

November 17, 2008

Dear Mock Trial Teacher and Attorney Coaches:

The Arizona Foundation for Legal Services & Education and the Young Lawyers of Arizona welcome you and your team to the 2008-2009 Arizona High School Mock Trial Program.

Please review all of the material carefully. If you have any questions about registration or administration of the program, please contact Susan Nusall with the Arizona Foundation for Legal Services & Education at 602-340-7361. If you have any questions about the case, the Rules of the Program or the legal aspects of the program, please post your question(s) on the Mock Trial website, www.azflse.org/mocktrial.

The Regional Tournaments will be held on March 7, 2009, and the State Tournament will be held on March 28, 2009.

Case Materials

As you will see, this year's case is a civil cyberstalking case. The case is fictional, and any similarity or resemblance of any character to an actual person or entity is strictly unintentional and coincidental. As set forth in the introduction to the case materials, this case was adapted from a case that originally was prepared by the Illinois State Bar Association, substantially re-written for use in the Pennsylvania High School Mock Trial Program, and substantially re-written again for use in the New Mexico High School Mock Trial Program. The Arizona Foundation for Legal Services & Education appreciates these organizations for their efforts in preparing the case materials and for their permission in allowing the materials to be used in the Arizona High School Mock Trial Program.

Program and Evidence Rules

All team members are expected to know the Mock Trial Rules of Evidence and the Rules of the Program. The Rules of Evidence and the Rules of the Program can be found on the mock trial website, www.azflse.org/mocktrial, in the Download Center. Please check back occasionally for any revisions to the Rules. In this regard, we anticipate that any changes to this year's Rules of the Program will be posted by the end of November.

In addition, the Foundation is in the process of adopting Policies and a Code of Ethical Conduct that will apply to all of its Law Related Education Programs. We anticipate that the Policies and Code of Ethical Conduct will be finalized and adopted by the end of 2008, and they will apply to the 2009 Mock Trial Tournaments.

Trials

First, this year's case materials again include jury instructions to set forth the applicable law. When scoring panels are used, such as at the state tournament, the trial should be presented as a jury trial with the scoring judges serving as the jury. When single presiding/scoring judges are used, such as at most (if not all) regional tournaments, the trial should be presented as a bench trial using the same law and legal principles set forth in the jury instructions.

Second, as you will see, the case materials contain a lot of information--much of which is intended as background information and not necessarily to be admitted into evidence. As such, teams will have to make strategic decisions regarding what evidence they want to present within the allotted time. It will be impossible for any team to present all of the evidence contained in the materials within the time constraints. Please be advised that the time rules will be strictly enforced.

Forms

Please become familiar with how and when the necessary forms are needed and comply with the requirements shown below.

Score Sheet and Ratings

A score sheet and the criteria for scoring to be used by the judges at the Regional Tournaments and the State Tournament can be found on the mock trial website. Your students should be aware of the scoring system that is used to rate their performance. We recommend using the scoring sheet when students engage in trial practice runs.

Mock Trial Participants List – PLEASE READ!!!

The Participant List for your team is now on line website at www.azflse.org/mocktrial. When you registered on line, you should have already filled in your students' names. These can be edited at any time up to February 6, 2009. Login, click on personalized teacher page, Mock Trial Regional Tournament, and "edit this team". If you do not submit the names on line by the deadline, your team may be prohibited from competing. Any requests to make changes to your team roster after February 6th are subject to approval by your Regional Coordinator. NO EXCEPTIONS!!! A list of regional coordinators is available on the website. If you encounter any problem in completing the online input of student names, please contact Susan Nusall at 602-340-7361.

Student Roster

The Student Roster form is the official form you are to use on Tournament Day. Please make certain that you have at least FIVE COPIES on hand the day of the tournament. The team is responsible for completing this form and presenting it to the judge at the beginning of each round including the Finals Round.

Preparing Students to Participate

The Steps in a Mock Trial and Pre- and Post- Activities resources can help students develop a basic understanding of the mechanics of a trial and presents students with ten situations in which they must apply the rules of evidence. An answer key is provided for coaches. You are also provided with a suggestions sheet and helpful hints designed to guide attorney-coaches in working with students. Please take a few moments to review these materials to better prepare you for using these techniques with your students. They are available on the website, www.azflse.org/mocktrial, in the Download Center.

State Tournament

The State Tournament is scheduled for Saturday, March 28, 2009, at the Federal District Courthouse located in downtown Phoenix. Teams that did not compete in the Maricopa County Regional Tournament will be eligible for overnight lodging the evening before the State Finals. More details about the State Tournament will be forthcoming.

National Mock Trial Tournament

The National Mock Trial Tournament will be held May 7-9, 2009 in Atlanta, Georgia. Teachers are encouraged to apply to the Academic Contest Fund Committee for funding to help offset travel-related costs for the state winner. However, the exact amount will not be determined until mid-2009 when the matter is heard before the State Board of Education. It is strongly recommended that schools have a fundraising plan in place in the event that they are the State winners and are eligible to travel to the National Tournament.

We hope you enjoy the problem. Have fun and good luck with your tournaments!

Susan Nusall
Mock Trial State Coordinator

Dewain Fox
Legal Counsel Coordinator

2008-2009 Arizona High School Mock Trial

Jamie Anderson

VS.

Taylor Williams

adapted with permission for use in Arizona by

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INTRODUCTION

This year's case, *Jamie Anderson v. Taylor Williams*, is a civil action focused on cyberstalking, a timely topic in today's computer age.

The plaintiff is Jamie Anderson, a Lincoln High School senior, who used the school's chat room as a means to stay on top of her/his academic pursuit of the highly coveted valedictorian scholarship. The plaintiff was tied with defendant Taylor Williams for top spot in the class until her/his concentration was allegedly destroyed after reading threatening postings in the chat room between March 6 and March 10, 2008. The cyberstalker sent Jamie additional threats via an anonymous e-mail on March 11, 2008, in a message that also included a link to a threatening web page.

The plaintiff contends that these statements caused her/him severe emotional distress, resulting in lower grades and loss of the valedictorian scholarship. Anderson alleges that the defendant was the person who posted the threatening remarks in order to cause Anderson to lose the valedictorian scholarship. Williams' actions, according to Anderson, violated the State of Arizona's civil cyberstalking statute (hypothetical). All events, characters and documents created for the 2009 case are fictional.

The 2009 mock trial case was initially drafted by the Illinois State Bar Association as a criminal case. It was substantially re-written to be a civil case for use in Pennsylvania by Jonathan A. Grode, a third year student at Temple University James Beasley School of Law and Jane Meyer, Esq., of the Pennsylvania State Bar Young Lawyers' Division Mock Trial Committee and the National High School Mock Trial Championship Board of Directors. The case problem was again substantially re-written by Shannon L. Donahue, Esq., of Shannon L. Donahue, PC, Michelle Giger, President and CEO of Center for Civic Values, and Karl Johnson, Esq., of Luebben, Johnson & Barnhouse, LLP. We extend sincere thanks to the New Mexico and Pennsylvania mock trial programs for granting permission to adapt this case for use in Arizona.

We hope you find these materials interesting and educational, and we wish you the best of luck at this year's tournaments.

THE PROBLEM

WITNESS AND EXHIBIT LIST

The following witnesses shall be called by the parties.	
FOR THE PLAINTIFF	FOR THE DEFENSE
Jamie Anderson	Taylor Williams
Chris Hopp	Pat Clifford
Marty D. Robinson, MD	Sydney Freed, PhD
The following exhibits may be used by teams in trial. They are pre-marked and are to be referred to by number as follows:	
EXHIBIT NUMBER	EXHIBIT DESCRIPTION
1	Chat Room Excerpt, March 6, 2008
2	Chat Room Excerpt, March 8, 2008
3	Chat Room Excerpt, March 9, 2008
4	Chat Room Excerpt, March 10, 2008
5	E-Mail to Jamie Anderson, March 11, 2008
6	M_Space Page
7	Jamie Anderson High School Transcript
8	Taylor Williams Inside Textbook Cover
9	Jamie Anderson Medical Record
10	Sydney Freed, PhD, Vita

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Attorneys for Plaintiff

**SUPERIOR COURT OF ARIZONA
COUNTY OF MARICOPA**

JAMIE J. ANDERSON,

Plaintiff,

vs.

TAYLOR F. WILLIAMS,

Defendant.

Case No. CV 2008-0101552

COMPLAINT

Plaintiff, by and through counsel undersigned, for his/her complaint states and alleges as follows:

1. At the time of the events described in this complaint, Plaintiff was an 18-year old individual residing at 447 St. Mark's Street, Glendale, Arizona 85310.
2. At the time of the events described in this complaint, Defendant was an 18-year old individual residing at 1194 Mayfair Glendale, Arizona, 85308.
3. At all times relevant hereto, both Defendant and Plaintiff were high school seniors at Lincoln High School, in Glendale, Arizona.
4. All events described herein occurred in Maricopa County, Arizona.
5. Venue is proper in Maricopa County, State of Arizona.

6. At all times relevant hereto, both Plaintiff and Defendant were participating members of the Lincoln High School On-Line Student Chat Room (“Chat Room”), which was supported, sponsored and maintained by Lincoln High School.

7. For purposes of identification in the Chat Room, Plaintiff was, at all times relevant hereto, associated with the user identification “jammin@LincolnHS”.

8. At all times relevant hereto, Plaintiff was associated with the electronic mail address “jammin@LincolnHS.edu”.

9. For purposes of identification in the Chat Room, Defendant was, at all times relevant hereto, associated with two user identifications, “Shockwave” and “Fatalflaw”.

10. At all times relevant hereto, Defendant was associated with the electronic mail address “user94040@KZMail.com”.

11. On several occasions between March 6, 2008, and March 10, 2008, Defendant harassed Plaintiff by knowingly transmitting to Plaintiff threatening remarks via Chat Room postings.

12. Defendant harassed Plaintiff on March 11, 2008, by knowingly and intentionally transmitting a threatening message via electronic mail.

13. As a result of Defendant’s conduct referred to in paragraphs 11 and 12 above, Plaintiff suffered substantial emotional distress including, but not limited to, sleeplessness, nightmares, generalized anxiety disorder, inability to eat, paranoia, panic attacks and fear of immediate and future bodily harm as well as financial loss.

14. As a result of Defendant’s conduct referred to in paragraphs 11 and 12 above, Plaintiff’s academic performance drastically deteriorated in the last quarter of the 2007-2008 academic school year, resulting in Plaintiff losing the Lincoln High School “Gugel” valedictorian scholarship.

COUNT I

(Cyberstalking / Cyberbullying)

15. Plaintiff incorporates the allegations in paragraphs 1-14 as though fully set forth at length.

16. Defendant is liable for the damages suffered by the plaintiff for cyberstalking under A.R.S. § 12-775 for knowingly and intentionally harassing Plaintiff through the use of electronic communications on at least two separate occasions, causing Plaintiff to suffer substantial emotional distress and fear of imminent or future bodily harm.

17. On or about March 6, 8, 9, 10 and 11, 2008, Defendant knowingly identified Plaintiff in the Chat Room and electronically transmitted threats directed specifically at Plaintiff without lawful justification, causing Plaintiff substantial emotional distress and fear of bodily injury.

18. Specifically, on March 6, 2008, Defendant wrote: "Jam's in the window. Exercise all you want, my friend, you won't be able to run fast enough." A copy of the transcript from the Chat Room dated March 6, 2008, is attached as Exhibit 1.

19. Specifically, on March 8, 2008, Defendant wrote: "Jamming's been seen wearing school colors all week. Be careful, water bottles, sideline bottles, they don't always contain water, they can be deadly." A copy of the transcript from the Chat Room dated March 8, 2008, is attached as Exhibit 2.

20. Specifically, on March 9, 2008, Defendant posted: "Anticipation is what it's all about, and building fear. You never know when you'll be forced to face your greatest fear...suffocation, poison, torture, painful prolonged death... Time is running out, my Jammin friend. You should really watch what you drink. Water can be poisonous, when it's not water." A copy of the transcript from the Chat Room dated March 9, 2008, is attached as Exhibit 3.

21. Specifically, on March 10, 2008, Defendant stated: "I admit to being a bit mad, by some people's standards, but madness can be a good thing. It gives me direction, focus and an outlet for my aggression" and "Anyone wanna talk some pain and suffering? Time is running out, my Jammin friend. Maybe we can meet? ... Jam will rot just like Jelly if buried long enough." A copy of the transcript from the Chat Room dated March 10, 2008, is attached as Exhibit 4.

22. On or about March 11, 2008, Defendant transmitted an electronic mail message ("the e-mail") from the user name "user94040@KZMail.com" to Plaintiff, which e-mail contained the following threats intended to harass Plaintiff: "FF may lose control at any time ... longs to test your control. How long will you last, my jammin friend? If you're afraid, you better stay locked up in your 2nd floor roost and not go out to play. You could be sorry. You could be dead." A copy of the e-mail message sent by Defendant on March 11, 2008, is attached as Exhibit 5.

23. The e-mail message described in paragraph 22 also contained a link to an M_Space page entitled the "jamming@lincolnHS experiment", which incorporated the threats made by Defendant against Plaintiff as described in Paragraphs 18, 19, 20, and 21. That M_Space page also depicted a digital photograph of Plaintiff's bedroom window. A copy of the M_Space page is attached as Exhibit 6.

24. As a result of Defendant's harassing conduct, Plaintiff has suffered substantial emotional distress including, but not limited to, sleeplessness, nightmares, generalized anxiety disorder, inability to eat, paranoia, panic attacks and fear of immediate and future bodily harm as well as financial loss.

WHEREFORE plaintiff Jamie Anderson prays for an award of compensatory damages against Defendant, and for such other relief as this Court deems proper.

RESPECTFULLY SUBMITTED this 3rd day of July, 2008.

SMITH, TUNKS & BEUREGARD, P.C.

By: /s/ Butherus P. Tunks

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**SUPERIOR COURT OF ARIZONA
COUNTY OF MARICOPA**

JAMIE J. ANDERSON,

Plaintiff,

vs.

TAYLOR F. WILLIAMS,

Defendants.

Case No. CV2008-0101552

ANSWER

(Assigned to the Hon. J.J. Clark)

Defendant, by and through counsel undersigned, answers Plaintiff's complaint as follows:

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted.
5. Admitted.
6. Admitted.
7. Admitted.
8. Admitted.

9. Admitted in part and denied in part. Admitted that Defendant was associated with the user identification “Shockwave” during all relevant times in the complaint. Defendant specifically denies any association with the user identification “Fatalflaw” during the times relevant to the allegations in the complaint, and demands strict proof thereof at trial. Defendant avers, by way of further information, that Defendant was associated with the user identification “Fatalflaw” during the 2006-2007 academic school year.

10. Denied. Defendant specifically denies being associated with the email address user94040@KZMail.com, and demands strict proof thereof at trial.

11. Denied. It is specifically denied that Defendant knowingly or intentionally harassed plaintiff via any type of electronic transmission. Strict proof thereof is demanded at trial.

12. Denied. It is specifically denied that defendant sent any electronic mails to Plaintiff. Strict proof thereof is demanded at trial.

13. Denied. It is specifically denied that Defendant knowingly or intentionally engaged in any harassing conduct directed toward Plaintiff. Strict proof thereof is demanded at trial. By way of further answer, the allegation in paragraph 12 is a conclusion of law to which no response is required. That allegation is therefore deemed denied. To the extent that a responsive pleading is required, Defendant lacks sufficient information or knowledge to form a belief as to whether or not Plaintiff suffered substantial emotional distress, fear of bodily harm or financial loss.

14. Denied. It is specifically denied that Defendant engaged in any conduct directed toward Plaintiff that resulted in Plaintiff’s deteriorated academic performance. Strict proof thereof is demanded at trial.

COUNT I

(Cyberstalking)

15. Defendant incorporates the responses to paragraphs 1 through 14 of Plaintiff's Complaint as if fully set forth at length.

16. Denied. Defendant specifically denies knowingly or intentionally harassing Plaintiff through any electronic transmissions. Strict proof thereof is demanded at trial. By way of further answer, the remaining averments of this paragraph constitute conclusions of law to which no response is required. Those allegations are therefore deemed denied. To the extent that a response is required, Defendant lacks sufficient information or knowledge to form a belief as to whether or not Plaintiff suffered substantial emotional distress or fear of bodily harm.

17. Denied. Defendant specifically denies electronically transmitting threats directed toward Plaintiff in the Chat Room. Strict proof thereof is demanded at trial. By way of further answer, the allegations in paragraph 17 constitute conclusions of law to which no response is required. As such, those allegations are deemed denied. To the extent that a response is required, Defendant lacks information or knowledge sufficient to form a belief as to whether Plaintiff suffered substantial emotional distress and fear of bodily injury.

18. Denied. Defendant specifically denies authoring the transmission cited in paragraph 18 of Plaintiff's Complaint. Strict proof thereof is demanded at trial.

19. Denied. Defendant specifically denies authoring the transmission cited in paragraph 19 of Plaintiff's Complaint. Strict proof thereof is demanded at trial.

20. Admitted in part, denied in part. Defendant admits authoring the following statement: "Anticipation is what it's all about, and building fear. You never know when you'll be forced to face your greatest fear...suffocation, poison, torture, painful prolonged death...." By way of further answer, Defendant maintains that such a statement is lawfully justified, and thus is excepted from coverage under the

applicable cyberstalking statute. Further, Defendant specifically denies authoring the following statements, demanding strict proof thereof at trial: “Time is running out, my Jammin friend. You should really watch what you drink. Water can be poisonous, when it’s not water.”

21. Admitted in part, denied in part. Defendant admits authoring the following statement: "I admit to being a bit mad, by some people’s standards, but madness can be a good thing. It gives me direction, focus and an outlet for my aggression.” By way of further answer, Defendant maintains that such a statement is lawfully justified, and thus is excepted from coverage under the applicable cyberstalking statute. Further, Defendant specifically denies authoring the following statements, demanding strict proof thereof at trial: “Anyone wanna talk some pain and suffering? Time is running out, my Jammin friend. Maybe we can meet? ... Jam will rot just like Jelly if buried long enough.”

22. Denied. Defendant specifically denies transmitting any electronic mail messages to Plaintiff. Strict proof thereof is demanded at trial.

23. Denied. Defendant specifically denies creating or contributing to any M_Space pages relating to or referring to Plaintiff. Strict proof thereof is demanded at trial.

24. Denied. Defendant specifically denies any and all conduct referred to in paragraph 24 of Plaintiff’s Complaint, and demands strict proof thereof at trial. By way of further answer, the averments of this paragraph also constitute conclusions of law to which no response is required. To the extent that a response is required, Defendant lacks information or knowledge sufficient to form a belief as to whether Plaintiff suffered any substantial emotional distress, fear or financial loss.

GENERAL ANSWER

25. Defendant hereby denies any and all allegations set forth in the Plaintiff’s Complaint not expressly admitted herein.

AFFIRMATIVE AND OTHER DEFENSES

26. Plaintiff's Complaint fails to state a claim upon which relief can be granted.

27. The injuries and/or damages asserted in this case, to the extent they are proven, were not caused by any actionable cyberstalking on the part of the Defendant, but rather were caused by factors, individuals or entities beyond Defendant's control.

28. The two Chat Room transmissions directed to Plaintiff by Defendant, identified as "Shockwave", were lawfully justified as a non-violent communications and an exchange of information related to Defendant's course of study.

29. Plaintiff's injuries and/or damages, to the extent proven, were caused in whole or in part by her/his own preexisting conditions, including but not limited to anxiety disorder.

WHEREFORE, Defendant demands judgment in her/his favor and against Plaintiff.

RESPECTFULLY SUBMITTED this 19th day of July, 2008.

FLOOD, PLATT & WILBER, P.A.

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APPLICABLE LAW

Arizona Revised Statute Annotated Sec. 12-775:

Cyberstalking.

- A. A person commits the civil offense of cyberstalking when, knowingly and without lawful justification, and on at least two separate occasions, the person harasses another person through the use of an electronic communication.
- B. Any offense committed under this section may be deemed to have been committed either at the place from which the communication was made or at the place where the communication was received.
- C. Definitions: As used in this Section,
 - 1. "Electronic communication" means any transfer of signs, signals, writings, sounds or data of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectric, or photo-optical system. "Electronic communication" includes transmissions by a computer through the Internet to another computer.
 - 2. "Harass" means to engage in a knowing and intentional course of conduct directed at a specific person that alarms, torments, or terrorizes that person. The course of conduct must be of a kind that would cause a reasonable person to suffer substantial emotional distress, or be in fear of bodily injury.
 - 3. "Lawful justification" means any peaceable, nonviolent, or non-threatening activity expressing political views or providing lawful information to others.
- D. In a civil action brought pursuant to this section, the plaintiff shall establish by a preponderance of the evidence that the defendant committed the offense of cyberstalking against the plaintiff.
- E. Damages: in a civil action under this section, plaintiff may seek to recover any and all compensatory damages.
- F. No action shall be commenced under this section more than two years after the most recent conduct prohibited under this section.

**SUPERIOR COURT OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA**

JAMIE J. ANDERSON,

Plaintiff,

vs.

TAYLOR F. WILLIAMS,

Defendant.

Case No. CV2008-0101552

MINUTE ENTRY

Having reviewed the Defendant's Motion for Summary Judgment on the sole claim of Cyberstalking pursuant to A.R.S. § 12-775, the Plaintiff's Response thereto and the Defendant's subsequent Reply, for the reasons set forth below, Defendant's motion is denied.

Background

Plaintiff, Jamie Anderson, claims that s/he suffered damages as a result of cyberstalking committed against her/him by the Defendant, Taylor Williams, while both were senior students at Lincoln High School. Specifically, Plaintiff alleges that between March 6 and March 11, 2008, Defendant knowingly and intentionally transmitted a series of threats via postings made to a school administered chat room, an M_Space internet web page and an anonymous electronic mail message sent directly to Plaintiff. These communications allegedly caused Plaintiff substantial emotional distress, including fear of bodily harm, and financial loss by virtue of Plaintiff's inability to maintain a high grade point average resulting in the loss of a school scholarship. Plaintiff's Complaint seeks a jury trial for compensatory damages under the applicable cyberstalking statute, A.R.S. § 12-775.

In Defendant's Answer in this case, Defendant denies transmitting any of the allegedly actionable statements, instead proffering that he/she was a victim of identity theft. Moreover, Defendant alleges that the two transmissions he/she did send to Plaintiff were lawfully justified by his/her course of study, and that any injury Plaintiff

sustained from receipt of those transmissions was not reasonable, but was an exaggerated reaction based upon Plaintiff's pre-existing anxiety disorder and general fears.

Legal Discussion

Summary judgment is a means available to litigants for prompt and expeditious disposition of a controversy without a trial, when there is no genuine dispute as to any material fact and the party seeking judgment is entitled to judgment as a matter of law. Summary judgment should be granted only when there is no genuine issue as to any material fact and the moving party is entitled to a judgment as a matter of law. Ariz.R.Civ.P. 56(c). In viewing and considering a motion for summary judgment, this court is required to view the facts in a light most favorable to the non-moving party, the Plaintiff here, drawing all reasonable inferences in that party's favor. *Hayden Business Center Condominiums Ass'n v. Pegasus Development Corp.*, 105 P.3d 157, 158, 209 Ariz. 511, 512 (App. 2005). Discovery has been conducted in this matter, and both parties have fully briefed the issues. Defendant's summary judgment motion is ripe for disposition.

By way of background information, with the advent of the world wide web and all its new technological means for communication, the civil cyberstalking statute at issue here is a recently enacted one designed by our legislative branch to curb the ever-expanding opportunities for the untoward harassment of our citizens. In order to succeed in a civil action under A.R.S. § 12-775, the Plaintiff must establish, by a preponderance of the evidence, that another person "knowingly and without lawful justification, and on at least two separate occasions . . . harasses another person through the use of an electronic communication." A.R.S. § 12-775(A). The statute defines "harasses" as engaging in a "knowing and intentional course of conduct directed at a specific person that alarms, torments, or terrorizes that person." A.R.S. § 12-775(C)(2). Further, the conduct at issue must be such that would cause a "reasonable person to suffer substantial emotional distress, or be in fear of bodily injury." *Id.*

As the statute plainly states, there exists an exception to the types of covered conduct in subsection (A), by inclusion of the phrase "without lawful justification." A.R.S. § 12-775(A). Subsection (C)(3) defines "lawful justification" as "any peaceable, nonviolent, or non-threatening activity expressing political views or providing lawful information to others." A.R.S. § 12-775(C)(3).

Here, in Defendant's view, two separate grounds warrant the entry of judgment in her/his favor: first, Defendant claims that s/he did not send the transmissions that Plaintiff has attributed to Defendant by virtue of (1) identity theft of her/his user

identification and password in the chat room, (2) that s/he was not the user associated with the electronic mail address user94040@KZMail.com, and (3) that s/he did not create or contribute to the M_Space internet web page at issue; and second, that (1) the two transmissions Defendant admits sending to Plaintiff as “Shockwave” are lawfully justified as non-violent communications, and (2) that neither of those communications could cause a reasonable person to suffer “substantial emotional distress” or “fear of bodily injury” as required by the statute. Defendant claims that Plaintiff’s particularly fragile emotional state and pre-existing generalized anxiety disorder exaggerated any reasonable reaction to those two communications.¹

In order to prevail at trial, Plaintiff must prove, by a preponderance of evidence, that (1) Defendant did, in fact, intentionally direct at least two threatening transmissions to Plaintiff and, if successful with that venture, (2) that Plaintiff, under a “reasonable person” standard, suffered substantial emotional distress or fear of bodily harm as a result of those transmissions.² If Plaintiff prevails on both fronts, the jury will then reach the issue of damages.

The record before the Court cannot be said to be free from genuine issues, or disputes, regarding the material facts of this case. First, Plaintiff must demonstrate that Defendant knowingly directed, on two separate occasions, threats to Plaintiff via electronic means. The evidence of record, which consists of various sworn witness statements and other associated exhibits, does not conclusively establish either that Defendant, or someone *other* than Defendant, authored and transmitted the threatening communications to Plaintiff, either as “Fatalflaw”, electronic mail address user94040@KZMail.com, or via the M_Space internet web page posting. It is not the responsibility, nor the ability, of the judge to rule on genuine issues of fact at the summary judgment stage – that is the sole province of the jury. Since there is conflicting evidence of record, the Court cannot, and will not, rule in either party’s favor on this issue at this stage of the proceedings.

The same can be said regarding the second argument in Defendant’s motion for summary judgment. Whether Defendant’s admitted transmissions to Plaintiff as “Shockwave” qualify as harassing statements under the act, or are lawfully justified excepting them from the reach of the statute, is an issue of fact for the jury to

¹ Defendant also raises the defense that, since s/he was not prosecuted by the Maricopa County Attorney’s Office for the crime of cyberstalking due to the apparent untraceability of both the electronic mail address user and the M_Space internet web page posting, s/he is somehow immune from civil proceedings as well. Of course, since the burden of proof in criminal proceedings is far greater than that of civil proceedings, *i.e.*, proof of one’s case beyond a reasonable doubt versus by a preponderance of the evidence, the lack of a criminal prosecution has no bearing on the viability of a civil lawsuit challenging the same conduct. Therefore, such reasoning is not a proper basis for the entry of judgment in Defendant’s favor.

² Here, however, the parties have agreed that the issues of liability and damages will be bifurcated, such that only the issue of liability will be tried to a jury and, in the event that Plaintiff establishes liability, a second phase of that jury trial will separately address the issue of damages.

determine, not an issue of law for the judge to decide. Similarly, whether Plaintiff, as a reasonable person, suffered substantial emotional distress or fear of bodily harm as a result of receiving these transmissions, as a matter of liability distinct from the issue of damages, is also a matter of fact for the jury to determine.

This is a case of first impression in this Court, and one raising important questions of vast public importance based on a recently enacted statute. In accordance with our adversarial system of justice, a jury of the parties' peers will hear all admissible evidence, weigh it accordingly, and reach conclusions of fact to which this new law will be applied.

Therefore, this court enters the following Order:

**SUPERIOR COURT OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA**

JAMIE J. ANDERSON,

Plaintiff,

vs.

TAYLOR F. WILLIAMS,

Defendant.

Case No. CV2008-0101552

ORDER

AND NOW, this 3rd day of January, 2009, Defendant Taylor Williams' summary judgment motion is hereby **DENIED**. This case is scheduled for a one-day trial during the March 2009 Civil Trial Term.

BY THE COURT

J.J. Clark

The Honorable J.J. Clark

Distribution:

Plaintiff's counsel

Defendant's counsel

**SUPERIOR COURT OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA**

JAMIE J. ANDERSON,

Plaintiff,

vs.

TAYLOR F. WILLIAMS,

Defendant.

Case No. CV2008-0101552

MINUTE ENTRY

The parties have stipulated to the following:

1. For purposes of this mock trial problem, it is stipulated that the Arizona Revised Statutes Annotated include A.R.S. § 12-775: Cyberstalking.
2. This case will be bifurcated. Only the issue of whether the defendant's action(s) caused plaintiff's alleged harm is before the jury. The issue of damages is not before the jury.
3. All pleadings and exhibits (and their pre-markings) are authentic. The parties reserve the right to dispute any legal or factual conclusions based on these items and to make objections other than to authenticity.
4. All signatures in these materials are authentic.
5. Only registered student users of the Lincoln High School computer network system can access the system by logging into the system using a designated username and password. Once logged on, the registered student user can access school email and school sponsored chat rooms.
6. All students registered to use the computer network system must be logged on to view or participate in live chat room discussions. The contents of any chat room

discussion remain viewable for the entire day that they are posted. The contents are not viewable to registered users after midnight of the day they are posted.

7. Any registered student user who logs onto the school computer network system cannot log on again at the same or on another computer, using the same username and password, until s/he log outs and ceases her/his current session.
8. During the week of March 6 through 10, 2008, Shockwave, Fatalflaw and Jammin@LincolnHS logged onto the senior class chat room only at the times indicated in Exhibits 1 through 4.
9. All times depicted on chat room dialogue and emails, in Exhibits 1-5, are accurate.
10. Plaintiff's bedroom window, as shown in Exhibit 6, is the larger window with the air conditioner in it. The picture was taken at some time prior to October 2007. There was no air conditioner in the window in March 2008.
11. The crossed-off word on the inside cover of Defendant's 11th grade English textbook, depicted in Exhibit 8, is visible upon close inspection. The crossed off word appears to be "Kingcrag."

JURY INSTRUCTIONS

Ladies and Gentlemen of the Jury:

It will be your duty to decide the facts. You must decide the facts only from the evidence presented in court. You must not speculate or guess about any fact. You must not be influenced by sympathy or prejudice. You will hear the evidence, decide the facts, and then apply the law I will give you to those facts. That is how you will reach your verdict(s). In doing so you must follow that law whether you agree with it or not. You must not take anything I may say or do during the trial as indicating any opinion about the facts. You, and you alone, are the judges of the facts.

The Evidence

You will decide what the facts are from the evidence presented here in court. That evidence will consist of testimony of witnesses, any documents and other things received in evidence as exhibits, and any facts stipulated, or agreed to, by the parties or which you are instructed to accept.

You will decide the credibility and weight to be given to any evidence presented in the case, whether it be direct evidence or circumstantial evidence. **Direct evidence** is a physical exhibit or the testimony of a witness who saw, heard, touched, smelled or otherwise actually perceived an event. **Circumstantial evidence** is the proof of a fact from which the existence of another fact may be inferred. You must determine the weight to be given to all the evidence without regard to whether it is direct or circumstantial.

Admission of evidence in court is governed by rules of law. I will apply those rules and resolve any issues that arise during the trial concerning the admission of evidence. If an objection to a question is sustained, you must disregard the question and you must not guess what the answer to the question might have been. If an exhibit is offered in evidence and an objection to it is sustained, you must not consider that exhibit as evidence. If testimony is ordered stricken from the record, you must not consider that testimony for any purpose. Do not concern yourselves with the reasons for my rulings on the admission of evidence. Do not regard those rulings as any indication from me of the credibility or weight you should give to any evidence that has been admitted.

In deciding the facts of this case, you should consider what testimony to accept, and

what to reject, you may accept everything a witness says, or part of it, or none of it. In evaluating testimony, you should use the tests for accuracy and truthfulness that people use in determining matters of importance in everyday life, including such factors as: the witness' ability to see or hear or know the things to which he/she testified; the quality of his/her memory; the witness' manner while testifying; whether he/she has any motive, bias, or prejudice; whether the witness is contradicted by anything he/she said or wrote before trial, or by other evidence; and the reasonableness of the testimony when considered in the light of the other evidence. Consider all of the evidence in light of reason, common sense, and experience.

A witness qualified as an expert by education or experience may state opinions on matters in that witness's field of expertise, and may also state reasons for those opinions. Expert opinion testimony should be judged just as any other testimony. You are not bound by it. You may accept or reject it, in whole or in part, and you should give it as much credibility and weight as you think it deserves, considering the witness's qualifications and experience, the reasons given for the opinions, and all the other evidence in the case.

As I mentioned earlier, it is your job to decide from the evidence what the facts are. Here are six rules on what is and what is not evidence:

1. **Evidence to be considered:** You are to determine the facts only from the testimony of witnesses and from exhibits received in evidence.
2. **Lawyers' statements:** Ordinarily, statements or arguments made by the lawyers in the case are not evidence. Their purpose is to help you understand the evidence and law. However, if the lawyers for both/all parties agree or stipulate that some particular fact is true, you should accept it as true.
3. **Questions to a witness:** By itself, a question is not evidence. A question can be used only to give meaning to a witness's answer.
4. **Objections to questions:** If a lawyer objects to a question and I do not allow the witness to answer, you must not try to guess what the answer might have been. You must also not treat the objection as evidence or guess the reason why the lawyer objected in the first place.
5. **Rejected evidence:** At times during the trial, testimony or exhibits will be offered as evidence, but I might not allow them to become evidence. Since they never become evidence, you must not consider them.

6. **Stricken evidence:** At times I may order some evidence to be stricken, or thrown out. Because it is no longer evidence, you must not consider it.

Burden of Proof and the Elements of the Claim

Burden of proof means burden of persuasion. On any claim, the party who has the burden of proof must persuade you, by the evidence, that the claim is more probably true than not true. This means that the evidence that favors that party outweighs the opposing evidence. In determining whether a party has met this burden, consider all the evidence that bears on that claim, regardless of which party produced it. In civil cases such as this one, the plaintiff has the burden of proving those contentions that entitle him/her to relief.

In this case, the plaintiff has the burden of proving that the defendant committed cyberstalking. If, after considering all of the evidence, you feel persuaded that these propositions are more probably true than not true, your verdict must be for the plaintiff. Otherwise, your verdict should be for the defendant.

The Elements of Civil Cyberstalking: A defendant is liable under A.R.S. § 12-775 for cyberstalking when s/he knowingly and without lawful justification, and on at least 2 separate occasions, harasses the plaintiff through the use of an electronic communication. To prevail, the plaintiff must prove each of the following propositions by a preponderance of the evidence:

- That plaintiff received at least two electronic communications [defined as any transfer of signs, signals, writings, sounds or data of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectric, or photo-optical system. ("Electronic communication" includes transmissions by a computer through the Internet to another computer)]; AND
- That the defendant was responsible for transferring the electronic communications alleged to have harassed the plaintiff; AND
- That the electronic communications transferred by defendant harassed the plaintiff; AND
- That the defendant knowingly harassed the plaintiff; AND

- That the harassing communications were specifically directed to the plaintiff; AND
- That there was no lawful justification for the communication [defined as any peaceable, nonviolent or nonthreatening activity intended to express political views or to provide lawful information to others]; AND
- That the communications alarmed, tormented or terrorized the plaintiff; AND
- That plaintiff, as any reasonable person would, suffered substantial emotional distress as a result OR that plaintiff, as any reasonable person would be, was in fear of bodily injury.

If you find, after consideration of all the evidence, that all of the above elements more likely than not occurred, you should find the defendant liable.

STATEMENT OF JAMIE ANDERSON

1 I am Jamie Anderson and I graduated from Lincoln High School (LHS) in June 2008.
2 I'm currently 19 years old and enrolled at Glendale Community College for the spring
3 term. I live with my parents at 447 St. Mark's Street, Glendale, Arizona, 85310. I had
4 to delay college for a semester due to all the problems caused by Taylor Williams. I
5 hope to transfer to ASU if I can recover some more; I am still having trouble sleeping
6 and have nightmares. I would have gotten into a better school if Taylor had not set
7 out to sabotage me. I was on the verge of being class valedictorian which would have
8 won me a scholarship and helped me afford tuition at one of two Ivy League schools
9 I had been accepted to. But when all of this happened, I could not concentrate and
10 had a real poor final quarter and lost the scholarship. I think after this court stuff is
11 resolved I can move on with my life. I need closure. I need to know it will not happen
12 again and that Taylor Williams will be held accountable.

13 This all started because our school sponsors a chat room. I didn't even use the chat
14 room, though, until like in January of my senior year when I needed to find out the
15 next week's math assignment. So I logged on to the senior class chat room from
16 home and I got an immediate response. After that experience, I became kind of
17 hooked. My chat room and email user names were the same, Jammin@LincolnHS
18 and Jammin@LincolnHS.edu. My best friend Casey Waller, who graduated with me,
19 always called me Jam or "the Jam" because my room at home was so messy that the
20 door jammed up against stuff. My real name is Jamie, so it fit.

21 Prior to the start of every school year, before we register to use the school's chat
22 room and email accounts, we have to read and sign the usual release that says school
23 authorities monitor user activity. In each chat room, there is a "red button" scheme to
24 protect students from sleazy activities. We were warned to remain anonymous and not
25 reveal personal information. Thinking back, I should have been much more careful in
26 choosing a user name and email address. I think Taylor knew who I was by my name
27 and targeted me.

28 This whole nightmare started last March 6, right before third quarter exams. I was
29 logged on to the senior class chat room and students were talking about joggers
30 running outside. Someone named Fatalflaw wrote a really weird post: "Jam's in the
31 window. Exercise all you want, my friend, you won't be able to run fast enough."
32 Someone else on the thread asked if I was on the track team and after I said no,
33 Fatalflaw chimed in with this even weirder post: "Not on the team, but practices
34 nonetheless. In the window." I had never seen Fatalflaw post in the senior class chat
35 room before but I thought whoever it was had been watching me at home. The night
36 before Casey Waller had been at my house and we'd been uploading music and

37 pictures to each of our M_Space profiles. After that, we started goofing around in my
38 room, doing jumping jacks and running in place. I rarely close the drapes, so anyone
39 could have seen us through the window. A lot of kids walk by my house since it is
40 only a few blocks from the high school. I assumed Fatalflaw saw us exercising. I called
41 Casey, who hadn't been logged on and Casey kind of shrugged it off.

42 I kind of forgot about Fatalflaw until two days later, Wednesday, March 8, when s/he
43 sent me more weird messages. The first said "Jammin has been seen wearing school
44 colors all week. Be careful, water bottles, sideline bottles, they don't always contain
45 water, they can be deadly." That shook me up because I thought the line about school
46 colors and water was directed at me. I'm kind of known for carrying a water bottle
47 everywhere at school and also, I had been wearing my soccer team warm ups, which
48 are orange and black. Our team was doing fundraising at school all week to travel to a
49 California tournament. Shockwave then joined the thread and said s/he knew
50 Fatalflaw somehow and thought the whole thing was "gentle ribbing." If only.

51 By the way, Shockwave was someone who had posted in the senior class chat room all
52 year. Though I didn't know it was Taylor Williams at the time, I began to suspect.
53 There was an incident earlier that Wednesday (March 8) in the cafeteria, that thinking
54 back, connected Taylor to Shockwave and Fatalflaw. Over lunch, Casey and I walked
55 by Taylor who began laughing and pointing at us. Taylor said, and we both heard it
56 perfectly, "there goes Jammin@LincolnHS, The Jam." Then Taylor said menacingly,
57 "Jam better watch what s/he eats, might not be able to get away so fast next time."

58 Although I was a bit scared by the posts I felt like a detective looking for evidence to
59 determine for sure if someone was marking me for trouble. Casey was also drawn to
60 it, even though it was freaking us out. It really never occurred to me to press the red
61 button though I felt panicky.

62 The next day, March 9th, I logged onto the chat room from home. There was a flurry
63 of chatter about our history class topic on terrorism and the law. It was a pretty
64 stimulating discussion actually. But then I saw another reference to "Jam," this time
65 from Shockwave, who wrote: "Anticipation is what it's all about, and building fear.
66 You never know when you'll be forced to face your greatest fear ... suffocation,
67 poison, torture, painful prolonged death." I made the mistake of calling Shockwave a
68 freak. Shockwave responded by saying "Jam is full of fear. Would make a great
69 experiment." And then Shockwave wrote "You can keep your friends around you, but
70 the clock is ticking. Time is on my side." It sounded almost the same as the messages
71 from Fatalflaw. And then Fatalflaw joined in again saying something that really scared
72 me: "Time is running out, my Jammin friend. You should really watch what you drink.
73 Water can be poisonous, when it's not water."

74 A day later, March 10th, I twice logged on after school and saw more scary postings,
75 this time by both Shockwave and Fatalflaw. The first time I was on for only a few
76 minutes. I read back a few posts and saw that someone had just responded to
77 Shockwave's comments from the day before regarding suffocation and torture, saying
78 that the language was inappropriate and scary. I was glad others recognized what I
79 thought. Shockwave was logged on and tried to defend her/his comments saying, "I
80 admit to being a bit mad ... but madness can be a good thing. It gives me direction,
81 focus and an outlet for my aggression." Also, Shockwave basically admitted knowing
82 my identity. Then, as soon as Shockwave noticed that I was logged on, Shockwave
83 asked me whether I could come out of my second floor roost to play. That really
84 scared me because it tied in to Fatalflaw's comment about seeing me exercise in the
85 window. I thought Shockwave and Fatalflaw were part of a conspiracy. I thought
86 about using the panic button, but I really didn't want to draw attention to myself that
87 way. What if they had closed down the LHS chat room? It would have been my fault
88 and everyone would have blamed me.

89 I logged off right away, locked the bedroom door and called Casey's mobile. Casey
90 really calmed me down. I said I wanted to tell my parents, but Casey wasn't sure.
91 Casey thought we could figure it out on our own. Anyway, I logged back on about an
92 hour later because I was curious. I saw that while I was off, Fatalflaw and Shockwave
93 had been talking about torture, though Fatalflaw had since logged off. Shockwave
94 immediately noticed I was back on and made a remark about my exercising and how
95 everyone will become a victim. I stayed quiet because I was petrified and logged off
96 right after Shockwave did.

97 I told my parents about the chat room threats and they took me to the police station
98 that night. We met with officer Chris Hopp. And that is her/his real name. After I
99 gave my story, which was pretty much everything I mentioned above, Officer Hopp
100 said police would investigate after the weekend, because they didn't think I was in
101 imminent danger.

102 I thought the worst was over, but the next day, Saturday March 11, was the most
103 unnerving part. I'd received an incoming KZMail from a sender named
104 user94040@KZMail.com. It was sent to my school account and had "Fear" in the
105 subject line. I'm aware KZMail.com gives out free email accounts and is often used by
106 spammers. It's pretty much anonymous, so far as I can tell. The sender figured my
107 school email address, I guess, by just adding ".edu" to my name Jammin@LincolnHS.
108 Against my better judgment, I opened the mail. The message said, "FF may lose
109 control at any time ... longs to test your control. How long will you last, my jammin
110 friend? If you're afraid, you better stay locked up in your 2nd floor roost and not go

111 out to play. You could be sorry. You could be dead.” The sender then told me to
112 check out a link to an M_Space page. My heart was pounding.

113 I clicked the link and the page that came up freaked me out: it was all about me and
114 how I was the subject of some bizarre experiment. The page included Fatalflaw’s chat
115 room messages from that week, including some I hadn’t seen, like that Jam would be
116 buried and rot, and talk of pain and suffering. Most unnerving of all was a picture of
117 my bedroom window! It was the same digital photo I had uploaded and posted on
118 my own my M_Space page a few months back but which I had since taken down. I
119 was frozen there in front of my computer calling for my parents. I was trembling.
120 Taylor had gone way too far with this stuff.

121 I believe Taylor chose to stalk me because Taylor has a deranged interest in fear and
122 also because we were competing with about ten others for the school’s valedictorian
123 scholarship. I don’t think it is a coincidence that right after Taylor was arrested those
124 chat room messages stopped and the M_Space page was never completed.

125 The valedictorian scholarship is a really big deal at Lincoln High School. Former
126 Lincoln grad Sue Gugel, who made piles of money in Silicon Valley, endowed the
127 fund. The valedictorian can get up to \$15,000 per year for four years. Co-
128 valedictorians split the funds. I was pretty sure I would get the whole 15K. I thought
129 Taylor and I had a friendly competition, but Taylor must have been intimidated by my
130 grades and sought to sabotage my last semester, which s/he did. My GPA fell from a
131 perfect 4.0 through seven semesters, to a 3.33 my last semester. My final GPA fell to
132 3.83 and my class rank with it, from a tie with Taylor for number one to number nine.
133 I lost the Gugel. Taylor was certainly capable of it. We have kind of a long history.

134 Taylor and I grew up in the same neighborhood and s/he knows where my room is.
135 In elementary school, we often played together. When we got to middle school, we
136 sort of drifted apart. I became interested in sports and Taylor got involved with
137 computers and psychology. We still talked but one day in 8th grade when we were at
138 the bus stop, Taylor showed me a bottle filled with clear liquid that had a chemical
139 symbol on it. Taylor then “accidentally” spilled some on my arm. I was obviously
140 scared but Taylor just stood there laughing, telling me it was only water. S/He told me
141 that s/he just wanted to see my reaction. Taylor commented on how it was the fear
142 that is almost worse than the injury itself, especially if the anticipation lasts for a long
143 time. I just looked at Taylor like s/he was an alien. After that startling episode, I kept
144 Taylor at bay.

145 Something strange happened again in English class during our junior year. Taylor was
146 frustrated that none of the main characters in assigned readings presented challenging
147 psychological profiles. The teacher permitted Taylor to do an extra-credit report on

148 Jack the Ripper, which I thought was an unfair advantage the rest of the class didn't
149 get. The presentation was horrible, but I guess I can be a bit more sensitive than
150 some. The report was unnecessarily graphic. Taylor seemed to enjoy the class'
151 discomfort with some of the descriptions and photographic materials circulated
152 during the report. I asked the teacher if I could be excused in the middle of the report,
153 I was that upset. I was given permission, but had to explain to the teacher why I was
154 so upset. I did not discuss the incident with my parents when I got home and was
155 actually sort of embarrassed that a report could make me so upset.

156 I must say that all these messages from Taylor about me being some guinea pig in a
157 bizarre experiment took a terrible toll on me. I mean, Taylor threatened to impose
158 future bodily harm on me, to poison my water, that kind of stuff. While this was
159 occurring, I couldn't sleep or eat and had frequent panic attacks and lots of
160 nightmares. I would often get out of bed and look across the street to see if someone
161 was watching. During the day, I would constantly look over my shoulder and made
162 sure Casey was always with me. Eventually, I got help from a psychologist and family
163 doctor. They both diagnosed me with generalized anxiety disorder and prescribed
164 medication and psychotherapy sessions, which have helped, though I am still
165 suffering. I had to stop the therapy when my parent's insurance ran out.

WITNESS ADDENDUM

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

Signed,

Jamie Anderson

Jamie Anderson

SIGNED AND SWORN to before me on this 13th day of January, 2009.

Molly Johnson Giger

Molly Johnson Giger, Notary Public
State of Arizona

My Commission Expires: November, 1, 2011

STATEMENT OF CHRIS HOPP

1 I am Chris Hopp, a Glendale City Police Officer assigned to our elite cyber crimes
2 squad, which means I've received special training in computers and on-line security
3 issues. I have a degree in computer science from Northern Arizona University and
4 graduated with honors ten years ago. I served four years in the Navy as a computer
5 technician on board the U.S.S. Reliant. This is my 6th year on the force. I spend much
6 of my time investigating cyber crimes, including identity theft and child predation. It is
7 a growth industry.

8 I was on duty the night of March 10, 2008, when Jamie Anderson and her/his parents
9 filed a criminal complaint concerning a cyberstalker. Jamie was, at the time, a high
10 school senior at Lincoln High School. Jamie presented as highly agitated, nervous,
11 shaking and at times crying. Jamie's parents tried to tell me what happened, but they
12 were unsure. So, I set out to calm Jamie down by offering soda and making small talk
13 about her/his school soccer team. Jamie relaxed a bit but remained on edge,
14 occasionally wringing her/his hands and pacing. Jamie was clearly frightened.

15 After about fifteen minutes, I was able to interview Jamie. S/he said that over the past
16 week at school, between Monday, March 6 and Friday, March 10, persons using the
17 pseudonyms Fatalflaw and Shockwave had threatened her in an LHS chat room.
18 Jamie didn't have printed dialogue, but claimed the chat room communications
19 indicated these persons had been watching Jamie both at school and through Jamie's
20 bedroom window. S/he stated that talk of a painful and prolonged death was directed
21 at her/him and that s/he was warned to watch out because her/his water bottle might
22 be poisoned. Jamie offered that s/he is known for carrying a water bottle at school. I
23 asked Jamie if s/he had contacted or complained to any school officials or personnel,
24 and s/he replied s/he had not.

25 Jamie offered that there had been an incident in the school cafeteria two days earlier,
26 on Wednesday, March 8, involving fellow senior Taylor Williams that had also upset
27 Jamie. According to Jamie, Taylor saw Jamie and teased Jamie about being nicknamed
28 "the Jam." I asked Jamie if s/he believed Williams could be one of the chat room
29 perpetrators and Jamie said yes. Jamie went on to describe Taylor Williams as a
30 "freak" and "loser" who had a bizarre interest in the macabre and who, four years
31 earlier, had "accidentally-on purpose" spilled liquid on Jamie that Williams said was
32 poison, but was water. Jamie said that at the time Taylor spilled water, Taylor acted
33 very strangely, as if Taylor were conducting an experiment on Jamie. Jamie believed
34 the allusions to poisonous water bottles in the chat room discussion were connected
35 to that event.

36 I concluded the interview and told Jamie's parents I would investigate more in the
37 next week. I advised Jamie to stay out of the chat room and inform me of new
38 developments. It seemed like a fairly simple investigation though since I assumed that
39 this school-run chat room was only accessible to a defined set of registered users and
40 that generally, if you aren't registered and logged on, you can't even view the chat.
41 These assumptions were later confirmed by the school. My plan was to inform the
42 school of Jamie's complaints and find out who was registered as Fatalflaw and
43 Shockwave, and obtain the relevant chat room discussions.

44 On Monday morning March 13, I received a call from Jamie's dad who said someone
45 identified as "FF," who he assumed was Fatalflaw, emailed Jamie over the weekend
46 with a threatening message that included a link to an alarming M_Space page. I gave
47 Jamie's dad my email address and told him to forward the email to me.

48 On Tuesday, March 14, I contacted Lincoln High School administration and met with
49 the computer instructor and webmaster Pat Clifford. Instructor Clifford provided me
50 copies of all chat room dialogue that involved Jamie's pseudonym
51 Jammin@LincolnHS, as well as Fatalflaw or Shockwave, from the week of March 6. I
52 read the print outs and found relevant dialogue on March 6, 8, 9 and 10.

53 Instructor Clifford, or Sensei Cliff as s/he's known, accessed school computer
54 records and confirmed that Jammin@LincolnHS was registered to Jamie Anderson
55 and Shockwave was registered to Taylor Williams. Shockwave's password is
56 "Jtripp06." Curiously, Clifford discovered Fatalflaw had not been registered for the
57 2007 school year which completely perplexed the Sensei. However, s/he recalled the
58 pseudonym Fatalflaw from monitoring Lincoln High School chat rooms the prior
59 school year. Sure enough, Clifford discovered Fatalflaw had been registered to Taylor
60 Williams the year before with "Kingcrag," the associated password. According to
61 Clifford, that username and password should have been automatically deactivated at
62 the end of the 2006-07 school year. Clifford discovered that March 6, 2008, was the
63 first time Fatalflaw had logged onto the school computer system during the 2007-08
64 school year.

65 During my investigation, Sensei Cliff confirmed that before any student can use
66 school email or school chat rooms, they must log on with their school username and
67 password. They don't need to do this to access the internet though. In addition, any
68 student who seeks access to school email or school chat rooms from non-school
69 computers via the internet must also logon using the school username and password.
70 All chat room and email logon history is available to the school, including which
71 school computer was used if the student used a school computer. Using this logon
72 history, I was able to determine that every chat room posting made by Shockwave and
73 Fatalflaw, between March 6 and March 10, was made from Lincoln High School

74 computers. I also discovered that all postings made by Shockwave were made from
75 computers located in the Lincoln High School computer lab. It was the same for
76 Fatalflaw's postings except for one. The March 6 posting was made from a Library
77 computer, 2nd floor student lounge. The lab and library are about a one minute walk
78 from each other.

79 With regard to the computer lab, Sensei Cliff informed me s/he was usually the on-
80 site after-school "babysitter" in charge of monitoring the computer lab, and had been
81 so the week of March 6. S/He indeed recalled that Taylor Williams, who was a regular
82 presence in the lab, had been in the lab after school every day that week, though Cliff
83 did mention that Taylor left early Thursday evening to do an interview with the school
84 news.

85 With this information in hand, I met with Taylor at the police station after school on
86 Wednesday, March 15. I showed her/him the chat room dialogue from March 6
87 through 10. Williams readily admitted being Shockwave but denied posting as
88 Fatalflaw, though s/he admitted that had been her/his Lincoln High School username
89 during junior year. Asked how this could have happened, Williams suggested her/his
90 identity had been stolen by someone out to get Taylor or even Jamie. Taylor quickly
91 recalled that during her/his junior year, s/he wrote the Fatalflaw username and
92 Kingcrag password in a English textbook. Taylor believed I could track it down.

93 Later that week, on March 17, I got around to opening the email and M_Space page
94 link. I found them much more disturbing than the chat room postings. The content
95 included an actual threat of future bodily harm against Jamie on the M_Space page
96 and alluded to the fact that Jamie was the subject of an experiment in creating fear.
97 The major problem posed was that both the KZMail and M_Space page were most
98 likely untraceable, which they were. The email had been generated through a
99 KZMail.com account under the username user94040@KZMail.com and sent to Jamie
100 Anderson at her/his school email address. KZMail.com is a company like Yahoo.com
101 that allows anyone to register and obtain a free email account. All you need is an
102 internet connection to do so. Under the law, KZMail doesn't have to make any real
103 attempt to verify that the account users are in any way traceable to real people.
104 Indeed, according to KZMail records, the user94040 account was created Tuesday,
105 March 7, and the account was deleted on March 11. According to KZMail, the only
106 email sent from the account was the one to Jammin@LincolnHS.edu. The person
107 who registered the account did so under the name Jammin Gugel, used the password
108 \$15Kx4nyet, identified as a female, listed DOB as 1/1/50 and postal code of 94040.
109 Under the security question for a lost password, the registrant chose the security
110 question as "who was your childhood hero" with the answer JTR.

111 As for the M_Space page, it was also a dead end. M_Space.com, by the way, is a
112 hugely popular social networking website. It is basically a way for mainly kids to
113 advertise themselves by creating their own web pages and listing their network of
114 friends, creating personal profiles, and uploading photos, music and videos. It has an
115 astounding number of registered users, over 100 million English speakers by last
116 count. Kids basically go to the website, logon and fill in key fields provided by
117 M_Space. There is no fee. The only information required to join is a valid email
118 address.

119 I was able to find out from M_Space.com that the page in question was created
120 Tuesday, March 7, 2008, and updated once, on Friday, March 10, times unknown. The
121 person who registered did so under the name of Jammin Gugel, the password
122 \$15Kx4nyet and used the email address user94040@KZMail.com, which registered as
123 valid, according to M_Space. M_Space has since deleted the page.

124 Prior to seeing the KZMail and M_Space page, I thought the chat room discussions
125 were a school disciplinary issue. Now, it was looking like a cyberstalking crime with
126 Taylor the prime suspect, possibly the first such prosecution in our state under the
127 new cyberstalking law. Both the KZMail and M_Space page directly connected the
128 sender of the KZMail and the creator of the M_Space page to Fatalflaw, who is
129 Taylor Williams. The M_Space page in particular incorporated the content of
130 Fatalflaw's Lincoln High School chat room discussions and Fatalflaw fit the profile of
131 someone who had access to all the chat room discussions at issue. Less directly, but
132 still convincingly, the content of Fatalflaw's chat room discussions further connected
133 these items to Shockwave's chat room discussion, who is admittedly Taylor Williams.
134 I thus went back to investigate whether it was possible someone other than Taylor
135 had logged in as Fatalflaw in the chat room.

136 First, I spoke with Clifford again, on March 17, about how, if Fatalflaw and
137 Shockwave were the same person, they could both have been logged on to the senior
138 class chat room at the same time on March 10. Clifford explained that only one
139 registered user may be logged on at any one time on a single computer and that if a
140 user is logged on, that same user cannot log on to the school system using the same
141 username and password from another computer, until that username is logged out.
142 Sensei Cliff offered to get me a print out of the log on history but I didn't really need
143 to know which computers Fatalflaw and Shockwave had posted from since the
144 pertinent information was that they had posted from different computers in the same
145 room.

146 I also tried to talk to Taylor again about where s/he had been and what s/he had been
147 doing Saturday, March 11, when the KZMail was sent with the M_Space page link,
148 but her/his parents refused any more contact. I eventually obtained a search warrant

149 for Taylor's home computer. Our experts searched it and found no relevant
150 connections to the KZMail.com or M_Space.com websites, basically because it had
151 never supported an internet connection. This was no surprise though since Taylor
152 probably accessed both websites using the school-provided internet. Or, s/he could
153 easily have used a public computer with internet access. There are three internet cafés
154 and a public library in the downtown area alone that provide free internet access.

155 Next, I investigated Taylor's claim that someone stole her/his Fatalflaw name and
156 password from a school book. I checked with the eleventh grade science teacher who
157 discovered that the textbook used by Taylor, which had a school identification
158 number on it, had not been assigned to a current junior class student. Since it was an
159 extra copy, it had been shelved in the library with other school texts available for
160 students who needed access to their text books, but who didn't have them. I did find,
161 inside the cover of Taylor's old textbook, the Fatalflaw username and underneath was
162 a writing almost entirely crossed out, though upon closer inspection, I could still read
163 a word that looked like Kingcrag. Library staff informed me that students used the
164 textbooks occasionally, though they had no way of knowing which students or how
165 many students looked in any one text book.

166 Since I had no basis to believe someone other than Taylor was Fatalflaw and the
167 author of the KZMail and M_Space page, I decided to go ahead with criminal
168 cyberstalking charges. Ultimately, the County Attorney's Office decided to drop the
169 prosecution, mainly because the lack of traceability to the KZMail and M_Space page.
170 This is a problem our legislators need to deal with. Going into cyberspace, whether it
171 be chat rooms, interactive internet sites or sending and receiving emails from
172 unknown persons, can all be like going into the rabbit hole; there is no way to tell if
173 anyone is who they say they are in the cyberspace universe. It's a dangerous cauldron
174 of anonymity, full of predators, identity thieves and other criminals. Little good comes
175 out of cyberspace anonymity. Hopefully, someday, our legislators will wake up to this
176 and make some laws that require verifiable traceability of all electronic
177 communication. If such laws existed when this incident occurred, we would have
178 definitive proof that Taylor Williams sent the KZMail and created the M_Space page,
179 and Taylor Williams would have been convicted.

180 [Remainder of Page Intentionally Left Blank.]

181

182

183

WITNESS ADDENDUM

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

Signed,

Chris Hopp

Chris Hopp

SIGNED AND SWORN to before me on this 13th day of January, 2009.

Molly Johnson Giger

Molly Johnson Giger, Notary Public
State of Arizona

My Commission Expires: November, 1, 2011

STATEMENT OF MARTY D. ROBERTSON, MD

1 My name is Marty Robertson, and I am a family practitioner. I earned my BA at
2 Portland State University and my MD from the University of Oregon Health Sciences
3 Center, also in Portland. It is there that I did both my internship and residency in
4 family medicine.

5 I am a member in good standing with the Arizona Medical Board, and I am certified
6 by the American Board of Family Practice (“AMBF”), which means – I am proud to
7 say – that that I have met the most rigorous standards necessary to practice family
8 medicine, and I have achieved the highest level of education attainable in my field. I
9 have also earned what are called *Certificates of Added Qualifications* (“CAQs”). These are
10 offered in adolescent medicine, geriatric medicine, sports medicine, sleep medicine,
11 and hospice/palliative medicine, provided the physician has met additional residency
12 training requirements, which I did. My CAQs are in adolescent and sleep medicine.

13 Family practitioners provide treatment for a variety of medical illnesses, as well as
14 preventative care and health education for patients. We treat all family members,
15 regardless of sex or age. We perform a broad variety of tasks and are expected to use a
16 wide degree of creativity and latitude in our approach. We administer medications,
17 perform checkups, and provide preventative care and counsel. Many of us perform
18 minor surgery and still others – although certainly not I – deliver babies.

19 I chose family practice because there was a shortage of primary care physicians or
20 family practitioners, as we are more commonly called. This is due, I think, to three
21 primary factors: the lesser prestige associated with the specialty, the lesser pay within
22 the specialty, and the increasingly frustrating practice environment. In the United
23 States, physicians are increasingly forced to do more administrative work and to take
24 on higher malpractice premiums because of wildly profitable insurance monopolies
25 that charge ridiculous amounts. But I digress. In my particular case, the AMBF
26 requires me to pass a series of annual competency tests in various areas within my
27 specialty, as well as in other areas outside my specialty, so that I am better able to
28 diagnose my patients or refer them to further treatment.

29 One of these areas is anxiety disorders, which affect nearly four million Americans
30 each year. The anxiety disorders include panic disorder (with and without a history of
31 agoraphobia), agoraphobia (with and without a history of panic disorder), generalized
32 anxiety disorder, specific phobia, social phobia, obsessive-compulsive disorder, acute
33 stress disorder, and post-traumatic stress disorder. In addition, there are adjustment
34 disorders with anxious features, anxiety disorders due to general medical conditions,

35 substance-induced anxiety disorders, and the residual category of anxiety disorder not
36 otherwise specified.

37 The exact cause of Generalized Anxiety Disorder, or GAD, is not fully known, but a
38 number of factors – including genetics, brain chemistry and environmental stresses –
39 appear to contribute to its development. As to genetics and its role in GAD, some
40 research suggests that family history plays a part because the tendency to develop
41 GAD may be passed on in families. With regard to brain chemistry, GAD has been
42 associated with abnormal levels of certain neurotransmitters in the brain.
43 Neurotransmitters are special chemical messengers that help move information from
44 nerve cell to nerve cell. If the neurotransmitters are out of balance, messages cannot
45 get through the brain properly. As a result, it can alter the way the brain reacts in
46 certain situations, leading to anxiety.

47 In my experience as Jamie Anderson’s physician, however, the GAD is definitely
48 environmental resulting directly from her/his having received repeated threats from a
49 cyberstalker. I have been the family doctor for the Andersons since s/he was six years
50 old. Jamie has had routine physical examinations throughout the years I’ve known
51 her/him. While it’s true that other factors such as abuse, the death of a loved one,
52 divorce, or changing jobs or schools, could lead to GAD, none of these is relevant in
53 Jamie’s case, and s/he has never displayed any signs of mental illness or psychological
54 disorder. There is no history of severe physical ailment or medical condition in the
55 family. In fact, the most serious thing for which we’ve treated Jamie was a broken
56 nose, after s/he got hit in the face with a soccer ball.

57 Jamie had an annual physical in December of 2007, and then came to see me in April
58 of the following year. S/He was experiencing a variety of symptoms such as heart
59 palpitations, sweating, insomnia, shortness of breath, feelings of panic, and so on.
60 S/He described having several of these episodes, most recently in March of 2008,
61 which s/he attributed to fears stemming from several cyberstalking incidents.

62 The symptoms s/he told me about led me to consider that perhaps s/he was suffering
63 from generalized anxiety disorder. This is usually treated with medication, specific
64 types of psychotherapy, or both. Treatment choices depend on the problem and the
65 person’s preference. But well before treatment begins, the doctor must conduct a
66 careful diagnostic evaluation to determine whether the symptoms actually are caused
67 by GAD or a physical problem. Accordingly, I ordered a variety of tests including an
68 MRI and a CAT scan, which didn’t reveal anything out of the ordinary. As a matter of
69 fact, the results were all well within normal ranges. What was of note, however, was
70 that since her/his last physical s/he had dropped 13 pounds; this is hardly typical for a
71 happy teenager. When all possible physiological ailments were ruled out, I diagnosed

72 Jamie's condition as GAD, and my conclusion was confirmed by an independent
73 psychological evaluation conducted at St. Winstons. It was then necessary to decide
74 upon a treatment course for Jamie.

75 As I mentioned previously, the two primary ways to treat GAD are medication and
76 psychotherapy, either alone or in combination. For instance, I could have put
77 her/him on benzodiazepines which are sedatives. They have the advantage of easing
78 anxiety within 30 to 90 minutes, but they can be habit-forming if taken for more than
79 a few weeks. The most commonly prescribed among these are Xanax, Librium,
80 Klonopin, Valium and Ativan. Unfortunately, all of them can cause unsteadiness,
81 drowsiness, reduced muscle coordination and problems with balance. A different type
82 of anti-anxiety medication often prescribed for GAD is BuSpar. While this medication
83 typically takes several weeks to improve symptoms, it doesn't pose a risk of
84 dependence, but a common side effect is a brief feeling of lightheadedness shortly
85 after taking it. Less common side effects include headaches, nausea, nervousness and
86 insomnia. As a result, I did not consider any of these drugs suitable to treat a high
87 school student.

88 As for the psychotherapy, cognitive behavior therapy, which helps the patient identify
89 unhealthy, negative beliefs and behaviors and replace them with healthy, positive
90 ones, can help improve symptoms of GAD. It's based on the idea that the patient's
91 own thoughts — not other people or their actions — determine how you react. In
92 this way, even if an anxiety-producing situation doesn't change, a patient can change
93 the way s/he thinks about it or responds to it. This is generally a short-term treatment
94 and emphasizes learning to develop a sense of mastery and control over your
95 thoughts and feelings. That's something I told her/him to discuss with the therapist I
96 referred her/him to.

97 Treatment for GAD is tailored to each person and given the severity of the feelings
98 Jamie was experiencing related to the cyberstalking, it was a matter of some concern
99 about how best to proceed. After all, the symptoms were severe enough to warrant
100 more potent prescription drugs, and I certainly didn't want her/him to suffer
101 unnecessarily. Nonetheless, I settled on a dose of 15 mg twice a day of Lamaprox, a
102 very mild, non-habit-forming sedative, believing that if that weren't strong enough,
103 then Jamie could discuss it with the therapist.

104 I also encouraged Jamie to learn some stress management techniques and explained
105 the preliminary evidence showing that aerobic exercise may have a calming effect on
106 those who suffer from GAD. Finally, since caffeine, certain illicit drugs, and even
107 some over-the-counter cold medications can aggravate the symptoms of anxiety
108 disorders, I cautioned against ingesting any of those. I suggested s/he stay on the

109 medication and continue therapy for at least a year, even if the GAD symptoms
110 dissipated.

111 It is my professional, medical opinion that Jamie's GAD is a direct consequence of
112 the cyberstalking directed at her/him on the internet and in the chat rooms. Let's not
113 forget about that young girl, Megan – she was from Missouri I believe – who
114 committed suicide after being harassed on the internet by an anonymous person.
115 Imagine how fearful it would make you to wonder if every person you saw or passed
116 in the hall or on the street might be “the one?” It isn't surprising in the least that
117 Jamie has developed GAD. As I mentioned previously, I've known her/him for years
118 now, and there has never been even a hint of GAD until this cyberstalking business.
119 Further, s/he has always been an excellent, confident student and nothing in her/his
120 personal life has happened to change that except the cyberstalking incidents.

WITNESS ADDENDUM

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

Signed,

Marty R. Robertson, MD

Marty R. Robertson, MD

SIGNED AND SWORN to before me on this 22nd day of December, 2008.

Molly Johnson Giger

Molly Johnson Giger, Notary Public
State of Arizona

My Commission Expires: November, 1, 2011

STATEMENT OF TAYLOR WILLIAMS

1 I am Taylor Williams and am almost 19 years old. I graduated from Lincoln High
2 School in 2008. I live at home with my parents and plan to go to college next year. A
3 lot of the schools I applied to would not let me in with criminal charges pending.
4 Since my name was cleared this fall, I should be able to go to any school I want.
5 Unfortunately, I didn't get the valedictorian scholarship due to Jamie Anderson's
6 bogus charges, and really thin skin. I graduated third overall, nonetheless. It's looking
7 like I'll be able to afford tuition with some of the aid packages I've been offered.

8 I plan to major in psychology with a minor in law enforcement. I am very interested
9 in studying first-hand accounts of how victims survive traumatic events, their thought
10 processes, their physical strengths and stuff like that. I mean, if we all knew what it
11 took to survive a terrible situation, we'd be able to learn to withstand just about any
12 terror we could ever expect. I think my research is going to be very useful someday. I
13 have an honest curiosity about these things. I think most people have some interest in
14 this topic, though not my LHS classmates.

15 When I was at LHS, I often used the computers in the lab to conduct internet
16 research or to access the LHS senior class chat room or school email. My parents are
17 very caring, but they believe it is a waste to spend money on computers and other
18 tech stuff. Plus, buying a new computer would have been an economic burden on my
19 parents. They did permit me, however, prior to my senior year, to accept a used
20 computer so I could write my papers and stuff but it didn't have internet connection,
21 which really limited its usefulness. As a result, I was still a regular in the computer lab
22 my senior year while school was in session, plus I was friendly with Sensei Cliff, the
23 lab monitor. When school was out of session and during weekends, my only option
24 was to access the internet at the public library downtown.

25 The school chat room was a great way to share my thoughts. Student reaction to my
26 posts often provided me great insight into my area of interest. My interest has always
27 been purely academic. That said, I absolutely deny ever writing anything, under my
28 senior year pseudonym, Shockwave, with intent to threaten any specific person. I only
29 ever posted during my senior year as Shockwave, period. I was not Fatalflaw and had
30 nothing to do with Fatalflaw's chat room threats to Jamie or with the KZMail, or the
31 M_Space page. Fatalflaw was a name I used my junior year that someone obviously
32 stole and used to set me up.

33 Anyone with half a brain who reads my posts in context will immediately discover
34 that Jamie's claims are bogus. It's when you pull the dialogue apart and start looking
35 for ugliness that it appears possibly threatening. On March 8, I made only two

36 comments. The first was right after Fatalflaw had posted something about “Jammin”
37 wearing school colors all week. My immediate thought was that it was strange
38 someone had resurrected my username Fatalflaw from my junior year. I guess I
39 assumed someone recalled the name and thought it really cool, which I guess was kind
40 of an honor. Anyway, looking back, I should have suspected a set up of some kind
41 and reacted more strongly, but hindsight is 20/20. Someone even asked if I knew
42 Fatalflaw and I said “Aware of flaw.” What I meant was kind of a double meaning: I
43 knew of “a flaw” that allowed use of my old username.

44 On March 9, I posted some discussion specifically related to a history class discussion
45 on criminals and crime. I interjected my philosophy about how some criminals use
46 fear to control. Lots of students are often upset by this reality. I also wondered out
47 loud how we students could handle being victims and suffering from pain, noting that
48 doctors study that stuff all the time. My comment about whether “Jam” would
49 volunteer to be the subject of such a study was just a tweak at Jamie. I pretty much
50 knew Jamie was Jammin@LincolnHS given the name Jammin and because we’d both
51 been posting on the senior class chat room all year. Jamie pretty much provided clues
52 to her/his identity over the course of the year by stating that s/he ran cross country,
53 played soccer, was in certain classes, etc. I bet you that by the end of our senior year I
54 could have identified half the regular posters. Our class was only about 200 students
55 anyway, so the pool wasn’t that large. Like I said, I was only joking about whether Jam
56 would volunteer for a study.

57 This discussion from March 9 continued and I tried to steer the conversation to the
58 area of my academic interest, fear and victimization. Our history class had discussed
59 torture camps. Anticipating something dreadful is often worse than the actual
60 happening, when it finally occurs. Like going to the dentist. You think how awful it's
61 going to be, but then you do it and it's not all that bad. Fear gets to you, as I posted in
62 the chat. Jamie, not surprisingly, called me a “freak,” and I just kind of overreacted
63 and said “Jam is full of fear. Would make a great experiment.” I was poking fun at
64 Jamie again, kind of an inside joke at how scared Jamie is of her/his own shadow. Let
65 me explain.

66 Jamie and I used to be friends back in elementary school, but we lost contact. As kids,
67 when we played together, Jamie was always afraid of doing things. Anyway, we had
68 an incident at a bus stop in seventh grade when a friend and I were pretending we had
69 some chemicals in a water bottle. My friend spilled the water on Jamie and s/he
70 became hysterical, thinking it was poison or something. S/he wouldn’t get on the bus
71 and Jamie’s parents had to pick her/him up. I thought it was hilarious, but it did kind
72 of end our friendship.

73 Plus, there was an incident our junior year. Jamie was mad because I was allowed to
74 do an extra credit report in English class on Jack the Ripper. As I was giving my
75 report Jamie became so unsettled that s/he got up and walked out during my
76 presentation. Can you imagine someone doing that! Actually, I think what most upset
77 Jamie was that a few students, including Jamie's sidekick Casey, were enthralled by my
78 report, asking all kinds of questions about Jack the Ripper. It was really cool actually
79 to have inspired that response. I don't quite understand why Jamie and some others
80 freaked out. I wasn't exposing any deep dark psychological secret or showing pictures
81 you can't see every day on regular television programs. But, that's the kind of stuff
82 that interests me; some of us are weaker than others and can't handle the darker side
83 of life. Anyway, I logged out on March 9 after I made the comment about Jam being
84 full of fear.

85 On March 10, I logged on to discover that students were re-hashing the chat from the
86 day before about pain and suffering. Someone accused me having identified Jammin,
87 which I admitted. They also raised the same old stuff about how I was nuts. I prefer
88 the word "mad." It's so much more poetic, somehow. Loads of highly productive and
89 famous people have been thought to be mad, but they still gain fame and fortune for
90 their thought processes. I tried to explain that I was just expanding upon the history
91 class discussion. I also played along with their lack of sophistication and stereotype of
92 me, admitting I was "a bit mad" but that madness gave me "direction, focus and an
93 outlet for my aggression." When I saw Jam log on again, I needled Jam to come out
94 and play with the rest of us. All I meant was for Jam to join the conversation.

95 I stayed logged on while Fatalflaw joined the group. I was surprised again to see that
96 name – my name actually – from the year before. Flaw seemed interested in the
97 substance of the discussion about pain and the like. I discussed how many of us will
98 be victims at some point in our lives. Flaw didn't stay with the discussion for long
99 though and logged off. I was disappointed; I thought I had a compatriot out there. I
100 then accused Jammin of chickening out by not posting. I tried to keep the discussion
101 going but no one would bite. Then I logged off. And for all this, I was almost
102 prosecuted for a crime and am sitting here today.

103 I understand that the main reason this case exists is because Jamie believes I was
104 Fatalflaw on the chats, and the person who created the KZMail and M_Space page. I
105 was not. As noted, my senior year I registered the username Shockwave with
106 password Jtripp06, after Jack the Ripper. The year before I registered as Fatalflaw
107 with the password Kingcrag. I thought initially, when this whole situation arose, that
108 someone just re-registered my old username Fatalflaw, and used their own new
109 password. I later found out from Officer Hopp that wasn't the case. Our old

110 usernames and passwords were supposed to expire at the end of each school year. I
111 guess the school technology staff really screwed that up.

112 Nonetheless, whoever was Fatalflaw had stolen my identity somehow. As I explained
113 to Officer Hopp, I'm absolutely positive that I had written Fatalflaw/Kingcrag
114 information inside my English book from junior year and I had turned it in without
115 erasing the information. This had been my "flaw." I understand that book was found
116 in the library and that lots of students have seen it. I'm also absolutely positive that
117 the person Jamie is looking for looked in that book. Another thing. Whoever found
118 my name in the text book probably knew Fatalflaw was me. During my junior year, I
119 was, as Fatalflaw, a well known and frequent poster, not only in the junior class chat
120 room, but in other chat rooms. I was just one of those people who could dominate a
121 chat room discussion. I know for a fact that lots of regular posters figured out that I
122 was Fatalflaw, because they would ask me around school.

123 There are just too many other reasons I am not the guilty party here. How could I be
124 two people at one time? For instance, on March 10, both Fatalflaw and me, as
125 Shockwave, logged on to chat at the same time. It would be so obvious something
126 were up if I had been hopping around from computer to computer. Also, there is a
127 posting from March 9 at 4:42 by Fatalflaw. Problem is, I wasn't near a computer then.
128 I had logged off at 4:16 to run across the hallway for a 4:15 interview with the Sensei.
129 I was writing an article for our on-line newspaper about on-line research, which I was
130 becoming an expert at. The meeting lasted about half an hour then I went home. I'm
131 sure Sensei Cliff recalls it. I told this to Officer Hopp. Furthermore, I don't have the
132 technology at home, or the expertise, to have opened a KZMail account or to have
133 created the M_Space page. Plus, no way I could have sent that KZMail on Saturday. I
134 was driving around all day delivering food from 12:30 PM to 8:30 PM for a
135 downtown Chinese food place I worked for on weekends. This could have all been
136 cleared up if someone would have just checked.

137 Why would I do this anyway? Jamie thinks I tried to knock her/him out of the top
138 spot in class rankings and win the Gugel scholarship, worth \$15K per year. But Jamie
139 and I were not the only ones trying to win the scholarship. There were probably over
140 a dozen students who could have won the big money if Jamie and I were out of the
141 way. Nonetheless, the school and police never questioned any of the other top
142 students, they just went straight for me because it was easy and they didn't want to
143 upset all the parents. Like I said, I ended up ranked third. Even Jamie's sidekick
144 Casey, who ended up eighth, was ahead of Jamie. That must have killed Jamie.

145 I think this is all a ploy and that Jamie may even been involved. Jamie certainly had a
146 motive to get me in trouble. Jamie probably never forgot about the bus stop incident,
147 which I admit was a little bit mean, but it was over five years ago. Get over it. Maybe

148 it was the Jack the Ripper incident junior year. Jamie seems to think we have some
149 sort of feud ever since seventh grade, but really all of this drama is going on inside
150 her/his head. Jamie, I guess always saw me as some sort of competition for her/him
151 and needs excuses for her/his inadequacies. Really s/he is not that smart. It's funny
152 how the popular athlete types always think things should go their way. That's not the
153 way the world works and the sooner they learn it the better off they will be. You can't
154 blame someone else for your own problems.

155 Finally, I have to clear up one thing Jamie alleged, which is that I threatened Jamie in
156 the school cafeteria while this alleged cyberstalking was going on. Never happened.

157 If anyone is the victim here it is me. Not only was I actually arrested, but I was like
158 the first person ever to be charged with cyberstalking in the entire state. Plus, my
159 grades suffered, I lost the Gugel, I couldn't get into college this year, and on top of
160 that, Jamie is suing me. I guess this is what you get for being too smart, for wanting to
161 enlighten classmates, for wanting to excel. Everyone is jealous and I am paying the
162 price. My future has been placed in jeopardy because Jamie got spooked by things I
163 did not even write.

WITNESS ADDENDUM

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

Signed,

Taylor Williams

Taylor Williams

SIGNED AND SWORN to before me on this 14th day of January, 2009.

Molly Johnson Giger

Molly Johnson Giger, Notary Public
State of Arizona

My Commission Expires: November, 1, 2011

STATEMENT OF PAT CLIFFORD

1 My name is Pat Clifford and I was a computer instructor at Lincoln High School from
2 2006-2008. I started there right after college where I majored in computer engineering
3 with a minor in computer systems analysis. I really have the Midas touch with
4 computers. I was so good, in fact, that my friends call me Sensei Cliff. Plus, I'm kind
5 of into Eastern philosophy. Anyway, I couldn't find a job initially that was worthy of
6 my degrees, so LHS was more than happy to have me. It was a good first job, as it
7 turned out. The kids were fun. I left Lincoln though at the end of last year and started
8 up my own business called Sensei-tional Technologies. I've been at it for less than a
9 year but I'm already raking in more than at Lincoln High School, though I don't get
10 summers off.

11 I'm proud of what I accomplished at Lincoln High School though. I pushed for more
12 computers dedicated to student use and rehabbed a dozen or so computers that were
13 on the shelf. I was like my own MASH unit for disabled computers. I created the
14 school chat room system, added students to the school email system and doubled the
15 number of internet connections for student computers. I'm still amazed how many
16 students didn't have internet access from their homes. It was the only way to keep the
17 playing field somewhat even, though.

18 Computers dedicated for students only were housed two places at LHS: the computer
19 lab and a lounge just off the library, on the second floor. Thanks to me, I had all
20 thirty-five lab computers up and working last year, plus another ten in the library.
21 From any of these computers, students could access the internet without needing to
22 log on. The web browser was right on the desktop. The reason access was so easy was
23 that internet surfing was pretty strictly monitored by Super Scout, a program that
24 collects logon data and blocks inappropriate websites, downloads of MP3 files, for
25 instance, or uploads of videos or picture files; you know, all the things students really
26 like to do. We didn't spoil all their fun though; they could still visit sites like UTube,
27 FaceBook and M_Space.

28 Students could also access the school's network from any computer. That network
29 had two main features; access to school email and school chat rooms. These were log
30 on only resources though. In order to log on, the student had to have registered a
31 username and password of their choice. The great thing about the network was that
32 students could access it from non-school computers via the internet.

33 The best part of my job was setting up this stuff; the worst part was monitoring the
34 computer lab after school, when it was especially busy. It was more like babysitting
35 actually. Fortunately, my office and desktop were across the hallway from the lab,

36 which was convenient since kids could come over to me when they needed my
37 expertise. I was also responsible for logging into the chat rooms from time to time to
38 make sure the kids were discussing appropriate topics; I was supposed to provide an
39 adult presence.

40 The lab computers were arranged in cubby holes and provided students some privacy.
41 Unless you were standing right behind them, you couldn't see what a student was
42 writing or reading. The library computers are monitored by library staff but they
43 didn't have much to do since most students preferred the lab because the library
44 computers were out in the open for anyone to see. The school computers were
45 available until 6 PM on school days.

46 I first became aware of this incident between Jamie and Taylor on Tuesday, March 14,
47 of 2008. The Principal introduced me to a cyber crimes investigator named Chris who
48 told me s/he was investigating alleged cyberstalking claims made by senior Jamie
49 Anderson against registered users Fatalflaw and Shockwave arising in an LHS senior
50 class chat room. Although I didn't say anything to Chris, I just about laughed out loud
51 at the notion cyberstalking could happen in a school chat room. All the users are
52 registered and all chat is traceable. Who would be so stupid? I mean, in the pantheon
53 of chat rooms, school chats are romper rooms compared to what might await a poor
54 teenage student on open internet chats, where no one is who they say they are.
55 Surprisingly, I kept my mouth shut and dutifully printed out copies of all chat room
56 dialogue involving Jamie's pseudonym, Jammin@LincolnHS, and Fatalflaw and
57 Shockwave.

58 Upon request, I accessed records that showed Shockwave was Taylor Williams with
59 the associated password Jtripp06. I couldn't find Fatalflaw's registration which
60 confounded me. The name looked familiar though, and I recalled that Taylor Williams
61 had been Fatalflaw the year before. I think everyone who visited chat rooms knew
62 that. Taylor had a real unique voice in the chat rooms. Anyway, I went back and
63 verified Taylor was Fatalflaw and Kingcrag the password.

64 The Fatalflaw username and password should have been automatically deactivated at
65 the end of Taylor's junior year. For the life of me, I never did figure that one out.
66 Some day, when I can meditate on it, I'll find the answer. In the meantime, I checked
67 for Chris and discovered that during the 2007, school year, Fatalflaw's first log on was
68 not until March 6, 2008. I thought Fatalflaw's March debut pretty odd, and suggested
69 to Chris that someone must be using Taylor's old username, or, God forbid, had
70 hacked the system.

71 I also checked the logon history from the week of March 6 of all the chats involving
72 Jammin, Shockwave and Fatalflaw. I discovered that Jammin/Jamie posted exclusively
73 from non-school computers and that Shockwave/Taylor's postings were all done
74 from LHS computers located in the lab. Fatalflaw also made all her/his postings from
75 the lab, except for the March 6 posting, which was from a library computer. I could
76 even tell from which computer the postings were made since I knew the IP address.
77 An IP address – Internet Protocol Address – is a unique number assigned to a
78 computer and other devices, like printers and fax machines so they can identify and
79 communicate with each other on a computer network. It's kind of equivalent to a
80 street address or a phone number.

81 I told Officer Chris that I saw Taylor Williams in the lab after school every day that
82 week. The lab, in fact, had been very busy the week of March 6 because it was right
83 before third quarter exams. It was pretty much filled to capacity every day, even on
84 Friday, though most of the students were gone by 5:00 or 5:30 that day. If you ask me
85 specifically who was there that week, I couldn't tell you because it was well over a
86 hundred kids. If I had the log on history though, I could at least identify students who
87 had logged on to chat rooms or email from school computers, though not if they just
88 went on the internet. Chris never asked for it though, but must have known such a list
89 likely existed, given s/he's a cyber crimes expert.

90 Chris did ask me if I noticed Taylor moving around a lot in the lab, and I said no. I
91 told Chris that Taylor did leave the lab early on Thursday, March 9, because s/he was
92 interviewing me for an article s/he was writing for the school newspaper about on-
93 line research. I told Chris that the meeting had been scheduled for 4:15, though we
94 started a few minutes late. I'd guess about 4:20. It lasted around a half an hour, after
95 which I chased Taylor home.

96 Taylor was, by the way, a regular in the lab and chat rooms during the two years I was
97 at LHS. Taylor was an extremely serious student who was one of the few kids who
98 used the chat rooms as an educational tool. Taylor's folks couldn't afford a computer
99 so the school resources were a godsend. I kind of grew fond of Taylor last year even
100 though s/he could be too serious and occasionally brooding, which was not my style.
101 Actually, I trusted Taylor so much that before this happened, I would let Taylor stay
102 and work in the lab beyond 6 PM so long as Taylor turned off the lights and locked
103 up. Taylor never once betrayed my trust.

104 This little high school drama between Jamie and Taylor made some of the LHS big
105 wigs consider closing the chats. I got sucked into that bureaucratic black hole,
106 attending meeting after meeting with the Principal, Superintendent, other staff and
107 Jamie's mother. The students clearly like the chats and since they used pseudonyms,

108 they were at liberty to discuss topics they wouldn't otherwise discuss. LHS eventually
109 sided with me, but has since adopted a policy that all students sign in, with pen and
110 paper, to both the computer lab and library lounge. Might as well have them chisel
111 their names in stone. As I told Chris, the log on history for email and chat room usage
112 was basically the same as a pen and paper sign in sheet. And it was actually better
113 since it identified which computer was used by the IP address. S/he said all she
114 needed to know was that Fatalflaw and Shockwave had both posted threats from
115 school computers. Anyway, that log on information is gone now, having been deleted
116 out of the system at the end of the school year in June 2008. LHS needed the space.

117 I do need to mention that, before they register, students agree to adhere to written
118 guidelines, including an obligation that they hit the "panic" or "red button" in case
119 something alarms them in a chat room. The panic button was used a few times during
120 my time monitoring the LHS chat rooms and on one occasion, I had to deactivate a
121 user account. That was the time when a student I'll call Larry left a computer
122 workstation without logging out of a chat room. The next student, I'll call Moe, sat
123 down and saw an opportunity. Moe posted a message that Larry was madly in love
124 with another student, let's call her Curly. This embarrassed both Larry and Curly, who
125 were not really in love at all, though they were a bit co-dependent. Curly hit the panic
126 button and I ended up deactivating Moe's account.

127 Same thing here: Jamie could have controlled this situation early on by hitting the
128 panic button after the first or second message from Fatalflaw. Had Jamie followed the
129 guidelines, I would have deactivated Fatalflaw. Or even better, had Jamie hit the panic
130 button early on, I could have set up the system so that I would be alerted on my
131 desktop if Fatalflaw logged on. I would have been able to discover which computer
132 Fatalflaw was using and discover her/his identity.

133 I do find it very feasible that someone stole Taylor's Fatalflaw username and
134 password from a textbook. It's just very common for students to forget their
135 passwords. They will often write their usernames, passwords, email addresses and
136 other information on the covers of books or notebooks. I've even found this kind of
137 information written on mirrors in the restrooms. It may be a bit surprising, but
138 identity theft does not only occur with credit cards. We try to tell them to keep that
139 kind of information strictly confidential, but kids these days, can't make 'em listen.
140 Seems to me, Taylor is the victim here, guilty only of not protecting her/his identity.

141 As to whom the identity thief might have been, I'm not quite sure. Maybe it was one
142 of the kids competing with Taylor for the 2008 Gugel scholarship. One of my
143 extracurricular jobs at Lincoln was as a member of the academic awards committee.
144 The only actual reason I joined was because I got to meet Sue Gugel, a former LHS

145 grad and current Silicon Valley goddess, who endowed the scholarship. Anyway, the
146 competition for the 2008 scholarship was exceedingly fierce. There were about fifteen
147 students at the beginning of that school year who had a legitimate shot to win. There
148 was just way too much pressure on the kids, and the teachers too, who had to worry
149 about every grade they gave out. I think competition is a good thing, but truthfully, it
150 made this particular group turn nasty. Teachers who'd been at Lincoln a long time
151 commented on how ugly things were at the top of the class. There was just a bad vibe
152 all year long, and not just between Taylor and Jamie.

153 Another reason someone might have tried to set Taylor up is because Taylor was kind
154 of an easy target. I mean, her/his areas of interest were pretty dark, and just too
155 different given the sometimes stifling conformity that appeals to many high school
156 students; plus, I don't think Taylor had a whole lot of friends, so far as I could tell. As
157 for Jamie, I only know a little bit about her/him from reading her/his posts in the
158 chat rooms. I couldn't get a good feel for Jamie except that s/he seemed a bit meek. I
159 thought Jamie should have confronted Fatalflaw when this all came about. Casey
160 Waller I didn't know at all. Casey had been registered in the school network as
161 CWALLYRICH, but records showed Casey never used the chat rooms, only email.

162 I've since had the chance to read through all the chat room dialogue at issue and there
163 is nothing in there written by Taylor, as Shockwave, that is remotely inappropriate. I
164 should know since it had been my job to make such judgments as the chat room
165 monitor. The stuff Fatalflaw wrote does seem to cross the line, especially when
166 considered with the KZMail and M_Space page that Fatalflaw created. But it's pretty
167 clear to me that this case is about identity theft.

168 [Remainder of Page Intentionally Left Blank.]

WITNESS ADDENDUM

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

Signed,
Pat Clifford
Pat Clifford

SIGNED AND SWORN to before me on this 15th day of January, 2009.

Molly Johnson Giger
Molly Johnson Giger, Notary Public
State of Arizona

My Commission Expires: November, 1, 2011

STATEMENT OF SYDNEY FREED, PhD

1 My name is Sydney Freed, and I have had a clinical psychology practice for 17 years. I
2 have treated a number of patients over the years for a variety of illnesses including
3 those resulting from the patient having been a victim of stalking. I have also treated
4 patients accused of stalking. Most recently, I have been seeing an increasing number
5 of patients who have been the victims of cyberstalking. As my attached Vita indicates,
6 I have written articles and given presentations on stalking. I have also reviewed
7 research that has looked at the impact of stalking on the victim's psychological
8 condition.

9 I was engaged by defense counsel for Taylor Williams and asked to interview and
10 evaluate Jamie Anderson. In preparation, I reviewed the statements of Jamie
11 Anderson and Taylor Williams; the Senior Class Chat Room Dialogue Excerpts of
12 March 6, 2008, March 8, 2008, March 9, 2008 and March 10, 2008; the KZMail to
13 Jamie Anderson from March 11, 2008; the M_Space Page; Jamie Anderson's High
14 School Transcript and Anderson's medical record as prepared by Marty R. Robertson,
15 MD.

16 I conducted my evaluation of Jamie Anderson on November 30, 2008. Based on my
17 extensive interview and my review of the aforementioned documents, I must say that
18 while I agree with Dr. Robertson's diagnosis that Jamie Anderson suffers from
19 generalized anxiety disorder, I disagree strenuously with the notion that the GAD was
20 brought on by any of these so-called cyberstalking incidents Anderson describes.
21 Frankly, it is my opinion s/he is exaggerating by quite a bit the psychological trauma
22 s/he claims resulted from the events and instead suffers from GAD brought on by
23 either genetics or brain chemistry. There is simply no evidence to suggest that
24 environmental stresses, the third known cause of GAD, were extreme enough to have
25 caused the onset of GAD.

26 Anxiety, the body's reaction to a perceived, anticipated or imagined danger or
27 threatening situation, is a common occurrence. Most people experience it before or
28 after a stressful event, such as an important presentation or a traumatic loss. A little
29 anxiety isn't always a bad thing, either: it can help motivate you to do your best and to
30 respond appropriately to danger. Sometimes, though, anxiety develops spontaneously,
31 even when a stressful or threatening situation isn't immediately apparent. According
32 to the National Institutes of Mental Health (NIMH), persons with generalized anxiety
33 disorder anticipate disaster and are overly concerned about health issues, money,
34 family problems, or difficulties at work.

35 For instance, a co-worker's careless comment about the economy becomes a constant
36 vision of an imminent pink slip; a spouse's criticism of a new outfit becomes dread
37 that the marriage is over. People with generalized anxiety disorder usually realize that
38 their anxiety is more intense than the situation calls for, though some convince
39 themselves that their worrying is protective or otherwise helpful. Either way, people
40 with GAD can't seem to turn off the worry. Sometimes just the thought of getting
41 through the day produces anxiety. Most people with GAD don't avoid workplace or
42 social situations, but they go about their activities filled with exaggerated worry and
43 tension, even though there is little or nothing to provoke them. For others, the
44 anxiety and physical symptoms of generalized anxiety disorder interfere significantly.

45 General anxiety disorder goes far beyond the type of anxiety that most of us
46 experience. It is characterized by excessive, exaggerated anxiety and worry about
47 everyday life events. People with symptoms of generalized anxiety disorder tend to
48 always expect disaster and can't stop worrying about health, money, family, work or
49 school. In people with GAD, the worry often is unrealistic or wholly out of
50 proportion for the situation. Daily life becomes a constant state of worry, fear and
51 dread. Eventually, the anxiety so dominates the person's thinking that it interferes
52 with daily functioning. When worry becomes so excessive and persistent that it limits
53 or inhibits a person's daily activities, it becomes a disorder that needs to be recognized
54 and treated and I'm convinced that's the situation we have with Jamie Anderson.

55 While Jamie Anderson was a senior at Lincoln High School, s/he was the target of so-
56 called cyberstalking in the aforementioned four Senior Class chat room dialogues. A
57 threatening KZMail was also sent to Anderson on March 11, 2008, which referred to
58 an M_Space page. The M_Space page showed a digital photo of Anderson's bedroom
59 window and incorporated the chat room dialogue. Anderson reported the chat room
60 incidents to her/his parents on March 10, 2008, and they took her/him to the police
61 that very day to file a formal report. A couple of days later, Anderson's parents
62 reported the KZMail and M_Space page to the police. Taylor Williams, a class mate
63 and at one time a friend of Jamie's, has admitted to making some of the less
64 threatening statements in the chat room, but s/he has denied making the remainder of
65 the statements or creating the KZMail or the M_Space page.

66 Jamie Anderson presents no obvious physical ailments although s/he complains that
67 as a result of the cyberstalking, s/he has experienced a variety of problems including
68 trouble sleeping, weight loss, difficulty concentrating in class, increased anxiety levels,
69 fear of bodily harm, lack of motivation, and loss of self-esteem. Anderson also
70 describes experiencing panic attacks and claims that s/he is still having these
71 symptoms, although s/he does admit that over six months after the cyberstalking

72 incidents, the symptoms are less severe. During the interview, Anderson appeared
73 slightly nervous, but I noted nothing I would consider to be out of the ordinary.

74 My review of the medical records shows that on April 25, 2008, Anderson's physician
75 concluded Jamie was suffering from GAD. As I mentioned earlier, I agree with
76 Robertson's diagnosis. However, I was quite surprised that s/he prescribed only
77 Lamaprox, a mild, non-habit forming sedative to treat Anderson; with the symptoms
78 Anderson alleges, I would have expected Robertson to have prescribed one of the
79 benzodiazepines or anti-depressants. What is more surprising, however, is that during
80 the evaluation I conducted of Anderson, I learned that s/he has discontinued the
81 drug.

82 Based on my interview with Anderson, my extensive experience treating victims of
83 stalking, and my review of relevant research in the area, it is my opinion that
84 Anderson is grossly exaggerating her/his symptoms – most likely for the purpose of
85 increasing the amount of damages s/he might recover in her/his pending lawsuit
86 against Taylor Williams.

87 I base this opinion on the fact that when a victim of stalking experiences
88 psychological symptoms like the symptoms Anderson is trying to claim, a very
89 different set of circumstances exist. For instance, in a true stalking situation where
90 emotional or psychological damage occurs, one would expect the victim to have been
91 in a prior intimate relationship with the stalker and to have been either actually
92 exposed to or threatened with violence. In addition, we generally see the stalker
93 following the victim or conducting some type of surveillance of the victim. Also, you
94 would expect to see the victim subjected to a broad variety and numerous instances of
95 stalking activities over an extended period of time about which the victim would have
96 been reluctant to formally report to authorities. Additionally, it is highly unusual for a
97 stalking victim's academic career to suffer.

98 Contrast these facts with Anderson's case. The alleged stalker was a casual classmate
99 and not someone Anderson even knew very well. While I suppose one could say there
100 was an implied threat of violence against Anderson, s/he was never actually a witness
101 to or victim of any violence. I would agree that some of the chat room dialogue and
102 the digital picture of Anderson's bedroom window indicate the stalker conducted
103 some surveillance of Anderson's home, but s/he didn't actually follow her/him.
104 Further, while the stalking occurred in the chat room, through the KZMail and on the
105 M_Space page, the type of stalking was similar and does not constitute different types
106 of stalking activity. Also, there were, at most, only six separate stalking incidents, it all
107 lasted for a short period of time, and it was definitely not what I would describe as

108 intrusive. Finally, Anderson clearly was not reluctant to formally report the stalking
109 either to her/his parents or to law enforcement officials.

110 Based on the above, it is my opinion that Jamie Anderson has not suffered the
111 psychological injuries about which s/he complains or, at most s/he is exaggerating
112 those symptoms. Similarly, Dr. Robertson's diagnosis of generalized anxiety disorder
113 and her/his opinion as stated in Anderson's medical records that there is a possibility
114 that Anderson will never overcome the disorder completely and may be prone to
115 panic attacks the rest of her/ his life is supported neither by the research on stalking
116 nor by my experience treating stalking patients. Finally, it is my opinion that the
117 decline in Anderson's grades during the last semester of school was more likely caused
118 by the stress of competing for the valedictorian scholarship than by the stalking
119 incidents.

120

WITNESS STATEMENT

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

Signed,

Sydney Freed, PhD

Sydney Freed, PhD

SIGNED AND SWORN to before me on this 20th day of January, 2009.

Molly Johnson Giger

Molly Johnson Giger, Notary Public
State of Arizona

My Commission Expires: November, 1, 2011

EXHIBITS

CHAT ROOM EXCERPT, MONDAY, MARCH 6, 2008

Jammin@LincolnHS enters chat room at 4:57 PM

Jammin@LincolnHS: 4:58 PM Hi everyone. Is our history assignment from pp 399 to 414? BTW - Anyone in here seen the student play? Hamlet? 2B or not 2B

Cannonball: 4:59 PM Nope. Shakespeare ain't my bag. :(

Fatalflaw enters chat room at 4:59 PM

Southernbell enters chat room at 4:59 PM

Butters: 4:59 PM I heard it was good, but haven't seen.

Cannonball: 5:02 PM I'd rather be outside than in on a day like today.

Chancy5: 5:03 PM You already said that Cball, why don't you get off the computer and do something about it.

Micahforce: 5:05 PM Just walked by track on my way to lab. Joggers out in force. Go track team.

PhoebeS: 5:11 PM So why R we on our computers?

Jammin@LincolnHS: 5:11 PM I'm going out now. Get some PM sunshine and exercise.

Fatalflaw: 5:11 PM Jam's in the window. Exercise all you want, my friend, you won't be able to run fast enough.

Micahforce: 5:12 PM Jam, you run with the track team?

Southernbell: 5:12 PM If you do, run fast and win!

Jammin@LincolnHS: 5:13 PM Not on track team but on X country team in Fall. Come Spring, I'm a soccer star

Fatalflaw: 5:14 PM Not on the team, but practices nonetheless. In the window.

Cannonball 5:15 PM Fatalflaw, you're creeping me out. You are new here, aren't you. Don't I remember you from last year. Where'd U come from anyway? Gotta go ...

Jammin@LincolnHS exits chat room 5:15 PM

Canonball exits chat room at 5:17 PM

Fatalflaw exits chat room at 5:25 PM

* * *

CHAT ROOM EXCERPT, WEDNESDAY MARCH 8, 2008

Jammin@LincolnHS enters chat room 3:18 PM

Southernbell: 3:19 PM Anyone know if school doing a flag day celebration again?

Zulu: 3:21 PM Don't know but last year's celebration was a gas. Check the student bulletin board?

Southernbell: 3:21 PM did that. Nothing there.

Jammin@LincolnHS: 3:23 PM Last year's was cool. The color guard was awesome.

Fatalflaw enters chat room 3:23 PM

Fatalflaw: 3:24 PM Speaking of color, Jamming's been seen wearing school colors all week. Be careful, water bottles, sideline bottles, they don't always contain water, they can be deadly.

Southernbell: 3:24 PM What's that all about, why you keep talking about Jammin?

Fleetstreet: 3:25 PM Yeah, what's up?

Southernbell: 3:25 PM Talk like that can prompt a panic button alert, you goof.

Fatalflaw exits chat room at 3:26 PM

Shockwave enters chat room 3:27 PM

Shockwave: 3:28 PM Just read the chain. Nothing wrong with some gentle ribbing.No harm done. You guys should drop it.

Southernbell: 3:29 PM Guess you were not watching the other day, seems like Flaw is out to get Jammin. That's not what this chat room is for. You know teachers read this stuff, you goin' to get kicked off.

Jammin@LincolnHS: exits chat room 3:30 PM

Southernbell: 3:30 PM Fatalflaw been resurrected from last year, apparently. Hey Shockwave, you know FF2008? You two should get together sometime.

Shockwave: 3:31 PM Aware of Flaw. Not interested.

Shockwave exits chat room 3:32 PM

* * *

CHAT ROOM EXCERPT, THURSDAY, MARCH 9, 2008

Shockwave enters chat room at 3:45 PM

Jammin@LincolnHS enters chat room at 3:50 PM

TravellerX: 3:55 PM Anyone on from history? Some pretty strange stuff in that class.

Striker8: 3:55 PM like what?

Allthumbs enters chat room 3:57 PM

TravellerX: 3:58 PM like lots of talk about killing. Really freaky.

Shockwave: 3:59 PM Some criminals used fear as control; fear is stronger than chains and fences.

TravellerX: 4:00 PM Upset quite a few students in the class. Some had relatives who had been victimized. It was a sad class.

Southernbell: 4:01 PM My neighbor survived an assault. She absolutely never talks about it.

Striker8: 4:01 PM understandable not to talk about pain and suffering when it's been so close.

Shockwave: 4:03 PM Wonder if anyone our age would handle the situation well. Would be interesting to try to re-create the atmosphere.

Southernbell: 4:03 PM U R kidding? Who would want to do that?

Striker8: 4:04 PM Someone not quite right in the head.

Shockwave: 4:04 PM Don't call me crazy.

Striker8: 4:05 PM I didn't. But the thought of studying pain and suffering? Come on.

Shockwave: 4:06 PM It would be amazing to study pain and suffering. Doctors must do it all the time. Long-term effects of suffering could produce some interesting data. Volunteers? Hey, Jam you still here?

Jammin@LincolnHS: 4:08 PM just listening

Allthumbs: 4:09 PM Don't respond to that kind of comment.

Southernbell: 4:10 PM Yeah, Shok is as crazy as that Flaw character

Shockwave: 4:12 PM Listen good and respond or don't. Anticipation is what it's all about, and building fear. You never know when you'll be forced to face your greatest fear...suffocation, poison, torture, painful prolonged death.

Jammin@LincolnHS: 4:13 PM You're a freak

Shockwave: 4:14 PM Thanks for the compliment. Jam is full of fear. Would make a great experiment.

Allthumbs: 4:14 PM Shockwave, you're about crossing the line there with all that torture talk.

Shockwave: 4:15 PM Don't be such babies. It's talk. GG.^aand study for exams.

Shockwave signs off at 4:16 PM

TravellerX: 4:16 PM What a freak, not even worth reading his nonsense.

^a Gotta go.

* * *

Fatalflaw signs on at 4:42 PM

Fatalflaw: 4:33 PM Jammin is still there. Time is running out my Jammin friend. You should really watch what you drink. Water can be poisonous, when it's not water.

Jammin@LincolnHS signs off at 4:34 PM

Fatalflaw signs off at 4:46 PM

* * *

CHAT ROOM EXCERPT, FRIDAY MARCH 10, 2008

Talon: 3:35 PM Hey all, there's been talk at school that someone in the chat room is freaking people out. Anyone on line a witness. Was thinking of writing something about cyberstalking for our online school paper.

Allthumbs: 3:36 PM I think you are referring to Fatalflaw and this other person, Shockwave, they have been really trying to scare people.

Talon: 3:37 PM Why would someone do that?

Shockwave enters chat room 3:38 PM

Coreforce: 3:38 PM Who knows? Shockwave, you nuts or what?

Shockwave: 3:39 PM I was just talking about a history class. I can't help if people take things out of context.

Allthumbs: 3:40 PM You were crossing a line. You obviously ID'd Jammin and have been trying to freak em out. you crazy?

Shockwave: 3:41 PM 1st Q: U and me and everyone on system pretty much know who we all are by now. School years almost over, genius. 2nd Q: I admit to being a bit mad, by some people's standards, but madness can be a good thing. It gives me direction, focus and an outlet for my aggression. Ever wonder bout pain and suffering?

Jammin@LincolnHS enters chat room 3:43 PM

Shockwave: 3:44 PM Jamming, can you come out of your 2nd floor roost and play?

Jammin@LincolnHS exits chat room 3:47 PM

* * *

Fatalflaw enters chat room at 4:31 PM

Fatalflaw: 4:32 PM NE1^a talking about torture yet? Pretty cool stuff, eh?

LaLa: 4:32 PM not me:-(

HMSPinfore: 4:33 PM me neither.:-(:-(

Southernbell: 4:33 PM Not that again. Flaw, UR seriously messed. I am really considering hitting the panic button. No one but you and Shok talk about this stuff. GIAR^b already. Get your own room and leave us all alone.

CATGIRL: 4:35 PM What was going on? Free speech?

Shockwave: 4:36 PM discussion on pain and torture and what can be learned from fear. Hey Bell, why are you so afraid of what you don't want to understand? Statistics say almost all of us going to be victims at some point in our lives.

LaLa: 4:38 PM So what? You can't let fear guide your whole life.

^a Anyone

^b Give it a rest

CATGIRL: 4:39 PM No kidding. What a waste of time. I guess, even though it's not worth thinking about, Shockwave is entitled to say whatever. We don't have to listen.

Fatalflaw exits chat room 4:39 PM

Jammin@LincolnHS enters chat room at 4:40 PM

Jammin@LincolnHS: 4:41 PM Not this again. Glad Flaw is off though.

Shockwave: 4:42 PM You chickened out before.

Jammin@LincolnHS: 4:42 PM Had better things to do.

Shockwave: 4:42 PM Like what, more exercising?

Jammin@LincolnHS: 4:42 PM Inappropriate question.

Shockwave: 4:43 PM Not really, but never mind. Back to the discussion. Everyone's going to be a victim. Even all of us. I've actually been one already so statistically I may be out of the picture.

LaLa: 4:43 PM What happened to you?

Shockwave: 4:44 PM to quote someone above, inappropriate question.

LaLa: 4:44 PM sorry

Shockwave: 4:45 PM Just remember, the clock is ticking. Time is on my side. Time is running out my friend.

LaLa: 4:45 PM What's that supposed to mean?

Shockwave: 4:46 PM Just that statistically, all of you are going to have to endure. GG.^a

CATGIRL: 4:46 PM Same here. Wkd starting.

Shockwave exits chat room at 4:47 PM

Jammin@LincolnHS exits chat room at 4:50 PM

Fatalflaw enters chat room 4:55 PM

Fatalflaw: 4:56 PM Hello? NE1ER^b? Anyone wannatalk some pain and suffering? Time is running out, my Jammin friend. Maybe we can meet?

* * *

Fatalflaw: 5:09 PM Jam will rot just like Jelly if buried long enough.

Fatalflaw exits chat room 5:10 PM

^a Gotta go

^b Anyone here?

E-MAIL TO JAMIE ANDERSON

From: Anderson, Jamie
Sent: Monday, March 13, 2008, 8:32 AM
To: Hopp, Chris
Subject: FW: Fear

From: user94040@KZMail.com
Sent: Saturday, March 11, 2008, 2:54 PM
To: "Jammin" <jammin@lincolnHS.edu>,
Subject: Fear

FF may lose control at any time...longs to test your control. How long will you last, my jammin friend? If you're afraid, you better stay locked up in your 2nd floor roost and not go out to play. You could be sorry. You could be dead.

Hey check out: http://www.m_space.com/jammin@lincolnHS – sometimes it really is all about you!

M_SPACE PAGE

M_SPACE Jammin@lincolnHS experiment

Home | Browse | Search | Invite | Film | Mail | Blog | Favorites | Forum | Groups | Events | Videos | Music | Comedy | Classifieds

jammin@lincolnHS experiment



SUBJECT:

High School Senior
Glendale, AZ
United States

Last Login:
3/10/2008

View My: [Pics](#) | [Videos](#)

Contact: the jammin@lincolnHS experiment

- [Send Message](#)
- [Forward to Friend](#)
- [Add to Friends](#)
- [Add to Favorites](#)
- [Instant Message](#)
- [Block User](#)
- [Add to Group](#)
- [Rank User](#)

M_Space URL:

http://www.m_space.com/jammin@lincolnHS

An Experiment in Creating Fear

Jammin@LincolnHS's Latest Blog Entry [[Subscribe to this Blog](#)]

private profiles ([view more](#)) NONE

Top 8, 16, 20, 24 friends :) ([view more](#)) **jammin@lincolnHS** has **0** friends.

LOCATION: 447 St. Mark's Street Glendale, AZ SECOND FLOOR WINDOW. (pictured).

jammin@lincolnHS experiment Blurb

About the experiment:

Subject Jammin@lincolnHS has been subjected to various veiled threats through high school academic chat room with goal of creating fear and anticipation of bodily harm in order to study subjects reaction. The subject is unaware of experiment or source of comments.

Hypothesis: The fear of the harm will be more painful both physically and mentally to the subject than the actual harm that occurs.

BLOG ENTRIES:

The following entries document the date and exact language of threat made to the subject. Reactions to the threats in general and reaction to actual bodily harm imposed will be added at the conclusion of the experiment. Viewers of this page and those interested in this subject are welcome to comment their own personal reaction to the threats listed below. Your participation and suggestions are greatly appreciated.

3/6 5:11pm: Jam's in the window. Exercise all you want, my friend, you won't be able to run fast enough.

3/6 5:14pm: Not on the team, but practices nonetheless. In the window.


3/8 3:24pm: Speaking of color, Jamming's been seen wearing school colors all week. Be careful, water bottles, sideline bottles, they don't always contain water, they can be deadly.

3/9 4:43pm: Jammin is still there. Time is running out my Jammin friend. You should really watch what you drink. Water can be poisonous, when it's not water.

3/10 4:56pm: Anyone wanna talk some pain and suffering? Time is running out, my Jammin friend. Maybe we can meet?

3/10 5:09pm: Jam will rot just like Jelly if buried long enough.

JAMIE ANDERSON HIGH SCHOOL TRANSCRIPT

<u>TRANSCRIPT</u>																																																																																																																																													
<p>Anderson, Jamie 447 St. Mark's Street Glendale, Arizona, 85310 DOB: 10.15.1989 PHONE: 623.555.1212</p>																																																																																																																																													
<p>Academic Year Fall 2004/Spring 2005</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Course</th> <th>1st</th> <th>2nd</th> <th>MID</th> <th>3rd</th> <th>4th</th> <th>FIN</th> <th>AVE</th> <th>GRADE</th> <th>PTS</th> </tr> </thead> <tbody> <tr><td>Fr.ENG</td><td>97</td><td>95</td><td>96</td><td>93</td><td>98</td><td>97</td><td>96</td><td>A</td><td>4.0</td></tr> <tr><td>Alg. 1</td><td>93</td><td>93</td><td>94</td><td>96</td><td>92</td><td>95</td><td>94</td><td>A</td><td>4.0</td></tr> <tr><td>Science</td><td>99</td><td>98</td><td>97</td><td>99</td><td>94</td><td>97</td><td>97</td><td>A</td><td>4.0</td></tr> <tr><td>ScoSt</td><td>98</td><td>97</td><td>94</td><td>95</td><td>97</td><td>99</td><td>97</td><td>A</td><td>4.0</td></tr> <tr><td>Span 1</td><td>100</td><td>100</td><td>99</td><td>100</td><td>98</td><td>97</td><td>99</td><td>A</td><td>4.0</td></tr> <tr><td>PE 1</td><td>97</td><td>98</td><td>100</td><td>95</td><td>96</td><td>96</td><td>97</td><td>A</td><td>4.0</td></tr> </tbody> </table> <p>GPA: 4.0 Class Rank: T1/228</p> <p>ADVISOR COMMENTS: Jamie is extremely bright and athletic. Jamie is working hard and to potential. A serious and motivated student. Keep up the good work next year!</p>	Course	1 st	2 nd	MID	3 rd	4 th	FIN	AVE	GRADE	PTS	Fr.ENG	97	95	96	93	98	97	96	A	4.0	Alg. 1	93	93	94	96	92	95	94	A	4.0	Science	99	98	97	99	94	97	97	A	4.0	ScoSt	98	97	94	95	97	99	97	A	4.0	Span 1	100	100	99	100	98	97	99	A	4.0	PE 1	97	98	100	95	96	96	97	A	4.0	<p>Academic Year Fall 2005/Spring 2006</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Course</th> <th>1st</th> <th>2nd</th> <th>MID</th> <th>3rd</th> <th>4th</th> <th>FIN</th> <th>AVE</th> <th>GRADE</th> <th>PTS</th> </tr> </thead> <tbody> <tr><td>So.ENG</td><td>98</td><td>99</td><td>97</td><td>99</td><td>95</td><td>97</td><td>97</td><td>A</td><td>4.0</td></tr> <tr><td>Alg. 2</td><td>94</td><td>92</td><td>96</td><td>94</td><td>94</td><td>93</td><td>94</td><td>A</td><td>4.0</td></tr> <tr><td>Biology</td><td>98</td><td>100</td><td>98</td><td>99</td><td>96</td><td>97</td><td>98</td><td>A</td><td>4.0</td></tr> <tr><td>W. Civ</td><td>95</td><td>92</td><td>96</td><td>95</td><td>93</td><td>96</td><td>95</td><td>A</td><td>4.0</td></tr> <tr><td>Span 2</td><td>100</td><td>100</td><td>100</td><td>100</td><td>100</td><td>97</td><td>100</td><td>A</td><td>4.0</td></tr> <tr><td>PE 2</td><td>95</td><td>98</td><td>94</td><td>95</td><td>98</td><td>92</td><td>96</td><td>A</td><td>4.0</td></tr> </tbody> </table> <p>GPA: 4.0 Class Rank: T1/223</p> <p>ADVISOR COMMENTS: Jamie had another excellent year. Jamie is a role model to her/his fellow students. Not many people are so gifted in so many areas. There is no doubt Jamie will continue to excel.</p>	Course	1 st	2 nd	MID	3 rd	4 th	FIN	AVE	GRADE	PTS	So.ENG	98	99	97	99	95	97	97	A	4.0	Alg. 2	94	92	96	94	94	93	94	A	4.0	Biology	98	100	98	99	96	97	98	A	4.0	W. Civ	95	92	96	95	93	96	95	A	4.0	Span 2	100	100	100	100	100	97	100	A	4.0	PE 2	95	98	94	95	98	92	96	A	4.0
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updated 10-27-08

INSIDE TEXTBOOK COVER

SYMBOLS FOR
REVISION

uname: fatal flaw
pw: *tagtag

- (ab)** Problem with abbreviation (32.4 and 32.5, pp. 478–80)
- cap** Problem with capitalization (32.1, pp. 473–75)
- cli** Cliché (9.8, p. 186)
- cs** Comma splice (13.7, pp. 277–79)
- d** Inappropriate diction (9.1, pp. 170–74)
- dg** Dangling modifier (12.18, pp. 266–70)
- euph** Euphemism (9.10C, pp. 189–90)
- frag** Sentence fragment (17.3, pp. 319–22)
- fal** Fallacy or unsound argument (7.5, pp. 127–32)
- jarg** Jargon (9.10A, pp. 188–89)
- mixed** Mixed construction (11.8, pp. 238–40)
- mix met** Mixed metaphor (9.7, p. 185)
- mg** Misused gerund (11.10, pp. 242–43)
- mm** Misplaced modifier (12.15, pp. 262–63)
- mr** Misplaced restricter (12.17, pp. 264–66)
- ms** Error in manuscript format (5.6, p. 75)
- mt** Misused tense (20.9, pp. 372–73)
- num** Error in form of number (32.6, pp. 480–82)
- pass** Misuse of passive voice (22.5, pp. 397–99)
- pr agr / g** Error in pronoun-gender agreement (18.5, pp. 335–37)
- pr agr / n** Error in pronoun-number agreement (18.7, pp. 337–40)
- pr ca** Error in pronoun case (18.12, pp. 347–50)
- pr ref** Error in pronoun reference (18.4, pp. 330–35)

- pr shift** Error in pronoun reference shift (18.8, pp. 340–42)
- pred** Faulty predication (11.9, pp. 240–42)
- pret** Pretentious word (9.10B, p. 189)
- run-on** Run-on sentence (13.8, pp. 279–80)
- sm** Squinting modifier (12.16, p. 264)
- sv agr** Error in subject-verb agreement (19.2, p. 352)
- tf** Incorrect tense form (20.2, pp. 366–68)
- tgl** Tangled sentence (16.2, pp. 314–16)
- title** Error in form of a title (32.3, pp. 476–78)
- trans bp** Transition needed between paragraphs (8.8, pp. 166–69)
- trans wp** Transition needed within paragraph (8.5, pp. 158–60)
- t shift** Faulty tense shift within sentence (21.5, pp. 386–88)
- und** Error in underlining (32.2, pp. 475–76)
- wdy** Wordiness (9.11, pp. 190–95)
- ¶ New paragraph needed (8.1, pp. 144–48)
- ¶ coh Paragraph lacks coherence or internal transition (8.4, pp. 157–58)
- ¶ em Paragraph lacks emphasis (8.3, pp. 154–57)
- ¶ t shift Faulty tense shift in paragraph (21.6, pp. 388–90)
- ¶ u Paragraph lacks unity (8.2, pp. 148–54)
- ⧘ Faulty parallelism (14.4, pp. 284–88)
- ⊙ conj Comma error with conjunction (26.2, pp. 423–24)
- ⊙ cs Comma error between independent clauses (26.3, pp. 424–25)
- ⊙ res Comma error with restrictive elements (26.6, pp. 427–29)
- ⊙ ser Comma error in a series (26.8, pp. 429–30)
- ⊙ a / d Comma error with address or date (26.11, pp. 431–32)

- ⊙ bp Comma error between basic sentence parts (26.13, pp. 432–33)
- ⊙ Error with semicolon (27.2, p. 435)
- ⊙ Error with colon (27.4, p. 436)
- ⊙ Error with period (28.2, p. 440)
- ⊙ Error with question mark (28.4, p. 441)
- ⊙ Error with exclamation mark (28.6, p. 442)
- ⊙ Error with quotation marks (29.9, pp. 448–49)
- ⊙ Error with dash (30.2, p. 452)
- [] Brackets needed (30.4, p. 454)
- ⋯ Ellipsis dots needed (30.5, p. 455)
- / Slash needed (30.6, pp. 456–57)
- Hyphen needed (31.9, pp. 468–70)
- ⊙ Error with apostrophe (31.11, pp. 471–72)
- × Obvious error
- ^ Something omitted
- ⌞ Transpose these two elements

ABBREVIATIONS
FOR CHAPTER
TITLES

- coor** 13 Coordination 1—Compound Sentences (pp. 271–80)
- coor / sub** 16 Coordination and Subordination (pp. 309–16)

- disc** 24 Direct and Indirect of Discourse (12)
- dne** 6 Description, Narrative Exposition (pp. 81)
- edit** 5 Editing Your Essay (pp. 22–23)
- free** 2 Freewriting Your Thesis (pp. 22–23)
- gl / t** Glossary of Terms
- gl / us** Glossary of Usage (pp. 22–23)
- mech** 32 Mechanics (pp. 406–407)
- mo** 23 Verbs—Mood
- mod** 12 Modifiers (pp. 29–46)
- org** 3 Organizing Your Writing (pp. 29–46)
- par** 8 Writing Paragraphs (pp. 144–69)
- pc** 14 Coordination Construction (pp. 271–80)
- pers** 7 Persuasion (pp. 47–66)
- pr** 18 Using Pronouns (pp. 335–37)
- pre** 1 Pre-Writing (pp. 22–23)
- read** 10 Reading in Order (pp. 196–23)
- rev** 4 Revising Your Writing (pp. 47–66)
- sent** 17 Complete Sentences (pp. 317–26)
- seq** 21 Verbs—Sequences (pp. 380–9)
- sp** 31 Spelling (pp. 473–75)
- ss** 11 The Simple Sentence Parts (pp. 238–40)
- style** 25 Invigorating Your Writing (pp. 413–19)
- sub** 15 Subordination Sentences (pp. 309–16)
- sv** 19 Subject-Verb (pp. 351–64)
- t** 20 Verbs—Tense (pp. 366–68)
- vo** 22 Verbs—Active Voice (pp. 391–95)
- w** 9 Choosing Words (pp. 185–95)

JAMIE ANDERSON MEDICAL RECORD

Marty R. Robertson, MD

75 Central Ave.
Phoenix, Arizona 85016
555.1001 (phone) • 555.1002 (fax)

info@drrobertson.com (e-mail)

www.drrobertson.com (web)

Specializing in Family Medicine since 1985

Re: Medical and Psychological Evaluation of Jamie Anderson

April 25, 2008

1) HISTORY OF PRESENT CONDITION:

Jamie has been a patient of mine since s/he was 6 years old and has had routine physical examinations throughout her/his life. S/He does not possess a history of severe physical ailment or medical conditions. Jamie has never displayed any symptoms of mental illness in the past. In 2003, Jamie was treated for a broken nose as a result of getting hit in the face with a soccer ball.

2) PRESENT CONDITION:

As a direct result of stress caused by repeated threats received by Jamie over an internet chat room s/he complains of a host of physical and mental ailments. Jamie has experienced trouble sleeping at night (insomnia and night terrors), weight loss, trouble concentrating in class, raised anxiety levels, fear of bodily harm, lack of motivation and loss of self-esteem. On two occasions, Jamie has described episodes commonly considered a panic attack. The description of these attacks includes symptoms such as heart palpitations, chest pain or discomfort, sweating, trembling, tingling sensations, feeling of choking, fear of dying, fear of losing control, and feelings of unreality. The most recent panic attack occurred on March 17, 2008, at approximately 4:30 PM.

3) PHYSICAL EXAM FINDINGS

A series of physical examinations over the past two months including MRI readings and CAT scans reveal no life threatening or life altering physical ailment. All tests came back at normal levels. However, on several occasions Jamie displayed signs of

exhaustion due to a lack of sleep. Between the time of Jamie's last routine physical exam (Dec. 12, 2007) and her/his most recent examination, Jamie has lost 13 lbs.

4) MENTAL EXAM FINDINGS

Jamie appears to have difficulty concentrating. Jamie continually appears nervous and disoriented. S/he also has displayed and continues to display signs of anxiety disorder and severe emotional distress. These symptoms have improved lately, but have not abated over the course of the ongoing medical evaluation and treatment conducted to date.

5) DIAGNOSIS

Jamie is suffering from **generalized anxiety disorder**. Results from independent psychological evaluation conducted at the St. Winston Mental Health Facility on March 21, 2008, confirm this finding.

6) TREATMENT PRESCRIBED

On March 24, 2008, I prescribed Jamie a dose of 10mg, twice a day, of the selective serotonin reuptake inhibitor, Lamaprox. On April 3, 2008, Jamie began twice weekly therapy sessions at my suggestion. I have suggested that Jamie remain on the medication and continue therapy for at least one year regardless of whether or not the symptoms of her/his anxiety disorder cease. I have also suggested that she engage in regular aerobic exercise to increase oxygen intake.

7) LONG TERM PROGNOSIS

Jamie should be able to overcome her/his anxiety disorder if s/he continues taking Lamaprox and therapy treatment. I anticipate that Jamie should have no problem attending college or with concentration, but separation from her/his family and established support network is not advisable at this juncture. There is a possibility that Jamie will never overcome the disorder completely and may be prone to panic attacks for the rest of her/his life.

Marty R. Robertson, MD

SYDNEY FREED, PhD

Vita

Education

Washington State University, Pullman, WA; PhD, Clinical Psychology, 1989

Washington State University, Pullman, WA; MS, Clinical Psychology, 1984

University of Washington, Seattle, WA; BS Psychology, 1983

License/Certification

State of Arizona Licensed Clinical Psychologist, June 1991

Honors

Recipient of the Sipple Award, 2007, for excellence in the treatment and understanding of stalking victims

Present Position

Managing Partner of Behavior and Counseling Associates, Tucson, Arizona

Publications

- Freed, Sydney, Who are Victims of Stalking and Why?, (Calabasas: Psychology Today, 2005)
- Freed, Sydney, The Psychological Impact of Stalking on Victims, (Pullman: Washington State University Publishing, 2002)
- Freed, Sydney (2000), The Psychology Behind Stalkers, (Seattle: University of Washington Press, 2000)

Presentations/Workshops

- Freed, Sydney (2006), *The Victims of Stalking*, Second Annual Conference on the Treatment of Stalking Victims
- Freed, Sydney (2001), *Treating Victims of Stalking*, National Forum on the Treatment of Stalking Victims
- Freed, Sydney (1999), *Motivating Stalkers to Change*, Annual Convention of the Association for Behavioral Psychology