

CASE MATERIALS

Official 2011 Mock Trial Materials
for the
THIRTY-FIRST ANNUAL
UTAH LAW RELATED EDUCATION
MOCK TRIAL PROGRAM

STATE OF UTAH

v.

CRIS ROBERTSON

Case No. 10cr01234

Illinois Mock Trial Competition
Rewritten and Adapted to Utah Law by
Michelle M. Oldroyd

FACT SITUATION

Jamie Anderson is a student at Clearwater City High School, currently in the eleventh grade. Jamie is in a history class for which the school provides, and sponsors, a Chatroom for educational purposes and to facilitate educational dialogue among the students.

At approximately 3:50 p.m. on Friday, October 15, 2010, Jamie Anderson came to the front office of Clearwater City High School to report that he/she had received threatening messages through the school-sponsored Chatroom.

The school administration began to investigate and found that there were several references made to a "Jammin" in Chatroom dialogues between October 8 and October 15. The administration suspended the computer-use privileges of the individual who was suspected of publishing the threats--Cris Robertson.

Around October 13, 2010, there was an incident in the High School cafeteria where an apple was tossed across the lunch room. The apple was purportedly said to have narrowly missed hitting Jamie Anderson. There is no conclusive evidence as to the person who threw the apple across the lunch room.

The Chatroom dialogues have all been printed off the school server and verified. Additionally, one of the students was able to provide the administration with a record of the entries and references that were made in the Chatroom.

CHARGES

The Prosecution charges Cris Robertson with violation of *Utah Code Annotated (UCA)* §76-9-201 -- Electronic Communication Harassment. Please see the information filed.

The State of Utah
Office of the Prosecutor
Clearwater City, Utah

**IN THE MOCK TRIAL COURT
CLEARWATER COUNTY, STATE OF UTAH**

THE STATE OF UTAH

Prosecution,

v.

CRIS ROBERTSON,

Defendant.

Case No. 10cr01234

INFORMATION

The Office of the Prosecutor, Clearwater County, State of Utah, states on information and belief, that the Defendant, Cris Robertson, at Clearwater County, State of Utah, committed the crime of:

ELECTRONIC COMMUNICATION HARASSMENT, §76-9-201 of the *Utah Code Annotated*, a Class B misdemeanor, as follows:

1. That on or about the 26th day of September 2010 through December 2010, the Defendant did, with intent to annoy, alarm, intimidate, offend, abuse, threaten, harass, frighten, or disrupt the electronic communications of another, make repeated contact by means of electronic communications, whether or not a conversation ensued; or,
2. That he/she did make contact by means of electronic communications and insulted, taunted, or challenged the recipient of the communication, or any person at the receiving location, in a manner likely to provoke a violent or disorderly response; or,
3. That he/she did make contact by means of electronic communications and threatened to inflict injury, physical harm, or damage to any person or the property of any person.

DATED this _____ day of December 2010.

Kay McKinley
Prosecutor

The State of Utah
Office of the Prosecutor
Clearwater City, Utah

**IN THE MOCK TRIAL COURT
CLEARWATER COUNTY, STATE OF UTAH**

<p>THE STATE OF UTAH</p> <p style="text-align: center;">Prosecution,</p> <p>v.</p> <p>CRIS ROBERTSON,</p> <p style="text-align: center;">Defendant.</p>	<p>Case No. 10cr01234</p> <p style="text-align: center;">STIPULATION</p>
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Kay McKinley, on behalf of the Office of the Prosecutor, Clearwater County, State of Utah, hereby submits this Stipulation concurrently with Counsel for the Defendant, Cris Robertson, signed by his/her counsel, Ashly Connelley. The following items are stipulated:

1. Cris Robertson, Defendant, waives his right to a Trial by Jury.
2. The State of Utah, Prosecution, asks the Court to hold a Bench Trial to determine the guilt of the Defendant.
3. There are no jurisdictional issues in this case.
4. All Chatroom discussion transcripts are stipulated as being authentic and accurate representations of the communications exchanged, as they were at the time of their retrieval from the computer servers at Clearwater City High School.
5. All students named in this action have signed a Chatroom Usage Consent Form and Waiver.

DATED this _____ day of December 2010.

Kay McKinley, Prosecutor

Ashly Connelley, Attorney for the Defendant

LEGAL AUTHORITIES

Utah Code Annotated

Section 76-9-201. Electronic Communication Harassment -- Definitions -- Penalties.

(1) As used in this section:

(a) "Adult" means a person 18 years of age or older.

(b) "Electronic communication" means any communication by electronic, electro-mechanical, or electro-optical communication device for the transmission and reception of audio, image, or text but does not include broadcast transmissions or similar communications that are not targeted at any specific individual.

(c) "Electronic communication device" includes telephone, facsimile, electronic mail, or pager.

(d) "Minor" means a person who is younger than 18 years of age.

(2) A person is guilty of electronic communication harassment and subject to prosecution in the jurisdiction where the communication originated or was received if with intent to annoy, alarm, intimidate, offend, abuse, threaten, harass, frighten, or disrupt the electronic communications of another, the person:

(a) (i) makes repeated contact by means of electronic communications, whether or not a conversation ensues; or

(ii) after the recipient has requested or informed the person not to contact the recipient, and the person repeatedly or continuously:

(A) contacts the electronic communication device of the recipient; or

(B) causes an electronic communication device of the recipient to ring or to receive other notification of attempted contact by means of electronic communication;

(b) makes contact by means of electronic communication and insults, taunts, or challenges the recipient of the communication or any person at the receiving location in a manner likely to provoke a violent or disorderly response;

(c) makes contact by means of electronic communication and threatens to inflict injury, physical harm, or damage to any person or the property of any person; or

(d) causes disruption, jamming, or overload of an electronic communication system through excessive message traffic or other means utilizing an electronic communication device.

(3) (a) (i) Electronic communication harassment committed against an adult is a class B misdemeanor, except under Subsection (3)(a)(ii).

(ii) A second or subsequent offense under Subsection (3)(a)(i) is a:

(A) class A misdemeanor if all prior violations of this section were committed against adults; and

(B) a third degree felony if any prior violation of this section was committed against a minor.

(b) (i) Electronic communication harassment committed against a minor is a class A misdemeanor, except under Subsection (3)(b)(ii).

(ii) A second or subsequent offense under Subsection (3)(b)(i) is a third degree felony, regardless of whether any prior violation of this section was committed against a minor or an adult.

(4) (a) Except under Subsection (4)(b), criminal prosecution under this section does not affect an individual's right to bring a civil action for damages suffered as a result of the commission of any of the offenses under this section.

(b) This section does not create any civil cause of action based on electronic communications made for legitimate business purposes.

BURDEN OF PROOF

The burden of proof rests with the Prosecution. The following are instructions that will assist you in either building a case against the defendant or in defending Cris Robertson.

- The Defendant is charged with the offense of Electronic Communication Harassment under §76-9-201 of the *Utah Code Annotated*.
- The Defendant has plead not guilty.
- The Defendant is presumed to be innocent of the charges. This presumption remains with him/her throughout every stage of the trial and during any deliberation on the verdict, and it is not overcome unless, from all the evidence in the case, the trier of fact is convinced beyond a reasonable doubt that he/she is guilty.
- The Prosecution, State of Utah, has the burden of proving the guilt of the Defendant beyond a reasonable doubt, and this burden remains on the State throughout every stage of the trial. The Defendant is not required to prove his/her innocence.
- To meet their burden of proof, the State must demonstrate the following:
 - That the Defendant had the intent to annoy, alarm, intimidate, offend, abuse, threaten, harass, frighten, or disrupt the electronic communications of Jamie Anderson, AND
 - That the Defendant made repeated contact by means of electronic communications, OR
 - That the Defendant, by means of electronic communications, did insult, taunt, or challenge Jamie Anderson or any person at the receiving location in a manner likely to provoke a violent or disorderly response, OR
 - That the Defendant, by means of electronic communications, threatened to inflict injury, physical harm, or damage to any person, or the property of any person.

WITNESS STATEMENTS
Three Witnesses for the Prosecution
Three Witnesses for the Defense

The State of Utah
Office of the Prosecutor
Clearwater City, Utah

IN THE MOCK TRIAL COURT
CLEARWATER COUNTY, STATE OF UTAH

<p>THE STATE OF UTAH</p> <p style="text-align: center;">Prosecution,</p> <p>v.</p> <p>CRIS ROBERTSON,</p> <p style="text-align: center;">Defendant.</p>	<p>Case No. 10cr01234</p> <p style="text-align: center;">AFFIDAVIT OF CASEY WALLNER</p>
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CASEY WALLNER, having been duly sworn and deposed, states the following:

1. I am currently in the 11th grade at Clearwater City High School.
2. I am a good friend of Jamie Anderson's.
3. I am currently enrolled in a U.S. History class for which I use a school-sponsored Online Chatroom. The Chatroom has separate passwords and access codes which have to be different than the ones that you login to the school computers with.
4. I was with Jamie when we both turned in our signed Usage Policy forms.
5. I remember the day in class when Jamie answered a question that Cris had gotten wrong. He/she seemed visibly upset with Jamie and was staring at us from across the classroom.
6. I was at lunch with Jamie when the apple was thrown at our table from across the cafeteria. I noticed that Cris and other people sitting at the table with him/her were laughing and looking over at our table, but there were several tables in our vicinity. The lunch room is fairly small.
7. I logged on to the Chatroom one afternoon and noticed several entries about "Jam" and "Jammin". I thought it was weird because we call Jamie "Jam" for short sometimes. It's a

nickname that we gave him/her after we saw how well he/she could play the guitar back in the sixth grade.

8. I saw a Chatroom reference: "Anticipation is what it's all about, building fear, that surge of adrenaline just before you tackle someone to the ground and 'Jam' their face hard into the ground. You can keep your friends close, but there is no amount of 'Jammin' that will help you avoid your fate". I told Jamie to report it to the administration because I felt it was inappropriate and malicious.
9. I keep a fairly accurate calendar, and the dates of the posts in the Chatroom coincide with the dates that I logged in my planner and what the computer technician at the school printed out.
10. I remember that Jamie was really freaked out after the Chatroom entries about "Jam" and "Jammin". Jamie told me that the nights after the posts were really rough. I started to notice that he/she looked really tired; he/she would jump at the slightest movement. The worst part was the weight loss. I think Jamie lost between 10-15 pounds within a few weeks. I told Jamie that I would stay close and that we would ride to and from school together.
11. I was aware that there was a "flagging" button, but I never thought to use it; it is a small button on the top of the screen that I guess I just never thought to use.
12. I have known Cris Robertson for several years. He/she always seemed really sharp and on top of things. He/she usually had a way out of things even when he/she did get in trouble. I know that when Jamie reported it to the administration, they linked it back to Cris, and they locked his accounts for the school computer. But they left his/her Chatroom password active. I haven't seen or heard of any postings since then.

DATED this _____ day of December 2010.

Casey Wallner

VERIFICATION

Pursuant to *UTAH CODE ANN.* §78B-5-705, I declare, under criminal penalty of the State of Utah, that the foregoing is true and correct and that I agree to the same.

DATED this _____ day of December 2010.

Casey Wallner

**IN THE MOCK TRIAL COURT
CLEARWATER COUNTY, STATE OF UTAH**

THE STATE OF UTAH

Prosecution,

v.

CRIS ROBERTSON,

Defendant.

Case No. 10cr01234

**AFFIDAVIT OF
JAMIE ANDERSON**

JAMIE ANDERSON, having been duly sworn and deposed, states the following:

1. I am currently in the 11th grade at Clearwater City High School.
2. I am currently enrolled in a U.S. History class for which I use a school-sponsored Online Chatroom.
3. I took the Chatroom Usage Policy home with me where I read and signed it before turning it in to the front office of the High School.
4. I logged onto my Online Chatroom account to ask if anyone had written down the due date for the term project for my history class. I received almost an immediate response to my request in the Chatroom. I have continued to use it after having had a good experience.
5. Cris Robertson is a student who also is in my U.S. History class.
6. Cris Robertson spread a rumor about me during the first few weeks of class. I think he/she was upset that he/she answered a question wrong in class, and I answered it correctly. Cris seemed to be staring at me for the rest of class that day.
7. My Chatroom user name is jammin@clearwaterHS.edu.
8. Around the end of September, I started seeing references to my nickname, "Jammin," in the Online Chatroom. My password was jamchat.
9. A few weeks after the incident in class, I was in the cafeteria with a few of my friends, and an apple was thrown across the room and narrowly missed my face. When I looked around the room, I saw Cris Robertson looking at me and laughing with some of his/her friends.

10. The next time that I was in the Online Chatroom, there were a series of entries in the Chatroom about me from a FatalFlaw2002.
11. Everyone in school had to sit through a hazing and harassment assembly at the beginning of the school year; this was a part of receiving computer privileges.
12. The entries in the Chatroom were seen by several students. “‘Jammin’ has been seen wearing the same hoodie all week. Think blood won’t show on those dark colors?” I thought this entry was especially weird since I had been wearing my high school hoodie in support of the football team. Almost everyone in school has one, and most people wear theirs during the weeks that we host football games.
13. I didn’t think much of the first Chatroom entry and kept visiting for a while. I was partly curious as to whom it was. The Chatroom has a “flagging” button in which you can flag conversations. My teacher did point it out to us when we first started using the Chatroom, but I never thought much of it.
14. A week or so after the first comment picked up, I replied to a request in the Chatroom for the homework assignment that was due at the end of the class. The person who asked about the assignment had initially typed in the pages of the book that he/she thought we needed to read. When I corrected him/her, saying that there were additional pages at the end of the chapter, the conversation immediately ended, and he/she logged out of the Chatroom.
15. The day after I replied in the Chatroom, I logged on to see someone referencing “Jammin” again. “Anticipation is what it’s all about, building fear, that surge of adrenaline just before you tackle someone to the ground and ‘Jam’ their face hard into the ground”. “You can keep your friends close, but there is no amount of ‘Jammin’ that will help you avoid your fate”.
16. My friend Casey saw the reference and sent me a message that I should notify someone in the administration or our teacher. I said that I’d think about it.
17. The Friday after this happened, I logged on before I left school for the day and, after a few minutes, started to see more references: “It’s time for some ‘Jammin Rammin’. The clock is ticking; it’s almost time”. This time someone else commented that it was inappropriate. I replied back that I thought so, too, and that they should stop making those kinds of references. They quickly replied that “it was all in good fun. I shouldn’t be so uptight. I might suffocate”.
18. Right after that entry, I received an e-mail through my Chatroom account. The message said, “I may just lose control, you know. Are you sure that you’re locked away safe...willing to take the chance? You could get injured...you could be dead”.

19. After reading this message, I freaked out. I turned off my computer monitor and went to get one of the computer supervisors.
20. The administration and the police officer stationed in our school asked if anyone had targeted me. I told them I might have an idea, but I didn't want to accuse anyone.
21. The investigator and principal informed me that their investigation had led them to Cris Robertson. They told me that they had recorded entries of every login and all messages and exchanges that were made in the Chatroom. They were able to go back through their records and find out whose user account the messages had been sent from.
22. The messages all stopped after they shut down Cris Robertson's user account. I was told not to discuss the case with anyone else and to keep the information confidential, but to continue using the Chatroom.

DATED this _____ day of December 2010.

Jamie Anderson

VERIFICATION

Pursuant to *UTAH CODE ANN. §78B-5-705*, I declare, under criminal penalty of the State of Utah, that the foregoing is true and correct and that I agree to the same.

DATED this _____ day of December 2010.

Jamie Anderson

The State of Utah
Office of the Prosecutor
Clearwater City, Utah

**IN THE MOCK TRIAL COURT
CLEARWATER COUNTY, STATE OF UTAH**

THE STATE OF UTAH

Prosecution,

v.

CRIS ROBERTSON,

Defendant.

Case No. 10cr01234

**AFFIDAVIT OF
OFFICER ASHTON HOPP**

ASHTON HOPP, having been duly sworn and deposed, states the following:

1. I am a police officer for the Clearwater City Police Department, assigned to Clearwater City High School.
2. I have a certification in computer and cyber crimes and have received specialized training to investigate cases of that nature.
3. I graduated from the University of Utah with a degree in Computer Science, and I subsequently served in the Communications Headquarters for the U.S. Army in Washington, D.C. for seven years.
4. I was in the Clearwater City Main Office when Jamie Anderson came in to report the activity in the Chatroom.
5. After speaking with Jamie, I noticed signs of agitation and nervousness. I began to calm him/her down and then listened to the narrative and took notes.
6. I found out that all of the communications had been through the High School sponsored Chatroom.
7. I was told by Jamie of the events that transpired in the cafeteria and in the classroom, as were indicated in his/her affidavit.
8. It is routine for me to work closely with the computer technicians and administration at the school to ensure that everything is done legally and to assist if there are criminal or civil charges pressed.

9. The computer technician immediately began to pull up the records from the Chatroom and within a few minutes we had them.
10. Casey Wallner provided me with a copy of his/her calendar in which he/she had detailed the occurrence of the events.
11. By checking the user files and sign-on dates and times, we were able to discern that the username and password, which students must register with their teachers, belonged to Cris Robertson. The username FatalFlaw2002 was registered to Cris Robertson with a password of "meking".
12. As a routine user of the High School e-mail and website, I can testify that often e-mails are sent, but don't arrive until seconds, minutes, or even hours later. Relying on any clock, when indicating where you might have been at what time, can be taking a chance.
13. Cris Robertson indicated that the username and password had been written in a book from last school year. We have yet to recover that book, but are in the process of searching for it.

DATED this _____ day of December 2010.

Ashton Hopp

VERIFICATION

Pursuant to *UTAH CODE ANN.* §78B-5-705, I declare, under criminal penalty of the State of Utah, that the foregoing is true and correct and that I agree to the same.

DATED this _____ day of December 2010.

Ashton Hopp

Ashly Connelley
Attorney for the Defendant
Clearwater City, Utah

**IN THE MOCK TRIAL COURT
CLEARWATER COUNTY, STATE OF UTAH**

THE STATE OF UTAH

Prosecution,

v.

CRIS ROBERTSON,

Defendant.

Case No. 10cr01234

**AFFIDAVIT OF
CRIS ROBERTSON**

CRIS ROBERTSON, having been duly sworn and deposed, states the following:

1. I am currently in the 11th grade at Clearwater City High School.
2. I am currently enrolled in a U.S. History class for which I use a school-sponsored Online Chatroom. The Chatroom has separate passwords and access codes which have to be different than the passwords and access codes you use to login to the school computers.
3. I admit, without reservation, that I use the Chatroom. I deny that I had or have any intent to threaten any specific person in the various postings that I submitted.
4. The Chatroom has been a great resource for my class. I never target any individual in my postings; they are just general postings.
5. The statement that said, "Anticipation is what it's all about, building fear, that surge of adrenaline just before you tackle someone to the ground and 'Jam' their face hard into the ground," was a reference to the thrill of a football game we were having later that day. That's what I was talking about.
6. I remember writing something like "'Jammin' has been seen wearing the same hoodie all week. Think blood won't show on those dark colors?" This was about the dedication that we have to wearing our school shirts the week before a game. By the time game day arrives, they're so dirty you wouldn't be able to see anything on them because they'd be filthy.
7. I deny writing or having anything to do with the two statements: "It's time for some 'Jammin Rammin'. The clock is ticking; it's almost time". "It was all in good fun. I shouldn't be so uptight. I might suffocate".

8. The day and time that the second transmission was made I wasn't even near a computer. I was meeting with Pat Clifford working on a research paper.
9. I believe that someone is attempting to prank both Jamie and myself and that they are using the password and username that I wrote in my textbook last year to do it.
10. I've been asked what computer usernames I've got on file in my name. This year I registered the username "FatalFlaw2002" with a password "meking". Last year, I had registered under the username "Shokwave" with the password "Crag03". I am absolutely sure that the person who has this book is the person that you are looking for.
11. People have made a big deal about me laughing at Jamie in the cafeteria after someone threw an apple across the lunch room. I admit to laughing because the apple almost hit him/her, but since when is laughing a crime?

DATED this _____ day of December 2010.

Cris Robertson

VERIFICATION

Pursuant to *UTAH CODE ANN.* §78B-5-705, I declare, under criminal penalty of the State of Utah, that the foregoing is true and correct and that I agree to the same.

DATED this _____ day of December 2010.

Cris Robertson

Ashly Connelley
Attorney for the Defendant
Clearwater City, Utah

**IN THE MOCK TRIAL COURT
CLEARWATER COUNTY, STATE OF UTAH**

THE STATE OF UTAH

Prosecution,

v.

CRIS ROBERTSON,

Defendant.

Case No. 10cr01234

**AFFIDAVIT OF
LOREN ALBERT**

LOREN ALBERT, having been duly sworn and deposed, states the following:

1. I am a computer technician for the Clearwater County School District, assigned to Clearwater City High School.
2. I have a Bachelor's, as well as a Master's degree, in Computer Science from the University of Utah.
3. I was the computer technician assigned to retrieve the Chatroom messages.
4. I came up with the idea to install a "flagging" button in the Chatroom, and I am the author of the Usage Policy for the School District.
5. It was one of my responsibilities to monitor the Chatrooms. Generally, the students will admonish each other if they feel something inappropriate is occurring. I am proud of our students for that.
6. During the course of the time that the events in this case occurred, I was at a conference in San Francisco and had just returned the day that Jamie came into the office.
7. I routinely check on the filters that the District has installed several times a week. I also try to read the discussion feeds and get an idea of what kind of exchanges are happening online.
8. This is the first time in our history that we had this sort of incident in our District.

9. I am concerned that there may be some unauthorized use of a student's password. Based on our records, one of the alleged offensive statements occurred on Thursday, October 14. Between the entry, "Anticipation is what it's all about, building fear, that surge of adrenaline just before you tackle someone to the ground and 'Jam' their face hard into the ground;" and "You can keep your friends close, but there is no amount of 'Jammin' that will help you avoid your fate," there was a twenty-five minute lapse between the two messages. This is plenty of time for Cris Robertson to have logged out and left the building and someone else, an unauthorized user, to enter, log on, and use Robertson's password to continue the conversation and issue the threatening second phrase.
10. We had an incident last year in which a student forgot to log off his computer, and someone else used his account to send out prank messages.

DATED this _____ day of December 2010.

Loren Albert

VERIFICATION

Pursuant to *UTAH CODE ANN.* §78B-5-705, I declare, under criminal penalty of the State of Utah, that the foregoing is true and correct and that I agree to the same.

DATED this _____ day of December 2010.

Loren Albert

Ashly Connelley
Attorney for the Defendant
Clearwater City, Utah

**IN THE MOCK TRIAL COURT
CLEARWATER COUNTY, STATE OF UTAH**

THE STATE OF UTAH

Prosecution,

v.

CRIS ROBERTSON,

Defendant.

Case No. 10cr01234

**AFFIDAVIT OF
PAT CLIFFORD**

PAT CLIFFORD, having been duly sworn and deposed, states the following:

1. I am a computer technician for the Clearwater County School District, assigned to Clearwater City High School.
2. I have a Bachelor's, a Master's degree, and a Ph.D. in Computer Science from the University of Utah.
3. It was my responsibility to design the Chatroom with the help of my colleague, Loren Albert.
4. Generally, the conversations in the Chatroom center around homework and class projects. We haven't had any problems in the Chatroom before.
5. I have reviewed all of the transcripts, and I fail to see how any of it can be taken offensively. I, however, am not a high school student. I also do not find it to be harassing or any kind of cyber stalking.
6. It is incredibly common for students to forget their passwords and use someone else's for a few seconds to get an assignment...and that's after all the nagging telling them to keep it confidential and to not let anyone else on.
7. The administration and school security seem to think that we need to be using our filters more effectively to filter for certain words. However, we don't have the technology to do that or the resources.

8. I have met Cris Robertson and was actually working with him/her on a research project at the date and time of the second transmission. Some people have portrayed him/her as an odd individual. I feel that he/she is a great person with a solid foot in the door when it comes to education.

DATED this _____ day of December 2010.

Pat Clifford

VERIFICATION

Pursuant to *UTAH CODE ANN.* §78B-5-705, I declare, under criminal penalty of the State of Utah, that the foregoing is true and correct and that I agree to the same.

DATED this _____ day of December 2010.

Pat Clifford

EXHIBITS

EXHIBIT A

CLEARWATER CITY HIGH SCHOOL INTERNET CHATROOM DIALOGUE EXCERPTS

Friday October 8, 2010

Canonball: {enters Chatroom, 4:45 p.m.}

Hi folks, anyone got the assignment done for History from last week? I thought it was page 204-400, but Chancy5 said we had to read the entire chapter. Anyone that can help me out?

Chancy5: 4:52 p.m.

I'm pretty sure it's to the end of the chapter, but I could have written it wrong.

ButtarXYZ: 4:55 p.m.

It must be Chancy5; that's what I wrote, too.

Allthumbs: {enters Chatroom, 4:55 p.m.}

Canonball: 4:55 p.m.

More work for me. I'd rather be outside; its sooooo nice today! ☺

MichaGForce: {enters Chatroom, 4:56 p.m.}

ButtarXYZ is right. I just got an e-mail back from Mr. B.

Jammin@clearwaterHS.edu: {enters Chatroom, 4:57 p.m.}

I concur with MichaGForce. BTW, did anyone get tickets to the play yet? I'm trying to find out when they go on sale. Thks!

Canonball: 4:59 p.m.

Nope. Hamlet is so not my thing!

FatalFlaw2002: {enters Chatroom, 5:01 p.m.}

Yankeegirl: {enters Chatroom, 5:02 p.m.}

ButtarXYZ: 5:02 p.m.

I heard it is gonna be good, but I haven't gotten tickets yet.

HughesQ5: {enters Chatroom, 5:05 p.m.}

MichaGForce: 5:06 p.m.

I walked by the lake earlier, and the whole football team was gearing up! Go Clearwater!!!

Yankeegirl: 5:06 p.m.

Where did you say the football team was? I have to go watch! I love the football team! ♥

FatalFlaw2002: 5:08 p.m.

“Jammin” has been seen wearing the same hoodie all week. Think blood won’t show on those dark colors?

MichaGForce: 5:08 p.m.

“Jammin,” are you on the football team?

Yankeegirl: 5:09 p.m.

MichaGForce, how could he be? Wouldn’t he be practicing?

Jammin@clearwaterHS.edu: 5:09 p.m.

No, I’m not.

FatalFlaw2002: 5:09 p.m.

No, but looks like it. Have you seen the CHS hoodie; it’s nasty!

Canonball: 5:10 p.m.

FatalFlaw2002, you’re kind of a weirdo.....

FatalFlaw2002: {exits chatroom 5:11 p.m.}

HughesQ5: 5:12p.m.

That FatalFlaw person was making some strange comments about blood and stuff! I guess he/she’s gone now!

EXHIBIT B

CLEARWATER CITY HIGH SCHOOL

INTERNET CHATROOM DIALOGUE EXCERPTS

Wednesday, October 13, 2010

Jammin@clearwaterHS.edu: {enters Chatroom, 3:22 p.m.}

Canonball: {enters Chatroom, 3:23 p.m.}

Anyone know if we were supposed to read through to 411 or not?

FatalFlaw2002: {enters Chatroom, 3:25 p.m.}

Ya, that's right. I've already read it.

Yankeegirl: {enters Chatroom, 3:26 p.m.}

HughesQ5: {enters Chatroom, 3:28 p.m.}

Jammin@clearwaterHS.edu: 3:29 p.m.

No, we were supposed to stop at 410 because we have to go over it in class first.

FatalFlaw2002: {exits Chatroom 3:30 p.m.}

Canonball: {exits Chatroom 3:31 p.m.}

EXHIBIT C

CLEARWATER CITY HIGH SCHOOL INTERNET CHATROOM DIALOGUE EXCERPTS

Thursday, October 14, 2010

Jammin@clearwaterHS.edu: {enters Chatroom, 4:42 p.m.}

Canonball: {enters Chatroom, 4:45 p.m.}

Football game is tomorrow night; so excited we're gonna stomp all over the other team!

Shokwave: {enters Chatroom, 4:46 p.m.}

Anticipation is what it's all about, building fear, that surge of adrenaline just before you tackle someone to the ground and "Jam" their face hard into the ground.

Yankeegirl: {enters Chatroom, 4:50 p.m.}

Shokwave, think that's a little much? You should meet FatalFlaw!

HughesQ5: {enters Chatroom, 4:51 p.m.}

Shokwave: 4:51 p.m.

Aware of FatalFlaw; not interested!

25 minute lapse; no activity

Shokwave: 5:11 p.m.

You can keep your friends close, but there is no amount of "Jammin" that will help you avoid your fate.

Shokwave: 5:12 p.m.

"Jammin," my friend; you still there?

Jammin@clearwaterHS.edu: {exits Chatroom 5:29 p.m.}

EXHIBIT D

CLEARWATER CITY HIGH SCHOOL INTERNET CHATROOM DIALOGUE EXCERPTS

Friday, October 15, 2010

MichaGForce: {enters Chatroom, 3:25 p.m.}

Canonball: 3:30 p.m.
Game day!

FatalFlaw2002: {enters Chatroom, 3:32 p.m.}

Yankeegirl: {enters Chatroom, 3:33 p.m.}

ButtarXYZ: 5:02 p.m.
I'm headed to the movies.

HughesQ5: {enters Chatroom, 3:40 p.m.}

Jammin@clearwaterHS.edu: {enters Chatroom, 3:41 p.m.}

FatalFlaw2002: 3:42 p.m.
It's time for some "Jammin Rammin". The clock is ticking; it's almost time!

HughesQ5: 3:44 p.m.
I don't think that's appropriate!

Jammin@clearwaterHS.edu: 3:44 p.m.
Me, neither!

FatalFlaw2002: 3:45 p.m.
It was all in good fun. I shouldn't be so uptight. I might suffocate.

Message Received from Shokwave

Re: (no subject)

To: Jammin@clearwaterHS.edu

I may just lose control, you know. Are you sure that you're locked away safe...willing to take the chance? You could get injured...you could be dead.

EXHIBIT E
CLEARWATER CITY HIGH SCHOOL
STUDENT ONLINE CHATROOM USAGE POLICY
CONSENT FORM AND WAIVER

All students utilizing the Online Chatroom must read and sign this release form before first use of the Online Chatroom. Students who are found to have violated this Usage Policy will be barred from further use of the Online Chatroom and may face civil, criminal, or school administrative penalties, depending on the violation.

Students violate the Clearwater City High School Online Chatroom Usage Policy when they engage in any of the following prohibited activities. This is not an exclusive list; other activities not listed may be prohibited at the discretion of the Clearwater City High School Administration.

1. Hacking and related activities are strictly prohibited. Hacking includes, but is not limited to, illegally or without appropriate Administrative authorization accessing computers, accounts or networks, penetrating or attempting to penetrate School District security measures, port scans, stealth scans, and other activities designed to assist in hacking.
2. Obscene, defamatory, abusive, or threatening language or content is strictly prohibited. Use of the Clearwater City High School Online Chatroom to post or transmit, or otherwise make available obscene, defamatory harassing, abusive, or threatening language is prohibited.
3. Pornography is strictly prohibited. Use of the Clearwater City High School Online Chatroom to post or transmit, or otherwise make available any pornographic, obscene, or other inappropriate materials is strictly prohibited.
4. Any activity meant to cause disruption or interference with the Clearwater City High School Online Chatroom is prohibited. Actions meant to harm, disrupt, or threaten to disrupt services, business operations, reputation, goodwill, student and/or student relations, or the ability of Clearwater City High School students to effectively and safely utilize the Clearwater City High School Online Chatroom are prohibited.

If Clearwater City High School finds any violation of this Usage Policy, appropriate action to stop or correct such violation will be taken. Shutting down the Online Chatroom and/or removing information is a step that may be taken. In addition, Clearwater City High School reserves the right to monitor and retain electronic copies of all communications posted through its Online Chatroom for security purposes and for purposes of quality assurance.

Violations received by Clearwater City High School regarding the use or misuse of the Online Chatroom may be forwarded to school or other appropriate law enforcement authorities for investigation and resolution.

Student users of the Clearwater City High School Online Chatroom are encouraged to maintain strict levels of secrecy and confidentiality to guard their personal information. If a breach of personal online security has been noted or is suspected, students are advised to immediately change their passwords and/or e-mail addresses. Serious breaches of security may be reported to School Administration, School Security/ Clearwater City Police Department, and the Clearwater City High School IT/Computer Services Division.

I have read and understand the Clearwater City High School Student Online Chatroom Usage Policy Consent form and Waiver

Student Signature

Date

EXHIBIT F

PLANNER NOTES

Casey Wallner - Daily Planner Notes

October 13th, 2010

Cafeteria incident.

October 8th

Jamie got the message about being able to see the blood on clothing.
-I am a little freaked out by this.

October 13th

Jamie replied to the message about the homework assignment.

October 14th

Chat references to keeping your friends close.
-I told Jamie to contact the office.

October 15th

Jamie got a message today about “rammin jammin”.
-Jamie finally went to the office to report it.

October 18th

Cris Robertson’s account was shut down today.
-Continue using the Chatroom like normal.