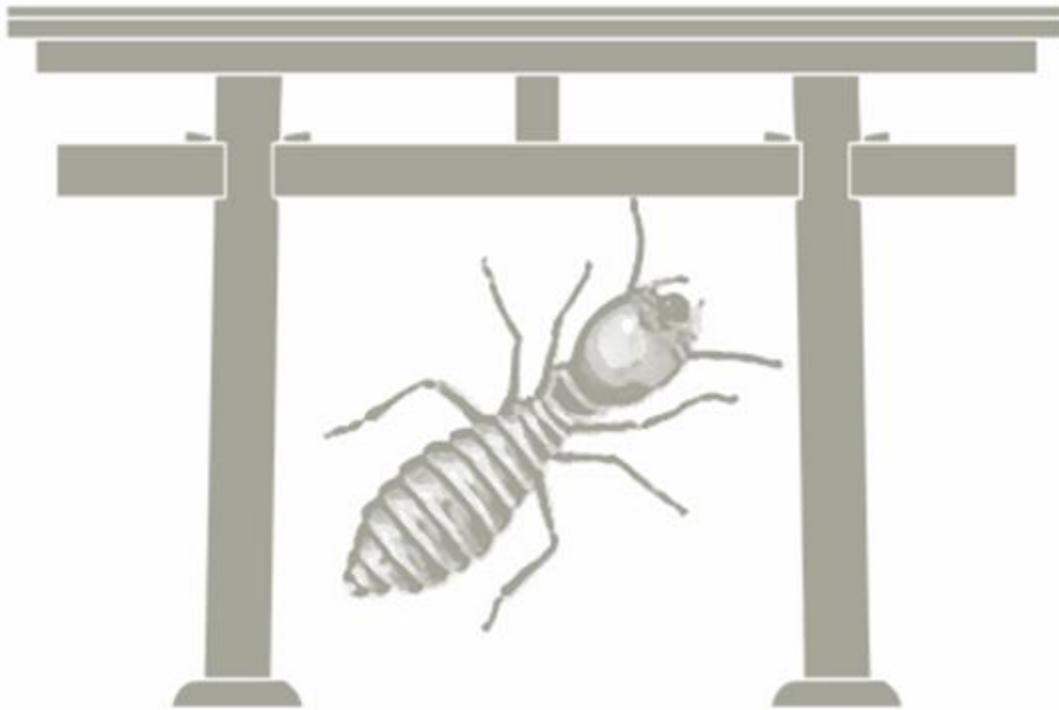




CENTER FOR CIVIC VALUES
PROVIDING EDUCATION AND RESOURCES FOR PUBLIC PARTICIPATION IN THE LAW

2022 New Mexico High School Mock Trial Competition

State of New Mexico vs. Harper Marmalard



Center for Civic Values
20 First Plaza Center NW
Suite 307
Albuquerque NM 87102

voice 505.764.9417
fax 844.270.1133
toll-free 800.451.1947

mocktrial@civicvalues.org
www.civicvalues.org

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Questions and Contact Information

Questions concerning these case materials should be emailed to Kristen Leeds at the Center for Civic Values.

You may begin submitting questions anytime. **The deadline for submitting questions is noon on February 1, 2022.** The final update will be posted no later than **February 5, 2022.**

Questions must be sent in writing using mocktrial@civicvalues.org. Please be sure to include return contact information in the event we need to reach you to clarify a question.

Answers to questions will be posted on the mock trial website:
<https://www.civicvalues.org/mock-trial/this-years-case/clarifications>.

Please check the [website](#) to see if your question has been answered before sending an email.

Introduction and Acknowledgments

Welcome to the 2022 New Mexico High School Mock Trial Competition. Mock Trial, which began in 1978 and is administered by the Center for Civic Values (CCV), is an academic activity set in a competitive environment. It gives students hands-on experience in the law as it helps them develop the skills necessary for the mastery of state content standards for language arts and social studies.

This year's case, *State of New Mexico vs. Harper Marmalard*, is a criminal proceeding in which the State has charged the defendant with murder in the first degree.

The case was originally written by Pennsylvania lawyers Jonathan A. Grode, Paul W. Kaufman and Jonathan Koltash and former Pennsylvania mock trialer Talia Charme-Zane for the Pennsylvania High School Mock Trial Program, which graciously agreed to allow CCV to adapt and use the case in this year's New Mexico competition. The adaptation was done by CCV Executive Director Kristen Leeds and board members Jack Sullivan, Heather Jaramillo, and Mark Standridge. The CCV Board and staff thank the hundreds of volunteers who annually contribute their time and energy to the organization and running of the program, including the teachers who sponsor and coach teams, the attorneys who coach those teams, the judges who preside over and score the trials, and the administrative volunteers who provide invaluable assistance in the actual hosting of the qualifier and final competitions.

In addition, CCV expresses its heartfelt gratitude to Chief Judge Maria I. Dominguez, Camille Baca, the other judges and the staff of the Bernalillo County Metropolitan Court in Albuquerque and Chief Judge Manuel I. Arrieta, Brandi Sanchez, the other judges and staff of the Third Judicial District Court in Las Cruces for their support of mock trial.

We also extend special thanks to Senator Jacob Candelaria and the New Mexico Legislature for the annual funding provided to the mock trial program and the University of New Mexico School of Law for acting as the fiscal agent.

We hope you find these materials interesting and wish you all the best of luck!

Case Summary

Acari University is one of America's best known places of higher education. Founded in 1850, shortly after New Mexico became a U.S. territory, it perennially ranks in the U.S. News and World Report Top Ten Undergraduate Colleges and its research programs in the arts, sciences, and engineering are world renowned. Senators, governors, ambassadors and Nobel Prize winners have been proud to call themselves "Acari Men." Acari was one of the first of America's elite universities to become co-educational, and since 1927, "Acari Women" have also joined the ranks of the nation's power brokers.

As famous as Acari is for its academics, it is perhaps better known for its less visible paths to power and influence. From the Eight Wise Men to Kite and Key, honor societies and secret societies at Acari spread out across campus, "tapping" those whom they wish to recruit to join them. The most powerful and most influential of the honor societies at Acari is Zeta Iota Pi (ZIP) and its members are known as Zippers. The motto of the honor society states, "we stick together", and that network carries them through the corridors of power.

But all was not as well as presented among the ranks of the Zippers at Acari University. For several years, the "sticking together" had taken a darker turn, fostering an underground cheating scandal that allowed Zippers to get credit for classes for which they barely worked, giving them an unfair advantage over other students and calling into question the fundamental ethics of every member. At the apex of the scandal was a senior post-doc named Corin Boon and the current ZIP pledge master and president, Harper Marmalard. On the surface, they were both well-liked and academically sound rising scientists in the fields of botany and entomology. Underneath, they both carried the burden of promoting, yet at the same time, hiding, this academic secret.

In August 2019, Mandy Pepperidge was recruited into ZIP. Living in the ZIP on-campus house, Pepperidge and her fellow pledge, Alex Otter, stumbled across the cheating scheme as they completed a series of pledge challenges called the Feats of Fortitude. Their discovery revealed that one prime beneficiary of the scandal was Marmalard. Faced with increasing harassment, Pepperidge fought back, threatening to reveal the conspiracy to the ZIP national administration.

Within weeks, she was dead, the victim of a fatal fall that occurred while she completed the last of the ZIP pledge tasks assigned to her by Marmalard.

A promising young life has ended. A prestigious honor society and university are disgraced. But a question remains: was this merely a tragic pledge event that ended badly? Or was it murder? Also, where did all of those termites come from?

Marmalard stands accused of homicide. The principal witnesses against her/him/them are the former pledge and friend of Pepperidge, Alex Otter, and Marmalard's co-conspirator in the cheating scandal, Corin Boon, and as an expert witness in the field of entomology, Drew Pinto. Rallying to Marmalard's side are another former pledge, Dana Stork, and an expert witness in the field of entomology who also served as a mentor to Marmalard, Lane Dorfman. A community is shattered, reputations ruined, and a venerable institution turns on itself in shock and dismay.

Trial is joined.

WARNING NOTICE

TO ALL STUDENTS AND MOCK TRIAL PARTICIPANTS:

This case material refers to, and depicts participation in, various internet fads and social media challenges. While the characters in the case participate in these activities, neither the Center for Civic Values nor any other group condones or encourages such participation. The behavior of the characters creates risks to health and safety, and you could hurt yourself or others if you reenact or mimic it. Indeed, one of the lessons of this problem is that people can get hurt by such behavior.

Hazing is never appropriate and the behavior of the fictional characters in our story (serving older students, taking on chores that others do not have) pushes and may cross the line of hazing. Many think of hazing as a rite of passage, nothing more than harmless pranks that are associated with group initiations. But just google “hazing” and see the headlines where lines are crossed. If you are hazed, please get to safety and report it to your school and to those who care for you.

DO NOT REENACT!

PLEADINGS

STATE OF NEW MEXICO
COUNTY OF LINCOLN
TWELFTH JUDICIAL DISTRICT

No. D-1226-CR-2019-00499

STATE OF NEW MEXICO,

Plaintiff,

vs.

HARPER MARMALARD,

Defendant.

CRIMINAL INFORMATION

Otis Day, Assistant District Attorney for the Twelfth Judicial District of the State of New Mexico accuses HARPER MARMALARD of FIRST DEGREE MURDER and charges as follows:

COUNT I: FIRST DEGREE MURDER

That on or about September 12, 2019, in Lincoln County, New Mexico, the above-named defendant did murder Mandy Pepperidge in violation of NMSA 1978, Section 30-2-1(A) in that the defendant placed into a wooden structure, a paifang archway, a wood-boring insect, the Formosan Subterranean Termite, in order to weaken said structure, and did then cause Mandy Pepperidge to climb such structure, knowing that it was weakened, knowing that she did not know that, and intending that she should fall and die and/or that the structure should collapse, causing her death, and that in so doing the defendant did, in fact, cause Pepperidge to fall and/or portions of the arch to collapse, proximately causing the death of Ms. Pepperidge.

Date: November 2, 2019

/s/ Otis Day
(signature of the complainant)

**STATE OF NEW MEXICO
COUNTY OF LINCOLN
TWELFTH JUDICIAL DISTRICT**

No. D-1226-CR-2019-00499

STATE OF NEW MEXICO,

Plaintiff,

vs.

HARPER MARMALARD,

Defendant.

ORDER ON PRELIMINARY EXAMINATION

Per the Criminal Information, the charge of FIRST DEGREE MURDER in violation of NMSA 1978, Section 30-2-1(A) appeared before me.

A preliminary examination on the offense set forth in the Criminal Information having been waived, IT IS HEREBY ORDERED pursuant to Rule 5-302(D)(2) NMRA that Defendant Harper Marmalard is BOUND OVER FOR TRIAL in the District Court on the charge of First Degree Murder.

IT IS SO ORDERED

Date: November 15, 2019

/s/ Matty Simmons
District Judge

STATE OF NEW MEXICO
COUNTY OF LINCOLN
TWELFTH JUDICIAL DISTRICT

No. D-1226-CR-2019-00499

STATE OF NEW MEXICO,

Plaintiff,

vs.

HARPER MARMALARD,

Defendant.

Arraignment and Plea Proceeding

THIS MATTER having come before the Court on a Criminal Information charging Defendant Harper Marmalard with first degree murder in violation of NMSA 1978, Section 30-2-1(A); the Court finds as follows:

1. Defendant Harper Marmalard appeared in person accompanied by her/his/their attorney, Matty Clayton, and was formally arraigned in open court.
2. Defendant Harper Marmalard entered a plea of NOT GUILTY to the charge of FIRST DEGREE MURDER contained in the Criminal Information, which plea has been received by the Court and ordered of record herein.

THEREFORE, IT IS HEREBY ORDERED that Defendant Harper Marmalard is hereby released on her/his/their own recognizance on the following conditions: Defendant shall obey all laws, make all court appearances, stay in contact with her/his/their attorney once a week until trial or disposition of this matter, and remain in the jurisdiction of the State of New Mexico.

IT IS SO ORDERED

Date: November 15, 2019

/s/ Matty Simmons
District Judge

STATE OF NEW MEXICO
COUNTY OF LINCOLN
TWELFTH JUDICIAL DISTRICT

No. D-1226-CR-2019-00499

STATE OF NEW MEXICO,

Plaintiff,

vs.

HARPER MARMALARD,

Defendant.

Memorandum and Opinion

Defendant Harper Marmalard has moved to dismiss the Criminal Information charging her/him/them with Murder in the First Degree in violation of NMSA 1978, Section 30-2-1(A). Defendant argues that the Information and the evidence in this matter are insufficient to show that they caused the death of Mandy Pepperidge. The Court denies the defendant's motion, and the matter will proceed to trial.

The defendant's attack on the charges is threefold. First, the defendant argues that the nature of Pepperidge's death is such that no reasonable juror could conclude that Marmalard's actions caused it. Second, relatedly, defendant argues that a fall from a height of fifteen to twenty-five feet¹ could not reasonably have been foreseen to cause death, and thus that they cannot be guilty of first degree murder. Third, the defendant argues that they could not have known where Pepperidge would climb, and thus could not have foreseen this death.

None of these arguments is availing. The State alleges that Marmalard intentionally created the circumstances in which Pepperidge died by directing Pepperidge to a physical location – the famous Paifang arch on Acari University's campus – and by directing Pepperidge to take an action – what the Court understands is something called “planking” – that could only occur on a small portion of the arch. The State further alleges that Marmalard took affirmative steps to ensure

¹ The precise height of Pepperidge's fall is unknown. The record indicates that she was climbing to a point approximately twenty-four feet above the ground, and she was well off the ground, according to eyewitness reports. One witness even placed her a foot or two above the “planking” point, the better to climb down onto it.

that Pepperidge would fall, including infesting the arch with aggressive termites that weakened the structure.

For purposes of this decision, the Court must draw all inferences in favor of the State. The Court notes that, notwithstanding the defendant's argument, the dangers of falling from a height as low as eighteen feet are quite substantial. In a Center for Disease Control study of approximately 90 fatal falls, more than a third were from heights of less than 15 feet, and almost half were falls of 25 feet or less. Moreover, the circumstances of this fall – its suddenness, its unexpectedness, and the fact that no safety precautions were being used to ensure that Pepperidge could be caught or would fall feet-first – mitigate the force of defendant's claims.

By way of analogy, were Marmalard accused of digging a twenty-five foot pit with a concrete floor, and then covering it over so that Pepperidge would tumble into it, or of removing all the support screws on a guard rail at the top of a twenty-foot wall so that Pepperidge would fall to her death, there would be no question that such charges could succeed. The exotic nature of this scheme may make it more complex, but the law on point is simple and direct.

The Court does *not* offer any opinion on whether the State can actually prove the case it claims it can make, or whether the State can show that death was intended. If the State makes the showings it posits it will, a reasonable jury *could* conclude that Defendant Marmalard turned the ancient structure into an exotic and deadly trap. Under those circumstances, the case must be permitted to proceed to jury.

The Court offers no opinion on the merits of the case or the wisdom of the aggressive charge that the State has brought. The former is a question for the jury; the latter is a question for the people.

BY THE COURT:

/s/ Matty Simmons

District Judge

**STATE OF NEW MEXICO
COUNTY OF LINCOLN
TWELFTH JUDICIAL DISTRICT**

No. D-1226-CR-2019-00499

STATE OF NEW MEXICO,

Plaintiff,

vs.

HARPER MARMALARD,

Defendant.

Stipulations

1. All documents, signatures, and exhibits, including pre-markings, included in the case materials are authentic and accurate in all respects; no objections to the authenticity of the documents will be entertained. The parties reserve the right to dispute any legal or factual conclusions based on these items and to make objections other than to authenticity.
2. Jurisdiction, venue, and chain of custody of the evidence are proper and may not be challenged.
3. All statements were notarized on the day on which they were signed.
4. All evidence was constitutionally recovered and all statements were constitutionally obtained. No objection will be entertained to the constitutionality of any evidence, nor will any motions to suppress on constitutional grounds be permitted.
5. Defendant Harper Marmalard has waived her/his/their rights against self-incrimination under the Fifth Amendment to the United States Constitution, and either party may refer to Marmalard's decision to testify in opening.
6. Mandy Pepperidge was alive on September 12, 2019.
7. Mandy Pepperidge was killed nearly instantly when she fell from the Paifang arch at Acari University on September 12, 2019. The cause of her death was the fall from a height greater than 15 feet which broke her neck and collapsed a portion of her skull.

8. Alex Otter, Dana Stork, Harper Marmalard, and Corin Boon were all interviewed by the Lincoln County Sheriff's Department in preparing Exhibit 5. All gave statements consistent with their affidavits in all respects.
9. The report of Zillias Structural Engineering was prepared at the request of Acari University, which was following its standard procedure for investigating whether deaths at the University were preventable, and was obtained by the Lincoln County Sheriff's Department from the University.
10. Harper Marmalard pleaded guilty to hazing, a third-degree misdemeanor violation of NMSA 1978, Section 30-54-1. Hazing is defined as "Any action or situation which recklessly endangers the mental or physical health or safety of a student..." The specific example charged was the "cinnamon challenge" incident. She/He/They was/were sentenced to one year of imprisonment, which was suspended and would be eliminated if they completed three months' probation, 360 hours of community service, and paid a \$2000 fine.
11. Exhibits 1-2 were subpoenaed by the Lincoln County Sheriff from Zeta Iota Pi. Each ZIP member is given a copy of these documents when they pledge ZIP, and each member's documents are updated periodically by mail or email when policies are modified or when new policies are passed by the ZIP board of directors.
12. Exhibit 3 was obtained from the personal computer of Mandy Pepperidge by Lincoln County Sheriff's Department Forensics on September 17, 2019. It was stored in the memory of that computer, and it had been last visited September 11, 2019 at 9:35:42 p.m. The original website was also reviewed, and the page from Pepperidge's computer is accurate to what it would have displayed at that time on that day.
13. Exhibit 4 was taken by Alex Otter in the presence of Mandy Pepperidge.
14. Exhibit 5 is the Report of Investigation prepared by the Lincoln County Sheriff's Department. It is admissible by any party without further foundation.
15. Exhibit 10 was retrieved by the Lincoln County Sheriff's Department in the form attached, from the Acari University Entomology lab which is responsible for keeping the records of laboratory experiments in addition to the student researcher or faculty/staff primary investigator. The records were kept by the University electronically and were date stamped whenever modified. Their procedural compilation and accuracy have been confirmed by the Dean of the Acari College of Sciences.
16. Drew Pinto and Lane Dorfman are experts in entomology and wood-boring insects. They may be deemed experts in other fields, as may other witnesses in those or other fields, if proper foundation is laid.
17. The following definition is stipulated. It is further stipulated that this is the meaning of "planking" intended by the witnesses in their statements. Planking (or the Lying Down Game) is an activity consisting of lying face down—sometimes in an unusual or incongruous location. Both hands must touch the sides of the body. Some players compete to find the most unusual and original location in which to play. The term planking refers to mimicking a wooden plank.

Planking can include lying flat on a flat surface, or holding the body flat while it is supported in only some regions, with other parts of the body suspended. Many participants in planking have photographed the activity in unusual locations and have shared such pictures through social media. ([http://en.wikipedia.org/wiki/Planking_\(fad\)](http://en.wikipedia.org/wiki/Planking_(fad)))

/s/ Otis Day
Assistant District Attorney

/s/ Sydney Clayton
Defendant's Attorney

Date: December 17, 2019

Applicable Law

Applicable Statutes

NMSA 1978, Section 30-2-1. Murder.

A. Murder in the first degree is the killing of one human being by another without lawful justification or excuse, by any of the means with which death may be caused:

- (1) by any kind of willful, deliberate and premeditated killing;
- (2) in the commission of or attempt to commit any felony; or
- (3) by any act greatly dangerous to the lives of others, indicating a depraved mind regardless of human life.

Whoever commits murder in the first degree is guilty of a capital felony.

Jury Instructions

At the conclusion of a jury trial, the judge will instruct the jury how to apply the law to the evidence. Hypothetically, if the judge in your mock trial case were to provide instructions to the jury, they would look something like the following:

[Please note: A copy of these instructions may not be used as an exhibit during the mock trial competition; however, students may use these concepts in fashioning their case and making arguments to the jury.]

1. Role of Jury.

Members of the jury, you have seen and heard all the evidence and the arguments of the lawyers. Now I will instruct you on the law.

You have two duties as a jury. Your first duty is to decide the facts from the evidence that you have heard and seen in court during this trial. That is your job and yours alone. I play no part in finding the facts. You should not take anything I may have said or done during the trial as indicating what I think of the evidence or what I think about what your verdict should be.

Your second duty is to apply the law that I give you to the facts. My role now is to explain to you the legal principles that must guide you in your decisions. You must apply my instructions carefully. Each of the instructions is important, and you must apply all of them. You must not substitute or follow your own notion or opinion about what the law is or ought to be. You must apply the law that I give to you, whether you agree with it or not.

Whatever your verdict, it will have to be unanimous. All of you will have to agree on it or there will be no verdict. In the jury room you will discuss the case among yourselves, but ultimately each of you will have to make up his or her own mind. This is a responsibility that each of you has and that you cannot avoid.

Perform these duties fairly and impartially. Do not allow sympathy, prejudice, fear, or public opinion to influence you. You should also not be influenced by any person's race, color, religion, national ancestry, or gender

2. Jury sole judge of facts; sympathy or prejudice not to influence verdict.

You are the sole judges of the facts in this case. It is your duty to determine the facts from the evidence produced here in court. Your verdict should not be based on speculation, guess, or conjecture. Neither sympathy nor prejudice should influence your verdict. You are to apply the law as stated in these instructions to the facts as you find them, and in this way decide the case.

Although the lawyers may have called your attention to certain facts or factual conclusions that they thought were important, what the lawyers said is not evidence and is not binding on you. It is your own recollection and interpretation of the evidence that controls your decision in this case. Also, do not assume from anything I may have done or said during the trial that I have any opinion about any of the issues in this case or about what your verdict should be.

3. Credibility of witnesses.

As I stated in my preliminary instructions at the beginning of the trial, in deciding what the facts are you must decide what testimony you believe and what testimony you do not believe. You are the sole judges of the credibility of the witnesses. Credibility refers to whether a witness is worthy of belief: Was the witness truthful? Was the witness' testimony accurate? You may believe everything a witness says, or only part of it, or none of it.

You may decide whether to believe a witness based on his or her behavior and manner of testifying, the explanations the witness gave, and all the other evidence in the case, just as you would in any important matter where you are trying to decide if a person is truthful, straightforward, and accurate in his or her recollection. In deciding the question of credibility, remember to use your common sense, your good judgment, and your experience.

In deciding what to believe, you may consider a number of factors:

- (1) The opportunity and ability of the witness to see or hear or know the things about which the witness testified;
- (2) The quality of the witness' knowledge, understanding, and memory;
- (3) The witness' appearance, behavior, and manner while testifying;
- (4) Whether the witness has an interest in the outcome of the case or any motive, bias, or prejudice;
- (5) Any relation the witness may have with a party in the case and any effect the verdict may have on the witness;
- (6) Whether the witness said or wrote anything before trial that was different from the witness' testimony in court;
- (7) Whether the witness' testimony was consistent or inconsistent with other evidence that you believe; and
- (8) Any other factors that bear on whether the witness should be believed.

Inconsistencies or discrepancies in a witness' testimony or between the testimony of different witnesses may or may not cause you to disbelieve a witness' testimony. Two or more persons witnessing an event may simply see or hear it differently. Mistaken recollection, like failure to recall, is a common human experience. In weighing the effect of an inconsistency, you should also consider whether it was about a matter of importance or an insignificant detail. You should also consider whether the inconsistency was innocent or intentional.

You are not required to accept testimony even if the testimony was not contradicted and the witness was not impeached. You may decide that the witness is not worthy of belief because of the witness' bearing and demeanor, or because of the inherent improbability of the testimony, or for other reasons that are sufficient to you.

After you make your own judgment about the believability of a witness, you can then attach to that witness' testimony the importance or weight that you think it deserves.

The weight of the evidence to prove a fact does not necessarily depend on the number of witnesses who testified or the quantity of evidence that was presented. What is more important than numbers or quantity is how believable the witnesses were, and how much weight you think their testimony deserves.

4. Presumption of innocence; reasonable doubt; burden of proof.

The defendant, Harper Marmalard, pleaded not guilty to the offense charged. The Defendant is presumed to be innocent. She/He/They started the trial with a clean slate, with no evidence against her/him/them. The presumption of innocence stays with Harper Marmalard unless and until the government has presented evidence that overcomes that presumption by convincing you that Harper Marmalard is guilty of the offense charged beyond a reasonable doubt. The presumption of innocence requires that you find Harper Marmalard not guilty, unless you are satisfied that the government has proved guilt beyond a reasonable doubt.

The presumption of innocence means that Harper Marmalard has no burden or obligation to present any evidence at all or to prove that they is not guilty. The burden or obligation of proof is on the government to prove that Harper Marmalard is guilty and this burden stays with the government throughout the trial.

In order for you to find Harper Marmalard guilty of the offense charged, the government must convince you that Harper Marmalard is guilty beyond a reasonable doubt. That means that the government must prove each and every element of the offense charged beyond a reasonable doubt. A defendant may not be convicted based on suspicion or conjecture, but only on evidence proving guilt beyond a reasonable doubt.

Proof beyond a reasonable doubt does not mean proof beyond all possible doubt or to a mathematical certainty. Possible doubts or doubts based on conjecture, speculation, or hunch are not reasonable doubts. A reasonable doubt is a fair doubt based on reason, logic, common sense, or experience. It is a doubt that an ordinary reasonable person has after carefully weighing all of the evidence, and is a doubt of the sort that would cause him or her to hesitate to act in matters of importance in his or her own life. It may arise from the evidence, or from the lack of evidence, or from the nature of the evidence.

If, having now heard all the evidence, you are convinced that the government proved each and every element of the offense charged beyond a reasonable doubt, you should return a verdict of guilty for that offense. However, if you have a reasonable doubt about one or more of the elements of the offense charged, then you must return a verdict of not guilty of that offense.

5. Nature of the Information

As you know the Defendant, Harper Marmalard, is charged in the information with violation of state law, specifically Murder in the First Degree. The information is just the formal way of specifying the exact crime the defendant is accused of committing. As the information is simply a description of the charge(s) against the defendant, it is an accusation only. An information is not

evidence of anything, and you should not give any weight to the fact that Harper Marmalard has been charged in making your decision.

6. Murder – First Degree.

For you to find the defendant guilty of first degree murder by a deliberate killing, the state must prove to your satisfaction beyond a reasonable doubt each of the following elements of the crime:

1. The defendant killed Mandy Pepperidge;
2. The killing was with the deliberate intention to take away the life of Mandy Pepperidge.
3. This happened in New Mexico on or about the 12th day of September, 2019.

A deliberate intention refers to the state of mind of the defendant. A deliberate intention may be inferred from all of the facts and circumstances of the killing. The word deliberate means arrived at or determined upon as a result of careful thought and the weighing of the consideration for and against the proposed course of action. A calculated judgment and decision may be arrived at in a short period of time. A mere unconsidered and rash impulse, even though it includes an intent to kill, is not a deliberate intention to kill. To constitute a deliberate killing, the slayer must weigh and consider the question of killing and his reasons for and against such a choice.

7. Jury must not consider penalty.

You must not concern yourself with the consequences of your verdict.

8. Role of Jury – Deliberations; Unanimous Verdict, Duty to consult.

That concludes my instructions explaining the law regarding the testimony and other evidence, and the offense charged. Now let me explain some things about your deliberations in the jury room, and your possible verdicts.

You will be provided a copy of the jury instructions and the exhibits introduced as evidence will be made available to you

Prior to beginning your deliberations you will need to select one of you to act as foreperson. That person will preside over your deliberations and will speak for the jury here in court.

Forms of verdict have been prepared for your use.

You will take these forms to the jury room; when you have reached unanimous agreement as to your verdict, the foreperson will sign the forms which express your verdict. You will then return all forms of verdict, these instructions and any exhibits to the courtroom.

Your verdict must represent the considered judgment of each juror. In order to return a verdict, it is necessary that each juror agrees. Your verdict must be unanimous. To find Harper Marmalard guilty of an offense, every one of you must agree that the government has overcome the presumption of innocence with evidence that proves each element of that offense beyond a

reasonable doubt. To find Harper Marmalard not guilty, every one of you must agree that the government has failed to convince you beyond a reasonable doubt.

It is your duty to consult with one another and try to reach an agreement. However, you are not required to give up your individual judgment. Each of you must decide the case for yourself, but you must do so only after an impartial consideration of the evidence with your fellow jurors. In the course of your deliberations, do not hesitate to re-examine your own view and change your opinion if you are convinced it is erroneous. But do not surrender your honest conviction as to the weight or effect of evidence solely because of the opinion of your fellow jurors, or for the purpose of reaching a verdict.

You are judges--judges of the facts. Your sole interest is to ascertain the truth from the evidence in the case.

**STATE OF NEW MEXICO
COUNTY OF LINCOLN
TWELFTH JUDICIAL DISTRICT**

No. D-1226-CR-2019-00499

STATE OF NEW MEXICO,

Plaintiff,

vs.

HARPER MARMALARD,

Defendants.

Verdict Form

To the jury:

To further clarify instructions given to you by the trial judge, you are being provided with the following verdict form. At the conclusion of your deliberations, one copy of this form should be signed by your foreperson and handed to the court clerk. This will constitute your verdict.

Question 1:

Do you find that the State has proven beyond a reasonable doubt that defendant Harper Marmalard intentionally caused the death of Mandy Pepperidge?

Yes _____ No _____

Jury Foreperson

List of Witnesses

The prosecution and the defendant must call each of their respective witnesses. Harper Marmalard is permitted to sit at counsel table as the Defendant.

For the State of New Mexico:

- **Alex Otter:** ZIP Pledge and friend of the deceased
- **Corin Boon:** ZIP Alum and Former Acari University Professor
- **Drew Pinto:** Expert witness

For the Defendant, Harper Marmalard:

- **Harper Marmalard:** Defendant and former President of Acari University ZIP Chapter
- **Dana Stork:** ZIP Pledge
- **Lane Dorfman:** Expert witness

Pronunciation Guide

- Acari (ah-cahr-ee)
- Alex Otter (al-ecks ät-ter)
- Corin Boon (kär-in bün)
- Drew Pinto (driü pin-to)
- Harper Marmalard (hahr-pur mar-muhl-ahrd)
- Dana Stork (day-nuh stärk)
- Lane Dorfman (lan därf-mahn)
- Paifang (pay-fahng)
- Coptotermes formosanus (kohp-to-tuhr-mez fär-mo-sahn-uhs)
- Dionaea muscipula (di-o-nay-uh mu-sih-pyü-luh)
- Formosan (fär-mo-sihn)
- Pediculus humanis captis (pehd-ih-kü-luhs hü-mahn-his kahp-tihs)
- Reticulitermes tibialis (reh-tick-yü-li-tuhr-mez ti-bee-ay-luhs)
- Toxicodendron vernicifluum (täcks-ih-ko-dehn-drän vuhrn-ih-si-flüm)
- Xylophagy (zi-lo-fahj-e) or (zi-lo-fa-ge)

WITNESS STATEMENTS

Statement of Alex Otter

1 My name is Alex Otter and I will be enrolling at the University of New Mexico as a freshman
2 transfer in January of 2020. Prior to enrolling at UNM, I was enrolled at Acari University. Acari
3 was supposed to be the school to prepare me for the future – that was before Harper Marmalard
4 took it all away from me and killed my only real friend at Acari, Mandy Pepperidge. Acari was
5 my dream school – a Top Ten that would ensure my future and finally get me into some financial
6 security, a place my parents would never have imagined we could go. Now all that’s left are the
7 nightmares.
8

9 I come from a blue collar family that stressed working hard at school, and my parents always told
10 me I was going to be the first person from our family to go to college. If I wanted to make that
11 happen, I needed to earn a scholarship. Unlike Mandy or Dana Stork, the two other ZIP pledges
12 from my freshman class, I was not born with a silver spoon in my mouth. I had to earn every dime
13 I spent. I was okay with that, as long as I was in control. Now I’m just another victim of Harper
14 Marmalard.
15

16 I graduated from Wormer High School outside of Jennings, New Mexico. In high school, I was
17 not only a straight A student, but I was active in school activities. I was the treasurer of the student
18 science club, the captain of our high school mock trial team, part of the student musical, a volunteer
19 at the Children’s Hospital, and president of the National Honor Society. I graduated 1st in my high
20 school class and I did it all on my own. I wasn’t perfect. When I was a freshman in high school, I
21 stole some DVDs from a store, so I would have a Christmas present for someone I was dating. I
22 felt so guilty about it that I ended up going back to the store and confessing. The police were
23 called, but because I returned the item, nothing happened.
24

25 I want to do something in chemistry, and Acari is recognized as one of the best schools in the
26 nation for science. Acari also has a large Greek life, as well as nationally known honors
27 organizations. This was important to me because I wanted to continue my community service
28 work in college. The day I found out I got a full merit scholarship to Acari was the happiest day
29 of my life. I literally pinched myself. I had arrived at the doorstep of success and respect.
30

31 I knew that going to Acari was going to be hard because I came from a different background than
32 most of the other students. They were “silver spooners”, and I was a steel spork. I needed
33 something that was going to make me stand out above just being a straight A student. That is how
34 I became interested in Zeta Iota Pi, also known as “ZIP”, a co-ed honor society. ZIP was for the
35 best of the best, and it was a one-way ticket to the top flights of society. Just look at ZIP’s alumni
36 - members of Congress, Fortune 500 CEOs, and leaders in every area of industry and science.
37 Plus, Zippers always help each other succeed. You can imagine my disappointment when I found
38 out that ZIP doesn’t take applications – you have to be selected, or “tapped” as ZIP calls it. With
39 538 students in the freshman class, I thought, what were my chances? So, you can imagine my
40 excitement when I was tapped on the first day of classes for freshmen – August 19, 2019! Harper
41 Marmalard, then ZIP president and pledge master selected me – 1 of 3 freshmen! I accepted
42 immediately, without question or hesitation.
43

44 As with any prestigious organization, just accepting the invitation was not enough. ZIP required
45 pledges to do a series of “challenges” – which it called “The Feats of Fortitude.” The idea was to
46 build camaraderie and separate out anyone with weak resolve. The Feats of Fortitude were not
47 supposed to be hazing, but that doesn’t mean they were meant to be easy either. The law, Acari
48 school policy, and most importantly, the ZIP bylaws prohibited hazing, so there was a bit of a
49 tightrope walk to it, but I knew I could handle it. Most of the challenges were fun activities, many
50 having a community service focus, which I loved. For instance, we were told that the 2018 Pledge
51 Class organized a carnival in the center of campus where all of the money raised was donated to
52 the homeless victims of some horrible crane accident in Rye, New Mexico. And let’s face it, this
53 was my choice. You didn’t have to do the challenges if you didn’t want to pledge, and being a
54 ZIP was an honor, not for everyone.

55
56 Our pledge class – which was Dana Stork, Mandy Pepperidge, and myself – all moved into the
57 ZIP house on August 21, 2019. That day we also met with Harper and the other ZIP leaders. At
58 that point, we were given the ZIP bylaws and required to sign the Pledge Promise. Mandy and I
59 hit it off from the start. We were both serious about science, and I could tell she was really, really
60 smart. Dana was different. Dana’s older brother, Chip, was a former Zipper who graduated in 2017
61 – so they were a legacy. I couldn’t believe that an organization like ZIP would take Dana just
62 because of what someone else did or who someone else was. But I live in the real world, too.
63 Privilege is as privilege does. I’m not saying Dana wasn’t smart, but they by no means came
64 across as a serious academic. I was a bit jealous, because despite the obvious differences in talent,
65 from day one it was clear that Harper liked her/him/them most of all. She/He/They got all kinds
66 of perks Mandy and I never got. For instance, they were given a better room and didn’t have to
67 serve Harper each morning at 6am like we did. People like her/him/them and Harper are exactly
68 what’s wrong with this world.

69
70 During the first meeting, we also learned about this year’s Feats of Fortitude challenges. The focus
71 would be new spins on social media crazes. First up – reviving the ALS Ice Bucket Challenge.
72 Our challenge was to work together and come up with something novel – and that is exactly what
73 we did. We “got into” the athletic department, thanks to the Athletic Director, a Zipper from the
74 Class of 2000, stood in a whirlpool full of ice, and dumped little dixie cups of water on our heads.
75 We even had a banner that said “We Stick Together” – the ZIP slogan! It was great. When posted
76 the video on the ZIP Facebook page, Zippers from all across the country began donating money to
77 ALS research. Zippers gave over \$25,000 in donations in one week thanks to our video. It was
78 doubly great because the ALS foundation’s CEO is a Zipper from 1990, and she sent us a personal
79 thank-you.

80
81 We all bonded that day as well. Even though I thought Dana was a brat, there was some benefit
82 to having her/him/them in our pledge class. Dana was all too fast to try and impress us and started
83 spilling dirt on the other Zippers – especially Harper. It turns out Harper was a legacy him/herself
84 going back several generations, and her/his/their father gave a lot of money to ZIP. But apparently
85 Harper was a horrible student. According to Dana, Chip was constantly bailing Harper out so that
86 they did not get thrown out of the Zippers. I mean, it figures, right? People like Harper always
87 seem to get things handed to them. Dana also let it slip that Harper told Dana that they could get
88 Dana into a class that was a guaranteed A. At the time I just assumed Dana was being boastful.
89 Whatever it was, it made me kind of hate Harper even more. I know I was supposed to respect the
90 pledge master and all, but all I could think was that Harper was pure slime. My assumption was
91 right, it is just too bad I didn’t act on my gut and get out while I could have.

92

93 On August 26, 2019, we were given our second challenge – create a Renegade dance TikTok video
94 that highlighted what it meant to be a Zipper. Again we tried to come up with something clever,
95 but this time we struggled. So we sought out Harper’s help. Harper suggested we go down into
96 the ZIP academic archives to see if we had any inspiration. The archives contained all of the
97 academic work Zippers had done over the years – sort of a personal society library. It is a powerful
98 place and it did give us a great idea as well as a mountain full of unintended consequences. The
99 plan was to have all of the Zippers in the archives studying. When the beat dropped, everyone
100 would start dancing uncontrollably and throwing paper. Of course, it would be blank paper,
101 because we didn’t want to harm the archives. When we told her/him/them about our plan, Harper
102 was very specific about not touching the files. She/He/They said something about how they were
103 the crown jewels of ZIP. That makes more sense now. To make it funny, we decided it would be
104 cool to have the senior Zippers dressed in suits or dresses, with sunglasses, while we pledges would
105 be dressed like babies. Everything was set for August 29th.

106

107 Again, our second video was a success. When it was over, the pledges were told we had to clean
108 up while the other Zippers went to a social at the Student Union. I guess I should say it was not
109 the pledge class – it was Mandy and me that had to clean up. Dana, of course, got special treatment
110 from Harper. While cleaning up, Mandy found a folder labeled “Paper Classes Spring 2019.” At
111 first, we thought it was just a file out of place, so Mandy wanted to get it put away properly. To
112 do so, she had to see what was inside. What she found shocked both of us. It was a series of
113 midterm papers – no more than a few hundred words each – for a class called Botany 301. It
114 appeared that this class was taught by a post-doc named Corin Boon. A post-doc is basically a
115 young professor, only without the title, and they often teach advanced classes to undergraduates.
116 What was strange was that none of the papers were any good – and the worst of them was written
117 by Harper! It was about the virtues of milkweed as an elixir. The thing was a disaster: no critical
118 thought, no research at all, no citations, no anything, really. The fact that Harper wrote such a bad
119 paper was not the worst part – the worst part was that they got an A-. I took a photo with my
120 phone for the pure comic value.

121

122 Mandy and I decided to bring it to Harper’s attention so that someone didn’t get the wrong idea.
123 Even Harper could not be that lucky to get an A- for this terrible paper. The next morning we
124 reported for our service duty at Harper’s room. That was when things changed. When Mandy
125 showed Harper the file, they got very defensive. She/He/They snapped at both of us, saying every
126 honor society has its secrets. She/He/They even threatened us – saying that if we were worthy, we
127 would find out, but if not, we will zip you up. Harper then ripped the file from Mandy’s hands
128 and proceeded to shake it in our faces. She/He/They had a crazed look in her/his/their eyes and
129 was very intimidating when they got angry. Harper yelled at us and told us to get out.

130

131 Mandy and I were pledges; we didn’t know what to do. We did sign a promise to follow Harper
132 throughout the pledge period. Clearly, the file was something more than what we originally
133 believed. We didn’t comprehend that it was a massive scandal at the time, but we knew it wasn’t
134 a prank. This was blatant cheating. We realized that Dana wasn’t just being boastful when they
135 said that Harper was getting a helping hand. Mandy felt we needed to let Harper cool down and
136 then we should approach her/him/them again. She/He/They didn’t want to blow the whistle, but
137 wanted to give Harper a chance to really explain. I didn’t care about that, but I wasn’t about to
138 risk my place in ZIP on a hunch. We both decided to wait out of respect for the pledge process
139 and the fact that Harper controlled our ZIP destiny.

140

141 A few mornings later on Sunday, September 1st, Mandy woke up with bug bites all over
142 her/his/their body. It turned out that Mandy's bed was infested with bedbugs. I know that bedbugs
143 are not terribly uncommon on a college campus, but the timing seemed odd. It also seemed odd
144 that only Mandy's bed seemed to have them. Normally they spread, but this was completely
145 isolated. No one else at the ZIP house or anywhere else on campus reported an infestation. As I
146 helped Mandy get rid of her mattress, we discussed whether we thought Harper was hazing
147 her/him/them. There was no other logical conclusion, especially considering the fact that Harper
148 was an entomology major. I mean, entomology is the study of bugs after all! That's when I knew
149 we had crossed a line with that stupid milkweed paper and if we didn't watch out, we would find
150 ourselves out of ZIP completely. The thought of that really bothered both Mandy and me. She
151 wanted to confront Harper, figuring that getting this all out in the air was the only way it would
152 stop. At this point, I was kind of used to following Mandy's lead. So that afternoon, Mandy and
153 I went to Harper's room where she accused Harper of hazing by putting bedbugs in her bed. She
154 told her/him/them that hazing was not only against the law, but against school policy – as well as
155 the ZIP bylaws. Harper's response was a bit unnerving –they told Mandy that “it was better to
156 have a few bug bites than maggots gnawing at your flesh.” We all knew that Harper was really
157 into bugs, but that was nothing short of grotesque and, well, frightening.

158

159 Soon thereafter, we got the third Feat – a cinnamon challenge. The Zippers all gathered in the
160 house on September 6, 2019 to see what Harper called a “spectacle.” Harper said that Mandy had
161 to eat three teaspoons of cinnamon because she did a bad job cleaning up after the last challenge,
162 but Dana and I only had to eat one teaspoon. That didn't make sense, because Mandy and I did
163 the cleaning together. Then Harper upped the discomfort aimed at Mandy by refusing to allow her
164 to have any water to wash down the cinnamon. Almost immediately, we all began to cough,
165 sneeze, and wheeze. It was impossible to breathe. Huge plumes of brown clouds filled the room.
166 It was horrible – even painful. The conditions were even worse for Mandy. The extra cinnamon
167 made her go into a massive asthma attack. When I realized what was happening, and was able to
168 speak, I said I was taking her to the hospital. Harper insisted that they go too. I was furious at
169 Harper, but they did have a car.

170

171 While I wanted to confront Harper about what they did, I bided my time. Once Mandy was with
172 the doctor at Lincoln County Medical Center and we were told that Mandy's condition had
173 stabilized, I saw my opportunity. I told Harper that I knew they were trying to hurt Mandy with
174 their stunts. Harper coolly looked at me and, without denying what they did, and said “maybe she
175 won't be such a cockroach from now on. Who knew cinnamon could be used as a pesticide?”
176 Harper then looked me right in the eyes and said “This is your friend's last warning and if you
177 aren't careful, you will be on my list as well.” I was starting to think that Harper was really
178 dangerous. When Mandy was released, she laughed it off. I knew Mandy was just trying to show
179 that she had the fortitude to make it as a Zipper, but I was uncomfortable around Harper. We drove
180 back to the ZIP house with an unnerving silence around us.

181

182 The next morning, I filled Mandy in on Harper's latest threats. My reaction was to quit and let the
183 well-off have their special privileges. I could see the price of joining their little club was much
184 more than a few days of juvenile stunts. But Mandy was such a strong person: she was not going
185 anywhere. Mandy decided that she was going to push back. Mandy sent an email to Harper that
186 pretty much told it like it is. If Harper wasn't going to stop threatening us, Mandy was going to
187 let the world know what was going on. Mandy copied me on it. I was appalled when Harper

188 responded with something like “You didn’t die this time.” I kept that email, and I later turned it
189 over to the police.

190
191 I know that Mandy meant every word. She was going to take action. On the evening of September
192 11th, Dana and I walked in on Mandy reading the ZIP’s affirmative statement against pledge hazing
193 on the national website. I believe Mandy was going to finally turn Harper in – something I very
194 much supported. Dana made it clear that doing that was like stabbing Harper in the back. Dana
195 said that if we wanted to “be part of the world they came from we had to learn to keep our mouths
196 shut.” I knew the two of them, Dana and Harper, were in it together.

197
198 The next day, Harper gathered Dana, Mandy, and me for the final challenge in the Feat of Fortitude
199 - planking. Looking back now, that meeting was surreal. Everybody was acting like nothing had
200 happened. We even joked about the famous New Zealander who died planking in 2016. But, it
201 wasn’t a joke, it was one final warning. One that I wish we, Mandy and I, had realized.

202
203 Harper gave each of us a location on campus that they specifically selected for us to plank. I was
204 supposed to creatively plank at the Student Union. Dana was to plank at the football stadium.
205 Mandy was to plank at the Friendship *Paifang* given to Acari from our sister school, Poeny
206 University in China. I didn’t know much about the Friendship *Paifang*, but I know it was a wooden
207 gate that was really old and stood out like a sore thumb among the rest of the campus’s red brick
208 buildings. But it’s really important, especially to the older generations. It’s like a unifying symbol
209 of how old and powerful and elite Acari is. It was also like 30ft tall or something. Before the
210 meeting ended, Harper reminded us that this was the final challenge – so we had to make it good,
211 just like it said in our pledge promise.

212
213 We set out that night to do the final challenge. I planked on the railing of the stairs leading into
214 the Union. Nothing original, but I was at the top of the three flights, so even though it wasn’t
215 dangerous, it seemed like it. Dana, in an effort to outdo me, shimmied up the goalpost and planked
216 there. It looked cool, but was pretty risky if you ask me. Finally, it was Mandy’s turn. When we
217 arrived at the *Paifang*, it was clear this location was going to be challenging. The gate had narrow
218 legs and an ornamental top. Frankly, there was nowhere for Mandy to plank except for the very
219 top of the darn thing. I pleaded with her to just plank beneath it and let it go. Dana, however, told
220 her that was lame and that she had to excel to be a Zipper, egging her on to do something
221 “extraordinary.” Mandy got that look in her eyes – she would not be outdone.

222
223 With a boost from Dana and me, Mandy started climbing to the top of the gate. The higher Mandy
224 went, the more the *Paifang* began to creak, but Mandy was determined. The entire time, Dana
225 kept taunting her, pushing her higher and higher. At one point Dana even said, “Do it, you show
226 Harper you’ve got true fortitude.” I, on the other hand, pleaded with her to come down. I was
227 afraid something was going to happen and something did. I remember it clearly. Time moved
228 very slowly. As Mandy slid into place, she started to giggle. She said that there were a ton of
229 bugs all over the *Paifang*. I turned to Dana, to try and get her/him/them to agree that this was
230 crazy. Then I heard that awful sound. There was a loud crack, and the entire part of the *Paifang*
231 where Mandy was climbing just snapped off. Mandy screamed. I turned my head and shut my
232 eyes. She had to have been at least 25 feet off the ground. I heard her head hit the ground, and I
233 could hear the awful sounds of her spine shattering. I was silent. Dana gasped. She was gone the
234 moment she hit. I’m sure of that.

235

236 The rest of my time at Acari was filled with police, reporters and constant badgering from the rest
237 of the students. Not only was Mandy dead because of Harper, but my life was ruined too! I could
238 no longer stay at Acari. The pain was too great. I made arrangements to transfer to UNM, and I
239 stayed as far as possible from anything with a Greek letter on it. I finally escaped from Harper,
240 but I hope they do not escape justice.

Alex Otter
Signature

December 8, 2019
DATE

Statement of Corin Boon

1 My name is Corin Boon and I used to teach at Acari University. Of course, that was before the
2 prosecutors decided I was some kind of *dionaea muscipula*, or as it's more commonly referred to,
3 Venus flytrap. The prosecutor actually suggested that I was part of the sticky trap that got Mandy
4 Pepperidge caught in Harper Marmalard's master plan. So, I took a deal to avoid criminal charges
5 by testifying against Harper, but that's not the reason I'm here. I'm testifying because if anyone
6 was a carnivore in this whole debacle it was Harper Marmalard, and they need to be brought to
7 justice.

8
9 I guess I should explain. I'm a botanist and a life-long plant enthusiast. My parents are both
10 geologists, and when I was younger we would drive from quarry to quarry, stopping for just long
11 enough for my parents to get their fill of geodes. It was a pretty lonely way to grow up, especially
12 since we never stayed in one place long enough for me to make a lot of friends. A lot of times
13 when my parents were knee-deep in dirt arguing over whether or not their latest acquisition was
14 igneous or sedimentary, I would examine the native plants that surrounded their dig sites. I would
15 make little terrariums and take them on the road in the RV with us. I got used to quiet, and the
16 silent solace of the plant world and the love for my terrariums motivated me to work really hard at
17 school.

18
19 I never thought someone with my background would be welcome at a place like Acari, but I had
20 some of the best grades, nationwide, in our home school association, so I applied anyway. Getting
21 accepted early decision to Acari was unreal. Not only is everything there first rate, but it has one
22 of the best botany facilities in the country! Its herbaria is second only in size and scope to the
23 famous one at Harvard. Once I got to Acari, I never wanted to leave, so after I finished college, I
24 ended up staying for another 8 years to get my master's and PhD in botany. I also picked up an
25 undergraduate minor in entomology along the way, and I did some research projects about the
26 interaction between native plants and foreign insects. I am by no means an expert in entomology,
27 but if you want to have a career in academia, even with a degree from Acari, you have to be willing
28 to diversify. After I became Dr. Boon, I applied to a few places. But there aren't many botany
29 slots open in a year, and when I missed out on the job at Utah State, I decided to stay as a post-
30 doctoral researcher and to teach at Acari while I worked on writing up my research for publication.

31
32 I was in the middle of my post-doc research on invasive ground plants at Acari when I met Harper.
33 It was the fall term in 2016, and I was teaching an introductory biology class as part of my post-
34 doc work. Botany was part of the much larger Department of Organismic and Evolutionary
35 Biology and as one of the most junior members of the staff, I had to teach a ton of low-level
36 courses. I was also the administrator in charge of the botany laboratory, and our Department Chair
37 asked me to take over the entomology labs next door, too. All in the name of science, you know.
38 A week before classes were set to begin, I was approached by Chip Stork, a senior and the pledge
39 master at Zeta Iota Pi, or ZIP as it's known here at Acari. To say that ZIP is just another honor
40 society is like saying that the Gallica is just another rose. ZIP has a national reputation as being
41 prestigious and exclusive, and Acari's branch was no different. ZIP gets around the formal rush
42 process by "tapping" the best and brightest students in each freshmen class earlier than anyone
43 else can get to them.

44 I still remember the day I got tapped. I was bent over a particularly unusual specimen of orchid
45 that I was cultivating in my dorm room when an envelope embossed with the ZIP crest came flying
46 under the door crack and hit me on my heel. From that moment on I was a Zipper, and my whole
47 life changed. I have no idea how they found me, because I didn't really ever leave my room, but
48 for the first time ever, I had friends and well, it felt great! Another perk that comes with being a
49 Zipper is the connections. It turns out there are Zippers in high places just about everywhere,
50 especially in academia. Let's just say it didn't hurt my prospects applying for a job at Acari that
51 two of the deans are alums of ZIP, and I think I missed that Utah State job basically because the
52 Zipper who had been the provost had just announced she was leaving. You never really leave ZIP,
53 or want to, and I stayed very active with the Acari chapter.

54
55 Anyway, back to the fall of 2016. I was working late in the botany lab one night when Chip burst
56 in, looking panicked. It turned out that Harper Marmalard, one of the new ZIP members, was in
57 serious danger of having her/his/their GPA fall below the 3.5 average required for Zippers. Chip
58 kept saying that Harper was the most dedicated Zipper he had seen since arriving at Acari and that
59 Harper was destined to become ZIP president one day. Harper's father was a big ZIP donor, and
60 Harper's family was, like, all Zippers. It would have been really bad to lose her/him/them.

61
62 I did my best to console Chip, especially since I had no idea how I would be able to help him with
63 this Harper situation. I said as much to Chip, and that's when things started to get weird. Chip
64 got a strange glint in his eye and said, "Oh but you *can* help us, Corin. Harper needs one more A,
65 and you can give it to her/him/them." Chip said Harper was really struggling to balance his
66 schoolwork and being a Zipper, and that he needed someone to cut her/him/them a break. I told
67 Chip that I didn't *give* anyone an A – hardworking students earned good grades. Chip looked
68 really upset though, so I told him I would keep in mind that Harper had a lot going on when I was
69 grading her/his/their work. Chip thanked me and told me I was a true Zipper.

70
71 I realized quickly Harper wanted more than just a break on a test or two, since they didn't show
72 up for a single class the first half of the semester. All of the papers they turned in were short,
73 sloppy, and clearly written without any effort. I send out mid-semester evaluations so my students
74 know how they're doing, and Harper's had a big F stamped across it, since I still had yet to see
75 her/him/them show up to class at all.

76
77 Two days after the evaluations were sent out, Chip stormed into my lab, holding Harper's
78 evaluation in one hand and the ZIP bylaws in the other. Chip started yelling about how I had
79 promised him I would go easy on Harper, and that I was supposed to be giving Harper an A, not
80 an F. I told Chip that I thought he had just wanted me to excuse a late assignment every now and
81 then, not give an A to someone who wouldn't even show up to class. Chip said Harper needed all
82 the time they could get to study for her/his/their other classes, and that they couldn't be expected
83 to show up to my class on top of all of her/his/their other obligations. Then Chip pulled out the
84 ZIP bylaws right there in the lab and made me read Article II, Section 5 out loud. Section 5 says,
85 "Zippers always stick together and help whenever possible, even when it seems impossible." It
86 did seem like it would be a clear violation of Section 5 if I didn't help Harper, and Chip looked
87 scarier than a bleeding tooth fungus right then, so I agreed.

88
89 Before I knew it, I was accepting anything Harper turned in for any class I taught as being the best
90 of the best even though the papers got worse and worse. The worst of them all was Harper's
91 midterm report for the Botany 301 class I taught during the 2019 spring term. I still remember

92 what the topic was – the virtues of milkweed. It couldn't have been longer than 350 words. I
93 grabbed the paper from Harper and pointedly wrote an A- across the top after briefly reading what
94 was nothing more than pure drivel.

95
96 However, in fairness to Harper, they did show promise when it came to entomology. That was
97 what was so very frustrating about Harper. She/He/They had the skills, but lacked the motivation
98 to pay her/his/their dues across the board. If they loved something, like entomology, they would
99 excel. If they didn't, they were wasting oxygen. Even though I loathed what they and ZIP did to
100 my integrity, I couldn't help but want to help Harper with her/his/their academic passion. Call it
101 the educator in me. So when Harper asked me for a space to do some independent research in the
102 entomology lab, my anger melted away. At the start of her/his/their junior year, Harper began a
103 pretty massive project studying the effects of wood boring Southwestern insects on wooden
104 structures. I happily obliged and also thought that I might be able to use some of the research for
105 a paper of my own later. You know, it's publish or perish in my line of work. Hindsight and
106 mistakes in judgment aside, I liked Harper's company. Well, at least I did at first.

107
108 But, from the moment they started working in my lab, they would drop hints about other Zippers
109 who needed a little extra academic boost, and ask me repeatedly if I would let them slide in my
110 classes. I know I should've told her/him/them no, but each time Harper told me it would be the
111 last Zipper that needed my help. While Harper was at Acari, there must've been twenty or so
112 instances of Zippers getting A's from me for doing close to absolutely no work. I felt terrible, but
113 my hands were tied. If I came forward, I would lose everything: my job, my lab, my plants.
114 Besides, Harper never stopped reminding me that it was thanks to ZIP that I got my position in the
115 first place. My plan was to wait until Harper graduated, and then stop the scam. Full stop.

116
117 In 2019, Harper started her/his/their senior year as an accomplished entomology major. Unlike
118 me, Harper knew how to play the political game of academia. She/He/They even got a peer
119 reviewed paper published with the help of the esteemed blowhard entomology figurehead, Lane
120 Dorfman. I never liked Lane - old guard pontification – and I generally stayed out of her/his/their
121 way after they refused to nominate me for a tenure track job at Acari. Of course, I read Harper's
122 paper, it seemed like some typical Dorfman crockery, and I wasn't all that interested in some
123 scratch and sniff scientific theory written by an undergrad.

124
125 While working in my lab, Harper got really interested in the Formosan Subterranean Termite.
126 While the species isn't native to New Mexico, Harper decided to do her/his/their senior thesis on
127 it. As the director of the lab, I had to OK the project and didn't really see any harm in adding this
128 particular species to our collection. The Formosan might have been a bit more dangerous than
129 your standard termite, but we had a lot of institutional knowledge in containing and studying
130 aggressive insects. Harper got obsessed with the research. At first I liked how dedicated they
131 were, but then it started to get a little weird. Harper would stay up all night just staring at the
132 terrarium where the termites were housed. I saw references to "super termites" in her/his/their log
133 notes and I know they would commonly separate large swaths of the colony to run random
134 experiments. Some of it seemed so off base when they would tell me about it that I ended up not
135 really paying attention to what they were doing. I'm a scientist, not a science fictionist. I guess
136 that was a mistake, but I couldn't imagine anything groundbreaking was going to come of this
137 extreme insect tomfoolery. I was responsible for the lab, but I wasn't advising on the thesis.

138

139 Making matters somewhat worse was the fact that Harper had finally risen in the ZIP ranks and
140 was now the pledge master. On August 16th, 2019, Harper walked into the lab with a big grin on
141 her/his/their face. They said they were going to tap Alex Otter, Dana Stork, and Mandy
142 Pepperidge. They were confident that they would be the “greatest pledges ZIP had ever seen”.
143 However, just a few weeks later, Harper came into the lab looking panicky. They were talking so
144 fast I could barely understand them, but the gist of it was a problem with one of the new pledges,
145 Mandy. Harper said that Mandy had found one of their old “papers” for one of my classes in the
146 ZIP archives and was well on her way to uncovering the whole Zipper paper scheme. A rush of
147 dread overcame me. I got really nervous when Harper said that, because if Mandy came forward
148 about the scheme, I would crash and burn along with the ZIP legacy. My first reaction was wrong.
149 I said we couldn’t let that happen.

150
151 Harper thought that if they just didn’t allow Mandy to graduate from the pledge class and become
152 a full-fledged Zipper, it would solve the problem. But I had been blackmailed enough to know
153 how blackmail works. Mandy was no dummy, and I knew that if she were kicked out of ZIP, she
154 probably would go to the university administration faster than a morel mushroom pops up after a
155 rainstorm. Harper nodded slowly as I explained this and Harper said that the only way to get
156 Mandy to keep quiet was to scare her into silence. Harper wanted to send a message that ZIP was
157 nothing to mess around with. Then Harper got the idea to use bedbugs to get back at Mandy. The
158 plan was to release a few of them into Mandy’s room the following night. I didn’t like this idea,
159 but on the other hand, Mandy wouldn’t be seriously hurt, and we needed this problem fixed. I
160 gave a very soft no and didn’t exactly stop Harper when they walked out of the lab that night
161 carrying a mason jar. Normally I would have reprimanded Harper for not using the modular
162 transports, but for bedbugs, jars work fine.

163
164 I didn’t see Harper at the lab for the next few days, but I just assumed they were busy with school
165 and ZIP and the bedbugs had sorted Mandy out. Then on September 9th, Harper came into the lab
166 in a rage. Harper said that Mandy was still on their tail, so Harper had to take more drastic action.
167 Harper told me about setting up a Feat of Fortitude called a “cinnamon challenge” that landed
168 Mandy in the hospital. Harper said Mandy still wouldn’t drop the paper scam, and had even sent
169 Harper an e-mail threatening to bring down ZIP if Harper didn’t stop the hazing. I had never seen
170 Harper so angry.

171
172 I was shocked that Harper had put a student in serious danger and told Harper to drop the whole
173 thing. I told Harper that it seemed like Mandy was willing to keep the paper scam to herself so
174 long as Harper left her alone and admitted her to ZIP. I wasn’t sure if that was true, but Harper
175 was scaring me, and I needed to calm her/him/them down. Harper wouldn’t calm down, though,
176 and kept saying they needed to scare Mandy and protect the ZIP legacy. Finally, Harper seemed
177 composed enough to stop talking about scaring Mandy and told me that the final, hilarious pledge
178 task would have the pledges plank at different locations around campus. I didn’t even know what
179 planking was until I looked it up on the internet.

180
181 Around 6 o’clock that night I met with some other faculty to talk about funding for new lab
182 equipment. I was worried about leaving Harper unattended, but they said they just wanted to check
183 on the termites one more time, and then they would lock up and go home to think more about what
184 to do. As I was walking out the door to the lab, I heard Harper mutter to something that sounded
185 like Mandy’s name and the two words “breaking point.”

186

187 The next day was a pretty ordinary one. I was in the lab by 9am and out by 5pm. I was supposed
188 to move a few moss species to a new terrarium, but I couldn't find any small plant or insect
189 transports. I shrugged and figured I must've left the jars at home or something. On my way out,
190 I passed the terrarium where Harper was keeping termites and glanced at the colony. It looked
191 like there were way fewer termites crawling around in there than usual, but I also know that
192 termites love to find small spaces to burrow in, and I assumed that a number of the little guys were
193 just playing hide-and-seek. It also crossed my mind that some of the colony might have died due
194 to a nasty bacterial contamination that affected some of the other species in the lab, but Harper
195 didn't record any contamination in his research logs and it had been a few weeks since our last
196 outbreak.

197
198 Now, of course, I know where the termites went. Harper took them after I left the lab that night
199 and deposited them on the *Paifang* that the police told me collapsed on Mandy. It's no coincidence
200 that the police found Formosan termites on the *Paifang*. I've been to that gate on campus – who
201 hasn't – it's 28 or 29 feet tall! It may have been old and a bit rickety, but I'd seen dozens of kids
202 over the years hang off that thing. It wouldn't just fall apart unless it was pushed. Like a willow
203 tree in a thunderstorm – it's not just going to break unless it's under extreme and unnatural force
204 and pressure. I just can't believe Harper would've taken things this far. We have Giant Japanese
205 hornets, TseTse flies, and Black Widow spiders in our entomology lab, but I guess Harper was the
206 real killer at Acari.

Corin Boon

Signature

December 10, 2019

DATE

Statement of Drew Pinto

1 My name is Drew Pinto, and I am a forensic entomologist in private practice. I am a partner in
2 American Forensic Entomologist Consultancy, LLP. “AFEC,” as we call it, is a group of forensic
3 entomologists who have been given an exclusive contract to serve as entomological experts by the
4 National District Attorneys Association. Consistent with the terms of that contract, we serve as
5 experts in forensic entomology for prosecutors’ offices across the United States. We have also
6 worked in Canada and the United States Virgin Islands. We are paid a per diem of \$1500/day for
7 our services and testimony, including our travel time. That is a discount from my usual rate of
8 \$300/hr., or approximately \$2400/day, which is what I charge in private consulting. Unless
9 subpoenaed by the defense, we testify exclusively on behalf of prosecutors’ offices. We are not
10 as one-sided as it seems, though: we give our honest scientific appraisal, and if our findings don’t
11 support the case, often prosecutors won’t even bring charges.
12

13 I have attached the AFEC-centric version of my curriculum vitae for your review, but the short
14 version is that I went to Purdue University, received my degree in Biological Engineering with
15 minors in Architectural Engineering and Crop Science, then entered the graduate school and
16 completed my Ph.D. in Entomology in 1992. At the time, I had not heard of forensic entomology,
17 but I saw a posting from the Federal Bureau of Investigation for a post-doctoral position, and
18 shortly after graduation, I started with the Bureau, first in their national criminal laboratory and
19 then as a member of the Evidence Response Team Unit. After ten years with the Bureau, my kids
20 were getting to be college age, so I entered private practice. Several years ago, I joined AFEC. It
21 accounts for about 15-20% of my income. The vast majority of my time, I’m doing agricultural
22 or biological engineering, developing crops that are resistant to harmful insects, or helping
23 communities fight against invasive insect species through planting strategies and effective
24 pesticide approaches.
25

26 When people think of being a “bug person,” they’re generally thinking of two things. Either
27 they’re picturing a ridiculous nerd in a basement full of soil-filled aquariums or they’re thinking
28 of someone in a shiny lab making amazing breakthroughs over a super-computer. I’ll let you judge
29 whether I’m the nerd you have in mind, but I can tell you, there aren’t many of us with the kinds
30 of technology you see on TV! I wish it were like *CSI* and *Bones*! The reality is more pedestrian:
31 we use our brains and some basic tools to make fairly straightforward conclusions.
32

33 That’s all I am doing in this case. I was called on the evening of September 12, 2019, through the
34 AFEC hotline. I was next in the queue, which meant it was my call whether to take the job or
35 pass. I live in Indiana, so Acari isn’t close by, but the project sounded interesting, and I agreed to
36 take the matter. Early the next morning, I loaded up my collection gear into the truck and headed
37 out on the long drive to New Mexico. I arrived late that night and visited the crime scene for the
38 first time shortly after dawn on September 14, 2019. I met the on-scene officer, who introduced
39 me to the University’s Vice Dean for Physical Plant, Carmine DePasto, and we traveled onto
40 campus together to see the arch. According to DePasto, the arch that partially collapsed was a
41 *Paifang* brought to the United States in 1868 in celebration of the Burlingame Treaty establishing
42 cordial relations between the United States and China following the Opium Wars. The treaty was
43 negotiated by a young Acari alum, Allistair Burlingame, who also established the exchange
44 program between Peony and Acari that has been running since 1871. At the time, I thought

45 DePasto was just bragging about Acari's history of power to a state school guy from the sticks,
46 but I later realized that history mattered.

47
48 We arrived shortly thereafter at the *Paifang*, which was surrounded by police tape, flowers, and
49 candles. I was upset; while understandable, this display of emotion risked contaminating the crime
50 scene by changing the behavior of the insects present. Insect behavior often reacts to changes in
51 fragrance or temperature. Nonetheless, after taking appropriate precautions against contaminating
52 it further, I crossed the tape and began my inspection.

53
54 The base of the *Paifang* was in fairly solid shape, of course, because it was stone. However, the
55 rest of the structure was lacquered wood, as is the custom in archways of that time. That wasn't
56 bad considering its age. Remember, it was built sometime in the 1860s: you couldn't just hit up
57 the local S-Mart for pressure-treated or chemically infused lumber back then! The wood appeared
58 mostly solid to the eye, with a relatively speaking fresh coat of paint and lacquer covering the
59 original decorative calligraphy carving. At the tops were a series of stacked wooden slats.

60
61 I had been told that the death resulted from a student's fall from near the top of the archway. It
62 wasn't hard to tell where that had happened; there was a large piece ripped from the western end
63 on the northern face. When I focused, I could see movement. I grabbed a ladder and headed up.
64 As I approached, I immediately recognized the problem: there was a colony of termites roiling
65 around the wood near where the piece had broken. I grabbed several, and I was shocked to see the
66 telltale markings not of the common wood termite in New Mexico - the arid-land subterranean
67 termite (*reticulitermes tibialis*) - but the lighter-shelled Formosan subterranean termite
68 (*coptotermes formosanus*).

69
70 I cannot stress enough how shocking this discovery was. In the pest control field, they call the
71 Formosan subterranean termite (or "FST" or "Formosan" for short) a "super-termite." They're
72 among the most destructive known sub-species, and they have never been successfully eradicated
73 from an area once they have invaded it. A typical arid-land subterranean termite colony can
74 destroy about 5 grams of wood per day. That's bad, but Formosan colonies can have ten times as
75 many members. A mature Formosan colony can destroy 400 grams of wood per day, eighty times
76 as much. An FST infestation can structurally undermine a full building in a couple of months and
77 it can render one unsalvageable in less than a year.

78
79 I've worked against FST invasions before, principally in Hawaii and Florida, but there's virtually
80 nothing you can do about them. The one saving grace - for now, absent mutation - is that FST
81 eggs will not hatch below ~20° Celsius (68° Fahrenheit). For that reason, they're more or less
82 unknown north of 35° latitude or so or in elevations more than 3,000 feet above sea level in the
83 Southwest. I provided a map of the FSTs typical habitat as part of my report. It is part of our
84 regular business to produce these kinds of maps. Importantly, Acari is well above 3,000 feet
85 elevation, far from any lower elevation areas like East Texas where the Formosan termite can be
86 found. That's basically an impossible leap in topographic zone for any species, but especially a
87 ground insect like a termite.

88
89 Immediately, my mind started racing, trying to think of ways that the insects could have gotten
90 there. Most Formosan colonies that do not expand normally from established colonies are
91 introduced by an individual inadvertently. That's how they came to the country; as best we can
92 tell, the first FST colonies came to Hawaii via boat, on infested wood, in the late 1800s. They

93 reached the mainland the same way shortly thereafter. That didn't make much sense for New
94 Mexico, though, especially when Dean DePasto advised me that there had been little or no work
95 done on the *Paifang* since it was substantially refurbished in the 1960s and had some pure cosmetic
96 work done in the 1980's. That also explained the modern nails and 2x4 fragments I was seeing. I
97 next considered the possibility that there had been a dormant colony there for years, maybe
98 decades. But that didn't make a ton of sense, either. First, the scientific evidence for dormancy
99 beyond a decade or so is very, very thin, limited to a handful of papers mostly without scientific
100 basis. Controlled experiments can't rule it out, but only those in the most ideal, laboratory
101 conditions have shown it work. In an environment like Lincoln County, New Mexico there's no
102 evidence for it. Second, even if there was a dormant colony, I wasn't aware of any radical changes
103 to the environment to trigger it. Neither DePasto nor the deputy with me remembered any radically
104 unusual weather, and when I subsequently reviewed National Weather Service data, it had not
105 been unusually hot or humid (by New Mexico standards) during the summer of 2019.

106
107 That left intentional implantation as the most likely cause. My first thought was that someone had
108 an anti-China agenda, maybe a group of students sympathetic with Tibetans or the demonstrators
109 in Hong Kong. DePasto acknowledged that, like many elite universities, Acari had its share of
110 folks with those ideals. But he didn't think that was likely. And he shot down the idea that
111 someone could be doing it to take a shot at Acari's sports history, like the University of Alabama
112 fan who poisoned the oaks at Toomer's Corner at Auburn University. Apparently, Acari's biggest
113 rival is New Mexico Tech, and the roughest it has ever gotten is graffiti on a team bus.

114
115 I was exasperated. But then I remembered seeing an Acari team while I was in Hawaii, collecting
116 samples for the entomology lab right on Acari's campus! DePasto told me that was impossible,
117 but I ignored him and went straight to the County Sheriff. When DePasto hesitated, we called
118 Barbara Jansen, the University President, and we obtained her personal permission to search the
119 entomology lab and collect records and samples if needed. That's where we found Acari's licensed
120 laboratory FST colony seemingly half-empty, without any notation in the daily lab reports to
121 indicate their disappearance or their destination. Corin Boon, the lab's post-doc head of
122 administration, gave us some line about a bacterial infection or something, but it sounded hollow
123 even to my untrained ears. It turns out Corin was more of a clerk to the lab than a real bug person.
124 Boon wouldn't know the difference between Formosan and a standard termite.

125
126 The Lincoln County Sheriff's Department and a representative from the New Mexico Department
127 of Agriculture conducted a full audit. They reported to me, and later in their official report, that
128 the lab was one of the best-maintained, most compliant they had inspected in years. Only a handful
129 of things were missing: an explanation as to where half the Formosan colony went, some records
130 regarding their bedbugs laboratory, and several missing chemicals. There were also no records of
131 how many modular insect transport systems (we don't use jars, no matter what you have heard)
132 the lab had, so it is possible some of those were missing as well.

133
134 I recognized one of the chemicals as a component used to make synthetic scents that trigger insect
135 reactions. One of the missing chemicals, for example, is used to make synthetic bedbug
136 pheromones. Pheromones are chemical factors that trigger a social response in members of the
137 same species. For example, they can attract groups of insects to an area or make a particular place
138 seem more attractive. We sometimes use synthetic bedbug pheromones in apartment buildings to
139 keep infestations contained where they are until the linens can be thoroughly washed or destroyed.

140 The bedbugs will just stay in the area of the pheromones, reacting to the chemical like a moth to a
141 flame or an undergrad to free pizza.

142
143 The other chemicals I didn't recognize, but that night I e-mailed a colleague at the University of
144 Hawaii who is an expert in the FST, Katie Allen. I figured she would know better than I did, I was
145 right. Turns out that Katie had peer reviewed an article done at Acari a year or so ago where they
146 theorized a path to a similar synthetic pheromone to use on Formosan colonies. As far as she
147 knew, it had never been successfully synthesized, but she told me that Acari has a reputation for
148 accidentally "forgetting" to share new discoveries with their research partners until they had been
149 patented. The Sheriff and the Department found no actual synthetics at the entomology lab, but
150 they did find lab notes regarding Acari's FST terrarium signed by someone named Harper
151 Marmalard. The Dean told me that Marmalard was an undergraduate and a student leader. The
152 notes looked to me like graduate-level work product, but it could have been a talented
153 undergraduate, especially if the student was approaching graduation. The notes were co-signed
154 by the laboratory director, Corin Boon.

155
156 I told the police they should speak with both Marmalard and Boon, because two of the chemicals
157 mentioned in the notes were among those missing. Unfortunately, neither of the chemicals was
158 recovered. Even worse, one was water-soluble and the other evaporates rapidly, so the rains the
159 night before would have destroyed any trace on the wood, even if there was a valid test for them,
160 which there isn't. The closest thing we have to a smoking gun connecting the Formosans on the
161 arch to those in the lab is their genetic similarity. I tested both in my lab and had my results verified
162 by the (independent) lab that Professor Allen runs. The FST colonies are virtually identical at a
163 genetic level, to a degree that is very unlikely to be mere chance. However, genetic drift in insects
164 is very limited, and virtually all laboratories in the country primarily use FSTs from the same seed
165 set, so I can't say to a degree of scientific certainty that the termites on the *Paifang* were taken
166 from the Boon/Marmalard lab. That's what I think happened, but I can't swear to it as a matter of
167 pure science. It does make it less likely that it was a dormant colony, however. For that to be the
168 case, the colony would have just happened to have been from a genetically near-identical line as
169 our lab source. The odds against that are quite high.

170
171 We also can learn from the colony structure. Usually, FSTs are expansionist and adventurous,
172 traveling along food sources in ever-expanding rings rather than decimating their colony center
173 then moving on to another rich environment. These Formosans, however, seem to have stayed in
174 one place, deeply weakening it without meaningfully expanding their colony. It was one of the
175 densest groupings I have ever seen! Either there was something incredibly tasty about that
176 particular section of wood – which occasionally does happen, even if we do not fully understand
177 why – or there was an artificial chemical trigger keeping them in place.

178
179 The only hitch in my theory is that the degree of destruction we see in the *Paifang* is more
180 consistent with an infestation of a month or more than one that merely lasted a few days. In fact,
181 the damage on the *Paifang* was so extensive that large swaths of the area where Mandy fell from
182 turned almost to dust upon the touch. The pieces recovered from the ground were no better. The
183 samples I used in my report were the best available in terms of structural integrity. But, even those
184 had more holes than a standard block of Swiss cheese. There was serious and acute damage to the
185 *Paifang* and I could see why the wood where Mandy fell from sloughed off so easily.

186

187 Of course, my data and experience in this regard is based on typical FST behavior; pheromones
188 can massively change that. There are documented cases, for example, of pheromones commonly
189 associated with scarcity or famine causing animals to overeat, nearly to death. If an FST expert
190 knew what chemicals to use, they could have gotten the results in much less time. And it is hard
191 to predict what effect the denser colony would have had; it certainly would have accelerated the
192 destruction of the area of dense inhabitation. We just don't know how much, because, again, FSTs
193 don't normally act this way, and nobody has published findings that explain how to keep them
194 contained.

195
196 I have read Lane Dorfman's expert statement, and although Prof. Dorfman certainly has earned a
197 reputation for creativity, I disagree with the professor's conclusions. To suggest that a colony
198 FSTs were dormant in the *Paifang* for over 150 years because of some ancient sealant is I guess
199 possible, but so is me throwing a pile of sand into the air only for it to fall to the ground in the
200 shape of a sand castle. Dorfman is a recognized genius, but seems to have lost a step in recent
201 years.

202
203 The science is on my side. I can and do state within a reasonable degree of scientific certainty that
204 the *Paifang* was weakened by an infestation of Formosan subterranean termites. Moreover, these
205 Formosan termites were, within a reasonable degree of scientific certainty, introduced by an
206 outside vector to the part of the *Paifang* that collapsed. In addition, the fact that their efforts were
207 localized to that particular part of the *Paifang*, despite the large size of the colony, suggests within
208 a reasonable degree of scientific certainty that the termite behavior was affected by an outside
209 force, such as a synthetic pheromone. As a matter of architectural design and engineering, and
210 based on my experience observing FSTs in other real-world places, the infestation weakened the
211 *Paifang*. Just as the Zillias engineers found, when weight was placed on the weakened structure,
212 and specifically the wooden roof, the material failed because it was compromised. That fall killed
213 Mandy Pepperidge.

214
215 It is, of course, not my place to opine who placed these insects on the arch and killed that poor girl.
216 That is a matter for the police. My job ends where the bugs do.

217
218 In preparing this opinion, I reviewed the statements of Alex Otter, Corin Boon, Harper Marmalard,
219 Dana Stork and Lane Dorfman. I also reviewed the following exhibits: Exhibit 5, Exhibit 7,
220 Exhibit 10 and Exhibit 11. I am also familiar with my own resume and that of Lane Dorfman, and
221 my opinion is based in part on the facts and experiences reflected there.

Drew Pinto
Signature

December 12, 2019
DATE

Statement of Harper Marmalard

1 My name is Harper Marmalard, and I'm 22 years old. I currently live with my parents in Rye,
2 New Mexico. I don't work and I don't go to school. Since getting expelled from Acari University
3 in early October 2019, I've dedicated all of my time to clearing my name and resuming what was
4 a fast-path to success in the field of entomology. I want to become a professor someday. That
5 dream is on hold, but certainly not forgotten. I'm not perfect. I'll never claim to be. I've made
6 mistakes – a lot of them – and I'm willing to admit all that I've done wrong. But, I didn't want
7 Mandy Pepperidge dead and I most certainly will continue to deny that I had anything intentional
8 to do with her dying. If there was foul play, it wasn't me. Mandy killed Mandy, or fate did. She
9 died because of a freak accident. She knew what she was doing and took responsibility for the
10 risk involved.

11
12 It is funny how philosophical I've gotten now that my liberty is at stake. I've learned a lot about
13 myself. Maybe a bit too late in some respects, but I think what I've learned will help the courts
14 understand that what I did might have been unethical, mean-spirited, and dishonorable, but it was
15 not murder. I am a product of my surroundings. All I really am is a nerd in sheep's clothing that
16 wants nothing more than to be antisocial and engrossed in academia. I wish that I was still holed
17 up in the entomology lab studying my termite colony.

18
19 I went to a well-respected private high school in Rye and earned top grades. School came super
20 easy to me. Everyone always told me I was attractive and I guess that led to me being popular. I
21 was on homecoming court. I was always told I was the best, the smartest, the funniest, the nicest.
22 It got to my head. I admit that even in high school I was a bully. I would pick on lots of people
23 for how they dressed or how they acted. For some reason, I didn't see anything wrong with that.
24 I thought it was cool. I had it all twisted. I realize this now and I think that is why it is apparent
25 that everything I say is true.

26
27 When I got to college in the fall of 2016, it was as if I was able to pick up right where I left off in
28 high school. Acari University, as everyone knows, is one of the best schools in the country.
29 Frankly, between my grades and my parent's willingness to donate some money, I could've gone
30 to any Ivy League school. But the admissions office at Acari suggested rather strongly to me that
31 if I chose them that I could expect a nomination to their best honor society, Zeta Iota Pi, or ZIP as
32 everyone knows it. Being a member of ZIP is like a golden ticket to the professional world and
33 that pretty much sealed the deal for me. I was always told college was about connections.

34
35 During my freshman year, after getting initiated into ZIP, my grades for the first time in my life
36 started to flail a bit. I couldn't get by on just being smart like high school and pledging the honor
37 society was quite a distraction. My pledge master, Chip Stork, didn't want to see me get kicked
38 out of ZIP for falling below the mandatory 3.5 honor society G.P.A. That would've made us look
39 bad. So, he had a talk with my biology professor, a post-doc named Corin Boon and a ZIP alum.
40 The three of us then had a secret meeting in the archives of the ZIP house, and I was told that I
41 didn't have to go to that class anymore and that my grade would be taken care of. Well it worked.
42 I got an A in biology and cruised through the semester with a 3.7 G.P.A. I knew it was wrong to
43 cheat the system, but since it was being arranged by ZIP, I thought it was OK – a perk for being a

44 member of the honor society. I also thought it was going to be a one-off for me and that I wouldn't
45 need any additional help for the rest of my time at the school.

46
47 Well, it actually became a bit of a habit. Over the rest of my freshman year, sophomore, and junior
48 years, I continued to enroll in every class where Corin was listed as the professor. It wasn't always
49 as blatant as what happened in the biology class. Sometimes it was simply a paper here or a paper
50 there that I really did a bad job on, but ended up getting a good grade. And it wasn't just me.
51 When other Zippers found out what was going on, they too started taking Corin's classes and
52 skating by. We celebrated it as if it was a privilege for the academically privileged. By the time
53 I became president of ZIP in the fall of 2019 and pledge master, the scandal was so large it left
54 almost no Zipper untainted. But now the stakes were higher for me. I wasn't just a participant,
55 but a promoter. It was kind of like going from a junkie to a dealer. People feel bad for junkies.
56 People hate dealers.

57
58 I guess the greatest irony of the entire scandal is that I did my best actual work around Corin. The
59 geeky truth of it all is that I absolutely love bugs – studying their habits, altering their
60 environments, and figuring out what makes them tick. It is like lording over an entire society.
61 Corin was both doing post-doc research in botany and supervising the entomology lab. The de
62 facto chair of the entomology department, Prof. Dorfman, was essentially retired and served more
63 as a figurehead rather than an academic leader. Prof. Dorman was a friend and mentor, with whom
64 I loved chatting about bugs and life, but Corin gave me a lab station as a freshman, without having
65 me sit on the waiting list. I started my research on wood boring insects during my sophomore year
66 and by the time my junior year rolled around in 2018, I was knee deep in one of the largest
67 Formosan Subterranean Termite terrariums in the country. I even had a peer-reviewed paper
68 published through the department. You see, I really am a nerd! I would never ever cheat when it
69 came to the Formosans – that was completely sacred!

70
71 What interested me most about the Formosan is that it was not native to the U.S. and had originally
72 been introduced through trade with China but flourished in some parts of the U.S. I remain very
73 curious about the environmental advantages foreign species have in the United States. Better
74 understanding of our most prolific pests can lead to defeating them and in turn save millions if not
75 billions of dollars of damage every year. The Formosan was a particularly nasty species, powerful,
76 destructive, and marching in masses. Some call it a "Super Termite".

77
78 I kept saying to myself, if I can just graduate and get out of Acari unscathed, I could do my Master's
79 and PhD elsewhere and put the scandal to rest. I wanted to build my C.V., write the best thesis
80 possible, and leave with a legacy. I guess that is why I accepted the nomination from ZIP to be
81 president and pledge master. I thought I could have better control of the scandal and at the same
82 time further enhance my reputation.

83
84 I learned of Mandy Pepperidge in August 2019 the week before freshman orientation when the
85 head of the admission committee met me, as ZIP President, at the ZIP house. He is a Zipper, and
86 he let me know that Mandy was by far the smartest first year student entering Acari that year. He
87 also gave me the names of Alex Otter and one other student. I would name her, but I would prefer
88 to spare her the embarrassment of having her exclusion from ZIP public. We only let three
89 freshmen in per year. On August 17th we chose our pledges. Mandy and Alex made the cut, and
90 we added Dana Stork, Chip's younger sibling and a legacy. I owed so much to Chip, and Dana
91 gave me a chance to pay him back. Zippers stick together. When someone pledges ZIP, they

92 move into the campus house. I definitely set off to make Alex and Mandy my personal servants
93 during pledge season, but I treated Dana more like an equal. I think this created some resentment
94 right off the bat. But Dana was a legacy, and that's tradition for you.

95
96 Part of my obligation as pledge master was that I had to come up with a series of challenges for
97 the pledges called the Feats of Fortitude. The Feats were definitely not difficult, and no one could
98 really call them hazing. They were more like games that were used to form a bond between the
99 pledges and enhance their commitment to ZIP, as well as provide some public service to the
100 University, the surrounding community, and even the nation. For example, during my pledge we
101 all did a 100 mile bike ride and donated the money we raised to a charity called the Friends of
102 Prairie Dogs, in Stratton, a sleepy town about 30 miles from campus. Most of the time, the Feats
103 were thematically linked. The Big Lebowski Bowl-a-Rama in 2002 was legendary. My big idea
104 for the year was to use recent internet and social media sensations.

105
106 For the first Feat of the year I made the pledges do the ALS Ice Bucket Challenge. The ICE Bucket
107 Challenge started in 2014 and had continued over the next few years and I figured that the cause
108 was worthy of continued support. The pledges had until the end of the week and had to post it to
109 the ZIP Facebook page. The three of them worked together without any instruction from me and
110 ended up at the athletic department jammed in a whirlpool machine filled with ice while pouring
111 dixie cups of water over their heads and holding a sign that said "We Stick Together", which was
112 our tagline. The stunt was a big hit with the ZIP nationwide and over \$25,000 in donations was
113 raised for ALS. I got all of the credit, which was cool, and the Zipper over at the Foundation was
114 very grateful for our assistance. It also made me want to push the envelope a bit more for the next
115 challenge. I wanted to go down as the best pledge master ever.

116
117 On August 26th I unveiled my second challenge. This time I told the pledges that they had to make
118 a Renegade dance TikTok video that highlighted what it meant to be a Zipper. The pledges were
119 stumped as to how to make it special, so I suggested that they go down into the archives and do it
120 there. The archives are where we housed all of our academic papers and notes from our classes.
121 Plagiarism was strictly forbidden, but having a leg up was just another perk of being a Zipper.
122 Well, the pledges, especially Mandy, took the idea and ran with it. They kept their plan a secret,
123 which was kind of cute. The only information the rest of the house was given was that we were to
124 show up in the archives on Thursday night dressed to the nines. When we showed up, the pledges
125 were all dressed like babies. We stood there stoically until the music turned on and then all of us
126 started throwing scrap paper making it look like we were tearing the room apart. It was good fun
127 and, since we were already dressed, we headed out to an honor society mixer. I took Dana with
128 the upperclassmen and left Alex and Mandy to clean up the mess. This was a big mistake. There's
129 a reason why pledges aren't allowed in the archives.

130
131 The next morning when Alex and Mandy reported for their special duty, they confronted me with
132 my worst nightmare. Apparently while cleaning up the mess, Mandy came across one of my papers
133 from a Corin class I took the previous spring called Botany 301. Mandy started cracking jokes
134 about milkweed, the topic of my paper, and I knew she realized it was not "A" material by any
135 stretch. She then handed me the folder from the class. I'm really not sure how that one made it
136 into the archive, but it was there. I should've told them it was a joke or something like that, but it
137 caught me off guard. Instead, I defended the paper and said of course it was worthy of the grade
138 I got. I could tell they both didn't believe me. I was so flustered I shredded my paper in front of
139 them and told them to get out of my room. My mind was racing.

140

141 Even though it was a Friday, I didn't go out that night. I couldn't. I was paralyzed by the thought
142 of being exposed as a fraud. I went to the lab the next morning to work on my termite project and
143 speak to Corin. I ended up telling Corin about how we were both at risk and that we needed to
144 come up with a solution or else Corin could get fired and I would be expelled from school. Corin
145 remained calm and asked me all sorts of questions about Mandy and Alex and what had happened.
146 Corin was convinced that Mandy was still a few steps away from figuring it all out and that if we
147 got Mandy to lose interest that Alex would as well. We both agreed that if we simply didn't let
148 Mandy into ZIP that wouldn't be enough and would create resentment, and maybe even revenge.
149 I was worried that if we let Mandy in, she would lord this over me for the rest of the year. Corin
150 said, "We need to convince Mandy that ZIP is not something to be messed with and make her
151 afraid of us." I wasn't sure how I was going to get that done, but figured I could use the next Feat
152 of Fortitude. Corin said they would work on an idea as well. All I knew is that we would have to
153 work quickly because there were only two more weeks left on the pledge schedule.

154

155 That night I searched YouTube and discovered this thing called the "cinnamon challenge".
156 Apparently, if you try to eat a tablespoon of straight cinnamon, it is impossible and the results are
157 truly embarrassing. I figured if I upped the dose for Mandy it would frighten her off. I did read
158 some stuff about it being potentially harmful to asthmatics, but the risk was small and as far as I
159 knew the pledges were healthy. I planned to give out the assignment on Sunday, September 1st.
160 Fortunately for me, I got a bit of a head start on scaring Mandy off when she woke up the next
161 morning with her body covered with small insect bites. I could tell from the pattern that it was the
162 result of bedbugs. The timing was a bit ironic as Corin and I briefly discussed using the lab's
163 supply of bedbugs as a scare tactic, but I dismissed it as being too much too fast. There were no
164 reports of bedbugs on campus. Mandy approached me that afternoon and accused me of hazing
165 her. I laughed it off and said something flippant like, "better to have a few bug bites than maggots
166 gnawing at your flesh".

167

168 We held the cinnamon challenge in front of all the other Zippers on Friday September 6th. I told
169 everyone that Mandy didn't do a good job cleaning up the archives and had to eat three tablespoons
170 of cinnamon without water while Alex and Dana only had to have one and could use water. The
171 results were hilarious at first. All three of them started coughing, spitting, and sneezing. You
172 could barely see anything in the room because of the brown haze that filled the air. But things
173 started to get serious when Mandy couldn't catch her breath. She was having a severe asthma
174 attack. Though I wanted to see Mandy recognize the consequences of what she was considering,
175 I didn't want her to die!

176

177 Alex and I loaded Mandy into my car and we headed down to Lincoln County Medical Center,
178 which was close. Fortunately, we got her there in time and a doctor said that Mandy would need
179 some sort of nebulizer treatment but would be fine. Alex and I waited in silence. I could see
180 Alex's frustration building until they turned to me and accused me of intentionally trying to hurt
181 Mandy. While I certainly didn't want to see Mandy in the hospital, I know it looked really bad. I
182 said, "C'mon it was supposed to be fun, nothing wrong with pushing your limits." When Mandy
183 was released, she came up to both of us and thanked me for saving her life. Mandy even said that
184 she didn't have the fortitude to withstand everything. At that point I thought it was over.

185

186 I was wrong. The next day I got an email from Mandy that actually threatened me and ZIP for
187 hazing her. I couldn't imagine how she went from being apologetic to accusatory. I never should

188 have said anything to Alex and I should've waited a bit before responding, but I was upset and
189 wrote something stupid. Tone and intention is never conveyed well in email. I decided I needed
190 to go to speak to Corin again before I made an even bigger fool of myself.

191
192 It was our regular Friday lab session, and I was a blathering idiot. I couldn't stop rambling on
193 about Mandy was going to ruin my life. Corin was as calm as ever and told me it was time to drop
194 the entire thing. I remember Corin saying, "If you do nothing, it will take care of itself. I promise."
195 But, I couldn't let it go. I knew I had to push it further. Corin did manage to get me to change the
196 topic and discuss the final Feat of Fortitude for the pledges. I told Corin that it was going to be a
197 planking event and that Alex, Mandy, and Dana were going to be assigned a few iconic locations
198 around campus to pull off the stunt. Corin asked if I knew what I was going to have Mandy do. I
199 said I hadn't given it much thought but was thinking about maybe assigning her the Friendship
200 *Paifang* which was in front of the Asian Studies building. My night got worse when I realized that
201 because of all of this stuff, I had been neglecting my termite colony and half of them were dead
202 from some odd bacterial infection! After Corin left, I cleaned out the farm of debris and left for
203 the night. I know I forgot to enter the event in my log book, but that was an oversight. I clearly
204 had a lot on my mind then.

205
206 On Friday, September 12th, I called the pledges together to let them know about the final Feat of
207 Fortitude. I explained what planking was and showed them a few videos and Facebook posts.
208 Mandy mentioned remembering hearing about the infamous New Zealander who died planking in
209 2016 and was being very nice to me. We all acted as if nothing had happened. I guess realizing
210 that they were almost members of ZIP made this challenge feel celebratory. I told them all to be
211 creative, but not stupid. I even said that under no circumstances was I in the mood to go to the
212 hospital again. I gave Alex the Student Union as an assignment, sent Dana to the football field,
213 and Mandy over to the Friendship *Paifang*. Right before they left for the night, Dana pulled me
214 aside and told me how they had caught Mandy looking at the ZIP national anti-hazing webpage.
215 Dana was very concerned that Mandy was going to report me for hazing and that I should watch
216 my back. Well, that sent me over the edge again. I told Dana that I was going to need some help
217 and to make sure Mandy made it back to the house after the stunt was over. I didn't know what I
218 was going to do exactly, but I had some dim idea of putting Mandy in the back of my car after
219 taking her phone and driving out to the desert and making her walk back to campus. That part of
220 my plan never came to fruition.

221
222 For the rest of the night, I sat alone in my room trying to figure out how to get Mandy to shut up.
223 The next thing I really remember was the police coming to the ZIP house and informing us that
224 Mandy had died after falling headfirst from the top of the Friendship *Paifang*. As the investigation
225 continued over the next few days, I became the center of attention. The story gained so much
226 intrigue that it was picked up by the national media. The entire paper scandal was revealed to the
227 administration by Corin, and I was suspended and then expelled. I was found guilty in the court
228 of public opinion, and I think the cops charged me with murder just to appease the Twitterverse.
229 Another internet driven overreaction. Look, when I've done a crime, I will do the time. What I
230 did with the cinnamon challenge was hazing, at least under that legal definition. I read it, I accept
231 that, and I pleaded guilty. But murder? That's just crazy talk.

232
233 I was on the fast track to success and then I was stripped of everything including my dignity. I
234 deserve to be kicked out school for cheating, but what happened to Mandy that was not on me.
235 Everyone knew the *Paifang* was a rickety old structure. I didn't tell her to climb up it. She

236 could've just laid at the bottom and snapped a picture. Mandy assumed the risk and unfortunately
237 paid the price. I know that a lot is being made of the fact that some Formosan termites were found
238 on the *Paifang*, but I had nothing to do with that at all. And while I was certainly curious about
239 the use of pheromones to modify the behavior of the species, I was by no means an expert on the
240 topic and most certainly did not have access to the types of scents that would cause that kind of
241 reaction. Maybe a few of them escaped from the trash when I cleaned out the colony after the
242 bacterial infection or maybe there were some lying dormant in the wood itself. I mean the thing
243 was from China after all. Also, I was not the only one with access to the termites. I don't even
244 like to think it, but I did share a lab with Corin after all. The cheating scandal certainly doesn't
245 look good for me, but it is the end of Corin's life's work.

Harper Marmalard

Signature

December 8, 2019

DATE

Statement of Dana Stork

1 My name is Dana Stork and I'm a freshman at Acari University. I was in the Zeta Iota Pi pledge
2 class that uncovered the big academic scandal. Since then I have been kind of blackballed by the
3 rest of Acari. Guilty by association, I guess. Mandy's gone, Alex is at another school, and the
4 rest of the Zippers were suspended for participating in the paper classes. Now I am the only one
5 left. I still get stares when I walk in the quad and for a while it seemed like, with the press following
6 me around, that I was some sort of unhinged Hollywood celebrity. I have tough skin though. No
7 need to worry about me.
8

9 Of course, through all of this ZIP lost its charter at Acari. But, my goal is to bring it back to
10 prominence and reestablish the reputation of the finest honor society in the country. To do that, I
11 must start by clearing the record, correcting misconceptions, and ensuring that the court of public
12 opinion doesn't influence what this court decides. Everyone wants to make it out like Harper is
13 some sort of bad person. Nothing could be further from the truth. Yes, Harper cheated on exams
14 and faked her/his/their way through a few classes, but Harper cared way too much about ZIP and
15 having an entomology career to risk it all. More than that, and I cannot really explain it, but Harper
16 is not the killing sort at all. Harper come(s) across as cool, but no one at Acari is really cool. We
17 are all nerds. Disliking Mandy and being fanatical about bugs doesn't make Harper a killer. This
18 is just a blame game, and Harper's caught in the crosshairs.
19

20 My older brother, Chip, graduated from Acari in 2017 and was also in Zeta Iota Pi. Ever since
21 Chip was tapped his freshmen year, ZIP became almost as common a word as "hello" in my family.
22 As Chip got older, he climbed the ZIP ranks until he was the pledge master by his senior year, and
23 got more involved with selecting the members of the incoming ZIP pledge class. I still remember
24 my conversation with Chip after he tapped Harper Marmalard, one of the new freshmen that year.
25 Chip said that Harper was the kind of Zipper you only found once in a lifetime – loyal, ambitious,
26 and selflessly dedicated to ZIP. Chip told me that Harper would do anything for ZIP.
27

28 Chip told me Harper struggled a bit academically, and also said he had arranged for some tutors
29 who would help Harper stay in ZIP. Chip told me that while as an honor society, ZIP obviously
30 valued academic performance, there were some things that were more important than a 4.0. Chip
31 told me that the kind of loyalty and dedication that Harper had was way more important to being
32 a Zipper than grades or test scores.
33

34 When I met Harper a few months ago, I finally understood what all the hype was about. I had just
35 finished unpacking my collection of famous ZIP alumni bobble-heads (famous Native American
36 educator Susie Rayos Marmon and author Rudolfo Anaya were both Zippers, believe it or not)
37 when Harper walked into my dorm room. I recognized Harper immediately based on what Chip
38 had told me, but I'm embarrassed to say that I was a little star struck, and couldn't even manage a
39 proper handshake. Harper took it all in stride, though. Harper is the kind of person who makes
40 you feel totally comfortable and at home, even in a place as alien as a brand new dorm room with
41 its poster-less white walls. Before Harper left my room that day, I somehow worked up the courage
42 to ask about pledging ZIP. Harper said pledges would be tapped on the first official day of
43 freshman classes, which was August 19. Harper winked and said that I had nothing to worry about.
44

45 Although I completely trusted Harper, in all honesty, I was pretty worried about making it into
46 ZIP. Zippers are the best and brightest of the bunch, and I wasn't sure that included me. In my
47 family, Chip was the one with the brains, and I was well...the other one. When I was one of three
48 freshmen pledges selected, I could barely contain my excitement. The other two pledges were
49 Alex Otter and Mandy Pepperidge. I knew Mandy a bit from earlier that day. During our writing
50 seminar, the professor gave us a pop grammar quiz. Mandy caught me sneaking a look at her
51 paper and told on me! I mean, what are you – twelve? Since Mandy didn't have any proof, and I
52 certainly wasn't going to admit to cheating on the first day for a nothing quiz, I didn't get in any
53 trouble. Still, I don't think our professor ever really liked me after that. Mandy certainly was not
54 on my best friend list.

55
56 Anyway, even though I didn't like Mandy, I was over-the-moon happy when Harper told Mandy,
57 Alex, and me to move into the ZIP house on August 19th. As soon as we got to the house with our
58 stuff, Harper made this amazing speech about how all of our lives were about to change forever,
59 and ZIP would help us achieve things that we never thought possible. Harper also talked about the
60 qualities that all Zippers share, and gave a quick shout out to Chip, mentioning that he was
61 everything a Zipper should be. After the speech, Harper came up to me and whispered that they
62 were sure I would do Chip's legacy proud. Even though we were talking quietly, I'm pretty sure
63 Alex and Mandy were eavesdropping. They definitely looked unhappy that Harper had sought out
64 me instead of them at that point. Alex and Mandy looked even angrier when Harper let me get
65 first pick of the rooms, but neither of them said anything about it. Mandy was your typical type A
66 personality. She needed to be the best at everything, even room selection!

67
68 When Mandy realized that she and Alex were being dragged out of bed at 6am to make Harper
69 breakfast and I wasn't, Mandy pretty much lost it. Mandy barged into my room and started yelling
70 about how she knew I was getting special treatment because my brother was a legacy, and that she
71 and Alex were about ready to tell ZIP national about what Harper was doing. I calmly told Mandy
72 that I didn't know what she was talking about, but that I doubted anyone in ZIP would take the
73 word of a lowly freshmen pledge over that of the house's senior pledge master. Mandy looked
74 even angrier after that, but I'm pretty sure she didn't say anything to the other Zippers, because I
75 kept right on sleeping in. I guess Harper did favor me a little bit, but that's just because Harper
76 knew how much finally becoming a Zipper meant to me, even if I wasn't as much of a brainiac as
77 Alex and Mandy.

78
79 The ZIP rush process consists of something called the "Feats of Fortitude", which are basically
80 glorified bonding and service activities that the ZIP pledge class does every year. In a typical
81 show of brilliance, Harper had the idea of making this year's Feats feel especially current by basing
82 them on recent social media trends. For the first Feat, Harper told us to make an ALS Ice Bucket
83 Challenge video that would do the entire ZIP house proud. Alex, Mandy, and I came up with this
84 great idea to sneak into the athletic department after hours and shoot a video of us sitting in the
85 whirlpool machine pouring ice water over our heads. Funny how Mandy had no issue trespassing
86 or taking a risk when she thought it would benefit her. But, when I tried to cut a corner, out came
87 the whistle.

88
89 I was sure Harper would be really happy with our video, so I was feeling pretty good until Alex
90 and Mandy started talking about the valedictorian speeches each of them made at their respective
91 high school graduations. I rolled my eyes a couple of times, and not-so-subtly splashed some
92 water in their general direction, but they were 100% obsessed with talking about how brilliant their

93 syntax had been. Finally, I couldn't take it anymore, so I said: "There is a lot more to being a
94 Zipper than your GPA, you know." As usual, it was Mandy who answered, saying that ZIP was
95 an honor society, so of course academics were important. I mumbled something about how Harper
96 wasn't even that good of a student, and they seemed to be doing pretty well in ZIP. Mandy asked
97 me what I meant, and I told her and Alex about the long list of tutors that Chip had for Harper, as
98 well as something Chip had mentioned once about getting Harper into a class where they would
99 be sure to get an A. For once, Mandy was silent. It felt so good to know more than her about
100 something.

101
102 On August 26th, Harper called Mandy, Alex, and me into the ZIP assembly room and told us that
103 our second Feat would be to make a Renegade dance TikTok video. I've watched my fair share
104 of Renegade dance videos, but coming up with an original idea for one that would impress Harper
105 and the other Zippers was a whole different story. Mandy, Alex, and I must have spent hours that
106 night brainstorming, but we couldn't for the life of us come up with anything. The next morning,
107 eyes red from too much TikTok and YouTube-watching, the three of us approached Harper for
108 help. Harper suggested that we shoot the video in the basement of the ZIP house, where the ZIP
109 academic archives was located. As usual, Harper's idea was the spark the three of us needed to
110 get our creative juices flowing. Mandy, Alex, and I decided to have the video start with us studying
111 in the archives, and then have the older Zippers start dancing and throwing files around. Harper
112 really liked the plan, except the part where the Zippers would throw around old files. Harper said
113 that we should throw around blank paper, since it would be a mistake to disturb any of the actual
114 files.

115
116 Harper was actually pretty insistent that no one touched *any* of the files, which was a little bit
117 weird, because I remember a bunch of the other Zippers talking about how no one uses the files
118 anyway and the Renegade dance video would be a good way to clear out some of the papers from
119 years ago that were just collecting dust. Maybe it had something to do with the fact that we were
120 pledges. We filmed the second Feat in the archives on August 29th and it went perfectly. Well,
121 almost perfectly. The archives were a complete mess after the shoot. With so many papers strewn
122 about, it was going to take hours to restore anything like order to the place. Luckily for me, Harper
123 said that there was a ZIP mixer happening right after the shoot and since they wanted to introduce
124 me to some alumni who'd been in Chip's class, I didn't have to stay with Mandy and Alex and
125 deal with the mess. Sweet!

126
127 When I got back to ZIP after the mixer that night, Mandy and Alex were bent over some old papers
128 that looked like the ones from the archives that Harper told us to stay away from. I asked them
129 what they were doing, and Mandy snapped at me and told me to mind my own business. I
130 shrugged, assuming she was mad about having to clean up earlier.

131
132 A few days later on September 1st, Harper summoned us again, this time to announce what the
133 third Feat would be. I think the stress of pledging was finally getting to Mandy, because she looked
134 terrible. Her eyes had deep circles under them, like she hadn't slept all night, and her arms were
135 covered in these gross little red bumps. When I asked her about it, she said that there were bedbugs
136 in her room which had been biting her all night. I wasn't surprised by this, since Mandy practically
137 had a supermarket in her room so she could snack while studying late at night. While her endless
138 supply of Oreos might've helped her power through those all-nighters, I'm pretty sure there was a
139 trail of crumbs leading right to her door. I guess I should also mention that the day before, August
140 31th, someone who identified themselves as a former ZIP member came by and asked me where

141 Mandy's room was. They also told me to say "hi" to Harper, which I forgot to do. I did point
142 them in the right direction.

143
144 The third Feat was based on the Cinnamon Challenge and took place the next Friday. Basically,
145 Harper told us that we had to eat a tablespoon of cinnamon each, while the other Zippers looked
146 on. Right before we started, Harper announced that Mandy would have to eat three tablespoons
147 of cinnamon because she didn't do a good job cleaning up the archives after the last Feat. I think
148 Harper didn't mean it to be a punishment per se, but a chance for Mandy to shine. That was part
149 of the Feats of Fortitude. Something to challenge us and pull out greatness. In some ways, I was
150 a bit jealous of all the extra attention Mandy was getting.

151
152 Eating a tablespoon of cinnamon is a lot harder than it sounds. We all started choking on the stuff
153 and Harper gave us water to wash it down. Well, Harper gave water to me and Alex. Harper said
154 Mandy couldn't have any water, even though she was choking and coughing the hardest. I thought
155 this was a little irresponsible, especially since Mandy had told us at dinner the night before that
156 she was worried about the cinnamon challenge because of her asthma. I obviously wasn't about
157 to challenge Harper though, so I didn't say anything, and just tried to swallow as much cinnamon
158 as possible.

159
160 Mandy didn't even make it through the first tablespoon before having an asthma attack. With all
161 the brown clouds of cinnamon floating around though, it was hard to tell exactly what was going
162 on, which I guess is why a certain amount of time passed before Harper made any effort to help.
163 I'm sure Harper would have reacted sooner if they knew what was happening. In any event, Alex
164 yelled at Harper and helped Mandy out of the room, saying Mandy needed to get to the hospital.
165 Being a responsible pledge master, Harper went with Alex and Mandy to make sure Mandy was
166 okay.

167
168 Mandy was totally fine, but I don't think she ever forgave Harper for putting her through the
169 cinnamon challenge. A few days later, Alex and I stopped by Mandy's room on our way to dinner
170 to see if she wanted to come with. Mandy was bent over her computer, looking at the ZIP's
171 statement against hazing. When Mandy noticed us standing there she said she was just doing some
172 research, but I was pretty sure she was digging around to get Harper in trouble. I told her that she
173 was being silly, and that she couldn't seriously think that what happened with the Cinnamon
174 Challenge was deliberate hazing. It was just a mistake.

175
176 On September 12th, Harper told us about the fourth and final Feat of Fortitude, which sounded like
177 the most fun yet. Each of us was given a location on campus where we would plank and the others
178 would take pictures of it. Alex was supposed to plank at the Student Union, I was told to plank at
179 the football stadium, and Mandy was assigned to plank at this old gate in front of the Asian Studies
180 building called the *Paifang*. At the time, I wished I was given the *Paifang* for my assignment. It
181 was really the coolest and most iconic structure on campus. Sure it was old and a bit worse for the
182 wear, but even to be photo'd underneath of it would have been pretty cool. Harper was emphatic
183 that we should all be very careful and make sure not to take any stupid risks. Harper said, "I want
184 to make sure we don't end up back at the hospital, so don't do anything dumb."

185
186 After the announcement, when Harper pulled me aside said that the pledges had done really well
187 with the Feats of Fortitude, I felt like someone needed to explain that Mandy was holding a grudge
188 about the cinnamon challenge. I knew Alex wouldn't, so I told Harper what I saw Mandy looking

189 at on her computer. Harper looked really angry for a second, but then they smiled, thanked me for
190 the heads up, and said that they would “take care of it.” I wasn’t sure what that meant, but Harper
191 did ask me if I wanted to join her/him/them and Mandy after the final challenge was over. I guess
192 Harper just wanted to clear the air away from the house and away from distraction. It felt really
193 good tattling on Mandy instead of the other way around.

194
195 We set out that night around eight. First we went to the Student Union, and Alex planked on the
196 railing by the main staircase. It was pretty lame, but I guess they don’t teach you how to plank in
197 calculus class. When we got to the stadium, I decided to show Alex and Mandy how it was done,
198 so I climbed up the goal post and planked along the crossbar.

199
200 Finally, we went to the *Paifang*. There wasn’t really a good place for Mandy to plank, so we spent
201 a few minutes scoping out the gate, trying to imagine what Harper had in mind. Mandy spotted a
202 little ledge at the top of the gate and pointed it out to us. Alex looked scared and told Mandy that
203 there was no way Harper would expect Mandy to do something that dangerous. Alex told Mandy
204 to just plank under the gate and call it a day. I thought planking under the gate barely even counted
205 as planking and told Mandy as much. Mandy said she wanted to prove to Harper she deserved to
206 be in ZIP as much as anyone. Alex pleaded with Mandy, saying she didn’t have to prove anything,
207 but Mandy was determined. No one pushed Mandy to do it. Mandy climbed up the *Paifang*
208 because she wanted to. She knew the risks. There’s always a risk when you climb something 20
209 feet off the ground. But, like I said, Mandy was type A all the way and I guess wanted to show
210 me up.

211
212 As soon as Mandy started climbing, the gate started creaking. Alex got really freaked out and kept
213 telling Mandy to come down, but Mandy was determined to make it to that ledge. That was a clear
214 warning sign, but Mandy didn’t heed it. She decided herself to push along higher and higher. I
215 guess I egged her on a bit, but I swear on my ZIP’s honor that I didn’t think anything bad would
216 happen. After a few minutes, Mandy finally made it most of the way up the structure. She was
217 getting ready to start planking when she said this weird thing about how there were a bunch of
218 bugs tickling her. Alex was shouting at me, so I looked down. I heard the shingles where Mandy
219 was resting break. It happened fast, so I didn’t really see it, but I know Mandy landed on her head.
220 We called 911. By the time the paramedics arrived it was too late. Alex was in tears, and I was
221 pretty quiet. I did pick up one of the pieces of wood that fell off the *Paifang* while I was waiting.
222 The wood practically disintegrated in my hand but I didn’t see any bugs on it.

223
224 Of course I’m sad about what happened to Mandy, but blaming Harper for this is ridiculous.
225 Harper never told Mandy to climb that ledge and Harper certainly didn’t make that piece of wood
226 fall off the *Paifang*. In fact, Harper warned Mandy against doing anything dangerous. I know it
227 sounds weird blaming a dead person, but if Mandy hadn’t been so determined to prove herself,
228 none of this would have happened. Now the Acari chapter of ZIP has been shut down and my
229 dream of being pledge master like Chip is ruined.

Dana Stork
Signature

December 9, 2019
DATE

Statement of Lane Dorfman

1 My name is Lane Dorfman, and I am the Simpson-Day Distinguished Professor of Organismal
2 Biology and the Chair Emeritus of the Acari University Department of Entomology. Indeed, my
3 presence appears sufficiently grand that no other Chair has even been appointed since I stepped
4 down thirteen years ago. I graduated Oberlin College in 1952, *magna cum laude*, Phi Beta Kappa,
5 and Zeta Iota Pi, received a master's degree in Entomology from the School of Forestry at Yale in
6 1954, with highest honors, and after taking several years off to travel the Orient, received a Ph.D.
7 in Entomology from Darwin College, Cambridge University, in England in 1964. I was
8 immediately hired at Acari, as befits a person of my education and experience, and I have remained
9 a committed part of this community ever since.

10
11 I am occasionally asked if I am a forensic entomologist. The answer I give is the same: "why
12 should I limit myself with a label such as that?" When I entered the field, there were precious few
13 of us to begin with, and there were no programs that would admit to ruining a young scientist's
14 mind by focusing on such pedestrian aims. The trend of turning all education into a path to one
15 career or another will be the death of the university and of the mind. You can keep your *SCI* and
16 your fancy consulting in Hollywood. My studies were never so constrained, and my mind and
17 vision were never so limited.

18
19 Of course, when forensic entomology was not yet a recognized field, I was the go-to source for
20 society's most critical needs in this regard. J. Edgar Hoover, from the FBI, himself once begged
21 me to intervene in an intriguing homicide. I was hardly impressed by the man –Machiavellian in
22 demeanor, but not in intellect or education, I'm afraid - but I did find Hoover charming enough,
23 and the problems he presented puzzling enough, to agree to help him. That led to other calls and
24 grew my fame, as it would, and I suppose I have testified ten or fifteen times over the years in
25 courts across the country. I have never, of course, been rejected by any court. Nor have I ever
26 been paid, beyond my expenses. The truth is the thing, you see, as well as the hunt!

27
28 It is therefore unsurprising that I should have been contacted when this whole Marmalard affair
29 began to turn sour. If anything, the remarkable thing is that I was not contacted sooner! Bringing
30 in some adjunct professor, indeed. I suppose I should be charitable; I have been on leave quite a
31 bit lately. The knees, you see, they ache particularly badly when it rains.

32
33 Anyway, when Carmine – Dean DePasto; he was a student of mine in the late 1970s; more of a
34 talker than a doer, really – told me that some entomologist from outside the Acari community was
35 pointing fingers at our lab, I was scandalized. I mean, really, bringing in an outsider without so
36 much as a call? Well, I suppose they won't make that mistake again, after the mess that this has
37 become. But really, all it comes down to is a lack of creativity – a lack of imagination.

38
39 It's not that that Pinto fellow is wrong, per se, at least in the basics that any entomologist would
40 know. Certainly, the Formosan Subterranean Termite – named for Formosa, which is what we
41 called Chinese Taipei in my youth – is a powerful example of xylophagy, which is what we persons
42 of science call an herbivorous insect or animal whose diet consists principally of wood. But the
43 term "super termite" is a ludicrous example of the unnatural approach taken by this supposed
44 expert. There is nothing supernatural or even especially remarkable about this termite. It simply

45 eats more than some others and lives in larger colonies. Its destructive capacity, while impressive,
46 is hardly the matter of legend.

47
48 If there is one matter to which I would point about the Formosan Subterranean Termite, it is that
49 it is a remarkably hardy organism. One of the reasons that I hypothesize that their colonies grow
50 so large is that they seem not to suffer the same levels of wear and tear as other insects. They are
51 tough little ones! Their only weakness seems to be temperatures. They simply cannot tolerate the
52 cold.

53
54 With that said, as a matter of entomology more generally, there are two basic responses to a
55 weakness such as that, from the perspective of evolution. The first is simply to die. That sounds
56 absurd, but it really is not. Most insects exist in such numbers that even losing millions of
57 individuals per year is not a threat to the species. But species are always seeking improved genes,
58 and reproducing in such numbers means that the odds in the genetic lottery are much higher. It's
59 quite likely that a number – albeit a small number – will prove to have randomly obtained a
60 mutation that makes them cold-resistant. Those survive, and those that do not have the mutation
61 die. This is the basic Darwinian concept. What seemed like a curse – the mass death – actually
62 becomes a blessing, as only the cold-resistant insects survive to mate with one another or to create
63 a queen. In a random system of competition, one without the mass die off, that gene could take
64 multiple decades to spread. But in a system where the species is ready for everyone without it to
65 die, it takes single digit insect generations for the improved gene to be commonplace. In a fast-
66 growing species like the Formosan Subterranean Termite, that's the blink of an eye, scientifically.

67
68 The second kind of adaptive function to a weakness to cold or other environmental hazards is akin
69 to hibernation, although it is – of course – actually very different, biologically. Many insect species
70 can become dormant for weeks, months, or even years before emerging. For example, certain
71 North American *magicada* cicadas famously only emerge from burrows every thirteen or
72 seventeen years. As a result, insects that develop adaptations to feast upon cicadas will die out.
73 Take the cicada killer wasp, *sphexius speciosus*, for example. They only live three years, on
74 average, and they are adept at killing cicadas. But, of course, they also have to survive during the
75 cicada dormancy by killing other things. So if there was a mutation that led to a great increase in
76 cicada killing ability, it would spread rapidly, like the cold-resistant termite, when cicadas were
77 out, in Year 1. But that mutation would provide no advantage in years two through twelve. During
78 that period of cicada dormancy, the mutation would likely disappear, or at least stop propagating.
79 As a result, there are few predators adapted to killing cicadas, which makes things rather a bit
80 easier for the cicadas, one might say.

81
82 What does this have to do with the Formosan Subterranean Termite, you ask? That is indeed the
83 question. Regrettably, the records of Chinese Taipei and its environment do not contain details on
84 the predators that the species faced. But we know that insects adapt to their environment and that
85 the critical pressure on Formosan Subterranean Termites were cold snaps. So it is only natural to
86 conclude that the termites would develop an evolutionary response to cold. The observed
87 examples seem no more resistant, so there was no resistant genetics that emerged. But the other
88 adaptation, a life cycle adaptation, is completely plausible. So imagine that some Formosan
89 Subterranean Termites are faced, in the 1860s, with a cold period of weather. They burrow, as
90 they are adapting. But then – poof! – the trees get cut down and covered in a lacquer, to be made
91 into that glorious *Paifang* that marks this institution's triumphant history.

92

93 Since the Shang dynasty over 3000 years ago, Chinese crafts have relied on the *toxicodendron*
94 *vernicifluum*, commonly known as the Lacquer Tree. Used properly, that can create a nearly
95 impenetrable shell, as beautiful as it is weather resistant. And what does *this* have to do with the
96 Formosan Subterranean Termite? Patience, patience. The insect can only adapt to its environment,
97 and lacquer is not in that environment. So, sealed in, it does not perceive the environmental factors
98 to awaken it. Perhaps it is not temperature it needs, but humidity. The lacquer prevents humidity
99 from penetrating, and, like Sleeping Beauty without her prince's kiss, they never awaken. Until,
100 of course, one hundred and forty years of wear and tear combined with the wet winter of 2018/2019
101 to crack open the lacquer at last. The Formosan Subterranean Termites hatch, as usual in the
102 warmth of summer, and they immediately do what termites do best, and what the Formosan
103 Subterranean Termite does best of all. They eat.

104

105 Now, I'll wager a year's Lady Grey tea that no linear-trained, agrarian entomologist would even
106 think of that! Too busy racing off to get a conviction, no doubt. It's really just a tragedy that they
107 fumigated the *Paifang* immediately, to prevent the termites from spreading. The genetic
108 sequencing that was done shows mutations, but now we will never know to what end. Still, only
109 a Kafka-esque system devoid of justice would convict Harper under these circumstances. There is
110 a real, scientific possibility that it was nothing more than a cruel twist of fate and accident of
111 evolution that caused the collapse.

112

113 The other thing that everyone seems to be forgetting is that the *Paifang* was old, very old and not
114 in great shape. I remember in the late 1960s when they did a shoddy rehab of the structure because
115 it was about to fall over on its own. I also remember when they put a fresh coat of paint on it in
116 the late 1980s or early 1990s because it was becoming an eyesore. I'll leave the discussion of
117 structural soundness to others, but in my opinion from watching the *Paifang* grow as balky as my
118 knees, no one was safe climbing on the glorious gate regardless of termite presence.

119

120 People ask me, of course, whether it could have been Harper. I do so doubt it. Marmalard was
121 one of our finest young intellects, and had wonderful manners. We used to speak for hours, about
122 my work abroad and the world of entomology. Marmalard had a bright future, to be sure, and I
123 cannot imagine them throwing it away like this. In all the years I knew them, they never betrayed
124 an ounce of ill will or malice. Marmalard was always very gentle with the insect specimens, and
125 extremely well liked by classmates and by members of the administration and senior faculty. I
126 even threw my name on a paper or two that they had written to add some clout and distinction to
127 their work. Second author, of course, as befit my status. I suspect Boon was peeved to be bumped
128 to the third slot, but seniority and distinction have their privileges. In truth, I only really glanced
129 at the effort, but the words seemed to be in the right places, you know.

130

131 In fact, I can't imagine anyone disliking Marmalard. Except perhaps Boon, which is
132 understandable. Boon was always an average talent, the kind of individual who will remain a
133 mediocrity within the academy. We tried to arrange a placement in Kansas or Utah or one of the
134 Dakotas, I think, where they could be a junior faculty member. But they preferred to stay here,
135 toiling without title or respect. I mean, no one would say it, but why would someone remain in a
136 non-tenured track position in a field as vast as Botany? Boon simply was not up to the task, and
137 still isn't. They don't have the respect of the Dean and faculty, and it's not their fault, really. Some
138 are born to succeed. Others are not. Like the insects.

139

140 I can't say I'm surprised to find that Boon was abusing even the modest position with which they
141 were entrusted. If anything, one should do the opposite: treat good work as mediocre and great
142 work as barely good enough! That's how I always ran my department. To give credit for sub-
143 standard work is the greatest of sins. In such a world, how can one tell those who are truly doing
144 Acari-quality work? I am sure that Boon got Marmalard hooked in this so-called paper scandal.
145 After all, it was Boon who had all the power in that relationship.

146
147 How do I know all of this about Boon? Well, years ago, when they started, we published a paper
148 together. I allowed Boon to be listed as first author. After all, I hardly needed another resume line
149 at that point! As is my custom, I had myself listed second, because the work was done in the lab
150 I built, and my work was the foundation, although Boon of course was writing primarily about
151 botany and entomology was only a mere tangent. I was glad that I did, though, because almost as
152 soon as it was published, the paper came under fire. There were a number of significant
153 breakthroughs identified in the paper, but upon reflection, large portions were suspiciously similar
154 to other authors' work. Well, I don't stand for plagiarism, but I could hardly back away from the
155 paper with my name on it! We fought back, tooth and nail, and after a few phone calls to some
156 former students and colleagues, the accusers were thoroughly lambasted at the next ESA
157 convention! I even received a formal letter of apology from one. Still, I never again trusted Boon
158 that way. The texts were clearly lifted. No original thought at all. I would not be a bit surprised
159 if they cheated their way into Zeta Iota Pi, too.

160
161 And let me say, too, that much has been made of these missing lab records. Well, the lab is under
162 my supervision, yes, but it's really Boon's lab. The absence of a termite colony death record is
163 inexcusable, from a scientific perspective, but it is also understandable. A scientific mind is an
164 expansive one, and many have been the times that I myself have drifted away from the lab, thinking
165 of a subtle mutation in the *pediculus humanis captis* or mentally composing the opening paragraph
166 of an article, or just reciting some Virgil to myself. I always returned to complete the paperwork,
167 eventually, but there but for the grace of Providence go we all.

168
169 Or perhaps Marmalard simply acquired poor habits from Boon. I doubt Boon would have
170 wandered away, thinking of the *Aeneid* by Virgil himself, and yet our auditor found documentation
171 missing from time to time. A lab must be run with precision, and one has to admit that it is possible
172 that some termites could even have escaped, if Boon paid insufficient attention to the details of
173 protocol. I'm not certain why the termites would have climbed the *Paifang*, particularly, but I
174 suppose they could have had a taste for their ancestral home, could they not?

175
176 No, the whole thing just smacks of shoddy detective work and an effort to get to the conclusion
177 without considering the possibilities. There is simply no way for that Pinto person to opine within
178 a reasonable degree of entomological certainty that those insects were planted. Nor does this whole
179 "pheromone" theory hold up. Pheromones, indeed. That's just the kind of thing someone suggests
180 who knows not a bloody thing about entomology. First, there is no evidence that anyone had
181 synthesized those pheromones. Second, if they had, they would have published it or patented it...
182 honor or money, that's the thing! Third, pheromones don't break the rules of nature. The termite
183 eats as fast as it eats.

184
185 I have read the statements of Boon, Pinto, and – of course – Marmalard, and there is nothing
186 (beyond specious speculation) in any of that to suggest that things happened as the State claims.
187 One does not change entomology to suit a court case, any more than the sun revolves around the

188 earth because some politician wishes it to be so. There is simply no way, under the science of
189 termites as we know it today, for someone to plant a colony of Formosan Subterranean Termites
190 and, a week later, have the kind of damage that was found on the *Paifang*. That takes longer, and
191 any honest entomologist would admit that. Perhaps Boon planted them earlier, to discredit
192 Marmalard. Perhaps they let them escape, and the termites headed for a natural food source.
193 Perhaps the termites simply emerged from their accidental century of hibernation.

194

195 But, whatever happened, there is no scientifically supported explanation for the idea that
196 Marmalard could have gotten the termites to eat on the timeline as the prosecution suggests it. To
197 the contrary, the prosecution's whole theory rests on something that is, within – how do you say –
198 a reasonable degree of entomological certainty, not true.

199

200 You may have your witch hunt and your conjecture. I, for one, will stick with science, with facts,
201 and with Marmalard.

Lane Dorfman

Signature

December 15, 2019

DATE

Exhibit List

- Exhibit 1:** ZIP Bylaws
- Exhibit 2:** Pledge Promise
- Exhibit 3:** ZIP National Anti-Hazing Policy Webpage
- Exhibit 4:** Photo Milkweed Paper
- Exhibit 5:** Sheriff's Dept. Incident Report, including Structural Engineering Report
- Exhibit 6:** Mandy / Harper Email Exchange
- Exhibit 7:** Photo of *Paifang* with close-up of termite infestation
- Exhibit 8:** Drew Pinto CV
- Exhibit 9:** Lane Dorfman CV
- Exhibit 10:** Harper Marmalard's Formosan Termite Log
- Exhibit 11:** Formosan Termite Habitat Map

Exhibit 1**Zeta Iota Pi Bylaws**

This document shall hereafter be the constitution of the Acari University Chapter of Zeta Iota Pi (hereinafter known as ZIP or Acari Zip)

Article I — Name and Purpose

The name of the chapter shall be the Acari University Chapter of Zeta Iota Pi. It shall honor the top students at Acari University by fostering a sense of collegiality, fraternity, and unity. ZIP obtain as its members the top students entering as freshman, as well as any other student who is deserving based on their achievements. Neither social nor athletic nor academic achievement should be given more weight than the other.

Article II — Laws

Section 1: This chapter of Zeta Iota Pi shall be governed by these bylaws, an honor association organized as a non-profit corporation under the laws of the State of New Mexico, and the rules and regulations of the Acari University. These laws contain a full adaptation of ZIPs anti-hazing rules (1996).

Section 2: Membership shall consist only of students maintaining 3.5 Grade Point Average (hereinafter GPA) at the conclusion of each academic semester at Acari. Students who drop below a 3.5 GPA shall be “suspended” until the conclusion of the next academic semester in which his or her GPA is above a 3.5. Members who remain suspended for two (2) consecutive academic semesters shall be permanently removed from ZIP and shall not be readmitted.

Section 3: To become a member of ZIP, a student must be deemed worthy of membership by the Pledge Master.:

Section 4: Anyone invited by the Pledge Master to become a member must complete a series of challenges, known as the Feats of Fortitude. Failure to complete said challenges to the satisfaction of a

majority vote of the current membership is not permitted ZIP membership and barred from being admitted in the future.

Section 5: Zippers always stick together and help whenever possible, even when it seems impossible. Therefore the motto of ZIP shall be “We stick together.” It shall be known to all members and recited upon request of the Pledge Master. This concept is the essence of being a Zipper and should carry more weight than all other rules and regulations associated with ZIP.

Section 6: All members of the chapter shall live in the chapter house unless otherwise excused from doing so by the President.

Section 7: No money from dues shall be used to purchase alcoholic beverages.

Article III — Officer, Duties, and Elections

Section 1: The executive officers of this chapter shall be the President/Pledge Master, the Vice President, the Treasurer, and the Secretary.

Section 2: The Pledge Master shall be in charge of selecting new members and ensuring the orderly operation of the chapter. The remaining officer duties shall be proscribed by the President.

Article IV — Amendments to the ByLaws

Section 1: These bylaws may be amended at any regular meeting of the chapter by a two-thirds vote of the active members of the chapter present and voting; provided notice of the proposed amendment shall been given at the two preceding regular meetings of the chapter.

Section 2: Proposed amendments to these bylaws can be made by any member in good standing.

Exhibit 2

2019 Pledge Promise

We, the chosen three of Acari University, of our own free will and accord, in the presence of these hallowed halls where so many distinguished men and women have walked before and will walk again, do hereby promise that the principles of this honor society as they have been explained to us accord entirely with our own views.

We acknowledge that these principles, outlined in the Zeta Iota Pi By-Laws, require training of the mind and body in order to become part of us. It is for this pursuit, this perception of existence, and a better understanding of the way that we function within it that we promise to become Zippers before we are acknowledged as such.

We promise to carry the right understanding, right intent, right speech, right action, right livelihood, right effort, right mindfulness, and right concentration to all efforts made and all thoughts possessed while we pledge Zeta Iota Pi.

We promise to make full effort when completing the Feats of Fortitude. We understand that the Feats of Fortitude are opportunities to show our commitment to Zeta Iota Pi and that we will never settle for commonplace. We will reach higher, stand taller, and climb to the apex of every mountain. It is on this lofty vantage where Zippers reside and in this place where Zippers thrive.

Throughout this pledge period, we acknowledge that the Pledge Master is our guide and our sage. We promise that his or her words matter most to us and his or her desires must be fulfilled. By giving of ourselves, we promise to give to Zeta Iota Pi. The Pledge Master will ferry us across this river of transition, and we promise to trust and never to question.

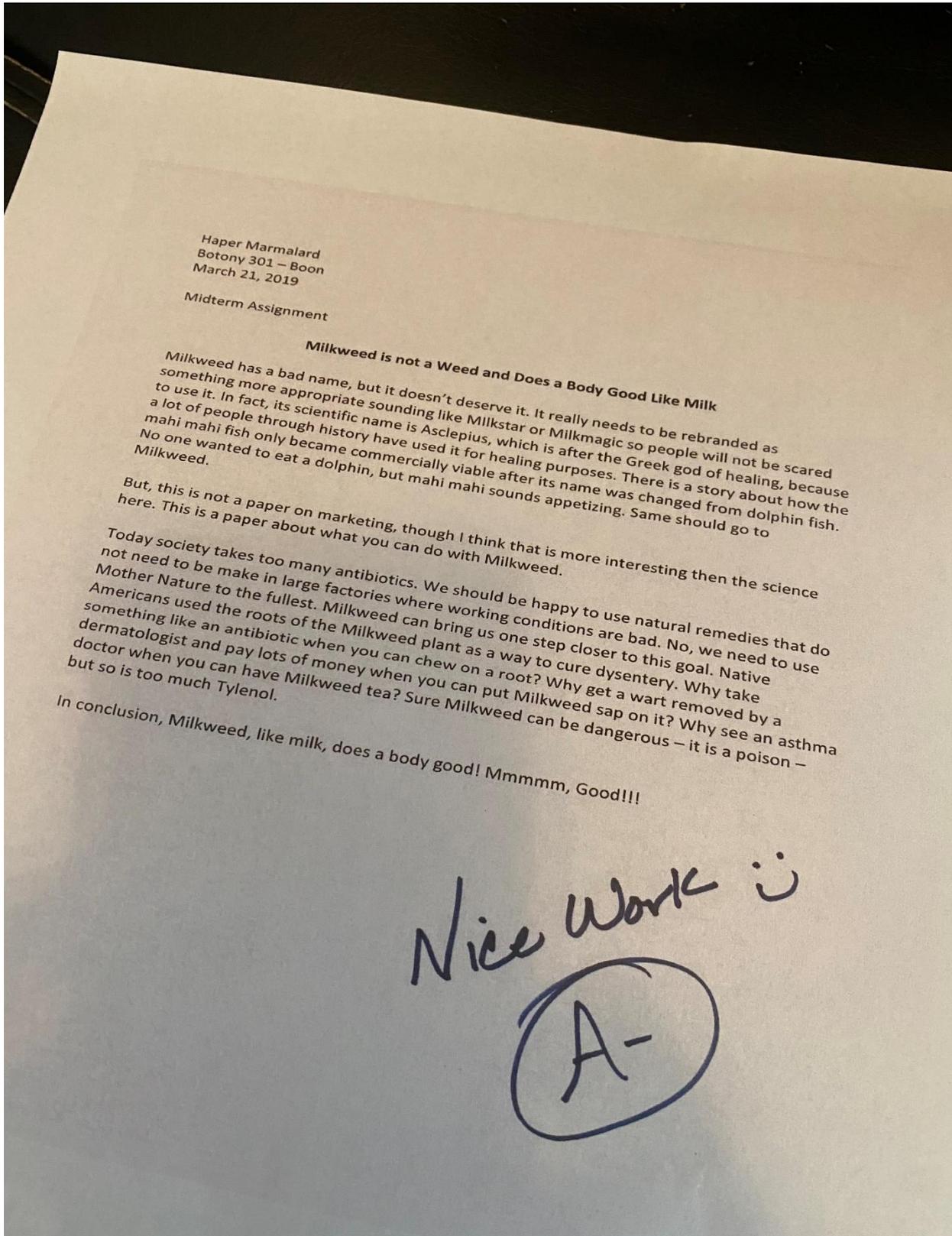
We promise above all else, that we, the chosen three of 2019 from Acari University, will treat each other as we will treat members of Zeta Iota Pi should we be bestowed with membership in this, the most honorable and honored of societies. We promise to stick together and help whenever possible, even when it seems impossible. All this we promise upon our honor, without equivocation, mental reservation or secret evasion of mind whatsoever.

Exhibit 3

ZETA IOTA PI			Search <input type="text"/>
			User Login
Resources	Chapters	Message Board	National Event Calendar
Zeta Iota Pi Hazing Policy			
<p>Zeta Iota Pi is 100% against hazing of any type either through the initiation process or with respect to any honor society sanctioned activity. We fully understand and appreciate that a degree of dedication and devotion must be demonstrated during the Feats of Fortitude at the discretion of our Pledge Masters. However, a true sign of intelligence, which is the hallmark of membership in this most respected and hallowed organizations, is acceptance rather than alienation, safety rather than risk; and brains over brawn.</p> <p>If you feel that you are the victim of hazing or have witnessed hazing, report it by contacting the following:</p> <ul style="list-style-type: none">• Your University's Office of Student Activity• Local Authorities / Campus Police• International ZIP Headquarters hazing@ZIPhonors.org• Our anonymous hazing hotline 1-800-555-4982 <p>Our code of Conduct and Rules of Disciplinary Procedure which cover acts of hazing can be found here.</p> <p>If you would like to review the applicable laws pertaining to your State, please visit our State Anti-Hazing Law Database.</p>			
Home About Leadership Team Press Room Contact Site Map			©2014 Zeta Iota Pi

Obtained from Mandy Pepperidge's Personal Computer by Lincoln County Sheriff Dept. Forensics on September 17, 2019
Webpage page last accessed on September 11, 2019 | 21.36.42

Exhibit 4



Harper Marmalard
Botony 301 – Boon
March 21, 2019

Midterm Assignment

Milkweed is not a Weed and Does a Body Good Like Milk

Milkweed has a bad name, but it doesn't deserve it. It really needs to be rebranded as something more appropriate sounding like Milkstar or Milkmagic so people will not be scared to use it. In fact, its scientific name is Asclepius, which is after the Greek god of healing, because a lot of people through history have used it for healing purposes. There is a story about how the mahi mahi fish only became commercially viable after its name was changed from dolphin fish. No one wanted to eat a dolphin, but mahi mahi sounds appetizing. Same should go to Milkweed.

But, this is not a paper on marketing, though I think that is more interesting then the science here. This is a paper about what you can do with Milkweed.

Today society takes too many antibiotics. We should be happy to use natural remedies that do not need to be make in large factories where working conditions are bad. No, we need to use Mother Nature to the fullest. Milkweed can bring us one step closer to this goal. Native Americans used the roots of the Milkweed plant as a way to cure dysentery. Why take something like an antibiotic when you can chew on a root? Why get a wart removed by a dermatologist and pay lots of money when you can put Milkweed sap on it? Why see an asthma doctor when you can have Milkweed tea? Sure Milkweed can be dangerous – it is a poison – but so is too much Tylenol.

In conclusion, Milkweed, like milk, does a body good! Mmmmm, Good!!!

Nice Work :)
A-

Exhibit 5

 Incident No: 09-1856-2019
LINCOLN COUNTY SHERIFF'S DEPARTMENT

Incident Report

Date(s)/Day(s) of Incident: September 12, 2019	Incident Location: Acari University - Friendship Paifang	Officer: Dep. Diller	Badge Number: 13459
Time(s) of Incident: 2115-2130	Station Number: AU957	Approved By: Lt. Alaina Koltash	Badge Number: 4976
Case ID: AU-5671		Approval Date: September 19, 2019	
Attachments: <input checked="" type="checkbox"/> Statement Forms <input type="checkbox"/> Rights Warning and Waiver Form <input type="checkbox"/> Property Checklist <input checked="" type="checkbox"/> Other		Initial Determination: <input checked="" type="checkbox"/> Criminal conduct (Hazing) <input type="checkbox"/> Accident <input type="checkbox"/> Unfounded	

NATURE OF INCIDENT/DESCRIPTION: At approx. 2130 hours on the date of incident, I responded to multiple emergency calls reporting a fall from the Friendship Paifang on the campus of Acari University. The victim (determined to be MANDY PEPPERIDGE, female, Freshman, d/o/b 1/14/2001) had attempted to climb the Paifang as part of a student organization (ZETA IOTA PI) initiation. Portions of the structure of the Paifang broke/collapsed, causing the student to fall from height of 15-25 ft. In addition to hitting the ground, the student was struck by debris from the Paifang.

Victim was found on ground, dressed in casual clothing, in pool of blood. Body was surrounded by wood on which small, ant-like insects were moving. Blood volume was most significant near head area, apparently due to profuse bleeding from blunt force wound to skull. Victim's arms were splayed, and her head was bent at highly acute angle indicative of severe neck trauma. No pulse or respiration was noted by responding officer. Campus emergency services arrived shortly after reporting officer and attempted to resuscitate. Victim transported to hospital via ambulance, pronounced dead upon arrival. Observation of Paifang showed moderate structural damage in area above body, roughly consistent with apparent volume and color of wood on ground. Movement of insects on broken region was visible, even from that distance.

PHYSICAL EVIDENCE: Pieces of the Chinese Paifang that broke off were secured and marked as evidence. Additionally, numerous small insects were not only on the wood, but contained within it were secured and marked.

WITNESS 1: ALEX OTTER (Freshman, ZIP House)
WITNESS 2: DANA STORK (Freshman, ZIP House)

See attached witness statements. Neither saw the moment of fall, but both were aware of plan to climb Paifang to ledge approximately 22 ft. from ground. Each saw PEPPERIDGE at a point approximately 18 ft. from ground, and climbing, shortly before hearing scream.

PEPPERIDGE climbing as part of Zeta Iota Pi initiation. Individual responsible for same identified by both witnesses as HARPER MARMALARD (Senior, ZIP House).

Obtained contact information from witnesses, comforted witnesses that fall was not their fault. Provided them cards with contact information in case they wished to share more later.

DISPOSITION: Recommend referral to Lincoln County District Attorney for potential violations of New Mexico anti-hazing statute.

Submitted: /s/ Diller, 13459

Date: Sept. 13, 2019

UPDATE 1 (9/14/19, 9:45 a.m.): Witness OTTER called on my cell phone to advise she/he/they wished to discuss additional information. Met OTTER at Lincoln County SO station on Acari campus. OTTER advises that MARMALARD involved in potential cheating, recently fought with PEPPERIDGE. OTTER advises PEPPERIDGE considered reporting cheating by MARMALARD. OTTER reports threats by MARMALARD against PEPPERIDGE. Called hospital, which confirmed recent Emergency Room visit by PEPPERIDGE.

UPDATE 2 (9/14/19, 12:30 p.m.): Attempted to speak with MARMALARD at ZIP House. MARMALARD was not present. Occupants advised that MARMALARD works with insects, may be at insect lab.

UPDATE 3 (9/14/19, 2:00 p.m.): Consent of University obtained, insect lab searched. Insects missing: wood-boring termites. There were also chemicals missing. Lab reports seized, placed into evidence. No explanation of missing insects.

UPDATE 4 (9/14/19, 4:00 p.m.): Lab director Professor CORIN BOON interviewed. After being advised of rights, BOON made voluntary statement. BOON confirmed details of MARMALARD cheating. Additional ZIP students allegedly involved.

UPDATE 5 (9/16/19 9:30 a.m.): Documents received from Registrar. Placed in case file as Attachment 1.

UPDATE 6 (9/17/19, 9:00 a.m.): Autopsy Report Received. Cause of death: skull and/or neck fracture secondary to fall from height. Placed in case file as Attachment 2.

UPDATE 5 (10/21/19, 5:00 p.m.): Zillias Engineering report received from Office of President Jansen. Placed in case file as Attachment 3. Matter referred to Lincoln County District Attorney.

ATTACHMENT 3
ZILLIAS ENGINEERING
REPORT OF STRUCTURAL COLLAPSE, 09/12/2019

Dear President Jansen:

As requested, our structural engineering staff has conducted its examination into the collapse of a portion of the Friendship Paifang in close collaboration with the efforts of the Acari University Departments of Anthropology and Oriental Studies. We respect the importance of this matter and its cultural sensitivity to the relationship of Acari University and its sister institution, Peony University in Shanghai. The call from Assistant Secretary of State Dumas was particularly instructive. It's always nice to speak with a fellow alum.

Despite the challenges imposed by working with a structure we were barely permitted to touch, even under the strictest supervision, we have been able to reach several determinations regarding the collapse of the Paifang structure. The Paifang is made of a Chinese hardwood that has aged remarkably well, considering its age. It was covered in a lacquer that appears to have largely prevented any water or environmental penetration. Nonetheless, at its present age, the Paifang is not weight-bearing, and the University was wise not to allow students to climb it.

The area of the Paifang that collapsed was badly degraded by termites or similar wood-boring insect. The infestation damage was extensive, and the portion of the Paifang that fell had nearly disintegrated. Given the extent of the damage, it is impossible to determine whether the insects were inside the structure initially or bored into it from the outside. That portion of the Paifang is simply gone.

The damage also makes it impossible to determine whether the Paifang had suffered weather or other damage in the area which collapsed which could have contributed to its weakness, but the remaining portion of the Paifang appears to be in solid condition. The partial collapse therefore can be directly and scientifically attributed, within a reasonable degree of certainty, to the termite damage, which appears to have been limited to that section. Without the termites, we would have expected the Paifang to hold Pepperidge's weight, and this terrible tragedy to have been averted.

Nonetheless, we strongly advise that you retire the Paifang. At 150 years old, the structure should not be trusted again, even without termites, and we cannot promise that every termite was located and removed. Our efforts to drill fumigation holes were soundly rebuffed by your anthropologists. Your staff had interesting ideas about how the retirement could be accomplished in a culturally-sensitive manner.

We look forward to serving Acari University again, hopefully under better circumstances. Perhaps we can speak soon about the new library project?

Yours Truly,

/s/ Tatum Zillias, Class of 1985
CEO and Chief Structural Engineer
Certified Professional Engineer

Exhibit 6

Mail

COMPOSE

Re: Hazing

ail Inbox x

Harper Marmalard
To: Mandy Pepperidge

September 7, 2019
09:25:47

Mandy, my dear Mandy. You still have so much to learn!

You were strong enough to survive . . . so you passed . . . this time! Watch where you step when you follow my lead.

Mandy Pepperidge
To: Harper Marmalard

September 7, 2019
08:53:13

Harper – I want to be a member of ZIP very, very badly, but you are putting my safety at risk. You knew I have asthma. I filled that out on my medical sheet when I took the pledge promise. If you don't knock off the hazing, ZIP will go down in a blaze. You know I know too much, and knowing is half the battle!!!

Using 0.29 GB of your 30 GB

Last account activity: 3 days ago [Details](#)

Exhibit 7

Friendship Paifang – Formosan Termite Damage and Location



Fig. 1a – 1c:

Wood removed from Acari University Paifang after Mandy Pepperidge's Death 9/2019

COMMENT: All samples pulled from top structure of Paifang showed considerable wear easily attributable to the Formosan Termite. Specified location of wood removal indicated in Fig. 2.



Fig. 2

Acari University Paifang circa 2018.

Gift from Poeny University in Luoyang, China circa 1860

Photo courtesy of Acari University Asian Studies Department (www.acariuniversity.edu/ASD)

COMMENT: Area most affected by Formosan Termite damage is bracketed in red.



Exhibit 8

Drew Pinto, Ph.D.

EDUCATION

Purdue University, Ph. D., Entomology, 1992

Purdue University, M.S., Entomology, 1988
High Departmental honors

Purdue University, B.S., *summa cum laude*, Biological Engineering, 1986
Minors in Architectural Engineering, Crop Science
Captain, Tennis Team



EXPERIENCE

American Forensic Entomologist Consultancy, LLP, Partner, 2010-Present

Investigate legally significant questions involving insects. Give opinion and, when necessary, testimony on questions including entomologic indications of time of death, effect of insects on state of bodies, and insect-structural interactions.

Representative cases:

- Texas v. Brunella – Genetic analysis of species found on victim matched those near defendant’s home, contrary to his account, justifying search warrant.
- Vermont v. Shelly – Date of death established through insect larvae, leading investigators to re-evaluate timeline, identify true killer.
- Montana v. Noreen – In death of family in home collapse, established that wood boring insect infestation was not naturally occurring, leading to conviction.
- U.S. v. Beth – Determined murder was committed with subcutaneous injection of eggs of brown recluse spider, leading to apparent accidental death.

Pinto Entomology Consulting, LLC, Member and Chair, 2002-Present

Consult on organic and entomological solutions to agricultural concerns with major national and international companies including Archer Daniels Midland, ConAgra Foods, and Love a Cherry.

Adjunct Professor, Purdue Depts. of Entomology and Agricultural Engineering, 2006-Present

Adjunct Professor, University of Georgia Dept. of Entomology, 2004-2007

Federal Bureau of Investigation,

2022 New Mexico High School Mock Trial Competition NM v. Harper Marmalard
Senior Response Technician, Evidence Response Team, 1999-2002 – Member and occasional leader of forensic unit responsible for crime scene processing, evidence collection, and on-site analysis.
Staff Entomologist, National Criminal Laboratory, 1994-1999 – Processed entomological evidence collected at crime scenes, analyzed it for information material to criminal investigations.
Entomology Fellow, National Criminal Laboratory, 1992-1994 – Trained in forensic entomology.

PROFESSIONAL ASSOCIATIONS

American Entomological Society, 1990-Present
Association of Applied Insect Ecologists, 2002-Present
American Board of Forensic Entomologists, 2011-Present

Exhibit 9

LANE DORFMAN, Ph.D., CH
540 Hoover Center | Acari University

EDUCATION

Darwin College, Cambridge University, Ph.D. Entomology, 1964
Yale University School of Forestry, M.S. Entomology with High Honors, 1954
Oberlin College, B.S. Biology, *magna cum laude*, 1952
 Phi Beta Kappa
 Zeta Iota Pi
 NCAA Champion, Squash Singles

Honorary Doctorates:

University of Leicester, McGill University, University of Melbourne, Faber College

EXPERIENCE

Acari University, Department of Entomology, 1964-Present
 Chair Emeritus, 2009-Present
 Chair, 1978-2009
 Simpson-Day Distinguished Professor of Organismal Biology, 1970-Present
 Assistant Professor, 1964-1970

Chair emeritus and professor in prestigious department within Acari University, one of North America's top research and undergraduate institutions. First author on over fifty publications, three treatises, twenty-two chapters, and the leading text in organismal entomology. Credited by United States Patent and Trademark Office as originator of over thirty innovations in science and technology.

RECENT PUBLICATIONS

DORFMAN'S ENTOMOLOGY (Cambridge University Press, 17th Ed., Corin Boon, Ed.).
 Dorfman, Widdoes *On Mendel's Flies: Drosophila*, Nature, Vol. 514, Issue 7524 (2014)
 Marmalard, Dorfman, Furst, *Synthetic Compounds and Insect Behavior: Pheromones – Powerhouse or Powerless*, Annals of Entomological Association of America (March 2018)
 Daughton, Dorfman, Weller, *Mandotea or Armadillidiidae?: Challenges of Identification and Classification*, Journal of Applied Entomology, Vol. 136, Issue 2 (March 2017)
 Belushi, Dorfman, Hulce, Chapter, *Bacon's Pathology of Common Insect Species*, Princeton University Press, 2009

PROFESSIONAL ASSOCIATIONS AND AWARDS

Too numerous to fully enumerate. Representative associations and honors include:

Order of the Companions of Honor
 Royal Entomological Society
 British Entomological and Natural History Society
 American Entomological Society
 Entomological Society of Canada

Exhibit 10

Lead Investigator: **Harper Marmalard**
 Lab Director: Corin Boon, Ph.D.
 Term: Fall 2019
 Thesis: Effects of Chemical and Natural Catalysts
 on Colony Behavior and Reproductively

Coptotermes Formosanus

Formosan Subterranean Termite

Activity Log

DATE	ACTIVITY	COMMENTS	INITIAL
8.18.19	Set sub-colony for subdivision experiment on productivity	Queen and King look healthy and ready to expand colony to beta location. Primary idea is to modify the types of specialties through influence.	HM
8.19.19	Moved existing egg bank & Larvae to beta location	It is not expected that the loss of the starter colony will affect the overall annual production. Having a fresh predetermined sub-colony will help with data collection.	HM
8.20.19	Initial collection of Queen pheromone secretion	Failed! Ok – this is going to be way harder than I originally thought. But, initial test requires a larger amount of secretion in order to analyze and influence.	HM
8.21.19	Second attempt of pheromone secretion collection	Success! Will be used to promote additional development of winged reproductive over non-winged from nymphs.	HM
8.22.19	Initial collection of King pheromone secretion	Success! Will be used to promote additional development of workers over soldiers from larvae.	HM
8.25.19	Further design of habitat	Starting to look really nice in there! I am really proud of the water source to wood ratio at the beta site. Perfect environment for rapid expansion.	HM
8.26.19	Attempt to separate collected secretions into active pheromone components	Failed! Alpha colony is looking particularly strong though. Workers at Alpha colony are moving through food source at strong rate.	HM
8.27.19	Attempt to separate collected secretions into active components	Failed! Observation: Alpha colony nymphs are turning into supplemental reproductive for beta colony. I will do my best to keep them separated to keep integrity.	HM
8.28.19	Additional secretion collection	Forced to go back and collect more secretion samples from Alpha Queen and King for experiment. At least I am getting good at this part!	HM
8.29.19	Attempt to separate collected secretions into active components	Failed! concerned that beta larvae and nymphs are developing too quickly. There won't be time to introduce secretion extracts. I know it's still early!	HM
8.30.14	Attempt to separate collected secretions into active components	Failed! I admit it! I'm not good at chemistry. I should find someone to help me with this! Today has not been a good day at all. So FRUSTRATED!	HM
9.1.19	Additional secretion collection	Back to the well. Concerned that collection of secretions is putting stress on Alpha Queen and King. I should be kinder to the ones I love ☺ SUPER TERMITE TIME!	HM
9.2.19	Abandon separation plan and will just adjust amount of secretion supplied	By increasing the amount of secretion provided to the larvae & nymph different specialties will be produced. Hypotheses: more will make more queens and workers.	HM
9.3.19	Initial dosage: Beta larvae	Fingers crossed that this works. I'm not even really sure I am providing the secretion correctly. Without gland secretion from the King only time will tell.	HM
9.4.19	Built semi-permanent blockade between Alpha and Beta colony	Too many reproductive Alpha colony specimens are attempting to enter Beta colony. Even saw a small swarm in the enclosure.	HM

Exhibit 11

Formosan Subterranean Termite
Distribution Continental United States



Educational Information

Not part of the mock trial case

In addition to the murder charge against Harper Marmalard, the case of *State of New Mexico v. Harper Marmalard* includes a stipulation that the defendant Marmalard pleaded guilty to a misdemeanor charge of hazing. This is an instance of the “mock” in mock trial, in that New Mexico is actually, outside of mock trial, one of only six U.S. states that does not have a law making hazing a criminal offense. In 13 states, hazing can be charged as a felony when it results in death or serious injury. Notwithstanding the absence of a New Mexico law criminalizing hazing, universities, such as the University of New Mexico, have policies prohibiting hazing activities associated with acceptance, advancement, membership or continued good standing in formal or informal student groups, clubs or athletic teams.

Under the UNM anti-hazing policy, hazing is defined as an act that endangers the mental or physical health or safety of a student for the purpose of pledging or associating with, being initiated into, affiliating with, holding office in, seeking and/or maintaining membership in any organization whose membership consists of students. The policy recognizes three different levels of severity:

- **Subtle Hazing:** Behaviors that emphasize a power imbalance between the victim and perpetrator typically involving activities or attitudes that breach reasonable standards of mutual respect and place a new student on the receiving end of ridicule, embarrassment, and/or humiliation tactics. Examples include:
 - Deception
 - Silent periods with implied threats for violation
 - Deprivation of privileges granted to other members
 - Requiring performance of duties not assigned to other members
 - Social isolation of rookies/new members
 - Line-ups and drills or tests on meaningless information
 - Name calling, demeaning titles
 - Requiring or expecting possession of certain items at all times

- **Harassment Hazing:** Behaviors that cause emotional anguish or physical discomfort to promote a feeling of group belonging. Examples include:
 - Verbal abuse
 - Threats or implied threats
 - Requiring or expecting embarrassing or humiliating attire
 - Stunt or skit performances with degrading, crude, or humiliating acts
 - Sexual simulations
 - Requiring harassment of others
 - Requiring new members to perform personal service to other members, such as carrying books, running errands, cooking, cleaning, etc.
 - Sleep deprivation

- Deprivation of a normal or reasonable standard of body cleanliness

- **Violent Hazing:** Behaviors that have the potential to cause physical and/or emotional, or psychological harm. Examples include:
 - Forced or coerced alcohol or other drug consumption
 - Forced or coerced ingestion of vile substances or concoctions
 - Beating, paddling, or other forms of assault
 - Branding or burning
 - Water intoxication
 - Bondage
 - Requiring abuse or mistreatment of animals
 - Requiring or expecting illegal activity
 - Abduction or kidnapping
 - Exposure to cold weather or extreme heat without appropriate protection

In 2019, Florida enacted “Andrew’s Law,” named in memory of Andrew Coffey, who died during a fraternity hazing event in November 2017 when he was forced to drink an entire bottle of bourbon. The law enhanced an existing anti-hazing law, making it a felony when hazing causes death or serious injury and imposing criminal penalties on fraternity and sorority leaders who plan a hazing event, but do not personally attend the event.

For those who want more information about hazing or want to get involved in reducing hazing, see <http://www.stophazing.org>