

**2012-2013 ARIZONA HIGH SCHOOL
MOCK TRIAL PROGRAM**

STATE OF ARIZONA V. STORM THOMPSON

November 9, 2012

Dear Mock Trial Teacher and Attorney Coaches:

The Arizona Foundation for Legal Services & Education and the Young Lawyers of Arizona welcome you and your team to the 2012-2013 Arizona High School Mock Trial Program.

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

The Regional Tournaments will be held on March 2, 2013, and the State Tournament will be held on March 23, 2013 at the Sandra Day O'Connor United States District Courthouse in Phoenix.

Case Materials

As you will see, this year's case is a criminal case against a high-school student for interfering with or disrupting an educational institution, by leading an Occupy-style protest against educational budget cuts. The case is fictional, and any similarity or resemblance of any character to an actual person or entity is strictly unintentional and coincidental.

This case is an original case prepared by Dewain Fox of Sherman & Howard L.L.C., Lance Broberg of Tiffany & Bosco P.A., and Tiffany Broberg of Ridenour, Hienton & Lewis, P.L.L.C. The case authors hope that you and your students enjoy the case materials.

Program and Evidence Rules

All team members are expected to know the Mock Trial Rules of Evidence and the Rules of the Program. Beginning this year, we are using the Rules of Evidence used by the National High School Mock Trial Championship. The Rules of Evidence were modified this year to conform to recent amendments in the Federal Rules of Evidence. The Rules of Evidence and the Rules of the Program can be found on the mock trial website, www.azflse.org/mocktrial, in the Download Center.

New Individual Student Awards

Based on feedback received from teams that have attended the national tournament in recent years, we are pleased to announce that we are adopting the national practice of recognizing outstanding student performance during each of the preliminary rounds at the regional and state

tournaments. After each round is completed, each team will present an outstanding attorney and an outstanding witness award to students on the opposing team. In order to make time for these awards, we will need to curtail or completely eliminate the feedback from the judges between rounds. We would appreciate everybody's efforts to make this new process a success, so that we can continue this practice in future years.

Trials

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

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

State Tournament

The State Tournament is scheduled for Saturday, March 23, 2013, at the United States District Courthouse located in downtown Phoenix. Teams that did not compete in the Maricopa County Regional Tournament will be eligible for overnight lodging the evening before the State Finals. More details about the State Tournament will be forthcoming.

National Mock Trial Tournament

The National Mock Trial Tournament will be held May 9-11, 2013 in Indianapolis, Indiana. It is strongly recommended that schools have a fundraising plan in place in the event that they are the State winners and are eligible to travel to the National Tournament.

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

Susan Nusall
Mock Trial State Coordinator

Dewain Fox
Legal Counsel Coordinator

Summary of Case

Storm Thompson, a junior at the top of his/her class at Creosote Canyon High School in Tucson, was fed up with the impact that the legislature's drastic cuts to the education budget were having on school activities. Storm tried to make his/her voice heard at district board meetings. Storm quickly realized, however, that his/her lone voice was ineffective. As such, Storm needed to come up with another way to bring attention to the issue of education budget cuts.

Storm was inspired by an Occupy movement that s/he attended in Phoenix over the winter break. Storm decided to start an Occupy Creosote Canyon movement in an effort to get the community involved in protesting the education funding cuts. The kick-off event was scheduled for the morning of February 15, 2012--when Storm planned to have the protesters meet at the district office, and then march to Creosote Canyon to garner attention in the front parking lot between 1st and 2nd periods. Storm figured that this first event would be small, but hoped that it would attract attention so that more people would participate in future Occupy events and make their voice heard on education funding cuts.

When Storm arrived at the district office, s/he was surprised at the number of students and non-students who turned out. As the group marched toward Creosote Canyon, the crowd continued to grow and became louder and more unruly. When they reached the school, Storm was unable to keep the protesters confined to the front parking lot. Principal Denny Haskins ordered the school to go into a lockdown--which lasted until the protesters finally dispersed a couple of hours later.

The State has charged Storm under an Arizona statute that makes it a criminal offense to interfere with an educational institution. If Storm is found guilty, then Storm faces expulsion under another Arizona statute--which could interfere with Storm's plans to attend college. Storm denies the charges, and asserts that school officials did not act appropriately in ordering the lockdown.

The State's three witnesses are: (1) Principal Denny Haskins; (2) Hayden Garza, a classmate of Storm; and (3) Officer Shea Rivers, a school resource officer assigned to Creosote Canyon. The defense's three witnesses are: (1) Storm Thompson; (2) Reagan Kennedy, Storm's and Hayden's AP Government teacher at the time of the Occupy event; and (3) Justice Emerson, a school security expert hired by the defense to give an opinion as to the school's response to the events on February 15, 2012.

1 REBECCA PEREZ
County Attorney
2
3 MARK ROBERSON
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4 Tucson, Arizona 85701
5 Attorneys for Plaintiff

6 **SUPERIOR COURT OF ARIZONA**
7 **PIMA COUNTY**

8 STATE OF ARIZONA,
9 Plaintiff,
10 v.
11 STORM THOMPSON,
12 Defendant.

Case No. CR2012-9999-MT

INDICTMENT

CHARGING VIOLATIONS OF

**Count 1: Interference With Or
Disruption Of An Educational
Institution**, Class 6 Felony, in violation of
A.R.S. § 13-2911(A)(1)(a)

**Count 2: Interference With Or
Disruption Of An Educational
Institution**, Class 6 Felony, in violation of
A.R.S. § 13-2911(A)(1)(b)

**Count 3: Interference With Or
Disruption Of An Educational
Institution**, Class 1 Misdemeanor, in
violation of A.R.S. § 13-2911(A)(2)

**Count 4: Interference With Or
Disruption Of An Educational
Institution**, Class 1 Misdemeanor, in
violation of A.R.S. § 13-2911(A)(3)

21 The Pima County Grand Jury accuses **STORM THOMPSON**, charging on this 13th
22 day of March, 2012, that in or from Pima County, Arizona,

23 **COUNT 1**

24 **Interference With Or Disruption Of An Educational Institution**

25 On February 15, 2012, defendant **STORM THOMPSON** intentionally, knowingly or
26 recklessly interfered with or disrupted the normal operations of an educational institution,
27 to wit: Creosote Canyon High School, by threatening to cause physical injury to any
28 employee or student of the educational institution or any person on the property of the

1 educational institution, in violation of A.R.S. § 13-2911(A)(1)(a).

2 **COUNT 2**

3 **Interference With Or Disruption Of An Educational Institution**

4 On February 15, 2012, defendant **STORM THOMPSON** intentionally, knowingly or
5 recklessly interfered with or disrupted the normal operations of an educational institution,
6 to wit: Creosote Canyon High School, by threatening to cause damage to the educational
7 institution or to property of the educational institution, in violation of A.R.S. § 13-
8 2911(A)(1)(b).

9 **COUNT 3**

10 **Interference With Or Disruption Of An Educational Institution**

11 On February 15, 2012, defendant **STORM THOMPSON** intentionally or knowingly
12 entered or remained on the property of an educational institution, to wit: Creosote Canyon
13 High School, for the purpose of interfering with the lawful use of the property or in any
14 manner as to deny or interfere with the lawful use of the property by others, in violation
15 of A.R.S. § 13-2911(A)(2).

16 **COUNT 4**

17 **Interference With Or Disruption Of An Educational Institution**

18 On February 15, 2012, defendant **STORM THOMPSON** intentionally or knowingly
19 refused to obey a lawful order to leave the property of an educational institution, to wit:
20 Creosote Canyon High School, in violation of A.R.S. § 13-2911(A)(3).

21 Pursuant to A.R.S. § 21-401 *et seq.*, the County Grand Jurors find that the offenses
22 described above were committed, in whole or part, in Pima County, Arizona.

23 A “True Bill”

24 Dated: March 13, 2012

25 REBECCA PEREZ
26 COUNTY ATTORNEY
PIMA COUNTY, ARIZONA

27 /s/ Mark Roberson
28 Mark Roberson
Deputy County Attorney

/s/ Amy Lawrence
Foreperson of the County Grand Jury

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF PIMA
THE HONORABLE W.L. DAVIS, PRESIDING JUDGE

IN CHAMBERS ()

IN OPEN COURT (X)
JANICE HALL, CLERK
By: B. Butler, Deputy

STATE OF ARIZONA
v.
STORM THOMPSON

DATE: April 4, 2012
TIME: 9:30 A.M.

NO. CR2012-9999-MT

MINUTE ENTRY

This is the date and time set for a Not Guilty Arraignment.
Court Reporter Susan Williams is present.

APPEARANCES

State's Attorney: Mark Roberson
Defendant's Attorney: Carmen Whitaker
Defendant: Present

NOT GUILTY ARRAIGNMENT

The defendant is advised of the charges in the Indictment.

Let the record reflect that the defendant enters a plea of not guilty on all charges.

IT IS ORDERED that an Initial Pretrial Conference at which the defendant shall personally appear will be held in this Division at 9:30 a.m. on May 4, 2012.

NOTICE TO DEFENDANT:

Failure to comply with the above orders may result in revocation of the defendant's release from custody and/or the imposition of other sanctions.

The defendant may be tried in his/her absence if he/she fails to appear for trial.

IT IS FURTHER ORDERED affirming all prior bond and custody orders.

1 **DECLARATION OF DENNY HASKINS**

2 I am the Principal of Creosote Canyon High School in Tucson, Arizona. I have
3 held this position for five years. I am forty-five years old and have been an educator my
4 entire career, following the military that is. Prior to college I joined the Navy, where I
5 spent four years as a Gunner's Mate. I really enjoyed my time in the Navy. I learned
6 discipline, order and responsibility, and I got to see places I otherwise would not have
7 seen.

8 When I left the Navy, I enrolled at Pima Community College. I transferred after
9 my first year to Northern Arizona University's College Of Education. A few years later, I
10 graduated and started teaching 8th grade science at Bliss Middle School. I loved working
11 with the students. But eventually--10 years later--I started to explore my other options. I
12 figured I could have a greater, more meaningful impact on the students if I moved to the
13 administrative side of education. As an administrator, I could use my leadership skills to
14 help a whole staff become better teachers--allowing me to have a positive impact on many
15 more students than I could ever reach on my own in just one classroom. As luck would
16 have it, a new high school was being opened in my school district and they were looking
17 for a vice-principal. I applied, but didn't get the position. I kept my head up. After all,
18 from my Navy experience, I knew what it was like to be passed over for promotions by
19 those less qualified. Six months later, it was no shock that the person they hired over me
20 resigned. Though I never found out why, I immediately applied again and was promoted.
21 I did not take my new post until the fall of the next year--2004.

22 Being vice-principal at Carossi High was an eye-opener. Principal Albert Clifford
23 was too soft. That was a problem to me, particularly in light of the fact that high school
24 students challenge authority much more directly and malevolently than middle school
25 students. I found that I was constantly frustrated with the way the school was being run,
26 and there was nothing I could do to change it. For five years in a row, Carossi's test
27 scores were the worst in the district. When the voters instituted performance pay for
28 teachers, Carossi never qualified. Needless to say, that didn't do much for the staff's

1 morale. We also had more on campus “incidents” than any of the other schools--probably
2 more in one year than the others had in five years. Eventually, I couldn’t handle it any
3 longer. When I saw an opening at Creosote Canyon (“CC”) I jumped at it. I only had to
4 apply once this time. I have been principal at CC ever since.

5 Based on my experience at Carossi, my first order of business was to develop a
6 personal conduct policy that would be signed by every student at the beginning of each
7 year. The students were going to be told the rules, acknowledge the rules, and take
8 responsibility for their own actions. Insubordination would not be tolerated. Put simply,
9 I ran a tight ship. **Exhibit 3** is a copy of the personal conduct policy signed by the
10 defendant, Storm Thompson.

11 I also included with the personal conduct policy the Seven-Step Path to Better
12 Decisions developed by the Josephson Institute of Ethics. Those steps are: (1) Stop and
13 Think; (2) Clarify Goals; (3) Determine Facts; (4) Develop Options; (5) Consider
14 Consequences; (6) Choose; and (7) Monitor and Modify. I did not make the students sign
15 this document, because these were more aspirational goals than a commitment.

16 As if I did not have enough to do as a new principal, the school district informed
17 me that I had to take three courses related to school security plans before the school-year
18 started. Fortunately, the classes were online--so I was able to watch the videos in my
19 office while I worked on my personal conduct policy. There are only so many hours in a
20 day, so multi-tasking is a must. I’m good at it, too. I retained just enough from the
21 videos to get the minimum passing score on the test following each video. Otherwise, I
22 would have had to watch the videos again and retake the tests.

23 More important to me was that my personal conduct policy was proven effective
24 during my first two years. CC finally was competitive with the other high schools in the
25 district--and all other public schools in the state, for that matter. Disciplinary infractions
26 were down, and test scores were up. Both of these accomplishments bucked the trend in
27 public education today.

28 Moving to the incident at hand, I am familiar with Storm Thompson. Prior to this

1 incident, Thompson was an exemplary student--quite unlike the older Thompson. It is
2 partly because of the contrast between those two that I was caught a bit off guard with the
3 Occupy the School shenanigans. In or around the middle-part of January 2012, I met with
4 Hayden Garza, a classmate of Thompson. Garza also was an exemplary student. Garza,
5 after all, was instrumental in the formation of our ROTC program on campus--which was
6 one of my primary goals when I took over at CC. There's nothing like the ROTC
7 program to instill discipline in students. Garcia obviously took the Seven-Step Path to
8 Better Decisions to heart. It's too bad that Thompson didn't.

9 Garza first approached me while I was in my office. Garza had a copy of a
10 Facebook post referencing Occupy the Schools. **Exhibit 4** is a copy of that document.
11 The Facebook post gave me some cause for alarm. First, I saw those Occupy Wallstreet
12 no-goodniks. I did not want those kinds milling about my campus causing damage.
13 Second, educational funding is a school district and state legislature problem--not a CC
14 problem. While I certainly empathize with the students' and faculty's concerns as to
15 more budget cuts, I will not tolerate anarchy on my campus and I will not permit my
16 school and my students to be portrayed as a rowdy band of protestors in the local media.
17 That would be a major setback in the progress that we have made since my arrival at CC.
18 This all said, I was not interested in jumping to premature conclusions. So, I asked Garza
19 to dig up some more information.

20 About a week later, Garza confirmed that project Occupy the Schools was a go.
21 The plan apparently was to meet at the school district offices and march to campus
22 arriving DURING my first period and potentially interrupting my second period. Garza
23 reported that Thompson promoted the movement aggressively and in a manner that
24 suggested outsiders would be involved. Garza shared my concern that this movement was
25 inappropriate.

26 I was reluctant to involve Shea Rivers, our School Resource Officer, because s/he
27 had been at CC for only a few months and had not yet earned my full trust and
28 confidence. Instead, I scheduled a meeting with my vice-principal in charge of discipline,

1 who I had known since I started in the district. We discussed a pre-emptive lockdown.
2 Unfortunately, lockdowns and lockdown drills have become a normal part of education
3 these days, and word often leaks out in advance. My vice-principal and I both agreed that
4 allowing notice to get out would be detrimental to our operation. My military experience
5 taught me that you do not tip your hand, particularly when, with the aid of social media,
6 your opponent can quickly respond and react. We did not want the Occupy folks to
7 reschedule the incident for a later time in the day--or even a different day--when we might
8 be less prepared and equipped to neutralize the situation. So, we jettisoned the idea of a
9 pre-emptive lockdown.

10 When February 15 arrived, I felt prepared. Mind you, I was not happy or excited
11 about the prospect of having anarchy on my campus. But I did feel that we could handle
12 whatever this motley crew could throw at us. That morning, Rivers came in the office
13 while I was on the radio with my vice-principal. I was busy making sure all of our
14 security personnel were in place, and didn't have time to talk with Rivers. When I turned
15 back around, Rivers was gone.

16 I heard the Occupy group before I saw them. That was not, in my mind, a good
17 thing. At that point, Rivers rushed back into the office in a panic and told me that a large,
18 out-of-control crowd was approaching the school--as if I didn't already know. Rivers
19 started mumbling something else after the mob entered the campus, but I was too focused
20 on implementing the lockdown plan to hear what s/he said. I told Rivers that we had to
21 do whatever it took to move the Occupy group off the campus.

22 The unruly crowd finally disbanded after a couple of hours, and we lifted the
23 lockdown. These hooligans disrupted not only my first and second periods--but also my
24 third period. They also left debris--food wrappers, soda cans and signs--strewn about the
25 campus, and they trampled on some of the flowers and other landscaping around the
26 campus. Our head custodian reported that someone even scrawled "Occupy CC" on the
27 auditorium. I told him to get rid of the graffiti immediately--which he did before the
28 media or anyone else could take a picture of it. It took our custodial staff into the evening

1 hours to restore the campus to its normal pristine condition--just the way I like it.

2 To this day, Thompson has made no effort to apologize for the events of February
3 15. As far as I am concerned, that says it all. Thompson violated the personal conduct
4 policy, and failed to consider the consequences of his/her actions. As principal of CC, I
5 cannot permit such a student on my campus. The safety, security, and order of my
6 campus is paramount, and I will not permit hooligans a second chance. Once Thompson
7 is found guilty, I will make sure that s/he is expelled pursuant to A.R.S. § 15-841(H).

8 I declare under penalty of perjury that the foregoing is true and correct, and that
9 this Declaration was executed by me on October 22, 2012, in Tucson, Arizona.

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11 *Denny Haskins*
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13 Denny Haskins
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1 **DECLARATION OF HAYDEN GARZA**

2 I am a senior at Creosote Canyon High School. In a couple of short months, I will
3 be graduating with a 3.98 GPA and heading to college to study political science. I
4 haven't yet decided where I will be attending college, but I'm currently waitlisted at Cal
5 Berkley and I have a positive attitude that a spot will open for me.

6 I've been preparing for this moment my entire life. Since sixth grade, when I
7 matriculated from Creosote Elementary West into Creosote Middle School, I have been
8 doing everything possible to be the absolute best student and college applicant I could
9 possibly be. From my grades to my extracurricular activities, I have been shaping myself
10 into the perfect college applicant. I also realized early on that keeping good relationships
11 with teachers and school administrators is always in my best interest. It's all about
12 getting the perfect college recommendation letters, you know?

13 Winning has been quite a process, and it hasn't been easy. But I'm the youngest of
14 four kids, so getting a scholarship to college is an absolute must. Growing up with three
15 older siblings made me used to getting noticed in a crowd, and it helped prepare me to
16 compete in school. When I started at Creosote Middle, not only did I have to compete
17 with the kids in my class from Creosote West, but we merged with the kids from Creosote
18 Elementary East. So, that was double the competition!! I knew ahead of time what I was
19 going to be up against, so I planned accordingly. Within the first week of sixth grade, I
20 had identified the smartest students in my class (other than me, of course), and made a
21 point to become their friends. Keep your enemies close, you know? That's actually how
22 I first met Storm Thompson. We were in the same homeroom and honors track at
23 Creosote Middle. I guess you could say that Storm was my biggest competition--Storm
24 and I have been neck-in-neck in grades and honors for years. Fortunately for me, Storm
25 decided to take a different direction our junior year and basically threw away a promising
26 high school career.

27 In our junior year, Storm and I were in the same AP Government class at Creosote
28 Canyon. We were given an assignment to bring awareness to citizen involvement in the

1 State of Arizona, particularly in state and local government, and to do a public
2 presentation outside of the classroom about an issue important to the citizens. My idea
3 was fantastic--I was going to bring awareness to the State's budget crisis. Not only that--
4 February 14, 2012 was Arizona's Centennial Statehood Day. How perfect was that? Just
5 staring me in the face--I can't believe nobody else thought of it. I was going to bring
6 awareness to the State's budget issues on Arizona's 100th birthday.

7 I planned my presentation for weeks. I made announcements in all of my classes
8 and gave out flyers that my presentation would be on the back part of campus near the
9 athletic fields during lunch hour on February 14. I got permission, of course, from
10 Principal Haskins, which wasn't too difficult. Principal Haskins loves me, because I
11 started the ROTC program at Creosote Canyon. I found out early on as a freshman that
12 Principal Haskins was retired Navy, so of course Principal Haskins loved the idea of
13 ROTC. Remember what I said about getting in good with the school administrators? Ha-
14 ha!

15 Anyway, my budget presentation was going to be great. I'd been studying the
16 budget presentations and arguments going on in the Arizona State Legislature, and I
17 attended as many open-door debates as I could. Unfortunately, the leadership decided to
18 conduct many of the budget discussions behind closed doors--so I couldn't attend those
19 sessions. I also interviewed lawmakers and lobbyists, and spent time roaming the halls of
20 the Capitol building, as long as it didn't interfere with Cross Country practice or the Glee
21 Club. I even got to write a couple of articles for the Mesquite Times, our school paper,
22 while I was at it. How's that for multitasking? You can never have too many activities to
23 list on your college applications.

24 All this time, I'd been watching and listening closely to find out what Storm was
25 going to do a presentation on. Storm was all over the board, but I thought Storm was
26 going to choose something lame like Tucson's water conservation policies or forest fire
27 prevention. The attendance for my presentation was going to be amazing. So, it surprised
28 me when, in January, I started seeing posts by Storm on Facebook about "occupying the

1 schools” for some kind of budget cuts. I mean, are you kidding me? Storm completely
2 stole my idea! Fortunately, my presentation was going to be before the Occupy day and I
3 figured nobody would show up to the silly Occupy thing after they learned everything
4 they needed to know at my Centennial/Budget presentation.

5 But I told Principal Haskins about the Facebook posts anyway, sometime in mid-
6 January. Did I mention that at the time I also was a hall safety monitor and on the Student
7 Council? So, I figured it was my duty to report to Principal Haskins everything I knew
8 about the Occupy thing, and, of course, I also wanted to know whether Storm got
9 permission from Principal Haskins to use school grounds. Principal Haskins was shocked
10 and appalled at what I told him/her about the Occupy thing, and s/he asked me to keep
11 bringing updates as they came. So, I did. Every time Storm told me something about the
12 Occupy day or something was posted on Facebook, I brought it to the Principal’s office.
13 Even when there was a line of parents and other people waiting to see Principal Haskins,
14 s/he always made time to see me right away. **Exhibit 4** is one of the Facebook posts that
15 I gave to Principal Haskins.

16 In AP Gov one day, Mr./Ms. Kennedy asked for an update on our presentations. I
17 raised my hand and told Mr./Ms. Kennedy that I didn’t think Storm’s presentation was
18 fair and that Storm was breaking the rules. You’ll never believe what Storm said--“I’m
19 really serious about the budget cuts at this school and it’s time for the school
20 administration and state legislature to sit up and listen. And they’ll be sorry if they
21 don’t!” Do you believe that? Like I wasn’t also really serious about the budget, and
22 wasn’t trying really hard to get everybody at the school to show up at my presentation?
23 Storm apparently had a bone to pick about some silly club that his/her older brother
24 Gordon was in that got shut down due to budget cuts. So, I told Principal Haskins what
25 Storm said about getting the school administration’s attention. And man, I was seriously
26 ticked that the Occupy thing was getting better press than my Centennial/Budget
27 presentation. After all, unlike Storm, I got permission to use school grounds!!!

28 Well, my Centennial/Budget presentation went well. As well as could be

1 expected anyway--when all the whole student body ever talked about was the Occupy
2 thing the next day, not to mention the Valentine's Day pizza party in the cafeteria during
3 lunch hour. Fortunately, I videotaped my presentation to add to my college applications
4 and to post on YouTube. Of course, I ended up getting an A on the presentation. My AP
5 Gov teacher showed up, and I guess that's all that really matters. After all, s/he wrote me
6 a great recommendation letter.

7 Storm's Occupy thing didn't go as well. I was in my AP calculus class on
8 February 15--with people congratulating me on my Centennial/Budget presentation--
9 when Principal Haskins announced over the intercom that we were going into lockdown
10 mode. At that point, I had a gut feeling that Storm was going down. I still can't believe
11 that we had to stay in lockdown for two hours over something as silly as Storm's Occupy
12 thing.

13 I kind of feel bad for Storm having to go through all of this. If not for this, Storm
14 probably would have been nipping at my heels for class valedictorian this year. Now, I
15 guess I'm a lock.

16 I declare under penalty of perjury that the foregoing is true and correct, and that
17 this Declaration was executed by me on October 22, 2012, in Tucson, Arizona.

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19 *Hayden Garza*
Hayden Garza

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1 **DECLARATION OF OFFICER SHEA RIVERS**

2 I am an officer with the Tucson Police Department. After I graduated from the
3 University of Arizona in 2006 with a B.S. in Sociology, I was hired by the Tucson Police
4 Department as a peace officer candidate and enrolled in the police academy. In 2007, I
5 completed the 585-hour basic peace officer training and obtained my certification as a
6 peace officer through the Arizona Peace Officer Standards and Training Board. My
7 initial assignment was as a patrol officer.

8 After college, I also joined the Arizona Army National Guard. As a result of my
9 education and experience, I was able to join with the rank of Second Lieutenant. In early
10 2009, my unit was activated and deployed to Afghanistan for duty in a combat zone. I
11 don't like to talk about the things that I saw and the things I had to do during my time in
12 Afghanistan. Suffice it to say, my worst days as a police officer are no comparison to my
13 time in Afghanistan. The experience definitely hardened me, and I think it made me
14 better prepared for the horrible things that police officers routinely encounter.

15 My tour of duty in Afghanistan lasted for one year. After I returned home, I
16 resumed my assignment as a patrol officer with the Tucson Police Department. About
17 two months after I returned, my partner and I encountered an armed suspect at a
18 particularly gruesome crime scene where a mother and her two children had been killed. I
19 had a flashback to an incident in Afghanistan, and I froze momentarily. In that brief
20 moment, my partner was grazed by a bullet from the suspect's weapon. I immediately
21 snapped out of it and returned fire, killing the suspect. I was placed on routine
22 administrative leave during the investigation. Of course, I was cleared in the
23 investigation, but my supervisors were concerned about my state of mind and fitness to
24 return to patrol duty--even though my partner insists to this day that it was not my fault
25 that he was wounded. I was assigned to desk duty in the precinct station. I most certainly
26 did not go to the police academy to sit behind a desk and push paper all day long.

27 I had to find another assignment that would give me an opportunity to show that I
28 still was fit to serve, so that ultimately I could return to patrol duty. The internal job

1 postings had a listing for a School Resource Officer (“SRO”) position at Creosote Canyon
2 High School for the 2011-2012 school year. SROs are certified peace officers who
3 provide law-related education and life skills training to students, and serve as a source of
4 information and support for teachers, administrators and parents. SROs also focus on
5 safety in and around schools--which is particularly important in this day and age of
6 increased school violence. Indeed, the primary goal of the SRO program is to provide
7 students with a safe school environment where they can excel.

8 Fortunately, I was able to convince my supervisors that the SRO program provided
9 a less stressful opportunity for me to move from the precinct station back into the field.
10 My goal was to make a name for myself as a SRO during the 2011-2012 school year, so
11 that my supervisors would see that I was ready to return to patrol duty. One and done, so
12 to speak.

13 I certainly didn’t expect to become hooked on the position. During my first year as
14 a SRO, however, I was more than a law-enforcement officer. I was also a law-related
15 counselor and a law-related education teacher. These three different roles place SROs in
16 the unique position of making a significant impact on our youth--which had a profound
17 impact on me, and fit well with my sociology background. When I was offered the
18 opportunity to return as the SRO at Creosote Canyon for the 2012-2013 school year, I
19 gladly accepted. I eventually plan to return to patrol duty, but I’ve put that plan on hold--
20 at least temporarily.

21 As a SRO, I work closely with Denny Haskins, the principal of Creosote Canyon.
22 Haskins is what you might call a no-nonsense military-type. I guess that is why we
23 naturally got along from the first time we met. Haskins calls it like s/he sees it, and is not
24 afraid to let you know what s/he thinks about anything. Our relationship is based on trust
25 for one another. For the past two school years, I have worked with Haskins on the
26 emergency response plan annual updates that are required by state law.

27 As a SRO, I try to get acquainted with as many of the students as possible--but it is
28 impossible to really get to know all but a handful of them. As you might expect from the

1 nature of my position, I tend to spend more of my time with students who present
2 behavior problems or need some sort of special attention. I did not know who Storm
3 Thompson was until February 15, 2012--but I know that I saw him/her one or two times
4 in passing on campus before then.

5 On February 15, 2012, I arrived at Creosote Canyon about 8:30 a.m., just before
6 the second-period bell sounded. I usually get there well before school begins at 7:30--but
7 I was running late that morning, because I was celebrating my engagement to my college
8 sweetheart the previous night. I immediately went into the office to tell Haskins the good
9 news, and was surprised to see a buzz of activity like I'd never seen at the school.
10 Haskins was talking with someone on the two-way radio about some student leading a
11 protest that was headed from the district office toward the school. I had no idea what the
12 protest was about, but I had that unmistakable feeling like I was back on patrol duty. At
13 that moment, I knew that I had to take charge to protect Creosote Canyon and the
14 students. Nobody was going to get hurt under my watch again.

15 I got into my patrol car and headed in the direction of the district office. As I
16 approached the district office, I encountered a crowd of what looked to be 75 to 100
17 people marching toward Creosote Canyon and disrupting traffic. It looked like mostly
18 students, but there were some young adults as well. From what I could tell, the ring-
19 leader appeared to be a student with a megaphone who was leading the marchers in a
20 chant. I had a hard time making out the chant from my patrol car. It alternated between
21 something to the effect of "Occupy what? Our Schools!" and "Who's in charge? We
22 are!" I now recognize the person with the megaphone as Storm Thompson. Some of the
23 marchers were carrying American flags, and some had signs with slogans such as
24 "Occupy Our Schools" and "Restore Education Funding Now!" I still wasn't sure what
25 the protest was about--but I was concerned from the recent Occupy movements around
26 the country that the group intended to "occupy" or takeover the school. I also was
27 concerned about the damage that a crowd this big and this angry might cause.

28 I acted quickly to ensure the safety of the school. Some young adults along the

1 route joined the march, and the chants were getting louder. Thompson barked out
2 inaudible commands, and then I saw one or two of the young adults who joined the march
3 cause minor damage to property in their path. I radioed dispatch to send patrol units to
4 control the march before it got completely out of hand, and I drove quickly back to
5 Creosote Canyon.

6 Back at the school, I reported the severity of the protest to Haskins and told
7 him/her about my fear that the group intended to occupy the school. I couldn't
8 understand why Haskins looked at me like I was an idiot. Anyway, in no time, the
9 protesters reached their destination at the campus entrance. The crowd trampled right
10 over the security guard positioned at the gate, who was waving his arms trying to stop the
11 crowd from proceeding any further.

12 Under the emergency response plan, Haskins was the Incident Commander. That
13 means it was his/her call whether to activate the plan, and if so, at what level. Of course,
14 Haskins would want my input before making such a significant decision. I looked
15 Haskins in the eye and said, "Better safe than" Before I could even finish, Haskins
16 grabbed the PA system microphone and announced, "Attention! We are initiating a
17 lockdown procedure".

18 I positioned myself near a window in the office, so that I could monitor
19 developments. Three patrol units monitored the situation from just outside the school
20 grounds. Most of the students congregated at the campus entrance and in the front
21 parking lot--some sitting and some wandering around--and held their signs so that they
22 were visible to passing traffic. Haskins asked me to make the students leave the campus.
23 I stepped outside the office with a megaphone that the school uses at track and field
24 events, and commanded the students to disperse and leave the school grounds. The
25 students looked at me and laughed, but didn't budge.

26 Other than displaying their signs and making a lot of noise, the protest was
27 uneventful and the students seemed to be enjoying themselves. The protest did not
28 escalate to the level that I initially feared--so the commander of the patrol units positioned

1 off the school grounds decided to continue monitoring the situation, rather than
2 confronting the protesters and possibly making the situation worse. After a couple of
3 hours, the students finally had enough and disbanded. After it was confirmed that all
4 protesters had left the area, Haskins gave the “all clear” signal to terminate the lockdown.

5 The patrol officers and I immediately debriefed with Haskins outside the
6 administration building. We decided that we had probable cause to arrest Thompson for
7 interfering with an educational institution. Accordingly, Thompson was arrested and
8 taken into custody. Thompson was carrying two 2’ x 3’ posters when s/he was arrested.

9 **Exhibits 6 and 7** are photographs of the posters.

10 Based on my education, training and experience, I believe that Haskins made the
11 appropriate decision in ordering a lockdown. If Haskins had not ordered a lockdown and
12 the protest ended up escalating and turning violent, then Haskins would have been
13 criticized--and rightly so. In any event, if nothing else, the lockdown proved to be a good
14 training exercise under realistic conditions.

15 I declare under penalty of perjury that the foregoing is true and correct, and that
16 this Declaration was executed by me on October 22, 2012, in Tucson, Arizona.

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18 *Shea Rivers*
19 _____
20 Shea Rivers
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1 **DECLARATION OF STORM THOMPSON**

2 I am, or at least should be, a senior at Creosote Canyon High School. I am
3 currently facing expulsion pursuant to A.R.S. § 15-841(H), not to mention the criminal
4 charges for interfering with or disrupting an educational institution under A.R.S. § 13-
5 2911. I honestly had no knowledge of, or interest in, the law before this whole thing.
6 Now, I'm thinking about going to law school--that is, of course, if this mess does not ruin
7 my whole life.

8 It all started when I was a freshman at CC. My older brother, Gordon, was a
9 junior. Gordon was, shall we say, a bit of a problem for my parents growing up. For
10 schools, too. CC was his third high school in as many years. He had problems with his
11 grades and behavior, and he had no friends. I was convinced he would drop out or get
12 arrested before he made it to senior year--probably both. But, thankfully, neither
13 happened.

14 Gordon met Coach H his junior year. Coach H was a legend in the track and field
15 circuit. Coach H also was a volunteer fire fighter. In that role, he sponsored an
16 emergency medicine club ("EMC") on campus. I have no idea why Gordon went to his
17 first EMC meeting, because he was not a track aficionado--but he did. Everything
18 changed for Gordon after his first EMC meeting. He was hooked. He went to every
19 meeting. He studied more for that club than for class. The club had monthly outings--
20 sometimes to volunteer at a local hospital, sometimes to a firehouse, and sometimes to a
21 police station or a paramedic's branch. And once, they even trained on Mount Lemon
22 with some members of the mountain rescue unit. Gordon loved it. He went from
23 someone who hardly talked to someone who you couldn't keep from talking about "we
24 did this" or "we did that." He told my parents that he wanted to be either a rescue medic
25 or a firefighter. He really found his calling. He literally went from a zero to a wanna-be
26 hero--and it was all because of Coach H.

27 Right before Gordon's senior year, during my sophomore year, we got our first
28 taste of government run-amok. Like we all know, Arizona has had some budget issues

1 lately. Well, a couple years ago, the braniacs at the state legislature decided that they
2 should slash school funding by more than \$400 million to reduce the budget short-fall.
3 This decision trickled down to the school boards who used their infinite wisdom to
4 determine what was, and what was not, important. The impact was first felt at CC by
5 some of the lesser-known, but very educational, extracurricular activities--like the EMC.
6 All outings were cancelled. No money for the van, no money to pay for the insurance
7 needed for off-campus trips, and no money to pay Coach H the few dollars he got for his
8 role--although I'm sure he would have done it for free.

9 EMC survived for a few months. They still met after school in Coach H's
10 classroom. He did what he could to bring in guest speakers and demonstrations at no
11 cost. Gordon still refused to miss a meeting. Gordon did not seem to care much about the
12 cutbacks since he planned on getting the real-life experience soon enough. But midway
13 through Gordon's senior year, the club was shut down completely--even though it had
14 been operating on a shoestring anyway. Apparently, Coach H also had his salary slashed
15 and his stipend for coaching track cut. He never said a word to the students, but they all
16 found out when he told them that he had been forced to take another job to put food on his
17 family's table. That job took all his free time. He could no longer sponsor the EMC.

18 Gordon was devastated. He fell back into his old self. His grades immediately
19 started to drop. He withdrew from the family again. My parents and I were really
20 concerned. In the year and a half he had the EMC, his grades picked up, he took his
21 ACT, and he applied to the University of Arizona--and was accepted! He was going to
22 double major in fire science and nursing. We were terrified that he could lose it all--and
23 maybe not even graduate--if we didn't do something. So, my parents called Coach H. I
24 don't know what they said or did, but Coach H agreed to meet with Gordon every
25 Saturday morning on his own time for the rest of the semester. He literally saved Gordon.
26 Gordon is now in his sophomore year at the U of A and is doing great. He also is
27 working part time with the Tucson Fire Department.

28 Sorry for all the family drama--but it's important. See, I saw how important Coach

1 H was to my brother. When the school slashed the budget, they did more than save a few
2 dollars. They jeopardized my brother's future. It was terrifying. My family and I felt
3 helpless. It was absolutely shameful. I knew then that I would fight any efforts to harm
4 our school again. But sure enough, the budget slashing reared its ugly head again.

5 At the beginning of my junior year, I attended a school district meeting. I knew
6 that the school budgets had been attacked again, and I attended the meeting to see--well, I
7 don't know what I was expecting to see. I guess I wanted to see what everyone was doing
8 to fight for the schools. I was shocked. It was an open meeting and there were only three
9 people in the audience. The board members went through some routine administrative
10 stuff. Then they discussed pulling funding for all extracurricular activities--other than
11 sports, of course. They all seemed to think it was a pretty simple decision. To them, they
12 just had to pick between teach classes and extracurricular activities.

13 When it came time for questions or comments from the public, the others just sat
14 there. In hindsight, I think they were family of the board members waiting for a ride
15 home. Anyway, I stood up and approached the podium. They smiled. They probably
16 assumed I was going to ask questions, maybe for extra credit in some government class.

17 When I got to the podium, I didn't have a plan. I didn't know if I was going to ask
18 questions or make a statement. If you asked me now, I can't even tell you what I really
19 did. But what I do know is I got mad. I know that the longer I spoke, the madder I got. I
20 could not believe that they were going to just strip the schools' extracurricular funding.
21 Not without a fight! When I was done, you could have heard a pin drop. I turned, walked
22 back to my seat, and sat down.

23 Then one of the board members called for a vote on cutting the budgets for
24 extracurricular activities. UNANIMOUS! They approved the cuts. Then they moved on.
25 The end. They either did not listen to me, or they did not care! I did not need anyone to
26 explain to me the power of one person's voice after that.

27 I went home after the meeting and started calling my friends. I asked my teachers
28 if I could speak at the beginning of each class--I just needed 5 minutes. I wrote a column

1 in the school newspaper. I wrote a letter to the editor of the main newspapers in town. I
2 started a social media campaign. I got my friends and others who were receptive to write
3 letters and send emails to the district superintendent, the board members, and local
4 legislators. I even asked Coach H to send a letter. It seemed like I spent my whole first
5 semester campaigning. In return, I got a couple “thanks for your valued opinion” letters.
6 That’s it.

7 With the lack of success, I started to see people giving up. A lot of people were
8 behind the effort at first. But when we failed to produce anything positive, they all started
9 to fade away. It was devastating. The Machine was just ignoring us, and it was working.
10 I had to come up with something different.

11 It was then, just after the holiday break, that I became more aggressive. I saw the
12 Occupy Wall Street movement. We talked about them in my AP Government class. I
13 even attended one in Phoenix. While I largely think they failed to have a uniform
14 message--or any real cogent message for that matter--they were clearly successful in
15 capturing people’s attention. So, in my mind, that was the answer. We needed to Occupy
16 the schools! When the fall semester started up in January of 2012, I started to organize
17 Occupy CC.

18 I envisioned Occupy CC to be small. I thought it would be simple. I thought it
19 would take time to build. My plan was that, beginning February 15, 2012, students would
20 occupy the campus before and after school, when the extracurricular activities normally
21 would take place. Because the school district’s office is not far from CC, I planned the
22 first gathering to be at the district office. I wanted the district administration to know we
23 existed, and then we would head directly to CC. For the first Occupy gathering, I figured
24 we would make a bigger impact if we marched onto campus during first period and stayed
25 in the front parking lot. All the students would see the movement when they were going
26 to second period. After the first morning, I expected that we would just occupy the sports
27 fields, the cafeteria, the auditorium, and any other place where an extracurricular activity
28 could be taking place. If we had enough people, then we eventually could occupy

1 multiple places at any given time.

2 I announced Occupy CC on my Facebook page. **Exhibit 4** is one of my Facebook
3 posts. I passed around flyers. I had a listserv of everyone that had participated in
4 extracurricular activities the prior semester and sent them emails. I even made signs to
5 hand out--some said "Occupy our Schools!" But most focused on the issue of education
6 funding cuts, because I wanted to make sure our message was clear. All that said, I had
7 no idea if anyone would show up.

8 I was totally surprised the morning of February 15, 2012. I lived right by the
9 school, so I walked down the street. When I rounded the corner at 6:30 in the morning, I
10 was greeted by at least 50 people standing in front of the school district's offices. There
11 were a lot of students. But there were just as many non-students. I don't know who a lot
12 of the other people were--parents, relatives, strangers, I have no idea. But the crowd,
13 which already was pretty big, was growing. Cars kept showing up and more people
14 joined the crowd. By 7:00 a.m., there were 75 people. And there were twice that number
15 at 8:00 a.m., when we started marching down the street towards CC. It was crazy.

16 When the march started, I expected everyone would stay on the sidewalk. I sure
17 did. But by that point, other people were starting to take over control--though I'm not
18 sure that you could say that I ever had control. Let's face it, they had bullhorns. And
19 they were all older; not students. They spilled out in to the street and the crowd followed.

20 I was an insignificant pebble in a swift moving stream at that point. People
21 flooded the campus, and failed to follow my instructions to stay in the front parking lot.
22 They were chanting. Some of them were shouting things that had nothing to do with
23 school funding. I even saw a sign complaining about the 1%ers. That's not what Occupy
24 the Schools was supposed to be about.

25 Once I got my bearings, I tried to do something. I grabbed somebody's bullhorn,
26 stood up on a planter and started trying to get everyone gathered in one spot. I tried to get
27 them to focus on the issue we were there for. I tried to stop everyone from interfering
28 with the classes that were in session. Again, the goal was for the faculty and students to

1 see us between first and second period, not to disrupt first or second period. I was not
2 trying to instigate the craziness. I was trying to calm it down. I guess a good deed never
3 goes unpunished.

4 I saw Officer Rivers--the school police officer--at the front of the administration
5 office with his/her own bullhorn. There was no way that I could hear what s/he was
6 saying with all the noise from the crowd--but it doesn't take a genius to figure out that
7 s/he probably was telling the crowd to leave. I was doing the best I could, but nobody
8 would listen to me. They didn't listen to Officer Rivers either.

9 A bunch of real police officers showed up and watched the chaos from across the
10 street. Some of them put on helmets with faceguards--but they stayed across the street
11 and didn't do anything to take control of the crowd. A television news crew also showed
12 up. I even saw Kelly Boyd--that blowhard who relocated from Phoenix after being fired
13 for airing a false bed bug report. I certainly wanted to publicize the issue of education
14 funding cuts, but this wasn't the kind of publicity I wanted or expected. Finally, after
15 what seemed like an hour of people just milling about and making noise, the crowd had
16 enough of the excitement and left. As quickly as it began, it was all over--and, boy, was I
17 relieved.

18 Just when I was beginning to catch my breath and the ringing in my head finally
19 started to go away, I saw some of the police officers talking with Principal Haskins near
20 the office where Officer Rivers had been standing. Principal Haskins said I was the
21 instigator--that this was all my fault. I couldn't believe what I heard. I just wanted to
22 leave campus and put this all behind me. I grabbed a couple of posters that some of my
23 group left behind and started to walk away. Just then, a large hand grabbed me from
24 behind and slapped cuffs on me. Now here I am. Trying to avoid criminal charges.
25 Trying to avoid expulsion. Trying to save my future.

26 Listen, I am a great person. I am a super student. I got a 35 on my ACT. I am
27 involved in charities, I have a 4.0, and I have already been accepted to Cal Berkeley, and
28 am optimistic about Stanford and Brown. All I tried to do was get people to pay attention

1 to the consequences of slashing school budgets. And now I could lose everything. This
2 isn't fair. I know that Principal Haskins blames me for violating his/her personal conduct
3 policy--but s/he made all of us sign that paper at the beginning of each school year
4 without even giving us a chance to read it first. I even forgot that I signed it. The last
5 thing I would do is knowingly violate the school's rules.

6 I declare under penalty of perjury that the foregoing is true and correct, and that
7 this Declaration was executed by me on October 22, 2012, in Tucson, Arizona.

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Storm Thompson

Storm Thompson

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1 **DECLARATION OF REAGAN KENNEDY**

2 For five years, I taught AP Government and advised the Student Council at
3 Creosote Canyon High School. My contract wasn't renewed after the 2011-2012 school
4 year. Although the district officials deny it, I believe that they hold me responsible for the
5 "Occupy the School" movement led by one of my students--Storm Thompson. They say
6 it's budget cuts--how ironic is that? Anyway, I really liked teaching at CC, and I hope to
7 get my position back someday.

8 I've been a teacher for nine years. After graduating with a Bachelor of Science
9 degree in Child Psychology and getting my Masters in Education, I joined Teach for
10 America and taught elementary and high school students in underprivileged
11 neighborhoods around Atlanta and San Antonio. Then I took a position at a community
12 college outside Kansas City, teaching government affairs in the Political Science
13 department. I dabbled in politics along the way, volunteering in local government
14 campaigns wherever I was living. My fiancé at the time worked for a large bank and was
15 being relocated to Arizona to help handle the impending real estate crisis, so I took the
16 job at Creosote Canyon High School.

17 I love being a teacher. I can't imagine doing anything else--it's wonderful having
18 an impact on each of my students and being able to encourage each student to reach his or
19 her goals and potential. Teaching government affairs is just icing on the cake for me,
20 because I can use my personal knowledge of politics and government to my students'
21 benefit. Some of my students are just so bright and motivated to make change, they
22 inspire me right back. It can be a struggle, however, to keep my personal politics to
23 myself. It's important that I not give any hint as to whether I am Republican or
24 Democrat--or Libertarian or independent, for that matter.

25 Last year I was fortunate. I had several students in my class who really excelled in
26 the subject matter and brought enthusiasm each day. Two standouts were Storm
27 Thompson and Hayden Garza. Really great students, and always great test scores. Both
28 always did the extra credit projects even though they didn't need it. Big competitors too--

1 they were always fighting for first place. I think Storm beat Hayden on a couple of
2 things, but both students were really fantastic in their own ways.

3 Each year, I give my junior AP government affairs class an assignment to identify
4 an issue in Arizona state and local government that the citizens of the state (and the
5 school) should be aware of, and to try to get the school community involved in the issue.
6 This is a great project for each of my students, as you can really see what matters to a
7 student by what issue he or she identifies and how he or she goes about trying to garner
8 attention and support for the issue. Also, they get a chance to get out of the classroom
9 and interact with the Creosote Canyon High School community, which builds inter-
10 personal skills and individual confidence. Every year, my students have done great
11 presentations on their issues. They're supposed to coordinate with me on the assignments
12 so we don't have five students all talking about whether Tucson Unified School District's
13 Hispanic Studies program is legal, for instance.

14 Within hours of giving the assignment, Hayden was at my desk with the idea to
15 bring awareness to the State's budget crisis in conjunction with Arizona's Centennial.
16 Typical Hayden--quite overzealous and very motivated to choose an assignment and get
17 started on the work. I didn't have another student come to me with an idea for days, and
18 weeks later there were ideas still coming in. Storm had run some ideas by me. I think
19 there was one about Tucson's water conservation policies, one about recent forest fires
20 being suspicious, and one about a bed-bug crisis in some of the hotels upstate. I don't
21 recall that Storm ever decided on a topic, but each of those was original enough that there
22 wouldn't have been an issue with any of the other students' projects. Winter break came
23 and went, and I don't recall whether Storm had decided come January what issue to
24 choose.

25 I guess that's why I was surprised about an outburst from Hayden in class about
26 Storm's presentation. Hayden accused Storm of copying his/her project idea about the
27 budget. Storm admitted to being really interested in school budget cuts, and wanting to
28 do something about it, but I didn't think that would be the focus of Storm's project.

1 In my AP classes, we engage in a lot of discussion about current affairs. As part of
2 the citizen awareness project, we discussed different kinds of citizen involvement in
3 government. This included the “Occupy” movement that occurred in the fall of 2011,
4 starting in New York and being emulated across the country. Most of our conversation
5 about the Occupy movement centered on the lack of a direction for the movement, and
6 how, although there were a stunning number of Occupy “protesters”, they really failed to
7 identify with one particular issue or goal in mind. The class consensus was that the
8 Occupy movement was an all-around fail--not only because of the lack of an issue, but
9 also because of the poor behavior of the Occupy protesters. There was an incredible
10 amount of violence, vandalism, drug use, theft, and an overall disrespect that many people
11 had for the Occupy protesters, which really undercut any value the movement could have
12 brought to society. Historically speaking, the Occupy movement was unsuccessful.

13 Storm added much to the Occupy conversation. Basically, Storm regularly
14 expressed frustration with issues and the desire to make change. Storm kept referring
15 back to one specific issue--the school budget cuts that caused Coach H to lose funding for
16 his after-school emergency medicine club. Storm’s brother Gordon was a member of
17 Coach H’s EMC program. I was surprised when Storm didn’t immediately choose the
18 school budget issue for the citizen awareness project, since it was something that Storm
19 regularly discussed. I know from our class discussions that Storm went to school board
20 meetings to discuss the budget cuts, but never got anywhere. I think that Storm was
21 frustrated with the system and wanted to make change--but Storm’s protest of budget cuts
22 wasn’t part of the class assignment.

23 I first heard about Storm’s “Occupy CC” movement through the school grapevine.
24 Storm never confided in me about it, though, as s/he would have if this was intended to be
25 his/her class assignment. My understanding was that the movement was just a gathering
26 of students, kind of like a sit-in or rally that students have done for decades to protest an
27 issue peacefully. I completely supported the idea--heck, it’s practically what I asked my
28 students to do for the class assignment. I heard way more about Hayden’s Arizona

1 Centennial-budget rally and presentation than I ever heard about the Occupy event. But, I
2 guess the student body paid more attention to Storm than to Hayden, because Storm's
3 Occupy rally drew a crowd far bigger than Hayden or any of my students could ever have
4 hoped for in their presentations--not that I think Occupy CC was Storm's presentation,
5 though.

6 The day of the Occupy rally--February 15, 2012--I remember being overwhelmed
7 at the student response to Storm's request for support, not to mention the response from
8 outside the CC community. A few of my first period students who never miss class were
9 absent. I presumed that they joined the Occupy event. Some of the other teachers in my
10 wing reported similar absences. I was proud of the impact that Storm was making. If this
11 was a class assignment, which it was not, I would have given Storm an A+.

12 But then I became confused and was saddened that it seemed, as with the other
13 Occupy protests, this rally lost its way. The students and others gathering with Storm
14 didn't seem to know or understand the cause Storm was asking them to support. I think
15 that maybe Storm just made a bad decision in calling this rally an "Occupy" rally, since it
16 caused people to show up and tout their own issues--or non-issues. I don't think that was
17 Storm's intention. Storm was always very clear in class that s/he believed any movement
18 needed a central issue.

19 Anyway, I have to admit that the Occupy thing got somewhat out of hand. Just as
20 bad, however, I think some administrators got carried away and blew the whole thing out
21 of proportion. When Principal Haskins announced the school was in lockdown, I was
22 sure that it was a pre-planned drill that just happened to coincide with the Occupy event--
23 especially because the entire faculty knew that CC was long overdue for a lockdown drill.
24 More importantly, I didn't think that the Occupy event justified a full-blown lockdown.
25 After all, I don't think it was Storm's intention for all of these people to show up in such a
26 disrespectful manner. Further, the CC community is used to peaceful rallies like this
27 since my citizen awareness project has been going on for so long--not that I think this had
28 anything to do with the citizen awareness project.

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DECLARATION OF JUSTICE EMERSON

From the time my parents named me 46 years ago, I suppose it was inevitable that I would be a criminal justice major in college. In 1989, I obtained my B.A. in Criminal Justice from the University of Colorado - Denver.

I intended to use my degree to pursue my life-long dream of a career in law enforcement, and immediately enrolled in the Denver Police Academy. It was exciting and I was living my dream, but a few weeks into the academy I was taken aside and “strongly encouraged” to drop out based on my performance on the computer simulated training exercises. The computer simulates dangerous and possible life-or-death situations faced by police officers on a large video screen, and the candidate has to make split-second decisions whether to use lethal force using an electronic “gun”. Some of my academy classmates seemed too eager to pull the trigger, and laughed or shrugged it off when they “killed” an innocent person. I preferred to be more careful and not make snap decisions that I would regret, and sometimes it ended up that I was the one who was “killed”. I’ll never forget the academy director yelling at me that I was unfit to be a police officer and that my inability to make a quick decision would get my fellow officers killed and put the public in danger. He never gave me a chance to prove him wrong. I know that I would have made a good police officer, because I scored at the top of the class on knowledge of the law and proper police procedures.

Without a job, I decided to go back to UCD to get a graduate degree. In 1992, I obtained my Masters of Public Administration with a concentration in emergency management. Even with two degrees, the economy made it tough to find a job. I settled for a job as a security guard at a local high school to support my family. Some might laugh at the job or dismiss it as too boring, but I took my job seriously--even though the students constantly harassed and made fun of the security guards. The students called us names like “Rent-A-Cop” and “Wanna Be”. They just didn’t understand how important our jobs were and that we were there to protect them.

I’ll never forget April 20, 1999--the day of the mass shooting at Columbine High

1 School. That incident really hit close to home and had a tremendous impact on me. For
2 one thing, it finally made the students at my school appreciate, if only for a brief moment,
3 the job that school security guards do. For another, it made me decide to establish Black
4 Mountain Security to provide school security and emergency preparedness training and
5 consulting services. Since we opened our doors in 2000, we have been hired in all 50
6 states. I stay up to date in my training by attending school safety leadership training
7 conferences and seminars offered by the National School Safety Center. Based on my
8 training and experience, I was hired by Storm Thompson's attorneys to render an expert
9 opinion as to whether the lockdown ordered at Creosote Canyon High School on
10 February 15, 2012 was an appropriate reaction to the situation faced that day.

11 School safety is a major issue--and arguably *the* major issue--facing educators and
12 school administrators across the country in this post-9/11 world, particularly in light of
13 the series of school shootings and violence that we've experienced since the late 90's. It
14 is essential that every school develop a crisis response plan that can be implemented
15 immediately in the event of any kind of emergency--from civil unrest, demonstrations and
16 rioting, to bomb threats, shootings and weapon possession, to sexual assaults and
17 kidnappings, to natural disasters. In fact, by law, Arizona (like most states) requires that
18 every school prepare and update annually a plan that meets the minimum state
19 requirements developed by the Arizona Department of Education and the Arizona
20 Division of Emergency Management.

21 Arizona's minimum requirements provide that each school's plan must follow the
22 template published on the Arizona Department of Education website. The school
23 principal has the primary responsibility for preparing and implementing the school's
24 emergency response plan. I have reviewed Creosote Canyon's entire emergency response
25 plan. **Exhibit 1** is a copy of the portions of the plan pertaining to lockdowns and student
26 unrest. Although the plan itself complies with Arizona's template, the problem with
27 templates is that they represent a "fill in the blank" and "cut and paste" approach to
28 school security, which is a "quick fix" for school administrators faced with the need to

1 prepare a plan. Unfortunately, this quick fix often leads to longer-term deficiencies in
2 preparation. I believe that is what happened in this case.

3 Having a written plan in place is only a small part of the safety equation. The best
4 written plan is completely worthless unless the school has an experienced and properly
5 trained crisis team in place to implement the plan effectively. Training is critical, because
6 decisions on implementing an emergency response plan are difficult judgment calls.
7 **Exhibit 5** is an article from the Arizona Republic that illustrates the dilemma school
8 administrators often face in deciding whether to implement the emergency response plan.

9 Arizona's minimum standards recognize the importance of training by requiring
10 the use of an Incident Command System for all incidents that occur on school grounds
11 and training for each person assigned a role in the Incident Command System. The
12 minimum training consists of taking and passing the following courses: Introduction to
13 ICS; Basic ICS; and National Incident Management System. Unfortunately, due to
14 budget constraints and the increased time being spent on implementing new academic
15 core standards, Creosote Canyon (like most schools) limits its crisis team training to these
16 three basic courses--which are taken over the internet by viewing one-hour videos and
17 completing a short test. Ideally, the crisis team should attend interactive classes
18 conducted by an experienced and trained school security consultant who can tailor the
19 training to the particular school's needs. Black Mountain Security offers such training,
20 but it's too expensive for most public schools to afford.

21 Proper training--like that offered by Black Mountain--should include best practices
22 and focus on being proactive instead of reactive. In this regard, the first and best line of
23 defense is a well-trained, highly alert staff and student body. As soon as any threat to
24 school safety is detected, steps should be taken to ascertain whether the threat is real and
25 then to mitigate and, if possible, eliminate the threat before it puts the school community
26 in danger. Best practices also include strengthening relationships with local law
27 enforcement and public safety officials, because they can be a useful resource in the
28 investigation, mitigation and elimination of threats. Finally, it is imperative that school

1 emergency plans be practiced over the course of the school year in as realistic a setting as
2 possible. For instance, while it may be more disruptive and not as convenient to conduct
3 a lockdown drill during the lunch period when students are not in their classrooms, it is
4 important to practice lockdown drills in such scenarios so that students and faculty do not
5 become complacent.

6 Of course, all of the training in the world won't prepare someone who lacks the
7 ability to remain calm and make level-headed decisions in stressful situations. As the
8 Arizona Emergency Response Plan Template puts it, "It is critical to evaluate the
9 circumstances of the actual event and determine the most appropriate course of action."

10 In my experience, an incident commander who miscalculates and overreacts to a situation
11 can exacerbate the situation and create more of a crisis than if he or she took no action in
12 response to the situation. In other words, by overreacting, an incident commander can put
13 the students and others on the school campus in greater danger. For instance, as pointed
14 out in the Arizona Republic article, locking students down in their classrooms for long
15 periods of time can raise concerns for their physical well-being. In addition, when
16 students are locked down in non-drill situations for no apparent reason, students are more
17 apt to become complacent--which can be dangerous when there is a real emergency.

18 I have reviewed the declarations of Principal Haskins, Officer Rivers and Storm
19 Thompson, as a basis for rendering my opinion in this case. Based on my review of those
20 declarations, and my experience, I believe that Principal Haskins and the school district
21 acted inappropriately, in several respects.

22 First, Principal Haskins had the perfect opportunity in this case to be proactive
23 instead of reactive. Haskins had the luxury of a month's notice of the Occupy movement
24 from what appeared to be a credible source--which is unheard of in school crisis
25 situations. Haskins could (and should) have used that month to investigate, assess,
26 mitigate, and perhaps eliminate altogether, the threat posed by the Occupy movement.
27 Simply closing and locking the school's gates would have kept the protesters off the
28 campus--perhaps mitigating the disruption of classes and eliminating the need for a

1 lockdown.

2 Second, Haskins should have strengthened his/her relationship with local law
3 enforcement and public safety officials. Officer Rivers was a certified peace officer
4 assigned to the school. It is simply incredible to me that Haskins opted to consult with
5 his/her vice-principal--who I believe had absolutely zero law enforcement training--
6 instead of consulting with Officer Rivers about the report of Storm Thompson's plan to
7 disrupt the school. Perhaps Rivers would have come up with the brilliant idea of locking
8 the school's gate--since that idea didn't occur to Haskins and his/her vice-principal.

9 Third, under Haskins' leadership, Creosote Canyon did not comply with Arizona's
10 minimum standards with respect to practicing lockdown procedures. The standards
11 require schools to conduct drills of each emergency response procedure, including
12 lockdowns, at least twice each school year. A lockdown drill lasts approximately 10
13 minutes. In order to monitor compliance with the drill requirements, schools are required
14 to maintain an Emergency Response Drill Log. I reviewed Creosote Canyon's
15 Emergency Response Drill Log (**Exhibit 8**) as part of my evaluation for this case. The
16 February 15, 2012 incident was the only lockdown drill on the Drill Log.

17 I was surprised by the Drill Log, because the school already should have conducted
18 at least one, and most likely two, drills by that time in the school year. I also could not
19 understand why the February 15, 2012 incident was included on the Drill Log, if Principal
20 Haskins truly ordered the two-hour lockdown based on the conclusion that the Occupy
21 protest jeopardized the students' safety. In my mind, there was either an actual incident
22 or a drill--but it couldn't be both. It would be extremely irresponsible, and it would take
23 multi-tasking to a whole new level, for a school administrator to use an actual incident as
24 a drill--because the focus of each is different. During an actual incident, administrators
25 need to be focused on developments in the incident, implementing the plan and ensuring
26 student safety. During a drill, the focus is on observing how faculty and staff are carrying
27 out the drill procedure to determine where there are weaknesses that need to be corrected.

28 Admittedly, this deficiency did not have a direct bearing on assessment or

1 mitigation of the threat faced by Creosote Canyon. Significantly, though, it shows that
2 Principal Haskins did not take school security seriously.

3 Finally, although the training required by the district technically complied with
4 Arizona's minimum requirements, the district undoubtedly assumed that those taking the
5 training actually would watch the online videos. Principal Haskins admitted that s/he
6 barely paid attention to the videos. If Haskins would have paid attention to the videos,
7 then perhaps s/he would have learned to be more proactive than reactive.

8 I want to be clear about my conclusions--by no means do I condone what Storm
9 Thompson did. Indeed, I think that organizing a large, unruly protest on the school's
10 campus was irresponsible and put many people in harm's way. Nevertheless, I believe
11 that Principal Haskins and the school administration could have been proactive in
12 investigating, assessing, mitigating, and perhaps eliminating altogether any threat posed
13 by Thompson's protest. If Haskins and the school district acted appropriately and took
14 school security seriously, then the Occupy protesters never would have made it on to the
15 Creosote Canyon campus--and the lockdown never would have been ordered.

16 I declare under penalty of perjury that the foregoing is true and correct, and that
17 this Declaration was executed by me on November 9, 2012, in Tucson, Arizona.

18
19 Justice Emerson
Justice Emerson

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Exhibit 1

***CREOSOTE CANYON
HIGH SCHOOL***

***EMERGENCY RESPONSE PLAN
2011-2012***

For Official Use Only

CREOSOTE CANYON HIGH SCHOOL EMERGENCY RESPONSE PLAN

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CREOSOTE CANYON HIGH SCHOOL EMERGENCY RESPONSE PLAN

II. INTRODUCTION

What is an Emergency?

- A. A duly proclaimed existence of conditions of disaster or extreme peril to the safety of persons or property caused by air pollution, fire, flood or floodwater, storm, epidemic, riot, earthquake, intruder or other causes. This may be beyond the control of the services, personnel, equipment and facilities of the site and or district and require the combined efforts of the State or other political subdivisions. School district facilities must be prepared to respond to an emergency or traumatic event in an organized and timely manner so that students and staff can continue to function effectively without additional trauma or the development of additional emergencies.
- B. School district emergencies can be small and easily managed, or they can be large and difficult to manage. Every school district emergency must be managed in a way that ensures the safety of everyone involved. In order to provide a safe and secure teaching and learning environment, personnel must plan for the management of emergency events that cannot be predicted or prevented. This plan is designed to help you do that.

Purpose:

- A. To effectively handle an emergency, a comprehensive Emergency Operations Site Plan must be developed and an Emergency Response Team must be organized before an emergency occurs (Required by ARS 15-341, A 34). Our school's Emergency Operations Plan must be organized and all staff members trained in order to effectively prepare for maximum safety, efficiency and communication in the event of an emergency.
- B. The Incident Command System (ICS) will be used to manage all emergencies that occur within the district. We encourage the use of ICS to perform non-emergency tasks to promote familiarity with the system. All district and site personnel complete mandatory training.
- C. Students and parents must also understand that contingency preparation and procedures are necessary and are conducted for their safety and well-being. An overview of the plan will be explained and distributed to parents.
- D. Planning, preparation, and training will help staff personnel learn the proper course of action in an emergency. This manual will provide step-by-step guidelines to help deal with emergencies that may occur. This manual cannot foresee all possible circumstances of an emergency. Staff must be prepared to evaluate all the circumstances and make sound judgments based on the situation. Staff will receive annual training in the emergency response plan.
- E. A committee will be established consisting of local law enforcement, fire/EMS, emergency management, county health department and site personnel to develop the Emergency Operations Plan. The committee should consist of site staff from the following disciplines at a minimum:

Administrator (Principal or Assistant)	Food Service staff
Office staff	Monitor/Safety personnel
Maintenance	Teacher

CREOSOTE CANYON HIGH SCHOOL EMERGENCY RESPONSE PLAN

- F. Procedures will be developed to provide for disabled and non-English speaking students and staff.
- G. This plan shall be reviewed annually by the above committee and updated to maintain current procedures.
- H. Drills will be conducted periodically to test the effectiveness of the plan. A debriefing shall be conducted after each drill to receive feedback from all participants on the effectiveness of the plan. Identified weaknesses will be addressed to strengthen the plan.
- I. Each classroom will be supplied with a Classroom Emergency Response Guide that provides instructions on how to respond to specific events as determined by site emergency planning committee.
- J. An NOAA capable radio with battery power back-up will be placed in the office where it can be monitored for emergency messages during school hours.
- K. Provisions for off campus emergencies will be addresses in this plan (e.g. bus accidents, field trips, off campus school activities...).
- L. A copy of this plan will be filed with the school district office.

During a Disaster: Step by Step is Right Here

The greatest mistake principals, teachers and staff make in crisis come from not knowing what steps to take and in what order in a given situation. Planning, training and drills will help prevent those mistakes. In a crisis it helps to know where to turn for help. This manual provides specific sequential steps to take. These steps are guidelines to inform you of the most likely steps to take. It is critical to evaluate the circumstances of the actual event and determine the most appropriate course of action. Some common incidents have been addressed to help you in an emergency. Each site must conduct a hazard assessment to identify all hazards that pose a risk to the school.

CREOSOTE CANYON HIGH SCHOOL EMERGENCY RESPONSE PLAN

Approval Statement

The School Safety Plan for **Creosote Canyon High School** has been reviewed and found to comply with the Arizona School Emergency Response Plan, minimum and/or recommended requirements.

Denny Haskins 7/1/11
Site Administrator (required) Date

Sam Harris 7/12/11
District Representative (required) Date

Shea Rivers 7/1/11
Law Enforcement (recommended) Date

Fire/EMS (recommended) Date

Local Emergency Management (recommended) Date

County Health Department (recommended) Date

CREOSOTE CANYON HIGH SCHOOL EMERGENCY RESPONSE PLAN

A. LOCKDOWN/SHELTER-IN-PLACE

Lock-down procedures may be issued in situations involving dangerous intruders or other incidents that may result in harm to persons inside school building.

- Incident Commander (IC) will issue lock-down order by announcing a warning over PA system, sending a messenger to each classroom or other alternate method.
- Direct all students, staff and visitors into classrooms or secure rooms.
- Lock classroom doors.
- Cover windows of classrooms.
- Move all persons away from windows and doors.
- Have all persons get down on the floor.
- Allow no one outside of classrooms until the Incident Commander gives the all-clear signal.

Duress code to authenticate any all-clear signal

(The IC will use the phrase "Creosote Canyon Cougars" before giving the all clear signal to indicate to all staff that the IC is not being forced to do so by an intruder.)

CREOSOTE CANYON HIGH SCHOOL EMERGENCY RESPONSE PLAN

STUDENT UNREST

- Notify police, if necessary. (*Dial 9-911 from school phone system*)
- Ensure the safety of students and staff first.
- Contain unrest. Seal off area of disturbance.
- Notify Incident Commander.
- Incident Commander notifies Superintendent.
- Warn staff. Incident Commander may issue lock-down (see Lock-Down Procedures section).
- Shut off bells.
- Move students involved in disturbance to an isolated area.
- Meet with student representatives to address issues.
- Document incidents with cassette recorder or take detailed notes.

Teachers:

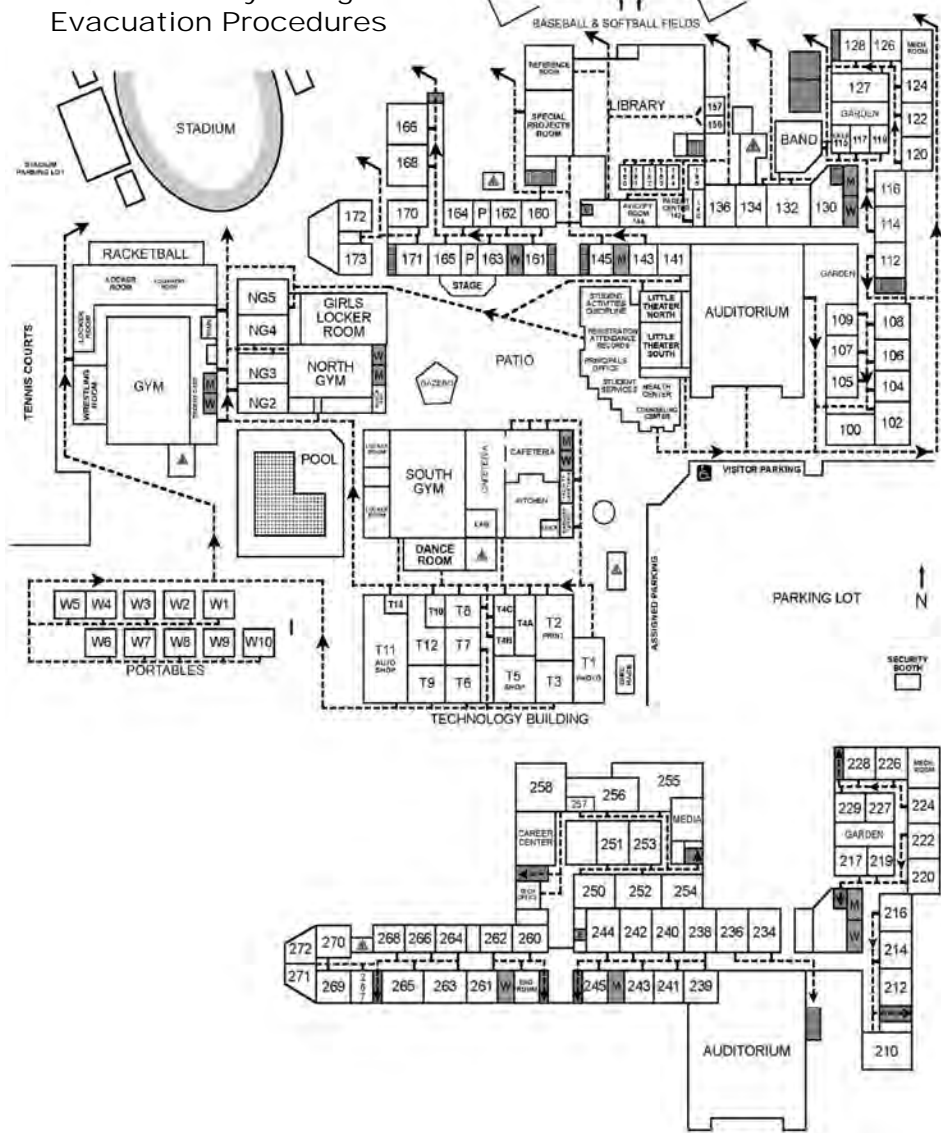
- Keep students calm.*
- Lock classroom doors.*
- Do not allow students to leave the classroom until you receive an all-clear signal from Incident Commander.*
- Make a list of students that are absent from classroom. Document all incidents.

Exhibit 2

FIRE DRILL EVACUATION PLAN

- The signal to indicate a fire drill will be the continuous sounding of a fire alarm horn.
- On this signal, students shall be instructed to immediately walk to the proper exit in an orderly and quiet manner.
- During fire drills all students and adults (staff, volunteers, parents, community, etc.), except information phone operator, are to leave the buildings.
- All windows and doors of each classroom should be closed prior to leaving the room.
- The teacher should be the last person to leave the room.
- Each class or group shall proceed in single file to the outside area designated by classroom number on the Fire Drill Exit Plan.
- At this predetermined point each teacher will assemble his/her class in the general area as indicated on the Exit Plan and remain there quietly until instructed to return to the classroom.
- Teachers must carry their attendance book with them to check attendance at the fire drill station.
- Students must remain in their groups so that access road entrances and exits used by emergency vehicles will remain clear.
- Teachers are to supervise the passing of pupils to and from the fire drill area and help maintain order during the duration of the drill.
- The return signal will be announced over the public address system and at the football field by the principal or his/her designee.
- In the gymnasium or in an emergency during an assembly, lunch, or passing period, students are to seek the nearest exit and proceed to the football field.
- If there are any special problems or questions regarding fire drills, please contact the Assistant Principal for Operations/Security.
- Teachers must be aware of any student having any disability, which will require any additional assistance. The Assistant Principal for Operations/Security must be made aware of any faculty member requiring any special assistance. **Those faculty members will identify & team with "buddy" teachers to coordinate their needs and the needs of their students.** Teachers must insure that their handicapped students are properly and effectively evacuated in time of emergency.

Creosote Canyon High School Evacuation Procedures



EVACUATION/INVAUATION PLANS - LOCKDOWNS AND OFF CAMPUS EVACUATIONS - OTHER THAN FIRE DRILL

An "EMERGENCY EVENT" is an occurrence, which endangers the safety and lives of all students and adults by the intrusion of any persons with the intent to inflict serious injury or death upon the school population.

Depending on the circumstance, it could necessitate a complete or building-by-building "LOCK DOWN" of our campus. Examples may include, but not be limited to:

- Armed intruder;
- NBC (Nuclear, Biological, or Chemical) disaster;
- Bomb or terrorist threat;
- Explosion or certain types of fires;
- Mass casualties;
- Sniper;
- Hostage situation;
- Civil disturbance/student unrest/riot;
- Bees;
- Severe weather.

"LOCKDOWN" - Has been designated as an alert indicator for all personnel that an emergency event, other than a fire drill, exists within the school campus.

This will enable security personnel time to evaluate any threat which may exist and determine a course of action without endangering the safety of all concerned.

"During Class" - Over the P. A. you will hear "we are initiating a lockdown (or partial lockdown) procedure." Remain calm, ask all students to be & stay seated, and check the hallway (ask any person visible in the vicinity to come into the classroom).

- Lock door(s), close any windows and blinds, turn off lights, move students away from doors and windows (to be seated on the floor if necessary).
- Take roll.
- Do not allow anyone to leave or enter the room.
- Wait for further instructions.
- Security staff will round up students on campus and take them to the gym, the library, or the cafeteria.
- When the principal or designee announces "all clear", you may resume normal activities.

During passing periods, lunch, or immediately prior to or after school - Over the P. A. you will hear "we are initiating a lock down procedure." All personnel and students should remain calm and proceed as follows:

- During passing periods, teachers should proceed immediately to their classrooms, and instruct students to enter the nearest class;
- During lunch, all should proceed to their 4th period classrooms;
- Immediately prior to school all should proceed to their 1st time period class; immediately after school, to their last time period class.

- Once in your classroom, ask students to be and stay seated.
- Once all students are in classrooms, lock door(s), close any windows and blinds, turn off lights, move students away from doors and windows (to be seated on the floor if necessary).

- Take roll or make a roster of students in your classroom by names and class ranks.
- Do not allow anyone to leave or enter your room.
- Wait for further instructions.
- Security staff will round up students on campus and take them to the gym, the library, or the cafeteria.
- When the principal or designee announces "all clear", you may resume normal activities and have the students report to their appropriate class/activity immediately.

During a lockdown procedure, gate security agents should secure gates and wait for instructions. Mobile agents should secure other gates, then proceed to the Incident Command Center. Monitors, liaisons, and administrators should sweep their fire drill procedure areas or assigned areas, then report as soon as able to the Command Center. All engineers, custodians, and health personnel should report to the Command Center.

Command Center Location in order of priority:

- Main building - lobby/principal's office;
- Cafeteria/patio/activities office area;
- na bl u l l a
- Library Lobby Area;
- T-14
- Football Stadium Office.

Items needed at Command Center (need to be mobile):

- Master schedule of school (C & I);
- Student green cards (Health);
- Hard copy of all student schedules (Registrar);
- Maps of school (Operations).

OFF-CAMPUS EVACUATIONS - This alert means that some or all buildings are to be evacuated to off-campus sites. This signal will be given if the threat can be determined to be isolated in a particular area or building.

Teachers will take their attendance records with them and follow the evacuation plans.

Upon arrival at the football field teachers will take attendance. Teachers and other staff members will wait for further instructions.

A point to remember is that an "Emergency Event" is an on-going, fluid, developing occurrence, which changes from minute to minute and dictates our response.

Your cooperation and assistance will be greatly appreciated.

Exhibit 3

CREOSOTE CANYON HIGH SCHOOL PERSONAL CODE OF CONDUCT POLICY

Particularly in the supportive community that Creosote Canyon High School (“CC”) attempts to create, each individual must consistently demonstrate respect for people and for property. In this regard, the undersigned student (“Student”) hereby agrees to comply and otherwise ensure that his/her behavior is in compliance with the following minimum standards:

The following behaviors are not acceptable and are grounds for disciplinary action and/or dismissal from CC.

AIDING, ABETTING, OR CONSPIRING/COMPLICITY – Being present when another student violates CC policy, or enabling or assisting a student to commit a violation. If illegal substances and/or objects are present in a room where Student is present, Student shall be held responsible unless Student can conclusively establish that Student had no knowledge that the illegal substances and/or objects were in the room.

BICYCLING, SKATING AND SKATEBOARDING

- Purpose - This policy promotes greater safety on walkways, ramps, steps, and roadways at CC and to prevent physical damage to exterior surfaces owned and maintained by CC.
- Regulation - The use of bicycles and in-line skates shall be allowed only as a means of transportation to and from CC. Under no circumstances will bicycling, skateboarding, or in-line skating be allowed on ramps, curbs, benches, steps, stairs, railings, sidewalks, or other such structures on campus. The use of bicycles, skateboards, or in-line skates shall not be permitted inside any building.
- Enforcement - Violators of this policy shall be subject to fines. Bicycles, skateboards, and in-line skates may be impounded and will be returned upon payment of fines.

CHEATING AND DISHONESTY - Students must be honorable in all of their academic work. Dishonesty, in any form, on assignments, examinations, or any other academic work is an affront to fellow students and the faculty, and will not be tolerated.

DANGEROUS PRACTICES/RECKLESS BEHAVIOR – Activities that endanger the lives or safety of any student or other individual in any CC building or on property. This includes, but is not limited to, students climbing on roofs or hanging from ceilings and ledges of walkways, propping doors in locker rooms, throwing objects from windows or balconies or elevated walkways, and disclosing or giving locker room access to unauthorized persons.

DISSENT – CC agrees that the right to dissent is essential to the maintenance of academic freedom. However, dissent or protest against a particular position, action or situation can be permitted only when such protest does not restrict the freedom of thought and movement of others who hold different views. Those who dissent, particularly in an academic community, should be willing to permit the free expression of ideas and positions other than their own, and

in a manner consistent with CC's mission (to provide an educational program and learning environment that will effectively permit CC students to accomplish their educational goals in a significant and transferable manner). Attempts by unauthorized persons to counter such protests will not be condoned. Anyone who engages in any form of protest which impedes or obstructs others in the exercise of their freedom, or which interferes with the orderly procedures and activities of CC or is destructive, will be subject to disciplinary and/or legal action.

DISTURBING THE PEACE AND DESTRUCTION OF PROPERTY - Whenever any student, student organization, or group of students disturbs the peace, destroys, defaces, or removes CC property without permission, those involved, including any affiliated organization and its officers, will be held responsible.

FAILURE TO COMPLY WITH CC OFFICIALS – Students are expected to comply with all lawful requests of any CC official, including requests to see Student ID, and to respond truthfully to any questions posed by CC officials.

FIREARMS, FIREWORKS/EXPLOSIVES AND WEAPONS OF ANY KIND - The possession of, sale of, or firing of fireworks, firecrackers, explosives (including, but not limited to, pipe bombs, dry ice bombs, and other such homemade devices), guns of any kind including recreational firearms and other items of similar nature is prohibited at CC.

GAMBLING - Gambling, in any form, is prohibited at CC.

HARASSMENT AND DISCRIMINATION - CC prohibits any form of harassment or discrimination against any member of the community on the basis of sex, race, color, national origin, ancestry, age, or disability and/or veteran status. Such actions are prohibited not only by CC policy, but also by federal law.

Any student who feels that he or she has experienced or witnessed discrimination against any member of the CC community should report the incident to a CC staff member.

LITTERING – Disposing of refuse of any kind on CC property, except in the appropriate receptacles provided, is prohibited.

OBSCENE LANGUAGE, LITERATURE, AND MUSIC - Vulgar, foul, obscene, or profane language is not to be tolerated on campus at any time.

PERSONAL APPEARANCE - The CC community affirms that the appearance of students should be consistent with CC's mission. For any dress policy to be effective, common sense and personal discretion by the members of the community are essential.

The following guidelines are helpful:

- Bodily cleanliness and neatness of dress are essential on the part of everyone.
- Shoes or appropriate footwear must be worn in any building, including locker rooms.
- Clothing should be appropriate to the occasion and in good taste. Personal appearance should not disrupt the mood or atmosphere of the activity being attended. Clothing with unwholesome advertising should be avoided.

PROOF OF STUDENT STATUS - CC requires that all students be able to show proof of current student status (Student ID) upon request by a CC official--specifically CC staff and faculty, and public safety personnel. The ID remains the property of CC.

SALES/ADVERTISING ON CAMPUS - No sales, solicitation, selling "parties" or advertising is permitted on campus without permission of the Principal.

STUDENT ORGANIZATIONS – CC has a legitimate interest in being assured that all CC organizations identify their goals and objectives. All such goals and objectives must be compatible with the mission statement and policies of the school. Each organization, whether local or of outside affiliation, must obtain official recognition by whatever method is currently in operation at CC to operate on campus.

THREATS AND VIOLENCE AGAINST PERSONS OR PROPERTY - A supportive community cannot exist where threats occur or where people fear injury or harm. Therefore, threats of violence or violence against persons will result in immediate removal from CC and from CC property.

UNAUTHORIZED ENTRY – Entering into any CC building, facility or area without authorization is prohibited.

UNAUTHORIZED PRESENCE, IMPROPER USE – Unauthorized presence on or improper use of, any CC property is prohibited. This includes the unauthorized use of CC facilities and further includes unauthorized solicitation or distribution of advertising materials on CC property. It also includes an individual's presence in an area from which he or she has previously been banned.

VISITORS TO THE CAMPUS - The CC campus is provided primarily to accommodate the immediate CC community, (i.e. students, faculty and staff). CC reserves the right to regulate admission of visitors and to require visitors to obtain a permit under controlled conditions.

ADDITIONAL REGULATIONS - CC may, from time to time, enact and publish additional policies and regulations.

Acknowledged and Accepted this 13th day of August, 2011, by:

Storm Thompson
Student Signature

Exhibit 4

facebook



Storm Thompson has an updated status:

Letters and phone calls apparently aren't enough. Now it's time to take the gloves off!!

Help me protest budget cuts - OCCUPY Creosote Canyon High School!

February 15. Before school. Meet at the CCHS district offices and we'll march to take back our school.

Unlike · Comment · 6 hours ago ·

You and 10 others like this.



Write a comment...

Exhibit 5

Schools deal with lockdown quandary

Maggie Galehouse

The Arizona Republic

May. 20, 2005 12:00 AM

A four-hour lockdown this week at Scottsdale's Desert Mountain High School forced students to urinate in sinks and trash cans because they weren't allowed to leave their classrooms to use the toilet.

Last week, children at two Phoenix elementary schools in the neighborhood where Phoenix police Officer David Uribe was killed were locked down for so long that school officials ordered pizza for their dinner.

The two cases illustrate the tightrope schools must walk between protecting students and detaining them for so long that their physical well-being becomes a concern.

The incidents also highlight the widely varying standards schools use in determining when a lockdown is necessary and when to sound the all-clear.

At Desert Mountain, high school students missed half a day of lessons because someone made up a story about a group of skinheads who were planning to shoot students and school personnel. Nathan William Swann, 18, was arrested by Scottsdale police Tuesday. Investigators say the high school dropout fabricated the story to impress a girl at Desert Mountain.

Parents said they wish schools would be more discerning about lockdowns.

"I talked to the principal at length," said Donna DuPont, whose son is a senior at Desert Mountain.

"I said that I didn't envy his position; however, he's got to temper his decision to take these drastic measures with some sort of logic. Overreacting has been part of our process since Columbine," she said.

It seems that every week, in every big city, a school bolts its doors because of a threat or security breach.

"Lockdowns do occur frequently," said Layton Dickerson, a state school safety specialist. "When things start happening too much, we always run the risk of people becoming blasé."

Students say it depends on the length of the lockdown.

"No one really gets too worried," said Max Gitenstein, 18, a Desert Mountain senior and veteran of four lockdowns this year. "No one thinks anything of it at first. But after 20 minutes, people start to wonder what's happening."

Lockdown decisions are made by individual schools, ideally in consultation with district officials and police.

"We don't take any chances with our kids," Washington Elementary School District spokeswoman Nedda Shafir said after last week's lockdowns because of the Uribe shooting. "It's very scary."

Arizona schools must have emergency response plans and are required to train staff and students in emergency procedures at least once a year. School resource officers work with schools on evacuation plans for various scenarios.

Because each situation is different, responses vary.

At Desert Mountain, Principal Brian Corte followed the wishes of the Scottsdale Police Department and withheld details about the threat until the lockdown was over.

Darryl DuPont, 18, wanted to know details after two policemen pulled him out of a classroom Monday and searched his pockets, car and locker. He said they asked him if he had any scars or tattoos relating to Nazi or Neo-Nazi groups. He was sent back to a different classroom with no explanation.

School safety experts recommend giving older students at least some information.

"It doesn't hurt them to know the basics of the situation," said William Lassiter, a specialist with the Center for the Prevention of School Violence in Raleigh, N.C. "It gives them more confidence and clarity about what's going on."

Dickerson, the state safety expert, agreed.

"Three or four hours of not knowing why you're in a lockdown has got to be pretty stressful," Dickerson said. "I also think students are more apt to follow instructions if they know the type of threat."

In Monday's incident, students' cellphones were the only link to the outside world. Safety experts don't know whether that's good or bad.

"We meet with school security chiefs around the country, and cellphones are liked by some and hated by others," said William Modzeleski,

assistant deputy secretary of the U.S. Department of Education's Office of Safe and Drug Free Schools. "Sometimes cellphones are the only mechanism to reach out. They ease parents' minds. But you don't want half your parent population coming to a school because there's a problem."

Although Desert Mountain left a phone message on the school's answering system about the lockdown, some parents said they did not get it.

"I think that's the thing that troubled me the most when I got my first communication from Darryl," DuPont said. "He'd been detained for two hours, and they wouldn't allow him to call anyone to tell them what was going on."

Nancy Wigton of Scottsdale, whose son is a junior at Desert Mountain, also said she had to call him directly.

Experts say emergency response plans should always be open to modifications.

One possible addition to Desert Mountain's plan, said Dickerson, is providing some sort of access to a toilet.

"We also recommend that classrooms have an emergency kit," he said. "A lot of schools use five-gallon paint or pickle barrels that can be used as a toilet."

In the Washington district, for example, classrooms have water and a portable shelter and bucket so children can go to the bathroom.

At Desert Mountain, a number of students with health needs received medication during the lockdown.

"Our school nurse was standing next to me holding a pre-organized box that listed all students on medications and the times the medications needed to be administered," said Corte, the principal.

Still, there are no state or federal provisions for handling health needs in a lockdown.

"If you have a student who needs to be medicated every two, four, six hours, you need to have those discussions with parents and school," Modzeleski said.

Since schools do not report lockdowns to the Arizona Department of Education, there are no statistics on the numbers of such incidents.

Mesa school officials said about a dozen of their 84 schools were locked down this year because of incidents near schools.

Chandler school officials said they've had a handful of incidents this year, most because of burglaries or possible suicides in the area around their schools.

Reach the reporter at maggie.galehouse@arizonarepublic.com or (602) 444-6868. Reporters Holly Johnson, Karina Bland, Anne Ryman, JJ Hensley and Doug Carroll contributed to this article.

Exhibit 6

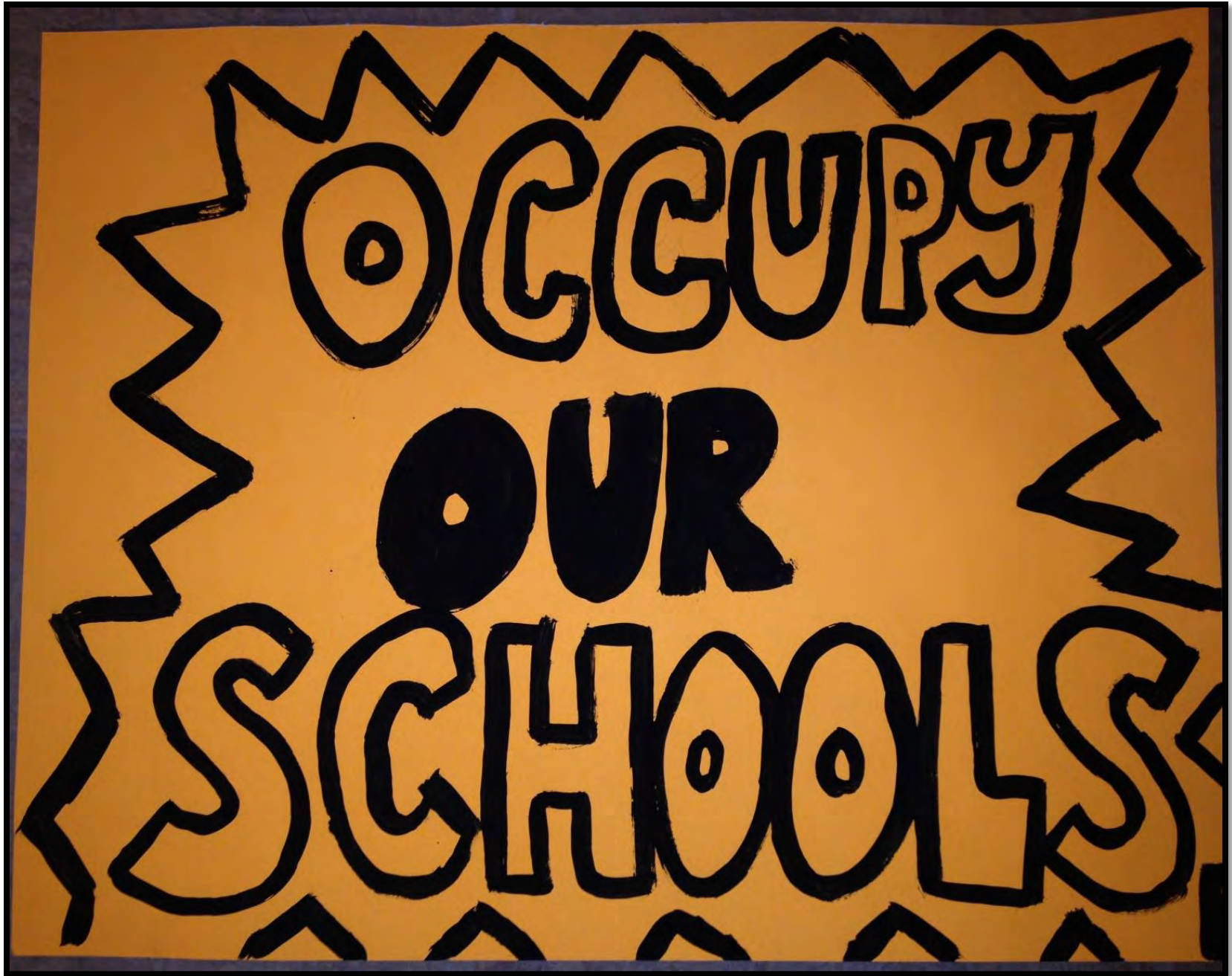


Exhibit 6

Exhibit 7

↘ RESTORE
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Exhibit 7

Exhibit 8

Exhibit 9

15-841 Responsibilities of pupils; expulsion; alternative education programs; community service; placement review committee

A. Pupils shall comply with the rules, pursue the required course of study and submit to the authority of the teachers, the administrators and the governing board. A teacher may send a pupil to the principal's office in order to maintain effective discipline in the classroom. If a pupil is sent to the principal's office pursuant to this subsection, the principal shall employ appropriate discipline management techniques that are consistent with rules adopted by the school district governing board. A teacher may remove a pupil from the classroom if either of the following conditions exists:

1. The teacher has documented that the pupil has repeatedly interfered with the teacher's ability to communicate effectively with the other pupils in the classroom or with the ability of the other pupils to learn.

2. The teacher has determined that the pupil's behavior is so unruly, disruptive or abusive that it seriously interferes with the teacher's ability to communicate effectively with the other pupils in the classroom or with the ability of the other pupils to learn.

B. A pupil may be expelled for continued open defiance of authority, continued disruptive or disorderly behavior, violent behavior that includes use or display of a dangerous instrument or a deadly weapon as defined in section 13-105, use or possession of a gun, or excessive absenteeism. A pupil may be expelled for excessive absenteeism only if the pupil has reached the age or completed the grade after which school attendance is not required as prescribed in section 15-802. A school district may expel pupils for actions other than those listed in this subsection as the school district deems appropriate.

C. A school district may refuse to admit any pupil who has been expelled from another educational institution or who is in the process of being expelled from another educational institution.

D. A school district may annually or upon the request of any pupil or the parent or guardian review the reasons for expulsion and consider readmission.

E. As an alternative to suspension or expulsion, the school district may reassign any pupil to an alternative education program if the pupil does not meet the requirements for participation in the alternative to suspension program prescribed in subsection H of this section and if good cause exists for expulsion or for a long-term suspension.

F. A school district may also reassign a pupil to an alternative educational program if the pupil refuses to comply with rules, refuses to pursue the required course of study or refuses to submit to the authority of teachers, administrators or the governing board.

G. A school district or charter school shall expel from school for a period of not less than one year a pupil who is determined to have brought a firearm to a school within the jurisdiction of the school district or the charter school, except that the school district or charter school may modify this expulsion requirement for a pupil on a case by case basis. This subsection shall be construed consistently with the requirements of the individuals with disabilities education act (20 United States Code sections 1400 through 1420). For the purposes of this subsection:

1. "Expel" may include removing a pupil from a regular school setting and providing educational services in an alternative setting.

2. "Firearm" means a firearm as defined in 18 United States Code section 921.

H. A school district or charter school shall expel from school for at least one year a pupil who is determined to have threatened an educational institution as defined in section 13-2911, except that the school district or charter school may modify this expulsion requirement for a pupil on a case by case basis if the pupil participates in mediation, community service, restitution or other programs in which the pupil takes responsibility for the results of the threat. This subsection shall be construed consistently with the requirements of the individuals with disabilities education act (20 United States Code sections 1400 through 1420). A school district may reassign a pupil who is subject to expulsion pursuant to this subsection to an alternative education program pursuant to subsection E of this section if the pupil participates in mediation, community service, restitution or other programs in which the pupil takes responsibility for the threat. A school district or charter school may require the pupil's parent or guardian to participate in mediation, community service, restitution or other programs in which the parent or guardian takes responsibility with the pupil for the threat. For the purposes of this subsection, "threatened an educational institution" means to interfere with or disrupt an educational institution by doing any of the following:

1. For the purpose of causing, or in reckless disregard of causing, interference with or disruption of an educational institution, threatening to cause physical injury to any employee of an educational institution or any person attending an educational institution.
2. For the purpose of causing, or in reckless disregard of causing, interference with or disruption of an educational institution, threatening to cause damage to any educational institution, the property of any educational institution, the property of any employee of an educational institution or the property of any person attending an educational institution.
3. Going on or remaining on the property of any educational institution for the purpose of interfering with or disrupting the lawful use of the property or in any manner as to deny or interfere with the lawful use of the property by others.
4. Refusing to obey a lawful order to leave the property of an educational institution.

I. By January 1, 2001, each school district shall establish an alternative to suspension program in consultation with local law enforcement officials or school resource officers. The school district governing board shall adopt policies to determine the requirements for participation in the alternative to suspension program. Pupils who would otherwise be subject to suspension pursuant to this article and who meet the school district's requirements for participation in the alternative to suspension program shall be transferred to a location on school premises that is isolated from other pupils or transferred to a location that is not on school premises. The alternative to suspension program shall be discipline intensive and require academic work, and may require community service, groundskeeping and litter control, parent supervision, and evaluation or other appropriate activities. The community service, groundskeeping and litter control, and other appropriate activities may be performed on school grounds or at any other designated area.

J. Each school shall establish a placement review committee to determine the placement of a pupil if a teacher refuses to readmit the pupil to the teacher's class and to make recommendations to the governing board regarding the readmission of expelled pupils. The process for determining the placement of a pupil in a new class or replacement in the existing class shall not exceed three business days from the date the pupil was first removed from the existing class. The principal shall not return a pupil to the classroom from which the pupil was removed without the teacher's consent unless the committee determines that the return of the pupil to that classroom is the best or only practicable alternative. The committee shall be composed of two teachers who are employed at the school and who are selected by the faculty members of the school and one administrator who is employed by the school and who is selected by the principal. The faculty members of the school shall select a third teacher to serve as an alternate member of the

committee. If the teacher who refuses to readmit the pupil is a member of the committee, that teacher shall be excused from participating in the determination of the pupil's readmission and the alternate teacher member shall replace that teacher on the committee until the conclusion of all matters relating to that pupil's readmission.

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF PIMA
THE HONORABLE W.L. DAVIS, PRESIDING JUDGE

IN CHAMBERS ()

IN OPEN COURT (X)
JANICE HALL, CLERK
By: B. Butler, Deputy

STATE OF ARIZONA
v.
STORM THOMPSON

DATE: February 22, 2013
TIME: 9:30 A.M.

NO. CR2012-9999-MT

FINAL PRETRIAL MANAGEMENT CONFERENCE

This is the date and time set for the Final Pretrial Management Conference.
Court Reporter Susan Williams is present.

APPEARANCES

State's Attorney: Mark Roberson
Defendant's Attorney: Carmen Whitaker
Defendant: Present

PRETRIAL ORDER

The Court confers with counsel regarding pretrial issues.

IT IS ORDERED as follows:

1. The State will call the following witnesses:

Denny Haskins
Hayden Garza
Officer Shea Rivers

2. The Defendant will call the following witnesses:

Storm Thompson
Reagan Kennedy
Justice Emerson

3. The exhibits that may be used at trial are premarked as follows:

Exhibit 1	Emergency Response Plan (Partial)
Exhibit 2	Evacuation Procedures
Exhibit 3	Personal Conduct Policy
Exhibit 4	Facebook Post
Exhibit 5	Arizona Republic Article
Exhibit 6	Photograph of Occupy Our Schools Sign
Exhibit 7	Photograph of Restore Educational Funding Now Sign
Exhibit 8	Emergency Drill Log
Exhibit 9	Copy of A.R.S. § 15-841

4. Authenticity (but not foundation) is stipulated for all exhibits.

5. Exhibits 1, 2, 3 and 8 were: (i) made at or near the time of the events recorded in the exhibits; and (ii) made and kept in the course of the regularly conducted business activities of Creosote Canyon High School.

6. All witness declarations are presumed to have been signed before trial. Each witness has reviewed his/her declaration for accuracy, and no changes were made. Each exhibit or declaration that bears a signature block is presumed to have been signed on the date indicated on the exhibit or declaration.

7. The attached jury instructions are approved.

8. All objections to the sufficiency of, or any defects in, the Indictment have been waived and/or overruled. All speedy trial rights have been waived, and no such objections will be entertained at trial.

9. The Defendant voluntarily has decided to testify at trial, and as such, has waived all rights against self-incrimination. No such objections will be entertained at trial.

10. The Defendant voluntarily gave his/her statement after being properly advised of his/her Miranda rights, and as such, has waived his/her Miranda rights. No such objections will be entertained at trial.

NOTICE TO DEFENDANT:

Failure to comply with the above orders may result in revocation of the defendant's release from custody and/or the imposition of other sanctions.

The defendant may be tried in his/her absence if he/she fails to appear for trial.

IT IS FURTHER ORDERED affirming all prior bond and custody orders.

Jury Instructions

It is your duty as a juror to decide this case by applying these jury instructions to the facts as you determine them. You must follow these jury instructions. They are the rules you should use to decide this case.

It is your duty to determine what the facts are in the case by determining what actually happened. Determine the facts only from the evidence produced in court. When I say “evidence,” I mean the testimony of witnesses and the exhibits introduced in court. You should not guess about any fact. You must not be influenced by sympathy or prejudice. You must not be concerned with any opinion that you feel I have about the facts. You, as jurors, are the sole judges of what happened.

You must consider all these instructions. Do not pick out one instruction, or part of one, and ignore the others. As you determine the facts, however, you may find that some instructions no longer apply. You must then consider the instructions that do apply, together with the facts as you have determined them.

In their opening statements and closing arguments, the lawyers have talked to you about the law and the evidence. What the lawyers said is not evidence, but it may help you to understand the law and the evidence.

The lawyers are permitted to stipulate that certain facts exist. This means that both sides agree those facts do exist and are part of the evidence.

You are to determine what the facts in the case are from the evidence produced in court. If the court sustained an objection to a lawyer’s question, you must disregard it and any answer given. Any testimony stricken from the court record must not be considered.

The law does not require a defendant to prove innocence. Every defendant is presumed by law to be innocent. You must start with the presumption that the defendant is innocent.

The State has the burden of proving the defendant guilty beyond a reasonable doubt. This means the State must prove each element of each charge beyond a reasonable doubt. In civil cases, it is only necessary to prove that a fact is more likely true than not or that its truth is highly probable. In criminal cases such as this, the State’s proof must be more powerful than that. It must be beyond a reasonable doubt.

Proof beyond a reasonable doubt is proof that leaves you firmly convinced of the defendant’s guilt. There are very few things in this world that we know with absolute certainty, and in criminal cases the law does not require proof that overcomes every doubt. If, based on your consideration of the evidence, you are firmly convinced that the defendant is guilty of the crime charged, you must find the defendant guilty. If, on the other hand, you think there is a real possibility that the defendant is not guilty, you must give the defendant the benefit of the doubt and find the defendant not guilty.

You must decide whether the defendant is guilty or not guilty by determining what the facts in the case are and applying these jury instructions.

You must not consider the possible punishment when deciding on guilt; punishment is left to the judge.

The only matter for you to determine is whether the State has proved the defendant guilty beyond a reasonable doubt. The defendant's guilt or innocence is not affected by the fact that another person or persons might have participated or cooperated in the crime and is not on trial now. You should not guess about the reason any other person is absent from the courtroom.

The State must prove guilt beyond a reasonable doubt based on the evidence. The defendant is not required to produce evidence of any kind. The decision on whether to produce any evidence is left to the defendant acting with the advice of an attorney. The defendant's decision not to produce any evidence is not evidence of guilt.

Before you may convict the defendant of the charged crimes, you must find that the State proved beyond a reasonable doubt that the defendant committed a voluntary act. A voluntary act means a bodily movement performed consciously and as a result of effort and determination. You must consider all the evidence in deciding whether the defendant committed the act voluntarily.

In deciding the facts of this case, you should consider what testimony to accept, and what to reject. You may accept everything a witness says, or part of it, or none of it.

In evaluating testimony, you should use the tests for truthfulness that people use in determining matters of importance in everyday life, including such factors as: the witness's ability to see or hear or know the things the witness testified to; the quality of the witness's memory; the witness's manner while testifying; whether the witness had any motive, bias, or prejudice; whether the witness was contradicted by anything the witness said or wrote before trial, or by other evidence; and the reasonableness of the witness's testimony when considered in the light of the other evidence.

Consider all of the evidence in the light of reason, common sense, and experience.

The State has charged the defendant with certain crimes. A charge is not evidence against the defendant. You must not think that the defendant is guilty just because of a charge. The defendant has pled "not guilty."

This plea of "not guilty" means that the State must prove each element of the charges beyond a reasonable doubt.

Evidence may be direct or circumstantial. Direct evidence is the testimony of a witness who saw, heard, or otherwise sensed an event. Circumstantial evidence is the proof of a fact or facts from which you may find another fact. The law makes no distinction between direct and circumstantial evidence. It is for you to determine the importance to be given to the evidence, regardless of whether it is direct or circumstantial.

A witness qualified as an expert by education or experience may state opinions on matters in that witness's field of expertise, and may also state reasons for those opinions.

Expert opinion testimony should be judged just as any other testimony. You are not bound by it. You may accept it or reject it, in whole or in part, and you should give it as much credibility and weight as you think it deserves, considering the witness's qualifications and experience, the reasons given for the opinions, and all the other evidence in the case.

Guilt cannot be established by the defendant's mere presence at a crime scene, mere association with another person at a crime scene or mere knowledge that a crime is being committed. The fact that the defendant may have been present, or knew that a crime was being committed, does not in and of itself make the defendant guilty of the crime charged. One who is merely present is a passive observer who lacked criminal intent and did not participate in the crime.

The testimony of a law enforcement officer is not entitled to any greater or lesser importance or believability merely because of the fact that the witness is a law enforcement officer. You are to consider the testimony of a police officer just as you would the testimony of any other witness.

Each count charges a separate and distinct offense. You must decide each count separately on the evidence with the law applicable to it, uninfluenced by your decision on any other count. You may find that the State has proved beyond a reasonable doubt, all, some, or none of the charged offenses. Your finding for each count must be stated in a separate verdict.

You must evaluate the defendant's testimony the same as any witness' testimony.

The State need not prove motive, but you may consider motive or lack of motive in reaching your verdict.

The crime of interference with or disruption of an educational institution as charged in Count 1 requires proof that the defendant intentionally, knowingly or recklessly interfered with or disrupted the normal operations of an educational institution by threatening to cause physical injury to any employee or student of an educational institution or any person on the property of an educational institution.

The crime of interference with or disruption of an educational institution as charged in Count 2 requires proof that the defendant intentionally, knowingly or recklessly interfered with or disrupted the normal operations of an educational institution by threatening to cause damage to any educational institution, the property of any educational institution or the property of any employee or student of an educational institution.

The crime of interference with or disruption of an educational institution as charged in Count 3 requires proof that the defendant intentionally or knowingly entered or remained on the property of any educational institution for the purpose of interfering with the lawful use of the property or in any manner as to deny or interfere with the lawful use of the property by others.

The crime of interference with or disruption of an educational institution as charged in Count 4 requires proof that the defendant intentionally or knowingly refused to obey a lawful order by the chief administrative officer of an educational institution, or an officer or employee designated by the chief administrative officer to maintain order, for the defendant to leave the

property of an educational institution if the officer or employee had reasonable grounds to believe:

1. any person or persons was/were committing any act that interfered with or disrupted the lawful use of the property by others at the educational institution; *or*

2. any person entered on the property of an educational institution for the purpose of committing any act that interfered with or disrupted the lawful use of the property by others at the educational institution.

“Educational institution” means any university, college, community college, high school or common school in this state.

“Governing board” means the body, whether appointed or elected, that has the responsibility for the maintenance and government of an educational institution.

“Interference with or disruption of” and “interfered with or disrupted” include any act that might reasonably lead to the evacuation or closure of any property of the educational institution or the postponement, cancellation or suspension of any class or other school activity. An actual evacuation, closure, postponement, cancellation or suspension is not required for the act to be considered an interference or disruption.

“Threatening to cause physical injury” means a verbal or physical menace of imminent physical injury.

“Threatening to cause damage” means a verbal or physical menace of imminent damage.

“Property of an educational institution” means all land, buildings, and other facilities that are owned, operated or controlled by the governing board of an educational institution and that are devoted to educational purposes.

“Intentionally” as used in these instructions means that a defendant’s objective is to cause that result or to engage in that conduct.

Intent may be inferred from all the facts and circumstances disclosed by the evidence. It need not be established exclusively by direct sensory proof. The existence of intent is one of the questions of fact for your determination.

“Knowingly” means that a defendant acted with awareness of or belief in the existence of conduct or circumstances constituting an offense. It does not mean that a defendant must have known the conduct is forbidden by law.

If the State is required to prove that the defendant acted “knowingly,” that requirement is satisfied if the State proves that the defendant acted “intentionally.”

“Recklessly” as used in these instructions with respect to the charges in Counts 1 and 2 means that the defendant was aware of and consciously disregarded a substantial and unjustifiable risk that the defendant’s conduct as charged in Counts 1 and 2 would result in

interference with or disruption of the normal operations of an educational institution. The risk must be such that disregarding it was a gross deviation from what a reasonable person would do in the situation.

If the State is required to prove that the defendant acted “recklessly,” that requirement is satisfied if the State proves that the defendant acted “intentionally” or “knowingly.”