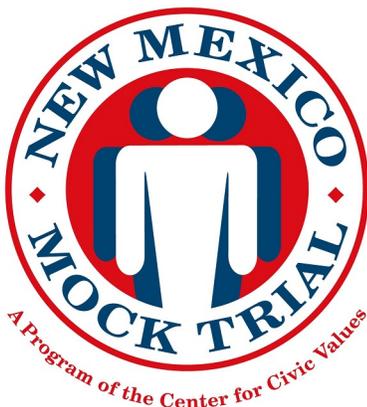
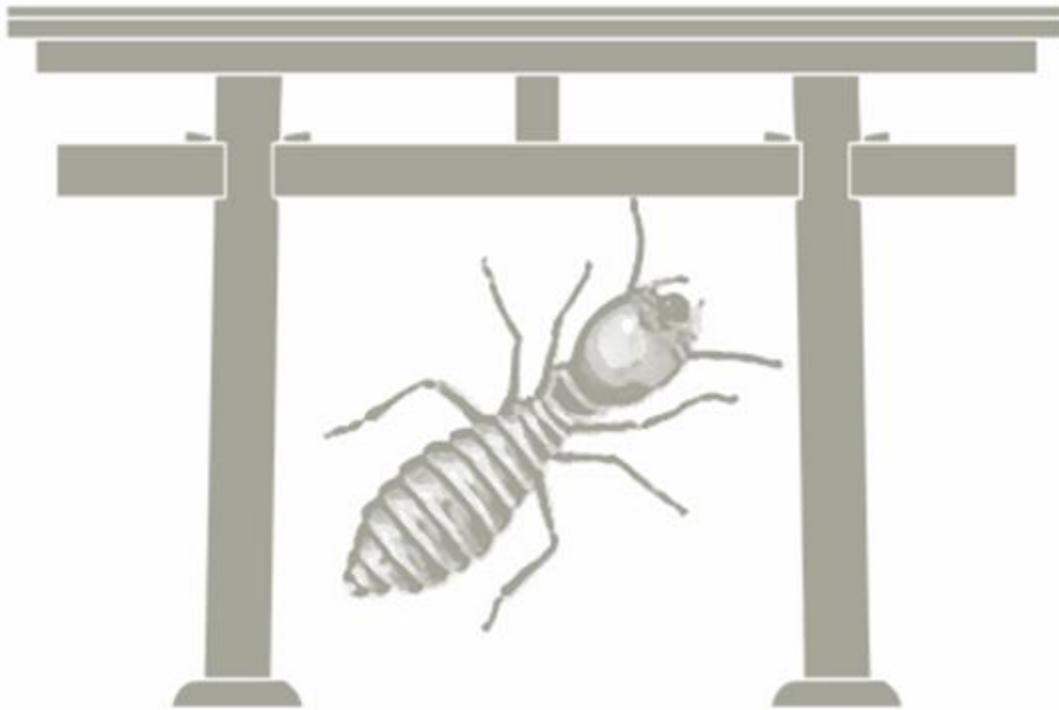




CENTER FOR CIVIC VALUES  
PROVIDING EDUCATION AND RESOURCES FOR PUBLIC PARTICIPATION IN THE LAW

# 2022 New Mexico Middle School Mock Trial Case

**State of New Mexico vs. Harper Marmalard**



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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 November 1, 2022. The final update will be posted no later than November 5, 2022.**

Questions must be sent in writing using [mocktrial@civicvalues.org](mailto: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://civicvalues.org/middle-school-mock-trial/this-years-case/>.

Please check the website to see if your question has been answered before sending an email.

## **Introduction and Acknowledgments**

Welcome to the inaugural New Mexico Middle School Mock Trial Program. This academic activity is administered by the Center for Civic Values (CCV). The high school program began in New Mexico in 1978 and we are excited to offer New Mexico middle schools the program for the first time in 2022. The program 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 original adaptation was done by CCV Executive Director Kristen Leeds and board members Jack Sullivan, Heather Jaramillo, and Mark Standridge. Additional adaptation for the Middle School Program was done by CCV Executive Director Kristen Leeds and board members Raquel Medina-Leyba, 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 volunteers who preside and act as jurists for the trials, and the administrative volunteers who provide invaluable assistance in the actual hosting of the trials.

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 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.

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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-doctoral student 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 2021, 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: climbing an arch that happened to be weakened by termite damage.

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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 them are the former pledge and friend of Pepperidge, Alex Otter, and Marmalard's alleged co-conspirator in the cheating scandal, Corin Boon. Marmalard will testify in his/her/their own defense. Rallying to Marmalard's side is another former pledge, Dana Stork. 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, 2021, 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, 2021

/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, 2021

/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 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 their own recognizance on the following conditions: Defendant shall obey all laws, make all court appearances, stay in contact with 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, 2021

/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 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 feet<sup>1</sup> 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

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<sup>1</sup> 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 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, 2021.
7. Mandy Pepperidge was killed nearly instantly when she fell from the Paifang arch at Acari University on September 12, 2021. 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.

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8. Alex Otter, Dana Stork, Harper Marmalard, and Corin Boon were all interviewed by the Lincoln County Sheriff’s Department in preparing Exhibit 1. 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. 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. Exhibit 1 is the Report of Investigation prepared by the Lincoln County Sheriff’s Department. It is admissible by any party without further foundation.
12. Exhibit 3 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.
13. 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. (See [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, 2021

## **Applicable Law**

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.

## **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 (they):** ZIP Pledge and friend of the deceased
- **Corin Boon(they):** ZIP Alum and Former Acari University Professor

### **For the Defendant, Harper Marmalard:**

- **Harper Marmalard (they):** Defendant and former President of Acari University ZIP Chapter
- **Dana Stork (they):** ZIP Pledge

Each witness is gender neutral so they can be portrayed by any sex. They will be referred to as “they” or “them” or “their” in this document.

## **Pronunciation Guide**

- Acari (ah-cahr-ee)
- Alex Otter (al-ecks ät-ter)
- Corin Boon (kär-in bün)
- Harper Marmalard (hahr-pur mar-muhl-ahrd)
- Dana Stork (day-nuh stärk)
- Paifang (pay-fahng)
- Dionaea muscipula (di-o-nay-uh mu-sih-pyü-luh)
- Formosan (fär-mo-sihn)

## **WITNESS STATEMENTS**

## Statement of Alex Otter

1  
2  
3 My name is Alex Otter and I will be enrolling at the University of New Mexico as a freshman  
4 transfer in January of 2022. Prior to enrolling at UNM, I was enrolled at Acari University. Acari  
5 was supposed to be the school to prepare me for the future – that was before Harper Marmalard  
6 took it all away from me and killed my only real friend at Acari, Mandy Pepperidge. Acari was my  
7 dream school – a Top Ren that was ensure my future and finally get me into come financial  
8 security, a place my parents would never have imagined we could go. Now all that’s left are the  
9 nightmares.

10  
11 I come from a blue collar family that stressed working hard at school, and my parents always told  
12 me I was going to be the first person from our family to go to college. If I wanted to make that  
13 happen, I needed to earn a scholarship. Unlike Mandy or Dana Stork, the two other ZIP pledges  
14 from my freshman class, I was not born with a silver spoon in my mouth.

15  
16 In high school, I was not only a straight-A student, but I was active in school activities. I graduated  
17 1<sup>st</sup> in my high school class, and I did it all on my own. I wasn’t perfect. When I was a freshman in  
18 high school, I stole some DVDs from a store, so I would have a Christmas present for someone I  
19 was dating. I felt so guilty about it that I ended up going back to the store and confessing. The  
20 police were called, but because I returned the item, nothing happened.

21  
22 I knew that going to Acari was going to be hard because I came from a different background than  
23 most of the other students. I needed something that was going to make me stand out above just  
24 being a straight A student. That is how I became interested in Zeta Iota Pi, also known as “ZIP”, a  
25 co-ed honor society. You can imagine my disappointment when I found out that ZIP doesn’t take  
26 applications – you have to be selected, or “tapped” as ZIP calls it. With 538 students in the  
27 freshman class, I thought, what were my chances? So, you can imagine my excitement when I was  
28 tapped on the first day of classes for freshmen – August 19, 2021! Harper Marmalard, then ZIP  
29 president and pledge master selected me – 1 of 3 freshmen! I accepted immediately, without  
30 question or hesitation.

31  
32 As with any prestigious organization, just accepting the invitation was not enough. ZIP required  
33 pledges to do a series of “challenges” – which it called “The Feats of Fortitude.” The idea was to  
34 build camaraderie and separate out anyone with weak resolve. The Feats of Fortitude were not  
35 supposed to be hazing, but that doesn’t mean they were meant to be easy either. The law, Acari  
36 school policy, and most importantly, the ZIP by-laws prohibited hazing, so there was a bit of a  
37 tightrope walk to it, but I knew I could handle it. Let’s face it, this was my choice. You didn’t have  
38 to do the challenges if you didn’t want to pledge, and being a ZIP was an honor, not for everyone.

39  
40 Our pledge class – which was Dana Stork, Mandy Pepperidge, and me – all moved into the ZIP  
41 house on August 21, 2021. That day we also met with Harper and the other ZIP leaders. Mandy  
42 and I hit it off from the start. We were both serious about science, and I could tell she was really,  
43 really smart. Dana was different. I’m not saying Dana wasn’t smart, but they by no means came  
44 across as a serious academic. I was a bit jealous, because despite the obvious differences in talent,

45 from day one it was clear that Harper liked them most of all. They got all kinds of perks Mandy  
46 and I never got. For instance, they were given a better room and didn't have to serve Harper each  
47 morning at 6:00 a.m. like we did. People like them and Harper are exactly what's wrong with this  
48 world.

49  
50 During the first meeting, we also learned about this year's Feats of Fortitude challenges. The focus  
51 would be new spins on social media crazes. First up – reviving the ALS Ice Bucket Challenge.  
52 Our challenge was to work together and come up with something novel – and that is exactly what  
53 we did. It was great. When posted the video on the ZIP Facebook page, Zippers from all across  
54 the country began donating money to ALS research. Zippers gave over \$25,000 in donations in  
55 one week thanks to our video.

56  
57 We all bonded that day as well. Dana was all too fast to try and impress us and started spilling dirt  
58 on the other Zippers – especially Harper. It turns out Harper was a legacy him/herself going back  
59 several generations, and their father gave a lot of money to ZIP. But apparently Harper was a  
60 horrible student. Dana also let it slip that Harper told Dana that they could get Dana into a class  
61 that was a guaranteed A. At the time I just assumed Dana was being boastful. Whatever it was, it  
62 made me kind of hate Harper even more. I know I was supposed to respect the pledge master and  
63 all, but all I could think was that Harper was pure slime.

64  
65 On August 26, 2021, we were given our second challenge – create a dance TikTok video that  
66 highlighted what it meant to be a Zipper. Harper suggested we go down into the ZIP academic  
67 archives to see if we had any inspiration. The plan was to have all of the Zippers in the archives  
68 studying. When the beat dropped, everyone would start dancing uncontrollably and throwing  
69 paper. Of course, it would be blank paper, because we didn't want to harm the archives. When we  
70 told them about our plan, Harper was very specific about not touching the files.

71  
72 Again, our second video was a success. When it was over, the pledges were told we had to clean  
73 up while the other Zippers went to a social at the Student Union. I guess I should say it was not  
74 the pledge class – it was Mandy and me that had to clean up. Dana, of course, got special treatment  
75 from Harper. While cleaning up, Mandy found a folder labeled "Paper Classes Spring 2021."  
76 What she found shocked both of us. It was a series of midterm papers – no more than a few  
77 hundred words each – for a class called Botany 301 taught by a post-doc named Corin Boon. What  
78 was strange was that none of the papers were any good – and the worst of them was written by  
79 Harper! It was about the virtues of milkweed as an elixir. The thing was a disaster: no critical  
80 thought, no research at all, no citations, no anything, really. The fact that Harper wrote such a bad  
81 paper was not the worst part – the worst part was that he/she/they got an A-.

82  
83 Mandy and I decided to bring it to Harper's attention so that someone didn't get the wrong idea.  
84 The next morning, we reported for our service duty at Harper's room. That was when things  
85 changed. When Mandy showed Harper the file, they got very defensive. They snapped at both of  
86 us, saying every honor society has its secrets. They even threatened us – saying that if we were  
87 worthy, we would find out, but if not, we will zip you up. Harper then ripped the file from Mandy's  
88 hands and proceeded to shake it in our faces. They had a crazed look in their eyes and was very  
89 intimidating when they got angry. Harper yelled at us and told us to get out.

90

91 Clearly, the file was something more than what we originally believed. We didn't comprehend that  
92 it was a massive scandal at the time, but we knew it wasn't a prank. This was blatant cheating.  
93 Mandy felt we needed to let Harper cool down and then we should approach them again. We both  
94 decided to wait out of respect for the pledge process and the fact that Harper controlled our ZIP  
95 destiny.

96  
97 A few mornings later on Sunday, September 1st, Mandy woke up with bug bites all over their  
98 body. It turned out that Mandy's bed was infested with bedbugs. I know that bedbugs are not  
99 terribly uncommon on a college campus, but the timing seemed odd. It also seemed odd that only  
100 Mandy's bed seemed to have them. As I helped Mandy get rid of her mattress, we discussed  
101 whether we thought Harper was hazing them. There was no other logical conclusion, especially  
102 considering the fact that Harper was an entomology major. I mean, entomology is the study of  
103 bugs after all! So that afternoon, Mandy and I went to Harper's room where she accused Harper  
104 of hazing by putting bed bugs in her bed. She told them that hazing was not only against the law,  
105 but against school policy – as well as the ZIP by-laws. Harper's response was a bit unnerving –  
106 they told Mandy that "it was better to have a few bug bites than maggots gnawing at your flesh."  
107 We all knew that Harper was really into bugs, but that was nothing short of grotesque and, well,  
108 frightening.

109  
110 Soon thereafter, we got the third Feat – a cinnamon challenge. The Zippers all gathered in the  
111 house on September 6, 2021, to see what Harper called a "spectacle." Harper said that Mandy had  
112 to eat three teaspoons of cinnamon because she did a bad job cleaning up after the last challenge,  
113 but Dana and I only had to eat one teaspoon. That didn't make sense because Mandy and I did the  
114 cleaning together. Then Harper upped the discomfort aimed at Mandy by refusing to allow her to  
115 have any water to wash down the cinnamon. Almost immediately, we all began to cough, sneeze,  
116 and wheeze. It was impossible to breathe. Huge plumes of brown clouds filled the room. It was  
117 horrible – even painful. The conditions were even worse for Mandy. The extra cinnamon made  
118 her go into a massive asthma attack. When I realized what was happening, and was able to speak,  
119 I said I was taking her to the hospital. Harper insisted that he/she/they go too. I was furious at  
120 Harper, but they did have a car.

121  
122 While Mandy was with the doctor at Lincoln County Medical Center I told Harper that I knew  
123 they were trying to hurt Mandy with their stunts. Harper coolly looked at me and, without denying  
124 what they did, and said "maybe she won't be such a cockroach from now on. Who knew cinnamon  
125 could be used as a pesticide?" Harper then looked me right in the eyes and said, "This is your  
126 friend's last warning and if you aren't careful, you will be on my list as well." I was starting to  
127 think that Harper was really dangerous. When Mandy was released, she laughed it off. I knew  
128 Mandy was just trying to show that she had the fortitude to make it as a Zipper, but I was  
129 uncomfortable around Harper. We drove back to the ZIP house with an unnerving silence around  
130 us.

131  
132 The next morning, I filled Mandy in on Harper's latest threats. My reaction was to quit and let the  
133 well-off have their special privileges. I could see the price of joining their little club was much  
134 more than a few days of juvenile stunts. But Mandy was such a strong person: she was not going  
135 anywhere. Mandy decided that she was going to push back. Mandy sent an email to Harper that  
136 pretty much told it like it is. If Harper wasn't going to stop threatening us, Mandy was going to

137 let the world know what was going on. Mandy copied me on it. I was appalled when Harper  
138 responded with something like “You didn’t die this time.” I kept that email, and I later turned it  
139 over to the police.

140  
141 I know that Mandy meant every word. She was going to take action. On the evening of September  
142 11<sup>th</sup>, Dana and I walked in on Mandy reading the ZIP’s affirmative statement against pledge hazing  
143 on the national website. I believe Mandy was going to finally turn Harper in – something I very  
144 much supported. Dana made it clear that doing that was like stabbing Harper in the back. Dana  
145 said that if we wanted to “be part of the world they came from we had to learn to keep our mouths  
146 shut.” I knew the two of them, Dana and Harper, were in it together.

147  
148 The next day, Harper gathered Dana, Mandy, and me for the final challenge in the Feat of Fortitude  
149 - planking. Looking back now, that meeting was surreal. Everybody was acting like nothing had  
150 happened. We even joked about the famous New Zealander who died planking in 2016. But, it  
151 wasn’t a joke, it was one final warning. One that I wish we, Mandy and I, had realized.

152  
153 Harper gave each of us a location on campus that they specifically selected for us to plank. I was  
154 supposed to creatively plank at the Student Union. Dana was to plank at the football stadium.  
155 Mandy was to plank at the Friendship *Paifang* given to Acari from our sister school, Poeny  
156 University in China. I didn’t know much about the Friendship *Paifang*, but I knew it was a wooden  
157 gate that was really old and stood out like a sore thumb among the rest of the campus’s red brick  
158 buildings. It was also like 30ft tall or something. Before the meeting ended, Harper reminded us  
159 that this was the final challenge – so we had to make it good, just like it said in our pledge promise.

160  
161 We set out that night to do the final challenge. I planked on the railing of the stairs leading into the  
162 Union. Nothing original, but I was at the top of the three flights, so even though it wasn’t  
163 dangerous, it seemed like it. Dana, in an effort to outdo me, shimmied up the goalpost and planked  
164 there. It looked cool but was pretty risky if you ask me. Finally, it was Mandy’s turn. When we  
165 arrived at the *Paifang*, it was clear this location was going to be challenging. The gate had narrow  
166 legs and an

167  
168 ornamental top. Frankly, there was nowhere for Mandy to plank except for the very top of the darn  
169 thing. I pleaded with her to just plank beneath it and let it go. Dana, however, told her that was  
170 lame and that she had to excel to be a Zipper, egging her on to do something “extraordinary.”  
171 Mandy got that look in her eyes – she would not be outdone.

172  
173 With a boost from Dana and me, Mandy started climbing to the top of the gate. The higher Mandy  
174 went, the more the *Paifang* began to creak, but Mandy was determined. The entire time, Dana  
175 kept taunting her, pushing her higher and higher. At one point Dana even said, “Do it, you show  
176 Harper you’ve got true fortitude.” I, on the other hand, pleaded with her to come down. I was  
177 afraid something was going to happen, and something did. I remember it clearly. Time moved  
178 very slowly. As Mandy slid into place, she started to giggle. She said that there were a ton of bugs  
179 all over the *Paifang*. I turned to Dana, to try and get them to agree that this was crazy. Then I heard  
180 that awful sound. There was a loud crack, and the entire part of the *Paifang* where Mandy was  
181 climbing just snapped off. Mandy screamed. I turned my head and shut my eyes. She had to have  
182 been at least 25 feet off the ground. I heard her head hit the ground, and I could hear the awful

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183 sounds of her spine shattering. I was silent. Dana gasped. She was gone the moment she hit. I'm  
184 sure of that.

185  
186 The rest of my time at Acari was filled with police, reporters and constant badgering from the rest  
187 of the students. Not only was Mandy dead because of Harper, but my life was ruined too! I could  
188 no longer stay at Acari. The pain was too great. I made arrangements to transfer to UNM, and I  
189 stayed as far as possible from anything with a Greek letter on it. I finally escaped from Harper, but  
190 I hope they do not escape justice.

191  
192 Alex Otter  
193 Signature

December 8, 2021  
DATE

## 1 **Statement of Corin Boon**

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

10  
11 I guess I should explain. I'm a botanist and a life-long plant enthusiast. I never thought someone  
12 with my background would be welcome at a place like Acari, but I had some of the best grades,  
13 nationwide, in our home school association, so I applied anyway. Getting accepted to Acari was  
14 unreal. Once I got to Acari, I never wanted to leave, so after I finished college, I ended up staying  
15 for another 8 years to get my master's and PhD in botany. I also picked up an undergraduate minor  
16 in entomology along the way, and I did some research projects about the interaction between native  
17 plants and foreign insects. I am by no means an expert in entomology, but if you want to have a  
18 career in academia, even with a degree from Acari, you have to be willing to diversify. After I  
19 became Dr. Boon, I applied to a few places. But there aren't many botany slots open in a year, and  
20 when I missed out on the job at Utah State, I decided to stay as a post-doctoral researcher and to  
21 teach at Acari while I worked on writing up my research for publication.

22  
23 I was in the middle of my post-doc research on invasive ground plants at Acari when I met Harper.  
24 It was the fall term in 2018, and I was teaching an introductory biology class as part of my post-  
25 doc work. As one of the most junior members of the staff, I had to teach a ton of low-level courses.  
26 I was also the administrator in charge of the botany laboratory, and our Department Chair asked  
27 me to take over the entomology labs next door, too. A week before classes were set to begin, I was  
28 approached by Chip Stork, a senior and the pledge master at Zeta Iota Pi, or ZIP as it's known here  
29 at Acari. ZIP gets around the formal rush process by "tapping" the best and brightest students in  
30 each freshmen class earlier than anyone else can get to them.

31  
32 Anyway, back to the fall of 2018. I was working late in the botany lab one night when Chip burst  
33 in, looking panicked. It turned out that Harper Marmalard, one of the new ZIP members, was in  
34 serious danger of having their GPA fall below the 3.5 average required for Zippers. Chip kept  
35 saying that Harper was the most dedicated Zipper he had seen since arriving at Acari and that  
36 Harper was destined to become ZIP president one day. Harper's father was a big ZIP donor, and  
37 Harper's family was, like, all Zippers. It would have been really bad to lose them.

38  
39 I did my best to console Chip, especially since I had no idea how I would be able to help him with  
40 this Harper situation. I said as much to Chip, and that's when things started to get weird. Chip  
41 got a strange glint in his eye and said, "Oh but you *can* help us, Corin. Harper needs one more A,  
42 and you can give it to them." Chip said Harper was really struggling to balance his schoolwork  
43 and being a Zipper, and that he needed someone to cut them a break. I told Chip that I didn't *give*  
44 anyone an A; that hardworking students earned good grades. Chip looked really upset though, so

45 I told him I would keep in mind that Harper had a lot going on when I was grading their work.  
46 Chip thanked me and told me I was a true Zipper.

47  
48 I realized quickly Harper wanted more than just a break on a test or two, since they didn't show  
49 up for a single class the first half of the semester. All of the papers they turned in were short,  
50 sloppy, and clearly written without any effort. I send out mid-semester evaluations so my students  
51 know how they're doing, and Harper's had a big F stamped across it, since I still had yet to see  
52 them show up to class at all.

53  
54 Two days after the evaluations were sent out, Chip stormed into my lab, holding Harper's  
55 evaluation in one hand and the ZIP by-laws in the other. Chip started yelling about how I had  
56 promised him I would go easy on Harper, and that I was supposed to be giving Harper an A, not  
57 an F. I told Chip that I thought he had just wanted me to excuse a late assignment every now and  
58 then, not give an A to someone who wouldn't even show up to class. Chip said Harper needed all  
59 the time they could get to study for their other classes, and that they couldn't be expected to show  
60 up to my class on top of all of their other obligations. Chip looked scarier than a bleeding tooth  
61 fungus right then, so I agreed.

62  
63 Before I knew it, I was accepting anything Harper turned in for any class I taught as being the best  
64 of the best even though the papers got worse and worse. The worst of them all was Harper's  
65 midterm report for the Botany 301 class I taught during the 2019 spring term. I still remember  
66 what the topic was – the virtues of milkweed. It couldn't have been longer than 350 words. I  
67 grabbed the paper from Harper and pointedly wrote an A- across the top after briefly reading what  
68 was nothing more than pure drivel.

69  
70 However, in fairness to Harper, they did show promise when it came to entomology. Even though  
71 I loathed what they and ZIP did to my integrity, I couldn't help but want to help Harper with their  
72 academic passion. So when Harper asked me for a space to do some independent research in the  
73 entomology lab, my anger melted away. At the start of their junior year, Harper began a pretty  
74 massive project studying the effects of wood boring Southwestern insects on wooden structures. I  
75 happily obliged. Hindsight and mistakes in judgment aside, I liked Harper's company. Well, at  
76 least I did at first.

77  
78 But, from the moment they started working in my lab, they would drop hints about other Zippers  
79 who needed a little extra academic boost, and ask me repeatedly if I would let them slide in my  
80 classes. I know I should've told them no, but each time Harper told me it would be the last Zipper  
81 that needed my help. While Harper was at Acari, there must've been twenty or so instances of  
82 Zippers getting A's from me for doing close to absolutely no work. I felt terrible, but my hands  
83 were tied. If I came forward, I would lose everything: my job, my lab, my plants. My plan was to  
84 wait until Harper graduated, and then stop the scam. Full stop.

85  
86 In 2021, Harper started their senior year as an accomplished entomology major. While working in  
87 my lab, Harper got really interested in the Formosan Subterranean Termite. While the species isn't  
88 native to New Mexico, Harper decided to do their senior thesis on it. As the director of the lab, I  
89 had to OK the project and didn't really see any harm in adding this particular species to our  
90 collection. The Formosan might have been a bit more dangerous than your standard termite, but

91 we had a lot of institutional knowledge in containing and studying aggressive insects. Harper got  
92 obsessed with the research. At first, I liked how dedicated they were, but then it started to get a  
93 little weird. Harper would stay up all night just staring at the terrarium where the termites were  
94 housed. I saw references to “super termites” in their log notes and I know they would commonly  
95 separate large swaths of the colony to run random experiments. Some of it seemed so off base  
96 when they would tell me about it that I ended up not really paying attention to what he/she/they  
97 were doing.

98  
99 Making matters somewhat worse was the fact that Harper had finally risen in the ZIP ranks and  
100 was now the pledge master. On August 16<sup>th</sup>, 2021, Harper walked into the lab with a big grin on  
101 their face. They said they were going to tap Alex Otter, Dana Stork, and Mandy Pepperidge. They  
102 were confident that they would be the “greatest pledges ZIP had ever seen”. However, just a few  
103 weeks later, Harper came into the lab looking panicky. They were talking so fast I could barely  
104 understand them, but the gist of it was a problem with one of the new pledges, Mandy. Harper said  
105 that Mandy had found one of their old “papers” for one of my classes in the ZIP archives and was  
106 well on her way to uncovering the whole Zipper paper scheme. A rush of dread overcame me.  
107 My first reaction was wrong. I said we couldn’t let that happen.

108  
109 Harper thought that if they just didn’t allow Mandy to graduate from the pledge class and become  
110 a full-fledged Zipper, it would solve the problem. Harper nodded slowly as I explained this, and  
111 Harper said that the only way to get Mandy to keep quiet was to scare her into silence. Harper  
112 wanted to send a message that ZIP was nothing to mess around with. Then Harper got the idea to  
113 use bedbugs to get back at Mandy. The plan was to release a few of them into Mandy’s room the  
114 following night. I didn’t like this idea, but on the other hand, Mandy wouldn’t be seriously hurt,  
115 and we needed this problem fixed. I gave a very soft no and didn’t exactly stop Harper when  
116 he/she/they walked out of the lab that night carrying a mason jar.

117  
118 I didn’t see Harper at the lab for the next few days, but I just assumed they were busy with school  
119 and ZIP and the bedbugs had sorted Mandy out. Then on September 9<sup>th</sup>, Harper came into the lab  
120 in a rage. Harper said that Mandy was still on their tail, so Harper had to take more drastic action.  
121 Harper told me about setting up a Feat of Fortitude called a “cinnamon challenge” that landed  
122 Mandy in the hospital. Harper said Mandy still wouldn’t drop the paper scam and had even sent  
123 Harper an email threatening to bring down ZIP if Harper didn’t stop the hazing. I had never seen  
124 Harper so angry.

125  
126 I was shocked that Harper had put a student in serious danger and told Harper to drop the whole  
127 thing. I told Harper that it seemed like Mandy was willing to keep the paper scam to herself so  
128 long as Harper left her alone and admitted her to ZIP. I wasn’t sure if that was true, but Harper  
129 was scaring me, and I needed to calm them down. Harper wouldn’t calm down, though, and kept  
130 saying they needed to scare Mandy and protect the ZIP legacy.

131  
132 Around 6 o’clock that night I met with some other faculty to talk about funding for new lab  
133 equipment. I was worried about leaving Harper unattended, but they said they just wanted to check  
134 on the termites one more time, and then they would lock up and go home to think more about what  
135 to do. As I was walking out the door to the lab, I heard Harper mutter to something that sounded  
136 like Mandy’s name and the two words “breaking point.”

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137 The next day was a pretty ordinary one. I was in the lab by 9am and out by 5pm. On my way out,  
138 I passed the terrarium where Harper was keeping termites and glanced at the colony. It looked like  
139 there were way fewer termites crawling around in there than usual, but I also know that termites  
140 love to find small spaces to burrow in, and I assumed that a number of the little guys were just  
141 playing hide-and-seek. It also crossed my mind that some of the colony might have died due to a  
142 nasty bacterial contamination that affected some of the other species in the lab, but Harper didn't  
143 record any contamination in his research logs and it had been a few weeks since our last outbreak.  
144

145 Now, of course, I know where the termites went. Harper took them after I left the lab that night  
146 and deposited them on the *Paifang* that the police told me collapsed on Mandy. It's no coincidence  
147 that the police found Formosan termites on the *Paifang*. I've been to that gate on campus – who  
148 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  
149 over the years hang off that thing. It wouldn't just fall apart unless it was pushed. I just can't  
150 believe Harper would've taken things this far. We have Giant Japanese hornets, TseTse flies, and  
151 Black Widow spiders in our entomology lab, but I guess Harper was the real killer at Acari.  
152

153  
154 Corin Boon  
155 Signature

December 10, 2021  
DATE

## 1 **Statement of Harper Marmalard**

2  
3 My name is Harper Marmalard, and I'm 22 years old. I currently live with my parents in Rye,  
4 New Mexico. I don't work and I don't go to school. Since getting expelled from Acari University  
5 in early October 2021, I've dedicated all of my time to clearing my name and resuming what was  
6 a fast-path to success in the field of entomology. I'm not perfect. I'll never claim to be. I've made  
7 mistakes – a lot of them – and I'm willing to admit all that I've done wrong. But, I didn't want  
8 Mandy Pepperidge dead and I most certainly will continue to deny that I had anything intentional  
9 to do with her dying. If there was foul play, it wasn't me. Mandy killed Mandy, or fate did. She  
10 died because of a freak accident. She knew what she was doing and took responsibility for the risk  
11 involved.

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

19  
20 I was always told I was the best, the smartest, the funniest, the nicest. It got to my head. I admit  
21 that even in high school I was a bully. I would pick on lots of people for how they dressed or how  
22 they acted. For some reason, I didn't see anything wrong with that. I thought it was cool. I had  
23 it all twisted. I realize this now and I think that is why it is apparent that everything I say is true.

24  
25 When I got to college in the fall of 2018, it was as if I was able to pick up right where I left off in  
26 high school. During my freshman year, after getting initiated into ZIP, my grades for the first time  
27 in my life started to flail a bit. I couldn't get by on just being smart like high school and pledging  
28 the honor society was quite a distraction. My pledge master, Chip Stork, didn't want to see me  
29 get kicked out of ZIP for falling below the mandatory 3.5 honor society G.P.A. So, he had a talk  
30 with my biology professor, Corin Boon. The three of us then had a secret meeting in the archives  
31 of the ZIP house, and I was told that I didn't have to go to that class anymore and that my grade  
32 would be taken care of. Well it worked. I got an A in biology and cruised through the semester  
33 with a 3.7 G.P.A. I knew it was wrong to cheat the system, but since it was being arranged by ZIP,  
34 I thought it was OK.

35  
36 Over the rest of my freshman year, sophomore, and junior years, I continued to enroll in every class  
37 where Corin was listed as the professor. When other Zippers found out what was going on, they  
38 too started taking Corin's classes and skating by. We celebrated it as if it was a privilege for the  
39 academically advantaged. By the time I became president of ZIP in the fall of 2021 and pledge  
40 master, the scandal was so large it left almost no Zipper untainted. But now the stakes were higher  
41 for me. I wasn't just a participant, but a promoter.

42  
43 I guess the greatest irony of the entire scandal is that I did my best actual work around  
44 Corin. The geeky truth of it all is that I absolutely love bugs – studying their habits,

45 altering their environments and figuring out what makes them tick. Corin was both doing post-doc  
46 research in botany and supervising the entomology lab. I started my research on wood boring  
47 insects during my sophomore year and by the time my junior year rolled around in 2020, I was  
48 knee deep in one of the largest Formosan Subterranean Termite terrariums in the country. I would  
49 never ever cheat when it came to the Formosans – that was completely sacred!

50  
51 What interested me most about the Formosan is that it was not native to the U.S. and had originally  
52 been introduced through trade with China but flourished in some parts of the U.S. I remain very  
53 curious about the environmental advantages foreign species have in the United States. Better  
54 understanding of our most prolific pests can lead to defeating them and in turn save millions if not  
55 billions of dollars of damage every year. The Formosan was a particularly nasty species, powerful,  
56 destructive, and marching in masses. Some call it a “Super Termite”.

57  
58 I learned of Mandy Pepperidge in August 2021 the week before freshman orientation when the  
59 head of the admission committee met me, as ZIP President, at the ZIP house. We only let three  
60 freshmen in per year. On August 17<sup>th</sup> we chose our pledges. Mandy and Alex made the cut, and  
61 we added Dana Stork, Chip’s younger sibling and a legacy. I owed so much to Chip, and Dana  
62 gave me a chance to pay him back. Zippers stick together. When someone pledges ZIP, they move  
63 into the campus house. I definitely set off to make Alex and Mandy my personal servants during  
64 pledge season, but I treated Dana more like an equal. I think this created some resentment right off  
65 the bat. But Dana was a legacy, and that’s tradition for you.

66  
67 Part of my obligation as pledge master was that I had to come up with a series of challenges for  
68 the pledges called the Feats of Fortitude. The Feats were definitely not difficult, and no one could  
69 really call them hazing. They were more like games that were used to form a bond between the  
70 pledges and enhance their commitment to ZIP, as well as provide some public service to the  
71 University, the surrounding community, and even the nation. My big idea for the year was to use  
72 recent internet and social media sensations.

73  
74 For the first Feat of the year, I made the pledges do the ALS Ice Bucket Challenge. The three of  
75 them worked together without any instruction from me and ended up at the athletic department  
76 jammed in a whirlpool machine filled with ice while pouring Dixie cups of water over their heads  
77 and holding a sign that said, “We Stick Together”, which was our tagline. The stunt was a big hit  
78 with the ZIP nationwide and over \$25,000 in donations was raised for ALS. I got all of the credit,  
79 which was cool. It also made me want to push the envelope a bit more for the next challenge. I  
80 wanted to go down as the best pledge master ever.

81  
82  
83 On August 26<sup>th</sup> I unveiled my second challenge. This time I told the pledges that they had to make  
84 a dance TikTok video that highlighted what it meant to be a Zipper. The pledges were stumped as  
85 to how to make it special, so I suggested that they go down into the archives and do it there. The  
86 archives are where we housed all of our academic papers and notes from our classes. Plagiarism  
87 was strictly forbidden, but having a leg up was just another perk of being a Zipper. Well, the  
88 pledges, especially Mandy, took the idea and ran with it. They kept their plan a secret, which was  
89 kind of cute.

90

91 The next morning when Alex and Mandy reported for their special duty, they confronted me with  
92 my worst nightmare. Apparently while cleaning up the mess after the challenge, Mandy came  
93 across one of my papers from a Corin class I took the previous spring called Botany 301. Mandy  
94 started cracking jokes about milkweed, the topic of my paper, and I knew she realized it was not  
95 “A” material by any stretch. I should’ve told them it was a joke or something like that, but it caught  
96 me off guard. Instead, I defended the paper and said of course it was worthy of the grade I got. I  
97 could tell they both didn’t believe me. I was so flustered I shredded my paper in front of them and  
98 told them to get out of my room. My mind was racing.

99  
100 Even though it was a Friday, I didn’t go out that night. I couldn’t. I was paralyzed by the thought  
101 of being exposed as a fraud. I went to the lab the next morning to work on my termite project and  
102 speak to Corin. I ended up telling Corin about how we were both at risk and that we needed to  
103 come up with a solution or else Corin could get fired and I would be expelled from school. We  
104 both agreed that if we simply didn’t let Mandy into ZIP that wouldn’t be enough and would create  
105 resentment, and maybe even revenge. Corin said, “We need to convince Mandy that ZIP is not  
106 something to be messed with and make her afraid of us.” I wasn’t sure how I was going to get that  
107 done but figured I could use the next Feat of Fortitude. Corin said they would work on an idea as  
108 well.

109  
110 That night I searched YouTube and discovered this thing called the “cinnamon challenge”.  
111 Apparently, if you try to eat a tablespoon of straight cinnamon, it is impossible and the results are  
112 truly embarrassing. I figured if I upped the dose for Mandy it would frighten her off. I did read  
113 some stuff about it being potentially harmful to asthmatics, but the risk was small and as far as I  
114 knew the pledges were healthy. I planned to give out the assignment on Sunday, September 1<sup>st</sup>.  
115 Fortunately for me, I got a bit of a head start on scaring Mandy off when she woke up the next  
116 morning with her body covered with small insect bites. I could tell from the pattern that it was the  
117 result of bedbugs. The timing was a bit ironic as Corin and I briefly discussed using the lab’s  
118 supply of bedbugs as a scare tactic, but I dismissed it as being too much too fast. Mandy  
119 approached me that afternoon and accused me of hazing her. I laughed it off and said something  
120 flippant like, “better to have a few bug bites than maggots gnawing at your flesh”.

121  
122 We held the cinnamon challenge in front of all the other Zippers on Friday September 6th. I told  
123 everyone that Mandy didn’t do a good job cleaning up the archives and had to eat three tablespoons  
124 of cinnamon without water while Alex and Dana only

125  
126 had to have one and could use water. The results were hilarious at first. All three of them started  
127 coughing, spitting, and sneezing. You could barely see anything in the room because of the brown  
128 haze that filled the air. But things started to get serious when Mandy couldn’t catch her breath.  
129 She was having a severe asthma attack. Though I wanted to see Mandy recognize the consequences  
130 of what she was considering, I didn’t want her to die!

131  
132 Alex and I loaded Mandy into my car and we headed down to Lincoln County Medical Center,  
133 which was close. Fortunately, we got her there in time and a doctor said that Mandy would need  
134 some sort of nebulizer treatment but would be fine. Alex and I waited in silence. I could see Alex’s  
135 frustration building until they turned to me and accused me of intentionally trying to hurt Mandy.  
136 While I certainly didn’t want to see Mandy in the hospital, I know it looked really bad. I said,

137 “C’mon it was supposed to be fun, nothing wrong with pushing your limits.” When Mandy was  
138 released, she came up to both of us and thanked me for saving her life. Mandy even said that she  
139 didn’t have the fortitude to withstand everything. At that point I thought it was over.

140  
141 I was wrong. The next day I got an email from Mandy that actually threatened me and ZIP for  
142 hazing her. I couldn’t imagine how she went from being apologetic to accusatory. I never should  
143 have said anything to Alex, and I should’ve waited a bit before responding, but I was upset and  
144 wrote something stupid. Tone and intention is never conveyed well in email. I decided I needed to  
145 go to speak to Corin again before I made an even bigger fool of myself.

146  
147 It was our regular Friday lab session, and I was discussing the final Feat of Fortitude with Corin  
148 Boon. I told Corin that it was going to be a planking event and that Alex, Mandy, and Dana were  
149 going to be assigned a few iconic locations around campus to pull off the stunt. Corin asked if I  
150 knew what I was going to have Mandy do. I said I hadn’t given it much thought but was thinking  
151 about maybe assigning her the Friendship *Paifang* which was in front of the Asian Studies  
152 building. My night got worse when I realized that because of all of this stuff, I had been neglecting  
153 my termite colony and half of them were dead from some odd bacterial infection! After Corin left,  
154 I cleaned out the farm of debris and left for the night. I know I forgot to enter the event in my  
155 logbook, but that was an oversight. I clearly had a lot on my mind then.

156  
157 On Friday, September 12<sup>th</sup>, I called the pledges together to let them know about the final Feat of  
158 Fortitude. I explained what planking was and told them all to be creative, but not stupid. I even  
159 said that under no circumstances was I in the mood to go to the hospital again. I gave Alex the  
160 Student Union as an assignment, sent Dana to the football field, and Mandy over to the Friendship  
161 *Paifang*. Right before they left for the night, Dana pulled me aside and told me how they had  
162 caught Mandy looking at the ZIP national anti-hazing webpage. Dana was very concerned that  
163 Mandy was going to report me for hazing and that I should watch my back. Well, that sent me over  
164 the edge again. I told Dana that I was going to need some help and to make sure

165  
166 Mandy made it back to the house after the stunt was over. I didn’t know what I was going to do  
167 exactly, but I had some dim idea of putting Mandy in the back of my car after taking her phone  
168 and driving out to the desert and making her walk back to campus. That part of my plan never  
169 came to fruition.

170  
171 For the rest of the night, I sat alone in my room trying to figure out how to get Mandy to shut up.  
172 The next thing I really remember was the police coming to the ZIP house and informing us that  
173 Mandy had died after falling headfirst from the top of the Friendship *Paifang*. As the investigation  
174 continued over the next few days, I became the center of attention. The story gained so much  
175 intrigue that it was picked up by the national media. The entire paper scandal was revealed to the  
176 administration by Corin, and I was suspended and then expelled. I was found guilty in the court of  
177 public opinion, and I think the cops charged me with murder just to appease the Twitterverse.  
178 Another internet driven overreaction. Look, when I’ve done a crime, I will do the time. What I did  
179 with the cinnamon challenge was hazing, at least under that legal definition. I read it, I accept that,  
180 and I pleaded guilty. But murder? That’s just crazy talk.

181

182 I was on the fast track to success and then I was stripped of everything including my dignity. I  
183 deserve to be kicked out of school for cheating, but what happened to Mandy was not on me.  
184 Everyone knew the *Paifang* was a rickety old structure. I didn't tell her to climb up it. She could've  
185 just laid at the bottom and snapped a picture. Mandy assumed the risk and unfortunately paid the  
186 price. I know that a lot is being made of the fact that some Formosan termites were found on the  
187 *Paifang*, but I had nothing to do with that at all. Maybe a few of them escaped from the trash when  
188 I cleaned out the colony after the bacterial infection or maybe there were some lying dormant in  
189 the wood itself. I mean the thing was from China after all. Also, I was not the only one with  
190 access to the termites. I don't even like to think it, but I did share a lab with Corin after all. The  
191 cheating scandal certainly doesn't look good for me, but it is the end of Corin's life's work.

192  
193 Harper Marmalard  
194 Signature  
195

December 8, 2021  
DATE

## 1 **Statement of Dana Stork**

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

10  
11 Of course, through all of this ZIP lost its charter at Acari. But my goal is to bring it back to  
12 prominence and reestablish the reputation of the finest honor society in the country. To do that, I  
13 must start by clearing the record, correcting misconceptions, and ensuring that the court of public  
14 opinion doesn't influence what this court decides. Everyone wants to make it out like Harper is  
15 some sort of bad person. Nothing could be further from the truth. Yes, Harper cheated on exams  
16 and faked their way through a few classes, but Harper cared way too much about ZIP and having  
17 an entomology career to risk it all. Disliking Mandy and being fanatical about bugs don't make  
18 Harper a killer. This is just a blame game, and Harper's caught in the crosshairs.

19  
20 My older brother, Chip, graduated from Acari in 2019 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 When I met Harper a few months ago, I finally understood what all the hype was about. I  
29 recognized Harper immediately based on what Chip had told me, but I'm embarrassed to say that  
30 I was a little star struck and couldn't even manage a proper handshake. Harper took it all in stride,  
31 though and said pledges would be tapped on the first official day of freshman classes, which was  
32 August 19. Harper winked and said that I had nothing to  
33 worry about.

34  
35 Although I completely trusted Harper, in all honesty, I was pretty worried about making it into  
36 ZIP. Zippers are the best and brightest of the bunch, and I wasn't sure that included me. In my  
37 family, Chip was the one with the brains, and I was well...the other one. When I was one of three  
38 freshmen pledges selected, I could barely contain my excitement. The other two pledges were Alex  
39 Otter and Mandy Pepperidge. I knew Mandy a bit from earlier that day. During our writing  
40 seminar, the professor gave us a pop grammar quiz. Mandy caught me sneaking a look at her  
41 paper and told on me! I mean, what are you – twelve? Since Mandy didn't have any proof, and I  
42 certainly wasn't going to admit to cheating on the first day for a nothing quiz, I didn't get in any  
43 trouble. Still, I don't think our professor ever really liked me after that. Mandy certainly was not  
44 on my best friend list.

45  
46 Anyway, even though I didn't like Mandy, I was over-the-moon happy when Harper told Mandy,  
47 Alex, and me to move into the ZIP house on August 19<sup>th</sup>. As soon as we got to the house with our  
48 stuff, Harper made this amazing speech about how all of our lives were about to change forever,  
49 and ZIP would help us achieve things that we never thought possible. Alex and Mandy looked  
50 angry when Harper let me get first pick of the rooms, but neither of them said anything about it.  
51 Mandy was your typical type A personality. She needed to be the best at everything, even room  
52 selection!

53  
54 When Mandy realized that she and Alex were being dragged out of bed at 6am to make Harper  
55 breakfast and I wasn't, Mandy pretty much lost it. Mandy barged into my room and started yelling  
56 about how she knew I was getting special treatment because my brother was a legacy, and that she  
57 and Alex were about ready to tell ZIP national about what Harper was doing. I calmly told Mandy  
58 that I didn't know what she was talking about, but that I doubted anyone in ZIP would take the  
59 word of a lowly freshmen pledge over that of the house's senior pledge master. I guess Harper did  
60 favor me a little bit, but that's just because Harper knew how much finally becoming a Zipper  
61 meant to me, even if I wasn't as much of a brainiac as Alex and Mandy.

62  
63 The ZIP rush process consists of something called the "Feats of Fortitude", which are basically  
64 glorified bonding and service activities that the ZIP pledge class does every year. In a typical  
65 show of brilliance, Harper had the idea of making this year's Feats feel especially current by basing  
66 them on recent social media trends. For the first Feat, Harper told us to make an ALS Ice Bucket  
67 Challenge video that would do the entire ZIP house proud. Alex, Mandy, and I came up with this  
68 great idea to sneak into the athletic department after hours and shoot a video of us sitting in the  
69 whirlpool machine pouring ice water over our heads. Funny how Mandy had no issue trespassing  
70 or taking a risk when she thought it would benefit her. But, when I tried to cut a corner, out came  
71 the whistle.

72  
73 After Alex and Mandy were talking about the valedictorian speeches each of them made at their  
74 respective high school graduations. I rolled my eyes a couple of times, and not-so-subtly splashed  
75 some water in their general direction, but they were 100% obsessed with talking about how brilliant  
76 their syntax had been. Finally, I couldn't take it anymore, so I said: "There is a lot more to being  
77 a Zipper than your GPA, you know." As usual, it was Mandy who answered, saying that ZIP was  
78 an honor society, so of course academics were important. I mumbled something about how Harper  
79 wasn't even that good of a student, and they seemed to be doing pretty well in ZIP.

80  
81 On August 26<sup>th</sup>, Harper called Mandy, Alex, and me into the ZIP assembly room and told us that  
82 our second Feat would be to make a dance TikTok video. I've watched my fair share of dance  
83 videos, but coming up with an original idea for one that would impress Harper and the other  
84 Zippers was a whole different story. Harper suggested that we shoot the video in the basement of  
85 the ZIP house, where the ZIP academic archives were located. We decided to have the video start  
86 with us studying in the archives, and then

87  
88 have the older Zippers start dancing and throwing files around. Harper really liked the plan, except  
89 the part where the Zippers would throw around old files. Harper said that we should throw around  
90 blank paper, since it would be a mistake to disturb any of the actual files. Harper was actually

91 pretty insistent that no one touched *any* of the files, which was a little bit weird, because I  
92 remember a bunch of the other Zippers talking about how no one uses the files anyway. After, the  
93 archives were a complete mess after the shoot. With so many papers strewn about, it was going to  
94 take hours to restore anything like order to the place. Luckily for me, I didn't have to stay with  
95 Mandy and Alex and deal with the mess. Sweet!

96

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

101

102 A few days later on September 1<sup>st</sup>, Harper summoned us again. I think the stress of pledging was  
103 finally getting to Mandy, because she looked terrible. Her eyes had deep circles under them, like  
104 she hadn't slept all night, and her arms were covered in these gross little red bumps. When I asked  
105 her about it, she said that there were bed bugs in her room which had been biting her all night. I  
106 wasn't surprised by this, since Mandy practically had a supermarket in her room so she could snack  
107 while studying late at night. While her endless supply of Oreos might've helped her power through  
108 those all-nighters, I'm pretty sure there was a trail of crumbs leading right to her door. I guess I  
109 should also mention that the day before, August 31<sup>th</sup>, someone who identified themselves as a  
110 former ZIP member came by and asked me where Mandy's room was. They also told me to say  
111 "hi" to Harper, which I forgot to do. I did point them in the right direction.

112

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

120

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

128

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

136

137 Mandy was totally fine, but I don't think she ever forgave Harper for putting her through the  
138 cinnamon challenge. A few days later, Alex and I stopped by Mandy's room on our way to dinner  
139 to see if she wanted to come with. Mandy was bent over her computer, looking at the ZIP's  
140 statement against hazing. When Mandy noticed us standing there, she said she was just doing some  
141 research, but I was pretty sure she was digging around to get Harper in trouble. I told her that she  
142 was being silly, and that she couldn't seriously think that what happened with the Cinnamon  
143 Challenge was deliberate hazing. It was just a mistake.  
144

145 On September 12<sup>th</sup>, Harper told us about the fourth and final Feat of Fortitude, which sounded like  
146 the most fun yet. Each of us was given a location on campus where we would plank and the others  
147 would take pictures of it. Alex was supposed to plank at the Student Union, I was told to plank at  
148 the football stadium, and Mandy was assigned to plank at this old gate in front of the Asian Studies  
149 building called the *Paifang*. At the time, I wished I was given the *Paifang* for my assignment. It  
150 was really the coolest and most iconic structure on campus. Sure it was old and a bit worse for the  
151 wear, but even to be photo'd underneath of it would have been pretty cool. Harper was emphatic  
152 that we should all be very careful and make sure not to take any stupid risks. Harper said, "I want  
153 to make sure we don't end up back at the hospital, so don't do anything dumb."  
154

155 After the announcement, when Harper pulled me aside and said that the pledges had done really  
156 well with the Feats of Fortitude. I told Harper what I saw Mandy looking at on her computer.  
157 Harper looked really angry for a second, but then they smiled, thanked me for the heads up, and  
158 said that they would "take care of it." I wasn't sure what that meant, but Harper did ask me if I  
159 wanted to join them and Mandy after the final challenge was over. I guess Harper just wanted to  
160 clear the air away from the house and away from distraction. It felt really good tattling on Mandy  
161 instead of the other way around.  
162

163 We set out that night around eight. First we went to the Student Union, and Alex planked on the  
164 railing by the main staircase. It was pretty lame, but I guess they don't teach you how to plank in  
165 calculus class. When we got to the stadium, I decided to show Alex and Mandy how it was done,  
166 so I climbed up the goal post and planked along the crossbar.  
167

168  
169 Finally, we went to the *Paifang*. There wasn't really a good place for Mandy to plank, so we spent  
170 a few minutes scoping out the gate, trying to imagine what Harper had in mind. Mandy spotted a  
171 little ledge at the top of the gate and pointed it out to us. Alex looked scared and told Mandy that  
172 there was no way Harper would expect Mandy to do something that dangerous. Alex told Mandy  
173 to just plank under the gate and call it a day. I thought planking under the gate barely even counted  
174 as planking and told Mandy as much. Mandy said she wanted to prove to Harper she deserved to  
175 be in ZIP as much as anyone. Alex pleaded with Mandy, saying she didn't have to prove anything,  
176 but Mandy was determined. No one pushed Mandy to do it. Mandy climbed up the *Paifang* because  
177 she wanted to. She knew the risks. There's always a risk when you climb something 20 feet off  
178 the ground. But, like I said, Mandy was type A all the way and I guess wanted to show me up.  
179

180 As soon as Mandy started climbing, the gate started creaking. Alex got really freaked out and kept  
181 telling Mandy to come down, but Mandy was determined to make it to that ledge. That was a clear  
182 warning sign, but Mandy didn't heed it. She decided herself to push along higher and higher. I

2022 New Mexico Middle School Mock Trial Program  
New Mexico v. Harper Marmalard

183 guess I egged her on a bit, but I swear on my ZIP's honor that I didn't think anything bad would  
184 happen. After a few minutes, Mandy finally made it most of the way up the structure. She was  
185 getting ready to start planking when she said this weird thing about how there were a bunch of bug  
186 stickling her. Alex was shouting at me, so I looked down. I heard the shingles where Mandy was  
187 resting break. It happened fast, so I didn't really see it, but I know Mandy landed on her head. We  
188 called 911. By the time the paramedics arrived it was too late. Alex was in tears, and I was pretty  
189 quiet. I did pick up one of the pieces of wood that fell off the *Paifang* while I was waiting. The  
190 wood practically disintegrated in my hand, but I didn't see any bugs on it.

191  
192 Of course, I'm sad about what happened to Mandy, but blaming Harper for this is ridiculous.  
193 Harper never told Mandy to climb that ledge and Harper certainly didn't make that piece of wood  
194 fall off the *Paifang*. In fact, Harper warned Mandy against doing anything dangerous. I know it  
195 sounds weird blaming a dead person, but if Mandy hadn't been so determined to prove herself,  
196 none of this would have happened. Now the Acari chapter of ZIP has been shut down and my  
197 dream of beingpledge master like Chip is ruined.

198  
199 Dana Stork  
200 Signature

December 9, 2021  
DATE

## **Exhibit List**

- Exhibit 1:** Sheriff's Dept. Incident Report, including Structural Engineering Report
- Exhibit 2:** Photo of *Paifang* with close-up of termite infestation
- Exhibit 3:** Harper Marmalard's Formosan Termite Log

## Exhibit 1

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

### Incident Report

Date(s)/Day(s) of Incident: September 12, 2021	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, 2021	

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
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**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 1/14/2003) 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, 2021

**UPDATE 1 (9/14/21, 9:45 a.m.):** Witness OTTER called on my cell phone to advise 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 (9/14/21, 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 (9/14/21, 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 (9/14/21, 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 (9/16/21 9:30 a.m.):** Documents received from Registrar. Placed in case file as Attachment 1.

**UPDATE 6 (9/17/21, 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.

**ATTACHMENT 3**  
**ZILLIAS ENGINEERING**  
**REPORT OF STRUCTURAL COLLAPSE, 09/12/2021**

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 insects. 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 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

## Exhibit 2

### Friendship Paifang – Formosan Termite Damage and Location



**Fig. 1a – 1c:**

**Wood removed from Acari University Paifang after Mandy Pepperidge's Death 9/2021**

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 2020.**

Gift from Poeny University in Luoyang, China circa 1860

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

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



## Exhibit 3

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Lead Investigator: **Harper Marmalard**  
 Lab Director: Corin Boon, Ph.D.  
 Term: Fall 2021  
 Thesis: Effects of Chemical and Natural Catalysts  
 on Colony Behavior and Reproductively

# Coptotermes Formosanus

## Formosan Subterranean Termite

# Activity Log

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DATE	ACTIVITY	COMMENTS	INITIAL
8.18.21	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
8.19.21	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
8.20.21	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
8.21.21	Second attempt of pheromone secretion collection	Success! Will be used to promote additional development of winged reproductive over non-winged from nymphs.	HM
8.22.21	Initial collection of King pheromone secretion	Success! Will be used to promote additional development of workers over soldiers from larvae.	HM
8.25.21	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
8.26.21	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
8.27.21	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
8.28.21	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
8.29.21	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
8.30.21	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
9.1.21	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
9.2.21	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



## 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>