

FACT SITUATION

While sportsmanship is the ideal to which we often hold our players and coaches, there has always been a sordid side to college and professional sports. Greed infiltrates the gyms of our high schools and is amplified by multi-million-dollar shoe contracts and the other benefits of being a sports superstar. No greater threat exists than gambling. Point-shaving scandals rocked college basketball in 1951 and again in the 1980's and 90's at schools such as Tulane, Boston College, and Arizona State. Pete Rose, baseball's all-time hits leader, is banned for life for gambling, and recently the quarterback at Florida State University went on trial for point shaving. Point shaving involves making a game closer than it would otherwise be to affect betting on the point spread or the "over-under" line. Point shaving is a crime in Utah. In this year's case, the defendant is not a player, but a coach.

Riley Amblin is the head coach of the perennial Final Four Basketball team, Wasatch University's Wolverines. Riley has been the head coach for 23 years and has produced three national championship teams. Riley is a throwback to the old school where coaches rule their team with an iron hand. Other schools may have problems with showboating players and players who leave school early, but not Riley. Riley's teams run a disciplined offense and play hard-nosed defense.

Riley also has a reputation for writing old-fashioned sports books in the line of the idealized Frank Merriwell from the early 1900's. All American heroes guided by understanding coaches are the major characters in these novels.

During the 2004-2005 basketball season, sports fans scratched their heads at the performance of the Wolverines against six weak teams, Arizona State University (ASU), University of Nevada Las Vegas (UNLV), Denver State (DS), University of Idaho (UI), United States Air Force Academy (USAFA), and Weber State University (WSU). In each game, the Wolverines were favored by 10 points or more and, with the exception of the games against ASU and UNLV, won by less than five. Additionally, bookies reported large sums of money bet on the underdogs. Rumors swirled around that the players had sold out to the gamblers. Underworld figures were seen in the Hansen Arena at every Wolverines home game.

Fearing scandal, Pat Ebling, the President and former Athletic Director at Wasatch University, hired a retired FBI investigator, Terry Frost, to get to the bottom of the rumors. Frost quickly did background checks on all 12 varsity athletes. Only one athlete turned up with any problems, Billy Jensen. Jensen had a friendly relationship with a known campus gambler, Val Capella. Frost quickly checked with the area bookies and noted that Capella had placed numerous bets against the Wolverines in games against weak opponents.

Frost confronted Jensen who gave a written confession that he had placed the bets on behalf of not only himself, but Coach Amblin as well. Jensen then exited the room and killed himself. Frost obtained handwriting samples from Amblin and compared/matched them to betting slips obtained from a bookie known as Matty Goza. Frost gave the betting slips and handwriting samples to the state's attorney who then obtained a warrant for Amblin and Capella.

The State charged them under Utah Codes, §76-10-1102, "Gambling," and §76-6-514, "Bribery" or "Threat to Influence Contest." Capella entered a guilty plea and received probation in exchange for his/her testimony against Amblin. Amblin entered a plea of not guilty at arraignment.

STIPULATIONS

1. All exhibits included in the problem are authentic and accurate in all respects, and no objections to the authenticity of the exhibits will be entertained.
2. The signatures on the Witness Statements and other documents (including all signatures symbolized by “/s/”) are authentic.
3. The Charge of the Court is accurate in all respects; no objections to the charge will be entertained.
4. “Chain of Custody” for evidence is not in dispute.
5. No motion to quash the indictment is allowed.
6. The following facts are stipulated:
 - a. Terry Frost is an expert in handwriting analysis.
 - b. Billy Jensen committed suicide on May 15, 2005.
 - c. Val Capella was indicted on July 25, 2005 for Gambling and Bribery or Threat to Influence Contest and plead guilty to all charges.

WITNESSES

The following witnesses will be called by the parties:

For the Prosecution:

Terry Frost
Matty Goza
Val Capella

For the Defense:

Coach Riley Amblin, Defendant
Pat Ebling
Coach Perry Sorenson

EXHIBITS

Exhibit No. Description

1. Scores and Point Spread and Season Statistics of Billy Jensen.
2. Written Confession of Billy Jensen.
3. Handwritten Notes of Riley Amblin.
4. Betting Slip page 1 that Terry Frost received from Val Capella.
5. Betting Slip page 2 that Terry Frost received from Val Capella.
6. Betting Slip page 3 that Terry Frost received from Val Capella.

BILL OF INDICTMENT
State of Utah, County of Cottonwood

IN THE DISTRICT COURT OF SAID COUNTY THE GRAND JURORS selected, chosen and sworn for the County of Cottonwood, to wit:

1. John S. Murphy, Foreperson
2. Jenny Cates
3. Phyllis Benning
4. Sylvia Johnson
5. Paul B. Williamson
6. Marjorie F. Gunn
7. William T. Barnes
8. Karen R. Simpson
9. Franklin W. Lot
10. Jeffery Steele
11. Charles Knight
12. Richard James

In the name and on behalf of the citizens of Utah, charge and accuse

RILEY AMBLIN

With the offense of:

GAMBLING and BRIBERY OR THREAT TO INFLUENCE CONTEST

with the offense of: UT Code, §76-10-1102 and UT Code, §76-6-514 in that the said accused, in the County of Cottonwood and State of Utah, did, between November 1, 2004, and April 1, 2005, commit the offense of GAMBLING and BRIBERY OR THREAT TO INFLUENCE CONTEST, for that the said Riley Amblin did willfully, unlawfully, knowingly, and intentionally influence the result of the Wasatch Wolverines' basketball games against Arizona State University (ASU), University of Nevada Las Vegas (UNLV), Denver State (DS), University of Idaho (UI), United States Air force Academy (USAFA), and Weber State University (WSU) contrary to the provisions of Utah Code, §76-10-1102 and Utah Code, §76-6-514.

_____/s/_____
Hon. Dudley Wright
District Attorney, 10th Judicial District
Indictment No. F985679
In the District Court of Cottonwood County,
State of Utah July Term 2005

PROSECUTION WITNESS STATEMENT: TERRY FROST

1 My name is Terry Frost. I am a graduate of Northwestern University in
2 Chicago with a degree in criminal justice and a Juris Doctorate. I attended the FBI
3 Academy and worked in the Organized Crime Unit, primarily in the area
4 of illegal gambling. After 20 years on the job, I retired. I am an expert in
5 handwriting analysis.

6
7 On March 1, 2005, I was retained by the President of Wasatch University,
8 Pat Ebling, to investigate possible point shaving by members of the basketball
9 team. It seems that whenever the team was a clear favorite, they underperformed.
10 Six games in particular were under scrutiny. Large amounts of money had been bet
11 across the country for the underdogs to beat the spread, which is the amount by
12 which a team is calculated to win or lose based on bets across the country.
13 Bookies from across the country were contacted, and, on the games, all reported action
14 that should not have been there. In fact, bookies from Las Vegas removed
15 two of the games, ASU and UNLV, from their betting boards. In my experience, that
16 only occurs if the bookmakers suspect that a game is being manipulated. It was obvious
17 that members of the team were in cahoots with the bookies.

18
19 I next did background checks on all of the players. I looked to see what
20 kind of cars they were driving and what purchases had been made since the
21 beginning of the season. Unfortunately, every one had a new car, even the players
22 from lower income homes. I checked to see who was paying for these vehicles,
23 and, for all but one player, the money appeared to come from a legitimate source.
24 It's funny, though, how 11 players all had mothers who obtained loans to buy new
25 Hummers. The only player who did not check out was Billy Jensen. Jensen was
26 the starting point guard. As a player, Jensen averaged in triple doubles all year.
27 (That is double figures in points, rebounds, and assists). The only games in which
28 Jensen failed to live up to expectations were the six games against Arizona
29 State University (ASU), University of Nevada Las Vegas (UNLV), Denver State (DS),
30 University of Idaho (UI), United States Air Force Academy (USAF), and Weber
31 State University (WSU). In each game, Billy made several turnovers and, at the end,
32 in both the UNLV and DS games, missed free throws that would have
33 put Wasatch above the spread. Billy immediately became the target of my investigation.

34
35 I learned that Billy's best friend was Val Capella. Capella was a
36 notorious campus gambler. Capella had been expelled for participating with the
37 head football coach in a March Madness pool, where the coach won over \$10,000
38 each year. Capella was known to hang out with bookies and mobsters. Before
39 confronting either Capella or Jensen, I decided to contact some of the local
40 bookies. Matty Goza was the only bookie, of the ones I contacted, who took bets on the
41 underdogs playing Wasatch. She/He yelled loudly. She/He reported to me that she/he
42 had lost a fortune on the six games against the weak teams. She/he was unable to layoff,
43 that is offset the bets on the underdogs with bets on Wasatch. I asked her/him the source
44 of the bets, and she/he had no problem identifying the person--Capella. Matty Goza then

45 provided me with betting slips he still had, which were given to her/him by Capella.
46 Unfortunately, none of the slips were for college basketball games; they were for
47 NBA games and Major League Baseball.
48

49 Capella was known as a tough cookie, so I contacted Jensen next. Jensen
50 immediately began crying and admitted everything. Jensen wrote out a confession
51 claiming not only that he shaved points, but did so at the instructions of Coach
52 Amblin. The statement was written in Jensen's apartment. As soon as it was
53 completed, the crying Jensen walked into the next room, and I heard a shot. I ran
54 in and found Jensen dead.
55

56 I called on Coach Amblin next. I told Coach of Jensen's death and showed
57 Coach the written confession. Coach merely said she/he knew absolutely nothing
58 about point shaving, and she/he never gambled. I saw a note pad on Coach's desk and
59 took a sheet of handwritten notes from it. I went back to my office and compared
60 the notes to the betting slips, and the handwriting matched.
61

62 I next contacted Capella who refused to speak to me without a lawyer. I
63 took the information to the District Attorney, and the District Attorney indicted
64 Amblin and Capella.
65

66 I have reviewed these statements, and the material facts are true and correct.

Signed,

/s/
Terry Frost

SIGNED AND SWORN TO BEFORE
ME THIS 1ST DAY OF June, 2005

/s/
R. J. Rich, Notary Public
State of Utah
My Commission expires: 12/31/05

PROSECUTION WITNESS STATEMENT: MATTY GOZA

1 Yes, I am engaged in illegal activities. I am a bookie and have been for 15
2 years. I have a Federal Tax Stamp, and I report my income every year. I have
3 been given use immunity for my testimony. As use immunity was explained to
4 me, anything that I testify to cannot be used against me.
5

6 First, let me explain what a bookie does. We accept bets for anybody
7 wanting to place a bet on an athletic contest. We make money by charging a fee
8 for accepting the bet. When a bettor wins, we pay off. We balance the bets that we
9 have so that we have about the same amount of money bet equally on both sides.
10 This system works if the games are being played honestly. If a game is fixed, we
11 can lose a tremendous amount of money. You can tell when someone is
12 monkeying around with a game--when large sums are bet on clear underdogs.
13 Odds on teams and point spreads are decided based upon the amount of action or
14 bets placed on the teams. A game may start out with a certain point spread based
15 on the performances of the teams in the past and then fluctuate depending upon
16 how many people bet for a particular team. If bets are spread out in large amounts
17 around the country on dog teams, the fix is usually in.
18

19 Capella was a big bettor with me. I knew Capella was placing bets for
20 other people because this kid was not rich. Capella would never tell me for whom
21 he/she was betting. He/She would give me betting slips every day, and they were
22 never in the same handwriting. They were bets on everything from college
23 football to world cup soccer. By far the largest bets were on three of the six games
24 where Wasatch failed to cover the spread. First, on the ASU game, he put down
25 \$5,000 on ASU, an 11 point underdog, who loses to Wasatch by 10 when Jensen
26 misses two free throws at the buzzer. Second, on the UNLV game, Wasatch is a 15
27 point favorite and again they are 13 up, and Jensen misses two free throws. What was
28 amazing about that game was that Jensen was the only starter that Amblin left in
29 the game. Capella had \$5,000 on that game. The last game that Capella bet with
30 me was the Denver State game, where \$20,000 was bet on a 20 point underdog,
31 and Wasatch won by four. In that game, the starters played only the first half and
32 were taken out with a 19 point lead. I knew the fix had to be in on that game.
33

34 I never met Jensen nor have I met Amblin. If bets were placed for them, I
35 wouldn't know. All I know is that there is no way those games were on the up and
36 up.
37

38 I have reviewed these statements, and the material facts are true and correct.

Signed,

/s/
Matty Goza

SIGNED AND SWORN TO BEFORE
ME THIS 1ST DAY OF June, 2005

_____/s/
R. J. Rich, Notary Public
State of Utah
My Commission expires: 12/31/05

PROSECUTION WITNESS STATEMENT: VAL CAPELLA

1 Yeah, I was crooked. Amblin recruited me personally. He/She knew I had a
2 history of drug use and that I had a gambling habit. I would bet on anything.

3
4 Jensen and I attended Canyon High School together, and that’s where we
5 became friends. Jensen was a great player and a good student. He might bet
6 on a football game every now and then, but never on college basketball, until the
7 Coach got to him. Jensen was the star of the team and the only player not to
8 have a Hummer. Jensen told me that Amblin called him into the office and
9 told him why other players were getting preferential treatment. He knew that
10 with the Wolverines ranked number one in the polls, the patsies on the
11 schedule would have large point spreads. A lot of money could be made in point
12 shaving. Coach already had a gambling problem; in fact, he/she used Jensen to
13 give me betting slips to bet on other sports. Jensen told me that Coach promised to
14 give him a portion of his winnings if Jensen helped in the point-shaving scheme.
15 The betting slips that the state has are the slips I got from the Coach.

16
17 Coach never dealt with me directly, but he/she called Jensen’s apartment
18 all the time. On the first three games, we bet \$5,000 per game. The Denver State
19 game we bet \$20,000. On the two remaining games, \$50,000 apiece. Three bets
20 were placed with Goza. The rest of the bets were sent out to various friends to bet
21 around the country. I am not being required to say who my friends are according to
22 my plea agreement.

23
24 The best method of shaving was to use the excuse that the Coach could
25 never run up the score on anyone, so that when the Wolverines get ahead, Coach
26 pulls the starters. Coach plays everyone, and no one is the wiser. If Coach
27 leaves a starter in, it’s Jensen, the point guard, or the player who controls the
28 tempo of the game. Of course, I was needed because Coach could never place a
19 bet for himself.

20
21 Why am I ratting? Jensen was my friend, and he didn’t deserve to go out
22 like that. Also, I’m not going to have to go to jail.

23
24 I have reviewed these statements, and the material facts are true and correct.

Signed,

_____/s/
Val Capella

SIGNED AND SWORN TO BEFORE
ME THIS 1ST DAY OF June, 2005

_____/s/_____
R. J. Rich, Notary Public
State of Utah
My Commission expires: 12/31/05

DEFENSE WITNESS STATEMENT: PAT EBLING

1 I am the President of Wasatch University. I have been the President for 25
2 years. I was appointed president after a tenure of ten years as the head basketball
3 coach. I won two National Championships at Wasatch. Riley Amblin was my
4 assistant coach, and when I moved up, I hired Riley to be the head basketball
5 coach. No finer human has ever walked the planet.
6

7 First, let me say that despite the innuendos, no recruiting violations have
8 occurred during Coach Amblin's tenure. The so-called Hummer Brigade, that the
9 press has been talking about, is nonsense. We investigated the purchase of each
10 and every Hummer and determined that our players' mothers legitimately obtained the 11
12 loans for the Hummers. Coach Amblin runs a clean program. The players are
13 successful in the classroom, and often leave early for millions of dollars playing
14 professional basketball. It is true that only one player has graduated in the last ten years,
15 but all have done well once they have left the program.

16 I initiated the investigation of our basketball team. It was apparent that
17 something was wrong. Unfortunately, Coach was too close to the players to
18 believe they would betray him/her, especially Jensen. Jensen was like one of the
19 Coach's children. Knowing what happened in the 1951 scandals, I was taking no
20 chances. I hired Terry Frost, and now wish that I hadn't. We now have one young
21 person dead and a great person wrongfully accused. I have worked with Coach
22 Amblin since he/she played for me many years ago. Coach would never
23 dishonor himself/herself or his/her school.
24

25 Coach didn't know it, but Jensen was doing drugs with Capella. I had
26 expelled Capella the year before. I wouldn't believe Capella if he told me that the
27 sun comes up in the East. How do I know if Jensen were doing drugs? I have a
28 copy of his drug test given during the last week of the season. Had Jensen not
29 committed suicide, he was going to be expelled.
30

31 I have discovered that Frost was trying to make a name for himself/herself by
32 going after Coach. She/he has a history of this. As an FBI agent, she/he was accused of
33 falsifying lab reports and subsequently retired.
34

35 Coach is innocent.
36

37 I have reviewed these statements, and the material facts are true and correct.

Signed,

/s/
Pat Ebling

SIGNED AND SWORN TO BEFORE
ME THIS 3RD DAY OF June, 2005

_____/s/_____
R. J. Rich, Notary Public
State of Utah
My Commission expires: 12/31/05

DEFENSE WITNESS STATEMENT: COACH PERRY SORENSON

1 I am the coach of the University of New Mexico Rattlers. I have coached
2 teams to the NCAA finals on three occasions. I am here to tell you how a coach
3 cannot know whether his/her team is selling out or not.
4

5 Basketball teams are groups of 12 to 15 individuals whose performance,
6 from game to game, is affected by many factors. Injuries, level of competition,
7 personal problems of individual players, the wear and tear of constantly being on
8 the road, and maintaining their classroom work are all factors in how a team will
9 play from week to week.
10

11 Let's talk about the six games in question. I have reviewed the tapes of the
12 games and really do not see any reason Coach Amblin would be accused of
13 organizing a point-shaving scheme. First, only one player was supposedly
14 involved. No one player can throw a game by himself/herself. While it is true that the
15 point guard controls most of the action, four other players are on the floor at the
16 same time. In each of these games, Wasatch jumped out to an early lead. As is his/her
17 custom, Coach Amblin elected to be the great sportsman that he/she is and called off
18 the dogs by sitting his/her starters and letting everyone play. Coasting is not point
19 shaving. Coasting is smart management because it conserves the energy of your
20 best players, so that they will be fresh against tough opponents. Also, playing your
21 bench prepares them in case they have to step into a starter's role in the future.
22

23 For a coach to organize a scheme of this sort is unheard of and certainly, if it
24 occurred, would have been managed differently. More than one player would be
25 involved. In no point-shaving scandal that has ever occurred has a coach been
26 implicated. Even great coaches, such as Adolph Rupp, the all-time winningest coach in
27 college history, were fooled by their players.
28

29 I have known Coach Amblin for many years. We have run basketball
30 camps together and serve on the Board of Spikey Shoes. There is no truth to the
31 accusations that I receive income from Spikey to push campers to sign with them,
32 although the Rattlers are proud to sport the Spikey X.
33

34 I have reviewed these statements, and the material facts are true and correct.

Signed,

_____/s/
Perry Sorenson

SIGNED AND SWORN TO BEFORE
ME THIS 4TH DAY OF June, 2005

_____/s/
R. J. Rich, Notary Public
State of Utah
My Commission expires: 12/31/05

DEFENDANT'S STATEMENT: COACH RILEY AMBLIN

1 I've been at Wasatch my entire life. Basketball is my life. I bleed Wasatch
2 Wolverine. I loved Billy Jensen like one of my own children. I cry every night
3 for that poor tortured soul. Billy was my special project. Billy was a great player,
4 and the thought that he would falsely accuse me has broken my heart. Billy
5 had a lot of problems. He came from a broken home and was arrested in high
6 school for possession of marijuana. I tried to keep Billy away from bad people
7 like Capella. I'm convinced that Capella was blackmailing Billy into saying those
8 things about me.
9

10 Have I bet on sports? The answer is no. Frost is trying to make a
11 reputation at my expense. I found out about Frost. Agent Hoover told me that
12 Frost was forced to retire when irregularities were found in the FBI Crime Lab.
13 The only explanation for any similarities with my writing is that someone traced
14 my handwriting to use in case they got caught. Capella needed a big fish to give
15 the D.A. so that jail would not be his/her next home.
16

17 As far as the games being fixed, how would I know that poor drug-addled
18 Jensen would do something like that? Did I expect those six schools to give us a
19 game? I expect every team we play to be up for us. If I were going to cheat, do you
20 think I would have my team jump out to big leads? The whole thing is ludicrous.
21 I've never cheated in my life. Yes, our program has been investigated for
22 recruiting violations before, but we were cleared. The only finding against us,
23 during my tenure, was a violation by an overzealous assistant coach. I fired him/her.
24

25 I have reviewed these statements, and the material facts are true and correct.

Signed,

/s/
Riley Amblin

SIGNED AND SWORN TO BEFORE
ME THIS 1ST DAY OF June, 2005

/s/
R. J. Rich, Notary Public
State of Utah
My Commission expires: 12/31/05

LEGAL AUTHORITIES

Utah Code, Section 76-10-1102, Gambling

- (1) A Person is guilty of gambling if he:
 - (a) participates in gambling;
 - (b) knowingly permits any gambling to be played, conducted, or dealt upon or in any real or personal property owned, rented, or under the control of the actor, whether in whole or in part; or
 - (c) knowingly allows the use of any video gaming device that is:
 - (i) in any business establishment or public place; and
 - (ii) accessible for the use by any person within the establishment or public place.
- (2) Gambling is a class B misdemeanor, provided, however, that any person who is twice convicted under this section shall be guilty of a class A misdemeanor.

Utah Code, Section 76-6-514, Bribery or Threat to Influence Contest

A person is guilty of a felony in the third degree if:

- (1) With a purpose to influence any participant or prospective participant not to give his best efforts in a publicly exhibited contest, he confers or offers or agrees to confer any benefit upon or threatens any injury to a participant or prospective participant; or
- (2) With a purpose to influence an official in a publicly exhibited contest to perform his duties improperly, he confers or offers or agrees to confer any benefit upon or threatens any injury to such official; or
- (3) With a purpose to influence the outcome of a publicly exhibited contest, he tampers with any person, animal, or thing contrary to the rules and usages purporting to govern the contest; or
- (4) He knowingly solicits, accepts, or agrees to accept any benefit, the giving of which would be criminal under Subsection (1) or (2).

**IN THE DISTRICT COURT OF
COTTONWOOD COUNTY
STATE OF UTAH**

STATE OF UTAH
V.
RILEY AMBLIN

10th JUDICIAL DISTRICT COURT
COUNTY OF COTTONWOOD
STATE OF UTAH

The Charge of the Court
[Not to be read in open court]

Members of the Jury:

You are considering the case of the State of Utah verses Riley Amblin. The defendant in this case has been indicted by the grand jury of this county for the offense of Gambling and Bribery or Threat to Influence Contest.

The indictment reads as follows:
(Cover allegations of indictment.)

This indictment was returned into court on the 25th day of July, 2005.

To this indictment, the defendant has entered a plea of not guilty, and this makes the issue which you have been selected, sworn, and impaneled to try.

I caution you that the fact that this accused has been indicted by the grand jury is no evidence of his/her guilt. You should not consider the indictment as evidence or implication of guilt. Neither is the plea of not guilty to be considered as evidence.

This defendant is presumed to be innocent until proven guilty. The defendant enters upon the trial of the case with a presumption of innocence in his/her favor. This presumption remains with the defendant until it is overcome by the state with evidence which is sufficient to convince you beyond a reasonable doubt that the defendant is guilty of the offense charged.

No person shall be convicted of any crime unless and until each element of the crime is proven beyond a reasonable doubt.

The burden of proof rests upon the state to prove every material allegation of the indictment and every essential element of the crime charged beyond a reasonable doubt.

However, the state is not required to prove the guilt of the accused beyond all doubt or to a mathematical certainty. A reasonable doubt means just what it says. It is a doubt of a fair-minded, impartial juror, honestly seeking the truth. It is a doubt based upon common sense and reason. It does not mean a vague or arbitrary doubt, but is a doubt for which a reason can be given, arising from consideration of the evidence, a lack of evidence, a conflict in the evidence, or any combination of these.

If, after consideration of all the facts and circumstances of this case, your minds are wavering, unsettled, or unsatisfied, then that is a doubt of the law, and you should acquit the defendant; but if that doubt does not exist in your minds as to the guilt of the accused, then you should be authorized to convict the defendant.

If the state fails to prove the defendant's guilt beyond a reasonable doubt, it would be your duty to acquit the defendant.

You must determine the credibility or believability of the witnesses. It is for you to determine what witness or witnesses you will believe and which witness or witnesses you will not believe, if there are some you do not believe.

In passing upon their credibility, you may consider all the facts and circumstances of the case: the witnesses' manner of testifying, their intelligence, their interest or lack of interest, their means and opportunity for knowing the facts which they testify about, the nature of the facts which they testify about, the probability or improbability of their testimony, and of the occurrences about which they testify. You also may consider their personal credibility insofar as it may legitimately appear from the trial of this case.

When you consider the evidence in this case, if you find a conflict, you should settle this conflict, if you can, without believing that any witness made a false statement. If you cannot do this, then you should believe that witness or those witnesses best entitled to belief.

You must determine what testimony you will believe and what testimony you will not believe. Members of the jury, it is my duty and responsibility to ascertain the law applicable to this case and to instruct you on that law, by which you are bound. It is your responsibility to ascertain the facts of the case from all the evidence presented. It then becomes your duty and responsibility to apply the law I give you in the charge to the facts as you find them to be.

This defendant is charged with a crime against the laws of this state. A crime is a violation of a statute of this state in which there is a joint operation of an act, or omission to act, and intent.

Intent is an essential element of any crime and must be proved by the state, beyond a reasonable doubt.

Intent may be shown in many ways, provided you, the jury, believe that it existed from the proven fact before you. It may be inferred from the proven circumstances or by acts and conduct, or it may be, in your discretion, inferred when it is the natural and necessary consequence of the act. Whether or not you draw such an inference is a matter solely within your discretion.

Criminal intent does not mean an intention to violate the law or to violate a penal statute, but means simply to intend to commit the act which is prohibited by a statute.

This defendant will not be presumed to have acted with criminal intent, but you may find such intention, or the absence of it, upon a consideration of words, conduct, demeanor, motive, and other circumstances connected with the act for which the accused is being prosecuted.

Evidence is the means by which any fact is put in issue, established, or disproved. Evidence includes all the testimony of the witnesses and the exhibits admitted during the trial. It also includes any facts agreed to by counsel. It does not include the indictment or the opening and closing arguments by the attorneys.

Evidence may be either direct or circumstantial or both.

Direct evidence is evidence which points immediately to the question at issue.

Evidence also may be used to prove a fact by inference. This is referred to as circumstantial evidence. Circumstantial evidence is the proof of facts, or circumstances, by direct evidence from which you may infer other related or connected facts which are reasonable and justified in the light of your experience.

To warrant a conviction on circumstantial evidence, the proven facts must not only be consistent with the theory of guilt, but must exclude every other reasonable theory other than the guilt of the accused.

The comparative weight of circumstantial evidence and direct evidence, on any given issue, is a question of fact for the jury to decide.

Testimony may have been given by certain witnesses who, in law, are termed experts. The law permits persons who are experts in certain areas to give their opinions derived from their knowledge of that area. The weight which is given to the testimony of expert witnesses is a question to be determined by the jury. The testimony of an expert, like that of any other witness, is to be received by you and given only such weight as you think it is properly entitled to receive. You are not required to accept the opinion testimony of any witness, expert or otherwise.

To impeach a witness is to prove that the witness is unworthy of belief. A witness may be impeached by:

- a. Disproving the facts to which the witness testified;
- b. Proof of general bad character;
- c. Proof that the witness has been convicted of a crime involving moral turpitude; or
- d. Proof of contradictory statements, previously made by the witness, as to matters relevant to the witness' testimony and to the case.

If a witness is impeached by “b”, “c”, or “d” above, proof of the general good character of the witness by proof of contradictory statements previously made, you must determine from evidence:

- a. First, whether any such statements were made;
- b. Second, whether they were contradictory to any statements the witness made on the witness stand; and
- c. Third, whether it was material to the witness’ testimony and to the case.

If you find that a witness has been successfully impeached by proof of previous contradictory statements, you may disregard that testimony, unless it is corroborated by other credible testimony, and the credit to be given to the balance of the testimony of the witness would be for you to determine.

It is for you to determine whether or not a witness has been impeached and to determine the credibility of such witness and the weight the witness’ testimony shall receive in consideration of the case.

Should you find that any witness, prior to the witness’ testimony in this case from the witness stand, has made any statement inconsistent with that witness’ testimony from the stand in this case, and that such prior inconsistent statement is material to the case and the witness’ testimony, then you are authorized to consider that prior statement not only for purpose of impeachment, but also substantive evidence in the case.

When the issue of chance or coincidence is raised, the burden is on the state to negate or disprove it beyond a reasonable doubt. Any evidence as to coincidence should be considered by you in connection with all the other evidences in the case. If in doing so, you should entertain a reasonable doubt as to the guilt of the accused, it would be your duty to acquit. On the other hand, should you believe from the evidence as a whole that the defendant is guilty beyond a reasonable doubt, you may convict.

This defendant is charged with the offense of Gambling and Bribery or Threat to Influence Contest. These offenses are defined as follows:

- a. A person is guilty of gambling if he or she participates in gambling, knowingly permits any gambling to be played, conducted, or dealt upon in any place whether it be at a privately owned or rented property, or in a place over which the person has control. He or she also is guilty of gambling if he or she knowingly allows the use of any video gaming device that is in a business or public place to which the general public would have access.
- b. A person is charged with the offense of Bribery or Threat to Influence Contest when that person gives or offers to give any thing of value to an athlete, or official, or threatens any injury to an athlete or official so as to either lose said sporting event or perform his or her duties improperly.

If you find and believe beyond a reasonable doubt that the defendant committed the acts alleged in this bill of indictment, then you would be authorized to find the defendant guilty of gambling and or bribery or threat to influence contest.

In order for gambling to be committed, the defendant must have participated in gambling or knowingly permitted any gambling to be conducted in a place where he or she was in control.

In order for bribery to have been committed, the defendant must have influenced the outcome of a sporting event by giving or offering to give something of value or threatening to harm any of his or her players, officials, or any other participants in the sporting events at issue.

If, after considering the testimony and evidence presented to you, together with the charge of the court, you should find and believe beyond a reasonable doubt that the defendant in Cottonwood County, Utah, did, on or about the dates and times alleged, commit the offense alleged, you would be authorized to find the defendant guilty of those offenses and, in that event, the form of your verdict would be: "We, the jury, find the defendant guilty."

If you do not believe that the defendant is guilty of any of these offenses, or if you have any reasonable doubt as to the defendant's guilt, then it would be your duty to acquit the defendant, in which event the form of your verdict would be: "We, the jury, find the defendant not guilty."

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

Whatever your verdict is, it must be unanimous and agreed upon by all. The verdict must be signed by one of your members as foreperson, dated, and returned to be published in open court.

One of your first duties in the jury room will be to select one of you to act as foreperson, who will preside over your deliberations and who will sign the verdict to which all eight of you freely and voluntarily agree.

You should start your deliberations with an open mind. Consult with one another and consider each other's views. Each of you must decide this case for yourself, but you should do so only after discussion and consideration of the case with your fellow jurors. Do not hesitate to change an opinion if convinced it is wrong. However, you should never surrender an honest opinion in order to be congenial or to reach a verdict solely because of the opinions of the other jurors.

By no ruling or comment which the court has made during the progress of the trial has the court intended to express any opinion upon the facts of this case, upon the credibility of the witnesses, upon the evidence, or upon the guilt or innocence of the defendant.

You may now retire to the jury room, but do not begin your deliberations until you receive the indictment and any evidence which has been admitted in the case. Bailiff, escort the jury to the jury room.

EXHIBIT ONE

WASATCH UNIVERSITY WOLVERINES 2004-2005 Basketball Season

SCORES AND POINT SPREADS

Opponent	Opponent's Score	Wolverines' Score	Point Spread
Arizona State University	50	60	+11
University of Nevada Las Vegas	77	90	+15
Denver State	48	52	+20
University of Idaho	53	57	+14.5
United States Air Force Academy	55	57	+10.5
Weber State University	56	59	+19

SEASON STATISTICS OF BILLY JENSEN

	MIN	FGA	FGM	FTA	FTM	PTS	A	R	T	PF
All Games	750	250	132	125	93	357	261	253	40	51
6 Games in Question	237	66	17	29	15	49	19	7	19	20
Other Games	513	184	115	96	78	308	242	246	21	31

Statistical Terms

Min: Minutes

FGA: Field Goals Attempted

FGM: Field Goals Made

FTA: Free Throws Attempted

FTM: Free Throws Made

PTS: Points

A: Assists

R: Rebounds

T: Turnovers

PF: Personal Fouls

During the 2004-2005 season, the Wasatch Wolverines played 25 games. The average minutes played by the team's starters was 32:27 per game; however, the starters averaged only 17:10 per game in the six games in question.

EXHIBIT TWO

CONFESSION

I, Billy Jensen, after first being sworn, relate the following:

I placed bets on behalf of Coach Amblin on six occasions last year. I bet against Wasatch in games involving ASU, UNLV, DS, UI, USAFA and Weber.

On Coach's orders I helped to shave points. I placed all the bets with Goza who was in on the plan.

Billy Jensen

EXHIBIT THREE

NOTE

*Reminder -
Tell staff to replace*

ten-pound weights

They are broken -

Need by Tuesday 8:00 am

EXHIBIT FOUR

BETTING SLIP - PAGE 1

10,000

on

Braves

EXHIBIT FIVE

BETTING SLIP - PAGE 2

Twenty Grand

on

Rangers

EXHIBIT SIX

BETTING SLIP - PAGE 3

15,000

on

Spurs

Go David

Oops You Retired!