have reviewed this statement, and I have nothing of significance to add at this time. The material facts are true and correct.

Signed,

Dee Preston

Dee Preston

SIGNED AND SWORN to me before 8:00 a.m. on the day of this round of the Middle School Mock Trial Competition.

C.H. Gallant

C.H. Gallant, Notary Public

State of New Harmony

My Commission Expires: 12/5/21

Affidavit of
CHARLIE SPENCER

1 1. My name is Charlie Spencer. I am 19 years old. I live at 54 Winding Way on Spencer
2 Island, New Harmony. I have lived on the island my entire life and grew up lobster fishing on
3 Harmony Bay. I graduated last year from Capeside High School in Westover. I own a 38-foot
4 lobster boat, the “Cook’s Choice.” I am a good fisherman. I plan to become the best lobsterman
5 on Spencer Island. Typically, I fish 600 4-foot traps, six days a week from June to December
6 when the fishing is good. My parent, Mason Spencer, and I used to set 1,000 traps, but we were
7 among the first to voluntarily limit our number of traps to help keep the bay from being
8 overfished. My parent, Mason Spencer, also pioneered the use of biodegradable escape hatches
9 on traps to prevent waste and unnecessary loss of unused lobsters. Fishing is a good life at
10 times. Except lately, with the price we sell lobster dropping down to \$2 per pound. It can be
11 tough to make a good living.

12 2. I work in my family’s fishing territory off the south side of the island. Our family
13 has been fishing the same grounds for years and years. It is my birthright. I worked my way up in
14 the business, starting with stuffing pockets (bait bags) as a kid, then as a sternman. Now I have
15 my own license, my own boat, and I have a sternman, who is my best friend – Parker Watson. I
16 made a good living until so many outsiders came thinking they could fish my family grounds –
17 they have no respect for boundaries. Off-season during the winter, I do carpentry work. I am
18 saving money to buy my own place and I spend my free time biking up and down the coast. My
19 parent taught me how to make a living off the lobsters and, during the off season, to earn an
20 honest living as a contractor. I can wire a house to the building code, I can frame up any
21 building, and I can do everything else under a roof. It helps that my parent is a master carpenter
22 with a workshop to match.

23 3. On August 8, 2019, the shedders had just hit, and we had 900 pounds of soft-shell
24 lobster in the boat at the southern end of the island. Shedders are lobsters who have just shed
25 or molted their shells. Everyone knows the lobsters are on the bottom waiting for their shells to
26 harden until they feel safe enough to come out searching for food. I was turning the boat

27 towards home when that idiot Brook Bentley came puttering through my area looking for
28 trouble. Parker and I tried to chase Brook off, but s/he pretended s/he did not understand what
29 we were saying. I brought my boat around in close on the Leeway, which is Brook's boat, and
30 hollered at Brook to respect the boundary. All Brook said was, "Do not mess with my boat. It is
31 taking on water." The fog was coming in soon and I knew Brook still did not have a clue how to
32 navigate. I do not like Brook much, but I did not want him/her to drown either. So, we followed
33 Brook back to the marina to make sure s/he got back safely. After Brook got back to the north
34 pier, we went to the lobster pound as identified in Exhibit #4 to unload our catch.

35 4. Parker and I were at south pier finishing our work for the day. I was on the pier
36 next to the boat and Parker was on the boat deck cleaning up. Brook came running over, yelling
37 about having had enough of our harassment. Brook looked crazy. I backed up a little when I saw
38 Brook was carrying a gaff with a yellow handle like the one in Exhibit #2. Brook rushed at me
39 screaming, "I have had it with you!" and shook the gaff at me. I put my hands up to get Brook to
40 back off, but s/he was out of control. To protect myself, I stepped forward and decked Brook
41 with a punch in the nose. What was I supposed to do? I do not care who the person is, if
42 someone is coming at me with a weapon in their hands, I am swinging. I had to hit Brook to
43 defend myself. Believe me, Brook swung the gaff at me first. Afterwards, since s/he was just lying
44 there on the pier barely moving, I might have poked Brook a little with my foot to rouse him/her.
45 Honestly, though, I would never kick someone when they are down. When Brook did not get up,
46 I leaned over to offer a hand. It figures that right then Preston shows up, gives me a dirty look,
47 and hauls Brook off to the doctor. I knew Brook was not hurt bad, but Preston insisted on taking
48 Brook to the doctor. Preston made a bigger deal about the whole thing than Brook.

49 5. Let's face it. I never liked Brook since s/he ratted me out in high school accusing
50 me of cheating on a test. I was not cheating. But no one would listen to my side of the story, so I
51 was suspended. I saw Brook cheat before, but since Brook is Vice Principal Preston's pet, s/he
52 gets away with cheating. I got suspended from school for a week and was not allowed to
53 compete in the regional swim meet. I did the back stroke for the 400 meter medley relay. The
54 team did not make it to state because I was not there! Brook really made me mad. After that, I

55 tried to stay away from Brook as much as possible.

56 6. Unfortunately, Brook always seems to show up unwelcomed. Brook has been bad
57 news ever since coming to the island. Brook's folks have a lot of money and bought a house
58 overlooking Spencer Harbor. Brook is spoiled rotten. Mr. Bentley bought Brook's boat, as
59 identified in Exhibit #8, so Brook could get his/her toes wet at lobster fishing. Brook never
60 respected the way we islanders do things and thought s/he had the right to fish anywhere on the
61 bay, no matter whose territory. I never understood how Brook managed to score the territory
62 right next to ours. Since Brook did not seem to care whose turf was invaded, I tried to teach
63 Brook a lesson earlier this summer by moving his/her buoy line. It did not seem to make any
64 impression. A few days later, Brook got busted by Agent London for cutting one of my trawl
65 lines. Brook claimed to have accidentally fouled the boat's propeller running over my buoy and
66 had to cut the buoy line to free the boat. I know better. Everyone uses propeller guards to
67 prevent just that sort of problem. Also, Agent London should have known we always put buoys
68 on both ends of the trawls, not only to support, but to mark the line. Everyone uses different
69 ways to identify their buoys. Everyone knows the Spencer buoys are red, yellow, and white.
70 Fortunately, if one buoy gets cut, we still have the string, because there is a buoy at each end.
71 Brook did not even have the courtesy to tie off my line with a jug and call me on the radio to let
72 me know about cutting the line. Too bad Agent London let Brook off with only a warning.

73 7. Instead of Brook getting charged for tampering with my traps, I get framed by
74 that loser. Somehow, mysteriously, Brook's poor excuse for a boat goes down and I am accused
75 of intentionally swamping it by drilling a hole in the boat and cutting the power wire to the bilge
76 pump. Agent London is so dumb to believe that story. I feel like Brook was so unsuccessful
77 fishing for lobster that sinking the boat and taking the insurance money would make more
78 money than an honest, hardworking summer actually fishing. I am the one who gets arrested
79 because I happen to own a drill. Everyone down here has drills and other tools. Agent London
80 claims to have found a butterfly spade drill bit in the open bed of my blue Chevy pick-up truck
81 that matches the size of a hole in Brook's boat. Agent London showed the drill bit to me after
82 finding it under a tarp in my truck bed. I have never seen that drill bit, which is identified as

83 Exhibit #3, prior to it being shown to me. I do not know how it got there. I do not know what
84 Agent London is talking about. I own drill bits, but not one like that. Besides, the bed of my truck
85 is open. It is not like I have an expensive locking truck tool box or bed cap. Not to mention, the
86 truck was parked in the trap lot where tons of people come and go. Anybody could have put the
87 drill bit in the bed of my truck. I would not have let Agent London search my truck if I had
88 something to hide. If I wanted to sink Brook's flimsy boat, a match would have worked.

89 8. I heard Brook fell overboard that Tuesday before our run in, trying to set lobster
90 traps. Brook was probably in my territory again. Brook is lucky the Conrad brothers, Scott and
91 Andy, came along when they did. The water has been cold this summer, not more than 58
92 degrees, due to coastal upwelling. Hypothermia can set in fast. Too bad Brook's boat got lost in
93 the fog and beached on the rocks. I heard Andy Conrad joking about how the boat got banged
94 up so bad that Brook would not be fishing again anytime soon. Brook is such a fool. S/he was
95 out on the bay two days later in a boat taking on water, getting in the way, and messing things
96 up for everyone.

97 9. Even if I wanted to, I could not have sunk Brook's pathetic, little boat. I was with
98 Parker Watson all day on Thursday, August 8th. Most of the day, we were out on the water
99 hauling our catch. Late that afternoon, Parker and I were cleaning up around the boat, getting
100 ready for the next day. I was working on a trap, minding my own business, when Brook got in my
101 face. Parker and I left the pier right afterwards because I was so shook up. We went directly to
102 Ruby's for supper. We hung around Ruby's with some of our friends until about 7:00 p.m. when
103 we went to the Co-op meeting at the Co-op hall. The Co-op had serious business to attend to
104 regarding some stupid scheme Preston cooked up to renovate Ruby's and turn it into a hotel
105 and restaurant. I left the meeting a couple minutes after 8:00 p.m. I was so tired, all I wanted to
106 do was go home and go to bed. To cap off a lousy day, my truck would not start. I figured it
107 needed a tune-up, a new battery, or something. I would have ridden my bike home, which I
108 usually keep in the bed of my truck, but I left my bike at home that day. I tried to get it started for
109 what felt like ten or fifteen minutes, but the truck was dead. Of course when I needed help, there
110 was no one in the trap lot or on the boardwalk to help me. So, I went back into the Co-op hall to

111 look for Parker. I asked Parker to give me a ride home right after the meeting, which broke up at
112 8:30 p.m. My parent was usually the last person to leave and I did not want to wait. I live on the
113 far east side of the island almost a mile from the harbor. Once I got home, I would not have
114 walked all the way back to the harbor to drill a hole in a boat. Honest!

WITNESS ADDENDUM

I have reviewed this statement, and I have nothing of significance to add at this time. The material facts are true and correct.

Signed,

Charlie Spencer

Charlie Spencer

SIGNED AND SWORN to me before 8:00 a.m. on the day of this round of the Middle School Mock Trial Competition.

Michala Watson

Michala Watson, Notary Public

State of New Harmony

My Commission Expires: 4/3/20

1 1. My name is Parker Watson and I am 19 years old. I live at 65 Rock Ledge Lane on
2 Spencer Island, New Harmony. I was born on the island and I hope to stay here my whole life.
3 Except for high school over in Westover on the mainland, I have spent all of my life on the island.
4 I am a sternman for Charlie Spencer. Charlie has been my best friend for as long as I can
5 remember. Charlie runs a tight ship. We make a good living lobstering – it is tough work though.
6 As captain, Charlie drives the boat and decides where to set the trawls, or traps, or lines, or
7 stringers – whatever you want to call them being careful not to lay them over any other lines. As
8 a sternman, I take care of those trawls, which can be anywhere from 8 to 20 traps long. Charlie
9 snags a buoy using a long rod with a hook on it, known as a gaff. The buoy is attached to the
10 trawls. Charlie puts the buoy line into the hauler, which is the hydraulic system that “hauls” the
11 traps up onto the rail, pulls the lobsters out, throws the short ones back, then slides each trap
12 down the deck to me. I quickly re-bait the trap and close the door. Then I run each trap to the
13 stern, or to the back of the boat, in a specific order so the traps will not get tangled when the
14 trawl line gets set back in the water. After that, I band the lobsters we caught.

15 2. We are always standing. Our only break is to occasionally sit on the rail of the
16 boat. Generally, we fish from 6 a.m. to 2 p.m. in the summer, but sometimes we are out on the
17 bay until 5 p.m. Closer to winter, we fish fewer days per week. We haul 600 traps at a time. If we
18 put the traps in on a Monday, we have got to go back for them on Wednesday or we will lose our
19 catch, because of the biodegradable escape hatches. The biodegradable hatches break down in
20 the water so that a lobster does not accidentally die in a lost or abandoned trap.

21 3. On August 8, 2019, Charlie and I were out on the big water hauling the last of our
22 traps for the day when we saw Brook’s boat come into our fishing area. I recognized the boat as
23 the one identified as Brook’s boat, the Leeway, in Exhibit #8. We have had several run-ins with
24 Brook before. Brook knew we had the most productive grounds for lobstering and kept trying to
25 invade our territory. We tried every possible warning to get Brook to stay away. We told Brook to
26 back off, moved buoy lines, set our lines over his/hers, and threw spoiled bait onto Brook’s boat.

27 Brook never got the message, even when we hauled Brook's traps out of the water and dumped
28 them on shore. In fact, Brook tried to retaliate by cutting a buoy off one of our trawl lines. I
29 caught Brook in the act and scared him/her off before any damage was done. When I
30 complained to Agent London about Brook, I was told the Department of Natural Resources
31 (DNR) could not press charges unless they witnessed the tampering. I could not believe it when I
32 heard later that Agent London actually saw Bentley cut one of our lines, but still did nothing.

33 4. It was clear we needed to protect our interests personally if DNR would not do its
34 job. When we saw Brook sneaking onto our turf again on August 8th, we took matters into our
35 own hands. Charlie yelled at Brook to back off and to take the Leeway elsewhere. Brook was not
36 paying much attention to us, being too busy trying to control the boat. Charlie shouted out to
37 Brook, "What is your problem? You cannot even handle your own boat." Thinking Brook might
38 need assistance; we came up alongside the Leeway. We may have bumped it a little, but we
39 were only trying to look out for Brook's welfare with the fog getting ready to roll in. Brook
40 started swearing at us, gunned the motor, and headed for the harbor. We thought we should
41 follow Brook back to the marina because the boat already did not look in too good of shape.
42 Brook's boat was sitting low in the water. When we saw Brook safely docked, we headed
43 towards the lobster pound, where the live lobsters are held and got back to dealing with our
44 catch. A good idea of where everything is located on Spencer Island is in Exhibit #4.

45 5. After unloading our catch at the lobster pound, we tied up at the south pier where
46 all the real lobster boats dock. We were in the best spot – closest to the offload point in slip 5S.
47 Charlie's family has had that same slip forever. I was cleaning up on the boat deck coiling rope
48 while Charlie was fixing a trap on the pier. The next thing I knew, Brook came marching over to
49 us. I froze when I saw Brook was carrying a gaff like the one pictured in Exhibit #2. Brook rushed
50 up to Charlie and started yelling. Brook swore s/he had had enough and Charlie would be sorry,
51 and Brook was going to get Charlie. Brook was about to take a swing at Charlie with the gaff
52 when Charlie stepped forward and leveled Brook with only one punch between the eyes. Brook
53 looked a little dazed lying there, but we could tell s/he was not really hurt. Charlie might have
54 nudged Brook a little with his/her foot to make sure Brook was okay. Then, Charlie offered

55 Brook a hand up from the pier. That is when Vice Principal Preston arrived. Preston said Charlie
56 was no good and needed to learn a lesson. Preston pulled Brook up and said s/he was taking
57 Brook to the doctor. Give me a break. It was only one punch. Preston has given us a hard time
58 since high school when s/he suspended Charlie for cheating on a test. We knew Brook ratted on
59 Charlie. Charlie was scheduled to compete in the regional swim meet that week. Mason Spencer
60 pleaded with Preston to let Charlie compete, but Preston is such a control freak, there was no
61 changing Preston's mind. The team did not advance out of regionals thanks to Brook.

62 6. After Preston and Brook left, Charlie and I finished our work and headed on over
63 to Ruby's for a bite to eat. I could tell Charlie was pretty upset about what happened. I told
64 Charlie it was a clear case of self-defense. Charlie seemed to settle down, so we spent the next
65 couple of hours hanging out with some friends at Ruby's. Besides, there was no point in going
66 home early. We were all waiting for the emergency Spencer Island Lobstermen's Cooperative
67 meeting scheduled for that evening at 7:00 p.m. Our president, Mason Spencer, called for the
68 meeting and we all wanted to be there. Right before 7:00 p.m., we headed in with the others
69 over to the Co-op hall next door. All of us locals showed up for the meeting right on time. It was
70 an important meeting for the Co-op because we heard Preston was scheduled to go before the
71 zoning and planning board for a permit to build a hotel and restaurant where Ruby's is now.
72 Preston's plan spelled disaster for the island. The Co-op was trying to stop it – our livelihoods
73 were at stake.

74 7. Mason Spencer addressed us on the hotel fiasco for about ten minutes when
75 Preston walked in like s/he owned the place. Preston strolled up to the front of the room and sat
76 down in the first row right in front of Mason Spencer. Preston is very pushy. Preston has been
77 trying to get the Co-op to back off from fighting the hotel. I think Preston would do anything to
78 get the hotel built

79 8. A little after 8:00 p.m., Charlie leaned over, told me s/he had heard enough and
80 was heading on home to bed. Charlie was beat after a long day of fishing. I told Charlie I was
81 going to stay until the end of the meeting. I wanted to stay and hear what else was said. Mason
82 Spencer was really giving Preston a hard time. About a minute after Charlie left, Preston piped

83 up, announced having the planning board on the side of the hotel, and the Co-op could not stop
84 “progress.” Then Preston turned around and glared at everyone while marching out of the
85 meeting. Preston had a lot of nerve sounding off like that. At the same time that happened, I got
86 a call on my cell phone so I walked out behind Preston to take the call outside. I walked and
87 stopped right outside the entrance to Ruby’s to take the call. While on the phone, I watched
88 Preston walk slowly down Main Street in the twilight. For some reason, Preston stopped up
89 short directly above the north pier. Preston hesitated there for a long minute like forgetting
90 which way to go home. Then Preston turned onto Buoy Boulevard towards home. I watched
91 Preston until s/he was out of sight. I quickly finished my call and went back inside to the
92 meeting. Not more than ten, maybe fifteen minutes passed, including when I was on the phone,
93 before Charlie tapped me on the shoulder and said s/he needed a ride home. Charlie told me
94 s/he had been trying to get his/her truck started, but it would not start. Charlie seemed a bit
95 stressed out, which was understandable given the day. After the meeting got out around 8:30
96 p.m., I took Charlie straight home to the east side of the island. I helped Charlie tow his/her truck
97 to the shop the next day, only to find the only problem with the truck was that it was out of gas.

98 9. I cannot believe Charlie has been arrested on trumped up charges. Charlie has
99 always tried to stay out of trouble. Brook was the instigator of the fight on the pier. A gaff can be
100 a nasty weapon. Charlie had every right to hit Brook in self-defense. I do not understand why
101 Agent London showed up the next day to question us about Brook’s boat sinking. Except for the
102 ten to fifteen minutes when Charlie was trying to start the truck, Charlie was with me the entire
103 evening of August 8th. There was no way Charlie would have had time to grab a drill on the boat,
104 get over to Brook’s boat, drill the hole, run back, drop the spade drill bit in the bed of the truck,
105 and get back to the meeting. If you ask me, Agent London should be investigating Brook Bentley
106 for sinking the Leeway. I heard Brook bragging about getting more than enough insurance
107 money to buy a new boat. I also heard Brook planned to take the rest of the summer off like s/he
108 did not have to work anymore.

[The witness addendum for Parker Watson is continued on the next page.]

WITNESS ADDENDUM

I have reviewed this statement, and I have nothing of significance to add at this time. The material facts are true and correct.

Signed,

Parker Watson

Parker Watson

SIGNED AND SWORN to me before 8:00 a.m. on the day of this round of the Middle School Mock Trial Competition.

Miriam Wrenn

Miriam Wrenn, Notary Public
State of New Harmony
My Commission Expires: 12/08/20

1 1. My name is Mason Spencer and my address is 54 Winding Way, Spencer Island,
2 New Harmony. The Spencers settled the island in 1851 and have been fishing the waters around
3 here ever since. I know every good cove, channel, and ledge where lobsters like to hide – even
4 those places folks do not know about, like under the pier in front of Ruby’s. I am the President of
5 the Spencer Island Lobstermen’s Cooperative. I pride myself on the work the Co-op does
6 preserving the industry and good fishing around the island. Lobstering is our livelihood. Some of
7 our members were ground fishermen dragging for cod on the coast of New Harmony, who were
8 forced out by the “Feds” when the government restricted their time out on the water. We lost a
9 few of our people at sea trying to fish in the worst possible winter conditions. We take care of our
10 own and most of these fishermen now make a good living catching lobsters when the price is
11 right.

12 2. Do not get me wrong. It is in all of our best interests to conserve our resources
13 here on the island. I continually meet with the Department of Natural Resources (DNR) to find
14 ways to protect the lobsters in the bay. We tried out all sorts of fancy new traps until we hit on
15 ones with biodegradable escape hatches. Our Co-op is participating in the University of New
16 Harmony program to record the movement of lobsters in the bay and analyze the volume of
17 lobsters caught and where. All the regulars know you only catch the big female lobsters during
18 certain times of the year when they are migrating through the bay, but we are willing to go along
19 with the scientific studies if it will preserve our livelihood. Old timers like us base our science on
20 experience and do not try to second-guess Mother Nature. For example, I will be darned if I can
21 understand what the heck the state is doing spraying for brown tail moths. The spray is meant to
22 break down the skeleton of the moth, but the makeup of the skeleton is so similar to the
23 lobsters’ shell, spraying could do serious damage to the lobsters.

24 3. My Charlie grew up shadowing me. Charlie has been everywhere I have been, from
25 the high seas to my workshop to construction sites. I am very proud of Charlie for learning to do
26 anything I can do – from setting lobster traps, to building a dock, to wiring a house. I have no

27 doubt Charlie will be successful in the surf or on the turf. Charlie apprenticed on my boat and
28 took over the operation when I retired. Since my retirement from lobstering, I have done a lot
29 more carpentry work and Charlie has been able to help me on a few projects. I was a high-liner
30 when I stopped fishing. That means I earned top dollar, year in and year out, and fished the best
31 grounds handed down to me by my parents, and their parents, and so on going back six
32 generations on the island. There is too much interference with all of these foolish regulations
33 getting in the way of lobster fishing. With expenses running so high, I fear there is no profit left to
34 be made. I tried to talk Charlie out of taking up the lobster fishing business and going to college
35 instead, but I could not be heard. Anyway, secretly, I am real proud of Charlie. Charlie has never
36 had any problems with the others on the water. Charlie works hard and minds his/her own
37 business. Charlie is a born fisherman and earns good money fishing our grounds.

38 4. Now the state is letting part-timers in on the action. Trap limits are killing us. It is
39 all about sharing the resource and nothing about our fishermen making a living. The state has
40 got us in a zone, splitting our territory on the bay right down the middle. In the last few years,
41 when the State of New Harmony decided to open lobster fishing up to more amateurs in
42 addition to us pros, they created new fishing zones and changed a lot of ancestral fishing
43 grounds to allow space for the newcomers. With all these newcomers in the same waters, I fear
44 overfishing is going to deplete the stock we have worked so hard to maintain. In my day, we took
45 care of those interlopers ourselves. What Charlie is being accused of is nothing compared to
46 what we used to do.

47 5. The only reason Preston is involved in all of this is to try and win over the
48 outsiders and take over my island. I will go to my grave before this island is turned into a tourist
49 trap with a four-story hotel. Outsiders, like Dee Preston, are buying up all the property around
50 the island and driving the locals out. That bum Preston is trying to exploit the island for personal
51 gain. Preston stands to make a tidy sum of money at the expense of everyone else off the re-
52 development of Ruby's into a hotel. As you can see on the map, identified as Exhibit #4, the
53 tourists would get in the way of lobstering. It would be a disaster for us. I am doing everything in
54 my power to stop this effort. Preston recently got permission from DNR to turn the floating north

55 pier into a longer, fixed pier to offload all the tourists Preston is going to bring to the island. The
56 Co-op's only recourse is to go through the Department's appeal process and possibly go to
57 court.

58 6. The Co-op has gone to court before, like the time we stopped Preston from
59 getting a permit from the State to farm salmon off our island. Preston would have put all those
60 fish in pens like cows and it would have fouled the waters all around the island. We proved
61 Preston fudged the figures on current velocity, stocking density, and such. Preston was lucky to
62 get off with a warning. Believe me, the judge was none too happy with Preston – neither was the
63 Co-op. The island and the lobster industry is not fit for all the tourists Preston wants to pawn off
64 on us. The marina will not hold the extra foot traffic. We have our boats to tend to, our lobster
65 pound, and our trap lot close by. Not to mention, we are trying to deal with our catch and gear.
66 We cannot handle a bunch of landlubbers walking around in shorts, taking pictures, and getting
67 underfoot. The last thing in the world we need is a bunch of tourists messing up what we have
68 done for hundreds of years. Our people will not even be able to escape on the water if Preston
69 takes all the gawkers out on sightseeing and fishing expeditions.

70 7. Friday, August 8th was a gloomy weather day as noted on the weather forecast
71 marked as Exhibit #1. A mix of fog, drizzle, and rain fell on the bay. I kept track of the conditions
72 throughout the day by checking the buoy data off shore. I was worried about everyone out there
73 on the water. Visibility never got better than half a mile during the day. By evening, the visibility
74 had dropped to less than a couple hundred feet. Thankfully, all of the boats were accounted for
75 by dinner on both piers.

76 8. I called an emergency meeting of the Lobstermen's Co-op for Thursday evening
77 on August 8th to organize our members to stop the hotel development. I was looking out at the
78 bay from the trap lot as the weather was clearing up just before the 7:00 p.m. meeting. I looked
79 over to the south pier and saw Brook Bentley coming up the south pier gangway near Charlie's
80 boat, Cook's Choice. Brook was wearing one of those orange hoodies everyone wears on the
81 lobster boats. Brook was carrying a gaff in his/her right hand. Judging by the shine on it, that
82 hook was brand new like the one identified in Exhibit #2.

83 9. I was the one who opened the hall for the members. I like to run an efficient
84 meeting. While I am conducting business from the podium, I keep an eye on the wall at the far
85 end of the room behind where the members sit. I have to keep everyone's attention, so I do not
86 waste a single minute. I was reviewing our options against the hotel complex with members
87 when Preston showed up late, waltzed up to the front, and took the seat right under my nose. I
88 tried to ignore Preston, but I could see Preston getting as red as one of those over boiled
89 lobsters at the Clam Shack on the mainland.

90 10. Charlie must have heard enough because Charlie stood up, gave me a quick wave,
91 and left the hall. I glanced at the clock as Charlie passed beneath it. The time was exactly 8:02
92 p.m. Just then, I guess, Preston could not take it anymore. Preston interrupted the meeting and
93 swore to have every right to build a hotel. Preston said to have the Zoning and Planning Board in
94 agreement and the Co-op would not be able to do a darn thing about it. Then, Preston
95 immediately stormed out of the hall. I might have gotten a little ruffled by Preston's loose
96 mouth, but not to the point of not keeping a close watch on the time. Preston left exactly two
97 minutes after Charlie. Parker took off after Preston, but came back inside five minutes later – I
98 did not know what that was about. At 8:20 p.m., on the dot, I turned to old business so we could
99 finish on time. Shortly thereafter, Charlie came walking back in and sat down next to Parker at
100 8:25 p.m. I adjourned the meeting at 8:30 p.m. When the meeting broke up, Charlie told me s/he
101 came back because his/her truck parked at the trap lot would not start and was getting a ride
102 home with Parker since I am usually the last to leave.

103 11. After folks left, the Co-op secretary and I finished our business. I closed up the hall
104 at 8:40 p.m. We headed over to the trap lot to get my car and I gave the secretary a ride home.
105 When we pulled out of the trap lot, the piers and boats were clearly visible in the moonlight. I
106 remember thinking Brook's boat looked like it was sitting real low in the water. The lines looked
107 secure, so I figured I would call the kid in the morning. Little did I know the fool had gone and
108 sunk his/her boat! Now Brook is trying to frame Charlie for sinking the Leeway. How Brook got a
109 lobster fishing license from the State is beyond me. Every other day Brook is getting into trouble
110 on the water. Brook does not abide by the rules and somehow conveniently drifts time and

111 again into Spencer territory, setting traps every which way instead of north-south like everyone
112 is supposed to do. I tried to give Brook a lesson on where to trawl, but more than once Brook
113 lost traps by setting them where the ledge drops-off. One time Brook got into real danger by
114 falling overboard. Brook was lucky Scott and Andy were there to help fish him/her out. Brook
115 went overboard getting a leg hooked on a trawl line. Brook is such bad news!

[The witness addendum for Mason Spencer is continued on the next page.]

WITNESS ADDENDUM

I have reviewed this statement, and I have nothing of significance to add at this time. The material facts are true and correct.

Signed,

Mason Spencer

Mason Spencer

SIGNED AND SWORN to me before 8:00 a.m. on the day of this round of the Middle School Mock Trial Competition.

A.G. Molli

A.G. Molli, Notary Public

State of New Harmony

My Commission Expires: 12/15/21

EXHIBITS

EXHIBITS AVAILABLE TO BOTH PARTIES

The parties have stipulated to the authenticity of the trial exhibits listed below. The Court will, therefore, not entertain objections to authenticity of these trial exhibits. The parties have reserved any objections to the admissibility of any of these exhibits until the trial of the above-captioned matter. The trial exhibits may be introduced by either the Prosecution or the Defendant, subject to the Rules of Evidence and the stipulations of the parties contained in the materials.

#	EXHIBIT DESCRIPTION
1	Weather Forecast
2	Picture of a Gaff
3	Picture of the 7/8" Butterfly Spade Drill Bit
4	Map of Spencer Harbor
5	Estimate for Damages
6	DNR Incident Report
7	Bentley Family Phone Bill (July 10 – August 10, 2019)
8	Sketch of Bentley's Boat

The parties reserve the right to dispute any other legal or factual conclusions based on these items and to make objections to these items based on other evidentiary issues.

EXHIBIT #1: Weather Forecast

AUGUST 4 – 10, 2019

Spencer Island, New Harmony






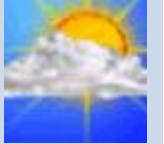








Sun 4	Mon 5	Tue 6	Wed 7	Thu 8	Fri 9	Sat 10
						
Sunrise 5:55am	Sunrise 5:56am	Sunrise 5:57am	Sunrise 5:58am	Sunrise 5:59am	Sunrise 6:00am	Sunrise 6:01am
Sunset 8:08pm	Sunset 8:07pm	Sunset 8:06pm	Sunset 8:05pm	Sunset 8:04pm	Sunset 8:02pm	Sunset 8:01pm
High: 91° Low: 70°	High: 87° Low: 68°	High: 88° Low: 71°	High: 82° Low: 64°	High: 80° Low: 63°	High: 82° Low: 65°	High: 88° Low: 73°
Mostly Sunny P.M. Fog and light rain expected	Mostly Sunny	Morning Fog, periods of light rain. P.M. Fog, 30% chance of showers	Partly Cloudy, 20% Chance of Thunderstorm	Morning Fog, periods of rain, 50% chance of afternoon storms P.M. Fog and light rain expected	Partly Cloudy, 20% Chance of Thunderstorm	Mostly Sunny
						
Moon Rise 5:33pm	Moon Rise 5:35pm	Moon Rise 5:37pm	Moon Rise 5:38pm	Moon Rise 5:41pm	Moon Rise 5:43pm	Moon Rise 5:44pm
Moon Set 1:11am	Moon Set 1:12am	Moon Set 1:14am	Moon Set 1:15am	Moon Set 1:17am	Moon Set 1:19am	Moon Set 1:20am
Water Temp 58°	Water Temp 57°	Water Temp 58°	Water Temp 58°	Water Temp 55°	Water Temp 56°	Water Temp 58°

EXHIBIT #2: Picture of Gaff



EXHIBIT #3: Picture of the 7/8" Butterfly Spade Drill Bit



EXHIBIT #4: Map of Spencer Harbor

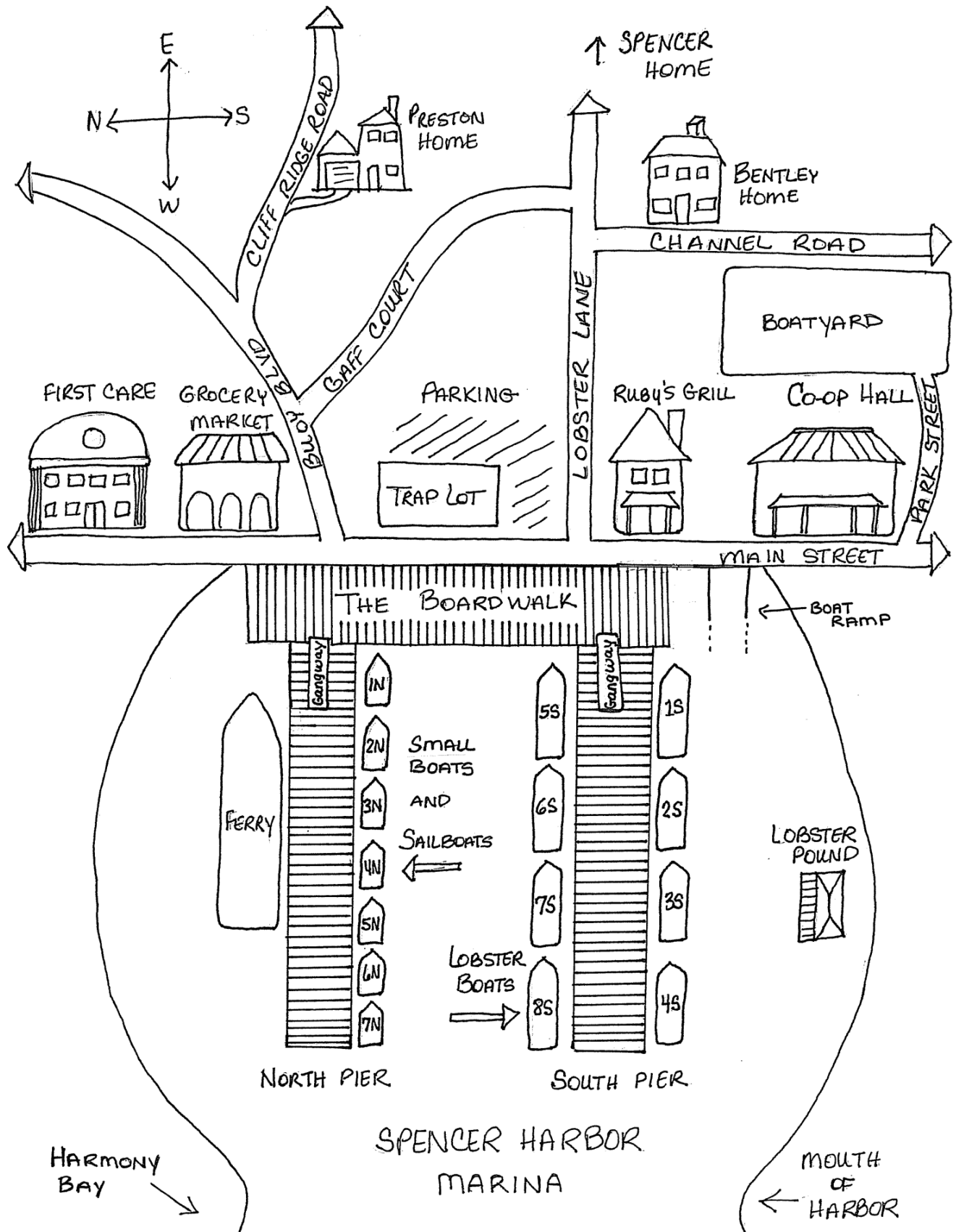


EXHIBIT #5: Estimate for Damages



Marine Estimating at Your Service!

1200 Wilson Lane, Suite 430, Westover, New Harmony

August 23, 2019

Claim Form *st*
 Completed by Joan Smathers

Claimant Information: Brook Bentley
in
 5 Channel Road, Spencer Island, New Harmony 29109
 (803) 352-5789

Incident Information: Claimant's boat sunk at the north pier at Spencer Harbor in Harmony Bay. DNR Agent, Chris London, confirmed the boat was damaged and sunk due to a 7/8" symmetrical hole drilled near the stern. In addition, the line to the bilge pump was also cut. DNR Agent confirmed the damage was not caused by the claimant.
m

Total Claim *a* \$7,237.19

Description of Vessel: 2005 18-Foot Flat-Bottomed Boat
ti
 Boat Name – Leeway
 Registration Number: NH-27958-J
 Registered to Brook Bentley

Value Breakdown: *n*

18-Foot Flat Bottomed Boat.....	\$4,500.00
50 hp Mercury outboard motor, electric start.....	\$1,522.19
Submersible 1100 GPH Marine Bilge Pump with Float Switch	\$35.00
Hydraulic System (hauler, davit, and snatch block)	\$780.00
Miscellaneous Fishing Hardware	\$400.00
TOTAL:	\$7,237.19

This estimate provided for insurance and other lawful purposes to:

- Brook Bentley – Claimant
- Jonathan Hillstrand – Maritime Insurance Inc.
- Chris London – NH DNR Agent

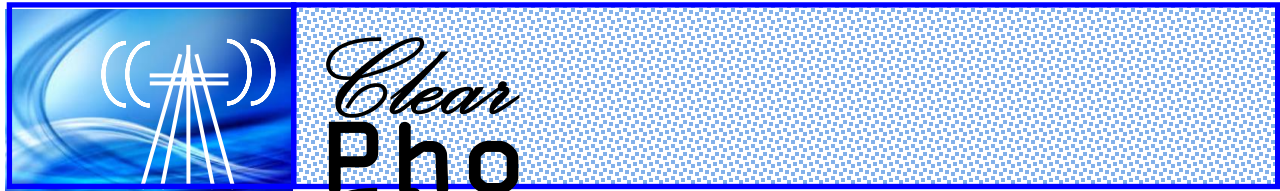
EXHIBIT #6: DNR Incident Report (1 of 2)

AGENCY ID DNR04600		DEPARTMENT OF NATURAL RESOURCES OFFICE 107 Courthouse Square, Westover, New Harmony 29133 (803) 555-1234									
INCIDENT REPORT PRINT OR TYPE ALL INFORMATION											
EVENT	INCIDENT TYPE					COMPLETE D	FORCED ENTRY	PREMISE TYPE	UNITS ENTERED	TYPE VICTIM	
	Assault, Malicious Injury to Personal Property					<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	Dock	0	<input checked="" type="checkbox"/> Individual <input type="checkbox"/> Business <input type="checkbox"/> Government <input type="checkbox"/> Other	
	INCIDENT LOCATION (SUBDIVISION, APARTMENT AND NUMBER, STREET NAME AND NUMBER)					ZIP CODE		WEAPON TYPE			
	North pier, slip 3N, Spencer Harbor, Spencer Island, New Harmony					29109		None			
	INCIDENT DATE		24 HOUR CLOCK		TO	DATE		24 HOUR CLOCK			
	August 8, 2019		Approx. 20:00			August 9, 2019		Approx. 08:30			
	COMPLAINANT'S NAME (LAST, FIRST, MIDDLE)				RELATIONSHIP TO SUBJECT		DAYTIME PHONE		CELL PHONE		
Brook Bentley				None		803-555-5789		None			
ADDRESS				CITY		STATE		ZIP CODE			
5 Channel Road				Spencer Island		New Harmony		29109			
SUBJECT NO.1	NAME (LAST, FIRST, MIDDLE)				AKA						
	Spencer, Charlie				No Alias						
	FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECULARITIES, ETC.										
	None noted										
ADDRESS		CITY		STATE		ZIP CODE					
54 Winding Way		Spencer Island		New Harmony		29109					
SUBJECT (NO.1) USING:		ARRESTED NEAR OFFENSE SCENE			DATE / TIME OF OFFENSE		DATE OF ARREST				
ALCOHOL <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN DRUGS <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN		<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO			August 8, 2019		August 17, 2019				
NARRATIVE	At 09:00 hours on August 9, 2019, I received a call at the station from Brook Bentley, who complained his/her fishing boat had been sunk in Spencer Harbor while docked at slip 3N. On scene at north pier, Bentley was tugging on a line connected to the submerged boat in approximately 12 feet of water. Bentley indicated that s/he had been threatened by Charlie Spencer further alleging Spencer punched him/her in the nose breaking Bentley's nose the day before. Bentley stated that Capeside High School Vice Principal, Dee Preston, witnessed Bentley being struck in the nose. Upon visual examination, Bentley's eyes and nose appeared to be bruised and swollen. [The report is continued on the Supplemental Report]										
Property ESTIMATE	TYPE (GROUP)						ESTIMATE VALUE				
	STOLEN										
	DAMAGED		18 foot boat		Outboard Motor		Lobster Gear		\$8,000		
	RECOVERED										
ADMINISTRATIVE	SUBJECT IDENTIFIED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		SUBJECT LOCATED Yes		<input checked="" type="checkbox"/> ACTIVE <input type="checkbox"/> ADM. CLOSED <input type="checkbox"/> UNFOUNDED		<input checked="" type="checkbox"/> ARRESTED UNDER 18 <input checked="" type="checkbox"/> ARRESTED 18 AND OVER		<input type="checkbox"/> EX-CLEAR UNDER 18 <input type="checkbox"/> EX-CLEAR 18 AND OVER		
	REASON FOR EXCEPTIONAL CLEARANCE: 1. <input type="checkbox"/> OFFENDER DEATH. 2. <input type="checkbox"/> NO PROSECUTION 3. <input type="checkbox"/> EXTRACTION DENIED 4. <input type="checkbox"/> VICTIM DECLINES OPERATION 5. <input type="checkbox"/> JUVENILE NO CUSTODY										
	REPORTING OFFICER		DATE		24 HOUR CLOCK		APPROVING OFFICER		DATE		UNIT NUMBER
	DNR Agent Chris London		08/09/19		1835		Agent Downs		8/10/19		3857
	FOLLOW-UP INVESTIGATION REQUIRED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO										

EXHIBIT #6: DNR Incident Report (2 of 2)

AGENCY ID DNR04600	DEPARTMENT OF NATURAL RESOURCES OFFICE		
	107 Courthouse Square, Westover, New Harmony 29133 (803) 555-1234		
SUPPLEMENTAL INCIDENT REPORT			
PRINT OR TYPE ALL INFORMATION)			
INCIDENT LOCATION (SUBDIVISION, APARTMENT AND NUMBER, STREET NAME AND NUMBER)			ZIP CODE
North pier, slip 3N, Spencer Harbor, Spencer Island, New Harmony			29109
INCIDENT DATE	24 HOUR CLOCK	TO	DATE
August 8, 2019	Approx. 20:00		August 9, 2019
COMPLAINANT'S NAME (LAST, FIRST, MIDDLE)		RELATIONSHIP TO SUBJECT	DAYTIME PHONE
Brook Bentley		None	803-555-5789
ADDRESS		CITY	STATE
5 Channel Road		Spencer Island	New Harmony
			CELL PHONE
			None
			ZIP CODE
			29109
DATE	August 9, 2019	24 HOUR CLOCK	18:35
SUPPLEMENTAL NARRATIVE	<p>I helped Bentley contact a salvage company to haul the boat to the boatyard. The boat was called "Leeway" and was registered to Brook Bentley, registration number NH-27958-J. The boat had a hauler, davit, snatch block, and a 50 hp outboard motor with controls rigged in the center console. The underside of the boat's port side had damage and had been patched with epoxy. Upon closer examination, a symmetrical hole less than 1" in diameter near the stern went clear through the boat. The power wire connecting the bilge pump to the battery had been cut. Both the hole and the cut line looked intentional. Bentley insisted Spencer had threatened and assaulted him/her the day before and was the likely suspect. Later that day, I received a call from dispatch that Dee Preston wanted to speak regarding the Bentley incident. Preston witnessed the tail end of a fight between Spencer and Bentley on 8/8/19. Preston found Bentley semi-conscious and witnessed Spencer kicking Bentley while defenseless. Preston also stated that at approximately 20:10 hours, Spencer was seen over by the Bentley boat and concealed a bulky object under his/her jacket. Spencer was reported to be wearing an orange hooded pullover, jeans, and a Braves baseball cap. Preston felt that Spencer was up to no good.</p> <p>I interviewed Charlie Spencer around 16:00 hours on 8/9/19. Spencer and sternman, Parker Watson, were baiting traps. Spencer was wearing a Braves baseball cap. I asked if Spencer knew anything about Bentley's boat sinking, and Spencer denied any knowledge. Spencer admitted to hitting Bentley in self-defense only because Bentley was swinging a gaff in his/her direction. Spencer provided an alibi for the evening of 8/8/19 of having had truck issues when leaving the Co-op meeting. Parker Watson confirmed Bentley was carrying a gaff and had threatened Spencer with it. Watson indicated that Spencer was in fear of being hit with a gaff, so Spencer hit first. I boarded Spencer's boat upon permission and noted the usual odds and ends found on boats. The cabin contained a cardboard box with an old DeWalt battery-operated drill with various bits. I also inspected the traps set aside for repair on the pier. Spencer's blue Chevy pick-up truck was parked near the trap lot. I was granted permission to check the truck. Upon lifting the corner of the tarp covering the bed of the truck, I found a butterfly spade drill bit in plain view - which I obtained for the investigation. I returned to the boatyard with the butterfly spade drill bit and confirmed that the 7/8" drill bit was the exact width of the hole drilled through Bentley's boat. I also obtained Bentley's phone records confirmed his/her whereabouts when the sinking of the boat would most likely have occurred. I did not find Spencer's alibi of a truck not starting to be credible.</p>		
	DATE	08/09/2019	24 HOUR CLOCK	1835

EXHIBIT #7: Bentley Family Phone Bill (July 10 – August 10, 2019)



Account Number	Date Due	Amount Due
22fda451x03-0001	09/06/19	\$55.91

803-555-5789

Warren Bentley
5 Channel Road

Spencer Island, New Harmony 29109

Simplify Life
Easily manage your account online.
Pay your bill, check usage, change
your calling plan, add features,
and much more!

**Ser
vic
es**

Quick Bill Summary

Jul 10 – Aug 10

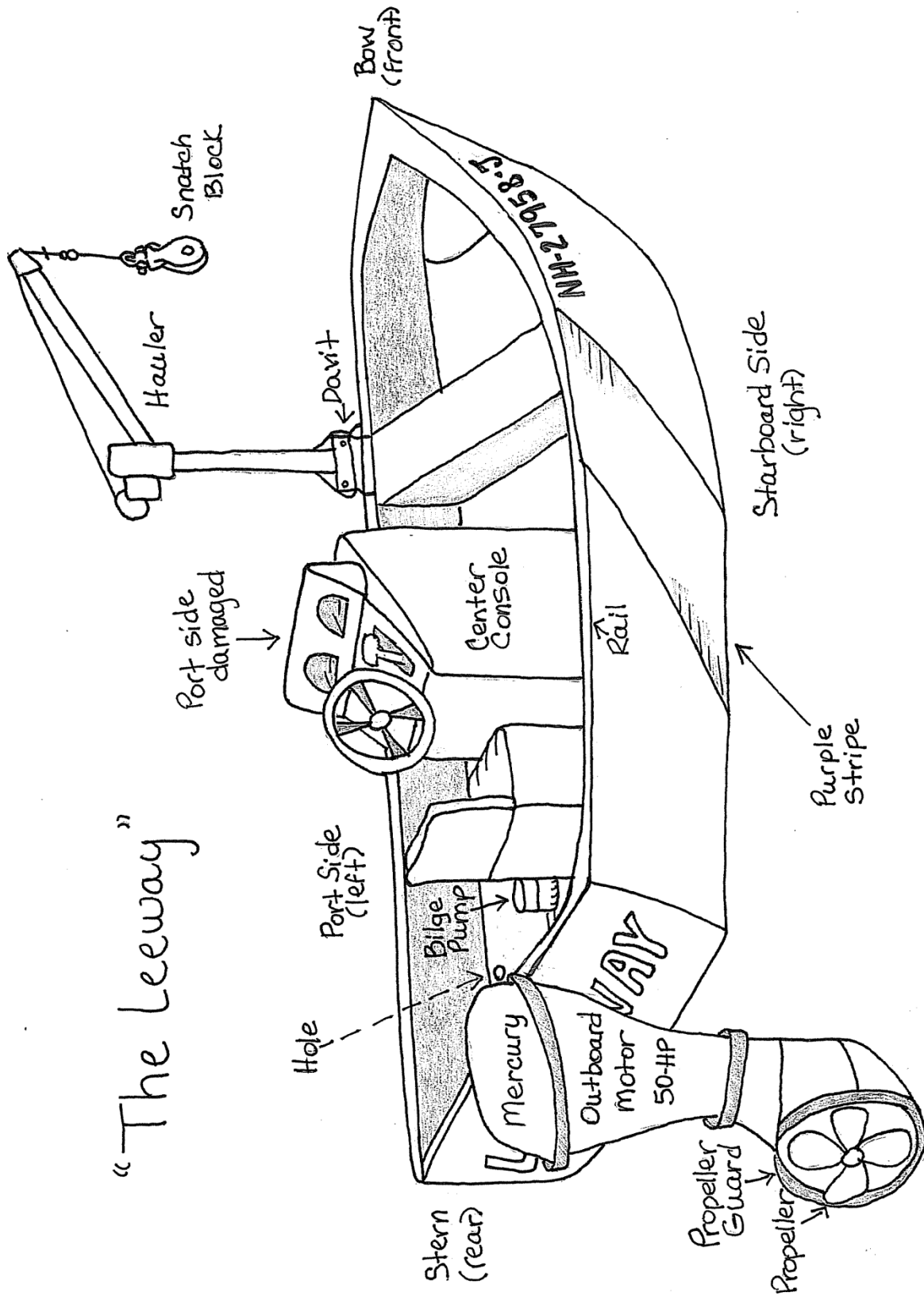
Previous Balance (see back for details)	\$33.51
Payment	0.00
Balance Forward	\$33.51
Universal Local Plan	\$8.00
Long Distance Charges	\$10.80
Service Charges & Credits	\$2.90
Taxes, Governmental Surcharges & Fees	\$.70
Total Current Charges	\$55.91

Details for 803-555-5789 Long Distance:

(.09 per minute)

#	Date	Number Called	Where	Time	Minutes	Amount
1	Jul 14	319-555-1875	Ced.Rap, IA	5:06 pm	13	1.17
2	Jul 20	904-555-1222	Jackson, FL	10:15 am	23	2.07
3	Jul 20	717-555-0097	Harris, PA	11:46 am	15	1.35
4	Jul 21	717-555-0097	Harris, PA	6:17 pm	08	.72
5	Aug 01	603-555-7676	Man., NH	9:23 pm	02	.18
6	Aug 03	301-555-2567	Beth, MD	4:16 pm	10	.90
7	Aug 05	717-555-0097	Harris, PA	12:01 pm	19	1.71
8	Aug 08	617-555-3350	Boston, MA	7:28 pm	25	2.25
9	Aug 09	617-555-3350	Boston, MA	8:00 am	02	.18
10	Aug 10	509-555-4932	Spokane, WA	4:38 pm	03	.27
					120	\$10.80

EXHIBIT #8: Sketch of Bentley's Boat



"The Leeway"

