
Arizona High School Mock Trial Program

State of Arizona v. Taylor Durden

SUPERIOR COURT
COUNTY OF MARICOPA
STATE OF ARIZONA

State of Arizona,	)	Case No.
Plaintiff,	)	2010-GS-46-2695
)	
v.)	
)	
)	
Taylor Durden,)	
Defendant.)	
)	

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

ADAPTED WITH PERMISSION FROM THE CAROLINA BAR FOUNDATION

2010 HIGH SCHOOL MOCK TRIAL CASE WRITING COMMITTEE

Donald N. Lanier, LRE Coordinator and Lead Writer

Cynthia A. Coker, Public Services Director and LRE Committee Member

Barbara M. Seymour, LRE Committee Member

T. McRoy Shelley, III, Esquire, LRE Committee Chair

2010 HIGH SCHOOL MOCK TRIAL CASE CONTRIBUTORS

Ginger Seymour, Artist

Hal Volin, Graphic Artist

TABLE OF CONTENTS

2010 Mock Trial Case:

Introduction.....	3	
Pleadings	6	
Indictment	6	
Demand for Jury Trial	8	
Pre-Trial Order.....	9	
Statement of Case	9	
Stipulations of the Parties	9	
Criminal Statutes	11	
Preliminary Jury Instructions.....	13	
Appendix A: Verdict Form	17	
Witnesses and Affidavits.....	18	
Prosecution’s Witnesses		
Affidavit, Chris Knight – Police Sergeant	20	
Affidavit, Jamie Chessler – Medical Examiner	25	
Affidavit, Alex Richards – SOT Chapter President.....	29	
Defense’s Witnesses		
Affidavit, Taylor Durden – Defendant / SOT Pledge Master	33	
Affidavit, Riley Paulsen - Pathologist.....	38	
Affidavit, Peyton Baker – SOT Member.....	41	
Exhibits	45	
Exhibits Listing	46	
Exhibit: 1	911 Phone Transcript	47
Exhibit 2	Initial Police Incident Report	49
Exhibit 3	Investigative Report	51
Exhibit 4	Emergency Room Records.....	53
Exhibit 5	Record of Coroner	54
Exhibit 6	Photograph of the SOT House.....	57
Exhibit 7	Photograph of Red Plastic 16oz. “Solo” Brand Cup used by Victim	58
Exhibit 8	Photograph of Water Coolers used by SOT in the Basement	59
Exhibit 9	News Report of Hyponatremia Fatality.....	60
Exhibit 10.....	WebMD.com Medical Report on Hyponatremia	62
Exhibit 11.....	Medical Release Form	65
Exhibit 12.....	SOT Pledge Rules	66
Exhibit 13.....	Death Certificate of Jessica Bateson	67
Exhibit 14.....	Dr. Paulsen’s Report	68

INTRODUCTION

The Greek and honors societies at Verde Canyon University draw large numbers of students each year through their bid process. As a college predominantly in a rural area, these societies offer the social opportunities that cannot be found in the outside community. Though the honors societies choose their members differently than the traditional Greek organizations, there still remains an honored ritual of bid, acceptance, and initiation. Sigma Omega Tau (SOT) is no different in that regard. As a University accredited honors society, they are by nature co-ed. SOT engages primarily in service related activities, although there is an optional pledge process, as well as social events. Though not a traditional Greek organization, SOT has its own house through the generous philanthropy of an alumni member. SOT has all of the traditional roles as with Greek societies, like the chapter president, vice president, treasurer, social chair, education chair, and pledge master.

Saturday, August 29, 2010, was the last day in the pledge week for the SOT pledges. Throughout the week they had participated in various activities commonly referred to as the Pledge Olympics. This included activities each day, such as wiffle ball in the back yard, quiz sessions on University and SOT history, and team building activities. What loomed before the pledges on that Saturday afternoon was made out by other members to be the most dreaded event – Water Jeopardy. This was a variant of Jeopardy™ that was the culmination of all their studies about SOT and Verde Canyon University. Much like Jeopardy™, contestants provided questions to the answers that were on the board. Only instead of earning points it was to avoid chugging water. Years ago SOT developed this as an alternative to forcing pledges to chug beer, which was clearly against University rules. Against the wall in the basement of the SOT house was a row of normal office water coolers, all with five gallon water jugs. The penalty for a wrong answer was to drink for a time period that increased with the value of the question. Failure to put the answer in the form of a question necessitated an even longer drinking period. Pledges were told that they could not go to the bathroom while playing the game. Nursing student Tammy Canes (who convinced Jessica Bateson to pledge with her) got fed up with the treatment during Water Jeopardy and quit. Additionally, Tammy said she learned in nursing classes that this was probably dangerous to all the participants. After consuming an excessive amount of water during Water Jeopardy, Jessica collapsed and appeared to have passed out. This scared the pledge master, pledges, and other members of SOT who were present. 911 was called. EMS and University Police responded. EMS found Jessica in an unresponsive state and

transported her to the local hospital. Jessica Bateson died within two hours of the collapse without ever regaining consciousness. From the initial investigation, Sgt. Chris Knight found no wrongdoing and concluded that Jessica simply collapsed while playing an SOT game. Further investigation prompted by the results of the autopsy, indicated that Jessica died due to a swollen brain stem brought on by acute hyponatremia from overconsumption of water. Pledge Master Taylor Durden was charged with involuntary manslaughter. SOT Chapter President Alex Richards was granted criminal immunity and agreed to testify for the state, though civil suits are pending.

PLEADINGS

WITNESSES

Sgt. Chris Knight

ARREST WARRANT NUMBER

DIRECT INDICTMENT

ACTION OF GRAND JURY

TRUE BILL

Brynn Forsyth

Foreperson of Grand Jury

Date: October 1, 2010

VERDICT

Foreperson of Grand Jury

Date:

DOCKET NO. 2010-GS-46-2695

The State of Arizona
County of Maricopa

SUPERIOR COURT

THE STATE

vs.

TAYLOR DURDEN

INDICTMENT FOR

A.R.S. § 13-1103(A)(1)

STATE OF ARIZONA	)	INDICTMENT
)	
COUNTY OF MARICOPA)	

At a Court of General Sessions, convened on October 1, 2010, the Grand Jurors of Maricopa County present upon their oath:

MANSLAUGHTER A.R.S. §13-1103(A)(1)

That Taylor Durden did, in Maricopa County, on or about August 29, 2010, commit the crime of Manslaughter in that the Defendant, Taylor Durden, did recklessly cause the death of Jessica Bateson, contrary to the laws of the State of Arizona, at 313 Senate Street, Vista City, Maricopa County, Arizona.

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

David W. Miller
 DAVID W. MILLER, Deputy County Attorney

STATE OF ARIZONA	)	SUPERIOR COURT
)	
COUNTY OF MARICOPA)	
)	
)	
STATE OF ARIZONA,	)	2010-GS-46-2695
)	
Plaintiff,)	
vs.)	
)	
TAYLOR DURDEN,)	
)	
Defendant.	)	DEMAND FOR JURY TRIAL
)	

The State of Arizona filed an indictment against Defendant Taylor Durden. The indictment was true billed by the Grand Jury on October 1, 2010. Defendant pleads not guilty.

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

Dated: October 1, 2010

Signed: Taylor Durden
Taylor Durden, Defendant

STATE OF ARIZONA	)	SUPERIOR COURT
)	
COUNTY OF MARICOPA)	
)	
)	
STATE OF ARIZONA,	)	2010-GS-46-2695
)	
Plaintiff,)	
vs.)	
)	
TAYLOR DURDEN,)	
)	
Defendant.)	
)	

Pre-Trial Order

On this the 7th day of January, 2011, the above-captioned matter came before the undersigned judge for pretrial conference. The parties, appearing through their counsel, indicated their agreement to, and approval of, the terms of this Order, and requested that it be made the Order of this Court. The terms of this Order, accordingly, shall not be altered, except upon a showing of good cause.

I. Statement of Case

The State charged Defendant, Taylor Durden, with one count of Manslaughter in violation of Arizona Revised Statutes §13-1103(A(1)), alleging that on August 29, 2010, Defendant recklessly caused the death of Jessica Bateson, contrary to the laws of the State of Arizona, and the good order, peace and dignity thereof. Upon arraignment, Taylor Durden pled not guilty to all charges.

II. Stipulations of the Parties

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

1. The death of Jessica Bateson occurred on August 29, 2010.
2. Defendant was over the age of 21 as of August 29, 2010.
3. Tammy Canes is deceased.
4. Colt Bateson is not available for trial due to armed services deployment.

5. The family medical history is not in dispute.
6. All exhibits listed are authentic and accurate in all respects.
7. The chain of custody for evidence is not in dispute.
8. The signatures on the witness statements and all other documents are authentic.
9. All witnesses who were questioned by law enforcement were properly advised of their Miranda rights. The search of the Sigma Omega Tau house was conducted with consent of the chapter president, and therefore was proper and in accordance with the law.
10. The transcript of the 911 phone call is admissible as a substitute for the actual recording and accurately reflects the contents of the recording. The caller's voice on the recording is identified as Alex Richards.
11. Exhibits 6 and 8 fairly and accurately reflect the scene, view, or geography they purport to depict.
12. Exhibit 7 is a true and accurate photograph of evidence recovered from 313 Senate Street, Vista City, Maricopa County, Arizona by Sgt. Knight.
13. Exhibits 1, 2, 3, 4, 5, 11, and 13 are kept in the ordinary course of business or as part of the ordinary conduct of an organization or enterprise where it was part of the ordinary business of that organization, business or enterprise, to compile the data or information. The information was made for the purpose of recording the occurrence of an event, act, condition, opinion or diagnosis that takes place in the ordinary course of the business or enterprise, entry in the record or the compiling of the data was made at or near the time when the event took place, and the recording of the event was made by someone who has personal knowledge of it.
14. The following words shall be pronounced as indicated below. (These same words can be typed into the following Web site and can be heard in their exact pronunciation.

www.thefreedictionary.com)

- a. Chikī
- b. Tau tō
- c. Hyperthyroidism hī-pər-thī-roi-đīz-əm
- d. Hyponatremia hī-pō-nə-trē-mē-ə
- e. Si.....Sī
- f. Sigma.....sīg-mə
- g. Thyroid thī-roid

ARIZONA REVISED STATUTES

A.R.S. §13-105. Definitions.

2. "Act" means a bodily movement.

6. "Conduct" means an act or omission and its accompanying culpable mental state.

10. "Culpable mental state" means intentionally, knowingly, recklessly or with criminal negligence as those terms are defined in this paragraph:

(a) "Intentionally" or "with the intent to" means, with respect to a result or to conduct described by a statute defining an offense, that a person's objective is to cause that result or to engage in that conduct.

(b) "Knowingly" means, with respect to conduct or to a circumstance described by a statute defining an offense, that a person is aware or believes that the person's conduct is of that nature or that the circumstance exists. It does not require any knowledge of the unlawfulness of the act or omission.

(c) "Recklessly" means, with respect to a result or to a circumstance described by a statute defining an offense, that a person is aware of and consciously disregards a substantial and unjustifiable risk that the result will occur or that the circumstance exists. The risk must be of such nature and degree that disregard of such risk constitutes a gross deviation from the standard of conduct that a reasonable person would observe in the situation. A person who creates such a risk but who is unaware of such risk solely by reason of voluntary intoxication also acts recklessly with respect to such risk.

(d) "Criminal negligence" means, with respect to a result or to a circumstance described by a statute defining an offense, that a person fails to perceive a substantial and unjustifiable risk that the result will occur or that the circumstance exists. The risk must be of such nature and degree that the failure to perceive it constitutes a gross deviation from the standard of care that a reasonable person would observe in the situation.

27. "Omission" means the failure to perform an act as to which a duty of performance is imposed by law.

29. "Person" means a human being and, as the context requires, an enterprise, a public or private corporation, an unincorporated association, a partnership, a firm, a society, a government, a governmental authority or an individual or entity capable of holding a legal or beneficial interest in property.

A.R.S. §13-1101. Definitions.

1. "Premeditation" means that the defendant acts with either the intention or the knowledge that he will kill another human being, when such intention or knowledge precedes the killing by any length of time to permit reflection. Proof of actual reflection is not required, but an act is not done with premeditation if it is the instant effect of a sudden quarrel or heat of passion.

2. "Homicide" means first degree murder, second degree murder, manslaughter or negligent homicide.

A.R.S. §13-1102(A). “Negligent Homicide” defined.

A. A person commits negligent homicide if with criminal negligence the person causes the death of another person, including an unborn child.

A.R.S. §13-1103(A)(1). “Manslaughter” defined.

A. A person commits manslaughter by:

1. Recklessly causing the death of another person.

A.R.S. §13-1104. “Second Degree Murder” defined.

1. The person intentionally causes the death of another person, including an unborn child or, as a result of intentionally causing the death of another person, causes the death of an unborn child; or

2. Knowing that the person's conduct will cause death or serious physical injury, the person causes the death of another person, including an unborn child or, as a result of knowingly causing the death of another person, causes the death of an unborn child; or

3. Under circumstances manifesting extreme indifference to human life, the person recklessly engages in conduct that creates a grave risk of death and thereby causes the death of another person, including an unborn child or, as a result of recklessly causing the death of another person, causes the death of an unborn child.

A.R.S. §13-1105(A)(1). "First Degree Murder" defined.

A. A person commits first degree murder if:

1. Intending or knowing that the person's conduct will cause death, the person causes the death of another person, including an unborn child, with premeditation or, as a result of causing the death of another person with premeditation, causes the death of an unborn child.

STATE OF ARIZONA	)	SUPERIOR COURT
)	
COUNTY OF MARICOPA)	
)	
)	
STATE OF ARIZONA,	)	2010-GS-46-2695
)	
Plaintiff,)	
vs.)	
)	
TAYLOR DURDEN,)	
)	
Defendant.)	
)	

Preliminary Jury Instructions

(Note: NOT to be read to the jury on the day of the mock trial competition.)

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

A. Opening Instruction

You have been selected and sworn as the jury to try the case of the State of Arizona against Taylor Durden. The defendant is charged with the offense of Manslaughter. The information in this case is the formal method of accusing the defendant of crimes. The information/indictment is not evidence and you should not allow yourselves to be influenced against the defendant by reason of the filing of the information. The defendant has pled not guilty. A plea of not guilty puts in issue each element of the crime with which the defendant is charged. A plea of not guilty requires the State to prove each element of the crime beyond a reasonable doubt. The defendant is presumed innocent of the crimes and this presumption continues unless and until after consideration of all the evidence you are convinced of his/her guilt beyond a reasonable doubt. The defendant must be found not guilty unless the State produces evidence which convinces you beyond a reasonable doubt of each element of the crimes. It is your responsibility as jurors to determine the facts from the evidence, to follow the law as stated in the instructions from the presiding judge, and to reach a verdict of not guilty or guilty based upon the evidence and to determine punishment should you find the defendant guilty.

B. Closing Instruction

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

C. Introduction

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

D. Summary of Charge / Elements of the Charge

The defendant, Taylor Durden, is charged with manslaughter. The charge of manslaughter requires showing that the defendant recklessly caused the death of another person. Recklessness occurs when a person is aware of and consciously disregards a substantial and unjustifiable risk that the result will occur or that the circumstance exists. The risk must be of such nature and degree that disregard of such risk constitutes a gross deviation from the standard of conduct that a reasonable person would observe in the situation. A person who creates such a risk but who is unaware of such risk solely by reason of voluntary intoxication also acts recklessly with respect to such risk. The defendant has entered a plea of not guilty to this charge.

E. Presumption of Innocence

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

F. Evidence-Definition

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

G. Evidence - Inferences

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

H. Information/Indictment Not Evidence

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

I. Judicial Rulings

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

J. Objections

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

K. Credibility of Witnesses

It is your responsibility to determine the credibility of each witness and the weight to be given the testimony of each witness. In determining such weight or credibility, you may properly consider: the interest, if any, which the witness may have in the result of the trial; the relation of the witness to the parties; the bias or prejudice of the witness, if any has been apparent; the candor, fairness, intelligence, and demeanor of the witness; the ability of the witness to remember and relate past occurrences, the means of observation, and the opportunity of knowing the matters about which the witness has testified. From all the facts and circumstances appearing in evidence and coming to your observation during the trial, aided by the knowledge which you each possess in common with other persons, you will reach your conclusions. You should not let sympathy, sentiment or prejudice enter into your deliberations, but should discharge your duties as jurors impartially, conscientiously, and faithfully under your oaths and return such verdict as the evidence warrants when measured by these instructions.

L. Punishment

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

M. Closing Instruction

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

N. Verdict Form

A copy of the verdict Form approved by the Court is attached hereto as Appendix A. IT IS SO ORDERED, this the 7th day of January 2011.

Hon. Judge H. Myers

Honorable Judge H. Myers

STATE OF ARIZONA	)	SUPERIOR COURT
)	
COUNTY OF MARICOPA)	
)	
)	
STATE OF ARIZONA,	)	2010-GS-46-2695
)	
Plaintiff,)	
vs.)	
)	
TAYLOR DURDEN,)	
)	
Defendant.)	
)	

Appendix A

VERDICT

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

Defendant is:

COUNT 1 – Manslaughter

_____	Guilty
_____	Not Guilty

Foreperson

**WITNESSES
and
AFFIDAVITS**

WITNESSES

PROSECUTION	
Chris Knight	Police Sergeant
Jamie Chessler	Medical Examiner
Alex Richards	SOT Chapter President

DEFENSE	
Taylor Durden	Defendant / SOT Pledge Master
Riley Paulsen	Pathologist
Peyton Baker	SOT Member

STATE OF ARIZONA	)	SUPERIOR COURT
)	
COUNTY OF MARICOPA)	
)	
)	
STATE OF ARIZONA,	)	2010-GS-46-2695
)	
Plaintiff,)	
vs.)	
)	
TAYLOR DURDEN,)	
)	
Defendant.	)	AFFIDAVIT OF CHRIS KNIGHT
)	

COMES NOW THE AFFIANT SWORN AND STATES THE FOLLOWING:

1 1. My name is Chris Knight. I am currently a Sergeant with the Verde Canyon University
2 (VCU) Police Department. I attended Verde Canyon University for a year before transferring to
3 Saguaro University for my undergraduate degree in Military Studies. I have been in law
4 enforcement for 13 years. I have Basic and Advanced School Resource Officer (SRO)
5 certifications, Active Shooter Crisis Response training, Basic and Advanced Narcotics Interdiction
6 training, Basic Instructor Development (BID), as well as Detective School training from the
7 Arizona Criminal Justice Academy. I was formerly an investigator with the Glendon University
8 Police Department before coming to work with the Verde Canyon University Police Department.

9
10 2. At approximately 17:08 on August 29, 2010, the Emergency Communications Division
11 dispatched a call of an unconscious person located at 313 Senate Street, Vista City. I arrived on
12 the scene at 17:27. The Maricopa County Emergency Medical Service (EMS) was already on
13 scene and inside the location. Upon entry to the residence I spoke briefly with EMS personnel,
14 who were loading an unresponsive female onto the stretcher for transport. There were seven
15 people in the room in addition to the victim, EMS, and myself.

16
17 3. The first person I spoke with identified him/herself as Alex Richards, president of the
18 honors society. Richards stated that s/he had been in the upstairs portion of the Sigma Omega
19 Tau (SOT) house when a pledge came upstairs yelling to call 911 and that Jessica Bateson had
20 collapsed during one of the pledge activities. Richards called 911 immediately, and then went

21 downstairs to see what happened. While downstairs, Taylor Durden told Richards that Ms.
22 Bateson had simply “fallen out” during the last phase of the Water Jeopardy game. This game
23 served as the final activity of the initiation week for the society. I am somewhat familiar with
24 the pledge activities of SOT, having been a pledge my second semester at VCU, before
25 transferring to Saguaro University. I was not fully accepted into SOT as a member. I was told by
26 the then-president of SOT that another member accused me of cheating on finals. As a result, I
27 transferred to Saguaro University, and was accepted into an honors society there.

28

29 4. Immediately following my interview with Richards, I interviewed Taylor Durden.
30 Durden indicated that s/he was the pledge master for the Sigma Omega Tau honors society, and
31 that they were completing the last activity in pledge week before full membership was to be
32 granted. Durden then said that Ms. Bateson fell out. I asked what was meant by this and
33 Durden said that she had to drink some more water after getting a question wrong. After
34 drinking more water, she then fell down and it looked like she passed out. I specifically asked if
35 this was a voluntary activity and Durden responded that it was. My initial thoughts and
36 concerns on scene were that perhaps this was an alcohol overdose related to hazing. I asked if
37 alcohol was involved. Durden responded absolutely not, and that I was free to search the SOT
38 house. Chapter President Richards also confirmed the consent to search. Along with an
39 additional officer, I conducted a search of the SOT house and found a small quantity of tequila
40 (less than 500mL) in the room of an SOT member who was above 21. There was no other
41 alcohol found on premises, and it did not appear that the tequila was involved with the activities
42 in the basement.

43

44 5. In speaking with Tammy Canes, she stated that they had all been playing a game in
45 which wrong answers meant that one had to consume large amounts of water as punishment.
46 Canes additionally stated that she quit the game as she recalled from nursing classes that too
47 much water was harmful.

48

49 6. Correct contact information for all witnesses interviewed was recorded for possible
50 follow up. With no other indications of criminal activity at the time, I cleared the incident
51 location and went to the hospital to ascertain Ms. Bateson’s condition. Upon arrival at the
52 hospital, one of the ER physicians stated that Ms. Bateson never regained consciousness and

53 died after her arrival in the ER. I asked if there were any visible signs of foul play. The physician
54 stated that there was no overt trauma indicative of foul play, but pursuant to state law, there
55 would be an autopsy. Seeing no criminal conduct at the time, I contacted the student life
56 coordinator at the University. Along with a representative of the school, we made contact with
57 the sheriff's office in Ms. Bateson's home county, who handled the parental notification of her
58 death.

59

60 7. At the time, I did not realize that Jessica Bateson was the younger sister of Colt
61 Bateson. I have had numerous law enforcement contacts with Colt Bateson. He was known on
62 campus as a reckless and uncaring individual, with concern only for his immediate gratification.
63 He was investigated for several obnoxious campus pranks, which, in my opinion, rose to the
64 level of criminal conduct, though he was never charged. One of these alleged events was the
65 theft of a University Police golf cart, along with a statue of the University mascot.

66

67 8. The autopsy was performed by a medical examiner working under the authority of
68 the Office of the Coroner for Maricopa County. At the autopsy, the cause of death was noted as
69 brain stem swelling brought on by a case of acute hyponatremia. Additionally, the medical
70 examiner noted that this was not a natural cause based upon the volume of water in the victim's
71 system. The medical examiner was of the opinion that ingestion of this much water was not
72 normal. An individual's sense of thirst would not allow for the voluntary consumption of so
73 much water, and thus it was a deliberate and forced act. The ruling of the Coroner's office was
74 that Jessica Bateson's death was a homicide.

75

76 9. Upon reviewing the case file following the autopsy report, I spoke by phone with
77 sophomore Tammy Canes, who had been present and questioned on August 29, 2010. She
78 stated that she and Jessica pledged SOT together and that Jessica was desperate to fit in and be
79 liked. They had been roommates during freshman year, and Tammy stated that Jessica pledged
80 both semesters without receiving an invite from any of the sororities. Tammy indicated that she
81 thought Jessica would have been heartbroken to have been rejected from SOT, and was doing
82 everything that was asked of her, no matter how ridiculous. Tammy said she quit the Water
83 Jeopardy activity because she thought it was unsafe and she even told Pledge Master Taylor
84 Durden that she thought it could hurt the other pledges.

85 10. During further subsequent investigation, the room in which Ms. Bateson died was
86 reexamined. Photographs of the room were taken, including a photo of eight water coolers
87 lined up against one wall of the basement. There were varying amounts of water in each of the
88 coolers, and signs above the coolers used by pledges. Because the scene was not secured
89 immediately following Ms. Bateson's death, it is not known if the water coolers were used after
90 the incident in question on August 29, 2010. The cooler marked with the name Jessica did
91 appear to have significantly less water remaining than the other coolers.

92

93 11. Based upon the findings of the Coroner's Office, information from other pledges,
94 and that Durden was responsible for the pledge activity known as Water Jeopardy; Durden was
95 arrested and charged with manslaughter. Chapter President Alex Richards was also initially
96 arrested and charged. Richards agreed to testify and all criminal charges made were dropped in
97 exchange for Richards' testimony.

98

99 12. After Durden was arrested, I scheduled an appointment to meet with Tammy Canes
100 on September 19, 2010. Unfortunately, Ms. Canes died in a car accident on September 12,
101 2010. The cause of the accident is still under investigation, and an investigator with the
102 Highway Patrol is handling the suspicious circumstances of the accident. The investigator told
103 me that though the findings are still pending, it appears that the braking system of Ms. Canes'
104 car was disabled. As an investigator, I find it interesting that Ms. Canes was in a fatal accident
105 only two days after Durden was released on bail.

WITNESS ADDENDUM

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

Signed,

Chris Knight

Chris Knight

SIGNED AND SWORN to me before 8:00a.m. on the day of this round of the 2011 Arizona High School Mock Trial Tournament.

C.M. McCormack

C.M. McCormack, Notary Public

State of Arizona

My Commission Expires: 07/25/16

STATE OF ARIZONA	)	SUPERIOR COURT
)	
COUNTY OF MARICOPA)	
)	
)	
STATE OF ARIZONA,	)	2010-GS-46-2695
)	
Plaintiff,)	
vs.)	
)	
TAYLOR DURDEN,)	
)	
Defendant.	)	AFFIDAVIT OF JAMIE CHESSLER
)	

COMES NOW THE AFFIANT SWORN AND STATES THE FOLLOWING:

1 1. My name is Jamie Chessler. I am 32 years old. I received my bachelor’s degree in
2 biology from the University of Buffalo, and my MD from the Baylor College of Medicine. I have
3 been in Arizona for the last two years, since finishing my residency requirements. I won awards
4 at Baylor for top marks in the anatomical pathology specialty, and graduated third in my class
5 over all. I am a board certified physician, and licensed in the State of Arizona. I have
6 certifications in internal medicine as well as anatomical pathology. I serve as an assistant
7 medical examiner for the State of Arizona, and handle cases from the various coroner offices
8 that call on us. I have seen all of the usual causes of death, from drowning to shootings,
9 stabbings, and of course auto fatalities.

10
11 2. The morning of August 30, 2010, we received a body from the Maricopa County
12 Coroner’s Office. The body was a Caucasian female, giving all outward physical appearances of
13 an older teenager. Per the positive identification of the Verde Canyon University Police
14 Department, the body was identified as Jessica Bateson, 19 years of age, of Aiken, Arizona. Per
15 the records from the emergency room physician, she arrived at the emergency room in an
16 unresponsive state with fixed, dilated pupils and shallow, labored breathing. Time of death was
17 18:40 on Sunday, August 29, 2010.

18
19 3. The autopsy was conducted at 10:00 on Tuesday, August 31, 2010. Upon physical
20 examination of the body, the only marks of external trauma visible were consistent with a fall

21 from intermediate height. The only external markings upon the body were red nail polish on
22 toes and fingers, and a tattoo of a cherub with an arrow through its back located on the outside
23 of her right ankle. This was noted in the autopsy filings. Weight of the body was 131lbs, 5oz;
24 length 70 inches. The body was dressed in a white t-shirt and tan shorts. There was no
25 indication that the body had been dressed or that clothing was altered post mortem.

26

27 4. Through the course of the autopsy, all organs appeared unremarkable in coloration,
28 size, and weight, with the exception of a distended bladder, and an extremely swollen brain
29 stem. I determined the cause of death was swelling of the brain stem due to consumption of a
30 lethal amount of water. This is known as acute hyponatremia.

31

32 5. There are cases of hyponatremia in the United States every year. The vast majority
33 of fatal hyponatremia cases occur in infants and the elderly. To say it is strange that a teenager
34 would die of this would be an understatement. I have never seen a fatality from hyponatremia
35 before this case. I have read about it in the medical textbooks and I am familiar with the
36 symptoms and the physiological affects. Hyponatremia is a painful way to die. Picture drinking
37 so much fluid that your kidneys cannot keep up and you cannot relieve the fluid from your
38 system to the point that you literally drown in your own cells. When the urinary system cannot
39 flush the excess fluid from the body, the cells all begin to absorb the excess fluid. Some cells
40 absorb water until they burst, and can actually cause the victim to appear to have blotchy skin
41 from all the burst cells. Usually in conjunction with that is the swelling of the brain stem. This is
42 particularly dangerous because if not counteracted, coma and ultimately death occur. Among
43 other things, the brain stem controls consciousness, breathing, heartbeat, eye movements,
44 pupil reactions, swallowing and facial movements. Furthermore, all the sensations going to the
45 brain, as well as the signals from the brain to the muscles, must pass through the brain
46 stem. Without a clear path for these signals to pass back and forth from the brain, it is as if the
47 head had been chopped off.

48

49 6. Upon checking the sodium serum levels, which indicates water consumption, the
50 numbers were off the charts at the low end of the scale. This merited further urinalyses and
51 blood work. Following the results of those tests, I came to the conclusion that such massive

52 water consumption could not have been voluntary. Ms. Bateson died as a direct result of
53 human intervention.

54

55 7. The death certificate notes the cause of death as acute hyponatremia, along with
56 confirmation of homicide as opposed to natural causes. It is unlikely that the condition was
57 accelerated or exacerbated by any other factors. I later found out that after my homicide ruling
58 and the autopsy, that the VCU Police Department investigated further the circumstances of Ms.
59 Bateson's death. Taylor Durden and Alex Richards were held responsible with Taylor Durden
60 ultimately charged.

61

62 8. I understand that Dr. Paulsen is testifying for the Defense and disagrees with my
63 conclusion. While I have the utmost respect for Dr. Paulsen, I believe that medical advances in
64 the field of pathology have passed him/her by. In addition, I attended medical school with Dr.
65 Paulsen's son, who later lost his license to practice medicine due to a drug conviction. Over the
66 years, I had on many occasions spoken at length with Dr. Paulsen about the practice of medicine
67 and have been dismayed that his/her focus has turned from service to the public to the financial
68 rewards of being an expert witness, or "a hired gun."

WITNESS ADDENDUM

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

Signed,

Jamie Chessler

Jamie Chessler

SIGNED AND SWORN to me before 8:00a.m. on the day of this round of the 2011 Arizona High School Mock Trial Tournament.

C.M. McCormack

C.M. McCormack, Notary Public

State of Arizona

My Commission Expires: 07/25/16

STATE OF ARIZONA	)	SUPERIOR COURT
)	
COUNTY OF MARICOPA)	
)	
)	
STATE OF ARIZONA,	)	2010-GS-46-2695
)	
Plaintiff,)	
vs.)	
)	
TAYLOR DURDEN,)	
)	
Defendant.	)	AFFIDAVIT OF ALEX RICHARDS
)	

COMES NOW THE AFFIANT SWORN AND STATES THE FOLLOWING:

1 1. My name is Alex Richards, and I am the president of the Chi Si Chapter of Sigma
2 Omega Tau honors society here at Verde Canyon University. I turned 22 on December 9, 2010.
3 During the school year I live at the SOT house at Verde Canyon University. During the summer I
4 typically travel out of the country to see more of the world. I am a senior with a 4.0 GPA, and
5 have already been accepted to law school once I graduate. I have been in SOT for three years
6 now. I was elected pledge master for a year before running for and being elected president of
7 the chapter.

8
9 2. Though we have Greek letters identifying us, much as the traditional fraternities and
10 sororities do, we are quite a bit different. First, we are co-ed. Second, we have much higher
11 GPA standards than any of those groups. And finally, we do true services for the community.
12 We have a few other things in common with the traditional Greek organizations on campus.
13 Our officers are all required by the University to attend the same trainings as traditional Greek
14 organizations. We are an organization that gains membership by invitation only based on
15 brains; not necessarily beauty or popularity.

16
17 3. I have greatly enjoyed my time here at Verde Canyon University. I have worked hard
18 to move up through the ranks of the SOT honors society. This year, I became president of the
19 Chapter, and had some great plans for the year. Things have really derailed since then.

20

21 4. Taylor Durden joined SOT at the same time that I did. Taylor was always more happy
22 working with the new members, or pledges as they are often called. Taylor just loved the
23 process of screening and admitting new members, and some of the fun things to build unity
24 within SOT. Taylor learned the ropes of being the pledge master like I did, from Jessica's older
25 brother Colt. Colt put us through the paces of the Water Jeopardy game. Taylor was miserable
26 after we were done that day, but Taylor and Colt became fast friends after the experience. They
27 began to hang out all the time together. I am willing to bet Taylor was with Colt when the
28 University Police golf cart was stolen.

29
30 5. Every year there is a type of SOT Pledge Olympics. All of the SOT officers review the
31 proposed activities to make sure that we do not run into trouble with the University's hazing
32 policies. Until this year, we have never even had a visit from the University Police Department,
33 much less been sanctioned in any way by VCU Administration. Last year when I was pledge
34 master, everyone had a great time and nobody died from Water Jeopardy. It is awful that Taylor
35 cannot say the same this year.

36
37 6. This year, Taylor seemed fixated on pushing the pledges further than we had before.
38 I said it was not a good idea and even thought the Water Jeopardy that Taylor was so fond of
39 was probably close to hazing. I even told Taylor about a lady I had read about dying from
40 drinking too much water and not going to the bathroom as a part of a radio contest to win a
41 Nintendo Wii. Taylor insisted that Water Jeopardy was not hazing because it was voluntary and
42 that nobody was told they could not go to the bathroom, but that s/he would call the University
43 Student Affairs Office to ask. I have no idea if Taylor ever did call, or what they even said. Either
44 way, Taylor said s/he was moving forward with the Water Jeopardy. We argued about it, and I
45 decided that I did not want to be present for the game. I probably should have double checked
46 behind Taylor, but I had been busy settling back into the fall semester routine. I was around for
47 most of the other pledge week activities, and they all seemed to go pretty well. Everyone was
48 having a good time, especially with the shaving cream fight.

49
50 7. When the Water Jeopardy game started, I headed upstairs to my room to study.
51 After awhile, I heard Tammy Canes yelling for a phone and to call 911. Tammy looked lost
52 wandering around the house when I came downstairs and I realized that she had never been

53 inside the main portion of the house since she was just a pledge. I called 911, while asking what
54 the problem was. Tammy said that one of the pledges passed out. That happens to people
55 from time to time, but they could not get her to wake up. That scared me. I went down to the
56 basement level with Tammy, and we opened up the outside doors of the basement and
57 everyone waited on EMS. Taylor and a couple others were trying to wake Jessica up the whole
58 time. EMS arrived, and took Jessica out on a stretcher. She had been a quiet and somewhat
59 silly person, and was not taking the pledge process seriously enough for Taylor all week long. I
60 am sure that Taylor was punishing her with Water Jeopardy. The cop thought it might have
61 been an alcohol poisoning and hazing incident, since it was pledge week all over campus. Before
62 Sgt. Knight left, Taylor and I were interviewed about what happened. Sgt. Knight asked if it was
63 okay to search the house for alcohol since there were appearances that alcohol could be
64 involved. Taylor and I both told the cop to feel free to search the house, so Sgt. Knight and Cpl.
65 Dechane did. They of course did not find anything. I found out later that evening from the
66 University Director of Student Affairs that Jessica died.

67
68 8. A couple days later, Sgt. Knight and another officer came back to the house and said
69 that Water Jeopardy was considered hazing and manslaughter. They said the water was forced
70 on Jessica and that she died from the excessive water and it was our fault. They arrested Taylor
71 for it, and took me down to an interview room at the police department. I was told that
72 because I was the chapter president and it happened while I was responsible for the honors
73 society, that I could be held responsible too. The police gave me a choice. I could sit at the
74 prosecution table or the defense table. You do not have to have a 4.0 in aerospace engineering
75 to realize the implications of that decision. I am sure it was Taylor's meanness and pushing
76 events too far that got Jessica Bateson killed. I am sitting at the right table.

WITNESS ADDENDUM

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

Signed,

Alex Richards

Alex Richards

SIGNED AND SWORN to me before 8:00a.m. on the day of this round of the 2011 Arizona High School Mock Trial Tournament.

C.M. McCormack

C.M. McCormack, Notary Public
State of Arizona
My Commission Expires: 07/25/16

STATE OF ARIZONA	)	SUPERIOR COURT
)	
COUNTY OF MARICOPA)	
)	
)	
STATE OF ARIZONA,	)	2010-GS-46-2695
)	
Plaintiff,)	
vs.)	
)	
TAYLOR DURDEN,)	
)	
Defendant.	)	AFFIDAVIT OF TAYLOR DURDEN
)	

COMES NOW THE AFFIANT SWORN AND STATES THE FOLLOWING:

1 1. My name is Taylor Durden. I am 21 years old, and will turn 22 on May 22, 2010. I live
2 at the Sigma Omega Tau house at Verde Canyon University during the school year. For the last
3 two years I have subleased apartment space during the summer so I can stay in town to take
4 summer classes. I am a senior at Verde Canyon University. I have a 3.985 GPA with a triple
5 major in political science, psychology and social work. Following undergrad, I plan to go back for
6 a masters in social work and then work with homeless youth.

7
8 2. I have been a member of the SOT honors society since 2007. I was the first pledge
9 initiated to the chapter that year and I loved it. I have been to every social, mixer, pledge event,
10 and public service opportunity that we have had since I started. I love the fact that we can have
11 great parties and we can all get together to help others in the community through events like
12 Habitat for Humanity, The Verde Canyon University Blood Drive, Toys for Tots, and the local
13 food bank.

14
15 3. For the last two years I assisted the other pledge masters, including Alex Richards.
16 This year I was asked to be the pledge master. I have taken my role seriously because I think
17 that everyone who joins SOT should take the honor and responsibility seriously as well. My job
18 was to make sure that the students were not only of the highest caliber at the University, but
19 that they were knowledgeable about the University, the SOT chapter, and the community that
20 we served. I was responsible for all the paperwork that the pledges completed and signed off

21 on as they were working towards joining SOT. This included requesting their transcripts so we
22 could get their GPAs, a medical history chart outlining any health problems that we needed to
23 be aware of, and a general liability release that the University insisted that we get prior to
24 letting them participate in any events. Everyone joining this semester was sophomores.
25 According to my records, all of them completed and submitted their required paperwork.

26

27 4. This year's pledge class was a mix of guys and girls like in most years. Our more
28 rigorous GPA requirements meant that we invited fewer to join. Everyone was having a good
29 time all week with the activities. It is not hazing or anything like what I have been accused of
30 doing. Everyone was notified in writing at the beginning of the week that participation in the
31 activities was optional. I even said it on the first day at the welcome. Everyone got a copy of all
32 the activities for the week, as well as a copy of the rules that the pledges had to go by for that
33 week. The rules said that the activities were optional. The rules were not any big deal really,
34 just saying they all had to wear the same color shirts and shorts every day of the week, they
35 could not have cell phones, and they were not allowed anywhere in the SOT house except for
36 the basement. Sure I may have teased some of them when they talked about not wanting to do
37 things or that the activities were taking too much of their time, but I never told anyone they
38 could not quit an activity. It was all part of the fun of bringing in new people and making new
39 friends.

40

41 5. The activities were all funny and sometimes foolish; all of which were designed for
42 everyone to get to know one another better, and test their knowledge of the University and the
43 SOT chapter. There were wiffle ball games in the back yard with members versus pledges.
44 There was a water balloon game where everyone stood at attention on the front lawn and the
45 members stood on the roof and threw water balloons at pledges who did not answer the
46 chapter questions correctly. There were shaving cream fights on the back lawn for the pledges
47 to "get even" with the members who had been egging them on all week long. Then there was
48 the final activity of the week. This is where things went horribly, horribly wrong, but it was not
49 my fault. That was the annual Water Jeopardy game.

50

51 6. We all knew then and we all know now that forcing people to drink beer, especially if
52 they are underage is a huge way to get in a world of trouble. That is why we liked Water

53 Jeopardy so much. We all sat in on the University required sessions about hazing and how not
54 to do hazing, and on and on. That session was such a bore. We all knew that you could not
55 force people to drink alcohol or do humiliating things. That is why we had the water balloon
56 activity, the shaving cream fight, and Water Jeopardy. After an argument with Alex, I even
57 called the University Office on Student Affairs several times to be sure that Water Jeopardy was
58 not in fact hazing. I left voicemails with a description of what SOT was doing. I never got a call
59 back from any of my messages, so it must have been okay. We have been doing Water Jeopardy
60 for years and never had a problem before August 29, 2010.

61

62 7. In Water Jeopardy, we had the traditional looking Jeopardy™ screen projected on
63 the wall and the pledges had turns answering questions just like on the real show. The catch
64 was that instead of getting points for correct answers and losing points for incorrect answers,
65 the pledges had to drink from water coolers along the wall if they got answers wrong. If
66 someone forgot to put the answer in the form of a question, then they had to drink even more
67 water as a penalty. The pledges had to drink for as long as I was counting out loud. You know, 1
68 Mississippi, 2 Mississippi, and so on. If it was a wrong question they had to drink until I counted
69 to 5. If they did not phrase the answer in the form of a question, then I made them drink for a
70 10 count. No big deal, it was just water. Besides, it is not like I was going to top the things that
71 happened when Alex was pledge master. Every year there is an unspoken, and unwritten
72 challenge for the pledge master to add something to the SOT pledge activities, or push the limits
73 of what activities we were doing. As the pledge master, you just had to push the pledges a little
74 harder than the person before you had pushed.

75

76 8. Jessica was lousy at the game. I think she was intentionally being a clown. She kept
77 getting answers wrong and then laughing off her trip to the water coolers to drink. Sometimes
78 she would even forget to put the answer in the form of a question so there were even more
79 penalties. Tammy Canes, one of the other pledges who was a nursing student, said she thought
80 it was not a good idea to play the game, but did not say why. I even asked her why she said it
81 was not a good idea, and all she could say was she remembered her nursing professor saying it
82 was bad. What does that even mean? Like you have to use the bathroom too much from
83 drinking a lot of water? Or what? She ultimately quit Water Jeopardy, and sat at the back of the
84 room after that. I do not remember Tammy saying anything about Jessica looking ill.

85

86 9. I think we had been playing for about an hour and a half when Jessica made that fatal
87 turn back from the coolers. She just kind of fell forward and down on the carpet. At first, I
88 thought she was just being a clown and I told her to get up. When she did not move I got
89 concerned. I went over to her, and rolled her over. She was breathing, but appeared to have
90 passed out. I thought that was an odd time to pass out. It is not like we were outside in the
91 heat, she was dehydrated, or had been doing anything strenuous. I tried to wake her up a
92 couple of times by shaking her a little bit and calling her name. We even got some water from
93 the water coolers and splashed it on her face, but it made no difference. That is when we all got
94 scared and needed to call for an ambulance. It was only a couple minutes before I yelled for
95 someone to call 911. There was no phone in the room where we were playing the game. I do
96 not carry a cell phone when I am conducting activities, so that the pledges can see that I am also
97 following the rules. Tammy Canes ran upstairs in search of a phone. A little while later Alex
98 came downstairs on the phone and said that the EMS was on the way. After that, the EMTs
99 came, loaded her on the stretcher, and took her away. I answered some questions from the cop
100 that arrived, who said it did not look like we did anything wrong. I even told them to search the
101 whole house when they asked if her condition could be due to alcohol hazing. They searched
102 and of course there was no alcohol. We are not that kind of organization.

103

104 10. Four days later the cop came back and arrested me. I did not haze anyone. And, I
105 darn sure did not kill anyone. Jessica Bateson could have stopped drinking water at any time.
106 She even signed a waiver saying that she knew what she was voluntarily doing for the entire
107 week of pledging.

108

109 11. Look. I am friends with Colt Bateson. I have known Jessica Bateson for years. She
110 used to visit her brother on campus on the weekends, and even did some of the service projects
111 with us while she was still in high school. In fact, we kept her from engaging in some of the
112 more inappropriate social activities around campus. There is no way that I would have let her
113 continue, if I had known that she was in danger.

WITNESS ADDENDUM

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

Signed,

Taylor Durden

Taylor Durden

SIGNED AND SWORN to me before 8:00a.m. on the day of this round of the 2011 Arizona High School Mock Trial Tournament.

C.M. McCormack

C.M. McCormack, Notary Public

State of Arizona

My Commission Expires: 07/25/16

STATE OF ARIZONA	)	SUPERIOR COURT
)	
COUNTY OF MARICOPA)	
)	
)	
STATE OF ARIZONA,	)	2010-GS-46-2695
)	
Plaintiff,)	
vs.)	
)	
TAYLOR DURDEN,)	
)	
Defendant.	)	AFFIDAVIT OF RILEY PAULSEN
)	

COMES NOW THE AFFIANT SWORN AND STATES THE FOLLOWING:

1 1. My name is Dr. Riley Paulsen. I have an MD in internal medicine from Duke
2 University, and have been a Fellows Professor of Pathology at the University of Maryland for the
3 last six years. Prior to that, I was the Associate Director of the University of Tennessee Forensic
4 Anthropology Facility. It is more commonly referred to as the “Body Farm.” It is a facility in
5 which medical examiners, anthropologists, and law enforcement officials study all manner of
6 death and decomposition in order to make better decisions in criminal investigations and to
7 make more thorough diagnoses in the autopsy procedures. I have been contracted by both
8 prosecutor’s offices and defense firms for over 15 years as an expert in the field of pathology,
9 decomposition, and in questions determining the timeline of death. My average annual income
10 as an expert (apart and separate from my Fellowship at the University) has been approximately
11 \$200,000 per year for the past five years, before taxes and overhead. I hold certifications in
12 Anatomical and Clinical Pathology, as well as Forensic Pathology and Anthropology.

13

14 2. I was contracted by the defense to look into the matter of the death of Jessica
15 Bateson. For the purposes of my investigation, I examined the health records, medical release,
16 emergency room record, death certificate, and Coroner’s report on Ms. Bateson. These
17 documents were all released to the defense from the solicitor’s office. My report works from
18 the assumption that these reports are full and complete records on Jessica Bateson with no
19 other records or information being available through other means.

1 3. The autopsy conducted by the State does properly show that the swelling of the
2 brain stem did ultimately cause the death of Ms. Bateson. What the State missed in their
3 overzealous attempt to lay blame on what should more properly be termed an accident were
4 the underlying health conditions of Ms. Bateson. Assistant Medical Examiner Chessler appears
5 fascinated with the idea of a death from hyponatremia. I can certainly remember being
6 fascinated by some of the more obscure deaths that I attended when first cutting my teeth as a
7 pathologist.

8
9 4. According to the medical records provided by the prosecutor's office, Ms. Bateson
10 had a family history of thyroid problems. Hypothyroidism is a direct cause for acute
11 hyponatremia and some resulting fatalities. In the medical waiver statement obtained by the
12 State from the SOT honors society, there is no mention of that condition or history within the
13 family. Certainly, if someone was suffering from this condition or the family had a history
14 thereof, it should have been checked and then based upon that, other health precautions would
15 be made, including but not limited to warnings about volume of water intake and salt
16 consumption among others. Without the disclosure of that information to the SOT members,
17 they could not reasonably make accommodations for Ms. Bateson, or even know what type of
18 activities might be harmful to her.

19
20 5. Regardless of recent media hype, death from acute hyponatremia is a rare event.
21 Other questions as to Ms. Bateson's death also are brought up. Acute hyponatremia is often
22 best dealt with in the field and en route to the hospital. I saw nothing in the emergency room
23 record to reflect a proper diagnosis of acute hyponatremia in progress. Had that been done,
24 there would have been multiple treatment regimens for the condition to lessen the brain stem
25 swelling and thus prevent brain damage and death.

26
27 6. Additionally, in reviewing the autopsy report and associated blood work,
28 I noted the sodium serum levels were depressed, but certainly not in the critical range. In the
29 report, the brain stem swelling is much more consistent with a reaction of the hyperthyroid to
30 an influx of water rather than of the water alone. In addition to evaluating sodium serum levels,
31 when acute hyponatremia is suspected, a seasoned pathologist draws from the fluid remaining
32 in the bladder to gain a baseline for the volume of water that had been in the system of the

1 deceased at the time of death. This was not done by Dr. Chessler, and had this occurred in my
2 lab, it would have been considered a fundamentally basic error. Without that baseline
3 information as to how much water was in the bladder, it would be difficult, if not impossible to
4 determine the volume of water in the deceased's system in order to properly rule out
5 hypothyroidism and establish acute hyponatremia as a sole cause of brain stem swelling and
6 ultimately death.

7

8 7. I have known Dr. Chessler since s/he was my son's classmate in medical school.
9 Jamie was not a very impressive student according to my son, Jason. Jason even said that Jamie
10 would cheat off of his exams. Further evidence of Jamie's lack of academic aspirations is the
11 fact that Jamie has never pursued any further specialization, teaching fellowships, or been
12 published. Clearly not the equal of my son.

13

14 8. Though a horrible accident for which the community and University should grieve,
15 given the lack of disclosure and the lack of diagnosis by medical professionals involved with this
16 case, I cannot see the connection of responsibility to anyone other than that of Ms. Bateson.

17

18 9. I am aware that Dr. Chessler believes that I am nothing more than a mercenary for
19 the highest dollar, but I base my opinions on the medical records alone despite the financial
20 rewards.

WITNESS ADDENDUM

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

Signed,

Riley Paulsen, MD

Riley Paulsen

SIGNED AND SWORN to me before 8:00a.m. on the day of this round of the 2011 Arizona High School Mock Trial Tournament.

C.M. McCormack

C.M. McCormack, Notary Public
State of Arizona

My Commission Expires: 07/25/16

STATE OF ARIZONA	)	SUPERIOR COURT
)	
COUNTY OF MARICOPA)	
)	
)	
STATE OF ARIZONA,	)	2010-GS-46-2695
)	
Plaintiff,)	
vs.)	
)	
TAYLOR DURDEN,)	
)	
Defendant.	)	AFFIDAVIT OF PEYTON BAKER
)	

COMES NOW THE AFFIANT SWORN AND STATES THE FOLLOWING:

1 1. My name is Peyton Baker. I am 20 years old, and a junior at Verde Canyon
2 University. I live in the South Quad dormitory. I am in my second year as a member of Sigma
3 Omega Tau honors society. I have known Taylor since I was a freshman. Taylor was a student
4 assistant to the professor in my University 101 class, and we have been friends ever since. I
5 think Taylor is crazy about the rules and rituals of the SOT, but that has not caused any problems
6 in our friendship. Taylor learned all these rules and rituals from Colt Bateson. Even though Colt
7 was Taylor’s pledge master, they became good friends even after the pledge week initiation
8 chaos, so I do not think Taylor would have done anything to deliberately hurt Jessica Bateson.
9 Colt and Taylor had some fun at VCU, but they are really good guys. Colt is a strong American
10 who felt the call to service so much that he joined the Army right after college, and is currently
11 serving in Afghanistan.

12

13 2. For me, membership in the SOT is something that I can point to on my resume after
14 college. I did not and do not care about the socials and all the other events. It is just a resume
15 builder for many of us. It makes us look good. Taylor encouraged me to join SOT. I gave it
16 considerable thought and decided to join. I told Taylor up front that I was not going to do all the
17 foolishness and junk that they try to push off on the pledges. Taylor didn’t like it, but ultimately
18 had no choice, since it even says in the charter for SOT that being a member is only dependent
19 upon maintaining a certain GPA, and paying dues to the charitable funds account. They use

20 those funds to pay for supplies for the Habitat for Humanity projects and so on. There are
21 several of us each year that join, but never do the activities or move into the house.

22

23 3. One of the forms that we all sign when we are joining tells us that we do not have to
24 do any of the games or pledge activities and that the activities are for building unity within SOT.
25 Taylor and Alex have not gotten along as long as I have known them. Alex thinks s/he is going to
26 save the world and that EVERYTHING we do has to be linked to that goal. Alex and Taylor have
27 fought before because the games and activities that Taylor organizes take up too much of SOT's
28 time. On top of that, they worked together on the pledge class last year when Alex was the
29 pledge master. Taylor did not push the limits any further than Alex did last year. In fact the two
30 were always at each other's throats about one thing or another. Some people just cannot get
31 along. Alex even said to Taylor at the last SOT mandatory meeting before pledge week started
32 that there was no way Taylor could top the pledge week of last year. I do not know if Alex
33 meant the number of pledges or the kind of activities for pledge week.

34

35 4. I also remember when Colt was the pledge master. I do not think that Taylor did
36 anything beyond what Colt did. In fact, I talked with Colt at the funeral. Colt said he thought
37 this was a tragic accident and could not believe there were criminal charges. Colt had used the
38 Water Jeopardy game as a part of the Pledge Olympics as well as both Alex and Taylor.
39 Someone did pass out during Colt's term as pledge master. I do not remember during what
40 activity, but that was probably just from the stress of Pledge Week, or from the heat of Arizona.
41 Colt was deployed to Afghanistan shortly after the funeral.

42

43 5. I was not around when Jessica died, but I had been in the basement to watch the
44 festivities. It is always funny to laugh at the pledges who take everything so seriously, especially
45 with Water Jeopardy. While I was there, Jessica was being a clown and had to drink more water
46 than the rest. Before I wandered out to go watch some of the fall football practice, I heard
47 Tammy Canes tell Jessica to stop playing. Taylor laughed it off and asked Jessica if she wanted
48 to continue, and she said she did. That was when I wandered out.

49

50 6. I talked to Taylor and others the next day about the Water Jeopardy. Everyone said it
51 was the usual stuff being played during the game. Nothing that I heard was out of the ordinary

52 in the games that were played by SOT. I am sure there was some teasing when Tammy decided
53 to stop playing the game, but it did not kill her, and she still had the opportunity to become a
54 full member of SOT. I think Taylor was equally hard on all the pledges, not anyone in particular.
55 If Jessica could see that other people were quitting with no negative consequences, then there
56 was no reason she could not have quit too -- especially if she was not feeling well. Taylor told
57 me Tammy was saying she heard drinking too much water could be bad, but she never told
58 anyone there why it was bad or how it was bad. I think like everyone else who was present;
59 Tammy was probably just trying to find a way to get out of the game without looking like she
60 was a wimp. I later asked Tammy what she meant by "bad," and she told me that people could
61 die from drinking too much water.

62

63 7. Between other people not doing the activities and still becoming members, the
64 medical waivers, and the papers that tell you that you do not have to participate, how can you
65 really believe what Taylor did was wrong? Jessica could have quit at any time, but she always
66 was a little irresponsible about her safety. When she was still in high school and visited Colt on
67 campus, she would try to attend parties where alcohol was being served. Alex will do anything
68 to stay out of trouble and blame others for what was a weird accident. I think Alex is trying to
69 throw Taylor under the bus with this whole hazing business. All Alex cares about is staying out
70 of trouble and getting rich after graduation. I think Alex would do or say anything to keep a
71 clean record and an impressive resume. In fact, when the police golf cart was stolen, Alex told
72 the other SOT members that if the cart was anywhere on SOT property, that it had better be
73 moved to another Greek house, or s/he was going straight to the police.

WITNESS ADDENDUM

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

Signed,

Peyton Baker

Peyton Baker

SIGNED AND SWORN to me before 8:00a.m. on the day of this round of the 2011 Arizona High School Mock Trial Tournament.

C.M. McCormack

C.M. McCormack, Notary Public

State of Arizona

My Commission Expires: 07/25/16

EXHIBITS

EXHIBITS AVAILABLE TO BOTH PARTIES

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

EXHIBIT #	EXHIBIT DESCRIPTION
1	911 Phone Transcript
2	Initial Police Incident Report
3	Investigative Report
4	Emergency Room Record
5	Record of Coroner
6	Photograph of the SOT House
7	Photograph of Red Plastic "Solo" Brand Cup used by Victim
8	Photograph of Water Coolers used by SOT in the Basement
9	News Report of Hyponatremia Fatality
10	WebMD.com Medical Report on Hyponatremia
11	Medical Release Form
12	SOT Pledge Rules
13	Death Certificate of Jessica Bateson
14	Dr. Paulsen's Report

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

EXHIBIT #1: 911 Phone Transcript (page 1 of 2)

08-29-2010 17:06

Dispatch: "Emergency 911. Is your emergency Police, Fire, or Medical?"

Caller 1: "I'm at the SOT house at 313 Senate Street in Vista City. One of the pledges has passed out. We need an ambulance in a hurry."

Dispatch: "I need your name and location, please."

Caller 1: "My name is Alex Richards."

Dispatch: "Can you confirm the address?"

Caller 1: "It's the SOT house on Senate Street. 313 Senate."

Dispatch: "EMS (Emergency Medical Service) 4, Prepare to copy."

EMS 4: "EMS 4. Go ahead dispatch."

Dispatch: "Report of a person unconscious at 313 Senate Street, Vista City. No further information available at this time. Your incident number is 46-108290911, and time of dispatch is 17:07."

EMS 4: "EMS 4 copies. We are in route to 313 Senate Street for report of an unconscious person. We have an ETA (estimated time of arrival) of ten minutes."

Dispatch: "Good copy."

Dispatch: "VCPD (Verde Canyon University Police Department) 33, prepare to copy."

VCPD 33: "VCPD 33. Go ahead dispatch."

Dispatch: "Report of a person unconscious at 313 Senate Street, Vista City. No further information available at this time. EMS en route. Your incident number is 46-108290911, and time of dispatch is 17:08."

VCPD 33: "VCPD 33 copies. En route to 313 Senate Street for report of person unconscious. 33 also copies EMS en route. Time is 17:09."

Dispatch: "Good copy."

Dispatch: "I've dispatched police and EMS to 313 Senate Street, but it's a long street. Do you know the nearest cross-street?"

Caller 1: "We're near the intersection of North Pope Street. It's a big white two-story house with columns. They can't miss it."

EXHIBIT #1: 911 Phone Transcript (page 2 of 2)

Dispatch: "OK, I just want you to stay on the line with me. We need to know what's going on."

Caller 1: "OK."

Dispatch: "Do you know the name of the individual who passed out?"

Caller 1: "Yes, it's Jessica Bateson."

Dispatch: "Do you know whether Jessica has any medical conditions? Is she on any medications?"

Caller 1: "I don't know."

Dispatch: "Is Jessica conscious?"

Caller 1: "No she's not, but she's breathing really shallow."

EMS 4: "Dispatch, EMS 4."

Dispatch: "Go ahead EMS 4."

EMS 4: "EMS 4 on scene."

Dispatch: "Copy. EMS 4 on scene at 17:26."

VCPD 33: "Dispatch, VCPD 33."

Dispatch: "Go ahead VCPD 33."

VCPD 33: "VCPD 33 on scene."

Dispatch: "Copy. VCPD 33 on scene at 17:27."

Caller 1: "Thank goodness, EMS is here. Thank you. Thank you. I'm going now." – CALL ENDS

EMS 4: "Dispatch, EMS 4."

Dispatch: "Go ahead EMS 4."

EMS 4: "One unconscious female, respiratory distress. En route Maricopa Regional Medical Center cleared from 313 Senate Street."

Dispatch: "Copy. EMS 4 clear from 313 Senate Street at 17:34, en route to Maricopa Regional Medical Center with one unconscious female, respiratory distress."

AGENCY ID
AZ04619

VERDE CANYON UNIVERSITY POLICE DEPARTMENT
Vista City, Arizona (602) 555-1234

INCIDENT #
46-108290911

INCIDENT REPORT

PRINT OR TYPE ALL INFORMATION

EVENT	INCIDENT TYPE		COMPLETED	FORCED ENTRY	PREMISE TYPE	UNITS ENTERED	TYPE VICTIM <input checked="" type="checkbox"/> Individual <input type="checkbox"/> Business <input type="checkbox"/> Government <input type="checkbox"/> Other	
	Assisting other Agencies – Maricopa County EMS		<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	Res.	1		
			<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO				
	INCIDENT LOCATION (SUBDIVISION, APARTMENT AND NUMBER, STREET NAME AND NUMBER)					ZIP CODE	WEAPON TYPE	
	313 Senate Street,					85224		
	INCIDENT DATE	24 HOUR CLOCK	TO	DATE	24 HOUR CLOCK			
	8/29/2010	17:27		8/29/2010	19:05			
COMPLAINANT'S NAME (LAST, FIRST, MIDDLE)			RELATIONSHIP TO SUBJECT	DAYTIME PHONE	EVENING PHONE			
Richards, Alex			NA	602-555-0789	602-555-0789			
ADDRESS			CITY	STATE	ZIP CODE			
313 Senate Street			Vista City	AZ	85224			
SUBJECT NO.1	NAME (LAST, FIRST, MIDDLE)		AKA					
	NA							
	FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECULARITIES, ETC.							
	ADDRESS	CITY	STATE	ZIP CODE				
SUBJECT (NO.1) USING:		ARRESTED NEAR OFFENSE SCENE	DATE / TIME OF OFFENSE		DATE / TIME OF ARREST			
ALCOHOL <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN		<input type="checkbox"/> YES <input type="checkbox"/> NO						
DRUGS <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN								
NARRATIVE	Responding Officer (RO) arrived on scene at the above date and time in reference to an unresponsive female at the Sigma Omega Tau house. In the basement area of the house, EMS was working on what appeared to be an unconscious teenage female. RO made contact with Chapter President Alex Richards, Pledge Master Taylor Durden, and pledge Tammy Canes. Based upon experience, RO had probable cause to believe that this was an alcohol based initiation. RO inquired with both Richards and Durden as to the age of the female and whether or not alcohol was being used. Both denied any alcohol and stated that Ms. Bateson merely passed out. During this time EMS cleared the scene to Maricopa Regional Hospital with Bateson. RO requested and was granted permission to search the premises for alcohol. Additional officers arrived on scene shortly thereafter. Once additional officers were at the residence, RO and Cpl. Dechane conducted a thorough search of the premises. 500 ml. of tequila was discovered in the room of one resident who was above 21. No other illicit substances were discovered. RO interviewed Tammy Canes following the consent search for alcohol. Canes stated that							
	PROPERTY	TYPE (GROUP)				TOTAL VALUE		
		STOLEN						
		DAMAGED						
		BURNED						
		RECOVERED						
SEIZED								
ADMINISTRATIVE	SUBJECT IDENTIFIED <input type="checkbox"/> YES <input type="checkbox"/> NO		SUBJECT LOCATED		<input type="checkbox"/> ACTIVE <input type="checkbox"/> ADM. CLOSED <input type="checkbox"/> UNFOUNDED	<input type="checkbox"/> ARRESTED UNDER 18 <input type="checkbox"/> ARRESTED 18 AND OVER	<input type="checkbox"/> EX-CLEAR UNDER 18 <input type="checkbox"/> EX-CLEAR 18 AND OVER	
	REASON FOR EXCEPTIONAL CLEARANCE: 1. <input type="checkbox"/> OFFENDER DEATH. 2. <input type="checkbox"/> NO PROSECUTION 3. <input type="checkbox"/> EXTRACTION DENIED 4. <input type="checkbox"/> VICTIM DECLINES OPERATION 5. <input type="checkbox"/> JUVENILE NO CUSTODY							
	REPORTING OFFICER	DATE	24 HOUR CLOCK	APPROVING OFFICER	DATE	UNIT NUMBER		
	Sgt. Chris Knight	8/29/2010	20:11	Lt. Solomon	8/29/2010	4618		
	FOLLOW-UP INVESTIGATION REQUIRED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO							

EXHIBIT #2: Initial Police Incident Report (page 2 of 2)

AGENCY ID AZ04619	VERDE CANYON UNIVERSITY POLICE DEPARTMENT Vista City, Arizona (602) 555-1234			INCIDENT # 46-108290911
SUPPLEMENTAL INCIDENT REPORT PRINT OR TYPE ALL INFORMATION)				
INCIDENT LOCATION (SUBDIVISION, APARTMENT AND NUMBER, STREET NAME AND NUMBER) 313 Senate Street			ZIP CODE 85224	CASE # 1879320
INCIDENT DATE 8/29/2010	24 HOUR CLOCK 17:27	TO	DATE 8/29/2010	24 HOUR CLOCK 19:05
COMPLAINANT'S NAME (LAST, FIRST, MIDDLE) Richards, Alex		RELATIONSHIP TO SUBJECT NA	DAYTIME PHONE 602-555-0789	EVENING PHONE 602-555-0789
ADDRESS 313 Senate Street		CITY Vista City	STATE AZ	ZIP CODE 85224
SUBJECT NO.2	NAME (LAST, FIRST, MIDDLE) NA		AKA	
	FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECULARITIES, ETC.			
	ADDRESS	CITY	STATE	ZIP CODE
	SUBJECT (NO.2) USING: ALCOHOL <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN DRUGS <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN	ARRESTED NEAR OFFENSE SCENE <input type="checkbox"/> YES <input type="checkbox"/> NO	DATE / TIME OF OFFENSE	DATE / TIME OF ARREST
SUPPLEMENTAL NARRATIVE	DATE 8/29/2010	24 HOUR CLOCK	19:05	
<p>the game in which all pledges were playing required them to drink water as punishment if they answered questions wrong. RO asked if this was hazing, and Canes stated that she felt it was, but she quit the game, so maybe it was not. RO asked why Canes felt this was hazing, and Canes stated that she heard in nursing class that too much water was harmful. Seeing nothing that constituted a criminal violation, RO cleared the scene, and drove to Maricopa Regional Hospital to interview Ms. Bateson as to the circumstances of her collapse. Upon arrival at Maricopa Regional Hospital, RO met with ER doctor on call, Cory White. Dr. White stated that Ms. Bateson never regained consciousness and died subsequent to her arrival at Maricopa Regional. RO inquired about signs of trauma indicative of criminal intervention in her death. Dr. White stated that there was no evidence of any overt trauma which would have resulted in her death. As with state law, an autopsy would be performed. The body was transported by the Maricopa County Coroner's Office to the Medical Examiner's Office at MUAZ. RO consulted with Lt. Solomon regarding the fatality of a student, and RO was assigned to attend the autopsy. RO then made contact with the Student Life Coordinator at the University and made contact with Aiken County Sheriff's Office (ACSO). ACSO along with a local grief counselor handled death notification to the parents.</p>				
REPORTING OFFICER	DATE	24 HOUR CLOCK	SUPERVISING OFFICER	
Sgt. Chris Knight	8/29/2010	20:11	Lt. Solomon	

EXHIBIT #3: Investigative Report (page 1 of 2)

AGENCY ID AZ04619		VERDE CANYON UNIVERSITY POLICE DEPARTMENT Vista City, Arizona (602) 555-1234				INCIDENT # 46-108290911				
INCIDENT REPORT PRINT OR TYPE ALL INFORMATION										
EVENT	INCIDENT TYPE		COMPLETED	FORCED ENTRY	PREMISE TYPE	UNITS ENTERED	TYPE VICTIM <input checked="" type="checkbox"/> Individual <input type="checkbox"/> Business <input type="checkbox"/> Government <input type="checkbox"/> Other			
	Manslaughter		<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	Res.	1				
			<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO						
	INCIDENT LOCATION (SUBDIVISION, APARTMENT AND NUMBER, STREET NAME AND NUMBER)					ZIP CODE	WEAPON TYPE			
	313 Senate Street, Vista City, AZ					85224	UNK			
	INCIDENT DATE		24 HOUR CLOCK		TO	DATE	24 HOUR CLOCK			
	8/29/2010		17:27			8/29/2010	19:05			
VICTIM'S NAME (LAST, FIRST, MIDDLE)			RELATIONSHIP TO SUBJECT		DAYTIME PHONE	EVENING PHONE				
Bateson, Jessica			In Care Of		UNK	UNK				
ADDRESS			CITY		STATE	ZIP CODE				
603 Moore Tower, Verde Canyon University			Vista City		AZ	85224				
SUBJECT NO.1	NAME (LAST, FIRST, MIDDLE)			AKA						
	Durden, Taylor L			None						
	FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECULARITIES, ETC.									
	None									
ADDRESS		CITY		STATE		ZIP CODE				
313 Senate Street		Vista City		AZ		85224				
SUBJECT (NO.1) USING:		ARRESTED NEAR OFFENSE SCENE		DATE / TIME OF OFFENSE		DATE / TIME OF ARREST				
ALCOHOL <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> UNKNOWN DRUGS <input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> UNKNOWN		<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		8/29/2010 17:27		9/2/2010 15:30				
NARRATIVE	Following the homicide ruling of the Coroner's Office in re: Jessica Bateson, Investigating officer questioned Durden and Richards. Based upon the further questioning, this officer did arrest and charge Durden and Richards with manslaughter. Tammy Canes was out of town when contacted, but agreed to an interview upon her return to the campus. Interview was set for 9/19/2010 at 09:00 at the VCU PD.									
PROPERTY	TYPE (GROUP)					TOTAL VALUE				
	STOLEN									
	DAMAGED									
	BURNED									
	RECOVERED									
SEIZED										
ADMINISTRATIVE	SUBJECT IDENTIFIED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		SUBJECT LOCATED YES		<input checked="" type="checkbox"/> ACTIVE <input type="checkbox"/> ADM. CLOSED <input type="checkbox"/> UNFOUNDED		<input type="checkbox"/> ARRESTED UNDER 18 <input checked="" type="checkbox"/> ARRESTED 18 AND OVER		<input type="checkbox"/> EX-CLEAR UNDER 18 <input type="checkbox"/> EX-CLEAR 18 AND OVER	
	REASON FOR EXCEPTIONAL CLEARANCE: 1. <input type="checkbox"/> OFFENDER DEATH. 2. <input type="checkbox"/> NO PROSECUTION 3. <input type="checkbox"/> EXTRACTION DENIED 4. <input type="checkbox"/> VICTIM DECLINES OPERATION 5. <input type="checkbox"/> JUVENILE NO CUSTODY									
	REPORTING OFFICER			DATE	24 HR CLOCK	APPROVING OFFICER			DATE	UNIT NUMBER
	Sgt. Chris Knight			9/2/2010	16:50	Lt. Solomon			9/2/2010	4618
	FOLLOW-UP INVESTIGATION REQUIRED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO									

EXHIBIT #3: Investigative Report (page 2 of 2)

AGENCY ID AZ04619	VERDE CANYON UNIVERSITY POLICE DEPARTMENT Vista City, Arizona (602) 555-1234				INCIDENT # 46-108290911	
SUPPLEMENTAL INCIDENT REPORT PRINT OR TYPE ALL INFORMATION)						
INCIDENT LOCATION (SUBDIVISION, APARTMENT AND NUMBER, STREET NAME AND NUMBER) 313 Senate Street				ZIP CODE 85224	CASE # 1879320	
INCIDENT DATE 8/29/2010		24 HOUR CLOCK 17:27		TO	INCIDENT DATE 8/29/2010	
					24 HOUR CLOCK 19:05	
COMPLAINANT'S NAME (LAST, FIRST, MIDDLE) Richards, Alex			RELATIONSHIP TO SUBJECT NA	DAYTIME PHONE 602-555-0789	COMPLAINANT'S NAME (LAST, FIRST, MIDDLE) Richards, Alex	
ADDRESS 313 Senate Street			CITY Vista City	STATE AZ	ZIP CODE 85224	
SUBJECT NO.2	NAME (LAST, FIRST, MIDDLE) Alex Richards			AKA		
	FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECULARITIES, ETC. None					
	ADDRESS 313 Senate Street		CITY Vista City	STATE AZ	ZIP CODE 85224	
	SUBJECT (NO.2) USING: ALCOHOL <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN DRUGS <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN		ARRESTED NEAR OFFENSE SCENE <input type="checkbox"/> YES <input type="checkbox"/> NO	DATE / TIME OF OFFENSE 8/29/2010 17:27		DATE / TIME OF ARREST 9/2/2010 15:30
SUPPLEMENTAL NARRATIVE	DATE	9/2/2010		24 HOUR CLOCK	16:50	
	Alex Richards identified as second subject.					
REPORTING OFFICER	DATE		24 HOUR CLOCK		SUPERVISING OFFICER	
Sgt. Chris Knight	9/2/09		16:50		Lt. Solomon	

EXHIBIT #4: Emergency Room Record

Maricopa Regional Hospital

3505 Maricopa Highway
Maricopa, AZ 29354
602-555-7131

EMERGENCY ROOM REPORT

PATIENT NAME: Jessica Bateson
BILLING ADDRESS: 603 Moore Tower, Verde Canyon University, AZ 85224
CONTACT NUMBER: NA

DATE: 8/29/2010
TIME OF ARRIVAL: 17:50
TIME OF TREATMENT: 17:51

INSURANCE COMPANY: Blue Cross Blue Shield of Arizona
INSURANCE PHONE NUMBER: 602-555-9615

DATE OF BIRTH: 05/22/1990
POLICY NUMBER: AZ 998405667-1

EMPLOYER: None/Student

EMPLOYER NUMBER: N/A

IF UNDER AGE OF 18, GUARDIAN NAME: N/A

CONTACT NUMBER: N/A

VITAL SIGNS: **BLOOD PRESSURE** 101/50 **PULSE** 68bpm **AGE** 19 years old **WEIGHT** 134lbs

BLOOD TYPE: B+

CURRENT MEDICATIONS: None known at admission

ALLERGIES: None known at admission

PHYSICIAN OF RECORD: Dr. Cory White

NURSE ON DUTY: Amanda Adams, RN

REASON FOR VISIT NOTED BY PATIENT: N/A – Patient arrived unconscious via Maricopa EMS

OBSERVATIONS MADE BY PHSIICIAN: Patient arrived by Maricopa County EMS. Patient was in an unresponsive state with fixed pupils and labored breathing.

TREATMENT PERFORMED: Administered steroid to allow for ease of breathing, Immediately following injection, patient's heart stopped. Code alarm triggered, immediate resuscitation efforts began, Shot of Adrenaline injected, AED paddles charged and executed four times, RN Adams administered rebreathing bag for approximately 20 minutes. Following 20 minutes of unsuccessful life support, Time of Death was called and resuscitation efforts ceased.

DIAGNOSIS: Acute respiratory arrest

MEDICATIONS PERSCRIBED: Anabolic Steroid, Adrenaline,

ADMITTANCE DATE / TIME: 17:50

RELEASE DATE / TIME: Time of Death Notated at 18:40. Subsequent release to the Maricopa County Coroner's Office.

FOLLOW-UP NEEDED: N/A

REFERRED TO: Maricopa County Coroner's Office

Cory White, MD

8/29/2010

PHYSICIAN'S SIGNATURE

DATE

PATIENT'S SIGNATURE

DATE

EXHIBIT #5: Record of Coroner (page 1 of 3)

**STATE OF ARIZONA
ARIZONA BUREAU OF INVESTIGATIONS
DIVISION OF FORENSIC SCIENCES
RECORD OF CORONER**

City	Vista City	County	Maricopa	Case No.	2010-470152
Name of Deceased		Jessica Bateson			
Residence of Deceased		603 Moore Tower, Verde Canyon University, AZ 85224			
Age	19 years, 3 months, 7 days	DOB	5/22/90		
Race	Caucasian	Height/Weight	70" 131lbs, 5oz		

MANNER OF DEATH					
() Natural (X) Homicide () Suicide () Accident () Undetermined () Other					

CAUSE OF DEATH						
Swollen brain stem as a result of acute Hyponatremia						
LAST SEEN	Date	8/29/2010	Hour	n/a	Place	313 Senate Street
FOUND	Date	8/29/2010	Hour	17:26	Place	313 Senate Street
INJURY	Set forth below.					
PRONOUNCED	Date	8/29/2010	Hour	18:40	Place	Dr. Cory White
NOTIFIED	Date	8/30/2010	Hour	11:25	By	Lt. Clarice Starling, ACSO

BODY IDENTIFIED BY			
(X) Fingerprints (X) State ID Card () Photographs () Family			

AUTOPSY			
AUTHORIZED BY	Coroner Eppes	CORONER NOTIFIED	Yes
PRESENT AT AUTOPSY	Sgt. Chris Knight, Verde Canyon University Police Dept., Investigating Officer		

SUSPECT(S)			

MORGUE INFORMATION					
NAME	Maricopa Regional Hospital	Date Received	8/29/2010	Hour	19:05
BODY REMOVED FROM	Maricopa Regional Hospital				
TRANSPORTED BY	J.P. Dawson				

PURPOSE					
(X) Autopsy () Limited Dissection () External Exam () History Review					
PERFORMED BY	Dr. Jamie Chessler	Date	8/31/2010	Hour	10:15
SIGNED	<i>Dr. Jamie Chessler</i>	Date	<i>8/31/10</i>		
APPROVED	<i>Dr. Randall Gentry</i>	Date	<i>8/31/10</i>		

EXHIBIT #5: Record of Coroner (page 2 of 3)

In accordance with the Arizona Death Investigation Act, an autopsy is performed on the body of Jessica L. Bateson at the Medical University of Arizona, Vista City, Arizona, on Monday, August 31, 2010, commencing at 10:15 hours.

EXTERNAL, EXAMINATION: Body is that of an adult female, approximately 70" in height, and weighing 131 lbs. 5oz, consistent with the documented age of 19 years. Body is received wrapped in a black zippered disaster bag, and is identified by an attached name tag and clad in the following articles of clothing:

1. White shirt and tan colored shorts with multiple pockets were worn. SOT pin worn at the upper right of shirt. Gas station receipt and one container of Soft Lips lip gloss were located in the front right pocket. No other contents found.
2. Tan colored flip flops.

Body was refrigerated, and is cool to the touch. The blood from the body pooled evenly in the lower portions of the body as it presents on the examination table. Rigor mortis is fully fixed in the extremities and jaw.

Red scalp hair ranges to an estimated 14 inches. Irises are hazel. Equal pupils are .118 inch. Whites of the eyes do not show blood vessels indicative of strangulation. Ears and nose are without discharge. Mouth is in good condition. Lips, gums, and tongue are moist. Symmetric neck is mildly pinched but otherwise without note.

Chest is normal size and is without lesion. Upper chest area still has medical leads attached from resuscitation efforts at Maricopa Regional Hospital.

Hands have moderate length, irregular nails red in color, with minimal dirt underneath. Dorsal right forearm has multiple purple contusions extending from the dorsal hand to the forearm. A 1-inch group of blue ink lines is on the left outer hand. Bilateral shins lack significant edema. An indistinct 6-inch purple contusion is around the left knee and matching on the right knee. Skin of the bilateral shins, extending to the feet is without note. Additional superficial healed scars range to 1 inch. Varicose veins of both feet are prominent at the arches and insteps. Toenails are short to moderate in length, painted red, and minimally irregular. Pooling of blood in the upper back is prominent with multiple blotchy spots. Remaining extremities and back are without lesion.

EVIDENCE OF MEDICAL INTERVENTION: A single electrocardiographic lead is on the upper left chest. Injection site is visible where IV port is still present and in place on the inside of the right forearm. Marks from AED paddles are visible on the opposing chest sides in locations consistent with emergency cardiac resuscitation efforts. Intubation tube is still present in upper trachea extending out of the mouth. Patient identification is still present on left wrist.

EVIDENCE OF INJURY: A 1-inch group of abrasions is on the dorsal right elbow, indicative of a fall of intermediate height.

INTERNAL EXAMINATION: The following excludes the described injuries. Soft tissues and typically positioned internal organs lack unusual odor or color. Soft tissues and internal organs have mild breakdown of cells/tissue by self produced enzymes.

CAVITIES: The serosal cavities have usual smooth glistening tan-pink lining. Tissues around the heart have no fibrous adhesions and contain estimated 110 ml of fluid without clot. Remaining cavities are without excess fluid accumulation.

CARDIOVASCULAR: The 360-gram heart is smooth and glistening with mildly increased fat tissue. The valves, delicate cords, and papillary muscles are without note. The chambers of the heart that receive blood from the veins are acutely dilated.

EXHIBIT #5: Record of Coroner (page 3 of 3)

LIVER / GALLBLADDER: The 2260-gram liver has a smooth glistening capsule. The pale yellow-brown tissue is soft and without discreet gross lesion. The liver is without note. The typically positioned gallbladder contains an estimated 15 ml of green sticky bile without stone; the duct is open and unobstructed.

RESPIRATORY: The examination of neck musculature lacks blood or lesion. The intact typically minimally hyoid bone is situated between the base of the tongue and the larynx supporting the tongue, larynx and their muscles are without note. The typically branching tracheobronchial tree has a smooth glistening tan-pink mucosa without lesion. A moderate quantity of pink froth is within the lower bronchial tree. The typically formed 560-gram right and 530 gram left lung have smooth glistening membranes. Each is well aerated, deep purple red to pink parenchyma which issues a small quantity of pink froth but which otherwise has no discreet gross lesion. The pulmonary blood vessels are without note.

GASTROINTESTINAL: The typically formed tongue, esophagus, junction involving the stomach and the esophagus, and lining of the digestive tract are without note. The stomach contains an overabundance of water. The gastric tubular organ contains an estimated 550 ml of yellow-green thick opaque fluid and includes partially digested pizza. The small and large bowels are enlarged from excessive water presence but are without significant gross lesion.

GENITOURINARY: The 190-gram right and 210 gram left kidney have smooth red-brown outward appearances and distinct junctions. The pelvis contains no stone and drains freely to the unobstructed organs, which empty typically to the bladder. The urinary bladder contains an estimated 750 ml of clear pale to clear urine. The urinary bladder is markedly grossly enlarged.

NEUROLOGICAL: The 1420-gram brain has a distinct grey-white matter. The symmetric hemispheres are without gross lesion. The grey-white matter separation is distinguishable. The brainstem and the cerebellum located between the brain stem and the back of the cerebrum have significant swelling. Further detail notes excessive fluid in the area. At the brain stem area, excessive swelling noted. Likely nerve damage.

MUSCULOSKELETAL:

The typically formed skeleton is without note. The intact vertebrae, ribs, pelvis and extremity long bones are without note.

OTHER PROCEDURES:

1. Documentary photographs obtained.
2. Blood, urine, bile, and other fluids submitted for toxicological analysis.
3. Blood submitted for blood analysis.
4. Head and body hair submitted.
5. Clothing submitted for chemical determination.

AUTOPSY FINDINGS: At the time of death, this was a healthy adult female, showing no natural cause of death or traumatic injury. Toxicological testing per report: no alcohol, nor narcotics – prescription.

OPINION: Based upon the medical science reports, as well as physical observation, this otherwise healthy 19-year-old female, Jessica L. Bateson, died from an overdose of water resulting in an acute case of hyponatremia. The volume of water found in the decedent's system was sufficient to alter the sodium serology balance, and would undoubtedly be lethal for someone of Bateson's height and weight. Based upon this information, a lethal overdose of water was neither accidental nor self-inflicted.

MANNER OF DEATH: Deceased died of acute hyponatremia through criminal intervention.

EXHIBIT #6: Photograph of the SOT House



EXHIBIT #7: Photograph of Red Plastic 16oz. "Solo" Brand Cup used by the Victim



EXHIBIT #8: Photograph of Water Coolers used by SOT in the Basement



EXHIBIT #9: News report of Hyponatremia Fatality¹

(CBS/AP) Homicide detectives are investigating the death of a woman believed to have been killed by drinking too much water in a radio station contest.

On a tape of the Jan. 12 show, disc jockeys on KDND-FM's "Morning Rave" joke about the possible dangers of consuming too much water, at one point alluding to a college student who died during such a stunt in 2005.

During the contest, a listener - self-identified as a nurse - called the live radio broadcast and warned that the game was dangerous, CBS News station KQVR-TV reported.

"I want to say that those people drinking all that water can get sick and die from water intoxication," said the caller.

"Yeah, we're aware of that," one of them said.

Another DJ laughed: "Yeah, they signed releases, so we're not responsible. We're OK."

"And if they get to the point where they have to throw up, then they're going to throw up, and they're out of the contest before they die, so that's good, right?" another one said.

The Sacramento County Sheriff's Department decided to pursue the investigation Wednesday after listening to the tape, obtained by The Sacramento Bee newspaper, sheriff's spokesman Sgt. Tim Curran said.

Jennifer Lea Strange, a 28-year-old mother of three, was one of about 18 contestants who tried to win a Nintendo Wii gaming console by determining how much water they could drink without going to the bathroom. The show's DJs called the contest "Hold your Wee for a Wii."

"Hey, Carter, is anybody dying in there?" a DJ asked during the show. "We got a guy who's just about to die," the other responded, and all the DJs laughed.

"I like that we laugh about that," another said.

"Make sure he signs the release. ... Get the insurance on that, please."

Strange participated in the contest during the morning in the studio and was found dead that afternoon. The county coroner said preliminary autopsy findings indicate she died of water intoxication.

Other contestants said Strange may have ingested as much as two gallons of water. Several hours into the contest, Strange was interviewed on the air and complained that her head hurt.

"They keep telling me that it's the water. That it will tell my head to hurt and then it will make me puke," she said.

Strange won the second-place prize, tickets to a Justin Timberlake concert. She commented on the tape that she looked pregnant, and a female DJ agreed.

"Oh, my gosh, look at that belly. That's full of water. ... Come on over, Jennifer, you OK?" the DJ asked. "You going to pass out right now? Too much water?"

The winner of the contest, Lucy Davidson, said she collapsed just 15 minutes after leaving the station with her prize. "I didn't know what was wrong with me. I just knew I had never felt so sick in my life," Davidson told KQVR.

Davidson said Strange's stomach protruded over her waist as the contest ended.

"As soon as we went to the bathroom we both came out of the stalls. I looked over at her and she probably looked as pale as I did," Davidson said.

On Tuesday, KDND's parent company, Entercom/Sacramento, fired 10 employees connected to the contest, including three morning disc jockeys. The company also took the morning show off the air.

Station spokesman Charles Sipkins said Wednesday that the company had not yet heard from the sheriff's department but

¹ © [2007] Sacramento Televisions Incorporated. All rights reserved. Reproduced under license.

that it would cooperate with the investigation.

Attorneys for the Strange family said Wednesday they plan to file a wrongful death lawsuit against the radio station.

EXHIBIT #10: WebMD.com Medical Report on Hyponatremia² (page 1 of 3)

Background

Serum sodium concentration and serum osmolarity normally are maintained under precise control by homeostatic mechanisms involving stimulation of thirst, secretion of antidiuretic hormone (ADH), and renal handling of filtered sodium. Clinically significant hyponatremia is relatively uncommon and is nonspecific in its presentation; therefore, the physician must consider the diagnosis in patients presenting with vague constitutional symptoms or with altered level of consciousness. Irreparable harm can befall the patient when abnormal serum sodium levels are corrected too quickly or too slowly. The physician must have a thorough understanding of the pathophysiology of hyponatremia to initiate safe and effective corrective therapy. The patient's fluid status must be accurately assessed upon presentation, as it guides the approach to correction.

Hypovolemic hyponatremia

Total body water (TBW) decreases; total body sodium (Na⁺) decreases to a greater extent. The extracellular fluid (ECF) volume is decreased.

Euvolemic hyponatremia

TBW increases while total sodium remains normal. The ECF volume is increased minimally to moderately but without the presence of edema.

Hypervolemic hyponatremia

Total body sodium increases, and TBW increases to a greater extent. The ECF is increased markedly, with the presence of edema.

Redistributive hyponatremia

Water shifts from the intracellular to the extracellular compartment, with a resultant dilution of sodium. The TBW and total body sodium are unchanged. This condition occurs with hyperglycemia or administration of mannitol.

Pseudohyponatremia

The aqueous phase is diluted by excessive proteins or lipids. The TBW and total body sodium are unchanged. This condition is seen with hypertriglyceridemia and multiple myeloma.

Pathophysiology

Serum sodium concentration is regulated by stimulation of thirst, secretion of ADH, feedback mechanisms of the renin-angiotensin-aldosterone system, and variations in renal handling of filtered sodium. Increases in serum osmolarity above the normal range (280-300 mOsm/kg) stimulate hypothalamic osmoreceptors, which, in turn, cause an increase in thirst and in circulating levels of ADH. ADH increases free water reabsorption from the urine, yielding urine of low volume and relatively high osmolarity and, as a result, returning serum osmolarity to normal. ADH is also secreted in response to hypovolemia, pain, fear, nausea, and hypoxia.

Aldosterone, synthesized by the adrenal cortex, is regulated primarily by serum potassium but also is released in response to hypovolemia through the renin-angiotensin-aldosterone axis. Aldosterone causes absorption of sodium at the distal renal tubule. Sodium retention obligates free water retention, helping to correct the hypovolemic state. The healthy kidney regulates sodium balance independently of ADH or aldosterone by varying the degree of sodium absorption at the distal tubule. Hypovolemic states, such as hemorrhage or dehydration, prompt increases in sodium absorption in the proximal tubule. Increases in vascular volume suppress tubular sodium reabsorption, resulting in natriuresis and helping to restore normal vascular volume. Generally, disorders of sodium balance can be traced to a disturbance in thirst or water acquisition, ADH, aldosterone, or renal sodium transport.

Hyponatremia is physiologically significant when it indicates a state of extracellular hyposmolarity and a tendency for free water to shift from the vascular space to the intracellular space. Although cellular edema is well tolerated by most tissues, it is not well tolerated within the rigid confines of the bony calvarium. Therefore, clinical manifestations of hyponatremia are related primarily to cerebral edema. The rate of development of hyponatremia plays a critical role in its pathophysiology and subsequent treatment. When serum sodium concentration falls slowly, over a period of several days or weeks, the brain is capable of compensating by extrusion of solutes and fluid to the extracellular space. Compensatory extrusion of solutes reduces the flow of free water into the intracellular space, and symptoms are much milder for a given degree of hyponatremia.

When serum sodium concentration falls rapidly, over a period of 24-48 hours, this compensatory mechanism is overwhelmed and severe cerebral edema may ensue, resulting in brainstem herniation and death.

Frequency United States: Hyponatremia is the most common electrolyte disorder, with a marked increase among hospitalized and nursing home patients. A 1985 prospective study of inpatients in a US acute care hospital found an overall incidence of approximately 1% and a prevalence of approximately 2.5%. On the surgical ward, approximately 4.4% of postoperative patients developed hyponatremia within 1 week of surgery. Hyponatremia has also been observed in approximately 30% of patients treated in the intensive care unit.

International: Though clearly not indicative of the overall prevalence internationally, hyponatremia has been observed in as high as 42.6% of patients in a large acute care hospital in Singapore and in 30% of patients hospitalized in an acute care setting in Rotterdam.

² <http://emedicine.medscape.com/article/907841-overview>, excerpt reprinted with permission from eMedicine.com, 2010.

EXHIBIT #10: WebMD.com Medical Report on Hyponatremia³ (page 2 of 3)

Mortality/Morbidity

Pathophysiologic differences between patients with acute and chronic hyponatremia engender important differences in their morbidity and mortality.

- Patients with acute hyponatremia (developing over 48 h or less) are subject to more severe degrees of cerebral edema for a given serum sodium level. The primary cause of morbidity and death is brainstem herniation and mechanical compression of vital midbrain structures. Rapid identification and correction of serum sodium level is necessary in patients with severe acute hyponatremia to avert brainstem herniation and death.
- Patients with chronic hyponatremia (developing over more than 48 h) experience milder degrees of cerebral edema for a given serum sodium level. Brainstem herniation has not been observed in patients with chronic hyponatremia. The principal causes of morbidity and death are status epilepticus (when chronic hyponatremia reaches levels of 110 mEq/L or less) and cerebral pontine myelinolysis (an unusual demyelination syndrome that occurs in association with chronic hyponatremia).
- The distinction between acute hyponatremia and chronic hyponatremia has critical implications in terms of morbidity and mortality and in terms of proper corrective therapy.

Sex

Overall incidence of hyponatremia is approximately equal in males and females, though postoperative hyponatremia appears to be more common in menstruant females.

Age

Hyponatremia is most common in the extremes of age; these groups are less able to experience and express thirst and less able to regulate fluid intake autonomously. Specific settings that have been known to pose particular risk include the following:

- Infants fed tap water in an effort to treat symptoms of gastroenteritis
- Infants fed dilute formula in attempt to ration
- Elderly patients with diminished sense of thirst, especially when physical infirmity limits independent access to food and drink

Clinical

History

- The number and severity of symptoms increase with the degree of hyponatremia and the rapidity with which it develops. When the serum sodium level falls gradually, over a period of several days or weeks, sodium levels as low as 110 mEq/L may be reached with minimal symptomatology. In contrast, an equivalent fall in serum sodium level over 24-48 hours may overwhelm compensatory mechanisms, leading to severe cerebral edema, coma, or brainstem herniation.
- Symptoms range from mild anorexia, headache, and muscle cramps, to significant alteration in mental status including confusion, obtundation, coma, or status epilepticus.
- Hyponatremia is often seen in association with pulmonary/mediastinal disease or CNS disorders. Hyponatremia must be considered in patients with pneumonia, active tuberculosis, pulmonary abscess, neoplasm, or asthma, as well as in patients with CNS infection, trauma, or neoplasm. Patients with carcinoma of the nasopharynx, duodenum, stomach, pancreas, ureter, prostate, or uterus also have an increased risk.
- Hyponatremia is associated with numerous medications. The patient's medication list should be examined for drugs known to cause hyponatremia.
- Hyponatremia has been noted in patients with poor dietary intake who consume large amounts of beer (called beer potomania) and after use of the recreational drug *N*-methyl-3,4-methylenedioxyamphetamine (ie, MDMA or ecstasy). MDMA-induced hyponatremia occurs via multiple mechanisms; these include the induction of syndrome of inappropriate antidiuretic hormone (SIADH), the encouragement to drink large amounts of water to prevent unpleasant side effects of the drug, and the tendency among those intoxicated to be involved in vigorous physical activity that results in heavy sweating.
- A history of hypothyroidism or adrenal insufficiency should be sought because each is associated with hyposmolar hyponatremia.
- Patients with clinically significant hyponatremia present with nonspecific symptoms attributable to cerebral edema. These symptoms, especially when coupled with a recent history of altered fluid balance, should suggest the possibility of hyponatremia.
 - Anorexia
 - Nausea and vomiting
 - Difficulty concentrating
 - Confusion
 - Lethargy
 - Agitation
 - Headache
 - Seizures

³ <http://emedicine.medscape.com/article/907841-overview>, excerpt reprinted with permission from eMedicine.com, 2010.

EXHIBIT #10: WebMD.com Medical Report on Hyponatremia⁴ (page 3 of 3)

Physical

Physical findings are highly variable and dependent on the degree and the chronicity of hyponatremia. Patients with acutely developing hyponatremia are typically symptomatic at a level of approximately 120 mEq/L. Those patients with chronic hyponatremia tolerate much lower levels.

- Most abnormal findings on physical examination are characteristically neurologic in origin.
 - Level of alertness ranging from alert to comatose
 - Variable degrees of cognitive impairment (eg, difficulty with short-term recall; loss of orientation to person, place, or time; frank confusion or depression)
 - Focal or generalized seizure activity
 - In those patients with acute severe hyponatremia, signs of brainstem herniation, including coma; fixed, unilateral, dilated pupil; decorticate or decerebrate posturing; sudden severe hypertension and respiratory arrest
- In addition to neurologic findings, patients may exhibit signs of hypovolemia or hypervolemia. Determining the hydration status of the patient may help establish the etiology of the hyponatremia and direct subsequent treatment.
 - Dry mucous membranes, tachycardia, diminished skin turgor, and orthostasis suggest hypovolemic hyponatremia due to excessive loss of body fluids and replacement with inappropriately dilute fluids.
 - Pulmonary rales, S3 gallop, jugular venous distention, peripheral edema, or ascites suggest hypervolemic hyponatremia due to excess retention of sodium and free water (ie, cirrhosis, nephrotic syndrome, congestive heart failure).
 - Patients who lack findings of hypovolemia or hypervolemia are considered to have euvolemic hyponatremia, which is consistent with such etiologies as exogenous free water load, hypothyroidism, cortisol deficiency, or SIADH.
- Other nonspecific signs include muscle weakness and cramping. Rhabdomyolysis is an occasional consequence of hyponatremia and should be considered in patients with muscle pain or tenderness.

Causes

- Hypovolemic hyponatremia develops as sodium and free water are lost and replaced by inappropriately hypotonic fluids, such as tap water, half-normal saline, or dextrose in water. Sodium can be lost through renal or nonrenal routes. Nonrenal routes include GI losses, excessive sweating, third spacing of fluids (eg, ascites, peritonitis, pancreatitis, burns), and cerebral salt-wasting syndrome.
 - Excess fluid losses (eg, vomiting, diarrhea, excessive sweating, GI fistulas or drainage tubes, pancreatitis, burns) that have been replaced primarily by hypotonic fluids
 - Acute or chronic renal insufficiency, in which the patient may be unable to excrete adequate amounts of free water
 - Salt-wasting nephropathy
 - Cerebral salt-wasting syndrome seen in patients with traumatic brain injury, aneurysmal subarachnoid hemorrhage, and intracranial surgery. Cerebral salt-wasting must be distinguished from SIADH because both conditions can cause hyponatremia in neurosurgical patients, and yet the pathophysiology and treatment are different.
 - Prolonged exercise in a hot environment, especially in patients who hydrate aggressively with hyposmolar fluids during exertion. Severe symptomatic hyponatremia has been reported in marathon runners and in recreational hikers in the Grand Canyon.
- Euvolemic hyponatremia implies normal sodium stores and a total body excess of free water. This occurs in patients who take in excess fluids.
 - Psychogenic polydipsia, often in psychiatric patients
 - Administration of hypotonic intravenous or irrigation fluids in the immediate postoperative period
 - In a recent meta-analysis, administration of hypotonic maintenance intravenous fluids to hospitalized children has been associated with an increased incidence of acute hyponatremia compared with administration of isotonic maintenance fluids.
 - Infants who may have been given inappropriate amounts of free water
 - Ingestion of sodium phosphate or sodium picosulfates and magnesium citrate combination as a bowel preparation before colonoscopy or colorectal surgery
 - SIADH
- Hypervolemic hyponatremia occurs when sodium stores increase inappropriately.
 - This may result from renal causes such as acute or chronic renal failure, when dysfunctional kidneys are unable to excrete the ingested sodium load. It also may occur in response to states of decreased effective intravascular volume.
 - History of hepatic cirrhosis, congestive heart failure, or nephrotic syndrome, in which patients are subject to insidious increases in total body sodium and free water stores
- Uncorrected hypothyroidism or cortisol deficiency (adrenal insufficiency, hypopituitarism)
- Consumption of large quantities of beer or use of the recreational drug MDMA (ecstasy)
- Hyponatremia can be caused by many medications. Known offenders include acetazolamide, amiloride, amphotericin, aripiprazole, atovaquone, thiazide diuretics, amiodarone, basiliximab, angiotensin II receptor blockers, angiotensin-converting enzyme inhibitors, bromocriptine, carbamazepine, carboplatin, carvedilol, celecoxib, cyclophosphamide, clofibrate, desmopressin, donepezil, duloxetine, eplerenone, gabapentin, haloperidol, heparin, hydroxyurea, indapamide, indomethacin, ketorolac, levetiracetam, loop diuretics, lorcazepam, mirtazapine, mitoxantrone, nimodipine, oxcarbazepine, opiates, oxytocin, pimozone, propafenone, proton pump inhibitors, quetiapine, sirolimus, ticlopidine, tolterodine, vincristine, selective serotonin reuptake inhibitors, sulfonyleureas, trazodone, tolbutamide, venlafaxine, zalcitabine, and zonisamide.

⁴ <http://emedicine.medscape.com/article/907841-overview>, excerpt reprinted with permission from eMedicine.com, 2010.

EXHIBIT #11: Medical Release Form

EMERGENCY MEDICAL/GENERAL RELEASE/WARNING

SIGMA OMEGA TAU (SOT)

CHI SI Chapter

Name of Participant: Jessica Bateson Phone: (602) 555-2600
Address: 603 Moore Tower, Verde Canyon University, Vista City, AZ 85224
Date of Birth: 5/22/1990
Name of Emergency Contact: Linda Bateson Phone: (602) 555-0102

- | | |
|----|---|
| 1. | I hereby certify that I am physically fit to participate in Sigma Omega Tau (SOT). <u>JB</u> I hereby consent to be said participant competing in events sponsored by SOT Fraternity and/or the Sigma Omega Tau Foundation. <u>JB</u> |
| 2. | By signing this contract, I agree to abide by the rules and regulations of SOT and events. I understand that signing this contract releases from liability: SOT Fraternity, its chapters and the SOT Foundation. I understand that signing this contract releases from liability: SOT Fraternity's and SOT Foundation's members, employees, officers, agents, sponsors, judges, coaches and managers, in connection with any injury to or death of the above named participant. <u>JB</u> |

WARNING: I am aware that playing or practicing to play/participate in any sport can be dangerous activity involving many risks of injury. I understand that the dangers and risks of playing or practicing to play/participate in the above mentioned event(s) include, but are not limited to, death, serious neck and spinal injuries which may result in complete or partial paralysis, injury to virtually all bones, joints, ligaments, muscles, tendons and other aspects of the skeletal system, and serious injury or impairment to other aspects of my body, general health and well being. I understand that the dangers of playing or practicing to play/participate in the above mentioned event may result not only in serious injury, but in serious impairment of my future abilities to earn a living, to engage in other business, social and recreational activities and generally enjoy my life.

ACKNOWLEDGEMENT OF WARNING: I (student) Jessica Bateson, hereby acknowledge that I have been properly advised, cautioned, and warned by the proper personnel of SOT Taylor Durden, that by participating in such event, I am exposing myself to the above described risks.

Signature of Participant: Jessica Bateson Date: 8/19/2010

Signature of Witness: Taylor Durden Date: 8/19/2010

GENERAL RELEASE OF ALL CLAIMS:

General Release made August 19, 2010 by Jessica Bateson student of Verde Canyon University residing at 603 Moore Tower city of Vista City, county of Maricopa.

In consideration of permission granted by me by SOT Fraternity to participate in SOT, Jessica Bateson, I hereby release and discharge SOT Fraternity, its chapters and SOT Foundation, and their members, employees, officers, agents, sponsors, coaches, judges and managers, from all claims, demands, actions, judgments, and executions which the undersigned's heirs, executors, administrators, or assigns may have or claim to have against SOT Fraternity, its chapters and SOT Foundation, their members, employees, officers, agents, sponsors, coaches, judges, and managers for all injuries or death to me, Jessica Bateson, including personal injuries or death caused by negligence, or otherwise, known or unknown, and injuries to property, real or personal, caused by, or arising out of the above event(s). I, the undersigned, have read this general release and understand all of its terms. I execute it voluntarily and with full knowledge of its significance. In witness whereof, I have executed this general release the day and year set forth above written.

MEDICAL HISTORY / IMPAIRMENTS: Please note any prior injuries or medical history which would preclude you from participating in SOT activities.

none

Signature of Participant: Jessica Bateson Date: 8/19/2010

Signature of Witness: Taylor Durden Date: 8/19/2010

EXHIBIT #12: SOT Pledge Rules

PLEDGE RULES FOR SIGMA OMEGA TAU CHI SI Chapter Verde Canyon University

1. Wear pledge pin all of the time (this includes on pajamas, towel to and from the shower etc).
2. Carry pledge book at all times (this includes to and from the shower etc).
3. Address members as "Ms." and "Mr."; a pledge may never address a member by their first name.
4. All pledges will wear tan shorts and white shirts without logos or graphics on them during pledge week.
5. Possession of cell phones by pledges during pledge week is prohibited.
6. Pledges are not allowed in any portion of the SOT House except the basement via a basement entrance until full membership status is attained.
7. Mandatory pop quizzes initiated by members at any time.
8. Must carry backpacks to and from classes for members with the same course.
9. Must transport home at any time any member who calls upon a pledge to do so from any location within the metro area.
10. Massive memorization of every song, local chapter affiliation and large portions of the SOT constitution is required.
11. Prepare a pledge class song and skit and perform it on request whenever and wherever requested.
12. Wear a pledge clothing item to all University sponsored athletics activities.

Demerits may be received for any rule infraction.

Demerits must be atoned for before full initiation

- Atonement for demerits may include any of the following at a member's request: washing laundry, picking up meals at the Student Union, washing member's cars, singing the SOT song during lunch in the Student Union, swimming through the reflecting pool at the library, or any other appropriately formulated task assigned by a full member.

EXHIBIT #13: Death Certificate of Jessica Bateson

STANDARD CERTIFICATE OF DEATH

STATE OF ARIZONA
Bureau of Vital Statistics
State Board of Health

File No – For State Registrar Only

AZ-55513

1. Place of Death
County of Maricopa _____

Township of _____
or
City of Vista City

Registration District No. 46-055-89

(No. ___ St.: _____) (Ward)

Registered No. _____

(For use of Local Registrar) (If death occurred in a Hospital or institution give its NAME instead of street and Number.)

Home Address: 603 Moore Tower, Verde Canyon University, Vista City, AZ 85224

Residence NA

In City 19 Yrs 3 Mos 7 Days

2. FULL NAME Jessica Bateson

PERSONAL AND STATISTICAL PARTICULARS			MEDICAL CERTIFICATE OF DEATH	
3. Sex F	4. Color of Race Caucasian	5. Single, Married, Widowed, or Divorced (write the word) Single	21. DATE OF DEATH (month, day and year) August, 29, 2010	
a. If married, widowed, or divorced HUSBAND or WIFE of _____			22. I HEREBY CERTIFY, That I attended deceased from 8/29/2010 to 8/29/2010. I last saw Jessica Bateson alive on 8/29/2010, death is said to have occurred on the date stated above, at 18:40. The principal cause of death and related	
6. DATE OF BIRTH (month, day, year) May 22, 1990			cause of importance in order of onset were as follows:	
7. AGE 19 Years	3 Months	7 Days	Severe Respiratory Distress	Date of Onset 8/29/2010
OCCUPATION	8. Trade, profession or particular kind of work done as spinner, lawyer, bookkeeper, etc. _____		Unrecovered Cardiac Arrest	8/29/2010
	9. Industry or business in which work was done, as silk mill, saw mill, bank, etc. _____			
	10. Date deceased last worked at this occupation (month and year) _____			
	11. Total time (years) spent in this occupation _____		Was this death due to pregnancy or to childbirth? If so, state which.	
12. BIRTHPLACE (city or town) Aiken (State or Country) Arizona			Contributory causes of importance not related to principal cause. Respiratory arrest	
FATHER	13. NAME William Bateson		Name of operation _____ Date _____	
	14. BIRTHPLACE (city or town) Easley, Arizona		What test confirmed diagnosis? _____ Was there an autopsy? Yes	
MOTHER	15. NAME Linda Bateson		23. If death was due to external causes (violence) fill in the following:	
	16. BIRTHPLACE (city or town) Douglass, Georgia		Accident, suicide, or homicide? _____ Date of Injury _____ Where did the injury occur? _____ (Specify city or town and state)	
17. Information _____ (Address)			Specify whether injury occurred in industry, in home, or in public place	
18. BURIAL, CREMATION, OR REMOVAL Place _____ Date _____			Manner of Injury _____ Nature of Injury _____	
19. UNDERTAKER _____ (Address)			24. Was disease or injury in any way related to occupation of deceased? no _____ If so, specify _____	
20. FILED ____ / ____ / ____ (Registrar Signature)			(Signed) <u>Cory White</u> M.D. Address <u>3505 York Highway, Maricopa, AZ 29354</u>	

EXHIBIT #14: Dr. Paulsen’s Report

Riley Paulsen, M.D.

180 Glen Burnie Drive, Baltimore, MD 21282 – Phone: 301.555.1298

Pathology Report - CONFIDENTIAL – Defense Work Product

SUBJECT NAME:	Jessica Bateson	DATE OF DEATH:	8/29/2010
DECEDANT’S ADDRESS:	603 Moore Tower Verde Canyon University Vista City, AZ 85224		
LOCATION OF DEATH:	Maricopa Regional Hospital	ATTENDING PHYSICIAN:	Dr. White
DATE OF AUTOPSY:	8/31/2010	AT BEHEST OF:	State of Arizona
AUTOPSY CONDUCTED BY:	Dr. Jamie Chessler		

RECORDS AVAILABLE FOR EXAMINATION:
Medical Waiver, Emergency Room Records, Death Certificate, Autopsy Record, E-911 Transcript, Family Medical History and Limited Records from Primary Care Physician

Pursuant to defense counsel request, I have reviewed all of the above listed records to ascertain the cause of death for Jessica Bateson. In particular, I reviewed the report of the Coroner’s Office and autopsy report due to the rare cause of death listed.

Jessica Bateson died at Maricopa Regional Hospital on August 29, 2010. Immediately prior to her death, she had been a pledge at the Sigma Omega Tau Honors Society, and was participating in events termed as “Pledge Week.” At one of these events, she collapsed and was transported to Maricopa Regional Hospital by Maricopa County EMS.

The cause of death was listed as acute hyponatremia and was ruled as a homicide by the Coroner’s Office. Due to an excess amount of water in the system, the brain stem became swollen to the point that it destroyed impulse transmission from the brain to the rest of the nervous system. In a teenager this would be a very rare diagnosis. In the autopsy findings, no mention is made of testing for hypothyroidism. This would be an intervening factor that could cause acute hyponatremia with a much lower volume of water than would normally be fatal for anyone outside of infants and the extremely elderly. In the documents provided by the State, a medical release for Jessica Bateson was included. The medical release indicates in her own handwriting no medical conditions or impairments that would preclude her from activities. The family history and medical records from the primary care physician both indicate a genetic history of thyroid related illnesses. This strongly suggests that a thyroid condition existed in Ms. Bateson and was missed by the autopsy. A family history of thyroid problems would be a condition necessary to disclose on any medical release.

Additionally, there was no treatment or diagnosis of acute hyponatremia either by the paramedic with the EMS unit or by the treating emergency room physician. Had either of these professionals made the correct diagnosis, Ms. Bateson could have been rapidly treated with an IV solution that would bring the body chemistry back into balance. This treatment would have prevented the coma and death. The treatment could have even averted brain damage, but definitely would have prevented the coma and death.

In my professional medical opinion, the ineptness of the paramedic and ER attending physician in addition to the lack of disclosure by Ms. Bateson led to her death. The autopsy report was incomplete and thus negligent by not conducting serology tests to determine if an underlying thyroid condition could have contributed to or been the root cause for the acute hyponatremia which resulted in the brain stem swelling and death.