



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

2023 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 October 20, 2023.** The final update will be posted no later than **October 25, 2023.**

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

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

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

Introduction and Acknowledgments

Welcome to the 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 excitedly offered the 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, Raquel Medina-Leyba, 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 Jessie Lundschen. 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 William P. Johnson, US District Court in Las Cruces, and Chief Judge Conrad F. Perea, Third Judicial District Court for their support of mock trial. We also express our gratitude to all other esteemed judges and the dedicated staff of both courts for their support of our mock trial program.

We also extend special thanks to the New Mexico Legislature for the annual funding provided to the mock trial program and the University of New Mexico School of Law for acting as the fiscal agent. We hope you find these materials interesting and wish you all the best of luck!

Case Summary

Acari University is one of America's best-known places of higher education. Founded in 1850, shortly after New Mexico became a U.S. territory, it perennially ranks in the U.S. News and World Report Top Ten Undergraduate Colleges and its research programs in the arts, sciences, and engineering are world renowned. Acari was one of the first of America's elite universities to become co-educational, and since 1927, Acari Alumni have 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 2022, 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.

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

Marmalard stands accused of homicide. The principal witnesses against her/him/them are the former pledge and friend of Pepperidge, Alex Otter, and Marmalard's 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, 2022, 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, 2022

/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, 2022

/s/ Matty Simmons
District Judge

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

No. D-1226-CR-2019-00499

STATE OF NEW MEXICO,

Plaintiff,

vs.

HARPER MARMALARD,

Defendant.

Arraignment and Plea Proceeding

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

1. Defendant Harper Marmalard appeared in person accompanied by her/his/their attorney, Matty Clayton, and was formally arraigned in open court.

2. Defendant Harper Marmalard entered a plea of NOT GUILTY to the charge of FIRST DEGREE MURDER contained in the Criminal Information, which plea has been received by the Court and ordered of record herein.

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

IT IS SO ORDERED

Date: November 15, 2022

/s/ Matty Simmons
District Judge

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

No. D-1226-CR-2019-00499

STATE OF NEW MEXICO,

Plaintiff,

vs.

HARPER MARMALARD,

Defendant.

Memorandum and Opinion

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

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

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

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

small portion of the arch. The State further alleges that Marmalard took affirmative steps to ensure that Pepperidge would fall, including infesting the arch with aggressive termites that weakened the structure.

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

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

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

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

BY THE COURT:

/s/ Matty Simmons
District Judge

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

No. D-1226-CR-2019-00499

STATE OF NEW MEXICO,

Plaintiff,

vs.

HARPER MARMALARD,

Defendant.

Stipulations

1. All documents, signatures, and exhibits, including pre-markings, included in the case materials are authentic and accurate in all respects; no objections to the authenticity of the documents will be entertained. The parties reserve the right to dispute any legal or factual conclusions based on these items and to make objections other than to authenticity.
2. Jurisdiction, venue, and chain of custody of the evidence are proper and may not be challenged.
3. All statements were notarized on the day on which they were signed.
4. All evidence was constitutionally recovered and all statements were constitutionally obtained. No objection will be entertained to the constitutionality of any evidence, nor will any motions to suppress on constitutional grounds be permitted.
5. Defendant Harper Marmalard has waived her/his/their rights against self-incrimination under the Fifth Amendment to the United States Constitution, and either party may refer to Marmalard's decision to testify in opening.
6. Mandy Pepperidge was alive on September 12, 2022.

7. Mandy Pepperidge was killed nearly instantly when she fell from the Paifang arch at Acari University on September 12, 2022. The cause of her death was the fall from a height greater than 15 feet which broke her neck and collapsed a portion of her skull.
8. Alex Otter, Dana Stork, Harper Marmalard, and Corin Boon were all interviewed by the Lincoln County Sheriff’s Department in preparing Exhibit 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. She/He/They was/were sentenced to one year of imprisonment, which was suspended and would be eliminated if they completed three months’ probation, 360 hours of community service, and paid a \$2000 fine.
11. 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, 2022

Applicable Law

Applicable Statutes

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

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

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

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

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

For the Defendant, Harper Marmalard:

- **Harper Marmalard (she/he/they):** Defendant and former President of Acari University ZIP Chapter
- **Dana Stork (she/he/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)
- Formosan (fär-mo-sihn)

WITNESS STATEMENTS

Statement of Alex Otter

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My name is Alex Otter and I will be enrolling at the University of New Mexico as a freshman transfer in January of 2023. Prior to enrolling at UNM, I was enrolled at Acari University. Acari was supposed to be the school to prepare me for the future – that was before Harper Marmalard took it all away from me and killed my only real friend at Acari, Mandy Pepperidge. Acari was my dream school. Now all that’s left are the nightmares.

My parents always told me I was going to be the first person from our family to go to college. But, if I wanted to make that happen, I needed to earn a scholarship. After high school, I graduated 1st in my high school class and I did it all on my own. I wasn’t perfect. When I was a freshman in high school, I stole some DVDs from a store, so I would have a Christmas present for someone I was dating. I felt so guilty about it that I ended up going back to the store and confessing. The police were called, but because I returned the item, nothing happened.

I became interested in Zeta Iota Pi, also known as “ZIP”, a co-ed honor society. You can imagine my disappointment when I found out that ZIP doesn’t take applications – you have to be selected, or “tapped” as ZIP calls it. With 538 students in the freshman class, I thought, what were my chances? So, you can imagine my excitement when I was tapped on the first day of classes for freshmen – August 19, 2022! Harper Marmalard, then ZIP president and pledge master selected me – 1 of 3 freshmen! I accepted immediately, without question or hesitation.

As with any prestigious organization, just accepting the invitation was not enough. ZIP required pledges to do a series of “challenges” – which it called “The Feats of Fortitude.” The law, Acari school policy, and most importantly, the ZIP by-laws prohibited hazing, so there was a bit of a tightrope walk to it, but I knew I could handle it.

Our pledge class – which was Dana Stork, Mandy Pepperidge, and myself – all moved into the ZIP house on August 21, 2022. That day we also met with Harper and the other ZIP leaders. Mandy and I hit it off from the start. We were both serious about science, and I could tell she was really, really smart. Dana was different. I’m not saying Dana wasn’t smart, but they by no means came across as a serious academic. She/He/They got all kinds of perks Mandy and I never got. For instance, they were given a better room and didn’t have to serve Harper each morning at 6:00 a.m. like we did.

During the first meeting, we also learned about this year’s Feats of Fortitude challenges. Our challenge was to work together and come up with something novel – and that is exactly what we did. It was great. We all bonded that day as well. Dana was all too fast to try and impress us and started spilling dirt on the other Zippers – especially Harper. It turns out Harper was a legacy him/herself, and her/his/their father gave a lot of money to ZIP. But apparently Harper was a horrible student. Dana also let it slip that Harper told Dana that they could get Dana into a class that was a guaranteed A. It made me kind of hate Harper even more. I know I was supposed to respect the pledge master and all, but all I could think was that Harper was pure slime.

45 On August 26, 2022, we were given our second challenge – create a dance TikTok video that
46 highlighted what it meant to be a Zipper. The plan was to have all of the Zippers in the archives
47 studying. When the beat dropped, everyone would start dancing uncontrollably and throwing
48 paper. Of course, it would be blank paper, because we didn't want to harm the archives. When we
49 told her/him/them about our plan, Harper was very specific about not touching the files.

50

51 Again, our second video was a success. When it was over, Mandy and I had to clean up. Dana, of
52 course, got special treatment from Harper. While cleaning up, Mandy found a folder labeled
53 "Paper Classes Spring 2022." What she found shocked both of us. It was a series of midterm
54 papers for a class called Botany 301 taught by a post-doc named Corin Boon. The worst of them
55 was written by Harper! It was about the virtues of milkweed as an elixir. The thing was a disaster.
56 The fact that Harper wrote such a bad paper was not the worst part – the worst part was that
57 he/she/they got an A-.

58

59 The next morning we reported for our service duty at Harper's room. That was when things
60 changed. When Mandy showed Harper the file, they got very defensive. She/He/They snapped at
61 both of us, saying every honor society has its secrets. She/He/They even threatened us – saying
62 that if we were worthy, we would find out, but if not, we will zip you up. Harper then ripped the
63 file from Mandy's hands and proceeded to shake it in our faces. She/He/They had a crazed look
64 in her/his/their eyes and was very intimidating when they got angry. Harper yelled at us and told
65 us to get out.

66

67 A few mornings later on Sunday, September 1st, Mandy woke up with bug bites all over
68 her/his/their body. It turned out that Mandy's bed was infested with bedbugs. It seemed odd that
69 only Mandy's bed seemed to have them. As I helped Mandy get rid of her mattress, we discussed
70 whether we thought Harper was hazing her/him/them. There was no other logical conclusion,
71 especially considering the fact that Harper was an entomology major. I mean, entomology is the
72 study of bugs after all! So that afternoon, Mandy and I went to Harper's room where she accused
73 Harper of hazing. Harper's response was a bit unnerving –they told Mandy that "it was better to
74 have a few bug bites than maggots gnawing at your flesh." We all knew that Harper was really
75 into bugs, but that was frightening.

76

77 Soon thereafter, we got the third Feat – a cinnamon challenge. Harper said that Mandy had to eat
78 three teaspoons of cinnamon because she did a bad job cleaning up after the last challenge, but
79 Dana and I only had to eat one teaspoon. That didn't make sense, because Mandy and I did the
80 cleaning together. Harper also refused to allow Mandy to have any water to wash down the
81 cinnamon. Almost immediately, we all began to cough, sneeze, and wheeze. It was impossible to
82 breathe. Huge plumes of brown clouds filled the room. It was horrible – even painful. The
83 conditions were even worse for Mandy. The extra cinnamon made her go into a massive asthma
84 attack. When I realized what was happening, and was able to speak, I said I was taking her to the
85 hospital.

86

87 While Mandy was with the doctor at Lincoln County Medical Center I told Harper that I knew
88 they were trying to hurt Mandy with their stunts. Harper coolly looked at me and, without denying
89 what they did, and said "maybe she won't be such a cockroach from now on. Who knew cinnamon
90 could be used as a pesticide?" Harper then looked me right in the eyes and said "This is your

91 friend’s last warning and if you aren’t careful, you will be on my list as well.” I was starting to
92 think that Harper was really dangerous.

93
94 The next morning, Mandy decided that she was going to push back. Mandy sent an email to Harper
95 that pretty much told it like it is. If Harper wasn’t going to stop threatening us, Mandy was going
96 to let the world know what was going on. Mandy copied me on it. I was appalled when Harper
97 responded with something like “You didn’t die this time.” I kept that email, and I later turned it
98 over to the police.

99
100 On September 12th, Harper gathered Dana, Mandy, and me for the final challenge in the Feat of
101 Fortitude - planking. Harper gave each of us a location on campus that they specifically selected
102 for us to plank. I was supposed to creatively plank at the Student Union. Dana was to plank at the
103 football stadium. Mandy was to plank at the Friendship *Paifang*. I didn’t know much about the
104 Friendship *Paifang*, but I knew it was a wooden gate that was really old and stood out like a sore
105 thumb among the rest of the campus’s red brick buildings. It was also like 30ft tall or something.
106 Before the meeting ended, Harper reminded us that this was the final challenge – so we had to
107 make it good, just like it said in our pledge promise.

108
109 We set out that night to do the final challenge. I planked on the railing of the stairs leading into the
110 Union. Nothing original, but I was at the top of the three flights, so even though it wasn’t
111 dangerous, it seemed like it. Dana, in an effort to outdo me, shimmied up the goalpost and planked
112 there. It looked cool, but was pretty risky if you ask me. Finally, it was Mandy’s turn. When we
113 arrived at the *Paifang*, it was clear this location was going to be challenging. The gate had narrow
114 legs and an ornamental top. Frankly, there was nowhere for Mandy to plank except for the very
115 top of the darn thing. I pleaded with her to just plank beneath it and let it go. Dana,
116 however, told her that was lame and that she had to excel to be a Zipper, egging her on to do
117 something “extraordinary.” Mandy got that look in her eyes – she would not be outdone.

118
119 With a boost from Dana and me, Mandy started climbing to the top of the gate. The higher Mandy
120 went, the more the *Paifang* began to creak, but Mandy was determined. The entire time, Dana
121 kept taunting her, pushing her higher and higher. At one point Dana even said, “Do it, you show
122 Harper you’ve got true fortitude.” I, on the other hand, pleaded with her to come down. I was
123 afraid something was going to happen, and something did. I remember it clearly. Time moved
124 very slowly. As Mandy slid into place, she started to giggle. She said that there were a ton of bugs
125 all over the *Paifang*. Then I heard that awful sound. There was a loud crack, and the entire part of
126 the *Paifang* where Mandy was climbing just snapped off. Mandy screamed. I turned my head and
127 shut my eyes. She had to have been at least 25 feet off the ground. I heard her head hit the ground,
128 and I could hear the awful sounds of her spine shattering. I was silent. Dana gasped. She was gone
129 the moment she hit. I’m sure of that.

130
131 The rest of my time at Acari was filled with police, reporters and constant badgering from the rest
132 of the students. Not only was Mandy dead because of Harper, but my life was ruined too! I could
133 no longer stay at Acari. The pain was too great. I made arrangements to transfer to UNM. I finally
134 escaped from Harper, but I hope they do not escape justice.

135
136 Alex Otter
137 Signature

December 8, 2022
DATE

Statement of Corin Boon

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

10 I guess I should explain. I'm a botanist and a life-long plant enthusiast. I never thought someone
11 with my background would be welcome at a place like Acari, but I had some of the best grades,
12 nationwide, in our home school association, so I applied anyway. Once I got to Acari, I never
13 wanted to leave, so after I finished college, I ended up staying for another 8 years to get my
14 master's and PhD in botany and an undergraduate minor in entomology. I am by no means an
15 expert in entomology. After I became Dr. Boon, I applied to a few places. But there aren't many
16 botany slots open in a year, and when I missed out on the job at Utah State, I decided to stay as a
17 post-doctoral researcher and to teach at Acari while I worked on writing up my research for
18 publication.

19
20 I was in the middle of my post-doc research when I met Harper. It was the fall term in 2019, and
21 I was teaching an introductory biology class as part of my post-doc work. As one of the most junior
22 members of the staff, I had to teach a ton of low-level courses. I was also the administrator in
23 charge of the botany laboratory, and our Department Chair asked me to take over the entomology
24 labs next door, too.

25
26 A week before classes were set to begin, I was approached by Chip Stork, a senior and the pledge
27 master at Zeta Iota Pi, or ZIP as it's known here at Acari. I was working late in the botany lab one
28 night when Chip burst in, looking panicked. It turned out that Harper Marmalard, one of the new
29 ZIP members, was in serious danger of having her/his/their GPA fall below the 3.5 average
30 required for Zippers. Chip kept saying that Harper was the most dedicated Zipper he had
31 seen since arriving at Acari and that Harper was destined to become ZIP president one day.

32
33 I did my best to console Chip, especially since I had no idea how I would be able to help him with
34 this Harper situation. But then things started to get weird. Chip got a strange glint in his eye and
35 said, "Oh but you *can* help us, Corin. Harper needs one more A, and you can give it to
36 her/him/them." Chip said Harper was really struggling to balance his schoolwork and being a
37 Zipper, and that he needed someone to cut her/him/them a break. I told Chip that I didn't *give*
38 anyone an A; that hardworking students earned good grades. Chip looked really upset though, so
39 I told him I would keep in mind that Harper had a lot going on when I was grading her/his/their
40 work. Chip thanked me and told me I was a true Zipper.

41
42 I realized quickly Harper wanted more than just a break on a test or two, since they didn't show
43 up for a single class the first half of the semester. All of the papers they turned in were short,
44 sloppy, and clearly written without any effort. I send out mid-semester evaluations so my students
45 know how they're doing, and Harper's had a big F stamped across it.

46

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

54

55 Before I knew it, I was accepting anything Harper turned in for any class I taught as being the best
56 of the best even though the papers got worse and worse. The worst of them all was Harper's
57 midterm report for the Botany 301 class I taught during the 2022 spring term. I still remember
58 what the topic was – the virtues of milkweed. It couldn't have been longer than 350 words. I
59 grabbed the paper from Harper and pointedly wrote an A- across the top.

60

61 However, in fairness to Harper, they did show promise when it came to entomology. Even though
62 I loathed what they and ZIP did to my integrity, I couldn't help but want to help Harper with
63 her/his/their academic passion. So when Harper asked me for a space to do some independent
64 research in the entomology lab, my anger melted away. At the start of her/his/their junior year,
65 Harper began a pretty massive project studying the effects of wood boring Southwestern insects
66 on wooden structures. I happily obliged.

67

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

75

76 In 2022, Harper started her/his/their senior year as an accomplished entomology major. While
77 working in my lab, Harper got really interested in the Formosan Subterranean Termite. While the
78 species isn't native to New Mexico, Harper decided to do her/his/their senior thesis on it. As the
79 director of the lab, I had to OK the project and didn't really see any harm in adding this particular
80 species to our collection. The Formosan might have been a bit more dangerous than your standard
81 termite, but we had a lot of institutional knowledge in containing and studying aggressive insects.
82 Harper got obsessed with the research. At first I liked how dedicated they were, but then it started
83 to get a little weird. Harper would stay up all night just staring at the terrarium where the termites
84 were housed. I saw references to "super termites" in her/his/their log notes. But, I ended up not
85 really paying attention to what he/she/they were doing.

86

87 On August 16th, 2022, Harper walked into the lab with a big grin on her/his/their face. They said
88 they were going to tap Alex Otter, Dana Stork, and Mandy Pepperidge. They were confident that
89 they would be the "greatest pledges ZIP had ever seen". However, just a few weeks later, Harper
90 came into the lab looking panicky. They were talking so fast I could barely understand them, but
91 the gist of it was a problem with one of the new pledges, Mandy. Harper said that Mandy had
92 found one of their old "papers" for one of my classes in the ZIP archives and was well on her way

93 to uncovering the whole Zipper paper scheme. A rush of dread overcame me. My first reaction
94 was wrong. I said we couldn't let that happen.

95
96 Harper said that the only way to get Mandy to keep quiet was to scare her into silence. Harper
97 wanted to send a message that ZIP was nothing to mess around with. Then Harper got the idea to
98 use bedbugs to get back at Mandy. The plan was to release a few of them into Mandy's room the
99 following night. I didn't like this idea, but on the other hand, Mandy wouldn't be seriously hurt,
100 and we needed this problem fixed. I gave a very soft no and didn't exactly stop Harper when
101 he/she/they walked out of the lab that night carrying a mason jar.

102
103 I didn't see Harper at the lab for the next few days, but I just assumed they were busy with school
104 and ZIP and the bedbugs had sorted Mandy out. Then on September 9th, Harper came into the lab
105 in a rage. Harper said that Mandy was still on their tail, so Harper had to take more drastic action.
106 Harper told me about setting up a Feat of Fortitude called a "cinnamon challenge" that landed
107 Mandy in the hospital. Harper said Mandy still wouldn't drop the paper scam, and had even sent
108 Harper an email threatening to bring down ZIP if Harper didn't stop the hazing. I had never seen
109 Harper so angry.

110
111 I was shocked that Harper had put a student in serious danger and told Harper to drop the whole
112 thing. I told Harper that it seemed like Mandy was willing to keep the paper scam to herself so
113 long as Harper left her alone and admitted her to ZIP. I wasn't sure if that was true, but Harper
114 was scaring me, and I needed to calm her/him/them down. Harper wouldn't calm down, though,
115 and kept saying they needed to scare Mandy and protect the ZIP legacy.

116
117 Around 6 o'clock that night I met with some other faculty to talk about funding for new lab
118 equipment. I was worried about leaving Harper unattended, but they said they just wanted to check
119 on the termites one more time, and then they would lock up and go home to think more about what
120 to do. As I was walking out the door to the lab, I heard Harper mutter to something that sounded
121 like Mandy's name and the two words "breaking point."

122
123 The next day I passed the terrarium where Harper was keeping termites and glanced at the colony.
124 It looked like there were way fewer termites crawling around in there than usual, but I also know
125 that termites love to find small spaces to burrow in, and I assumed that a number of the little guys
126 were just playing hide-and-seek. It also crossed my mind that some of the colony might have died
127 due to a nasty bacterial contamination that affected some of the other species in the lab, but Harper
128 didn't record any contamination in his research logs and it had been a few weeks since our last
129 outbreak.

130
131 Now, of course, I know where the termites went. Harper took them after I left the lab that night
132 and deposited them on the *Paifang* that the police told me collapsed on Mandy. It's no coincidence
133 that the police found Formosan termites on the *Paifang*. I've been to that gate on campus – who
134 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
135 over the years hang off that thing. It wouldn't just fall apart unless it was pushed. I just can't
136 believe Harper would've taken things this far. We have Giant Japanese hornets, TseTse flies, and
137 Black Widow spiders in our entomology lab, but I guess Harper was the real killer at Acari.

138
139

140 Corin Boon
141 Signature

December 10, 2022
DATE

Statement of Harper Marmalard

1
2
3 My name is Harper Marmalard, and I'm 22 years old. I don't work and I don't go to school. I'm
4 not perfect. I'll never claim to be. I've made mistakes – a lot of them – and I'm willing to admit
5 all that I've done wrong. But, I didn't want Mandy Pepperidge dead and I most certainly will
6 continue to deny that I had anything intentional to do with her dying. If there was foul play, it
7 wasn't me. Mandy killed Mandy, or fate did. She died because of a freak accident. She knew what
8 she was doing and took responsibility for the risk involved.
9

10 I was always told I was the best, the smartest, the funniest, the nicest. It got to my head. I admit
11 that even in high school I was a bully. I would pick on lots of people for how they dressed or how
12 they acted. For some reason, I didn't see anything wrong with that. I thought it was cool. I had
13 it all twisted. I realize this now and I think that is why it is apparent that everything I say is true.
14

15 When I got to college in the fall of 2019, and after getting initiated into ZIP, my grades for the first
16 time in my life started to flail a bit. My pledge master, Chip Stork, didn't want to see me get kicked
17 out of ZIP for falling below the mandatory 3.5 honor society G.P.A. So, he had a talk with my
18 biology professor, Corin Boon. The three of us then had a secret meeting in the archives of the ZIP
19 house, and I was told that I didn't have to go to that class anymore and that my grade would be
20 taken care of. Well it worked. I got an A in biology and cruised through the semester with a 3.7
21 G.P.A. I knew it was wrong to cheat the system, but since it was being arranged by ZIP, I thought
22 it was OK.
23

24 Over the rest of my freshman year, sophomore, and junior years, I continued to enroll in every
25 class where Corin was listed as the professor. When other Zippers found out what was going on,
26 they too started taking Corin's classes and skating by. We celebrated it as if it was a privilege for
27 the academically advantaged. By the time I became president of ZIP in the fall of 2022 and pledge
28 master, the scandal was so large it left almost no Zipper untainted. But now the stakes were higher
29 for me. I wasn't just a participant, but a promoter.
30

31 The geeky truth of it all is that I absolutely love bugs – studying their habits, altering their
32 environments, and figuring out what makes them tick. I started my research on wood boring insects
33 during my sophomore year and by the time my junior year rolled around in 2022, I was knee deep
34 in one of the largest Formosan Subterranean Termite terrariums in the country. I would never ever
35 cheat when it came to the Formosans – that was completely sacred!
36

37 What interested me most about the Formosan is that it was not native to the U.S. and had originally
38 been introduced through trade with China. The Formosan was a particularly nasty species,
39 powerful, destructive, and marching in masses. Some call it a "Super Termite".
40

41 We only let three freshmen in per year. On August 17th we chose our pledges. Mandy and Alex
42 made the cut, and we added Dana Stork, Chip's younger sibling and a legacy. I owed so much to
43 Chip, and Dana gave me a chance to pay him back. Zippers stick together. When someone pledges
44 ZIP, they move into the campus house. I definitely set off to make Alex and Mandy my personal

45 servants during pledge season, but I treated Dana more like an equal. I think this created some
46 resentment right off the bat.

47
48 Part of my obligation as pledge master was that I had to come up with a series of challenges for
49 the pledges called the Feats of Fortitude. The Feats were definitely not difficult, and no one could
50 really call them hazing. They were more like games that were used to form a bond between the
51 pledges and enhance their commitment to ZIP, as well as provide some public service to the
52 University, the surrounding community, and even the nation. My big idea for the year was to use
53 recent internet and social media sensations.

54
55 For the first Feat of the year I made the pledges do was the ALS Ice Bucket Challenge. The Feat
56 was a big hit with the ZIP nationwide and over \$25,000 in donations was raised for ALS. Then,
57 on August 26th I unveiled my second challenge. This time I told the pledges that they had to make
58 a dance TikTok video that highlighted what it meant to be a Zipper. Everything was going
59 according to plan for me to become the best pledge master ever until the next morning when Alex
60 and Mandy reported for their special duty. They confronted me with my worst nightmare.
61 Apparently while cleaning up the mess after the challenge, Mandy came across one of my papers
62 from a Corin class I took the previous spring called Botany 301. I defended the paper and said of
63 course it was worthy of the grade I got. I could tell they both didn't believe me. I was so flustered
64 I shredded my paper in front of them and told them to get out of my room.

65
66 Even though it was a Friday, I didn't go out that night. I couldn't. I was paralyzed by the thought
67 of being exposed as a fraud. I went to the lab the next morning to work on my termite project and
68 speak to Corin. I ended up telling Corin about how we were both at risk and that we needed to
69 come up with a solution or else Corin could get fired and I would be expelled from school. Corin
70 said, "We need to convince Mandy that ZIP is not something to be messed with and make her
71 afraid of us." I wasn't sure how I was going to get that done, but figured I could use the next Feat
72 of Fortitude. Corin said they would work on an idea as well.

73
74 Fortunately for me, I got a bit of a head start on scaring Mandy off when she woke up the next
75 morning with her body covered with small insect bites. I could tell from the pattern that it was the
76 result of bedbugs. The timing was a bit ironic as Corin and I briefly discussed using the lab's
77 supply of bedbugs as a scare tactic, but I dismissed it as being too much too fast. Mandy
78 approached me that afternoon and accused me of hazing her. I laughed it off and said something
79 flippant like, "better to have a few bug bites than maggots gnawing at your flesh".

80
81 We held the next challenge, the cinnamon challenge, in front of all the other Zippers on Friday
82 September 6th. I told everyone that Mandy didn't do a good job cleaning up the archives and had
83 to eat three tablespoons of cinnamon without water while Alex and Dana only had to have one and
84 could use water. The results were hilarious at first. All three of them started coughing, spitting,
85 and sneezing. You could barely see anything in the room because of the brown haze that filled the
86 air. But things started to get serious when Mandy couldn't catch her breath. She was having a
87 severe asthma attack. Though I wanted to see Mandy recognize the consequences of what she was
88 considering, I didn't want her to die!

89
90 Alex and I loaded Mandy into my car and we headed down to Lincoln County Medical Center.
91 Fortunately, we got her there in time and a doctor said that Mandy would be fine. I could see

92 Alex's frustration building until they turned to me and accused me of intentionally trying to hurt
93 Mandy. While I certainly didn't want to see Mandy in the hospital, I know it looked really bad. I
94 said, "C'mon it was supposed to be fun, nothing wrong with pushing your limits." When Mandy
95 was released, she came up to both of us and thanked me for saving her life. Mandy even said that
96 she didn't have the fortitude to withstand everything. At that point I thought it was over.

97
98 I was wrong. The next day I got an email from Mandy that actually threatened me and ZIP for
99 hazing her. I couldn't imagine how she went from being apologetic to accusatory. I never should
100 have said anything to Alex and I should've waited a bit before responding, but I was upset and
101 wrote something stupid.

102
103 It was our regular Friday lab session, and I was discussing the final Feat of Fortitude, a planking
104 stunt, with Corin Boon. Corin asked if I knew what I was going to have Mandy do. I said I hadn't
105 given it much thought but was thinking about maybe assigning her the Friendship *Paifang*. My
106 night got worse when I realized that because of all of this stuff, I had been neglecting my termite
107 colony and half of them were dead from some odd bacterial infection! After Corin left, I cleaned
108 out the farm of debris and left for the night. I know I forgot to enter the event in my log book, but
109 that was an oversight. I clearly had a lot on my mind then.

110
111 On Friday, September 12th, I called the pledges together to let them know about the final Feat of
112 Fortitude. I explained what planking was and told them all to be creative, but not stupid. I even
113 said that under no circumstances was I in the mood to go to the hospital again. I gave Alex the
114 Student Union as an assignment, sent Dana to the football field, and Mandy over to the Friendship
115 *Paifang*. Right before they left for the night, Dana pulled me aside and told me they were
116 concerned that Mandy was going to report me for hazing and that I should watch my back. Well,
117 that sent me over the edge again. I told Dana that I was going to need some help and to make sure
118 Mandy made it back to the house after the stunt was over.

119
120 For the rest of the night, I sat alone in my room trying to figure out how to get Mandy to shut up.
121 The next thing I really remember was the police coming to the ZIP house and informing us that
122 Mandy had died after falling headfirst from the top of the Friendship *Paifang*. As the investigation
123 continued over the next few days, I became the center of attention. The entire paper scandal was
124 revealed to the administration by Corin, and I was suspended and then expelled. But look, when
125 I've done a crime, I will do the time. What I did with the cinnamon challenge was hazing, at least
126 under that legal definition. I read it, I accept that, and I pleaded guilty. But murder? That's just
127 crazy talk.

128
129 I deserve to be kicked out of school for cheating, but what happened to Mandy was not on me.
130 Everyone knew the *Paifang* was a rickety old structure. I didn't tell her to climb up it. She could've
131 just laid at the bottom and snapped a picture. Mandy assumed the risk and unfortunately paid the
132 price. I know that a lot is being made of the fact that some Formosan termites were found on the
133 *Paifang*, but I had nothing to do with that at all. Maybe a few of them escaped from the trash when
134 I cleaned out the colony after the bacterial infection. Also, I was not the only one with access to
135 the termites. I don't even like to think it, but I did share a lab with Corin after all. The cheating
136 scandal certainly doesn't look good for me, but it is the end of Corin's life's work.

137
138 Harper Marmalard

December 8, 2022

139 Signature

DATE

Statement of Dana Stork

1
2
3
4 My name is Dana Stork and I'm a freshman at Acari University. I was in the Zeta Iota Pi pledge
5 class that uncovered the big academic scandal. Now I am the only one left. Of course, through all
6 of this ZIP lost its charter at Acari. But, my goal is to bring it back to prominence and reestablish
7 the reputation of the finest honor society in the country. To do that, I must start by clearing the
8 record, and correcting misconceptions. Everyone wants to make it out like Harper is some sort of
9 bad person. Nothing could be further from the truth. Yes, Harper cheated on exams and faked
10 her/his/their way through a few classes, but Harper cared way too much about ZIP and having an
11 entomology career to risk it all. Disliking Mandy and being fanatical about bugs doesn't make
12 Harper a killer.

13
14 My older brother, Chip, graduated from Acari in 2020 and was also in Zeta Iota Pi. Chip climbed
15 the ZIP ranks until he was the pledge master his senior year. He got more involved with selecting
16 the members of the incoming ZIP pledge class. I still remember my conversation with Chip after
17 he tapped Harper Marmalard, one of the new freshmen that year. Chip said that Harper was the
18 kind of Zipper you only found once in a lifetime – loyal, ambitious, and selflessly dedicated to
19 ZIP. Chip told me that Harper would do anything for ZIP.

20
21 When I met Harper a few months ago, I finally understood what all the hype was about. I
22 recognized Harper immediately based on what Chip had told me, but I'm embarrassed to say that
23 I was a little star struck, and couldn't even manage a proper handshake. Harper took it all in stride,
24 though and said pledges would be tapped on the first official day of freshman classes, which was
25 August 19. Harper winked and said that I had nothing to worry about.

26
27 Although I completely trusted Harper, in all honesty, I was pretty worried about making it into
28 ZIP. Zippers are the best and brightest of the bunch, and I wasn't sure that included me. The other
29 two pledges were Alex Otter and Mandy Pepperidge. I met Mandy earlier that day. During our
30 writing seminar, the professor gave us a pop grammar quiz. Mandy caught me sneaking a look at
31 her paper and told on me! I mean, what are you – twelve? Since Mandy didn't have any proof, and
32 I certainly wasn't going to admit to cheating on the first day for a nothing quiz, I didn't get in any
33 trouble. Still, I don't think our professor ever really liked me after that. Mandy certainly was not
34 on my best friend list.

35
36 Anyway, even though I didn't like Mandy, I was over-the-moon happy when Harper told Mandy,
37 Alex, and me to move into the ZIP house on August 19th. As soon as we got to the house with our
38 stuff, Harper made this amazing speech about how all of our lives were about to change forever,
39 and ZIP would help us achieve things that we never thought possible.

40
41 When Mandy realized that she and Alex were being dragged out of bed at 6am to make Harper
42 breakfast and I wasn't, Mandy pretty much lost it. Mandy barged into my room and started yelling
43 about how she knew I was getting special treatment because of my brother and that she and Alex
44 were about ready to tell ZIP national about what Harper was doing. I calmly told Mandy that I
45 didn't know what she was talking about.

47 The ZIP rush process consists of something called the “Feats of Fortitude”. Harper had the idea of
48 making this year’s Feats feel especially current by basing them on recent social media trends. For
49 the first Feat, Harper told us to make an ALS Ice Bucket Challenge video. Alex, Mandy, and I
50 came up with this great idea to sneak into the athletic department after hours and shoot a video of
51 us sitting in the whirlpool machine pouring ice water over our heads. Funny how Mandy had no
52 issue trespassing or taking a risk when she thought it would benefit her. But, when I tried to cut a
53 corner, out came the whistle.

54
55 On August 26th, Harper called Mandy, Alex, and me into the ZIP assembly room and told us that
56 our second Feat would be to make a dance TikTok video. Harper suggested that we shoot the video
57 in the basement of the ZIP house, where the ZIP academic archives were located. Harper was
58 actually pretty insistent that no one touched *any* of the files. After, the archives were a complete
59 mess after the shoot. With so many papers strewn about, it was going to take hours to restore
60 anything like order to the place. Luckily for me, I didn’t have to stay with Mandy and Alex and
61 deal with the mess. Sweet!

62
63 When I got back to ZIP after the mixer that night, Mandy and Alex were bent over some old papers
64 that looked like the ones from the archives that Harper told us to stay away from. I asked them
65 what they were doing, and Mandy snapped at me and told me to mind my own business. I
66 shrugged, assuming she was mad about having to clean up earlier.

67
68 A few days later on September 1st, Harper summoned us again. I think the stress of pledging was
69 finally getting to Mandy, because she looked terrible. Her eyes had deep circles under them, like
70 she hadn’t slept all night, and her arms were covered in these gross little red bumps. When I asked
71 her about it, she said that there were bed bugs in her room which had been biting her all night. I
72 wasn’t surprised by this, since Mandy practically had a supermarket in her room. While her endless
73 supply of Oreos might’ve helped her power through those all-nighters, I’m pretty sure there was a
74 trail of crumbs leading right to her door. I guess I should also mention that the day before, August
75 31th, someone who identified themselves as a former ZIP member came by and asked me where
76 Mandy’s room was. I did point them in the right direction.

77
78 The third Feat was based on the Cinnamon Challenge and took place the next Friday. Basically,
79 Harper told us that we had to eat a tablespoon of cinnamon each. Right before we started, Harper
80 announced that Mandy would have to eat three tablespoons of cinnamon because she didn’t do a
81 good job cleaning up the archives after the last Feat. I think Harper didn’t mean it to be a
82 punishment per se, but a chance for Mandy to shine. Something to challenge us and pull out
83 greatness. In some ways, I was a bit jealous of all the extra attention Mandy was getting.

84
85 Eating a tablespoon of cinnamon is a lot harder than it sounds. We all started choking on the stuff
86 and Harper gave us water to wash it down. Well, Harper gave water to me and Alex. Harper said
87 Mandy couldn’t have any water, even though she was choking and coughing the hardest. I thought
88 this was a little irresponsible, especially since Mandy had told us at dinner the night before that
89 she was worried about the cinnamon challenge because of her asthma. Mandy didn’t even make it
90 through the first tablespoon before having an asthma attack. Alex yelled at Harper and helped
91 Mandy out of the room, saying Mandy needed to get to the hospital. Being a responsible pledge
92 master, Harper went with Alex and Mandy to make sure Mandy was okay.

93

94 Mandy was totally fine, but I don't think she ever forgave Harper for putting her through the
95 cinnamon challenge. A few days later, Alex and I stopped by Mandy's room. She was bent over
96 her computer, looking at the ZIP's statement against hazing. When Mandy noticed us standing
97 there she said she was just doing some research, but I was pretty sure she was digging around to
98 get Harper in trouble. I told her that she was being silly, and that she couldn't seriously think that
99 what happened with the Cinnamon Challenge was deliberate hazing. It was just a mistake.

100

101 On September 12th, Harper told us about the fourth and final Feat of Fortitude, which sounded like
102 the most fun yet. Each of us was given a location on campus where we would plank and the others
103 would take pictures of it. Mandy was assigned to plank at this old gate called the *Paifang*. At the
104 time, I wished I was given the *Paifang* for my assignment. It was really the coolest and most iconic
105 structure on campus. Sure it was old, but even to be photo'd underneath of it would have been
106 pretty cool. Harper was emphatic that we should all be very careful and make sure not to take any
107 stupid risks. Harper said, "I want to make sure we don't end up back at the hospital, so don't do
108 anything dumb."

109

110 We set out that night around eight. First we went to the Student Union, and Alex planked on the
111 railing by the main staircase. It was pretty lame, but I guess they don't teach you how to plank in
112 calculus class. When we got to the stadium, I decided to show Alex and Mandy how it was done,
113 so I climbed up the goal post and planked along the crossbar. Finally, we went to the *Paifang*.
114 Mandy spotted a little ledge at the top of the gate and pointed it out to us. Alex looked scared and
115 told Mandy that there was no way Harper would expect Mandy to do something that dangerous.
116 Mandy said she wanted to prove to Harper she deserved to be in ZIP as much as anyone. Alex
117 pleaded with Mandy, saying she didn't have to prove anything, but Mandy was determined. No
118 one pushed Mandy to do it. Mandy climbed up the *Paifang* because she wanted to. She knew the
119 risks. There's always a risk when you climb something 20 feet off the ground.

120

121 As soon as Mandy started climbing, the gate started creaking. Alex got really freaked out and kept
122 telling Mandy to come down, but Mandy was determined to make it to that ledge. That was a clear
123 warning sign, but Mandy didn't heed it. I guess I egged her on a bit, but I swear on my ZIP's honor
124 that I didn't think anything bad would happen. After a few minutes, Mandy finally made it most
125 of the way up the structure. She was getting ready to start planking when she said this weird thing
126 about how there were a bunch of bugs tickling her. I heard the shingles where Mandy was resting
127 break. It happened fast, so I didn't really see it, but I know Mandy landed on her head.

128

129 We called 911. By the time the paramedics arrived it was too late. Alex was in tears, and I was
130 pretty quiet. I did pick up one of the pieces of wood that fell off the *Paifang* while I was waiting.
131 The wood practically disintegrated in my hand but I didn't see any bugs on it.

132

133 Of course I'm sad about what happened to Mandy, but blaming Harper for this is ridiculous.
134 Harper never told Mandy to climb that ledge and Harper certainly didn't make that piece of wood
135 fall off the *Paifang*. In fact, Harper warned Mandy against doing anything dangerous. I know it
136 sounds weird blaming a dead person, but if Mandy hadn't been so determined to prove herself,
137 none of this would have happened.

138

139 Dana Stork

140 Signature

December 9, 2022

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

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

Incident Report

Date(s)/Day(s) of Incident: September 12, 2022	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, 2022	

Attachments: <input checked="" type="checkbox"/> Statement Forms <input type="checkbox"/> Rights Warning and Waiver Form <input type="checkbox"/> Property Checklist <input checked="" type="checkbox"/> Other	Initial Determination: <input checked="" type="checkbox"/> Criminal conduct (Hazing) <input type="checkbox"/> Accident <input type="checkbox"/> Unfounded
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------

NATURE OF INCIDENT/DESCRIPTION: At approx. 2130 hours on the date of incident, I responded to multiple emergency calls reporting a fall from the Friendship Paifang on the campus of Acari University. The victim (determined to be MANDY PEPPERIDGE, female, Freshman, d/o/b 1/14/2003) 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, 2022

UPDATE 1 (9/14/22, 9:45 a.m.): Witness OTTER called on my cell phone to advise she/he/they wished to discuss additional information. Met OTTER at Lincoln County SO station on Acari campus. OTTER advises that MARMALARD involved in potential cheating, recently fought with PEPPERIDGE. OTTER advises PEPPERIDGE considered reporting cheating by MARMALARD. OTTER reports threats by MARMALARD against PEPPERIDGE. Called hospital, which confirmed recent Emergency Room visit by PEPPERIDGE.

UPDATE 2 (9/14/22, 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 (9/14/22, 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 (9/14/22, 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 (9/16/22 9:30 a.m.): Documents received from Registrar. Placed in case file as Attachment 1.

UPDATE 6 (9/17/22, 9:00 a.m.): Autopsy Report Received. Cause of death: skull and/or neck fracture secondary to fall from height. Placed in case file as Attachment 2.

UPDATE 5 (10/22/22, 5:00 p.m.): Zillias Engineering report received from Office of President Jansen. Placed in case file as Attachment 3. Matter referred to Lincoln County District Attorney.

ATTACHMENT 3

ZILLIAS ENGINEERING
REPORT OF STRUCTURAL COLLAPSE, 09/12/2022

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
Certified Professional Engineer

Exhibit 2

Friendship Paifang – Formosan Termite Damage and Location



Fig. 1a – 1c:

Wood removed from Acari University Paifang after Mandy Pepperidge's Death 9/2022

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)

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



Exhibit 3

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

DATE	ACTIVITY	COMMENTS	INITIAL
8.18.22	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
8.19.22	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
8.20.22	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
8.22.22	Second attempt of pheromone secretion collection	Success! Will be used to promote additional development of winged reproductive over non-winged from nymphs.	HM
8.22.22	Initial collection of King pheromone secretion	Success! Will be used to promote additional development of workers over soldiers from larvae.	HM
8.25.22	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
8.26.22	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
8.27.22	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
8.28.22	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
8.29.22	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
8.30.22	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
9.1.22	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
9.2.22	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>