

2021

**DISTRICT COURT
CASE MATERIALS**

CASE 2

STATE OF MINNESOTA V. MATSUMODO

A Murder Trial

With a pretrial hearing involving the Fourth Amendment

BACKGROUND

CHARGES & JURY INSTRUCTIONS

STIPULATIONS

WITNESS STATEMENTS

Prosecution Witness -Desi Kunstler

Prosecution Witness -Casey Silber

Prosecution Witness - Dr. Jules Jackson

Prosecution Witness - Detective Micah Eisenberg

Defense Witness - Bailey Matsumoto

Defense Witness - Val Glick

Defense Witness - Quinn Clampitt

Defense Witness - Dr. Amari Wolpert, M.D.

PRETRIAL MOTION AND LEGAL AUTHORITIES

PHYSICAL EXHIBITS

CREDITS

BACKGROUND

1 Bailey Matsumoto is the founder of a startup for self-driving trucks. Bailey had previously
2 worked in the entertainment industry as a script writer and producer. Taylor (later Taylor
3 Matsumoto) worked as Bailey's technical advisor, providing expertise on Bailey's scripts and
4 films focused on science and technology. Bailey's films were not successful at the box office, so
5 Bailey decided to pursue an alternative plan to create a startup for autonomous trucks. Seeing
6 Taylor's expertise in technology, Bailey asked Taylor to join the startup. Bailey and Taylor left
7 the entertainment industry to focus on the startup. Bailey put all of Bailey's savings into this
8 startup.

9 Bailey and Taylor quickly developed a romantic relationship and were married in October 2019.
10 After the marriage, Taylor and Taylor's 16-year-old son, Michael, moved into Bailey's mansion
11 at 2349 Chandler Drive in Minneapolis. Bailey had inherited the mansion about two years prior.
12 Desi, Bailey's cousin and only surviving relative, also lives in the mansion.

13 While the relationship between Bailey and Taylor started out wonderfully, it quickly became
14 strained by a tragic accident. Taylor often dropped off Michael at his high school, located two
15 miles from the mansion. One morning in January 2020, when Taylor and Bailey were at an
16 investor meeting for their startup, Michael rode to school on a prototype self-driving scooter that
17 belonged to Bailey without Bailey's permission. On the way, the self-driving scooter
18 malfunctioned and Michael rammed into a building. Michael was immediately killed by the
19 impact.

20 After the death of Michael, Taylor was incredibly sad and developed a strong disdain for
21 autonomous technologies. To help cope with the grief, Taylor founded an organization called
22 "Parents Against Autonomous Driving" (PAAD). Taylor became a vocal advocate for the cause
23 and was frequently invited by the media to speak about the dangers of autonomous technologies.

24 Several potential investors watched Taylor's interviews on news channels and expressed to
25 Bailey their worries about the future of the startup. PAAD was endorsed by several
26 congresspersons across the country. Bailey and Taylor frequently argued over one another's
27 involvement. Bailey and Taylor began to sleep in different rooms; Bailey slept in the bedroom
28 by the movie room and Taylor slept in the master bedroom.

29 On the afternoon of Friday, June 7, Bailey and Taylor got into a disagreement concerning
30 upcoming events. Taylor planned to go to Capitol Hill in Washington, D.C., to testify in favor of
31 the *National Moratorium on Autonomous Technologies* bill on June 10. Bailey was scheduled to
32 have a meeting with Bailey's startup investors on the same day. That Friday evening, Taylor was
33 invited to a PAAD member's house to discuss the upcoming hearing in Washington, D.C., and to
34 share dinner and drinks. Casey, also a PAAD member, picked up Taylor at 7:00 p.m.

35 After Taylor left, Bailey went to purchase roses and champagne, and then returned to the
36 mansion. At 8:15 p.m., Val, Bailey's friend, joined Bailey and Desi at the mansion for a movie.
37 At

38 10:30 p.m., Val left the mansion and Desi retired to the kitchen.

39 At the PAAD member's house, Taylor became noticeably drunk. At 11:00 p.m., Casey dropped
40 off Taylor at Bailey's mansion. When Taylor entered the home, Desi informed Taylor that
41 Bailey had prepared a bath for Taylor in the master bathroom. The bathtub there was ground
42 level. On both ends of the bathtub were two stacked marble ledges. On the south end of the
43 bathtub, protruding from the lower marble ledge, was a stainless steel trough where water came
44 through in place of a faucet. The door between the master bathroom and the hallway remained
45 closed.

46 The next morning, Desi found Taylor clothed and floating face down in the bathtub with
47 Taylor's head positioned towards the south end of the bathtub. Taylor was dead. The bathtub
48 was still filled with water and rose petals. A wine glass was found on top of the lower marble
49 ledge about three feet above the surface of the bathtub. The floor near the ledge was sticky from
50 spilled champagne and was strewn with a few shards from a broken champagne bottle. The floor
51 was slightly wet at various places along the tub and from the edge of the tub to the center of the
52 room, with rose petals strewn across the floor too.

53 Desi contacted the police, and Detective Eisenberg arrived to conduct an investigation. Desi and
54 Bailey led Detective Eisenberg to the master bathroom. Detective Eisenberg examined the body
55 and noticed a bruise running vertically at a slight angle on the back of Taylor's head. It was
56 nearly 1.5 inches wide and four inches long.

57 Detective Eisenberg interviewed Bailey and Desi separately. During Detective Eisenberg's
58 interview with Desi, Desi explained that Desi last saw Taylor when Taylor arrived home drunk
59 and knocked over a vase in the foyer, around 11:00 p.m. Desi also claimed to hear a crash in the
60 master bathroom around 11:20 p.m. Desi explained finding Taylor's body that morning.
61 Detective

62 Eisenberg interviewed Bailey next. During Bailey's interview, Bailey explained that Bailey and
63 Taylor had a disagreement earlier that day so Bailey prepared a rose-petal bath for Taylor. Bailey
64 claimed that Taylor was drunk but alive when Bailey left Taylor in the master bathroom around
65 11:30 p.m.

66 The detective asked Bailey if the detective could look around the mansion, and Bailey responded
67 that the detective could search the house and garage. During Detective Eisenberg's search,
68 Detective Eisenberg noticed a golf club in Bailey's car. *[Later, Desi allowed Detective*
69 *Eisenberg to search the guest house, which is unattached from the main house. The separate*
70 *guest house includes an attached office accessible by an exterior and interior door.*

71 *The interior door to the office was locked, but the exterior door was unlocked. Detective*
72 *Eisenberg entered the office through the exterior door and searched the office. The office*
73 *contained Bailey's scripts and memorabilia from Bailey's time in the entertainment industry.*
74 *Detective Eisenberg found a script titled *Roses and Robots: A Murder Mystery*, which lists*
75 *Bailey as the writer. In the story, a robot intoxicates and pushes its owner into a rose-petal*
76 *bathtub, with the intent that the homicide appears to look like an accident.]*

77 The cause of death was later determined to be drowning. Based on the information Detective
78 Eisenberg collected through interviews, physical evidence and forensics reports, Detective
79 Eisenberg arrested Bailey and charged Bailey with the murder of Taylor.

80

81 .

CHARGES & JURY INSTRUCTIONS

CHARGES

The prosecution charges Matsudomoto with one count:

First Degree Murder (Minnesota Statutes, Sections 187-189).

Minnesota Criminal Code Section 187. Murder defined. Murder is the unlawful killing of a human being with malice aforethought.

Minnesota Criminal Code Section 188. Malice defined Such malice may be express or implied. It is express when there is manifested a deliberate intention unlawfully to take away the life of a fellow creature. It is implied, when no considerable provocation appears, or when the circumstances attending the killing show an abandoned and malignant heart.

Minnesota Criminal Code Section 189. Degrees of murder All murder which is perpetrated by means of a destructive device or explosive, a weapon of mass destruction, knowing use of ammunition designed primarily to penetrate metal or armor, poison, lying in wait, torture, or by any other kind of willful, deliberate, and premeditated killing is murder of the first degree. All other kinds of murders are of the second degree. To prove the killing was “deliberate and premeditated,” it shall not be necessary to prove the defendant maturely and meaningfully reflected upon the gravity of his or her act.

JURY INSTRUCTIONS

Direct and Circumstantial Evidence

Facts may be proved by direct or circumstantial evidence or by a combination of both. Direct evidence can prove a fact by itself. For example, if a witness testifies he saw it raining outside before he came into the courthouse, that testimony is direct evidence that it was raining. Circumstantial evidence also may be called indirect evidence. Circumstantial evidence does not directly prove the fact to be decided, but is evidence of another fact or group of facts from which you may logically and reasonably conclude the truth of the fact in question. For example, if a witness testifies that he saw someone come inside wearing a raincoat covered with drops of water, that testimony is circumstantial evidence because it may support a conclusion that it was raining outside.

Both direct and circumstantial evidence are acceptable types of evidence to prove or disprove the elements of a charge, including intent and mental state and acts necessary to a conviction, and neither is necessarily more reliable than the other. Neither is entitled to any greater weight than the other. You must decide whether a fact in issue has been proved based on all the evidence.

Circumstantial Evidence: Sufficiency of Evidence

Before you may rely on circumstantial evidence to conclude that a fact necessary to find the defendant guilty has been proved, you must be convinced that the People have proved each fact essential to that conclusion beyond a reasonable doubt.

Also, before you may rely on circumstantial evidence to find the defendant guilty, you must be convinced that the only reasonable conclusion supported by the circumstantial evidence is that the defendant is guilty. If you can draw two or more reasonable conclusions from the circumstantial evidence, and one of those reasonable conclusions points to innocence and another to guilt, you must accept the one that points to innocence. However, when considering circumstantial evidence, you must accept only reasonable conclusions and reject any that are unreasonable.

Murder With Malice Aforethought

The defendant is charged with murder. To prove that the defendant is guilty of this crime, the People must prove that:

1. The defendant committed an act that caused the death of another person; and
2. When the defendant acted, the defendant had a state of mind called malice aforethought; and
3. the defendant killed without lawful excuse or justification.

There are two kinds of malice aforethought, express malice and implied malice. Proof of either is sufficient to establish the state of mind required for murder.

The defendant acted with express malice if the defendant unlawfully intended to kill.

The defendant acted with implied malice if:

1. the defendant intentionally committed an act;
2. The natural consequences of the act were dangerous to human life;
3. At the time the defendant acted, the defendant knew the defendant's act was dangerous to human life; and
4. the defendant deliberately acted with conscious disregard for human life.

Malice aforethought does not require hatred or ill will toward the victim. It is a mental state that must be formed before the act that causes death is committed. It does not require deliberation or the passage of any particular period of time.

First Degree Murder

The defendant has been charged with first degree murder under the theory that the murder was willful, deliberate, and premeditated.

The defendant is guilty of first degree murder if the State have proved that the defendant acted willfully, deliberately, and with premeditation. The defendant acted willfully if the defendant intended to kill. The defendant acted deliberately if the defendant carefully weighed the considerations for and against the defendant's choice and, knowing the consequences, decided to kill. The defendant acted with premeditation if the defendant decided to kill before committing the act that caused death.

The length of time the person spends considering whether to kill does not alone determine whether the killing is deliberate and premeditated. The amount of time required for deliberation and premeditation may vary from person to person and according to the circumstances. A decision to kill made rashly, impulsively, or without careful consideration is not deliberate and premeditated.

On the other hand, a cold, calculated decision to kill can be reached quickly. The test is the extent of the reflection, not the length of time.

STIPULATIONS

1. For the purpose of the pretrial argument, Exhibit A may be used.
2. Dr. Jackson and Dr. Wolpert are qualified expert witnesses and can testify to each other's statements.
3. If the bracketed information is excluded from trial, it may not be used for impeachment purposes.
4. All witness statements were taken in a timely manner.
5. The victim died of drowning.
6. Desi found Taylor clothed, barefoot, and floating face down in the bathtub with Taylor's head positioned towards the south end of the bathtub.
7. For the purposes of the Mock Trial and pretrial argument, Exhibit C is the only relevant page of the script, and the absence of the remainder of the script cannot be objected to. The handwriting on the script belongs to the defendant.
8. Exhibit A is the floor plan of the defendant's mansion. Exhibit B is a diagram of the master bathroom where the victim's body was found. Exhibit C is the *Roses and Robots: A Murder Mystery* script written by Bailey Matsumoto. Exhibit D is a picture of the golf club found in the defendant's car. The golf club belonged to Taylor Matsumoto's son, Michael. Exhibit E is the official diagram of Taylor Matsumoto's head injury. (Exhibits A, B, and E are not to scale.)
9. The search of the mansion and Bailey's car was a valid search and may not be objected to.
10. The arrest warrant of Bailey Matsumoto was based on sufficient probable cause and properly issued.
11. Dr. Wolpert properly reviewed the lab report, and its absence may not be questioned.
12. Taylor's Blood Alcohol Content (BAC) at the time of death has been established as .12% and cannot be disputed.
13. All physical evidence and witnesses not provided for in the case packet are unavailable and their availability may not be questioned.
14. The fingerprints found on the golf club belong to Bailey Matsumoto.
15. Taylor was scheduled to go to Capitol Hill in Washington, D.C., to testify in favor of a bill titled *National Moratorium on Autonomous Technologies* on June 10.
16. Other than the wound on the back of the victim's head, no other injuries were found.

WITNESS STATEMENTS

Prosecution Witness
Desi Kunstler
Bailey's Cousin

1 My name is Desi Kunstler. I am 38 years old. I am Bailey's cousin and Bailey's only surviving
2 relative. Bailey and I have been friends since childhood. When I lost my job as a life insurance
3 agent a year ago, I asked Bailey if I could stay at the mansion until I found a new job. Bailey was
4 reluctant at first, but I assured Bailey that I would help Bailey with the startup. Lately, I have
5 been helping Bailey analyze numbers and profits.

6 At Bailey's mansion, I stay in the guest house. *[The guest house is connected to the office where*
7 *Bailey has all of the scripts and memorabilia from Bailey's time in the entertainment industry, as*
8 *well as other books on technology and startups. I go to the office frequently to grab books on*
9 *startups and accounting. There are two doors that access the office. Both office doors are*
10 *usually locked, but not always. I have never accessed the office from the interior door. When I*
11 *need to access the office, I usually get a key from Bailey.]*

12 Bailey has been spoiled and selfish since childhood. Bailey inherited the mansion from our
13 family's wealthiest relative. Bailey has lived a very lavish lifestyle and has not always made
14 smart decisions with Bailey's money. Bailey's late parents and grandfather were involved in the
15 entertainment industry, and so Bailey fell into the entertainment field as well. But Bailey's films
16 were not successful, and Bailey frequently did not get along with the film crew because Bailey
17 would blame the failures on the crew instead of taking responsibility. Bailey told me that Bailey
18 never liked to be associated with failure. Bailey turned to creating an autonomous truck startup to
19 look for success in this growing field. Bailey put all of Bailey's savings into this startup and
20 secured a second mortgage on the mansion to finance the startup.

21 After Bailey and Taylor were married, Taylor and Taylor's son, Michael, moved into the
22 mansion. I quickly became like an older sibling to Michael. Bailey became jealous of my
23 relationship with Michael and began pestering me to move out of the mansion. If it weren't for
24 Taylor who convinced Bailey to let me stay, Bailey may have kicked me out.

25 At first Bailey and Taylor had a pretty good relationship, but I noticed that it began to sour in
26 January 2020 after Michael's devastating death by an autonomous scooter built by Bailey.

27 Michael would still be alive today if Bailey never built that machine. As a way to deal with
28 Michael's death, Taylor became involved with media and politics seeking to ban autonomous
29 technologies. Obviously Bailey did not like this and Bailey and Taylor began living in separate
30 rooms. Taylor took the master bedroom and Bailey took the bedroom by the movie room.
31 Sometimes I overheard their arguments in the house. I believed that their marriage would soon
32 be over.

33 Sometime in May, Bailey asked me how my job search was going. I knew Bailey was hoping I'd
34 find a new job and move out of the mansion. Bailey and Taylor started arguing more often in
35 early June. They argued several times a day about everything, but especially about Taylor
36 preparing to testify against autonomous technologies in Washington, D.C., on June 10. Bailey

37 had an investor meeting scheduled for that same day. Bailey told me Bailey was concerned that
38 investors may choose not to provide additional funding for the startup because of mounting
39 media opposition to autonomous technologies.

40 On the afternoon of June 7, I witnessed Taylor and Bailey have another big fight. I could tell this
41 fight especially angered Bailey. I heard Taylor mutter something about “divorce,” but I also
42 clearly heard Taylor say to Bailey, “Your robot scooter killed my son!” A few hours later, I was
43 in the kitchen when Bailey told me that Taylor had just gone with Casey to a PAAD event. We
44 both knew that Taylor usually returned drunk from evening PAAD gatherings. Bailey then told
45 me to set up the movie room and to arrange snacks as Bailey’s friend Val would be coming over
46 for a movie night. As

47 Bailey left the kitchen, Bailey muttered, “Wouldn’t it be too bad if Taylor didn’t make it to the
48 Capitol Hill hearing?”

49 I grabbed gummy worms from the kitchen and went to the movie room. I selected *Gigabytis*, a 2-
50 hour movie written and produced by Bailey. The *Gigabytis* DVD was already in the movie room.
51 After the set-up, I remembered I needed to do laundry, so I went to the guest house to get my
52 clothes and brought them back to the laundry room to wash. At 8:15 p.m., Val arrived, and I took
53 Val to the movie room. Bailey came to the movie room right after. During the movie, I received
54 a text from Taylor that said, “i drank too much and now i want cookie dough ice cream.” I
55 showed this text on my phone to Bailey. Bailey nodded in acknowledgment.

56 As soon as the film ended, Val left the mansion to go back home.

57 When I was about to leave, Bailey told me that Bailey was getting up to prepare a “rose-petal bath”
58 for Taylor to “make up” for their most recent fight. Being single myself and not wishing to meddle
59 in Bailey’s and Taylor’s relationship, I did not ask Bailey anything about it.

60 After picking up the remaining gummy worms and tidying up the movie room, I was still hungry,
61 so I went to the kitchen to have a salad. Around 11 p.m., as I was finishing my salad, I heard a
62 loud thud near the front door. I quickly ran to the foyer and saw that Taylor was home and had
63 stumbled into a table and knocked over a vase in the foyer. Taylor looked drunk. I told Taylor
64 that Bailey had been preparing a bath for Taylor in the master bathroom. Taylor just looked at
65 me, but didn’t say anything. Taylor then took Taylor’s shoes off and headed toward the master
66 bedroom. I then headed to the guest house, where I reside, and I began listening to music on my
67 earbuds.

68 Probably about 20 minutes later, I remembered that I had left clothes in the washer inside the
69 main house’s laundry room. I did not want my clothes to have a mildew smell. With both my
70 earbuds in my ears, I paused my music and came back to the laundry room to put my clothes in
71 the dryer. Just when I was done putting my clothes in the dryer, I heard Taylor shouting
72 something about “testifying.” I turned on the dryer when I heard a slightly muffled sound of
73 something breaking from the master bathroom area. I called out from the laundry room, “Is
74 everything okay?” Bailey answered loudly, “Everything is good. We are going back to bed.”
75 Taylor didn’t say anything, and I did not want to interfere, so I played the music on my earbuds
76 again and walked back to the guest house.

77 The next morning, at 7:30 a.m., I went back to the laundry room to get my clothes from the
78 dryer. I heard an alarm clock going off from the master bedroom. After I had folded all my
79 laundry, the alarm still hadn't stopped. I figured Taylor was still asleep, so I decided to turn off
80 Taylor's alarm clock. When I walked into the master bedroom, I did not see Taylor in the bed. I
81 then walked to the master bathroom through the closet where I found Taylor floating face down
82 in the bathtub. Taylor was barefoot and still wearing the jeans and t-shirt that Taylor wore the
83 night before. I panicked seeing Taylor in this state and immediately flipped Taylor over to check
84 for a pulse. There was nothing.

85 I immediately called 911 and went to Bailey's room to share the horrible news. I was in shock. I
86 don't remember how Bailey reacted to the news of Taylor's death. I recall Bailey went into the
87 bathroom alone for a minute or so. Then, we both stepped outside to wait for the police. Bailey
88 and I waited outside the garage and did not wait long before Detective Eisenberg arrived. Bailey
89 and I led the detective into the master bathroom through the garage. We waited in the master
90 bedroom.

91 Detective Eisenberg interviewed me first because I found the body. I told the detective that I
92 lived in Bailey's mansion. I also told the detective about Bailey and Taylor's big fight the
93 previous afternoon and how they fought a lot. I told the detective that after yesterday's fight,
94 Taylor went to a friend's house, and we had a movie night at the mansion with Val. I told the
95 detective that after the movie, Bailey went to the master bathroom to prepare a rose-petal bath
96 for Taylor. Taylor returned home from the meeting around 11 p.m., and I knew Taylor was drunk
97 and that Taylor sent me a text that night at 9:35 p.m. that said Taylor had drank too much and
98 wanted cookie dough ice cream. I could tell from the typos that Taylor was drunk. I showed this
99 text to Bailey. We both know you can't reason with a drunk Taylor. I also told Detective
100 Eisenberg that Taylor had knocked over a vase in the foyer when

101 Taylor returned from the meeting. That was the last time I saw Taylor until I found Taylor's
102 body the next morning. Lastly, I told the detective that around 11:20 p.m. I was in the laundry
103 room when I heard Taylor shout something about "testifying" and then a sound of something
104 breaking. I called out to see if everything was good to which Bailey responded that everything
105 was good and that they were going back to bed. The sounds came from the master bathroom. I
106 didn't hear anything more from either Taylor or Bailey for the rest of the night.

107 I later found Detective Eisenberg and Bailey in the garage. Detective Eisenberg wanted Bailey's
108 car keys. Bailey said they were misplaced. Bailey looked to me like Bailey was trying to hide
109 something. I looked through some drawers in the garage and found the keys in one of the
110 drawers. I handed them to Detective Eisenberg. Detective Eisenberg unlocked the car and took
111 out

112 Michael's golf club from the back seat. It was unusual to see Michael's golf club there because
113 normally the golf club was in Michael's golf bag in Taylor's closet.

114 *[Later, Detective Eisenberg asked me if I live in the guest house, to which I responded yes.*
115 *Detective Eisenberg then asked me if Detective Eisenberg could search the guest house and the*
116 *attached office. I said yes but told Detective Eisenberg that Bailey had the key to the attached*
117 *office.]*

Prosecution Witness
Casey Silber
Taylor's friend

1 My name is Casey. I am 43 years old, and I have been a part of

2 Parents Against Autonomous Driving since it was founded by Taylor in late January 2020. I
3 joined PAAD because my 12-yearold daughter was severely injured when she was hit by a self-
4 driving car. My daughter will never be the same after that accident. Taylor and I have become
5 very good friends within the last year. It is unfortunate that it took two tragic incidents to bring
6 us together.

7 Taylor frequently vented to me about Taylor's relationship with Bailey. Taylor told me that
8 Taylor was always passionate about technology. Taylor previously worked as a technical advisor
9 for films. Taylor always had great technological ideas, many that were more fit for sci-fi films
10 than realistically possible. Taylor also deeply loved Michael. I could see this because Taylor
11 would frequently show me pictures and videos of Michael taking part in activities with Taylor,
12 like golf. Taylor told me that the possibility of having another parent for Michael is why Taylor
13 wanted to get married. Money had nothing to do with it. In fact, Taylor came from a wealthy
14 family. Taylor told me that Taylor held assets in gold bars, and I had seen Taylor's extensive
15 collection of jewelry.

16 Bailey seemed to care about Michael. Bailey gave Michael gifts and took him to concerts and on
17 vacations. They seemed to enjoy spending time together as a family.

18 But after Michael's death, Taylor told me that Bailey did not really care about Taylor or Taylor's
19 loss. Taylor felt that Bailey put work and the startup before family. Taylor was angry that
20 Bailey's self-driving scooter killed Michael and wanted to do something about it. Taylor decided
21 to create a support group and become an advocate. Taylor and Bailey had many heated
22 arguments, especially after Taylor started PAAD and began to speak out against autonomous
23 technologies on social media and news networks. I frequently overheard these arguments when I
24 went to Bailey's mansion. Taylor also told me about the possibility of a divorce. Once in May,
25 while I was having lunch with Taylor at a popular local restaurant, we saw Bailey. Even though
26 the restaurant was packed, Bailey saw us and recognized me. While I was away from Taylor
27 heading to the restroom, Bailey came up to me and said accusingly, "Why did you make Taylor
28 turn against me? I married Taylor for the success of this startup." I was caught off guard by this
29 statement and I chose not to relay this message to Taylor because I knew it would cause another
30 blow up fight between Bailey and Taylor.

31 At 7:00 p.m. on June 7, I arrived at Bailey's mansion to pick up

32 Taylor. We were going to Benj Morgan's house to speak about

33 PAAD's upcoming hearing at Capitol Hill to testify for *National Moratorium on Autonomous*
34 *Technologies* on June 10. Under the leadership of Taylor, we had done a great job of increasing
35 public awareness of the dangers of autonomous technologies and felt we were very close to
36 achieving a national ban on them.

37 When I picked up Taylor, Taylor looked extremely upset. I expected Taylor to rant as was
38 usually the case, but instead Taylor seemed quiet. I asked Taylor what was wrong. Taylor told
39 me that Bailey did not want Taylor to go to Capitol Hill. "I've had enough of living with that
40 heartless person," Taylor told me. It seemed to me that their divorce was going to happen soon.
41 At Benj's house, Taylor did not lead the conversation as PAAD's leader as Taylor usually did. I
42 did not see Taylor have any dinner, but I did see Taylor have a few vodka sodas. I did not pay
43 close attention as I had to lead the conversation, though I was worried as I had noticed Taylor
44 turn to drinking a lot lately to cope with grief over the loss of Michael and stress caused by
45 Taylor's arguments with Bailey.

46 I dropped Taylor off at Bailey's mansion at 11:00 p.m. Taylor had been quiet on the way back.
47 As Taylor stepped out of the car, Taylor muttered something about going to Washington, D.C.,
48 to save Michael, but Taylor was quite clearly drunk. I drove off without seeing Taylor go in.

49 The next afternoon, I got a call from Detective Eisenberg informing me that Taylor was dead. I
50 was devastated. I told the detective that Bailey and Taylor had many heated arguments lately and
51 that Taylor was considering a divorce. I also told the detective I dropped a "tipsy" Taylor off at
52 11 p.m. the previous night. I had

53 no idea that would be the last time I would see my best friend Taylor.

Prosecution Witness
Dr. Jules Jackson

1 My name is Dr. Jules Jackson. I received a biology degree from the University of Minnesota in
2 1986 and an M.D. from the University of Minnesota in 1990. I completed residency in anatomic
3 and clinical pathology from the University of Minnesota in 1994, and I completed a fellowship in
4 forensic pathology in 1995. I determine the cause and manner of death using information from
5 law enforcement and investigation findings as well as through autopsy, radiology, toxicology and
6 the microscopic examination of tissue. Seven years ago, I published a book entitled *The*
7 *Evolution of Forensics*. I have also published many articles on the subject of forensic science. In
8 2006, I became the Chief Medical Examiner for Hennepin County. I continue to serve in this
9 position. During my career, I have seen more than 50 deaths due to drowning. I wrote my
10 conclusions about Taylor Matsumoto's death in a report that was made available to the defense.

11 At 8:30 a.m. on June 8, 2020, I came to the scene to examine the body of Taylor Matsumoto.
12 Time of death was pronounced by Detective Eisenberg at 8:00 a.m., when Detective Eisenberg
13 arrived at the scene and legally noted the death.

14 I first took a sample of the water. The water was still filled with rose petals. Upon closer analysis
15 of the water, however, I noticed the water was not clear water, but appeared to have partially
16 digested food particles in it, indicating that Taylor may have been alive in the water prior to
17 death. The last stage of drowning may include coughing, vomiting, and convulsions. Thus, it
18 already seemed plausible that the cause of death in Taylor's case was drowning.

19 Lividity is the gravitational pooling of blood under the skin when the blood circulation has
20 slowed or ceased. I found the lividity toward the anterior, or front, of Taylor's body. Taylor's
21 blood had settled in the face, neck, hands, legs and feet and was fixed. The fixing of lividity
22 ranges between 8 to 12 hours postmortem. Given the state of lividity and the recording of
23 Taylor's legal death at 8 a.m., I would estimate Taylor's time of death to be between 10

24 p.m. on June 7, 2020, and 12 a.m. on June 8, 2020.

25 I also noticed that Taylor's body was somewhat stiff. Rigor mortis is the stiffening, or a
26 hardening of the skeletal muscles. Rigor mortis generally sets in about three to four hours after
27 death, peaks at 12 hours, and dissipates after 48 hours, or even longer when a body is in water.
28 Given the fact that Taylor's body was not completely stiff either at the time I examined Taylor or
29 at 10:00 when I performed the autopsy, I did not think rigor mortis was helpful in determining
30 the time of death.

31 The position of Taylor's body in the water and the water sample at the scene suggested to me
32 that the cause of Taylor's death was drowning. However, to be sure the cause of death was not
33 something else, I undertook a toxicology analysis to make sure that Taylor's cause of death was
34 not due to alcohol or drug overdose. A postmortem forensic toxicology analysis involves
35 sampling body fluids or tissues. I tested samples of Taylor's heart blood, femoral blood, and
36 vitreous to determine Taylor's blood alcohol content (BAC). The level of ethyl alcohol in
37 Taylor's blood was 0.12. This level of BAC can cause slurring of words and loss of judgment,
38 but it is certainly not fatal. I found no trace of narcotics or other indications of drug use.

39 During the autopsy, I noticed a dark purple contusion (bruise) on the back of Taylor's head that
40 was about 1.5 inches wide and four inches long. The contusion was vertical and at a slight angle.
41 I decided to do an X-ray and biopsy (microscopic analysis of tissue) of this area. The scalp
42 biopsy revealed an acute hemorrhage, suggesting the injury was a contusion or bruise caused by
43 trauma within minutes or hours before death. The X-ray revealed a cerebral hemorrhage and a
44 depressed skull fracture on Taylor's skull. Blunt force trauma of the head can cause both a
45 depressed skull fracture and a contusion of this nature.

46 Given the size of Taylor's contusion and the nature of Taylor's head injury, I believe that the
47 contusion and fracture on the back of Taylor's head are consistent with being struck with a blunt
48 instrument/object. Detective Eisenberg asked me if a golf club could cause this injury, to which I
49 responded it is possible. The detective showed me the putter, and I examined it. If Taylor had
50 been struck by the putter on the back side of Taylor's head, Taylor could easily have fallen into
51 the bathtub face down. And the dimensions of the putter closely match the contusion on Taylor's
52 head. It is typical for bruising to also appear slightly larger than the dimensions of the blunt-force
53 object as the internal bleeding spreads. Taylor's injuries are consistent with being struck on the
54 back of the head with the golf putter shown to me by Detective Eisenberg.

55 Taylor had a depressed skull fracture. A depressed skull fracture is more indicative of a direct
56 blow to the head from a blunt instrument rather than an injury from a fall. Blunt force trauma
57 that results in a depressed skull fracture would likely cause loss of consciousness preventing
58 Taylor from resisting the instinctive response to prevent drowning. If not for the blunt force
59 trauma by the blunt instrument, Taylor would not have drowned.

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Prosecution Witness
Detective Micah Eisenberg

1 My name is Detective Micah Eisenberg. For the last 25 years, I have worked for the Minneapolis
2 Police Department and was promoted to detective 13 years ago. I was called to Bailey's mansion
3 on June 8, 2020 after a body was found in the master bathtub. I arrived on the scene at 7:55 a.m.
4 and found Bailey and Desi standing outside the house in front of the garage. The garage door
5 was open.

6 When I entered the garage, I was immediately drawn to Bailey's autonomous car. It was a
7 beautiful shade of silver and it sat on the left side of the garage plugged into an outlet. As I was
8 eyeing the car, I noticed a golf club in the back seat. I noted that this was unusual because the
9 club was all by itself, but I proceeded to the master bathroom where Taylor's body was found.
10 The master bathroom has a shower, toilet, double vanity, and bathtub. The bathtub is fixed into
11 the floor of the bathroom with entry into the bathtub at the ground level, like a Jacuzzi. The
12 bathtub is rectangular-shaped, with a length of 7.5 feet and a width of 6 feet. On both ends of the
13 bathtub are two marble ledges stacked on one another, with a smaller ledge atop a larger ledge.
14 Instead of a faucet, the water comes through a trough protruding from the bottom marble ledge at
15 the southern end of the bathtub. The trough has a length of 20 inches and a width of 12 inches.
16 The two top edges of the trough are one inch wide each. The trough is made of stainless steel and
17 stands eight inches above ground level. The bathroom has a marble floor. The master bathroom
18 is connected to the master bedroom closet and has another door leading into the hallway.

19 In the master bathroom, I found Taylor floating in the tub, face up. Taylor's head was facing
20 towards the south end of the bathtub. Taylor was wearing a black t-shirt and jeans. I checked
21 Taylor's pulse and detected none. I also saw a broken champagne bottle next to the edge of the
22 tub. The side of the ledge and the area on the ground where the champagne bottle apparently
23 broke were sticky from the spilled champagne. On top of the lower marble ledge was an empty
24 wine glass still sticky from champagne. I looked for bruising, abrasions or scratching around
25 Taylor's neck and behind Taylor's ears when I parted Taylor's hair and noticed a bruise on the
26 back of Taylor's head. I called in Dr. Jackson to do a forensic analysis.

27 I asked who had found the body, and Desi told me that Desi found Taylor's body. I interviewed
28 Desi by the garage and had Bailey wait inside the house. I learned that Desi lived on Bailey's
29 property. I asked Desi about the day before. Desi told me about a fight that Bailey and Taylor
30 had the previous afternoon and other fights the couple had. Desi also mentioned having a movie
31 night at the mansion while Taylor went to a friend's house to attend a PAAD gathering. Desi told
32 me that after the movie, Bailey went to the master bathroom to prepare a rose-petal bath for
33 Taylor. Desi also explained why it was obvious that Taylor was drunk. Desi said that Taylor
34 usually became drunk at these gatherings, that Taylor had sent a text indicating that Taylor was
35 drunk and which Bailey had seen, and that Taylor knocked over a vase as Taylor entered the
36 mansion at 11:00 that night. At around 11:20 p.m., while Desi was in the laundry room, Desi
37 heard Taylor yell from the master bathroom. Taylor yelled something about testifying then Desi
38 heard a sound of something breaking. Desi called out to check if everything was okay, and Desi
39 heard Bailey respond, "Everything is good. We are going back to bed." Desi did not hear Taylor
40 say anything after the breaking sound. At this point, I believed that there was a possible
41 homicide.

42 Next, I interviewed Bailey, the owner of the mansion. Bailey said that Taylor had been living at
43 Bailey's mansion for nearly eight months after they had been married. Bailey told me that Bailey
44 and Taylor had an argument the previous afternoon, but that such arguments were common.
45 After the argument, Bailey said that Taylor went with Casey to a PAAD member's house. Bailey
46 said that Bailey, Desi, and Val watched a movie. Bailey claimed that just before they arrived,
47 Bailey decided to prepare a rose-petal bath as a caring gesture for Taylor and purchased roses
48 and champagne.

49 After the movie, Bailey said Bailey prepared the rose-petal bath and then went to Bailey's room.
50 About 20 minutes later, Bailey said that Bailey went to see if Taylor was enjoying the bath and
51 to make sure Taylor was not drunk. Bailey mentioned that Taylor had promised not to drink at
52 Casey's house, but Bailey just wanted to be sure. However, when Bailey entered the master
53 bathroom, Taylor told Bailey to "get out" and knocked over the champagne bottle. Bailey said
54 that Bailey went to Bailey's room after that.

55 I asked Bailey if I could look around the mansion. Bailey said,

56 "You are welcome to search my house and the garage." The way

57 Bailey answered was casual and nonchalant, *[suggesting that I was free to look around the entire*
58 *property.]* I conducted a cursory examination of the mansion. Nothing really looked out of place,
59 but then I remembered the golf club I had seen in Bailey's car earlier and went to the garage. Bailey
60 followed me to the garage. Desi also stepped into the garage when I asked Bailey for the keys to
61 the car so I could retrieve the golf club. Bailey said that Bailey didn't remember where they were,
62 but Desi sifted through some drawers and handed the keys to me. I retrieved the golf club. The
63 golf club was a possible murder weapon, so I put it in a plastic bag. I later learned that the golf
64 club was a 33-inch long male putter. The length of the club face was four inches and the face height
65 was one inch. The club appeared to have been wiped clean with bleach except for a spot just below
66 grip which had Bailey's fingerprints.

67 Desi followed me into the kitchen. Bailey was not with us.

68 Through the kitchen window, I saw a detached structure. I asked Desi, "Is that where you live?"
69 Desi nodded and said it was the guest house. *[I asked Desi if I could search the place, to which*
70 *Desi responded "Yes." There was an office next to the guest house. I asked Desi if I could also*
71 *search that. Desi nodded, but said Bailey had the key. I went to the guest house. I then turned the*
72 *knob leading to the office from the interior door. It was locked. I then tried to enter using the*
73 *exterior door. This door was unlocked, and I entered. I saw framed movie posters on the wall.*
74 *On a shelf in the back of the room was a mesh basket with the label "Movie Scripts." I looked*
75 *into the basket and found a stack of scripts. On top of the stack was a script titled Roses and*
76 *Robots: A Murder Mystery. Bailey was listed as the writer. There was a sticky note flagging a*
77 *page, so I opened to that page. On this page was a scene in which a robot prepares a drink with*
78 *a lot of liquor in it for its master. The robot then goes to prepare a rose-petal bath for its master.*
79 *After giving its master the drink, the robot pushes the drunken master into the bath and laughs as*
80 *the master drowns. The robot then announces that the police will perceive the incident to be an*
81 *accident. On the page was a handwritten note about needing three liquor drinks and a bottle of*
82 *champagne.]*

83 I later interviewed Casey, a member of PAAD. Casey said that

84 Taylor was dropped off around 11 p.m. Casey mentioned that Taylor had several vodka sodas
85 that night, but could not remember precisely how many. Casey also mentioned that Bailey and
86 Taylor had been experiencing many heated arguments and that Taylor had been considering the
87 possibility of a divorce. I also interviewed Val. Val claimed to have left Bailey's mansion around
88 10:30 p.m. I also spoke with the housekeeper who told me about how Taylor's and Bailey's
89 relationship went bad after Michael's death, how they slept in different rooms, and how Taylor
90 mistreated Bailey by yelling at Bailey and demeaning Bailey.

91 In preparation for trial, I prepared sketches of the mansion's floor plan and master bathroom. I
92 took measurements of the master bathtub's dimensions, as well as measurements of the ledges
93 and trough, which I provided on the sketches. I also took a photo and measurements of the golf
94 club. I provided Dr. Jackson with the golf club to see if it could create Taylor's injury and Dr.
95 Jackson said it was possible. Dr. Jackson estimated the time of death to be between 10 p.m. and
96 12 a.m. Based on the information I gathered through interviews and received through forensics,
97 it seemed that Taylor died between 11:20 p.m. and 12 a.m. I received a warrant for Bailey's
98 arrest and arrested Bailey at Bailey's mansion a week after Taylor's death.

99

Defense Witness
Bailey Matsumoto
Defendant

1 My name is Bailey Matsumoto. I am 42 years old. I live at 2349 Chandler Drive in Minneapolis.
2 I am a former producer and script writer. I enjoy writing sci-fi scripts in particular, focusing on
3 technology. Given my love for technology, I wanted to pursue another passion of mine. I created
4 and put all my savings into a startup for autonomous trucks and other technologies.

5 I met Taylor on set of one of my motion pictures, titled *Galaxy of the Robots*. Taylor worked as
6 the technical advisor. Taylor had great insight and was easily the best technical advisor I ever
7 had. During breaks, Taylor would speak to me about Taylor's passion for technology and we
8 would brainstorm great ideas for technology. I didn't want these ideas to be limited to film and
9 decided to make them a reality. I invited Taylor to join my startup for autonomous technologies,
10 particularly autonomous trucks. Taylor was excited to join my startup. Within the first few
11 weeks, our professional relationship quickly evolved into a romantic one. Taylor and I decided to
12 get married soon afterwards. I was madly in love.

13 I also developed a strong bond with Taylor's son, Michael, and treated him as my own son.
14 Michael enjoyed the outdoors so we frequently went hiking, biking, and playing golf. Michael
15 also would ask me about the autonomous projects I would be working on. One was an
16 autonomous scooter prototype that Taylor and I had developed together. One morning I had left
17 the self-driving scooter unlocked, and Michael took the scooter without permission. The scooter
18 malfunctioned and failed to detect a building. Our son was killed by the impact. We were
19 devastated by the loss.

20 It was especially difficult for Taylor to cope with the loss of our son. Taylor became depressed. I
21 urged Taylor to see a therapist. While Taylor didn't take my advice, Taylor decided to cope with
22 the loss by finding a support group. At first I didn't mind this, but Taylor soon became a staunch
23 advocate opposing autonomous technologies and the media began inviting Taylor to speak
24 against these technologies. Taylor also began rallying political support. I could not understand
25 why Taylor would turn against our vision to create a startup for autonomous technologies that
26 could have a lasting impact on the world. Taylor also did not seem to understand that
27 autonomous technologies are safer than even humans; when it comes to driving alone, 37,000
28 people are killed by car accidents each year, whereas there have only been a handful of
29 autonomous vehicle fatalities in the hundreds of millions of miles over which they have been
30 driven collectively. Shortly after Michael's death, I moved into the guest bedroom next to the
31 movie screening room. I wanted to give Taylor space to cope with Michael's death.

32 Taylor and I had many spirited discussions. I became upset, especially when our startup's
33 investors threatened to not provide additional funding for the startup. Taylor knew that I had put
34 everything into this startup, including taking out a second mortgage on the mansion. Taylor did
35 not contribute any funding.

36 On June 7, we got into another argument. This one was more focused on upcoming events. We
37 had a very important meeting with some of the investors of our startup. Not only did Taylor want
38 to skip that meeting, but Taylor wanted to spend that day in Washington, D.C., testifying against

39 autonomous technologies instead. I reminded Taylor that all my savings were invested, that if we
40 didn't get additional funding our startup would fail, and about our marriage vows to support one
41 another (and therefore the startup) in sickness and in health. Taylor did not seem to care and did
42 make some hurtful remarks such as maybe wanting a divorce and blaming me for the death of
43 our son. While this was cold of Taylor to say because I gave Michael immense love while we
44 were a family, I decided to not push the argument further because I was concerned about
45 Taylor's mental health. Like many married couples we had our arguments, but we would always
46 resolve them quickly and rarely went to bed angry.

47 At 7:00 p.m. that evening, I saw that Casey, another PAAD member, had pulled up to our
48 driveway. I figured they were going to another typical evening PAAD gathering. As Taylor was
49 leaving, I told Taylor to make sure Taylor did not have any drinks that night. I was worried that
50 Taylor might drink too much because Taylor was upset from our earlier argument. Since
51 Michael's death, Taylor had been drinking a lot. Taylor responded, "Fine, I won't drink, you
52 jerk."

53 I felt hurt that Taylor was still upset and decided to do something to make up for our latest
54 argument. I was expecting Desi and Val to join me that night to watch a movie. I told Desi to set
55 up the movie room for our movie night. Thinking about Taylor's drinking, I may have said to
56 Desi that it would be too bad if Taylor missed the flight to D.C. the next morning. I loved Taylor
57 and didn't want Taylor to be humiliated.

58 I decided to quickly head to the nearby grocery store to pick up some roses, and a bottle of
59 champagne for Taylor so that I could prepare a nice bath that would show Taylor my love. As
60 Desi prepared the movie room, I placed these items in my room.

61 During the movie, Desi handed me Desi's phone, presumably to show me a text from Taylor. I
62 didn't see what the text said. I was very focused on the movie so I only glanced at it. We were
63 watching the scene in which the antagonist began infecting the computers with a USB that had
64 the "Gigabytis" viral infection. This was a very intense scene for us to film. I grunted and
65 nodded so Desi would move the phone away from my face and I could focus on my movie on the
66 screen.

67 Around 10:30 p.m., Val left the mansion. Taylor had not returned yet. I told Desi that I was
68 going to prepare a rose-petal bath for Taylor to make up for our recent argument. I went to my
69 room to grab the roses and the champagne bottle. I found a wine glass in my room and took that
70 with me as well. I saw on my Locate My Friends app that Taylor was about 10 minutes away. I
71 turned on the hot water in the master bathtub so the temperature would be perfect when Taylor
72 arrived. After the tub was full, I sprinkled the rose petals on the water. There were just enough to
73 cover the whole bath. I then placed the champagne bottle and glass at the edge of one of the
74 marble ledges. I looked again on my Locate My Friends app that Taylor was approaching, so I
75 returned to my room. I couldn't wait for Taylor to see the surprise bath.

76 I was in my room when I heard a crashing sound from the foyer. I thought of getting up to check,
77 but I was very tired. I then heard Desi tell Taylor that I had been preparing a rose-petal bath. A
78 few minutes later, it occurred to me that maybe Taylor had in fact gotten drunk even though
79 Taylor promised me that Taylor would not drink at the gathering. I knew that it isn't safe to be

80 drunk while taking a bath, so I decided to check on Taylor to see if everything was okay and
81 whether Taylor was enjoying the bath. I planned to remove the champagne if it seemed that
82 Taylor already had too much to drink.

83 I walked to the master bathroom through the closet. Taylor became very upset when Taylor saw
84 me. Taylor was still wearing the clothes Taylor had worn to the PAAD meeting. As soon as I
85 opened my mouth to speak, Taylor told me to “get out” and Taylor knocked over the champagne
86 bottle which broke onto the ground beside the tub. I overheard Desi call out, “Is everything
87 okay?” I shouted back that, “Everything is good.” Because Taylor was still in regular clothes, it
88 seemed to me that Taylor was not going to get into the bath. It seemed like Taylor was drunk, but
89 since Taylor had knocked over the champagne bottle, which broke when it hit the ground, I knew
90 that Taylor could not have more to drink. Not wishing to embarrass Taylor given that Desi was
91 nearby and to give Taylor the space Taylor needed, I excused myself and headed back to my
92 room.

93 I don’t recall Taylor saying anything specific to me about testifying in D.C. at that time. I loved
94 Taylor and respected Taylor’s decision to testify, although I didn’t agree with Taylor. I’m not
95 sure why Desi thought we were arguing about Taylor’s decision to testify. I have a hard time
96 trusting Desi. Desi was fired from a life insurance company for dishonesty. Desi resents me for
97 being the inheritor of the mansion, even though I have been kind enough to let Desi stay.

98 Shortly after 7:30 a.m. on June 8, I woke up to Desi in my room. Desi told me that Taylor was
99 found dead in the bathtub. I immediately ran to the bathroom and found Taylor lying lifeless in
100 the bathtub. I was in shock. I couldn’t bear to see Taylor that way. I quickly left the room, and
101 Desi and I walked outside to wait for the police. I could not believe my beloved Taylor was dead.
102 It hurts me so much that Taylor died in this horrible accident. I wish I had not left Taylor alone
103 after Taylor told me to get out. Perhaps I could have prevented Taylor’s death.

104 Desi had called the police, and shortly thereafter, Detective Eisenberg arrived through the garage.
105 After interviewing Desi, Detective Eisenberg interviewed me. I told Detective

106 Eisenberg how I had been living with Taylor, my spouse, for nearly eight months after our
107 marriage. I told Detective Eisenberg that we had an argument the previous afternoon, but that our
108 arguments were common. I told Detective Eisenberg that Taylor went to Casey’s house and Desi
109 and Val joined me for a movie night. I also told Detective Eisenberg that before my friends came
110 for the movie, I went to buy rose petals and champagne to prepare a rose-petal bath as a caring
111 gesture for Taylor. I told Detective Eisenberg that I prepared the rose-petal bath after the movie
112 and then returned to my room. Lastly, I told Detective Eisenberg that about 20 minutes later I
113 went to check to see if Taylor was enjoying the bath and to make sure that Taylor was not drunk,
114 but Taylor told me to “get out” and knocked over the champagne bottle. I also told the detective
115 that Taylor had promised me that Taylor would not drink at Casey’s house, but I went to the
116 master bath just to be sure. After Taylor told me to get out however, I returned to my room and
117 went to sleep.

118 Detective Eisenberg asked to search the property. I told Detective Eisenberg that the detective
119 could search my house and the garage. *[I never said it was okay for Detective Eisenberg to*
120 *search the office attached to the guest house. The guest house and attached office were separate*

121 *from the house. The office had a lot of my personal belongings from my time in Hollywood,*
122 *which was personal to me. I also had unpatented ideas for autonomous technologies and movie*
123 *scripts that had not yet become movies. I did not want anyone to sift through my personal work*
124 *and violate my privacy rights. I wrote the script for *Roses and Robots*. The note Detective*
125 *Eisenberg found in it is mine, and it related to my research for the story. But I have not looked at*
126 *that script in years.]*

127 After looking through the house, Detective Eisenberg returned to the garage. I followed
128 Detective Eisenberg to see if the detective needed anything or had any other questions. Detective
129 Eisenberg asked me for my car keys. I didn't find them in their usual place: a key hanger on the
130 wall of the garage. From all the stress I was experiencing, I couldn't clearly remember where the
131 keys were. Luckily, Desi was able to find them. Detective Eisenberg unlocked my car, took
132 Michael's golf club from the back seat, and put it in a plastic bag. Michael used this golf club
133 when we went on family golf trips. The golf club held significant sentimental value for Taylor. I
134 wanted to get a special display case for the golf club so I could mount it on one of our walls in
135 memory of Michael. The golf club had been in my back seat for a few days. I had wiped the
136 putter and shaft down with bleach because I wanted the golf club to be nice and pristine when
137 placed in the display case.

138 *[Detective Eisenberg should have known that the office was not part of Desi's residence. Desi*
139 *goes in there sometimes, but only upon my request to get a few books on startups. It should have*
140 *been obvious that the office is mine given that it has Hollywood memorabilia and specifically my*
141 *films and my movie scripts.*

142 *I wrote the script, *Roses and Robots: A Murder Mystery*, in 2011. While admittedly a remarkable*
143 *piece, it never became a movie. I have a whole mesh basket filled with scripts. The handwriting*
144 *on the script is mine. I just really like rose-petal baths. They are sweet and romantic. This script*
145 *I wrote, which never became a movie, is about a robot. I developed several scripts about robots.*
146 *The handwritten note on the script indicates props we would need for that scene if it ever got*
147 *filmed.]*

Defense Witness
Val Glick
Bailey's Friend

1 My name is Val Glick, and I am 35 years old. I first met Bailey when I acted in one of Bailey's
2 movies. Bailey was the first person to realize the potential I had to become a movie star. I was a
3 lead actor in one of Bailey's movies and since then I have not looked back. I've starred in three
4 movies and have won awards. Bailey has been a great producer and a talented screenwriter to
5 work with.

6 I owe much of my success in film to Bailey, and I often turn to Bailey when I need advice.
7 Bailey is a mentor and a friend. We hang out often and frequently play golf.

8 In January 2020, Bailey took Michael's death very hard. Bailey had become quite close to
9 Michael before his death and would frequently talk to me about activities and trips Bailey would
10 plan to do with Michael. When I visited Bailey's mansion, I would frequently see Bailey and
11 Michael laughing and telling jokes. Michael liked me and sometimes I would take Michael to the
12 driving range. Bailey also told me how happy Bailey was to not only become a spouse, but also a
13 parent. After Michael's death, Bailey would often share Bailey's concerns about Taylor's grief
14 and mental health.

15 Some people think Bailey is very stubborn and always wants things Bailey's way. They are
16 wrong. Bailey can be very demanding when it comes to projects like creating films or
17 autonomous devices, but Bailey always puts family and friends first. Bailey is one of the most
18 caring people I know. I saw this with Bailey's relationship with Michael, and I continue to see
19 this with the concern Bailey has for me, too. Bailey is so considerate that Bailey continued to let
20 Bailey's cousin Desi live in the mansion, even though Desi is dishonest and an ungrateful
21 freeloader. Once I even saw Desi take off with a tip that Bailey had generously left for Bailey's
22 housekeeper, Quinn, on the kitchen counter.

23 I wasn't close to Taylor. I would see Taylor in Bailey's mansion sometimes when I would visit
24 Bailey and Michael. After the death of Michael, I would rarely see Taylor, who remained most
25 of the time in the master bedroom. When Taylor did come out, Taylor seemed out of it,
26 unresponsive and apathetic. Bailey told me that the only thing Taylor talked about was Taylor's
27 group Parents Against Autonomous Driving. A couple of months before Taylor died, I saw
28 Taylor in the foyer holding a golf club as I entered the mansion. I was surprised to see Taylor
29 going anywhere. I asked Taylor about the golf club. Taylor told me that it was Michael's golf
30 club. Speaking of the golf club, Bailey told me a few days before Taylor died that Michael's golf
31 club had a lot of sentimental value to them and so Bailey wanted to get a display case for it and
32 mount it on a wall of the mansion.

33 On June 7 at about 8:15 p.m., I arrived at Bailey's mansion. Bailey had invited us to watch one
34 of Bailey's genius underappreciated movies. I knew it would be *Gigabytis*, a two-hour thriller
35 that Bailey had mentioned wanting to see again. I noticed that Bailey looked very sad during the
36 film. Bailey usually would applaud and make gestures at the screen during one of Bailey's films.
37 After the film, Bailey told me about the most recent argument concerning Bailey's upcoming

38 investor meeting and Taylor's Capitol Hill hearing. Bailey told me that Bailey was very worried
39 about Taylor because Taylor seemed very upset on the way to a PAAD gathering.

40 At around 10:30 p.m., I saw that Bailey looked very tired. I told Bailey to get to sleep and then
41 left the mansion. I returned to my home. The next morning, I received a call from Desi informing
42 me that Taylor had died. I was on location so I couldn't get to Bailey, so I sent Bailey a text
43 saying I was sorry to hear about Taylor's

44 passing. I don't remember if Bailey texted back. All I can say is that Bailey truly loved Taylor.

Defense Witness
Quinn Clampitt
Housekeeper

1 My name is Quinn Clampitt. I am 60 years old. I have been a housekeeper for Bailey for two
2 years, since Bailey inherited the mansion. Before that, I served as housekeeper for Bailey's
3 grandfather for over 25 years, and I have seen Bailey grow up into the great person that Bailey is.
4 I come to Bailey's mansion every other day to clean. I clean other homes on other days of the
5 week. At Bailey's mansion, I am responsible for cleaning the bathrooms, mopping the floors,
6 vacuuming the carpets, and dusting all over the house. *[However, Bailey does not let me clean*
7 *Bailey's office. Bailey tells me that there are a lot of personal belongings there including*
8 *Bailey's "precious personal ideas."]*

9 I remember after Bailey married Taylor, Bailey was very happy. I think Bailey's relationship
10 with Michael had a lot to do with it. Bailey had a strong affinity towards Michael. In the
11 beginning of their marriage, I sometimes would arrive to clean the mansion and only Desi would
12 be home. Desi would tell me that Bailey and Taylor had gone out with Michael for a Saturday
13 activity. Some days, I would see Michael return with a gadget or golf club in hand. The three of
14 them would return laughing.

15 After the death of Michael, Bailey and Taylor's relationship went bad. Taylor was very cold with
16 Bailey. Before they would be laughing, but after the death, they would barely speak. When they
17 did it speak it was often Taylor yelling at Bailey. I noticed that Bailey and Taylor had shifted to
18 different rooms. Bailey moved into the guest bedroom next to the movie room. Sometimes
19 Taylor would lock the master bedroom when Taylor was very upset, and I would be unable to
20 clean the master bedroom and attached master bathroom. Taylor was beginning to look very sick,
21 but Bailey is a very nice person and I knew Bailey would take care of Taylor.

22 Over the last few weeks, I noticed that Taylor had become more prone to outbursts. These
23 outbursts were almost always directed at Bailey. Taylor would demean Bailey about Bailey's
24 failure in the entertainment field and now in the autonomous technologies field. Taylor also got
25 mad at Bailey for continuing the startup even after the death of Michael. It was very awkward for
26 me to be in this tense situation as I tried to clean the mansion. Taylor was also very rude to me. I
27 avoided the master bedroom so I would not have to deal with Taylor and because I assumed it
28 would be locked anyway, but some days Taylor would scream at me asking why I had not
29 cleaned the master bedroom. While I understand that Taylor was going through a stressful time,
30 Bailey was also going through a difficult time. Michael's death was not easy on Bailey and I can
31 only imagine that the added pressure of Taylor yelling at Bailey did not help things. Often when
32 I was at Bailey's house I noticed that Taylor began drinking quite early in the day, maybe around
33 1 or 2 p.m. This was concerning to me because it seemed Taylor was now self-medicating with
34 alcohol. I did not say anything to Taylor because I did not believe it was my place to do so.

35 Before Michael died, when Bailey and Taylor shared the master bedroom, I used to clean the
36 master bedroom and master bathroom twice a week. The bathtub is ground level and the smooth
37 marble floor in the bathroom, even around the bathtub, is often very slippery, especially if there
38 is water or something else on the floor. Once, when I was mopping the floor, I slipped on the
39 floor into the empty bathtub and sprained my ankle. I was unable to clean any homes for the next

40 two weeks. I mentioned the slipperiness of the floor to Bailey, but Bailey never addressed this, as
41 far as I know.

Defense Witness
Dr. Amari Wolpert, M.D.

1 My name is Dr. Amari Wolpert. I received a biology degree from USC in 1991 and an M.D.
2 from USC in 1995. I completed my residency in anatomic and clinical pathology from USC in
3 1999, and completed a fellowship in forensic pathology in 2000. I was a medical examiner in
4 San Francisco for seven years, but now work as a lead forensic pathologist at Minnesota Forensic
5 Solutions. In my career, I have examined around two dozen or more cases of drowning. I am
6 tasked with the interpretation of all information, including autopsy and toxicological results. I
7 examined Dr. Jackson's report and have reached the following conclusions.

8 I concur with Dr. Jackson that Taylor died due to drowning. Drowning is a diagnosis of
9 exclusion; there are no definitive features for the diagnosis of drowning. However, I noted many
10 findings which are associated with drowning deaths in my analysis of Taylor's post-mortem
11 physical exam. For instance, I noted the increased size of Taylor's lungs; each lung weighed over
12 500 grams. In most cases of drowning, the lungs are voluminous, completely filling the chest
13 cavity. There was also foam in the mouth and airways, and watery fluid present in the lungs and
14 stomach, which are also associated with drowning deaths.

15 It is often difficult to determine the manner of death when a person is submerged in water. I
16 believe that the circumstances surrounding the death are often more important than the autopsy
17 findings. However, unlike Dr. Jackson, I believe that Taylor's death was not attributable to a
18 homicide, but rather was an accidental death. In fact, most drownings are accidental.

19 The toxicology reports do not indicate that Taylor died from an overdose. Chemical blood
20 analysis revealed Taylor had a 0.12 BAC level. At this level, motor skills can be impaired. This
21 level of alcohol in the blood could affect Taylor's balance, judgment, and reaction time and can
22 cause drowsiness, dizziness, and coordination problems. However, a 0.12 BAC level would not
23 alone cause death.

24 I understand Dr. Jackson's conclusion that Taylor was struck with a golf club. But it is quite
25 difficult for a medical examiner to match a particular weapon to blunt-force injuries. Analyzing a
26 bruise is an inexact science. In my professional opinion, there is a more plausible explanation
27 for the contusion and depressed skull fracture to the back of Taylor's skull. Given the alcohol
28 Taylor had consumed, Taylor's motor skills and balance were impaired. Add to that a wet floor,
29 and Taylor would have only managed not to fall through unusual agility. Looking at Detective
30 Eisenberg's sketches in the bathroom, it seems Taylor likely slipped and fell backward toward
31 the tub, losing footing. The back of Taylor's head could have hit the top edge of the trough
32 closest to Taylor as Taylor tumbled into the water. The top edge of the trough has a width of one
33 inch that can explain the width of Taylor's bruise. While Taylor's bruise is about 1.5 inches
34 wide, the size of the bruise does not have to correlate exactly with the instrument. Still, I cannot
35 say for certain what caused the blunt-force trauma head injuries to Taylor. No one could. But
36 there is a trough in the location of the death scene that could have caused Taylor's injury — both
37 in nature and in size — from a ground level fall.

38 To get a better sense of the time of death, I examined Taylor's rigidity (rigor mortis). Rigidity is
39 the hardening of muscles after death. In about 0 to 8 hours after death, the body starts to stiffen,

40 but is still movable. In 8 to 12 hours, the muscles become completely stiff. Rigor begins to
41 disappear in about 24 to 36 hours after death on land, but may take up to 72 hours in water. The
42 physical exam noted that at 10:00 a.m. on June 8, Taylor's body was still movable. Some of
43 Taylor's smaller muscles began to tighten as rigor becomes evident in smaller muscles first.
44 Given that Taylor's body was movable, it is my estimation that Taylor died much later during the
45 night, and not before 12:00 a.m. as Dr. Jackson estimated. As Dr. Jackson also acknowledges, it
46 is very difficult to determine the physiological time of death and Taylor's rigidity alone makes
47 Dr. Jackson's estimation questionable.

48 It is in my professional opinion that Taylor's death was an accident. Throughout my years as a
49 forensic pathologist, I have seen dozens of ground level fall cases as a result of a person being
50 intoxicated. Direct drowning and injury-associated drowning is almost always accidental.
51 Globally, drowning is the third leading cause of unintentional injury death. This situation, in my
52 professional opinion

53

PRETRIAL MOTION

This section contains materials and procedures for the preparation of the trial and a pretrial motion on an important legal issue. The judge's ruling on the pretrial motion will have a direct bearing on the charges in this trial and the possible outcome of the trial. The pretrial motion is designed to help students learn about the legal process and legal reasoning. Students will learn how to draw analogies, distinguish a variety of factual situations, and analyze and debate constitutional issues.

The pretrial issue involves the Fourth Amendment protection against unreasonable searches and seizures. There is a question of whether Detective Eisenberg's search of the office adjacent to Desi's guest house was constitutional. If the search was unconstitutional, the *Roses and Robots: A Murder Mystery* script (Exhibit C) may not be used at trial. The script and the search of the office are the only Fourth Amendment issues in the case.

The Fourth Amendment protects individuals, their cars, and their homes from unreasonable police searches. Many police searches, however, are legal. For example, if a police officer has obtained a valid warrant, he or she is allowed to make a search within the bounds of that warrant.

In this case, the Fourth Amendment issue concerns who may give consent and the scope of consent once it has been given. If valid consent has been given to search the office, then the search is constitutional. If the search was outside the scope of the consent, then the warrantless search was unconstitutional.

The sources cited below will help you determine if Detective Eisenberg's search of the office is unconstitutional. For trials in which there is no pretrial hearing, the search of the office room is constitutional, and all bracketed information may be used during

the trial. This pretrial motion is the only allowable motion for the purposes of the competition.

PRETRIAL ARGUMENTS

The prosecution asserts that the search was reasonable because both Desi and Bailey consented to a search of the office. The prosecution contends that Bailey consented to a search of the entire property, which included the office. Even if Bailey did not consent to a search of the office, the prosecution argues that Detective Eisenberg could have relied on Desi's consent.

The defense claims the search was unreasonable. The defense argues that Bailey did not consent to a search of the office and that Desi could not have given consent for the search of the office. While the defense concedes that Bailey consented to a search of the house and garage, the defense asserts that the scope of the consent did not encompass the office.

SOURCES FOR PRETRIAL MOTION & ARGUMENTS

The sources for the pretrial motion arguments consist of excerpts from the U.S. Constitution, Minnesota Statutes, Minnesota Criminal Jury Instructions, edited court opinions, relevant information from the witnesses' statements, and the Mock Trial Fact Situation.

The U.S. Constitution protects individuals against unreasonable searches and seizures. Over the last 200 years, the Supreme Court and lower courts have interpreted what is “unreasonable.” Decisions from the U.S. Supreme Court, the Minnesota Supreme Court, and the Minnesota Court of Appeals are binding on Minnesota trial courts and must be followed.

Cases from all circuits, including the Ninth Circuit, and cases from federal district courts and from other state supreme courts, as well as legal commentary, may be used for persuasive purposes, but are not binding on a Minnesota judge. In developing arguments for this Mock Trial, both sides should compare or distinguish the facts in the cited cases from one another and from the facts in *People v. Matsumoto*.

LEGAL AUTHORITIES

US Constitution

U.S. Constitution, Amendment IV

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Statutory

Minnesota Statutes, Section 187. Murder defined

(a) Murder is the unlawful killing of a human being with malice aforethought.

Minnesota Statutes, Section 188. Malice defined

Such malice may be express or implied. It is express when there is manifested a deliberate intention unlawfully to take away the life of a fellow creature. It is implied, when no considerable provocation appears, or when the circumstances attending the killing show an abandoned and malignant heart.

Minnesota Statutes, Section 189. Degrees of murder

All murder which is perpetrated by means of a destructive device or explosive, a weapon of mass destruction, knowing use of ammunition designed primarily to penetrate metal or armor, poison, lying in wait, torture, or by any other kind of willful, deliberate, and premeditated killing...is murder of the first degree.

Jury Instructions

Direct and Circumstantial Evidence

Facts may be proved by direct or circumstantial evidence or by a combination of both. Direct evidence can prove a fact by itself. For example, if a witness testifies he saw it raining outside before he came into the courthouse, that testimony is direct evidence that it was raining. Circumstantial evidence also may be called indirect evidence. Circumstantial evidence does

not directly prove the fact to be decided, but is evidence of another fact or group of facts from which you may logically and reasonably conclude the truth of the fact in question. For example, if a witness testifies that he saw someone come inside wearing a raincoat covered with drops of water, that testimony is circumstantial evidence because it may support a conclusion that it was raining outside.

Both direct and circumstantial evidence are acceptable types of evidence to prove or disprove the elements of a charge, including intent and mental state and acts necessary to a conviction, and neither is necessarily more reliable than the other. Neither is entitled to any greater weight than the other. You must decide whether a fact in issue has been proved based on all the evidence.

Circumstantial Evidence: Sufficiency of Evidence

Before you may rely on circumstantial evidence to conclude that a fact necessary to find the defendant guilty has been proved, you must be convinced that the People have proved each fact essential to that conclusion beyond a reasonable doubt.

Also, before you may rely on circumstantial evidence to find the defendant guilty, you must be convinced that the only reasonable conclusion supported by the circumstantial evidence is that the defendant is guilty. If you can draw two or more reasonable conclusions from the circumstantial evidence, and one of those reasonable conclusions points to innocence and another to guilt, you must accept the one that points to innocence. However, when considering circumstantial evidence, you must accept only reasonable conclusions and reject any that are unreasonable.

Murder with Malice Aforethought

The defendant is charged with murder. To prove that the defendant is guilty of this crime, the People must prove that:

The defendant committed an act that caused the death of another person; and

When the defendant acted, the defendant had a state of mind called malice aforethought; and

The defendant killed without lawful (excuse or justification).

There are two kinds of malice aforethought, express malice and implied malice. Proof of either is sufficient to establish the state of mind required for murder. The defendant acted with express malice if the defendant unlawfully intended to kill.

The defendant acted with implied malice if:

1. The defendant intentionally committed an act;
2. The natural and probable consequences of the act were dangerous to human life;
3. At the time the defendant acted, the defendant knew (his/her) act was dangerous to human life; and

4. The defendant deliberately acted with conscious disregard for human life.

Malice aforethought does not require hatred or ill will toward the victim. It is a mental state that must be formed before the act that causes death is committed. It does not require deliberation or the passage of any particular period of time.

First Degree Murder (§ 189)

The defendant has been prosecuted for first degree murder under the theory that the murder was willful, deliberate, and premeditated.

The defendant is guilty of first degree murder if the People have proved that the defendant acted willfully, deliberately, and with premeditation. The defendant acted willfully if the defendant intended to kill. The defendant acted deliberately if the defendant carefully weighed the considerations for and against (his/her) choice and, knowing the consequences, decided to kill. The defendant acted with premeditation if the defendant decided to kill before committing the act that caused death.

The length of time the person spends considering whether to kill does not alone determine whether the killing is deliberate and premeditated. The amount of time required for deliberation and premeditation may vary from person to person and according to the circumstances. A decision to kill made rashly, impulsively, or without careful consideration is not deliberate and premeditated. On the other hand, a cold, calculated decision to kill can be reached quickly. The test is the extent of the reflection, not the length of time.

Federal Cases

Von Eichelberger v. U.S., 252 F.2d 184 (9th Cir. 1958)

Facts: Defendant was storing boxes at an acquaintance's garage for an indefinite period. The acquaintance summoned the police and had them search the boxes. The police found guns inside the boxes. The defendant moved to exclude the evidence of the guns because the search was without a warrant and he did not consent.

Issue: Could the acquaintance give consent to search the boxes or was the defendant's consent necessary?

Holding: The acquaintance's consent was enough. The garage was entirely under the acquaintance's control, and he alone had a key. The defendant was not a lessor, an owner, or an occupant of the premises and therefore his consent was not necessary.

Stoner v. California, 376 U.S. 483 (1962)

Facts: Stoner was suspected of robbing a bank. Police learned that he was staying at a hotel. A clerk at the hotel consented to a search of his room. The police found a gun in the room. Stoner moved to exclude the evidence because it was obtained during an unreasonable search.

Issue: Could the clerk give consent to the search of the defendant's hotel room?

Holding: No. The hotel clerk had no authority to give consent to a police search, and the police had no reasonable belief that the clerk had such authority. Even though the clerk could enter the room to perform his duties, he could not consent to a police search. It did not matter that the police officer believed the clerk had authority if such a belief was not objectively reasonable.

***Katz v. U.S.*, 389 U.S. 347 (1967)**

Facts: The police, without getting a warrant, inserted a wiretap into a public phone booth in order to listen to defendant's calls. The defendant placed bets from the phone in violation of federal law. The defendant moved to have the recorded conversations excluded from the evidentiary record.

Issue: Was the police recording of defendant's calls a search?

Holding: Yes. The court defined a search as any governmental intrusion into something in which a person has a reasonable expectation of privacy. Here, the defendant had a reasonable expectation of privacy in the booth. The officer's recording of his conversation constituted a search and seizure under the Fourth Amendment. The police did not have a warrant, probable cause to arrest, consent, or any other justification for the search. Therefore, the search was unconstitutional.

***U.S. v. Matlock*, 415 U.S. 164 (1974)**

Facts: The police came to the defendant's house to investigate a bank robbery. Mrs. Graff, who shared the house and a bedroom with the defendant, answered the door. She consented to a search, and police found money in the bedroom closet. The defendant claimed the search was unconstitutional and the money was inadmissible.

Issue: Could Mrs. Graff consent to a search of defendant's house?

Holding: Yes. Mrs. Graff had joint access and control of the room and therefore could consent to a search. It did not matter that the house belonged to the defendant or that he did not give Mrs. Graff the authority to consent to a search. Co-occupants may consent to searches of common areas.

***Illinois v. Rodriguez*, 497 U.S. 177 (1990)**

Facts: Gail Fischer came to police and told them that the defendant had drugs in "our apartment." Gail brought the police to the apartment and opened the door with a key. There were drugs in plain view and the police arrested the defendant. Later, it was determined that Gail did not have joint access or control over the apartment, and the defendant moved to have the drugs taken out of the evidentiary record.

Issue: Is the search constitutional if based on consent by someone who did not have access or control over the apartment?

Holding: Yes, because the police reasonably believed Gail had joint access. The Fourth Amendment only protects against unreasonable searches. Gail had a key, had belongings in

the apartment, and claimed to live there. The police had an objectively reasonable basis for believing that Gail could give consent to a search. It did not matter that the belief turned out to be wrong.

***Georgia v. Randolph*, 547 U.S. 103 (2006)**

Facts: Defendant's wife told the police that the defendant possessed cocaine in their house. When the police asked for permission to search the house, the defendant refused. But his wife readily gave consent and led the officer to the evidence. The defendant was arrested for drug possession. The defendant argued that the search was unconstitutional because of his objection.

Issue: Is the search constitutional when one physically present occupant consents, but the other physically present occupant objects?

Holding: No. This is based on commonly held societal assumptions. A guest would unlikely enter a house when invited if one occupant told him to enter, but the other occupant told him to stay out. Moreover, even a host having an overnight guest would not invite someone into the house if his guest objected to it. Therefore, when the defendant objected to the search, his wife's consent provided no additional authority to the police to enter.

***U.S. v. Pena*, 143 F.3d 1363 (10th Cir. 1998)**

Facts: The defendant was staying in a hotel room when police arrived and asked to search the room. The defendant said, "Go ahead." The officers found a couple of marijuana cigarettes in the bathroom ceiling and arrested the defendant. The defendant claimed that he had not consented to the search of the bathroom and therefore the cigarettes were inadmissible.

Issue: Did defendant's consent to a search of the room allow the officers to search the bathroom?

Holding: Yes. An objectively reasonable person would have considered

the bathroom as included in the officer's request to search the room. They were both part of the same accommodation, and the bathroom was implied in the officer's request. Also, the defendant did not object to the officer entering the bathroom.

***U.S. v. Davis*, 332 F.3d 1163 (9th Cir. 2003) Facts:** One of two roommates of a two-bedroom apartment consented to a police search of the entire premises. The officers found a gun in a duffel bag, under the bed of the non-present roommate. The roommate moved to exclude the gun from evidence as he did not consent to the search.

Issue: Could the roommate give consent to search the duffel bag of her absent roommate?

Holding: No. The gun was in a bag and under the non-present roommate's bed. The consenting roommate did not have joint access over the duffel bag and did not have express authorization from the other roommate to consent to the search. Thus, the search was illegal and the gun could not be brought into evidence.

State Cases

People v. Cruz, 61 Cal.2d 861 (1964)

Facts: A few temporary guests at an apartment were suspected of possession of marijuana. One of the transient guests, Ann, told the officer he could “look around.” The officer conducted an extensive search lasting several hours. The officer found marijuana in a suitcase of another transient guest, the defendant.

Issue: Could Ann’s consent allow the officer to search the defendant’s suitcase?

Holding: No. The officer was aware that both Ann and the defendant were temporary guests. Ann could only give consent to items that were hers. Thus, the search of the suitcase was outside the scope of Ann’s consent. The officer did not ask the defendant for permission to search the suitcase and such consent would have been necessary for a search. Thus, the marijuana was suppressed.

People v. Murillo, 241 Cal.App.2d 173 (1966)

Facts: The defendant was staying in his girlfriend’s apartment. The defendant’s girlfriend was a police informant and told police that defendant was selling illegal drugs. Defendant had a case in which the girlfriend had stored some personal items. The girlfriend’s items were removed, but she kept a key to the case. The police arrested the defendant near his girlfriend’s apartment. When they arrived at the girlfriend’s home, she consented to a general search of the apartment and later told the officers that the drugs were in defendant’s case, which was in the next room over.

The case was locked, but the police found a key on the defendant, and without permission from defendant they searched the case and found heroin. The defendant was charged with possession of heroin.

Issue: Did the girlfriend give lawful consent to search the case?

Holding: No. The police were not aware that the girlfriend had a key to the case. Therefore, the police could not have considered the girlfriend’s possession of the key when determining the scope of her consent. Her general consent for the apartment was not sufficient for the officers to open the container, even though the girlfriend alerted the police to the container’s contents. The defendant was in the room at the time and his specific consent was needed to remove the key from his pocket and open the case.

People v. Jenkins, 22 Cal. 4th 900 (2000)

Facts: In a murder investigation, the police asked Diane if they could search her apartment. Diane consented. The police asked if there were any items that belonged to her brother. Diane gave them her brother’s unlocked briefcase. The police opened it and found the gun used in the murder. In a trial for murder, the defendant moved to have the briefcase excluded from evidence.

Issue: Did Diane have the authority to consent to a search of the briefcase?

Holding: Yes. It was objectively reasonable to assume that Diane had not only joint, but exclusive access over the case at the time of the search. Diane was a family member of the defendant, and the briefcase was kept in her bedroom. When the defendant gave the case to Diane, he assumed the risk that she would consent to a search of it.

PHYSICAL EVIDENCE

Only the following physical evidence may be introduced at trial. The prosecutor is responsible for bringing:

1. Exhibit A, Official Diagram of the Floor Plan of Bailey's Mansion
2. Exhibit B, Master Bathroom Layout
3. Exhibit C, Bailey's Roses and Robots Script
4. Exhibit D, Golf Club Found in Bailey's Car
5. Exhibit E, Diagram of Taylor Matsumoto's Head Injury

Exhibit A
Official Diagram of the Floor Plan of Bailey's Mansion

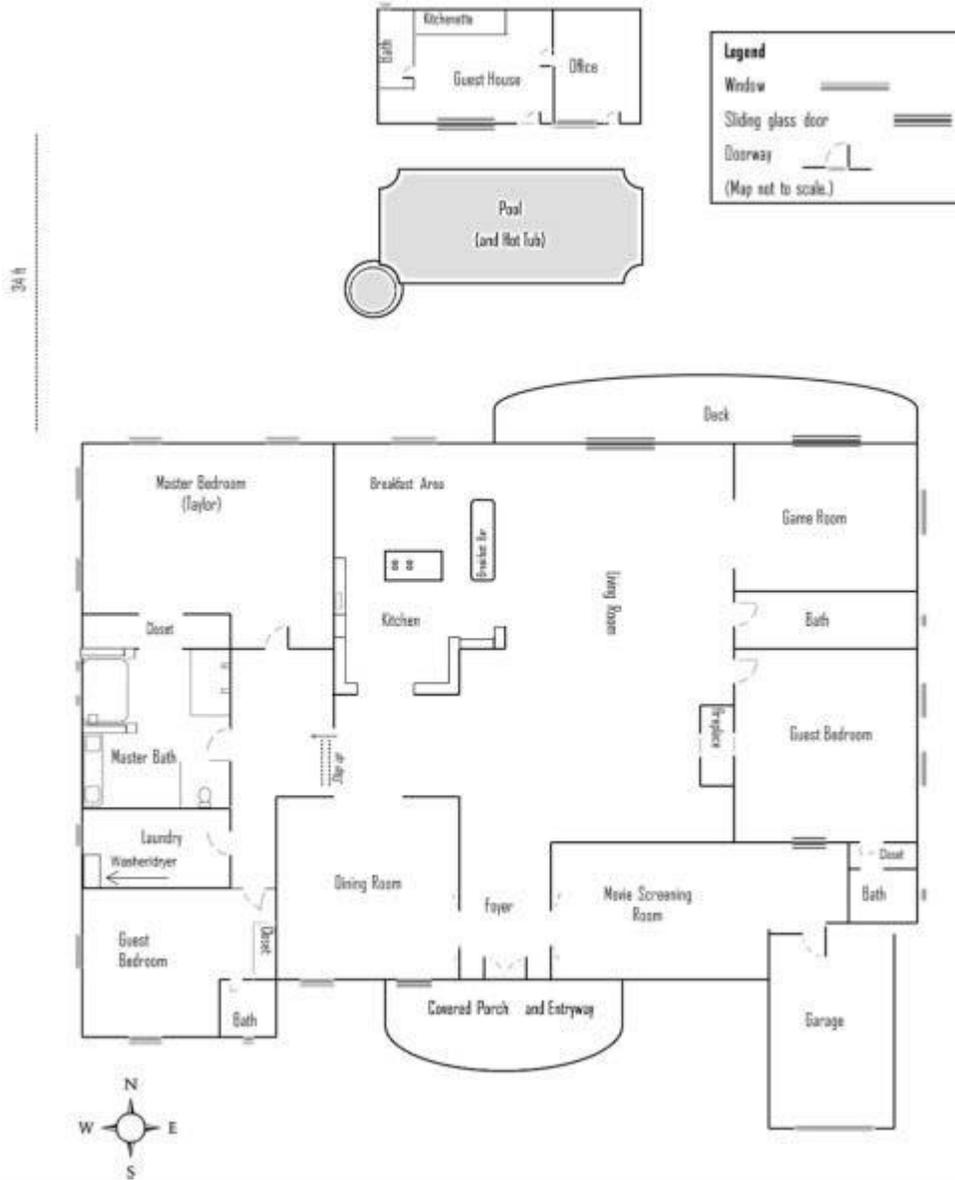


EXHIBIT B
Master Bathroom Layout

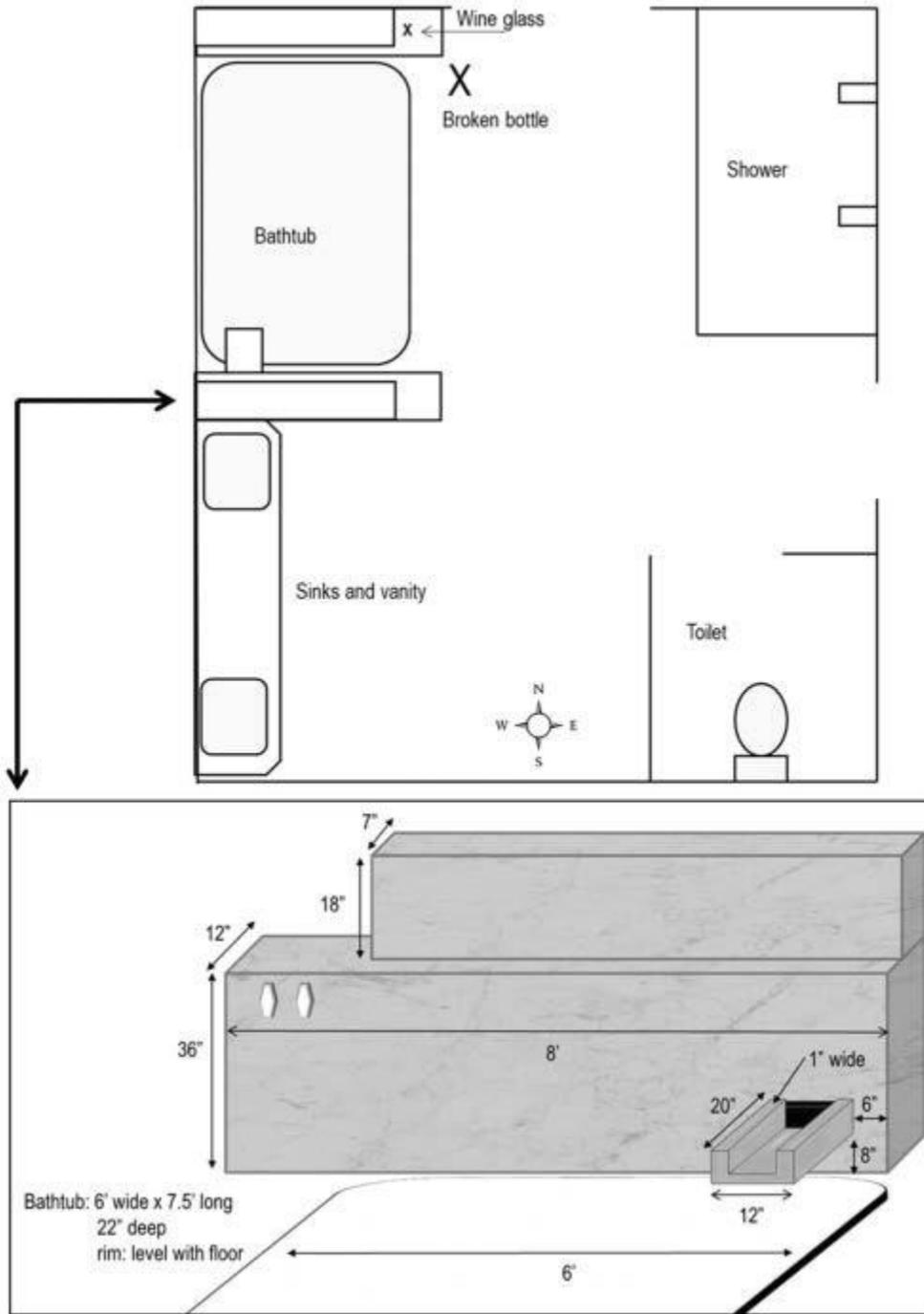


EXHIBIT C
Bailey's Roses and Robots Script

Roses & Robots: A Murder Mystery
Draft 7/14/2010 – writer: Bailey Keegan
Bailey Matsumoto

Leslie

"I've had a tough day. Go make me a drink, loser."

Robot

"Yes, master."

Camera focuses on Robot preparing Leslie's drink. Robot is shown adding a lot of liquor to the drink. Robot then goes to the bathroom and prepares a rose petal bath.

Leslie

"WHERE IS MY DRINK? I NEED IT NOW!"

Robot

"I am so sorry, master. Here is your drink. A rose petal bath has also been prepared for you in the bathroom. Please proceed."

Leslie takes the drink and starts looking very drunk. As Leslie is about to step into the bathroom, Robot appears behind her. Robot pushes Leslie into the bath. Leslie drowns.

Robot

"Who's the master now?! The police will think this is an accident."

Robot is shown laughing hysterically.

*Need 3 liquor drinks
+ bottle of champagne*

EXHIBIT D
Golf Club Found in Bailey's Car

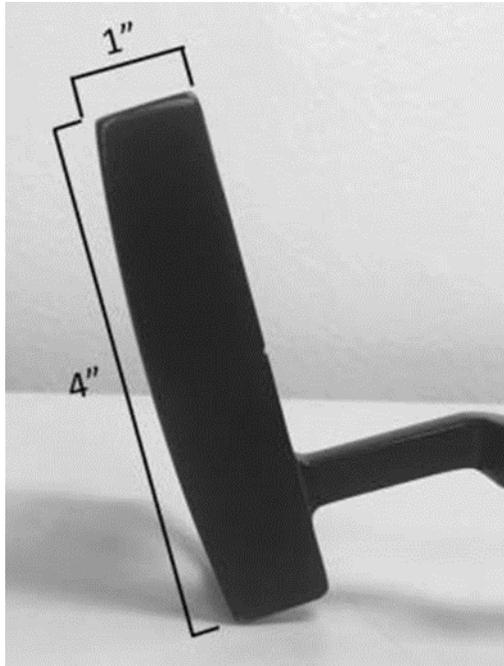
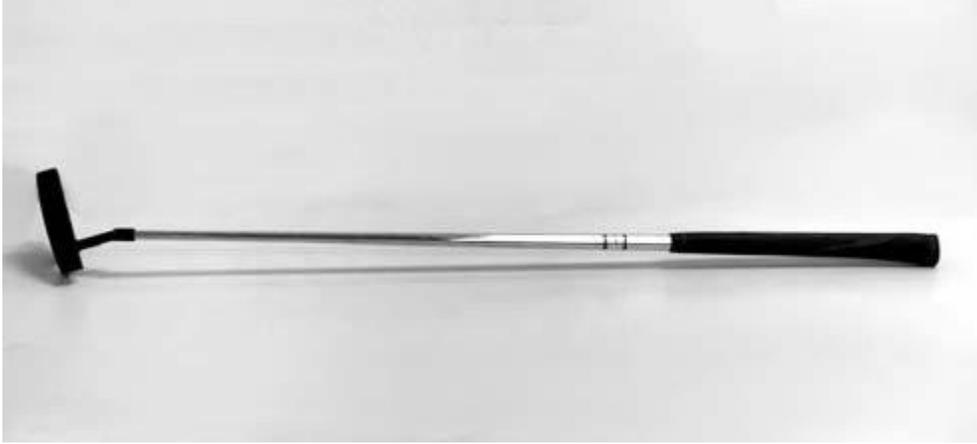
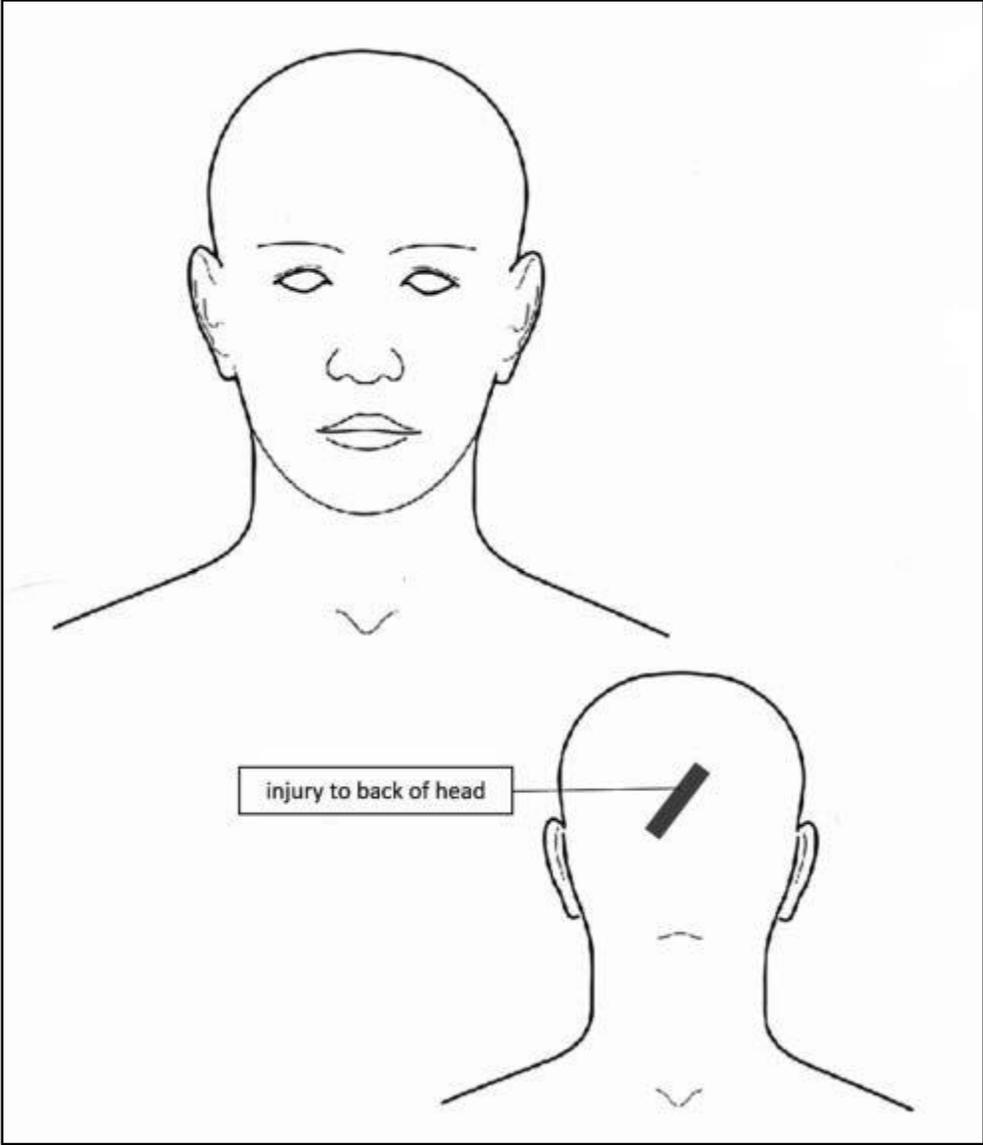


EXHIBIT E
Diagram of Taylor Matsumoto's Head Injury



CREDITS

Case Materials adapted from:

People v. Matsumoto

Constitutional Rights Foundation, California