



THE
MOCKINGBIRD CHALLENGE
NATIONAL TRIAL COMPETITION

 FAULKNERLAW

2017 Greg Allen Mock Trial & 2017 Mockingbird Challenge

State v. Sally Childers*

Sally Childers is charged with murder in the first degree after stabbing her manager with a knife in the kitchen of the restaurant where they worked. Miss Childers claims she acted in self-defense thwarting off yet another unwanted sexual advance. The State contends the stabbing was premeditated. The State also contends that Miss Childers suffers from bipolar disorder and intentionally stopped taking the medication so she could muster up the courage to strike out at the victim, Patrick Summerfield. Miss Childers also has asserted the possibility that because of her bipolar manic outburst that she is not responsible for her actions and may be not guilty by reason of insanity.

Pertinent Individuals

Sally Childers, defendant

Jesse Wilson, Sally's boyfriend

Dr. An Hu, psychiatrist, witness for the defense

Dr. Alex Shunnarah, psychologist, witness for the state.

Casey Cantrell, co-worker and friend of defendant, witness for the defense

Bennie Arnold, co-worker, roommate and friend of defendant, witness for state

Detective Robert Lloyd

Donald Garner, regional manager of Hills and Dales.

Patrick Summerfield, manager of Hills and Dales. Victim.

* This problem is created for the 2017 Greg Allen Competition and the 2017 Mockingbird Challenge and may not be used or reproduced for any other use without the express written consent of Prof. Joe Lester, Jones School of Law, Faulkner University.

Stipulations

Procedural

1. It is intended that both Bennie Arnold and Casey Cantrell are played by females.
2. If Bennie Arnold must be played by a male, he must play the role as if he were a female. If this is the situation then in housekeeping the uniqueness of the witness should be announced to the court and the jury.
3. However, if Casey Cantrell must be played by a male, then Casey becomes a male cook that works in the kitchen as opposed to a female server. Also, all references to Casey being sexually harassed are deleted and Casey will testify instead that he sees Patrick Summerfield harassing the female employees. Finally, Casey is now a close friend from college and not a sorority sister.
4. The gender of the experts is irrelevant. They may be male or female.
5. There is to be no mention by any party as to any potential subsequent procedures or hearings if the jury finds the defendant not guilty by reason of mental defect.
6. The statement of the case is not part of the case file.

Substantive

1. Both parties stipulate that Hills & Dales Bar and Grill is located in Maycomb County, Alabama.
2. The Defendant made a special plea of insanity at the time of indictment. A hearing was held on June 29, 2017, at which time Judge Christoff found that there was not sufficient evidence of insanity to dismiss the indictment. The case will be set for trial and the issue of insanity is procedurally proper before the jury.
3. The Defendant also entered timely notice of the defense of Self Defense. The defendant may argue Self Defense; Not Guilty by Reason of Mental Defect; or both.
4. A preliminary hearing was held on August 14, 2017, where Judge Christoff ruled the surveillance video of the stabbing was too graphic and would not be played for the jury. Both sides have copies of the video and any party may describe what is depicted on the video to the jury using Detective Lloyd's description as a guide but under Fed. R. Evid. 403 the showing of the actual video to the jury is prohibited. Both sides agree Detective Lloyd's description is fair and accurate. No best evidence objections shall be made with regard to the surveillance video.
5. Also at the August 14, 2017, preliminary hearing, Judge Christoff ruled that the pictures of the victim were too vulgar to show the jury. A redacted version will be permitted to be shown. Both parties agree that the victim's pants are unzipped and his penis is visible.
6. Finally, at the August 14, 2017 preliminary hearing, Judge Christoff denied the State's motion to have lesser included charges presented to the jury.
7. Bennie Arnold was not subpoenaed to testify by either party.
8. Sally Childers was taken into custody in the early morning of May 30, 2017. Her bond was set at \$250,000. As a result of the high bond she remains incarcerated pending trial.
9. Both parties stipulate that the victim, Patrick Summerfield, died in the early hours of May 30, 2017, as a result of being stabbed in the chest by Sally Childers. The single blow to the center of his chest pierced his heart and punctured his lungs. Unable to breathe and bleeding profusely he died within a matter of minutes after being stabbed. As a result of this stipulation, neither an autopsy report, nor a death certificate is required to prove the manner of death or that the death occurred.

10. Both parties stipulate that Detective Lloyd's description of the events captured on the Hills & Dales kitchen surveillance fairly and accurately portrays the events. It may be read into evidence by any witness without any objection.
11. No Confrontation Clause objections shall be made.
12. Both parties stipulate that Patrick Summerfield is 5'7" and weighs 220 pounds.
13. Both parties stipulate that Sally Childers is 5'11 and weighs 132 pounds.
14. Both parties stipulate that Sally Childers always fills out her mood chart at noon every day.
15. Both parties stipulate that all of Sally Childers' doctor appointments are in the morning.
16. The verdict form and jury instructions may be modified but only in the following manner: If the Defendant elects to argue solely self defense, then the references to not guilty by reason of mental defect shall be constructively redacted upon proper motion by the State. Likewise if the defense elects to argue solely that the defendant is not guilty by reason of insanity, then, upon motion by the state, the verdict form shall be constructively redacted to eliminate all self defense verbiage.
17. Both parties stipulate that Sally Childers has not seen her journal or her mood chart since she was arrested.
18. Both parties stipulate that the pills shown in the photograph are in fact Lamotrigine 400 mg and Bupropion XL 100 mg.

**STATE OF ALABAMA
MAYCOMB COUNTY**

The Circuit Court of Maycomb County, June 2017

Count 1: The Grand Jury of Maycomb County charge that, before the filing of this indictment,

Sally Brenda Childers

did, on or about May 29, 2017, unlawfully and with malice aforethought, murder a citizen of the state of Alabama, to wit: Patrick Eric Summerfield of Maycomb County, in violation of 13MC-6-6, **Murder in the First Degree. Class A Felony.**

A TRUE BILL

/s/ Joseph Lee Taylor, Jr

GRAND JURY FOREPERSON

TOM BECKER
MAYCOMB COUNTY DISTRICT ATTORNEY

By: */s/ Felicia Long*
Felicia Long, Assistant District Attorney

Interview with Bennie Arnold: Wednesday, May 31, 2017, at 11:03 a.m.

Detective Lloyd: I'm glad you came in this morning. That scene the other night must have been horrific. I would appreciate you telling me anything you think is important. Before we begin let me tell you that you are under oath, that all the statements you make are true to the best of your memory and that you are being recorded. Do you understand and agree to that?

Bennie Arnold: I do. Thank you for getting to me so quickly. I am here to do my civic duty. I want justice to be done.

Detective Lloyd: Me too, what can I do for you today?

Bennie Arnold: I'm here to tell you that Sally Childers was acting in self defense. She never meant to kill Rick. She can't help herself sometimes. She is bipolar. I always make sure she gets her prescriptions the same day as her appointments so she is always stocked with her pills. But sometimes she still falls out of balance. She is innocent. Because she is bipolar sometimes she does strange things, but it is not her fault it is just the bipolar winning out.

Detective Lloyd: Ok, well we will let others determine that. How do you know Ms. Childers?

Bennie Arnold: I have known Sally for almost three years. She is a good friend. We were in college together at Auburn and started working at Hills and Dales about the same time in March of this year, 2017. We both graduated college in 2016.

Detective Lloyd: What is Hills and Dales?

Bennie Arnold: Hills and Dales is family restaurant, of sorts, but most of the customers are men. I have a picture of the bar and tables. We are known for our cold beer, potato skins, and the atmosphere. They put us in really skimpy outfits. Here, I brought you a flyer to show you a picture of our "uniform." Besides the clothes, or lack thereof, they make us say stupid things. For example, when we greet a customer we have to say "how can I please you today?" and we are supposed to hold the please longer than our southern drawl would normally require. The motto on the t-shirts they sell says "Hills & Dales, where the beer is cold and the portions ample." That last part isn't a reference to food if you know what I mean.

Detective Lloyd: (blushing) Interesting. I'm sure it is umm lovely. Tell me about Sally.

Bennie Arnold: Sally is so sweet. I adore her. She has an amazing boyfriend named Jesse who is gorgeous and I think his family comes from money. She gets all the guys, I can't remember the last time I had a boyfriend. I went out with this one guy named Chuck but he had really greasy hair and

Detective Lloyd: Can we focus on Sally please?

Bennie Arnold: Oh sorry, yes. Sally is a good person. She will do anything for you. I know one time she stayed with her neighbor at the hospital when she fell ill. Sally barely even knew her but she stayed at the hospital for three days until her neighbor's family could arrive from Wisconsin.

Detective Lloyd: I get it that she does nice things for people but tell me about her recently.

Bennie Arnold: If you know Sally, then you know she runs hot and cold. Well that's not quite right she can run scalding hot and ice cold. Rarely is she right in the middle. She is either the life of the party or a recluse. Some nights at work she is so flirty and social. Those nights she makes a ridiculous amount of money. Other nights she barely speaks. It makes a difference too. When she is on she easily makes three or four times what we all make at Hills and Dales. But when she isn't feeling it she does not do as well, but still more than me, and she is still the top earner. I prefer those nights. It's hard to make big money when she is the center of everyone's attention. One time I had a guy give me a \$20 tip for Sally and Sally wasn't his server, I was! She is so pretty. She is the ideal Hills & Dales server. I'm not too bad myself but compared to Sally ... it's no contest.

Detective Lloyd: What do you mean?

Bennie Arnold: Well Hills and Dales is the kind of a place where the customers are coming partly for the food but mostly for the eye candy. It's a sports bar with scenery. And when Sally is feeling good, she is very physical with the customers. She always puts her hands on them, hugs them and sometimes gives them a peck on the cheek. When she is cold she barely looks at the customers and will lash out if they get frisky with her. I remember one time a guy flipped her skirt as she walked by. Sally stopped, laughed and said "I know how I can pleeeeeease you," then she punched the guy in the eye. I have never seen an eye get black so fast. Sally is really fit, she does cross fit, goes the gym five times a week and can bench press 225 pounds. She was not phased after punching that guy. She went right back to waiting tables. Needless to say no one else dared mess with her that night.

Detective Lloyd: Why do you work there if it's such a sexually charged environment?

Bennie Arnold: Money. The money is great. And we need it. I got student loans, Sally has credit card debt like crazy and Casey is just broke. That is why we started working there, Casey Cantrell, Sally and myself. It's not like we are strippers. But sex does sell. You would be surprised how well a guy will tip you when you just smile, call him sweetie, and wink.

Detective Lloyd: (blushing and coughing) Well I have absolutely no idea what you are talking about but I can imagine. Did you know the victim, Patrick Summerfield?

Bennie Arnold: Yes, he is the manager at Hills & Dales -- but no one calls him Patrick. He is Rick the prick. That is what we all call him. He hits on all the girls. Always talking about sex and making crude sexual jokes. There have been numerous reports about him to upper management but generally they fall on deaf ears. The last girl I knew that formally complained was fired. At best the regional manager, Don Garner, will tell you "a little pinch here and there never hurt anyone, its character building." (sigh) So no help there. It was rumored that in exchange for missing a few shifts one girl had to "pleasure" Rick or be fired. It was just a rumor and I never asked for details. I didn't really want to know. Rick was touchy feely with all the girls, but he especially took a shine to Sally. They had a very strange relationship.

Detective Lloyd: What do you mean?

Bennie Arnold: Rick was friends with Sally's boyfriend Jesse. Jesse is in the Air Force and his new assignment was to, I forget where, but it wasn't close to here. He hoped to be reassigned back to the area but hasn't happened yet. So, Jesse wanted Rick to look after Sally while he was gone. That is like asking a pervert fox to watch the hen house. Sally and Rick would flirt

but Rick would always go too far. It was like he never realized what Sally was doing was an act. She was keeping up appearances, but never liked him. We talked often about how much of creep Rick was. You could tell he got very excited when he and Sally would flirt. Sally even showed me where Rick sent her pictures of himself you know naked.

Detective Lloyd: Modern technology (sigh). Did they have any other interactions that you are aware of that differed from what you just described -- him coming on to her and her pretending to play along but not really.

Bennie Arnold: Yes. Last Saturday night, May 27, after we closed Rick ordered Sally to give him a lap dance. He said "hey my little bitch you better give me a lap dance or you will be on the lunch shift." Shockingly she agreed without any hesitation. After about fifteen seconds it was over. Rick couldn't take it anymore, if you know what I mean. We called him "Rick Pitino" for the next few days. I found it very strange that Sally would do that given the constant sexual harassment from Rick. I mean why feed into his fantasy? It's one thing to lead on a customer, but your boss? She was playing with fire. But she did that. One time back in 2015 we were at Orange beach and she hooked up with at least six different guys over a weekend. That was before she met Jesse of course. She also was arrested for walking on the street buck naked. She just threw off her clothes and started walking down the main strip. It was completely crazy, but so much fun. Also, she would go on these spending sprees and max out her credit cards. It was also great fun. But, it's the reason she worked at Hills and Dales. She had to pay off her debts and this was a legitimate way to make big money fast.

Detective Lloyd: Sounds like Rick was inappropriate with all the female workers, but was it different with Sally?

Bennie Arnold: Oh yes. Rick would hit on all the girls but he was obsessed with Sally. She was definitely his favorite. He would give her the best sections so she could get the most tips. Sally would blow kisses at Rick, then turn and stick her finger down her throat. Her flirtation with him was all an act for her but he wasn't getting it. She would do whatever she needed to keep the money coming in. Then Monday afternoon I remember Sally telling me she thought she finally had enough courage to do what needed to be done. At the time I thought she meant she was going to tell Rick she was faithful to her boyfriend Jesse and was not going to flirt with him anymore, even if it hurt her job. She said "if he tries anything tonight, then I will be ready."

Detective Lloyd: Wait, she told you the afternoon of the murder that she was ready to do what needed to be done?

Bennie Arnold: Yes, but she did not mean anything violent. I am sure of it. She is not that kind of person.

Detective Lloyd: Tell me about Monday night, Memorial Day:

Bennie Arnold: Well since it was a holiday we were pretty busy for a Monday night. We are a sports bar, but you know, after spring football there really isn't any decent sporting events until the fall. Nevertheless, we had a hockey game on because Nashville was playing. I remember because I just happened to look up at the game when a guy threw a catfish on the ice. Sally saw it too but she flipped out.

Detective Lloyd: What do you mean?

Bennie Arnold: Well, Sally has been acting very strange lately. She has been loud, talking really fast and very flirtatious with the customers, more so than usual. She acts like she is high, but she is coherent and energetic. She was so happy that night, then she saw that catfish and snapped. Sally got so angry. A few customers were laughing watching the hockey and Sally shoved one of them and knocked him to the ground. She yelled "it's not funny, that poor catfish!" Then she stormed back to the kitchen hitting the bar as she hurried by. It was quite the scene!

Detective Lloyd: Well that seems like a bit of an overreaction, did she stay angry?

Bennie Arnold: For a while. Rick went back to talk to her about essentially throwing a customer on the floor. I watched as he touched her shoulder. She slapped it off and said "if you ever touch me again, I will kill you." Rick laughed and told her to step outside and cool off. He followed her out with his personal stash of tequila. After she had two or three shots she came back in. Then she was happy as a lark again. She apologized to guy she knocked down and even planted a kiss on him -- right on the lips. It was very weird. After that the customer seemed to think the whole ordeal was worth it. I think he tipped her \$50. That could only happen to Sally. Me, I'd be fired. But Sally is the star attraction so she gets to do whatever she wants. We just have to live with it. I can only imagine how much more money I would make if Sally were not there.

Detective Lloyd: Tell me what happened after you closed last night.

Bennie Arnold: Well after a big night, before we get to the final cleaning, it is customary for the closers, that night me, Sally and Casey, to have a shot or two on the house. For the cleaning Rick had taken off his manager button-up and put on his stupid hat. He made me take a picture of him. Here it is. Rick doled out the drinks. Sally had two shots. Casey and I only had one. We had been closed for about an hour, we close at 11 on weeknights, and we were finishing cleaning up. I was in charge of cleaning the front of the house while Casey and Sally cleaned the back. Sally and Rick had been at it all night. He could not keep his hands off of her. After we closed Sally was really tripping. You could tell she was flying high. Higher than I have ever seen her, and I have seen her high before. It was about thirty minutes after the shots when the next thing I know Sally was in the kitchen bent over a table. She yelled out to Rick "I need you in here, now!" Rick lit up like a kid on Christmas morning and hurried into the kitchen. He was out in the front of the house by the bar, with me, when she beckoned.

Detective Lloyd: Did you know what she meant?

Bennie Arnold: I had no idea what she meant since she was just leaning over a table in the kitchen for no reason. She stayed in that position until he arrived like she was stuck or something. Rick walked right up behind her real close. He then pinned her against the table and grabbed her hair. I could see him unzipping his pants and so I began to walk back to the kitchen to keep an eye on him. Then, all of sudden, before I got there, Sally had grabbed a knife and stabbed him. She was kicking him and stomped on his privates. It was terrible to see. She then let out a primordial scream that was so loud and full of such venom. I have never heard any sound like it before. She was breathing heavy but then quickly seemed extremely calm, after the scream of course.

Detective Lloyd: She just stabbed him without any provocation?

Bennie Arnold: No, he had her pinned against the table and I could tell he had unzipped his pants. He had his left arm reaching around the front with his hand down her top grabbing her

breasts. Sally did not scream for help or anything she just reached across the table, grabbed a knife out of nowhere, and thrust backwards catching Rick right in the gut.

Detective Lloyd: What do you mean out of nowhere?

Bennie Arnold: Well we don't keep any knives on that side of the kitchen. It's more a staging area for finished plates. It would be strange for a knife to be there at all and especially after hours when there are no customers. I drew this sketch of the kitchen. It's not perfect but gives you sense of everything. I'll show you. Sally was here, marked with an S. I was here, marked with a B, out front at the bar but could see into the kitchen. Rick ended up here, marked with an X. We keep the knives here, marked with a K. The table she was on is generally kept clear, especially after closing. I thought there was nothing on it that night except Sally. I was wrong. I guess Sally took the knife over there herself. I can think of no other reason that any knife would be so far out of place.

Detective Lloyd: Interesting.

Bennie Arnold: Why do you say that? It was just good fortune for Sally. Rick was about to rape her.

Detective Lloyd: Rape her? In the kitchen? With people watching? After she enticed him into the kitchen? C'mon! Could you see their interaction from the front of the restaurant?

Bennie Arnold: Yes. It is a straight shot view. I saw it all.

Detective Lloyd: I'd like to show you the security video we pulled from the restaurant. Let me know if you want me to stop.

Bennie Arnold: ok.

[video footage is shown to Bennie Arnold]

Detective Lloyd: I'm showing you my description of the events on the video. Do you agree that it fairly and accurately describes the actions on the video?

Bennie Arnold: I do. (crying) That's enough. Stop showing me the video. Oh my gawd, I can't believe she actually killed him..... But as you can see what choice did she have?

Detective Lloyd: She could have called for help. Weren't you nearby? Weren't you watching? Why didn't you try to help Mr. Summerfield?

Bennie Arnold: (crying louder now) I don't know. Rick was such a perv. He had it coming, I was glad Sally did what she did but I do think that it was strange that look she gave him when she called for him.

Detective Lloyd: What do you mean?

Bennie Arnold: It wasn't the same fake gesture. It was more of a genuine f-me look. It was as if she was tempting Rick to come into the kitchen.

Detective Lloyd: I see

Bennie Arnold: You see nothing! You don't understand Sally can't help it. She is bipolar and sometimes just overreacts. See I can prove it.

Detective Lloyd: How?

Bennie Arnold: We are roommates, Sally, Casey and I. But Sally and I share a bedroom and bathroom. Casey has her own room and bath. I wish I had my own room. I brought you her journal that her doctor told her to keep, I know it is hers because I recognize her handwriting and have seen her writing in the journal. I read it. She was fed up with Rick. And here is a list of the medicines she takes. I even poured out the pills to show you that her medications were off. I took a picture of the pills.

Detective Lloyd: What do you mean her medications were off?

Bennie Arnold: As you can see in this picture I took there are far more round white speckled pills than the little pink circle pills. That means she was taking more of these pink pills than the other. She is supposed to take the same amount of each pill each day to help her try to stay balanced. One pill a day. If she is out of balance, she does crazy things and does not understand what is going on. See, she was out of balance.

Detective Lloyd: I don't understand

Bennie Arnold: After I got home last night I noticed several pill bottles on Sally's sink. I found five prescription bottles. One said "Clonazepam 50mg" and was completely full of pills.

Detective Lloyd: How do you know it was full?

Bennie Arnold: I read the bottle and saw that each was supposed to have thirty pills. I counted the pills in the bottle and there were thirty.

Detective Lloyd: Ok. What else did you see?

Bennie Arnold: Two bottles said "Lamotrigine 400mg;" one had two pills in it the other and other was completely full – the white speckled pills. Two bottles said "Bupropion XL" one for 150mg the other for 100mg. The 150mg bottle of Bupropion was completely empty and the 100mg had only two pills in it – the pink ones. I knew something had to be off with her medications to act out so violently, she is not like that. It is the meds fault. It's the bipolar. That is why I wanted to talk to you to show you she is innocent. That is why I took the picture of the pills. Casey and I make sure that she gets her pills from the pharmacy the day of her appointments so there is never a gap. She went to her doctor on the 22nd and we got her new prescription that day. There was no way she should be close to running out only eight days into her month. You can see from her journal it was not an accident she was taking so many.

Detective Lloyd: I appreciate you bringing this to our attention. You are a good friend.

Bennie Arnold: So she can come home now? You are going to let her go?

Detective Lloyd: No ma'am. Based on what you have told me she will be prosecuted for murder. She won't be coming home for a long time. If you are called to testify you will repeat exactly what you said here today, correct?

Interview with Casey Cantrell: Wednesday, May 31, 2017, at 2:34 p.m.

Detective Lloyd: Thanks for coming in. I know it has been a traumatic thirty-six hours and I wanted to talk to you while everything was relatively fresh in your mind.

Casey Cantrell: No problem. I'm here to help

Detective Lloyd: I need to tell you that you are under oath and that this conversation is being recorded.

Casey Cantrell: I understand.

Detective Lloyd: How do you know Sally Childers?

Casey Cantrell: I have known Sally for about five years. We were in Delta Zeta together at Auburn. After college we moved in together to cut costs. Me, Sally and Bennie share a two-bedroom, two-bath apartment. I won the room lottery so I have my own room and bath. That has always bothered Bennie. But I digress. We work together at Hills & Dales too.

Detective Lloyd: Tell me about Sally.

Casey Cantrell: Sally is a wonderful person. She is beautiful inside and out. She always puts others first. She is so pure. She never even cusses.

Detective Lloyd: In your opinion was Sally acting differently the days leading up to the stabbing?

Casey Cantrell: Oh definitely, I could tell she was on one of her highs. It had lasted for much longer than normal. She is the best when she is feeling good -- so outgoing and free, so full of energy and vitality. I don't recall Sally going to sleep much over the last few days. She has been a constant ball of energy. Kinda makes me want to be bipolar.

Detective Lloyd: You knew she was bipolar?

Casey Cantrell: Yes, she told me and Bennie so we can help her control her moods and we are there to make sure she does not get into trouble.

Detective Lloyd: How can you help her?

Casey Cantrell: Well we are just sensitive to her swings and we try to encourage her when she is down and monitor her when she is flying. We try to make sure she always has and takes her meds. She gets a little wild when she is on her high.

Detective Lloyd: What kind of things have you seen her do?

Casey Cantrell: Well, last time she was down down, like hard depression, she didn't leave the apartment for about 10 days. She lost her job and did not care. That was back in mid-January. That is the last really bad low. Other times she is just despondent, but active. She hasn't missed work at her job at Hills & Dales. Of course, it doesn't hurt that both Bennie and I work there too. We drag her there on some nights.

Detective Lloyd: What about when she is, as you say, high?

Casey Cantrell: When she is just a little high she is great. Happy, laughing, energetic. But when she gets really cranked up she is up for anything. She has been known to take her top off at parties, to hook-up with a lot of people, and drink like a fish. Things get really bad if she is drinking or taking other drugs. That is where Bennie and I keep an eye out. We don't want her getting into trouble. We are there to say no. Bennie and I sometimes don't do such a great job at it. I confess I have gone along with Sally on her shopping sprees when she is high. I know it's a sign of a problem but it's so much fun and I can't help but go along. Look if someone is sick you expect them to act sick. Slow, lethargic, mopey. But when Sally is "sick" she is none of those things. It's weird to think of laughing and dancing as a sign of sickness, but for her it can be.

Detective Lloyd: Tell me about Patrick Summerfield.

Casey Cantrell: Ugh. Rick the prick. That guy is the worst.

Detective Lloyd: You know he was killed last night, right.

Casey Cantrell: Yes. I was there. I saw it all. And while it is terrible and all that someone died ... Rick had it coming. Nobody is shedding a tear.

Detective Lloyd: What do you mean he had it coming?

Casey Cantrell: With the way he treated women, I'm surprised it didn't happen earlier. He was always grab-ass with everyone. He liked to corner us and rub up against us acting like he couldn't get out of the way then trying to cop a feel if he could. He would tell us that if we wanted the best shifts or the best sections we needed to "tend to his manly urges" as he would say. He was a total pervert. We all hated him but had no choice but to deal with him to work at Hills & Dales.

Detective Lloyd: Was it worth all the harassment to work there?

Casey Cantrell: It was a necessary evil. You don't understand, it is waiting tables and it pays big money. Guys tip so much. Other than avoiding Rick the job is a blast. You don't have to be good at serving, just good at flirting.

Detective Lloyd: Did Rick ever get physical with you?

Casey Cantrell: So grabbing my ass doesn't count with you? Jerk.

Detective Lloyd: No, it counts. I just mean was there more than that?

Casey Cantrell: Not more than I have already said. We all heard about him locking a girl, I'm not going to say her name, but he locked her in his office and allegedly made her perform oral sex to keep her job. But other than his "accidentally" bumping into us no. Except for Sally.

Detective Lloyd: What do you mean except for Sally

Casey Cantrell: About two weeks ago I saw Rick slap Sally in the face and shove her against a table. I yelled at him and he snapped back "shut up she likes it rough." Sally gave a half hearted

smile but I could tell she did not like it. She has told me about other times he has cornered her and started trying to kiss her. That seemed to happen more and more these last few days. Memorial Day Rick and Sally were constantly together. He was always in her business trying to pleasure himself. You could tell Sally was really getting frustrated with him but she just smiled and kept working. He was all hands that night like he was possessed or something. Thinking back now it was like he was stalking his prey. I was worried what he might do to her. After the stabbing I went into his office and got his journal. He always kept a journal. I am giving you that journal now. I know it is his because I recognize his handwriting and I have seen him write in it. I looked through it. You can see for yourself. He was obsessed. He was going to rape her!

Detective Lloyd: Did you see the stabbing take place?

Casey Cantrell: Yes, I was on the other side of the kitchen -- here I will show you on this weird looking diagram you have, I was here. I'll mark it with a C. I saw Sally lean over the front table here where the S is marked. This is where we collect dishes during the night. I thought maybe she got her outfit stuck on something. I heard her yell "I need to get off, now!" Then all of sudden here comes Rick from the front of the house and he pins her against the table while she is still bent over. I wanted to say something but then I saw Sally kinda smile and turn her head. I thought Sally was going to knock him out. Then Rick grabbed her hair and pressed her against the table. I stood there frozen in fear. I had never seen him that rough with her. It was worse than ever before. Then next thing I knew Rick was doubled over and fell to the ground. Sally was kicking him and then let out a scream that almost burst my eardrums. I saw the knife in her hand. She just dropped it and I along with Bennie rushed over to check on her.

Detective Lloyd: You didn't check on Rick?

Casey Cantrell: No, Sally was defending herself and I was there to defend Sally. Who cares about that scumbag? It makes my skin crawl just thinking about him now. Especially

Detective Lloyd: Especially what?

Casey Cantrell: I did look down at Rick and I saw his pants were undone and you could see his junk. It was disgusting. I wasn't going anywhere near that. I called 911. They got there pretty quick.

Detective Lloyd: You saw her stomp on him didn't you?

Casey Cantrell: Yes, I saw it all.

Detective Lloyd: Is it possible then that he became exposed after being kicked and stomped?

Casey Cantrell: Anything is possible, but I doubt it. How can you kick someone's fly open? That is just gross.

Detective Lloyd: Well, If you were so close, in the same kitchen, and could see everything, why did you not yell out or go help her sooner?

Casey Cantrell: I had no idea she was going to stab him. She was flying really high that night, higher than I have ever seen her, but I had never seen her do anything violent before. It was not like her. She was not herself at all. Plus, there usually aren't any knives in that area of the kitchen. That table is generally completely clear after closing. It was very strange and

completely unexpected that there would be a large cutting knife there. Besides, I never thought he would be so brazen as to try to take her in the kitchen in front of people. He was acting super aggressive towards her but it wasn't like they were in a dark corner. Look it all happened so fast.

Detective Lloyd: I am going to show you the surveillance video of the incident and my description of it, ok?

Casey Cantrell: OK [video is shown, after video is shown description is handed to Ms. Cantrell]

Detective Lloyd: Does that video fairly show what occurred and does my description fairly and accurately put it into words?

Casey Cantrell: Yes. I would agree with that. I could not see her face from where I was standing in the kitchen. So seeing the video is the first time I saw her face when she called out and when she grabbed the knife. (Begins to cry) Its weird, Sally is in such good shape, she does cross-fit. She could have kicked Rick's ass no problem. Not sure why she needed a knife.

Detective Lloyd: I know it is hard Ms. Cantrell. I think we are done unless you have something else to add.

Casey Cantrell: No, that is all I remember. If I think of something else I will call you.

Detective Lloyd: Wait one more question. Did you see Sally drink any that night while she was at Hills & Dales?

Casey Cantrell: Yes, I saw her have two shots for our after closing ritual and she told me Rick had given her a couple of shots earlier in the evening to help her not be so angry. Thinking back on it drinking combined with her meds being out of whack probably sent her over the edge. I have never seen her so out of it.

Detective Lloyd: You knew she was off her meds that night?

Casey Cantrell: I figured she was off her meds for over a week. She had been acting crazier and crazier as the week progressed. But she was just so much fun. I liked her like that. But obviously something was not right with her that night. She would not hurt a fly, as far as I know she never has.

Detective Lloyd: As her friend did you say anything to her last week about her, as you say, abnormal behavior?

Casey Cantrell: No. It's her business. She knows how she feels. I'm her friend and I'm her roommate, but I am not her mom. She is twenty-four years old. She is not a child.

Detective Lloyd: Okay. Thank you.

/s/ Casey Cantrell
Casey Cantrell, age 23



**STATE OF ALABAMA
OFFICIAL CRIMINAL RECORD**

SALLY BRENDA CHILDERS, Born 04/03/1993

Date Charged : 09/07/2015

Charged Offense : Indecent Exposure, second offense, Class B misdemeanor

(Defendant was completely nude walking on Perdido Beach Blvd)

Disposition : Pled guilty on 09/21/2015. Fined \$500

Date Charged : 06/23/2015

Charged Offense : Indecent Exposure, Class C misdemeanor.

(Defendant was sunbathing nude on the beach)

Disposition : Pled guilty on 07/06/2015. Fined \$250

Date Charged : 02/23/2015

Charged Offense : Assault in the third degree, Class B misdemeanor.

(Defendant broke male victim's right arm and two ribs after he tried to dance with her without her permission)

Disposition : Pled guilty on 03/09/2015. 100 hours of community service and restitution for medical bills

End of record

PERTINENT LAW

§ 13A-6-2. Murder

(a) A person commits the crime of murder if he or she does any of the following: (1) With intent to cause the death of another person, he or she causes the death of that person or of another person. (2) Under circumstances manifesting extreme indifference to human life, he or she recklessly engages in conduct which creates a grave risk of death to a person other than himself or herself, and thereby causes the death of another person.

(b) A person does not commit murder under subdivisions (a)(1) or (a)(2) of this section if he or she was moved to act by a sudden heat of passion caused by provocation recognized by law, and before there had been a reasonable time for the passion to cool and for reason to reassert itself. The burden of injecting the issue of killing under legal provocation is on the defendant, but this does not shift the burden of proof.

§ 15-16-2. Presumption of responsibility for acts; burden of proving irresponsibility.

Every person over 14 years of age charged with crime is presumed to be responsible for his acts, and the burden of proving that he is irresponsible is cast upon the accused. The defense of insanity in all criminal prosecutions shall be clearly proved to the reasonable satisfaction of the jury.

§ 15-16-1. Defense of insanity to be by special plea.

When the defense of insanity is set up in any criminal prosecution, it must be by special plea, interposed at the time of arraignment and entered of record upon the docket of the court, which, in substance, shall be "not guilty by reason of insanity." A plea of insanity shall not preclude the usual plea of the general issue, which shall not, however, put in issue the question of the irresponsibility of the accused by reason of his alleged insanity, this question being triable only under the special plea.

§ 13A-3-23. Use of force in defense of a person, self defense:

- (a) A person is justified in using physical force upon another person in order to defend himself or herself or a third person from what he or she reasonably believes to be the use or imminent use of unlawful physical force by that other person, and he or she may use a degree of force which he or she reasonably believes to be necessary for the purpose. A person may use deadly physical force, and is legally presumed to be justified in using deadly physical force in self-defense or the defense of another person if the person reasonably believes that another person is: (1) Using or about to use unlawful deadly physical force. Or (2) Committing or about to commit a kidnapping in any degree, assault in the first or second degree, burglary in any degree, robbery in any degree, forcible rape, or forcible sodomy.
- (b) (b) A person who is justified under subsection (a) in using physical force, including deadly physical force, and who is not engaged in an unlawful activity and is in any place where he or she has the right to be has no duty to retreat and has the right to stand his or her ground.(c) Notwithstanding the provisions of subsection (a), a person is not justified in using physical force if: (1) With intent to cause physical injury or death to another person, he or she provoked the use of unlawful physical force by such other person. (2) He or she was the initial aggressor, except that his or her use of physical force upon another person under the circumstances is justifiable if he or she withdraws from the encounter and effectively communicates to the other person his or her intent to do so, but the latter person nevertheless continues or threatens the use of unlawful physical force
- (c) A person who uses force, including deadly physical force, as justified and permitted in this section is immune from criminal prosecution and civil action for the use of such force, unless the force was determined to be unlawful.
- (2) Prior to the commencement of a trial in a case in which a defense is claimed under this section, the court having jurisdiction over the case, upon motion of the defendant, shall conduct a pretrial hearing to determine whether force, including deadly force, used by the defendant was justified or whether it was unlawful under this section. During any pretrial hearing to determine immunity, the defendant must show by a preponderance of the evidence that he or she is immune from criminal prosecution.
- (3) If, after a pretrial hearing under subdivision (2), the court concludes that the defendant has proven by a preponderance of the evidence that force, including deadly force, was justified, the court shall enter an order finding the defendant immune from criminal prosecution and dismissing the criminal charges.
- (4) If the defendant does not meet his or her burden of proving immunity at the pre-trial hearing, he or she may continue to pursue the defense of self-defense or defense of another person at trial.
- (d) Once the issue of self-defense or defense of another person has been raised by the defendant, the state continues to bear the burden of proving beyond a reasonable doubt all of the elements of the charged conduct.
- (e) A law enforcement agency may use standard procedures for investigating the use of force described in subsection (a), but the agency may not arrest the person for using force unless it determines that there is probable cause that the force used was unlawful.

Jury Instructions

Presumption of Innocence; Burden of Proof; Reasonable Doubt

The defendant is presumed to be innocent until proven guilty. The defendant enters upon the trial of the case with a presumption of innocence in his favor. This presumption remains with the defendant until it is overcome by the State with evidence that is sufficient to convince you beyond a reasonable doubt that the defendant is guilty of the offense charged. No person shall be convicted of any crime unless and until each element of the crime as charged is proven beyond a reasonable doubt.

The burden of proof rests upon the State to prove every material allegation of the indictment and every essential element of the crime charged beyond a reasonable doubt. There is no burden of proof on the defendant whatsoever, and the burden never shifts to the defendant to introduce evidence or to prove innocence. However, if the defendant asserts an affirmative defense the defendant does have the burden to prove by a preponderance of the evidence the elements of the affirmative defense. Then, the State will have the burden to disprove the affirmative defense beyond a reasonable doubt.

However, the State is not required to prove the guilt of the accused beyond all doubt or to a mathematical certainty. A reasonable doubt means just what it says. A reasonable doubt is a doubt of a fair-minded, impartial juror honestly seeking the truth. A reasonable doubt is a doubt based upon common sense and reason. It does not mean a vague or arbitrary doubt but is a doubt for which a reason can be given, arising from a consideration of the evidence, a lack of evidence, or a conflict in the evidence.

After giving consideration to all facts and circumstances of this case, if your minds are wavering, unsettled, or unsatisfied, then that is a doubt of the law, and you should acquit the defendant. But, if that doubt does not exist in your minds as to the guilt of the accused, then you would be authorized to convict the defendant.

If the State fails to prove the defendant's guilt beyond a reasonable doubt, it would be your duty to acquit the defendant.

Credibility of Witnesses

You must determine the credibility or believability of the witnesses. It is for you to determine which witness or witnesses you believe or do not believe, if there are some whom you do not believe.

In deciding credibility, you may consider all of the facts and circumstances of the case, the manner in which the witness testify, their intelligence, their interest or lack of interest in the case, their means and opportunity for knowing the facts about which they testify, the probability or improbability of their testimony, and the occurrences about which they testify. You may also consider their personal credibility insofar as it may have been shown in your presence and by the evidence.

Evidence; Generally

Evidence is the means by which any fact that is put in issue is established or disproved. Evidence includes all of the testimony of the witnesses and exhibits admitted during the trial. It also includes any stipulations, which are facts agreed to by the parties. Evidence does not include the indictment, the plea of not guilty, opening statements or closing arguments by the lawyers.

Direct and Circumstantial Evidence

Evidence may be either direct or circumstantial or both.

Direct evidence is evidence that points immediately to the question at issue.

Evidence may also be used to prove a fact by inference. This is referred to as circumstantial evidence. Circumstantial evidence is the proof of facts or circumstances, by direct evidence, from which you may infer other related or connected facts that are reasonable and justified in light of your experience.

Self Defense

Self defense is the use of reasonable force to protect oneself from bodily harm from the attack of an aggressor, if the defender has reason to believe he/she is in danger of bodily harm. Anticipatory self defense is permissible when the threat of an armed attack is imminent.

Reasonable force is the amount of force proportional to the severity of the perceived threat.

If you find that the defendant acted in self defense and that the force used to defend herself was reasonable, you must find the defendant not guilty.

If you find that the defendant provoked the aggressor or that the defendant was the first aggressor then they are not entitled to self defense.

Not Guilty By Reason of Insanity

Not guilty by reason of insanity means that, because of a mental defect or deficiency, a defendant, at the time of the crime, is not able to understand or comprehend the nature and consequences of their behavior at the time of the crime. Or that the defendant, because of a mental defect or deficiency was so deluded that he/she did not know that what they were doing was wrong.

Intent

Intent to commit a crime can be formed in an instant. To find the defendant guilty you must find that the defendant had the unjustified intent to kill.

Unanimous Verdict

Whatever your verdict is, it must be unanimous (that is, agreed by all). The verdict must be in writing and signed by one of you members as foreperson, dated, and returned to be published in open court.

STATE OF ALABAMA)
)
)
v.)
)
)
SALLY CHILDERS)

VERDICT FORM
No: 2017-CR-0161

Count 1. Murder in the First Degree;

“We, the Jury, find the defendant, SALLY CHILDERS, GUILTY of Murder in the First Degree, as charged in the indictment.”

Foreman of the Jury

OR

“We, the Jury, find the defendant, SALLY CHILDERS, NOT GUILTY.”

Foreman of the Jury

OR

“We, the Jury, find the defendant, SALLY CHILDERS, NOT GUILTY only by reason of mental disease or defect.”

Foreman of the Jury