



# Juvenile Injustice

**St. John's University School of Law  
2019 Peter James Johnson '49 National Civil Rights Competition**

*Written by Larry Cunningham and Brian Hughes*

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**TABLE OF CONTENTS**

	<u>Page</u>
Rules.....	3
Stipulations .....	11
Court File	
Complaint.....	14
Answer .....	20
Stipulation of Dismissal .....	24
Decision on Motion to Dismiss.....	25
Depositions	
Taylor Hulme.....	28
Casey Fitzhugh .....	33
Frances Mosley.....	43
Sam Boyer .....	53
Jury Instructions.....	59
Verdict Form .....	63
Exhibits	
A Old York Code .....	64
B Plea Transcript .....	74
C Disposition Transcript.....	77
D Disposition Report .....	80
E Disposition Report .....	82
F Holesworth Report .....	84
G Old York School Transcript .....	85
H1 Photograph.....	86
H2 Photograph.....	87
I Photograph .....	89
J Homepage.....	90
K Campaign Poster.....	91
L-N Newspaper Articles .....	92
O Certificate .....	96
P Emails.....	97
Q FJCA Report .....	100
R Settlement Agreement.....	101
S Text Message .....	104
Q&A .....	105



**ST. JOHN'S  
UNIVERSITY**

**SCHOOL OF LAW**



**CENTER FOR TRIAL AND  
APPELLATE ADVOCACY**



**PTAI**  
Polestino Trial  
Advocacy Institute

## THE PETER JAMES JOHNSON '49 NATIONAL CIVIL RIGHTS MOCK TRIAL COMPETITION

### COMPETITION SCHEDULE AND FORMAT

1. The competition consists of two preliminary rounds (in which all teams will argue); quarterfinals (top 8 teams); semifinals (top 4 teams); and a final round (top 2 teams). The schedule is:

Friday, October 25 ~ 8:00 p.m.	Out-of-town teams arrive All teams will be informed, by e-mail, of which side they will argue in Round I (but not their team letter, which will be selected on Saturday).
Saturday, October 26 9:00 am 9:15 am 10:00 am 1:00 pm 2:00 pm 7:00 pm	Nassau Supreme Court All teams arrive to Nassau Supreme Coaches' meeting Preliminary Round I Lunch break (boxed lunches provided) Preliminary Round II Awards Dinner/announcement of quarterfinalists
Sunday, October 27 9:30 am 10:00 am 1:00 pm 3:00 pm 6:00 pm	St. John's University School of Law All teams arrive to SJU Quarterfinals Lunch break (lunch provided) Semifinals Announcement of finalists
Monday, October 28 9:30 am 10:00 am	St. John's University School of Law Finalists arrive to SJU Championship Round

2. All teams must report to Nassau Supreme Court, 100 Supreme Court Drive, Mineola, NY 11501, no later than **Saturday, October 26, 2019, at 9 a.m.** All participants and guests will have to pass through magnetometers upon entry to the building.
3. Out-of-town teams should, therefore, arrive no later than Friday evening. Teams are asked to email [stjptaievents@gmail.com](mailto:stjptaievents@gmail.com) to confirm that they have arrived.
4. A coaches' meeting will be held on **Saturday, October 26, 2019 at 9:15 a.m.** at Nassau Supreme Court. The purposes of the meeting are: (a) introduce the competition organizers and referee, (b) to select team letters, (c) to review pertinent rules, and (d) to answer any questions or concerns from the teams. All teams are required to send at least one representative but preferably no more than two.
5. Teams will be paired off at random for the two preliminary rounds. Team letters will be selected at Saturday's coaches' meeting, but teams will learn which side they are arguing in Round I on Friday evening. The preliminary schedule is (first party is plaintiff; second is defendant):

Round 1

Room TBA A v. B  
Room TBA C v. D  
Room TBA E v. F  
Room TBA G v. H  
Room TBA I v. J  
Room TBA K v. L  
Room TBA M v. N  
Room TBA O v. P

Round 2

Room TBA D v. A  
Room TBA F v. C  
Room TBA H v. E  
Room TBA J v. G  
Room TBA L v. I  
Room TBA N v. K  
Room TBA P v. M  
Room TBA B v. O

6. In a round, each advocate will be deliver (a) an opening statement or closing statement, (b) a direct examination, and (c) cross examination. Advocates will also be scored on motions and objections.
7. The preliminary rounds will be on **Saturday, October 26, 2019**. Both preliminary rounds will be held in the Nassau County Supreme Court Building located at 100 Supreme Court Drive, Mineola, NY 11501.

8. At the conclusion of the second preliminary round, a banquet will be held in the Long Island Marriott Hotel, 101 James Doolittle Blvd, Uniondale, NY 11553. At the banquet, awards will be given for best opening statement, direct examination, cross examination, summation, and overall advocate. No student may win more than one award.
9. The top 8 teams will advance to the quarterfinals, which will be held at St. John's Law School, 8000 Utopia Parkway, Queens, NY 11439. The quarterfinals will be held the morning of **Sunday, October 27, 2019**, beginning at 10 a.m. (teams to arrive no later than 9:30 a.m.). Lunch will be served at the conclusion of all the quarterfinal rounds in the Law School Cafeteria. Awards will be given to the four quarterfinalist teams that do not advance.
10. The top 4 teams will advance to the semifinals. The semifinals will be held in the afternoon of Sunday, October 27, 2019, beginning at 3 p.m. Awards will be given to the two semifinal teams that do not advance.
11. The top 2 teams will advance to the finals. The final round will be held on Monday, October 28, 2019, beginning at 10 a.m. Awards will be given to the first place team and the finalist team.

#### MATCH UPS, SCORING, AND RANKINGS

12. **Round Match Ups.** Match ups for the two preliminary rounds will be done at random. The quarterfinals and semifinals will be matched up according to rankings as explained below.
13. **Scoring.** Scoring will be based on a scale of 1-10. Each category is worth 10 total points. Competitors will be judged on their opening or closing statement, their direct examination, their cross examination, and their objections and motions (one singular category). One factor evaluators will consider in the last category is whether an advocate made unnecessary objections or failed to concede legitimate objections. A sample score sheet will be provided at the coaches' meeting.
14. **Winning a Round.** The team winning a majority of ballots in a specific round will win that round.
15. **Progression to the Quarterfinal Round.** Following the preliminary rounds, teams will be ranked for advancement. Tie breaking criteria for advancing to the quarterfinal round are as follows:
  - (a) The teams with the best win-loss record in the preliminary rounds will advance.
  - (b) If there is a tie with best win-loss record, then the team with the highest number of winning ballots will advance. The best record attainable is 6-0.
  - (c) If a tie persists after the number of winning ballots is calculated, then the team with the highest total point differential will advance.

(d) If a tie persists after the total point differential is calculated, then the team with the highest total points will advance.

16. **Quarterfinals.** The top 8 teams from the preliminary rounds will advance to the Quarterfinals. Teams will be power-ranked and the match ups will be based on the rankings from the preliminary rounds as follows: 1 v. 8, 2 v. 7, 3 v. 6, and 4 v. 5. The higher seed will have the choice of which side (plaintiff or defense) it advocates. If two matched teams have met before, they will switch sides. Teams will not be informed of their seed.

17. **Semifinals.** The top 4 teams from the quarterfinals will advance to the semifinals. The top 4 teams are those that win the most number of ballots in their respective rooms in the quarterfinals. A reseeding based only on performance in the quarterfinals, but using the criteria from paragraph four, will determine the semifinal rankings. Teams will be power-ranked and the match ups will be based on the rankings from the quarterfinal rounds as follows: 1 v. 4, and 2 v. 3. The higher seed will have the choice of which side (Plaintiff or Defense) it advocates. If two matched teams have met once before, they will switch sides. If they have met before two or more times, a coin flip will determine the sides.

18. **Final.** The top 2 teams from the semifinals will advance to the final round. The top 2 teams are those that win the most number of ballots in their respective rooms in the semifinals. A reseeding based only on performance in the semifinals, but using the criteria from paragraph four, will determine the final round ranking. The higher seeded team will choose which side (Plaintiff or Defense) advocates. If the two teams have met once before, they will switch sides. If they have met before two or more times, a coin flip will determine the sides.

19. **Winning the Final Round.** The winning team will be decided by the total number of winning ballots in the final round.

## GENERAL RULES

20. **Team Composition.** Each team must consist of four law students who are currently enrolled, working toward a J.D. degree, and in good standing with their respective law school. The distribution of tasks is up to each team. A team member may be an advocate/witness (for example, an advocate for the Plaintiff's case, and a witness during the Defense case, or vice versa), or a team member may be designated solely as a witness or attorney. However, an advocate in a round must deliver an opening or closing statement, one direct examination, and one cross examination.

21. **Question and Answer Period.** Any questions regarding the problem must be submitted via e-mail to Jillian Gardner at [STJPTAIEvents@gmail.com](mailto:STJPTAIEvents@gmail.com) before **9 p.m. Eastern on Saturday, September 28, 2019**. All questions submitted to the competition will be answered and published to each school's main point of contact via e-mail by **Saturday October 5, 2019**.

22. **Judges and Evaluators.**

(a) All efforts will be made to ensure that each round has a total of three evaluators plus a presiding judge. It is possible, however, that a room may have two attorney evaluators and a presiding judge who will also score. In the very unlikely event that there is only one judge and one evaluator in the room, the two ballots will be averaged to create a third ballot. In the final round, we are aiming to provide competitors with a full jury box; there may be up to twelve evaluators. In the final round, if there is an even number of evaluators, the presiding judge will also cast a ballot.

(b) The presiding judge will apply the Federal Rules of Evidence and the Federal Rules of Civil Procedure. Judges and evaluators will attend a judges' meeting prior to the competition. During this meeting, they will be provided with instructions and made aware that there are "unprepared" witnesses. The evaluators will be instructed to score competitors on skills and overall advocacy, not on the merits of the case and without regard to which side was awarded the verdict. No downgrades will be given based on regional variation in style or manner of speaking, but the evaluators will expect the students to conduct themselves in a professional, civil, and ethical manner throughout the trial.

23. **Anonymity.** During the competition, every effort must be taken to keep the competitors' schools anonymous. Competitors may introduce themselves to the judge and evaluators by name and school letter, but must not divulge the school they represent to judges or evaluators. Competitors, coaches, and others associated with a competing school may not wear clothing or paraphernalia with school names, logos, or mascots, even if another school. Competitors, coaches, and others associated with a team may not speak to judges or evaluators. When judges and evaluators arrive to a room, coaches must stop associating with their teams.

24. **Conflicts Checks.** Before each round begins, judges and evaluators will be instructed by a St. John's representative to conduct a conflict check to confirm that they do not know any of the competitors. If a judge or evaluator personally knows a student or learns which school the student represents, or if a team member knows an evaluator or judge, they must notify the St. John's representative before the trial begins so that a substitution can occur. No rounds will start until all conflicts checks are complete.

25. **Unprepared Witnesses.** St. John's University School of Law, the host school, will provide an "unprepared" witnesses for each side, as set forth in the stipulations. These provided "unprepared" witnesses will be law students who are fully familiar with the witness' deposition, but are "unprepared" in that the advocates will not have met with or discussed this case with the witness prior to the trial day.

26. **Unprepared Witnesses Prep Time.** Prior to the start of each round, the plaintiff and defendant will have a simultaneous 15-minute period during which the advocates will be permitted to discuss the examinations with the "unprepared" witness they are calling to testify. Each advocate is also permitted to hand this witness a single 8.5" x 11" piece of paper upon which anything can be written on either or both sides of the paper. The "unprepared" witness will be permitted to review that paper until the moment the witness is called to testify. The opposing side is not entitled to see that piece of paper, and the witness will not be permitted to

bring the paper up to the witness stand with him or her. No objections will be entertained regarding any such piece of paper, and no impeachment will be entertained regarding that piece of paper, if one is used.

27. **No Appearance Sheets.** Teams may not tender written appearances of counsel to the judge or evaluators. Instead, they will be asked to pre-fill the evaluators' ballots under the supervision of the bailiff.

28. **Time of the Trial.** Each side will have 4 minutes total to make any pre-trial motions, and 4 minutes total to respond to any pre-trial motions. Each side will have 82 minutes total for the trial itself (opening, 2 direct examinations, 2 cross examinations, and closing argument). Time will be stopped for objections.

29. **Moving about the Well, Constructive Approach, and Rule 615.** Advocates are free to move about the well but may not approach the witness stand without permission of the judge. All sidebars on objections will be "constructive," meaning that they will take place from counsel table so that the evaluators are able to assess students' arguments on objections. Federal Rule of Evidence 615 is invoked only "constructively." Before or after their testimony, witnesses may be in the courtroom and may not be cross-examined on this fact. The "parties" may sit at counsel table with their "attorneys." Presiding judges will be advised of this rule and that teams will not be addressing such "housekeeping" matters.

30. **Order of Trial.** The order of trial will be: plaintiff's case in chief, motion at the close of plaintiff's case (which will be taken under advisement), defense case, and summations. The order of summations is: plaintiff first followed by defense, then plaintiff's rebuttal if the team has sufficient time remaining but only if plaintiff reserves rebuttal time before the start of summations.

31. **Re-Cross-Examination.** Re-cross-examination is not allowed except for impeachment purposes based on the witness inventing a material fact. The advocate must make an application to the court after the redirect examination that the witness invented a material fact on redirect, and the presiding judge may choose to grant or deny the request in his or her discretion. If a re-cross is allowed, there will be no further redirect examination.

32. **Invention of Facts/Facts Outside the Record.** Witnesses must testify only to the facts contained in the fact pattern. Witnesses are limited to the facts contained in their prior testimony and statements and *reasonable* inferences drawn therein. An objection of "beyond the scope of the fact pattern" will not be entertained. However, if a witness testifies in contradiction to a fact contained in the witness statement, the opposing counsel may impeach the offending witness as to this contradiction or omission. When true, the witness must admit that what he or she is testifying to at trial is not contained in any prior testimony or statement. The offending witness must admit either that he or she did not say the fact in the prior statement or during prior testimony and is not permitted to provide an excuse, including that the transcript does not contain their entire testimony or that they were not asked that question previously. All evaluators will be instructed as to the significance of this form of impeachment and will be instructed to take into account unfair additions to the record when scoring the advocate and team's performance.

33. **Reasonable Inferences.** A “reasonable inference” is an inference that is necessary to make sense of the testimony, not inferences that stretch the facts in a way to create an unfair advantage over the opposing team.
34. **Objections.** The advocate conducting the direct examination of a particular witness is the only member of the team permitted to make objections or arguments on cross examination of that witness. The advocate conducting the cross examination of a particular witness is the only member of the team permitted to make objections or arguments on direct examination of that witness. Nothing in this rule prohibits team members from conferring at counsel’s table before objections or arguments are made. Unnecessary objections and failure to concede legitimate objections will count against a team. No arguments citing specific case law may be made, but competitors may reference specific provisions of the Federal Rules of Evidence and the Federal Rules of Civil Procedure.
35. **Jury and Judge Questions.** Presiding judges and attorney evaluators will not be allowed to ask questions of witnesses.
36. **Exhibits.** The use of physical evidence is limited to what has been provided in the problem. Teams may enlarge any exhibit, pertinent sections of the jury charge, and the verdict sheet, provided that no substantive changes are made. Easels are allowed, but not provided; therefore, should teams wish to use an enlargement, they are required to bring an easel on which to display said enlargements.
37. **Diagrams/Demonstratives/Charts.** Teams may make or draw simple charts, drawings or diagrams to illustrate points on direct and cross examination during trial. They may also do so during summation. Diagrams, demonstratives or charts cannot be prepared in advance of trial, and they may not misrepresent the facts of the case or be based on invented facts.
38. **Technology.** Though the courtrooms may be suited for the use of technology, teams are not permitted to use any courtroom technology, including PowerPoints and document cameras.
39. **Coaches/Staff.**
- (a) No member, staff, guest, or coach of a team is permitted to scout another team.
  - (b) Coaches may not communicate, directly or indirectly, with their teams in any manner in or out of the courtroom while their team’s trial is in progress, including recesses. However, students on a team, including those who are not participating in a round, may communicate with the advocates during recesses.
  - (c) Once the judge and evaluators arrive, coaches must cease further communication with their teams in order to preserve anonymity. Coaches, guests, and others affiliated with a competing school may not communicate with judges and evaluators prior to a round, including those they know in a professional or personal capacity.

40. **Protests.** Evidentiary issues are within the purview of the presiding judge and will not be an issue that shall be addressed by the competition staff. If a team wishes to file a formal protest alleging that the opposing team materially violated the competition rules, the protesting team must notify a St. John's representative before the evaluators begin delivering comments or such protest is waived. The Director of the Center for Trial and Appellate Advocacy, Dean Larry Cunningham, shall serve as competition referee and determine whether a violation occurred and the proper remedy, if any. There is no further appeal. Protests are intended as a last resort; we encourage teams to make every effort to resolve issues before seeking staff intervention or filing a formal protest.

## STIPULATIONS

1. The Federal Rules of Evidence and Federal Rules of Civil Procedure apply.
2. Other than what has been supplied in the problem itself, there is nothing exceptional or unusual in the background of any witness that would bolster or detract from his or her credibility.
3. The Plaintiff must call the following two witnesses, and no others: Taylor Hulme and Casey Fitzhugh.
4. The Defendant must call the following two witnesses, and no others: Frances Mosley and Sam Boyer.
5. Any of the witnesses may be performed by a male or female student. To the extent that male or female pronouns are used in depositions or exhibits, they are assumed to match the pronouns of the witness-student.
6. Each team must prepare and supply the following witnesses: Casey Fitzhugh and Frances Mosley.
7. St. John's University School of Law, the host school, will provide the following "unprepared" witnesses: Taylor Hulme and Sam Boyer. These provided "unprepared" witnesses will be law students who are fully familiar with the witness's deposition, but are "unprepared" in that the advocates will not have met with or discussed this case with the witness prior to the trial day.
8. Each witness who gave a deposition agreed under oath at the outset of his or her deposition to give a full and complete description of all material events that occurred and to correct the deposition for inaccuracies and completeness before signing the deposition.

9. All witnesses who have identified the parties, other individuals, or exhibits will, if asked, identify the same at trial.
10. All depositions are signed under oath. The signature at the conclusion of a deposition belongs to the witness performing that role. No team is permitted to argue or impeach a witness by arguing that a signature on an exhibit does not match the signature on that witness's deposition or the witness' own signature.
11. All exhibits are what they purport to be. However, hearsay objections are not waived and may still be heard.
12. To the extent that the Federal Rules of Evidence or the Federal Rules of Civil Procedure require pre-trial notice of an act, it may be assumed that such notice was given.
13. No outside exhibits, books, or learned treatises will be permitted as exhibits at trial.
14. This is a bifurcated trial. The issue of liability will be the only subject of this trial.
15. The decision on the motion to dismiss is the law-of-the-case and may not be reargued. However, objections alleging that a party has strayed from the order may be made.
16. In Old York, when a criminal defendant is acquitted, the trial court is required to enter an order sealing the record, including any transcripts of the proceedings. Therefore, the transcripts in the referenced criminal case against Frances Mosley are unavailable for use in this trial.
17. The local rules of this District require the District Judge to give jury instructions *before* summations. (For purposes of the competition, however, the presiding judge will not actually read the instructions to the jury.) Therefore, teams are permitted to quote and show instructions to the jury as they see fit.
18. If requested, the District Judge will take judicial notice of Exhibit A.

19. Exhibits B, C, and G are public records under Rule 803(8). Each one is accompanied by a certificate that meets the requirements of Rule 902(4).

20. Exhibit Q is accompanied by a certificate that meets the requirements of Rule 902(11).

21. Mosley and Fitzhugh were notified on Wednesday, November 2, 2016, at 7 am to self-report the following morning at the Old York State Police barracks to be arrested and processed.

22. Exhibit S is stipulated to be an authentic text message exchange between the phones of Steve Clarke and Casey Fitzhugh.

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF OLD YORK**

TAYLOR HULME,	)	
	)	
Plaintiff,	)	COMPLAINT
	)	
v.	)	Civil Action No. 2017-134
	)	
FRANCES MOSLEY,	)	JURY TRIAL DEMANDED
and CASEY FITZHUGH,	)	
	)	
Defendants.	)	
	)	

NOW COMES THE PLAINTIFF, who alleges:

**JURISDICTION AND VENUE**

1. Jurisdiction of this Court is proper pursuant to 28 U.S.C. §§ 1331 and 1343(3) and (4), in that claims are brought under 42 U.S.C. § 1983 for the redress of rights secured by the United States Constitution.
2. Plaintiff's claims for compensatory and punitive damages are authorized by 42 U.S.C. § 1983.
3. Plaintiff's claims for attorneys' fees are authorized by 42 U.S.C. §§ 1983 and 1988.
4. Venue is proper in this district pursuant to 28 U.S.C. § 1391(b) because the plaintiff resides in this district, the defendants are located in this district, and the acts and omissions giving rise to the claims herein occurred in this district.

**PARTIES**

5. Plaintiff Taylor HULME, of Alexandretta, Old York, is a 21-year-old person who, as a juvenile, was adjudicated delinquent and committed to state custody by Defendant MOSLEY.

6. Defendant FRANCES MOSLEY, of Alexandretta, Old York, at all relevant times served as a Judge of the Juvenile and Domestic Relations District Court for Alexandretta, Old York. He has been a judge from 2012 until present.

7. Defendant CASEY FITZHUGH, of Alexandretta, Old York, at all relevant times was an owner of Family Justice Centers of America, Inc., a private prison for juveniles. FAMILY JUSTICE CENTERS owned and operated a private prison, Holesworth Juvenile Correctional Facility, located in Holesworth, Old York.

### **FACTUAL ALLEGATIONS**

#### **Background**

8. The juvenile justice system in Old York and throughout the United States was created based on the recognition that children who commit crimes are fundamentally different than adult offenders. Youth are considered less culpable, more vulnerable, and more susceptible to treatment and rehabilitation. The juvenile justice system is therefore designed to provide for the care, supervision and rehabilitation of youth committing delinquent acts.

9. The Old York Code codifies this purpose in section 16-1.

10. Children in delinquency proceedings are entitled to nearly all of the due process rights guaranteed to adult defendants, except as to the right to a jury trial.

#### **Plaintiff Hulme**

11. On July 18, 2012, HULME, then seventeen years old, was arrested by the Old York Police Department on charges of Assault in the Third Degree, Assault in the Second Degree, and Inciting a Riot, all in connection with an incident at school.

12. That same day, HULME appeared before MOSLEY for an initial appearance hearing. Despite having a record and social history that would warrant immediate release to the custody

of HULME's parents, MOSLEY ordered HULME detained pretrial in the local detention center for youth.

13. On August 6, 2012, HULME appeared before MOSLEY and pleaded guilty to some of the charges in the accusatory instrument.

14. On August 15, 2012, HULME's juvenile probation officer, Sam Boyer, informed HULME that HULME would be released on probation.

15. In fact, on information and belief, sometime between August 15 and 21, 2012, MOSLEY coerced BOYER into changing his recommendation from probation to commitment.

16. On August 29, 2012, MOSLEY committed HULME to state custody, despite HULME not having the record that warrant such a severe and punitive sanction.

17. MOSLEY recommended the placement of HULME to Holesworth Juvenile Correctional Facility, despite the fact that the Juvenile Commission typically assesses each juvenile placed into state custody and determines for itself which facility is appropriate.

18. As a result of MOSLEY's recommendation, HULME was committed to Holesworth.

19. HULME remained in state custody until his twenty-first birthday, May 23, 2016.

#### **The Defendants' Scheme to Deprive Plaintiff of Civil Rights**

20. Unbeknownst to HULME, between 2011 and 2016, FITZHUGH had paid MOSLEY so that MOSLEY would steer committed juveniles to facilities owned and operated by FAMILY JUSTICE CENTERS.

21. FITZHUGH made a total of \$100,000, in payments to MOSLEY between 2011 and 2016.

22. MOSLEY and FITZHUGH falsely agreed to call the payments "loans" even though there was never any requirement of re-payment.

23. In addition, FITZHUGH offered, and MOSLEY accepted, vacations at FITZHUGH's Bahamas home as well as tickets to local basketball games.
24. As a result, MOSLEY had a financial interest in increasing the number of juveniles committed to facilities owned and operated by FAMILY JUSTICE CENTERS.
25. To increase the number of commitments of youth adjudicated delinquent in Alexandretta, MOSLEY exerted pressure on staff of the Court Service Unit, which MOSLEY oversaw as the sole judge of the Court. MOSLEY pressured staff to make recommendations of commitment, not local detention or probation.
26. At times, MOSLEY also pressured staff of the Court Service Unit, including HULME's probation officer, BOYER, to change recommendations from probation or other lesser sanction to commitment. Even when probation officers did not recommend commitment, MOSLEY often committed juveniles anyway.
27. Because MOSLEY had a concealed financial interest in committing children to state custody, HULME's adjudication—indeed, that of every juvenile adjudicated delinquent or referred for commitment by MOSLEY from 2012 through MOSLEY's arrest in November 2016—was tainted. HULME's adjudication and disposition occurred in violation of the child's constitutional right to be adjudicated by an impartial tribunal.
28. The foregoing actions of MOSLEY related to matters in which MOSLEY had discretionary decision-making authority. MOSLEY took these actions and other actions without recusing from matters in which the judge had a conflict of interest and without disclosing to parties involved in court proceedings their conflict of interest and the financial relationship that existed between MOSLEY, on the one hand, and FITZHUGH and FAMILY JUSTICE CENTERS, on the other hand, which were material matters.

29. By failing to recuse, MOSLEY violated the judicial duties of independence, impartiality, and integrity in the exercise of discretionary actions on behalf of the Court.

30. As a result of HULME's unconstitutional adjudications and disposition described above, HULME suffered emotional trauma, physical injury, lost wages, lost educational opportunities, and other damages.

### **CLAIM**

### **COUNT I**

#### **VIOLATION OF PLAINTIFF'S RIGHT TO AN IMPARTIAL TRIBUNAL PURSUANT TO THE FIFTH, SIXTH, AND FOURTEENTH AMENDMENTS TO THE UNITED STATES CONSTITUTION (42 U.S.C. § 1983)**

31. Each of the preceding paragraphs is incorporated herein.

32. MOSLEY is a "person" within the meaning of 42 U.S.C. § 1983.

33. HULME is a "citizen" within the meaning of 42 U.S.C. § 1983.

34. MOSLEY was acting "under color of state law" and MOSLEY's conduct was subject to 42 U.S.C. § 1983.

35. MOSLEY received payments by and through FITZHUGH. In return for these payments, MOSLEY agreed to and did use MOSLEY's judicial position to ensure that juveniles, such as HULME, were committed to state custody, irrespective of the merits of their cases. MOSLEY did so through committing HULME to state custody, even though HULME's background or offenses did not warrant such a severe sanction, and pressuring HULME's probation officer to change a dispositional recommendation. MOSLEY knowingly hid these payments, thereby concealing a conflict of interest, pecuniary interest, bias, and partiality in adjudicating the plaintiff delinquent and ordering HULME's placement to state custody.

36. Because of these actions, MOSLEY deprived HULME of HULME's right to an impartial tribunal as guaranteed by the Fifth, Sixth, and Fourteen Amendments to the United States Constitution.

37. As a result of MOSLEY's unconstitutional adjudications and disposition described above, HULME suffered emotional trauma, physical injury, lost wages, lost educational opportunities, and other damages.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully prays that this Court:

1. Assume jurisdiction of this action.
2. Award compensatory and punitive damages in an amount in excess of \$150,000 exclusive of interest and costs.
3. Award prejudgment interest, costs of suit, and attorneys' fees.
4. Order such other and further relief as this court deems just and proper.

Respectfully submitted,

A handwritten signature in black ink that reads "Taylor Hulme". The signature is written in a cursive, flowing style.

TAYLOR HULME

Dated: January 30, 2017

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF OLD YORK**

TAYLOR HULME,	)	
	)	
Plaintiff,	)	ANSWER
	)	
v.	)	Civil Action No. 2017-134
	)	
FRANCES MOSLEY,	)	
and CASEY FITZHUGH,	)	
	)	
Defendants.	)	

NOW COMES THE DEFENDANT, FRANCES MOSLEY, who answers the Plaintiff's Complaint as follows:

1. This paragraph sets forth legal conclusions and questions of law to which no response is required.
2. This paragraph sets forth legal conclusions and questions of law to which no response is required.
3. This paragraph sets forth legal conclusions and questions of law to which no response is required.
4. This paragraph sets forth legal conclusions and questions of law to which no response is required.
5. Admit.
6. Admit.
7. Defendant lacks knowledge or information sufficient to admit or deny the allegations in paragraph 7, and therefore denies all allegations in paragraph 7.

8. This paragraph sets forth legal conclusions and questions of law to which no response is required.
9. This paragraph sets forth legal conclusions and questions of law to which no response is required.
10. This paragraph sets forth legal conclusions and questions of law to which no response is required.
11. Admit.
12. Admit that Plaintiff appeared before Judge Mosley for an initial appearance hearing and that Judge Mosley detained the Plaintiff but deny the allegations in the rest of the paragraph.
13. Admit.
14. Defendant lacks knowledge or information sufficient to admit or deny the allegations in paragraph 14, and therefore denies all allegations in paragraph 14.
15. Deny.
16. Admit that Judge Mosley committed the Plaintiff to state custody but deny the allegations in the rest of the paragraph.
17. Admit that Judge Mosley recommended that the Plaintiff be committed to Holesworth but lacks knowledge or information sufficient to admit or deny the remainder of the allegations in paragraph 17, and therefore denies all allegations in paragraph 17.
18. Defendant lacks knowledge or information sufficient to admit or deny the allegations in paragraph 18, and therefore denies all allegations in paragraph 18.
19. Defendant lacks knowledge or information sufficient to admit or deny the allegations in paragraph 19, and therefore denies all allegations in paragraph 19.
20. Deny.

21. Admit that Judge Mosley received funds from Fitzhugh but deny that they were “payments” as part of an illegal scheme to deny the Plaintiff constitutional rights.
22. Deny.
23. Admit that Judge Mosley travelled to Fitzhugh’s Bahamas home and accepted tickets to basketball games but deny that they were part of an illegal scheme to deny the Plaintiff constitutional rights.
24. Deny.
25. Admit that Judge Mosley was, for a time, the sole judge of the Court but deny the remainder of the allegations in this paragraph.
26. Admit that Judge Mosley exercised his prerogative as an elected Judge to form his own conclusions as to appropriate dispositions irrespective of CSU’s recommendations but deny the remainder of the allegations in this paragraph.
27. Deny.
28. Deny.
29. Deny.
30. Deny.
31. This paragraph is one to which no response is required.
32. Admit.
33. Admit.
34. This paragraph sets forth legal conclusions and questions of law to which no response is required.
35. This paragraph sets forth legal conclusions and questions of law to which no response is required.

36. This paragraph sets forth legal conclusions and questions of law to which no response is required.

37. This paragraph sets forth legal conclusions and questions of law to which no response is required.

**PRAYER FOR RELIEF**

WHEREFORE, Defendant asks that Plaintiff's Complaint be dismissed with prejudice, that judgment be entered for Defendant, and that the Court grant such further relief to Defendant as it deems proper.

Respectfully submitted,

/s/

Counsel for FRANCES MOSLEY

Dated: January 4, 2018

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF OLD YORK**

TAYLOR HULME,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 2017-134
	)	
FRANCES MOSLEY,	)	
and CASEY FITZHUGH,	)	
	)	
Defendnats.	)	
	)	

**JOINT STIPULATION AND ORDER FOR DISMISSAL WITH PREJUDICE**

Plaintiff TAYLOR HULME and Defendant CASEY FITZHUGH, acting through counsel, and pursuant to Federal Rule of Civil Procedure 41(a)(2) hereby stipulate, in consideration of a negotiated settlement executed by them, to the dismissal with prejudice of this action, including all claims and counterclaims stated herein against all parties, with each party to bear its own attorneys' fees and costs.

Respectfully submitted,  
  
Counsel for TAYLOR HULME  
  
Counsel for CASEY FITZHUGH

Dated: September 29, 2017

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF OLD YORK**

TAYLOR HULME,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 2017-134 (PJD)
	)	
FRANCES MOSLEY,	)	
	)	
Defendant.	)	
	)	

PAT J. DEMARCO, United States District Judge:

This matter comes before the Court on Defendant Frances Mosley’s motion to dismiss. For the reasons that follow, the motion is DENIED, but the claims are narrowed.

The parties’ familiarity with the record is assumed. The core of Plaintiff’s claim is that Defendant, while serving as a judge, accepted bribes from a private prison operator. In exchange, the Defendant committed the Plaintiff, who was alleged to be a juvenile delinquent, to one such prison, even though it is alleged that the Plaintiff’s record did not support such a drastic sanction. This civil action was stayed pending resolution of a companion state criminal case, *State of Old York v. Mosley and Fitzhugh*, Criminal Action No. 2016-9714. Defendant Fitzhugh pleaded guilty in advance of trial.<sup>1</sup> Defendant Mosley was acquitted by the jury. The stay was lifted and this case now proceeds.

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<sup>1</sup> Fitzhugh also settled civilly with Plaintiff Hulme and was voluntarily dismissed from this action.

Before the Court now is Defendant Mosley's motion to dismiss. Mosley argues that he is protected from civil liability by absolute judicial immunity.

A complaint must be dismissed, in whole or in part, if it fails to state a legal claim upon which relief can be granted. Fed. R. Civ. P. 12(b)(6). The single count of the complaint alleges a violation of 42 U.S.C. § 1983, which provides that persons who act under color of law to deprive another of a constitutional right is liable for damages. Section 1983, however, does not abrogate long-standing common law immunity from civil suits. *Burns v. Reed*, 500 U.S. 478 (1991). One such form of immunity is the absolute protection from suits for judges, referred to as judicial immunity. *Bradley v. Fisher*, 80 U.S. 335 (1871). A judge is immune from suit for his or her judicial acts so long as those acts were not in the "clear absence of jurisdiction." *Id.* at 351. This principle applies even if a judge acts corruptly or maliciously. *Dennis v. Sparks*, 449 U.S. 24 (1980); *Mireles v. Waco*, 502 U.S. 9 (1991). In contrast, a judge is not immune if non-judicial acts are involved. *Forrester v. White*, 484 U.S. 219 (1988) (judge firing probation officer held not immune from suit). A judicial act is one "normally performed by a judge." *Stump v. Sparkman*, 435 U.S. 349 (1978).

Here, the complaint alleges that Mosley took a number of actions as a result of bribes received from Fitzhugh. These include detaining the plaintiff pretrial and sentencing the plaintiff to commitment instead of a lighter sanction. These are clearly judicial acts: steps ordinarily taken by a judge. And they were clearly within the judge's jurisdiction. The fact that they were allegedly taken corruptly is of no moment. *Dennis*, 449 U.S. at 24. The corruption did not obviate the judge's jurisdiction.

That is not to say that every act alleged in the complaint was judicial in nature. The judge's supervision of the Court Service Unit was administrative, not judicial. Likewise, the

judge's alleged coercion of a probation officer to change that officer's recommendation to commitment was outside a judicial role.

In finding that the courtroom conduct of the judge may not be subject to suit, this Court is mindful of the egregious nature of the Defendant's alleged conduct. However, this Court is bound by precedent.

Therefore, to the extent that the Plaintiff alleges off-the-bench conduct, such as improper influence of a probation officer, one Boyer, and the Defendant's supervision of the Court Service Unit, Plaintiff's claim is allowed to go forward. However, at trial, Plaintiff will not be permitted to argue that Defendant Mosley's on-the-bench, judicial acts of detaining Plaintiff pretrial and committing Plaintiff to state custody violated the Constitution and, in turn, 42 U.S.C. § 1983. To the extent that Defendant can be liable, it can only be for administrative actions in influencing the probation officer and supervising the Court Service Unit.

Accordingly, it is ordered that the motion to dismiss is GRANTED IN PART and DENIED IN PART as follows. As to judicial immunity for the courtroom adjudications and dispositions, the motion is GRANTED. As to the remainder, the motion is DENIED. The Defendant is ordered to respond to the Complaint within thirty (30) days of this Decision.

Given the undersigned's retirement at the end of this month, the Clerk is DIRECTED to reassign this matter in accordance with this District's random case assignment plan for all further proceedings.

So ordered this 12th day of December, 2017.

/s/

Hon. Pat J. DeMarco, U.S.D.J.

1 **Sworn Deposition of Taylor Hulme (Plaintiff's Witness #1)**

2 **Tuesday, September 4, 2018**

3  
4 Q State your name and present city and state of residence.

5  
6 A Taylor Hulme. I live here in Alexandretta, Old York.

7  
8 Q What do you do for a living?

9  
10 A I'm currently unemployed. I've been having trouble finding work.

11  
12 Q Have you always lived in Alexandretta?

13  
14 A Except when I was in the Hole, yeah.

15  
16 Q Ok, we'll get to that later. What is your birthdate?

17  
18 A May 23, 1995.

19  
20 Q Tell me about your childhood.

21  
22 A I grew up in Alexandretta in a pretty rough part of town. A lot of drugs and gangs. I  
23 tried to stay away from the bad stuff but things happen. I had a lot of trouble with school.  
24 Teachers were always getting on my case because I didn't do well and I'd get in trouble for  
25 talking and acting out. I admit it. I wasn't always the best student, but I've always had trouble  
26 with reading and stuff. And my teachers never really cared much. They would just yell.

27  
28 Q Where did you go to high school?

29  
30 A Alexandretta High School, but I was in a separate part of the school called the Remedial  
31 Action Program. They were very strict and they tried to get us to be better at reading and math.  
32 In reality they just put us there to keep us quiet.

33  
34 Q Is Exhibit G an accurate copy of your school record?

35  
36 A Yes.

37  
38 Q Were you in trouble with the law as a kid?

39  
40 A Not really. I was arrested a few times but it was all mainly for minor stuff like fighting in  
41 school and possessing marijuana. The judge would put me on probation or maybe send me to the  
42 local juvenile detention facility for a weekend here or there. The police knew me and always  
43 seemed to pick on me so I kept getting sent back. My probation officer, Officer Boyer, was very  
44 kind though. He would try to set me straight but the police kept hassling me.

45  
46 Q Tell me about what happened on July 18, 2012.

1  
2 A I was at summer school, because I had flunked math.  
3  
4 Q Ok. What happened?  
5  
6 A I got into a fight with another kid there. He was picking on me, said I was stupid because  
7 I had trouble reading. It was funny because he couldn't spell for the life of him ...  
8  
9 Q Ok, let's stick with what happened.  
10  
11 A So anyways he starts making fun of me in class and then he gets in my face. I felt really  
12 uncomfortable, since I was shorter. I got really mad and I stabbed him in the arm with my pen.  
13 It went really deep and blood started gushing everywhere. The teacher came over to break it up  
14 and I accidentally bumped her and she must have fallen and hit her head. I felt really bad about  
15 that. I didn't mean to hurt her.  
16  
17 Q What happened next?  
18  
19 A Oh my God, the whole place erupted. Kids started punching each other. They had to call  
20 in all of the school resource officers for the whole school to break it up. I got arrested.  
21  
22 Q Do you remember what you were charged with?  
23  
24 A Yeah for assaulting the kid, assaulting the teacher, which was a bogus charge since I  
25 didn't mean to hit her, and inciting a riot. The cops took me down to Juvenile Court and there  
26 was this new judge I had never seen before.  
27  
28 Q Do you remember the judge's name?  
29  
30 A Mosley. His nickname in detention was Moses because he thought he was God or  
31 something.  
32  
33 Q Ok, and what happened at your first appearance.  
34  
35 A He sent me to juvenile detention right there. That had never happened to me before. I  
36 was always let go on probation. I talked to other kids at the detention facility and they said this  
37 new judge was really tough, always sending kids upstate for minor stuff.  
38  
39 Q What do you mean upstate?  
40  
41 A I think they call it commitment or something. You get sent away for a long time to a  
42 juvenile prison. I got sent to the Hole.  
43  
44 Q What's the Hole?  
45  
46 A Holesworth Juvenile Correctional Facility.

1  
2 Q What happened after your first appearance before the judge?  
3  
4 A They gave me a public defender. She was nice, but she said the case against me was  
5 really strong, so she recommended that I plead guilty, so I did. They offered to drop the riot  
6 charge in exchange for copping to the two assaults. I really didn't want to cop to assaulting my  
7 teacher, because I never meant to hit her. I just bumped into her accidentally, you know? But  
8 my lawyer said to do it so I did it.  
9  
10 Q What happened next?  
11  
12 A On August 6th, 2012, I pleaded guilty.  
13  
14 Q And then?  
15  
16 A I met with my PO the next day. He said he had to write a report or something for the  
17 judge.  
18  
19 Q Did he tell you what he was going to recommend?  
20  
21 A He thought I needed anger management and to be in a different school.  
22  
23 Q Before your disposition happened, did something happen at the detention center?  
24  
25 A They said I had some pills in my room, but they weren't mine. They were my cellmate's.  
26 They pinned it on me, though.  
27  
28 Q Is Exhibit I the pills they seized from your room?  
29  
30 A Yes, but they weren't mine.  
31  
32 Q What happened next in your case?  
33  
34 A August 29th. I'll never forget the day. I was expecting to get out of the detention center.  
35 I hated it there. The kids there were really tough – a lot of gang bangers and druggies. It was  
36 also really strict. It was like being in the military or something. I thought I was getting out and  
37 going back home, so I was kind of happy. The first thing the judge says when I get out of the  
38 cell is 'wipe that smirk off your face, kid.' I was like whoa, what's going on. Everyone had  
39 these really serious looks on their faces – the prosecutor, my lawyer, even the bailiff. My mom  
40 was crying in the audience. The lawyers then said stuff back and forth. I tried speaking up but  
41 the judge yelled at me. And then he sentenced me upstate. Said I'd have to stay there until my  
42 21st birthday or unless they let me out sooner. He said he was recommending that I go to  
43 Holesworth. I had heard horrible things about that place, so I admit that I kind of lost it. They  
44 had to carry me out of the courtroom.  
45  
46 Q Did anything happen afterwards?

1  
2 A Yeah, my probation officer came back to the holding cell and talked to me. He said he  
3 was sorry about what happened. He thought I got a raw deal. He was actually kind of upset  
4 about it. He was angry and pacing back and forth. He said the judge was “leaning on them  
5 hard.” I asked who was they? He said the unit. I didn’t understand what he was talking about, I  
6 just knew I didn’t belong there. I got a raw deal.  
7  
8 Q Tell us about Holesworth.  
9  
10 A The Hole is no joke. It’s like what I imagine an adult prison looks like. Barbed wire,  
11 guards, strict rules, everything. It’s just they also have some school programs so I guess they can  
12 call it rehabilitation. It didn’t feel like it, though. And the kids there – I mean, I probably  
13 shouldn’t call them kids. They were all really tough. Most were 18 to 21, and I was in there  
14 with them.  
15  
16 Q How did you get along?  
17  
18 A I tried to keep to myself. To stay out of trouble, but it was tough. At juvie, you have to  
19 show you’re tough or people will take advantage of you. The other inmates were always trying  
20 to take my stuff, so I had to fight back, so I got in trouble a few times, I admit it. I wanted to get  
21 out of there as soon as possible. I remembered what my PO said to me after I was sentenced. He  
22 was like, “I’m so sorry about all of this. You don’t deserve to go upstate. You’re a good kid at  
23 heart. Make the best of your time at Holesworth. Try to learn a trade or something. If the  
24 Juvenile Parole Board sees that you’ve improved yourself, they’ll let you go home early.” So  
25 that’s what I did. I tried to take carpentry lessons, but there was a long wait list. I fought back  
26 only if I needed to.  
27  
28 Q What happened on December 25, 2012?  
29  
30 A Christmas. I was really depressed since I wasn’t at home and my mom couldn’t afford to  
31 come up to visit me. They said they were going to give us a nice dinner but at the last minute the  
32 guards ate it for themselves. That’s the kind of place the Hole is. The guards are worse than the  
33 inmates.  
34  
35 Q What happened on Christmas?  
36  
37 A There was this other inmate, Pat, who was always trying to get me to join a gang. Pat  
38 jumped me on the chow line. I had bruises all over me and hit my head real bad.  
39  
40 Q What happened?  
41  
42 A All heck broke loose. The prison SWAT team came in, I think they call it the Special  
43 Incident Unit but they’re really the SWAT team. They wear military gear and stuff. They ended  
44 up tackling me, broke my arm while wrestling me to the ground. I got sent to solitary for a  
45 month even though I didn’t do anything. That was torture. It’s just you, a small little mattress,

1 and your thoughts. You don't even get a real prison uniform because they're afraid you'll hang  
2 yourself. They give you this paper uniform. It's humiliating.

3  
4 Q What happened after that?

5  
6 A I remember getting a visit from my PO. I had heard what happened and was worried  
7 about me. He said my only hope to get out of there before 21 was to be perfect, which I tried to  
8 do. I took classes and stayed out of trouble. Not a single fight. But the parole board – all they  
9 saw was that I had fought in prison. They kept me there until I was 21.

10  
11 Q When were you released?

12  
13 A My birthday in 2016.

14  
15 Q What has your life been like since then?

16  
17 A Really rough. I can't get a job. Everyone in town knows I was upstate. I thought about  
18 getting into the carpenter's trade school, but I can't get in. I live with my mom and I try to help  
19 out when I can.

20  
21 Q What was the effect of Holesworth on your life?

22  
23 A I have nightmares, particularly about being in solitary. That was rough. But also all of  
24 the abuse, from the guards and from the other inmates. All for something I didn't deserve. I did  
25 wrong by stabbing that kid in school, I know, but I didn't deserve to go upstate. I saw kids from  
26 other counties that were up there for murder and rape and awful stuff like that.

27  
28 Q Please take a look at Exhibit H1. Does this photograph fairly and accurately depict your  
29 teacher after the incident on July 18, 2012?

30  
31 A Yes

32  
33 Q And Exhibit H2. Does it fairly and accurately depict the kid you hit on July 18, 2012?

34  
35 A Yes

36



37  
38  
39 Dated: Alexandretta, Old York  
40 September 4, 2018

Taylor Hulme

1 **Sworn Deposition of Casey Fitzhugh (Plaintiff's Witness #2)**

2 **Friday, September 7, 2018**

3  
4 Q State your name and occupation.

5  
6 A Casey Fitzhugh. I am currently inmate number 8639001, confined to Old York  
7 Correctional Institution in Clinton, Old York.

8  
9 Q Why are you in prison?

10  
11 A I was convicted bribing judges, including Frances Mosley.

12  
13 Q Did you do the crime?

14  
15 A It's taken me a long time to get around to admitting it, but yes, I did it. And I'm very  
16 sorry.

17  
18 Q Tell us the circumstances of what happened.

19  
20 A I ran for many years a company called Family Justice Centers of America. We were  
21 what some folks call a private prison company, but that's not really true. We ran juvenile justice  
22 rehabilitation centers.

23  
24 Q What is the difference?

25  
26 A You see, the purpose of the juvenile justice system is rehabilitation, not punishment.  
27 States are notoriously bad at providing social services, so we created a network of facilities that  
28 would provide social, educational, and psychological services to get juvenile delinquents back on  
29 track. Sure, we had security, we had to. But the purpose was never punishment.

30  
31 Q What was your business model?

32  
33 A To provide these services in a more cost efficient model such that states would basically  
34 adopt us as their provider. Since we are nationwide, not just in one state, we could leverage  
35 economies of scale, discounts, things like that. We could then pass the savings on to the states.  
36 We were able to run a more efficient system than they could, with all of their red tape and  
37 regulations.

38  
39 Q Such as?

40  
41 A Well, consider things like employee costs. We're not a union shop. Unions drive up the  
42 costs of doing business, particularly for state agencies. We can recruit good people for a fair  
43 wage, but not have to provide all sorts of ridiculous benefits like the states have to.

44  
45 Q What type of people would you hire?

46

1 A Our facilities were staffed with psychologists, social workers, teachers, even music  
2 therapists. We also employed security guards, we call them youth counselors; we had to in order  
3 to make good order. One of the hallmarks of Family Justice Centers was that we showed tough  
4 love. Things were run strictly. You got up at 5:30 am and started your day with an exercise  
5 routine. Then you had breakfast and did a job. Then you went to school or a training program or  
6 another job. There was no loafing around. The idle hand is the devil's plaything – you know the  
7 expression?  
8

9 Q How many states did you have contracts with?  
10

11 A At our prime, 6, including Old York.  
12

13 Q Take a look at Exhibit J. What is this?  
14

15 A This was our website's front page.  
16

17 Q What was your contract with Old York like?  
18

19 A It was what we called a hybrid. We operated facilities in Holesworth and New Alefield.  
20 The state had their own facilities in four or five other cities. If a juvenile was committed, the  
21 juvenile commission would decide where a juvenile would go.  
22

23 Q How would they do so?  
24

25 A Well each facility was a little different, you know. They would consider where the  
26 juvenile lived, what services he or she needed, how full the facility was, things like that.  
27

28 Q How do you know about their workings?  
29

30 A I used to be a juvenile probation officer in Old York from 1985 to 1990. Then I ended up  
31 working for the commission as a case worker from 1990 to 1999. I would make  
32 recommendations for the commission in placing juveniles. That's where I learned that there was  
33 a need for a new type of facility – one that emphasized discipline and rehabilitation. So then I  
34 went off to start my own company.  
35

36 Q When was that?  
37

38 A 2000.  
39

40 Q Let's back up. What is your educational background?  
41

42 A I have a bachelor's in psychology from 1985. Then I earned a master's in business  
43 administration in 1993. Both from the City University of Old Alexandretta.  
44

45 Q Have you received any awards or commendations?  
46

1 A Yes. I received a commendation as a probation officer once when I helped deliver a  
2 baby. The mom was in the probation office with her son and suddenly went into labor with her  
3 second child. It was crazy. Then, when I was with the juvenile commission I got the Director's  
4 Service Award for my work in writing up recommendations for the commission.  
5  
6 Q So you were saying that your company would get juveniles through the commission?  
7  
8 A Most of the time. Sometimes judges would make direct referrals.  
9  
10 Q What does that mean?  
11  
12 A If a judge committed a juvenile to state custody, he or she could specify that the juvenile  
13 should go directly to a particular facility. The commission nearly always honored that  
14 recommendation. It made things easier on them. They didn't have to review the record. The  
15 judge had already done the work for them. Come to think of it, I can't think of a time when the  
16 commission ever overruled a judge's recommendation.  
17  
18 Q During your time at the commission, how often did judges make recommendations for  
19 particular placements?  
20  
21 A Not that often. Maybe one out of every ten cases?  
22  
23 Q Did that number change over time?  
24  
25 A Well the judges I worked with as part of Family Justice Centers, sure, they probably  
26 made more direct referrals. That was the whole point.  
27  
28 Q Do you know Judge Mosley?  
29  
30 A Yeah, I know Frances.  
31  
32 Q Describe your relationship.  
33  
34 A I first met Frances in the early 2000s. I was just starting my business and I needed help  
35 incorporating, things like. I went with Frances' firm and I became a long-term client. I think  
36 Frances practiced something like personal injury or something like that, but we met at a firm  
37 function and became friends ever since. Until recently, of course. But before things went sour,  
38 we were good friends. I had Frances out to our place in the Bahamas lots of times, even let the  
39 Mosleys use the place when we weren't there. I also hooked Frances up with Hoops' tickets.  
40  
41 Q Tell us how your business did.  
42  
43 A Really well! We grew pretty quickly because of our business model. States would hire  
44 us for a fee that we would negotiate per kid. We were able to price into that the costs of  
45 providing services.  
46

1 Q So the more kids the more money you made?  
2  
3 A Well I don't know if I would put it that way. We had to deliver results. If kids came  
4 back from our care worse off, the state wouldn't do business with us.  
5  
6 Q How did your company do financially?  
7  
8 A Very well. By the time we were forced to close, we were the most successful juvenile  
9 prison company in the country. I like to think we were making a difference in the community,  
10 too.  
11  
12 Q Take a look at Exhibits F, Q, and J. Are these your company's documents and webpage?  
13  
14 A Yes. I recognize them.  
15  
16 Q Were you a supporter of Judge Mosley's campaign?  
17  
18 A Yes. I was one of the judge's early supporters, and I must have given close to \$50,000, to  
19 the judge's campaign in total. I really like Frances' vision for juvenile justice. It really aligned  
20 with my own approach – tough love.  
21  
22 Q Was there another reason you supported Judge Mosley's campaign?  
23  
24 A Honestly, and I'm not proud to say this now, but I thought it would be good for business.  
25 Frances' campaign was law and order, tough on crime, things like that. In contrast, his  
26 opponents were pushing more community based solutions. So I looked for judicial candidates  
27 who were more of the law and order type and I supported them financially.  
28  
29 Q Did you support them in ways other than campaign contributions?  
30  
31 A Again, I'm not proud to admit it, but yes. By 2008, business had started to slow. States  
32 were starting to question whether commitment was worth it. They said that it caused more  
33 crime, that kids went to facilities and came back worse. I disagreed, of course. You have to  
34 understand that we were dealing with the worst of the worst. Of course some wouldn't be  
35 rehabilitated. But at least we gave it a shot. Just leaving them in the community, they're only  
36 going to make things worse. At least that's what I thought at the time. Anyways, by 2008, we  
37 were starting to lose contracts. We were down to 4 states, and we were about to lose another.  
38  
39 Q Was there anything going on in Old York specifically that was impacting your business  
40 model?  
41  
42 A Yeah. The newspaper ran a series of negative stories on us. Said we weren't giving kids  
43 good facilities or teachers. Things like that. It was all blown out of proportion.  
44  
45 Q Showing you Exhibits M and N. Are these the articles you're referring to?  
46

1 A Two of them, yes.  
2  
3 Q Are the statements from you and your company accurately reported?  
4  
5 A Yes.  
6  
7 Q One of the articles references a legislative investigation.  
8  
9 A I wouldn't call it an investigation necessarily. Some senator who was in the pocket of the  
10 public prison guard union wanted to hold hearings because an air conditioner went out in our  
11 facility for a few days. It didn't go anywhere, particularly after the next election.  
12  
13 Q The article references unlicensed teachers?  
14  
15 A After the story broke, we discovered that two or three teachers out of about a hundred in  
16 our employment in Old York had let their licenses lapse. We terminated them when we found  
17 out. But none of this was good for business. By 2008, things started to take a turn for the worse,  
18 business-wise.  
19  
20 Q So what did you do?  
21  
22 A It started out with me going around and meeting with judges, making presentations on the  
23 value of our facilities, to try to convince them to send kids to our facilities. It worked a little but  
24 not much. Eventually I gave into temptation and I started offering bribes.  
25  
26 Q To judges?  
27  
28 A Exactly. I would give them money, typically disguised as a campaign contribution or a  
29 personal loan or something, and they would divert kids to my facilities.  
30  
31 Q Was Judge Mosley one of those judges?  
32  
33 A Yes.  
34  
35 Q Tell us how that came about?  
36  
37 A Well I had been keeping in touch with Frances after the election. I reminded the new  
38 judge about our programs and facilities and how they fit with Frances' philosophy. I also knew  
39 that Frances was feeling a financial pinch. Imagine going from making over a million a year as a  
40 partner at a law firm to making \$125,000, as a juvenile court judge? Unreal. Anyways, I said to  
41 Frances, look, you send us some business, I'll help you out. I gave the judge about \$100,000, in  
42 total.  
43  
44 Q Did you take steps to conceal the payments?  
45

1 A Yeah. I mean obviously I wasn't just going to send a check labeled "bribe" to the judge.  
2 So what we did was called it a loan. I wired over money in four installments of \$25,000, every  
3 month or two. I wanted to make sure the judge was holding up their end of the deal. And the  
4 judge was very grateful. The Alexandretta Juvenile Court became one of our best sources of  
5 new customers, if you will. Commitments increased 300% after Judge Mosley took office, and  
6 the judge nearly always specified Holesworth as the place of commitment. It was a great deal.

7

8 Q When did all of this start?

9

10 A I think around February of 2012.

11

12 Q How did the payments come about?

13

14 A I wasn't sure if the judge would go along, so I had to be really careful. We both talked  
15 really carefully, danced around the issue. We met for a glass of wine on the judge's patio and  
16 were talking about the judge's new financial status. I let Frances complain a bit. Eventually I  
17 said, "Let's help each other out." The judge leaned over. I couldn't tell if Frances was going to  
18 be mad or interested. So I went on, "You want to work out something that would be mutually  
19 beneficial?" Frances then hesitated. Mumbled to himself that he was "better than this" and was  
20 a "law and order judge." But I reminded Frances that they had worked hard and all they had to  
21 do was to follow their judicial philosophy of showing tough love. Really all that I was asking  
22 was for the judge to send the kids my way rather than leave it up to the commission to decide on  
23 the placement. "So what was the problem?", I asked. "There's no problem," Frances said. I  
24 then threw out \$75K for the year. The judge then got angry and said, "If I'm going to put my ass  
25 on the line, it better be more." So we then agreed on 100K. We talked about covering it up as a  
26 loan or something.

27

28 Q How did you get caught?

29

30 A Another judge – different court – went to the State Attorney General. They then setup a  
31 wire and I was caught making a bribe to that judge.

32

33 Q What happened when you were caught?

34

35 A I cut a deal. The evidence was really strong against me. They had my financial records,  
36 the taped conversation I mention, even my e-mails.

37

38 Q What happened?

39

40 A I agreed to plead guilty and cooperate. I pleaded guilty to Bribery and agreed to not  
41 oppose the government's recommendation of a 15-year sentence in state prison. My lawyers  
42 said I could have gotten life in prison, since they could have gotten me for conspiracy, false  
43 imprisonment, lots of other stuff. As part of the deal, I agreed to testify truthfully against the  
44 judges I bribed.

45

46 Q Did you testify against Judge Mosley?

1  
2 A Yes, but he was acquitted.  
3  
4 Q What was the government's evidence?  
5  
6 A Well, they had my testimony, of course. They also had the financial records and also  
7 some e-mails where Frances and I discussed upcoming commitments.  
8  
9 Q What is Exhibit O?  
10  
11 A This is a certificate of completion of a prison course that I received. I'm trying to better  
12 myself in prison.  
13  
14 Q Does your plea agreement include cooperating with civil actions, such as this one?  
15  
16 A No.  
17  
18 Q Are you here voluntarily?  
19  
20 A Yes.  
21  
22 Q How did this deposition come about?  
23  
24 A I reached out to you, the plaintiff's attorney. You see, I have felt awful about this whole  
25 thing. I went into the juvenile corrections business because I wanted to make a positive  
26 difference in young peoples' lives. But the money took over. I became greedy and selfish. And  
27 now I've lost everything. My freedom, my family, my money. Everything. I have done a lot of  
28 reflection in prison. Kind of ironic, you know? Former head of a massive prison system now in  
29 prison himself. I've tried to make the most of my time. I've taken classes and tried to better  
30 myself. I have also found God. You see, I was never a religious person. But I have done a lot  
31 of reading and talking with ministers here. Religion has helped me see the error of my ways. So  
32 I contacted you because I wanted to make things right. I felt badly about what happened to your  
33 client, in particular.  
34  
35 Q Why is that? which includes the final disposition  
report prepared by Probation.  
36  
37 A I reviewed every juvenile's file that was sent to Holesworth and other of our facilities.  
38 And I remember seeing it and was surprised that Mosley sent Taylor our way. Nothing in  
39 Taylor's history suggested the need for commitment. Maybe weekends in juvenile detention and  
40 more aggressive probation supervision, but not commitment. This was tough even for Judge  
41 Mosley's standards. The kids' crimes were relatively minor, all things considering. And then  
42 once they got to Holesworth, things went down hill. Once they got into that fight over  
43 Christmas, I knew the commission wasn't going to issue a release order.  
44  
45 Q What was the relationship between the juvenile commission and your company?  
46

1 A Although we were operated privately, we were like a state-run facility for purposes of  
2 commitments in and releases out. So the commission would re-evaluate a juvenile's case every 6  
3 months. We would send progress reports, disciplinary histories, things like that, and they would  
4 determine when a juvenile got sent home or would stay in the facility. I knew, though, that once  
5 Taylor got into the fight, it was game over. The commission took things like that very seriously.  
6

7 Q Were you sued civilly as a result of your conduct in this matter?  
8

9 A Yes. You and the other families sued me.  
10

11 Q For the record, what happened here in our case.  
12

13 A We reached an early settlement. I paid \$10,000. It was some of the last funds I had left,  
14 but I wanted to do right.  
15

16 Q Any quid pro quo?  
17

18 A No. It was my idea to settle. I wanted to make things right.  
19

20 Q What's your financial situation?  
21

22 A I'm financially devastated. I had to sell all of my family's homes, cars, liquidate life  
23 insurance policies, everything. I had to give back a lot of money to the government as part of my  
24 plea deal. But I also wanted to make things right to the families I hurt.  
25

26 Q How many other cases have you settled?  
27

28 A About 10 others.  
29

30 Q Are there other lawsuits pending?  
31

32 A I think so.  
33

34 Q What are all of these cases about?  
35

36 A Families who said their kids didn't deserve to be committed but the judges did so based  
37 on my bribes. But, you see, a lot of these cases don't have merit, and I'm not going to settle  
38 those. A lot of those kids deserved to be committed.  
39

40 Q But Taylor Hulme?  
41

42 A Taylor definitely didn't deserve what happened.  
43

44 Q I have some questions next about Exhibit P. Are these e-mail exchanges between you  
45 and Judge Mosley?  
46

1 A Yes.  
2  
3 Q Can you explain the first email when you talk about not wanting to put something in  
4 writing?  
5  
6 A I was referring to the bribe.  
7  
8 Q On May 10th, you used the word H-O-L-E. Why not write W-H-O-L-E?  
9  
10 A I was trying to discreetly refer to Holesworth and our arrangement in which the judge  
11 would steer cases our way.  
12  
13 Q Take a look at Exhibit S. What is this?  
14  
15 A This is a text message exchange I had with our chief operating officer, Steve Clarke,  
16 sometime in 2013.  
17  
18 Q The blue boxes are your text and the responses are in grey?  
19  
20 A Yes.  
21  
22 Q Is it accurate?  
23  
24 A Yes.  
25  
26 Q It has not been altered in anyway?  
27  
28 A No, it has not been altered.  
29  
30 Q Who was the person you were referring to in your texts?  
31  
32 A Judge Mosley.  
33 **Q Please explain your statements in the texts.**  
34 **A** Part of me felt like I was frustrated at giving money to Frances. He probably would have  
35 committed these kids anyway. That's how tough he was.  
36  
37 Q Tell me about Exhibit F.  
38  
39 A This is an incident report that one of our employees fills out whenever there is a  
40 disciplinary incident involving a juvenile in our custody. It is important in our line of work to  
41 document these types of things when they happen, so we keep a careful record.  
42  
43 Q And Exhibit Q?  
44

1 A This is a report of commitments at our two Old York locations before they were forced to  
2 close. This report was generated based on information in our computer system. We kept careful  
3 records of the number of juveniles in our care.  
4  
5



6  
7 Dated: Alexandretta, Old York  
8 September 7, 2018

Casey Fitzhugh

1 **Sworn Deposition of Frances Mosley (Defendant's Witness #1)**  
2 **Thursday, September 6, 2018**

3  
4 Q State your name and occupation.

5  
6 A Frances Mosley. I am retired.

7  
8 Q What was your occupation before retirement?

9  
10 A I was a judge and attorney.

11  
12 Q Let's go over your educational background and experience.

13  
14 A I graduated from St. Thomas Moore School of Law in Old York with a J.D. in 1981. I  
15 successfully passed the Old York bar exam on the first attempt and then entered private practice  
16 with the law firm of Cline and Hernandez. My practice was primarily in plaintiff's side civil  
17 litigation. C and H is a big firm, over a hundred lawyers.

18  
19 Q Were you successful financially?

20  
21 A Yes. I was pulling in about a million and a half for the last 10 years of my practice.

22  
23 Q What about civic involvement?

24  
25 A I was elected president of the Old York State Bar Association in 1995.

26  
27 Q Any awards or honors?

28  
29 A I graduated from St. Thomas Moore magna cum laude, and the school later gave me an  
30 honorary doctoral degree in 2001.

31  
32 Q As a lawyer, were you ever disciplined?

33  
34 A I had my fair share of complaints to the disciplinary committee but never any discipline  
35 as a result of them. It's very common for personal injury lawyers to have complaints. Clients  
36 are dissatisfied and they take it out on their lawyers.

37  
38 Q Describe your living situation as a lawyer.

39  
40 A I lived comfortably. We had a house in Alexandretta and a weekend place in the country.  
41 I was able to put our kids through college.

42  
43 Q What kind of cases did you handle?

44  
45 A Primarily medical malpractice. I was quite successful, both professionally and  
46 financially. But by 2010 I began to grow tired of civil litigation. Too much discovery, ya know?

1  
2 (laughter)  
3  
4 Q Ok. So what did you do?  
5  
6 A I decided to run for judicial office.  
7  
8 Q For which court?  
9  
10 A The only opening in the 2011 election cycle was for a juvenile court seat in Alexandretta,  
11 which is where I lived.  
12  
13 Q Had you had experience in family court matters?  
14  
15 A Not particularly. I handled a few pro bono matters, primarily adoptions, but that was  
16 about it. But it's not unusual for JDR judges not to have direct experience in the court. It's  
17 typically a stepping stone to the Circuit Court, which is the court of general jurisdiction in our  
18 state.  
19  
20 Q How many judges are on the Alexandretta court?  
21  
22 A Two.  
23  
24 Q How are judges selected for the JDR court?  
25  
26 A It's a competitive election. In our state, judges can campaign and run on the issues,  
27 meaning we can advertise our positions, things like that.  
28  
29 Q What was your campaign platform?  
30  
31 A I was really fed up with seeing so much juvenile crime in our community, and I began to  
32 do research and saw that the current JDR judges were being too lenient. A kid would get  
33 arrested, released the next day, and then commit another crime. A lot of gang activity and drug  
34 dealing, too. I campaigned on a platform of personal responsibility. You do the crime, you do  
35 the time.  
36  
37 Q That seems counter to the rehabilitative ideal of the juvenile court.  
38  
39 A No, it isn't. Being tough on young offenders does rehabilitate them. Be strict with them,  
40 and they won't commit other crimes. It's just like parenting. Sometimes you have to show  
41 tough love.  
42  
43 Q In fact, tough love was your campaign slogan, right?  
44  
45 A Sure was.  
46

1 Q Let me have you take a look at Exhibit K. Is this an ad that your campaign ran at the  
2 time?

3  
4 A Yes.

5  
6 Q And you authorized the ad?

7  
8 A Yes.

9  
10 Q You mentioned there were two judges on the court. Was that the case during your  
11 tenure?

12  
13 A Not initially. Soon after I won the election on November 8, 2011, the other judge,  
14 Rebecca Graham, suddenly passed away. She was not replaced until the election the following  
15 November. The governor didn't appoint an interim judge. So that left me as the only JDR judge  
16 from 2011 to 2012. It made for a tough adjustment, since I didn't have anyone else I could turn  
17 to for advice. It also meant all of the cases were assigned to me, so I had a lot on my plate.

18  
19 Q Did you have certain priorities when you took office?

20  
21 A I sure did. First and foremost, I wanted to shape up the Court Services Unit. It was not  
22 particularly well run. Theresa Spencer was a competent social worker, but a terrible leader. I  
23 took a pretty hands-on approach to running the CSU based on my time as managing partner of  
24 the law firm. I also was not happy with the recommendations coming out of CSU, particularly in  
25 delinquency cases. They always seemed to recommend probation. Even for violent crime. That  
26 had to stop. They had to get with the program.

27  
28 Q But isn't the job of CSU to be independent?

29  
30 A No, their job is to help the court decide cases. I wanted them to report the facts and let  
31 the judge be the judge.

32  
33 Q Are you familiar with a juvenile named Taylor Hulme?

34  
35 A I am now, as a result of this litigation as well as the criminal matter. But I have to tell  
36 you, Taylor was one of many, many cases I handled.

37  
38 Q Ok, why did Taylor come before you?

39  
40 A Taylor was arrested the 18th of July, 2012, for a serious assault with a weapon at the  
41 local high school. Stabbed a teacher, as I recall. One student was badly injured. The  
42 respondent, that's what we call juvenile defendants, caused a riot. It was very serious. The  
43 respondent appeared before me that afternoon for an initial appearance and I could tell this kid  
44 was trouble right from the start.

45  
46 Q What is an initial appearance?

1  
2 A As the name suggests, it's the first time a respondent appears before a judge after being  
3 arrested. The purpose of the hearing is to appoint counsel and then decide where the respondent  
4 should live pending resolution of the case: either at home under supervision or at the local  
5 juvenile detention center.  
6  
7 Q What is a juvenile detention center?  
8  
9 A Think of it like a jail for juveniles. It's a temporary holding facility.  
10  
11 Q What did you with Taylor?  
12  
13 A This respondent was showing escalating behavior and was alleged to have committed  
14 three very serious crimes, all while under probation supervision. For the safety of the  
15 community, I detained the respondent pending resolution of the case.  
16  
17 Q What happened next in the case?  
18  
19 A On August 6, 2012, the respondent appeared before me and pleaded guilty to Assault in  
20 the Second Degree and Assault in the Third Degree. The Riot charge was dropped. I then set  
21 the matter over for a disposition hearing.  
22  
23 Q When did that occur?  
24  
25 A August 29, 2012.  
26  
27 Q Did you have any contact with Probation Officer Boyer in the meantime?  
28  
29 A About this case? No.  
30  
31 Q About anything else?  
32  
33 A Oh sure. I used to see Sam all of the time. We would discuss everything from the  
34 weather to CSU.  
35  
36 Q Did you speak with Officer Boyer on August 16th?  
37  
38 A Yes.  
39  
40 Q What did you talk about?  
41  
42 A I mentioned that I had had a meeting with Ms. Spencer about CSU's recommendations  
43 being too lenient in delinquency cases. I felt that the reports were not adequately taking into  
44 account public safety and victim impact statements. I thought it was important that CSU follow  
45 the statute. That's all.  
46

1 Q Let's talk about the dispositional hearing in Taylor Hulme's case.  
2  
3 A Sure. It occurred on August 29, 2012. I got Sam's report that morning and read it over.  
4 It was a fairly standard case. Respondent, while on probation, commits escalating series of  
5 offenses, which show that probation isn't working. Not the probation officer's fault, of course.  
6 It just showed that the respondent was not learning a lesson. So I committed Hulme to state  
7 custody.  
8  
9 Q Why?  
10  
11 A Because probation wasn't working. What is the point of keeping a kid on probation if  
12 they're going to keep acting out? It's like medicine. If one treatment is not curing the cancer,  
13 you try a new regimen.  
14  
15 Q Did anything unusual occur at the dispositional hearing?  
16  
17 A No. It was fairly standard. We had our usual pre-hearing conference with the lawyers,  
18 where I discussed informally the recommendations and asked questions about the report. The  
19 defense lawyer started to make a case for probation. In fact, he seemed surprised by the  
20 recommendation in the report, come to think of it. Anyways, I told the lawyer to save the  
21 argument for the hearing itself.  
22  
23 Q Were you upset at probation at all?  
24  
25 A I may have mentioned as an aside that they probably should have revoked the kid's  
26 probation a long time ago, but I was not upset or angry.  
27  
28 Q Describe the hearing.  
29  
30 A Sure. The juvenile came out and I remember had this big smile on their face and was  
31 joking with the guards. I told the respondent to stop being disrespectful. We then went through  
32 the hearing, and I sentenced Taylor to commitment. I knew I had done the right thing when the  
33 respondent then erupted in violence – fighting the deputies who were trying to do their job. This  
34 kid was a ticking time bomb. But it's not unusual in juvenile court.  
35  
36 Q Did you make a specific recommendation to place the respondent in the Hole?  
37  
38 A Excuse me. It's called Holesworth.  
39  
40 Q Yes. Did you make a recommendation that the respondent go there?  
41  
42 A Yes, yes I did. I thought very highly of that facility. They had a tough love philosophy,  
43 similar to mine. I toured the facility from time-to-time and thought highly of it. One of the  
44 things I liked was that it was far upstate, far away from the big cities, like Alexandretta. Very  
45 rural setting. Fresh air. Good for kids.  
46

1 Q At the time, the facility was part of the Family Justice Centers of America network of  
2 private prisons, right?  
3  
4 A It's not a prison. It's a rehabilitation center. But yes, it was part of the Family Justice  
5 Centers network. Good outfit. It's a shame what happened to it.  
6  
7 Q Do you know the former owner, Casey Fitzhugh?  
8  
9 A Unfortunately, yes.  
10  
11 Q When did you first meet?  
12  
13 A Casey was a client of my former firm. The firm represented Family Justice Centers when  
14 it became incorporated. It then handled various regulatory issues that came up and then its  
15 dissolution. I think I met Casey during the firm's Christmas party. We became friends after that.  
16 Our families even started vacationing together.  
17  
18 Q Did you ever have any financial dealings with Casey?  
19  
20 A Casey was a donor to my judicial campaign, as many people were. I raised the most  
21 amount of money from the most number of donors of any candidate for judicial office that year.  
22  
23 Q How much did Casey give you in campaign funds?  
24  
25 A About \$50K.  
26  
27 Q Did Casey give you any other money at any other time?  
28  
29 A Yes, Casey gave me a personal loan in 2012.  
30  
31 Q Tell us the circumstances.  
32  
33 A After I took office on January 1, my income plummeted. You see, a judge's salary in  
34 juvenile court is only \$125,000, but I was still living a law firm partner's lifestyle. I had two  
35 homes, leased cars for my spouse and two kids, college expenses for one kid, et cetera. My  
36 spouse really wanted to get a second vacation home, this one at Short Beach, Old York's fanciest  
37 beach community.  
38  
39 Q Did you have money still coming in from the law firm partnership?  
40  
41 A No. My pension was not going to start for a few more years.  
42  
43 Q Go on.  
44  
45 A So I had cash flow problems. Casey was kind enough to lend me \$100,000 so I could  
46 make a downpayment on the Short Beach house my wife liked.

1  
2 Q What were the terms of the loan?  
3  
4 A There were no terms.  
5  
6 Q What do you mean?  
7  
8 A It was a handshake deal.  
9  
10 Q What was the interest rate?  
11  
12 A There was none.  
13  
14 Q Was this a bribe?  
15  
16 A Absolutely not.  
17  
18 Q Did you end up paying back the loan?  
19  
20 A No. We agreed I wouldn't have to start making payments until late 2017, which is when  
21 my pension would start.  
22  
23 Q Was there a written loan agreement?  
24  
25 A No. This was a handshake deal between friends.  
26  
27 Q So why didn't you end up paying back Casey?  
28  
29 A Well, there was the criminal case that happened. It completely depleted my funds. I had  
30 to borrow against my pension to pay for lawyers and investigators. I'm pretty destitute now. My  
31 spouse and I had to downgrade to an apartment in New Fairfax, which is a less desirable part of  
32 Northern Old York.  
33  
34 Q Let's talk about your criminal case.  
35  
36 A What about it?  
37  
38 Q Tell us what happened.  
39  
40 A The State Attorney General's Office brought a bogus case against me ...  
41  
42 Q Ok, just relate the facts.  
43  
44 A Ok, they indicted me in January 2017 for accepting a bribe. However, I was acquitted. I  
45 told the jury the truth – that I committed Hulme to state custody because the juvenile deserved it,  
46 not because of some supposed bribe.

1  
2 Q Let me show you some emails that have been marked Exhibit P. Have you had a chance  
3 to review them before this deposition?  
4  
5 A Yes.  
6  
7 Q Was HereComesTheJudgeFM@gmail.com your e-mail address?  
8  
9 A Yes.  
10  
11 Q Did you have exclusive control over it?  
12  
13 A My spouse had my password, but generally I was the only one who used the account.  
14  
15 Q Did you send the e-mails that are indicated coming from your address?  
16  
17 A Yes.  
18  
19 Q And did you receive the emails indicating as coming to your address?  
20  
21 A Yes.  
22  
23 Q There was discussion in the emails about the vacation home and basketball tickets.  
24  
25 A Sure. As I said before, Casey would sometimes let me use their vacation home and  
26 basketball seats.  
27  
28 Q Were you at all troubled by the discussions about Holesworth?  
29  
30 A Not at all. The public should want judges talking with correctional providers and  
31 learning what services they have to offer delinquent youth.  
32  
33 Q What about this line about you benefitting - in the first e-mail?  
34  
35 A I didn't get it. I figured it was Casey making a joke, hence the—what do the young  
36 people call it—emoji. Anyways, that was in the email from Casey to me, so you have to ask  
37 them.  
38  
39 Q In the second email what did you mean by “fall in line”?  
40  
41 A You see, CSU is under the jurisdiction of the Court. So they were going to do what I  
42 said. I was the new boss.  
43  
44 Q In the e-mail dated May 10th at 10:42 pm, there's a reference to “hole” H-O-L-E. Isn't  
45 that referring to Holesworth?  
46

1 A I have no idea. You would have to ask Casey. They wrote the e-mail, not me.  
2  
3 Q What about the e-mail of January 26 at 9:05. Why did you say you wanted to take the  
4 conversation offline?  
5  
6 A You see, I hate long e-mails, and Casey was started to bring up a lengthy and complicated  
7 topic. It was easier to talk through the issues he was raising in person or over the phone. I'm not  
8 really an email type of person.  
9  
10 Q On March 13th, what was the topic you wanted to discuss offline?  
11  
12 A I had an idea for a new scared straight type program where CSU could bring kids who  
13 were just being placed on probation up to Holesworth or New Alefield and show them that they  
14 don't want to go down that path. As I recall, we talked about it over a basketball game.  
15  
16 Q Did anything ever come of that conversation?  
17  
18 A No. Casey had some legitimate security concerns.  
19  
20 Q Back to the criminal trial against you. Did Casey Fitzhugh testify against you?  
21  
22 A Yes. Fitzhugh cut a sweetheart deal with the government. Agreed to testify against me.  
23 But it didn't work. I was acquitted.  
24  
25 Q What happened to your job as a judge?  
26  
27 A I was removed from office on February 10, 2017, by the Old York Supreme Court, which  
28 has supervisory authority over lower court judges.  
29  
30 Q Let's go back to Fitzhugh. Did you ever stay at Casey's vacation home in Nassau?  
31  
32 A In the Bahamas? Yeah. From time to time, starting around the time I was running for judge.  
33  
34 Q Describe the place.  
35  
36 A Big house, right on the water, jet skis, the whole bit. The place even had a live-in chef  
37 and housekeeper. Casey let me use it once in a while. Not much.  
38  
39 Q Did he charge you anything for using it?  
40  
41 A We were friends. Of course not.  
42  
43 Q Did Casey ever give you tickets to the Old York Hoops basketball team?  
44 , starting around the time I was running for judge.  
45 A Yeah, again once in a while. Not a big deal. He had front row seats and he couldn't go  
46 to every game, so he let me use them occasionally. What about it?

1  
2

A handwritten signature in black ink, appearing to read 'Frances Mosley', with a long horizontal flourish extending to the right.

3  
4 Dated: Alexandretta, Old York  
5 September 6, 2018

Frances Mosley

Mosley 10

**000052**

1 **Sworn Deposition of Sam Boyer (Defendant's Witness #2)**  
2 **Wednesday, September 5, 2018**

3  
4 Q State your name and occupation.

5  
6 A Sam Boyer. I'm a juvenile probation officer with the Alexandretta Court Services Unit.

7  
8 Q What is the Court Services Unit?

9  
10 A Every county in Old York has a Juvenile and Domestic Relations District Court, basically  
11 a family court. It has jurisdiction over custody, visitation, domestic violence cases, abuse and  
12 neglect proceedings, and juvenile delinquency cases. Each JDR Court, that's what we call it, has  
13 a Court Services Unit attached to it. Actually, it's supervised by the court itself. The judges  
14 appoint my boss, the Executive Director, Theresa Spencer. There's a bunch of us who work  
15 under Theresa. Some of us are probation officers, others are social workers or therapists.

16  
17 Q How long have you been a probation officer in Alexandretta?

18  
19 A My whole career, so about 30 years now.

20  
21 Q What are your duties?

22  
23 A I have two principal functions. This first is I write disposition reports for the JDR Court  
24 judges. They help the judges make decisions in delinquency cases. A report will go through the  
25 juvenile's family, social, educational, medical, psychological, and judicial history. The second  
26 function is that I supervise juveniles who have been placed on probation.

27  
28 Q What is probation?

29  
30 A Probation is supervised release in the community. As a probation officer, I check in on  
31 juveniles who have been assigned to me. I make sure they are not getting in trouble, that they're  
32 going to school, that they're abiding by the curfew I set, things like that.

33  
34 Q What is your educational background?

35  
36 A I went to the State University of Old York, where I studied criminal justice with a minor  
37 in adolescent psychology. I graduated with a bachelor's in 1988. I then completed a master's  
38 also at Old York State, this time in criminal justice with a focus on juvenile justice. I have also  
39 completed many in-service trainings on working with juvenile offenders that are put on by the  
40 Old York Commission on Juvenile Justice, a statewide coordinating agency for juvenile justice  
41 matters. I have also lectured for them from time-to-time.

42  
43 Q What sorts of topics have you lectured on?

44  
45 A I recently gave a talk on "assessing offenders for dangerousness" and "disposition report  
46 writing 101" for new POs.

Boyer 1

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Q Have you ever been subject to discipline as a probation officer?

A Early on in my career - I think it was '94. I fell behind on child support and the state suspended my driver's license for 60 days or something like that. I got in trouble because I never informed my supervisor, which I was supposed to. You see, as POs, we need to maintain active drivers' licenses because a lot of our work is in the field.

Q Do you know Taylor Hulme?

A Yes, I supervised Taylor on probation. I also wrote the disposition report in Taylor's final case in JDR Court.

Q What was your involvement with Taylor before the 2012 case?

A Taylor first got in trouble a few years before. It's all spelled out in my pre-disposition reports. Taylor was generally a good kid but showed poor impulse control, as most teenagers do. Taylor was always remorseful after getting in trouble. We had many good talks about ways to handle situations better. Actually, before the incident in summer school, I was thinking of terminating Taylor from juvenile probation supervision since there hadn't been any incidents in months.

Q Tells us about the July incident.

A Sure. Taylor was in summer school but got into a really bad fight there, stabbed a fellow student with a pen. The kid's parents were livid and were really pushing the D.A. hard. They wrote a pretty powerful victim impact statement that I attached to my dispo report. Taylor also hit the teacher, who hit her head and spent a few days in the hospital. I was pretty shocked that she didn't submit a victim impact statement. I talked to her while she was in the hospital. She said she really liked Taylor and didn't think Taylor hit her on purpose, but I had my doubts.

Q Can you explain?

A Yeah, so as I said, Taylor used to have really bad impulse control. Really bad temper. I could see the incident going down the way the cops said.

Q What is Exhibit H1?

A This is a photograph the cops took of the teacher after the assault. She still looked basically like this when I spoke to her in-person a week after the incident. The injury was pretty bad.

Q What is Exhibit H2?

A That's a photograph of the kid's hand.

1 Q Did you prepare a disposition report in the case?  
2  
3 A Yes. Unfortunately, I found myself having to recommend commitment.  
4  
5 Q What do you mean by commitment?  
6  
7 A Commitment is the term we use when we send an offender upstate to a long-term facility.  
8 Once committed, the juvenile can remain there until they age out, which is 21. It's up to the  
9 juvenile commission to decide whether to release an offender early.  
10  
11 Q Why did you recommend commitment? I thought you said Taylor was doing better?  
12  
13 A Yeah, but stabbing a kid and putting a teacher in the hospital changed my view.  
14  
15 Q But the injury to the teacher was accidental ...  
16  
17 A Now hold on a second. I didn't say that. The teacher said that, but the police officer  
18 wrote it up as an intentional assault and that's what Taylor pleaded guilty to.  
19  
20 Q Ok. Was there anything else that persuaded you to recommend commitment?  
21  
22 A As I said, the kid's family was really upset. One of the things we have to consider in  
23 making a recommendation is the injury and impact on victims. We also consider whether there's  
24 been an escalation in behavior, which this was. As I said before, most of Taylor's previous  
25 incidents were fairly minor in a juvenile context although they may appear serious on paper. But  
26 now this was a serious escalation, use of a weapon, for instance.  
27  
28 Q Now you actually prepared two reports in this matter, correct?  
29  
30 A No. I prepared and signed only one report, the one I submitted on August 21, 2012.  
31 Period.  
32  
33 Q Is that Exhibit E?  
34  
35 A Yes.  
36  
37 Q You didn't prepare a report on August 15th, Exhibit D, that recommended continued  
38 probation?  
39  
40 A I prepared Exhibit D but it was only a draft that initially made a recommendation of  
41 probation.  
42  
43 Q Ok. Why the change, then?  
44  
45 A Well, for one thing, I didn't get the victim impact statement until Monday the 20th. Also  
46 there was what happened over the weekend.

1  
2 Q What was that?  
3  
4 A I got a call from the head of the Alexandretta Juvenile Detention Center, which is where  
5 Taylor was housed. They apparently found contraband in Taylor's cell, some unauthorized  
6 medication.  
7  
8 Q What was it?  
9  
10 A It was two pills of Ativan, an anti-anxiety drug in the benzodiazepine family.  
11  
12 Q Take a look at Exhibit I. Is this a photo of the pills that were seized?  
13  
14 A This is what the detention center gave me.  
15  
16 Q Did Taylor have a prescription for the medication?  
17  
18 A No.  
19  
20 Q Why was this concerning to you?  
21  
22 A Well, it's a serious breach of the center's protocols. It meant Taylor must have smuggled  
23 it in from a visitor or bought it on the black market in the detention facility.  
24  
25 Q Did you talk to Taylor about it?  
26  
27 A I called Taylor on Monday. Taylor said admitted to having the pills but thought it wasn't  
28 a big deal, that they just used it to get to sleep because of the noise. Taylor was very apologetic,  
29 but still, illegal drugs in prison is a big deal.  
30  
31 Q Did you have a conversation with Judge Mosley on August 16, 2012?  
32  
33 A I don't know, maybe. I used to have a lot of conversations with Judge Mosley. You see,  
34 in CSU, we work for the judges. It's not like we're lawyers who can't have, what you call it, ex  
35 parte conversations. We talk to judges all of the time.  
36  
37 Q Did you talk to Judge Mosley on August 16th in the hallway?  
38  
39 A Yeah, I think I bumped into the judge. The judge asked me how things were going, I said  
40 fine. The judge mentioned having a conversation with Theresa about our recommendations and  
41 that the judge thought they weren't in line with the statute, which says we have to take into  
42 account public safety and victim impact. I pointed out, though, that it also talks about  
43 rehabilitation and that it's a balancing act. That was the extent of our conversation. It was very  
44 informal.  
45  
46 Q What happened at the dispositional hearing on August 29th?

1  
2 A Well before the deputies brought Taylor out, we had a pre-hearing conference with the  
3 judge. Me, the D.A., the defense lawyer. The judge was pretty livid about the case. Judge  
4 Mosley yelled at me, said I should have revoked Taylor's probation a long time before, that I  
5 was too lenient, but that he was glad I came around to recommending commitment.  
6  
7 Q Was this hearing recorded or transcribed?  
8  
9 A Well, the pre-hearing conference was not. It was off the record.  
10  
11 Q What else happened at the meeting?  
12  
13 A The defense lawyer said Taylor had told her that I had said I was recommending  
14 probation and that she felt sandbagged. She talked about Taylor making some progress in school  
15 and asked the judge to reconsider. The judge then lashed out at my office, the CSU, and said we  
16 were being too lenient in cases and that he wanted the system to show "tough love" as he called  
17 it.  
18  
19 Q What happened at the hearing itself?  
20  
21 A Well, Taylor didn't help the situation. The deputies brought them out and I guess they  
22 had had words or something back in the holding cell, because Taylor was kind of resisting them  
23 a bit, struggling in the handcuffs. Not that he was trying to get away, but he was, ya know,  
24 uncomfortable like they were too tight. Taylor muttered something like, "This is the last you'll  
25 see of me, I'm going home today suckers." I think I was the only one who heard him, but the  
26 judge saw him smirking and gave him a talking to. Judge Mosley didn't like disrespect.  
27 Anyways, we proceeded to the hearing itself. The lawyers made their cases. The judge  
28 sentenced him upstate.  
29  
30 Q Was there anything unusual about the sentence?  
31  
32 A Yeah, one thing that was weird was that the judge specifically recommended a placement  
33 at Holesworth.  
34  
35 Q What was unusual about that?  
36  
37 A Well, Judge Mosley was the only one who would do that. The other judges I've worked  
38 with would just sentence offenders to commitment and then the juvenile commission would  
39 decide which facility an offender would go to. Judge Mosley really liked to send offenders to  
40 Holesworth, because it's in a really rural setting and he thought getting kids out of the big city  
41 helped their rehabilitation. Personally, I thought it was because the Hole has a reputation for  
42 being a really tough facility.  
43  
44 Q What happened after the disposition?  
45

1 A Well, Taylor really took it hard. In fact, the deputies had to wrestle Taylor out of the  
2 courtroom ... they were kicking and screaming, the whole bit. I went back to the holding cell  
3 behind the courtroom to see if I could calm them down. We talked for a bit. I told Taylor to  
4 make the best of the situation, to try to take advantage of the programs they have there, although  
5 I knew it was going to be really tough for Taylor to get in to them. Holesworth is big on  
6 discipline, short on rehabilitation or schooling programs.

7

8 Q Did you tell Taylor that you were sorry about what had happened, that they were going  
9 upstate instead of being continued on probation?

10

11 A No.

12

13 Q When was the next time you saw Taylor?

14

15 A Every year, I try to make a swing tour throughout the state, visiting kids I've worked with  
16 who are serving time in various facilities. I think I saw Taylor in early 2013. This was after  
17 Taylor got into big trouble around Christmas. I encouraged Taylor to straighten up while in  
18 Holesworth.

19

20 Q Can you tell us about the parole process?

21

22 A Sure. There is a statewide juvenile parole board that decides when kids in commitment  
23 can be home on supervision. They've gotten tougher over the years. If they see any fighting or  
24 rule breaking, as Taylor did, they are really tough. Still, I was surprised that Taylor aged out in  
25 the system. It's never a good thing for a kid to go straight from confinement to the streets  
26 without any supervision. Unfortunately, under our system, the juvenile authorities only have  
27 jurisdiction to age 21. The day after their birthday, we don't have any control.

28



Sam Boyer

29

30 Dated: Alexandretta, Old York

31

September 5, 2018

## **JURY INSTRUCTIONS - GENERAL CHARGES**

### **BURDEN OF PROOF: PREPONDERANCE OF THE EVIDENCE:**

When a party has the burden of proving a claim [or affirmative defense] by a preponderance of the evidence, it means that for you to find that they have proven that claim [or affirmative defense] you must be persuaded by the evidence that the claim [or affirmative defense] is more probably true than not true. You should base your decision on all of the evidence, regardless of which party presented it.

### **EXPERT OPINION:**

You have heard testimony from [name] who testified to opinions and the reasons for his/her opinions. This opinion testimony is allowed, because of the education or experience of this witness. Such opinion testimony should be judged like any other testimony. You may accept it or reject it, and give it as much weight as you think it deserves, considering the witness's education and experience, the reasons for the opinion, and all the other evidence in the case.

### **IMPEACHMENT EVIDENCE:**

The evidence that a witness has committed an act of dishonesty may be considered, along with all other evidence, in deciding whether or not to believe the witness and how much weight to give to the testimony of the witness and for no other purpose.

Likewise, the testimony of a witness may be discredited by showing that the witness testified falsely concerning a material matter, or by evidence that, before this trial, the witness said or did something, or failed to say or do something, that is different from the witness' testimony here in court. The earlier statement was brought to your attention to help you decide how believable the testimony in this trial was. You cannot use it as proof of anything else. You can only use it as one way of evaluating the witness' testimony here in court.

### **JUDICIAL NOTICE:**

The Court has decided to accept as proved the fact that [state fact]. You must accept this fact as true.

### **STIPULATIONS OF FACT:**

The parties have agreed to certain facts to be placed in evidence. You must therefore treat these facts as having been proved.

### **WEIGHT OF EVIDENCE:**

It is for you to decide how much weight to give to any evidence. For instance, the testimony of a single witness may be sufficient to prove any fact, even if a greater number of witnesses may have testified to the contrary, if after considering all the other evidence, you believe that single witness.

### **DIRECT/CIRCUMSTANTIAL EVIDENCE:**

Evidence may be direct or circumstantial. Direct evidence is direct proof of a fact, such as testimony by a witness about what that witness personally saw or heard or did.

Circumstantial evidence is proof of one or more facts from which you could find another fact. You should consider both kinds of evidence: the law makes no distinction between the weight to be given to direct and circumstantial evidence.

BIAS, SYMPATHY, PREJUDICE:

All persons stand equal before the law and must be dealt with as equals in a court of justice. You must not let bias, prejudice, or sympathy play any part in your deliberations.

DELIBERATIONS:

You must consult with one another and deliberate in an effort to reach agreement if you can do so. Each of you must decide the case for yourself, but only after an impartial consideration of the evidence with your fellow jurors. During your deliberations, do not hesitate to re-examine your own opinions and change your mind if convinced that you were wrong. But do not give up your honest beliefs solely because of the opinions of your fellow jurors, or for the mere purpose of returning a verdict.

CONSIDERATION OF WITNESS TESTIMONY:

You must consider all evidence. In saying that you must consider all of the evidence, I do not mean that you must accept all of the evidence as true or accurate. You may believe everything a witness says, or part of it, or none of it. In considering the testimony of any witness, you may take into account:

- 1) the opportunity and ability of the witness to see or hear or know the things testified to;
- 2) The witness' memory;
- 3) The witness' manner while testifying;
- 4) The witness' interest in the outcome of the case and any bias or prejudice;
- 5) Whether other evidence contradicted the witness' testimony;
- 6) The reasonableness of the witness' testimony in light of all the evidence; and
- 7) Any other factors that bear on believability.

Remember, the weight of the evidence as to a fact does not necessarily depend on the number of witnesses who testify about it.

EVIDENCE:

You must consider only the evidence in this case during your deliberations. The evidence includes:

- 1) Testimony of witnesses;
- 2) Documents or other things received as exhibits;
- 3) Any facts that have been stipulated - that is, formally agreed to by the parties;
- 4) Any facts that have been judicially noticed - that is, facts which I say you must accept as true.

Certain things are not evidence, and you may not consider them in deciding what the facts are. I will list them for you:

- 1) Statements and arguments by the lawyers;
- 2) Questions and objections by the lawyers;

- 3) Testimony that has been excluded or stricken, or that you have been instructed to disregard; and
  - 4) Anything you may see or hear when the Court is not in session.
- You may not consider any of these things as evidence in deciding this case.

### **JURY INSTRUCTIONS – 42 U.S.C. § 1983 CLAIM**

Plaintiff is suing under Section 1983, a civil rights law passed by Congress that provides a remedy to persons who have been deprived of their federal constitutional rights under color of state law.

Plaintiff must prove both of the following elements by a preponderance of the evidence:

First: Defendant acted under color of state law.

Second: While acting under color of state law, defendant deprived plaintiff of a federal constitutional right.

I will now give you more details on action under color of state law, after which I will tell you the elements plaintiff must prove to establish the violation of his/her federal constitutional right.

The first element of plaintiff's claim is that defendant acted under color of state law. This means that plaintiff must show that defendant was using power that he/she possessed by virtue of state law.

A person can act under color of state law even if the act violates state law. The question is whether the person was clothed with the authority of the state, by which I mean using or misusing the authority of the state.

By "state law," I mean any statute, ordinance, regulation, custom or usage of any state. And when I use the term "state," I am including any political subdivisions of the state, such as a county or municipality, and also any state, county or municipal agencies.

The second element of plaintiff's claim is that defendant deprived him/her of a federal constitutional right.

The Fourteenth Amendment to the United States Constitution protects a person's right to due process. This means that a state actor may not deprive a person of life, liberty, or property without fair procedure. Due process is required for juvenile delinquency proceedings.

Due process is a very broad concept. However, for purposes of this case, due process requires an impartial tribunal. A "tribunal" means a court or judge. A judge violates this aspect of due process he/she has a private financial interest in the outcome of a case,

he/she does not disclose that interest to parties, and he/she intentionally commits acts that further his/her private financial interests.

Therefore, for the plaintiff to prove that the defendant deprived him/her of a constitutional right, you must find that the plaintiff proved the following by a preponderance of the evidence:

First: Defendant, as a judge, had a private financial interest in the delinquency case against the plaintiff.

Second: Defendant, as a judge, did not disclose that financial interest to the parties.

Third: Defendant, as a judge, intentionally took actions to further his/her private financial interests. "Intentionally" means acting with the purpose to accomplish a result.

As to this last requirement, judges are entitled to what is called absolute immunity for all conduct reasonably related to their functions as judges. Thus, you cannot hold defendant liable based upon defendant's actions in detaining the plaintiff pretrial, accepting his/her guilty plea, or ordering the plaintiff's commitment to a juvenile correctional facility, even if you find that those actions were undertaken malicious or corruptly.

However, plaintiff also alleges that defendant coerced a probation officer to change his/her recommendation based on a scheme to deprive the plaintiff of his/her constitutional rights in exchange for a bribe. Likewise, plaintiff also alleges improper supervision of the Court Service Unit, also in exchange for a bribe. Absolute immunity does not apply to such conduct, and thus if you find that defendant engaged in such conduct, you should consider it in determining defendant's liability.

If you find plaintiff has proved each fact that he/she must prove, you must find the defendant liable, and we will proceed to a second phase of the trial to determine damages. If you find that plaintiff has not proved each of these facts, then you must find for defendant.

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF OLD YORK**

TAYLOR HULME,	)	
	)	
Plaintiff,	)	VERDICT
	)	
v.	)	Civil Action No.     2017-134
	)	
FRANCES MOSLEY,	)	
	)	
Defendant.	)	

Do you find from a preponderance of the evidence:

That Taylor Hulme has proved that Frances Mosley, acting under color of state law, violated a constitutional right of Taylor Hulme?

Answer Yes or No                    \_\_\_\_\_

Signed:

\_\_\_\_\_  
Jury Foreperson

Dated: \_\_\_\_\_

**STATE OF OLD YORK**

**Excerpts from OFFICIAL CODE**

**Cite as: Old York Code § tit. - sec. (e.g., Old York Code § 3-24.1)**

**TITLE 1 DEFINITIONS**

...

149. "Delinquent" means having committed an act which, if committed by an adult, would be a crime in violation of Title 18 of this Code.

...

234. "Deadly weapon" means any loaded weapon from which a shot, readily capable of producing death or other serious physical injury, may be discharged, or a switchblade knife, gravity knife, pilum ballistic knife, metal knuckle knife, dagger, billy, blackjack, plastic knuckles, or metal knuckles.

235. "Dangerous instrument" means any instrument, article or substance, including a "vehicle" as that term is defined in this section, which, under the circumstances in which it is used, attempted to be used or threatened to be used, is readily capable of causing death or other serious physical injury.

...

245. "Physical injury" means impairment of physical condition or substantial pain.

246. "Serious physical injury" means physical injury which creates a substantial risk of death, or which causes death or serious and protracted disfigurement, protracted impairment of health or protracted loss or impairment of the function of any bodily organ.

**TITLE 8 GOVERNMENTAL BODIES**

...

15. There is established in this state a Commission on Juvenile Justice, composed of nine commissioners nominated by the Governor and duly confirmed by the Senate, the purposes of which are to ...

(b) construct, operate, and maintain facilities for the care and treatment of juvenile delinquents committed to state custody, including contracting with a private entity for

such purposes, provided that no such private contract may be entered into unless the private contractor demonstrates that it has the qualifications, experience, and management personnel necessary to carry out the terms of this contract; the financial resources to provide indemnification for liability arising from detention home or other secure facility management projects; evidence of past performance of similar contracts; and the ability to comply with all applicable federal and state constitutional standards; federal, state, and local laws; court orders; and standards for a detention home or other secure facility; ...

(d) make determinations as to the placement of juveniles committed to state custody pursuant to section 16-9(K) of this Code; ...

(g) make determinations for the release of juveniles committed to state custody, pursuant to section 16-10 of this Code.

The Commission may employ such assistants, probation officers, psychologists, social workers, and other staff as deemed necessary.

## **TITLE 16 JUVENILE AND DOMESTIC RELATIONS DISTRICT COURTS**

### **Section 1. Purpose and Intent**

This law shall be interpreted and construed so as to effectuate the following purposes:

1. To divert from or within the juvenile justice system, to the extent possible, consistent with the protection of the public safety, those children who can be cared for or treated through alternative programs;
2. To provide judicial procedures through which the provisions of this law are executed and enforced and in which the parties are assured a fair hearing and their constitutional and other rights are recognized and enforced;
3. To separate a child from such child's parents, guardian, legal custodian or other person standing in loco parentis only when the child's welfare is endangered or it is in the interest of public safety and then only after consideration of alternatives to out-of-home placement which afford effective protection to the child, his family, and the community; and
4. To protect the community against those acts of its citizens, both juveniles and adults, which are harmful to others and to reduce the incidence of delinquent behavior and to hold offenders accountable for their behavior.

### **Section 2. Court Personnel**

The judges of the Juvenile and Domestic Relations District Court in a city or county shall appoint one or more suitable persons as probation officers and related court service personnel in accordance with established qualifications and regulations and shall develop and operate probation, parole, detention and related court services.

The transfer, demotion, or separation of probation officers and related court service personnel appointed pursuant to this subsection shall be under the authority of the judges of the Juvenile and Domestic Relations District Court, but shall be only for good cause shown and after due notice and opportunity to be heard.

### **Section 3. Jurisdiction**

The judges of the Juvenile and Domestic Relations District Court elected or appointed under this law shall have, within the limits of the territory for which it is created, exclusive original jurisdiction, and within one mile beyond the limits of said city or county, concurrent jurisdiction with the juvenile court or courts of the adjoining city or county, over all cases, matters and proceedings involving:

- A. The custody, visitation, support, control or disposition of a child:
  - 1. Who is alleged to be abused, neglected, in need of services, in need of supervision, a status offender, or delinquent;
  - 2. Who is abandoned by his parent or other custodian or who by reason of the absence or physical or mental incapacity of his parents is without parental care and guardianship;
  - 3. Who is at risk of being abused or neglected by a parent or custodian who has been adjudicated as having abused or neglected another child in the care of the parent or custodian;
  - 4. Whose custody, visitation or support is a subject of controversy or requires determination.
- B. Any person charged with deserting, abandoning or failing to provide support for any person in violation of law.
- C. The prosecution and punishment of persons charged with ill-treatment, abuse, abandonment or neglect of children or with any violation of law that causes or tends to cause a child to come within the purview of this law, or with any other offense against the person of a child.
- D. All offenses in which one family or household member is charged with an offense in which another family or household member is the victim.

- E. Petitions filed by a natural parent, whose parental rights to a child have been voluntarily relinquished pursuant to a court proceeding, to seek a reversal of the court order terminating such parental rights. No such petition shall be accepted, however, after the child has been placed in the home of adoptive parents.
- F. Any person who seeks spousal support after having separated from his spouse.
- G. Petitions filed for the purpose of obtaining an order of protection.
- H. Petitions for emancipation of a minor.
- I. Petitions for a determination of parentage.
- J. Petitions for adoption.

#### **Section 4. Immediate Custody, Arrest, and Detention - Criteria**

No child may be taken into immediate custody except:

- A. With a detention order issued by the judge, the intake officer or the clerk, when authorized by the judge, of the Juvenile and Domestic Relations District Court in accordance with the provisions of this law or with a warrant issued by a magistrate; or
- B. When a child is alleged to be in need of services or supervision and (i) there is a clear and substantial danger to the child's life or health or (ii) the assumption of custody is necessary to ensure the child's appearance before the court; or
- C. When, in the presence of the officer who makes the arrest, a child has committed an act designated a crime under the law of this State, or an ordinance of any city, county, town or service district, or under federal law and the officer believes that such is necessary for the protection of the public interest; or
- D. When a child has committed a misdemeanor offense involving (i) shoplifting, (ii) assault or (iii) carrying a weapon on school property and, although the offense was not committed in the presence of the officer who makes the arrest, the arrest is based on probable cause on reasonable complaint of a person who observed the alleged offense; or
- E. When there is probable cause to believe that a child has committed an offense which if committed by an adult would be a felony.

#### **Section 5. Immediate Custody, Arrest, and Detention - Process**

A person taking a child into custody pursuant to the provisions of Section 4, during such hours as the court is open, shall, with all practicable speed, and in accordance with the provisions of

this law and the orders of court pursuant thereto, bring the child to the judge or intake officer of the court and the judge, intake officer or arresting officer shall, in the most expeditious manner practicable, give notice of the action taken, together with a statement of the reasons for taking the child into custody, orally or in writing to the child's parent, guardian, legal custodian or other person standing in loco parentis.

A juvenile taken into custody whose case is considered by a judge, intake officer or magistrate shall immediately be released, upon the ascertainment of the necessary facts, to the care, custody and control of such juvenile's parent, guardian, custodian or other suitable person able and willing to provide supervision and care for such juvenile, either on bail or recognizance or under such conditions as may be imposed or otherwise. However, at any time prior to an order of final disposition, a juvenile may be detained in a secure facility, pursuant to a detention order or warrant, only upon a finding by the judge, intake officer, or magistrate, that there is probable cause to believe that the juvenile committed the act alleged, and that at least one of the following conditions is met:

- a. Considering the seriousness of the current offense or offenses and other pending charges, the seriousness of prior adjudicated offenses, the legal status of the juvenile and any aggravating and mitigating circumstances, the liberty of the juvenile, constitutes a clear and substantial threat to the person or property of others;
- b. The liberty of the juvenile would present a clear and substantial threat of serious harm to such juvenile's life or health; or
- c. The juvenile has threatened to abscond from the court's jurisdiction during the pendency of the instant proceedings or has a record of willful failure to appear at a court hearing within the immediately preceding 12 months.

### **Section 6. Petition**

All matters alleged to be within the jurisdiction of the court shall be commenced by the filing of a petition.

The petition shall contain the facts below indicated:

“State of Old York, In re \_\_\_\_\_ (name of child)” a child under eighteen years of age.

“In the Juvenile and Domestic Relations District Court of the county (or city) of \_\_\_\_\_”

1. Statement of name, age, date of birth, if known, and residence of the child.

2. Statement of names and residence of his parents, guardian, legal custodian or other person standing in loco parentis and spouse, if any.
3. Statement of names and residence of the nearest known relatives if no parent or guardian can be found.
4. Statement of the specific facts which allegedly bring the child within the purview of this law. If the petition alleges a delinquent act, it shall make reference to the applicable sections of the Code which designate the act a crime.
5. Statement as to whether the child is in custody, and if so, the place of detention or shelter care, and the time the child was taken into custody, and the time the child was placed in detention or shelter care.

### **Section 7. Adjudication**

- A. When a child is held continuously in secure detention, he shall be released from confinement if there is no adjudicatory or transfer hearing conducted by the court for the matters upon which he was detained within twenty-one days from the date he was first detained.
- B. If a child is not held in secure detention or is released from same after having been confined, an adjudicatory or transfer hearing on the matters charged in the petition or petitions issued against him shall be conducted within 120 days from the date the petition or petitions are filed.
- C. When a child is held in secure detention after the completion of his adjudicatory hearing or is detained when the juvenile court has retained jurisdiction as a result of a transfer hearing, he shall be released from such detention if the disposition hearing is not completed within thirty days from the date of the adjudicatory or transfer hearing.
- D. The time limitations provided for in this section shall be tolled during any period in which (i) the whereabouts of the child are unknown, (ii) the child has escaped from custody, or (iii) the child has failed to appear pursuant to a court order. The limitations also may be extended by the court for a reasonable period of time based upon good cause shown, provided that the basis for such extension is recorded in writing and filed among the papers of the proceedings. For the purposes of this section, good cause includes, but is not limited to, extension of limitations necessary to obtain the presence of a witness to testify regarding the results of scientific analyses or examinations.

### **Section 8. Dispositional Report**

When a Juvenile and Domestic Relations District Court has adjudicated any case involving a child subject to the jurisdiction of the court hereunder, except for a traffic violation, a violation of the game and fish law, or a violation of any city ordinance regulating surfing or establishing

curfew violations, the court before final disposition thereof shall require an investigation, which (i) shall include a drug screening and (ii) shall include a social history of the physical, mental, and social conditions, including an assessment of any affiliation with a criminal street gang, and personality of the child and the facts and circumstances surrounding the violation of law.

### **Section 9. Disposition of Juvenile Delinquents**

If a juvenile is found to be delinquent, the court may make any of the following orders of disposition for his supervision, care, and rehabilitation, regardless of the crime for which he was adjudicated delinquent:

- A. Permit the juvenile to remain with his parent, subject to such conditions and limitations as the court may order with respect to the juvenile and his parent;
- B. Order the parent of a juvenile living with him to participate in such programs, cooperate in such treatment or be subject to such conditions and limitations as the court may order and as are designed for the rehabilitation of the juvenile and his parent;
- C. Defer disposition for a specific period of time established by the court with due regard for the gravity of the offense and the juvenile's history, after which time the charge may be dismissed by the judge if the juvenile exhibits good behavior during the period for which disposition is deferred;
- D. Order the parent of a juvenile with whom the juvenile does not reside to participate in such programs, cooperate in such treatment or be subject to such conditions and limitations as the court may order and as are designed for the rehabilitation of the juvenile where the court determines this participation to be in the best interest of the juvenile and other parties concerned and where the court determines it reasonable to expect the parent to be able to comply with such order;
- E. Place the juvenile on probation under such conditions and limitations as the court may prescribe;
- F. Impose a fine not to exceed \$500 upon such juvenile;
- G. Suspend the motor vehicle and driver's license of such juvenile or impose a curfew on the juvenile as to the hours during which he may operate a motor vehicle.
- H. Require the juvenile to make restitution or reparation to the aggrieved party or parties for actual damages or loss caused by the offense for which the juvenile was found to be delinquent;
- I. Require the juvenile to participate in a public service project under such conditions as the court prescribes;

J. Transfer legal custody to any of the following:

1. A relative or other individual who, after study, is found by the court to be qualified to receive and care for the juvenile; or
2. A child welfare agency, private organization or facility that is licensed or otherwise authorized by law to receive and provide care for such juvenile.

K. Commit the juvenile to the Commission on Juvenile Justice, but only if he is 11 years of age or older; or

L. Commit the juvenile to a local juvenile detention facility for a specified period not to exceed 21 days.

### **Section 10. Length of Commitment**

All commitments under this chapter shall be for an indeterminate period having regard to the welfare of the juvenile and interests of the public, but no juvenile committed hereunder shall be held or detained after such juvenile has attained the age of twenty-one years. The Commission on Juvenile Justice shall have the authority to discharge any juvenile or person from its custody, including releasing a juvenile or person to parole supervision, in accordance with policies and procedures established by the Commission and with other provisions of law. Parole supervision programs shall be operated through the court services units. A juvenile or person who violates the conditions of his parole granted pursuant to this section may be proceeded against for a revocation or modification of parole status. **There is established within the Commission a Juvenile Parole Board to determine release dates under this section.**

## **TITLE 18. PENAL CODE**

...

### **120.00 Assault in the Third Degree**

A person is guilty of assault in the third degree when:

1. With intent to cause physical injury to another person, he causes such injury to such person or to a third person; or
2. He recklessly causes physical injury to another person; or
3. With criminal negligence, he causes physical injury to another person by means of a deadly weapon or a dangerous instrument.

Assault in the third degree is a misdemeanor and punishable by up to one year in a local jail.

### **120.05 Assault in the Second Degree**

A person is guilty of assault in the second degree when:

1. With intent to cause serious physical injury to another person, he causes such injury to such person or to a third person; or
2. With intent to cause physical injury to another person, he causes such injury to such person or to a third person by means of a weapon; or
- ...
16. With intent to cause physical injury to a teacher of a school, he causes such injury to such teacher; ...

Assault in the second degree is a felony and punishable by up to five years in prison.

### **221.00 Possession of Marijuana**

A person is guilty of possession of marijuana when he possession marijuana unlawfully.

Possession of marijuana is a misdemeanor and punishable by up to three months in prison.

### **240.08 Inciting a Riot**

A person is guilty of inciting to riot when he urges ten or more persons to engage in tumultuous and violent conduct of a kind likely to create public alarm.

Inciting to riot is a misdemeanor punishable by up to one year in a local jail.

### **265.01 Criminal Possession of a Weapon in the Fourth Degree**

A person is guilty of criminal possession of a weapon in the fourth degree when:

- (1) He or she possesses any firearm, electronic dart gun, electronic stun gun, switchblade knife, pilum ballistic knife, metal knuckle knife, cane sword, billy, blackjack, bludgeon, plastic knuckles, metal knuckles, chuka stick, sand bag, sandclub, wrist-brace type slingshot or slungshot, shirken or "Kung Fu star"; or

(2) He or she possesses any dagger, dangerous knife, dirk, machete, razor, stiletto, imitation pistol, or any other dangerous or deadly instrument or weapon with intent to use the same unlawfully against another; or ...

(13) He or she possesses any dagger, dangerous knife, dirk, machete, razor, stiletto, imitation pistol, or any other dangerous or deadly instrument or weapon on school grounds;

Criminal possession of a weapon in the fourth degree is a misdemeanor and punishable by up to one year in a local jail.

STATE OF OLD YORK  
JUVENILE AND DOMESTIC RELATIONS DISTRICT COURT  
CITY OF ALEXANDRETTA

---

In the matter of

TAYLOR HULME,

An alleged juvenile delinquent.

---

Before: Hon. Frances Mosley  
Date: August 6, 2012

OFFICIAL COURT REPORTER TRANSCRIPT

THE CLERK: This is case number 2012-193, the matter of Taylor Hulme.

MS. DOWAGER: For the State, Wren Dowager.

MRS. PORTER: For Taylor Hulme, Quincy Porter.

THE COURT: What is the status of this matter?

MS. DOWAGER: If it please the Court, this matter is on for plea.

THE COURT: Is there an agreement?

MS. DOWAGER: In consideration of the defendant's plea to Counts 1 and 2, which charge Assault in the Third Degree and Second Degree, respectively, the prosecution agrees to dismiss the remaining charge of Inciting a Riot.

THE COURT: Is that accurate?

MRS. PORTER: Yes, Judge. No agreement as to disposition. Both parties free to argue.

THE COURT: Very well. The juvenile will sit up straight. I understand you wish to plead guilty to Assault in the Third Degree and Second Degree, is that right?

HULME: Yes.

THE COURT: What was that?

HULME: Yes, Your Honor.

THE COURT: The Clerk will swear in the juvenile.

THE CLERK: Do you solemnly swear that the testimony you are about to give is the truth, the whole truth, and nothing but the truth?

HULME: I do.

THE COURT: Count 1 of the accusation charges you with Assault in the Third Degree, in that you intentionally caused physical injury to the victim, [REDACTED]. How do you plead?

HULME: Guilty.

THE COURT: Count 2 of the accusation charges you with Assault in the Second Degree, in that you intentionally caused physical injury to a teacher. How do you plead?

HULME: Guilty.

THE COURT: Do you understand that you have a right to plead not guilty, have this case adjudicated at trial, at which time the prosecution would have the burden to prove the charges against you beyond a reasonable doubt? That you would have the right to counsel and to confront the witnesses against you? Do you understand all of that?

HULME: Yes.

THE COURT: Do you understand that by pleading guilty you are giving up those rights and that there will be no trial of any kind?

HULME: Yes.

THE COURT: Has anyone threatened or coerced you to plead guilty?

HULME: No.

THE COURT: Are you pleading guilty freely and voluntarily?

HULME: Yes.

THE COURT: Are you pleading guilty because you are, in fact, guilty?

HULME: You see, I didn't ...

THE COURT: A simple yes or no will suffice.

HULME: Yes.

THE COURT: Very well. I find that the plea is voluntarily, knowingly, and intelligently made, and I accept it. The respondent is adjudicated guilty of Count 1 and 2. Count 3 is dismissed. The Court orders the Court Service Unit to prepare a dispositional report. Who is the PO on this case?

SAM BOYER: Me, Your Honor.

THE COURT: Oh good. Officer Boyer. Nice to see you. You'll prepare a disposition report, which I'd like in my hands by August 21, 2012.

BOYER: Yes, Your Honor.

THE COURT: Anything else from anyone?

MS. DOWAGER: Not from us.

MRS. PORTER: No, Your Honor.

THE COURT: Very well. The matter is adjourned to August 29, 2012, for disposition. Respondent is remanded.

The foregoing is a true and accurate transcription of the aforementioned proceedings.

/s/ Court Reporter

STATE OF OLD YORK  
JUVENILE AND DOMESTIC RELATIONS DISTRICT COURT  
CITY OF ALEXANDRETTA

---

In the matter of

TAYLOR HULME,

An alleged juvenile delinquent.

---

Before: Hon. Frances Mosley  
Date: August 29, 2012

OFFICIAL COURT REPORTER TRANSCRIPT

THE CLERK: This is case number 2012-193, the matter of Taylor Hulme.

MS. DOWAGER: For the State, Wren Dowager.

MRS. PORTER: For Taylor Hulme, Quincy Porter.

THE COURT: Something funny, Hulme?

MRS. PORTER: I am sorry- your honor?

THE COURT: I asked your client if there's something funny about court today, based on the ear to ear smile I am guessing there must be.

MRS. PORTER: It is just a smile your honor. Before we move to sentence I want to address one matter regarding the probation report?

THE COURT: In a minute, tell your client that to be respectful in my court room or I'll make sure there is nothing to smile about. You get me, Hulme?

MRS. PORTER: There's no need for that tone your honor. Now as to the dispo report.

MS. DOWAGER: CSU is recommending commitment Judge.

SAM BOYER: Sam Boyer, Court Service Unit. Yes your Honor, based on the severity of the injury to the victim, the multiple victims, and the behavior while detained we are recommending **commitment**.

THE COURT: Seems like a reasonable recommendation to me, Mr. Boyer.

MRS. PORTER: Judge, my client should be released, my client is not a threat and was a victim of circumstances. It's my understanding the probation officer was recommending release up until earlier this week. The circumstances of which-

THE COURT: This was already addressed. I'll have a sidebar. Approach, all of you. Except Hulme.

(Whereupon a conference was held between the parties off the record)

THE COURT: Back on the record. So it is my understanding that only one probation report was ever issued. And that any discussion of a different recommendation was made before the victim's impact statement was received. Is that right Boyer?

MR. BOYER: That is correct your honor.

MRS. PORTER: Your honor I must-

THE COURT: You must nothing. Your client is a menace, and has demonstrated no ability to abide by the already very lenient terms supplied by the Court Services Unit. The Defendant's attitude today is deplorable, but completely fitting with what I have come to expect. The Defendant put a teacher in the hospital and injured another student, and all the while has shown minimal remorse and acceptance of responsibility. This Defendant is precisely the type of scourge that needs to be cleaned from this county. I sentence, the Defendant, Taylor Hulme, to a period of commitment. I will recommend to the Commission placement in Holesworth Juvenile Facility. Take Hulme out.

TAYLOR HULME: What?! Are you kidding me? They'll kill me in there. This isn't fair!

THE CLERK: Take Charge.

HULME: No! No! Don't you touch me! No!

(Inaudible)

THE COURT: Don't get hurt anyone. Enjoy the Hole, Hulme.

The foregoing is a true and accurate transcription of the  
aforementioned proceedings.

/s/ Court Reporter

## Disposition Report

**Judge** Francis Mosley  
**A.D.A.** Wren Dowager  
**Defense** Quincy Porter  
**Date Prepared** 8/15/2012

**Case Number:** 2012-193  
**Court Services Officer**  
 Boyer

---

<b>Subject:</b> Taylor Hulme	<b>Age:</b>
<b>Address</b>	<b>Phone</b>
<b>Birthdate:</b> 5/23/1995	<b>Birthplace:</b> Alexandretta, Old York

---

***Charge:** On July 18, 2012, subject got into a fight with another minor while at summer school after a verbal altercation. During the altercation subject stabbed the victim with a pen causing a laceration to the victim's arm. When a teacher attempted to intervene, subject shoved the teacher causing a laceration, and bruising to the teacher's head, as well as a concussion. Subject did so in violation of Old York Code 18-120.00 Assault in the 3<sup>rd</sup> Degree and Old York Code 18-120.05 Assault in the Second Degree. Subject pleaded guilty.*

---

**Personal History:**

- a) **Family** - Subject was born in Alexandretta, Old York where subject has resided since birth. Subject lives with Mother (Tammy Hulme Age 41) and Father (Tanner Hulme Age 42). Subject is the only child in the household. Mother is a substitute teacher and father is an electrician. No history of abuse. Parents report that subject has always struggled academically and exhibited violent tendencies as early as age 8. Additionally, there was a prior incident in which the mother refused to press charges after initially alleging subject assaulted her.
- b) **Medical and Psychological** - nothing to report.
- c) **Education** – Subject is not currently enrolled in school after having being expelled from Alexandretta High School following the above described incident. Prior to expulsion subject struggled academically, failing multiple classes and having to attend summer session in each of the first two years of high school. Teachers reported that subject often was disciplined for a variety of infractions included fights with other students, possession of marijuana and MDMA, consistent lateness and truancy, disobedience and failure to complete assignments. Prior to High School, subject exhibit similar difficulties, being placed in a specialized class, and transferring multiple times for a variety of issues related to impulse control.
- d) **Prior Court Involvement** -
  - a. September 2007 - Possession of Marijuana, 18-221.00. Subject found with small amount of marijuana in school locker. Diversion program successfully completed.
  - b. October 2007 - Assault in the Third Degree, 18-120.00. Subject punched another student. Pleaded guilty. Placed on probation. Began supervision.
  - c. December 2007 - Probation Violation. Subject truant from school on multiple occasions. Parents reported subject breaking curfew. Court ordered continued probation with one weekend in detention.
  - d. March 2008 - Assault in the Second Degree, 18-120.05(2), and Criminal Possession of a Weapon, 18-265.00(1). Subject stabbed another child with a switchblade knife. Pleaded not guilty. Judge found subject not guilty of Assault on basis of self-defense but guilty of CPW. Disposition: four weekends in detention.
  - e. May 2008 - Assault in the Third Degree, 18-120.00 for hitting mother. Dismissed for lack of prosecution.
  - f. April 2010 - Probation Violation. Truancy plus curfew violations. Court ordered continued probation with four weekends in detention plus community service.

- g. October 2010 - Probation Violation. Failure to complete community service. Court ordered stricter curfew.
- h. December 2010 - Possession of Marijuana. Drugs found in car that subject was riding in. Case dismissed by prosecution for lack of evidence.
- e) **Drug and Alcohol** - Subject denies involvement with drugs or alcohol. All urine tests negative. Drug treatment not recommended.
- f) **Behavior while supervised** – Subject had been on supervision prior to the above described incident. During subject’s supervision period subject often demonstrated remorse and a recognition of issues subject had regarding impulse control and dealing with authority. Subject attended all appointments. Though subject has had many incidents, subject has always demonstrated a willingness to listen to suggestions to improve subject’s behavior. Subject has not violated the terms of supervision in over a year.

**Victim Impact Statement**

Neither victim in this case was willing to provide a statement regarding the incident to this department. The teacher victim initially expressed that she believed subject’s behavior was unintentional and he should not be committed to a facility.

**Subject’s Statement**

Subject expressed remorse for the incident.

**Recommendation**

Given the circumstances of this case, the subject’s continued attempts to learn from mistakes and to improve upon problematic behaviors, and the subject’s detention pre-adjudication, the recommendation of the department of court services is continued supervision until the subject reaches 21 years of age. CSU will place subject in anger management program and refer for individual counseling.

Respectfully submitted,

---

P/O Sam Boyer

## Disposition Report

**Judge** Frances Mosley **Case Number** 2012- 193  
**A.D.A.** Wren Dowager  
**Defense** Quincy Porter  
**Date Prepared** 8/15/2012 **Court Services Officer** Sam Boyer

---

**Subject** Taylor Hulme **Age** 17  
**Address** 2306 Avery Lane **Phone** 999-211-3333  
**Birthdate** 5/23/1995 **Birthplace** Alexandretta, Old York

---

**Charge:** *On July 18, 2012, subject got into a fight with another minor while at summer school after a verbal altercation. During the altercation subject stabbed the victim with a pen causing a laceration to the victim's arm and significant pain. When a teacher attempted to intervene, subject shoved the teacher causing a laceration, and bruising to the teacher's head, as well as a concussion. Subject did so in violation of Old York Code 18-120.00 Assault in the 3<sup>rd</sup> Degree and Old York Code 18-120.05 Assault in the Second Degree. Subject pleaded guilty.*

---

**Personal History:**

- a) **Family** - Subject was born in Alexandretta, Old York where subject has resided since birth. Subject lives with Mother (Tammy Hulme Age 41) and Father (Tanner Hulme Age 42). Subject is the only child in the household. Mother is a substitute teacher and father is an electrician. No history of abuse. Parents report that subject has always struggled academically and exhibited violent tendencies as early as age 8. Additionally, there was a prior incident in which the mother refused to press charges after initially alleging subject assaulted her.
- b) **Medical and Psychological** - nothing to report.
- c) **Education** – Subject is not currently enrolled in school after having being expelled from Alexandretta High School following the above described incident. Prior to expulsion subject struggled academically, failing multiple classes and having to attend summer session in each of the first two years of high school. Teachers reported that subject often was disciplined for a variety of infractions included fights with other students, possession of marijuana and MDMA, consistent lateness and truancy, disobedience and failure to complete assignments. Prior to High School, subject exhibit similar difficulties, being placed in a specialized class, and transferring multiple times for a variety of issues related to impulse control.
- d) **Prior Court Involvement** -
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- e) **Drug and Alcohol** - Subject denies involvement with drugs or alcohol. All urine tests negative. Drug treatment not recommended.
- f) **Behavior while supervised** – Subject had been on supervision prior to the above described incident. During subject’s supervision period subject often demonstrated remorse and a recognition of issues subject had regarding impulse control and dealing with authority. Subject attended all appointments. Though subject has had many incidents, subject has always demonstrated a willingness to listen to suggestions to improve subject’s behavior. Subject has not violated the terms of supervision in over a year.

**Victim Impact Statement**

The juvenile victim in this case provided the following impact statement to the department: “I’ll never forgot the day that Taylor attacked me. The injury hurt a lot. I had to spend two days in the hospital and at one point they thought I might need surgery. I was in a lot of pain. I ended up missing two weeks of school and then had multiple follow-up visits after. I’m very scared of Taylor. I worry that if Taylor comes back to school they’re going to come after me for snitching. Please send him away.” In addition, the victim’s mother told this officer: “[Redacted] is very afraid of this punk kid. Attacked my child out of the blue. My child is a good student who is trying really hard. This attack really set them back. Not to mention the medical bills and lost work that I had. Lock this kid up and throw away the key. We’d all be better off.”

The adult victim was not cooperative with the department.

**Recommendation**

Given the violent nature of this incident and previous incidents, the severity of the impact on the victim’s and the subject’s repeated failures to learn from mistakes, the department recommends the subject be committed to a juvenile facility until subject’s 21<sup>st</sup> Birthday.

**Update**

Prior to the issuance of this report the subject was found to be in possession of illegal controlled substances while in detention. Subject indicated that the possession of the two pills of Avitan were anxiety related, but subjected admitted to not having a prescription for said pills. Further, though remorseful, subject minimized the severity of the possession indicated it was “not a big deal.” Subject declined to identify where subject received drugs from.

Respectfully submitted,



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P/O Sam Boyer

FAMILY JUSTICE CENTERS OF AMERICA, INC.  
DISCIPLINARY INCIDENT REPORT  
FORM 41T

DATE COMPLETED: 25 Dec 2012

INCIDENT DATE: 25 Dec 2012

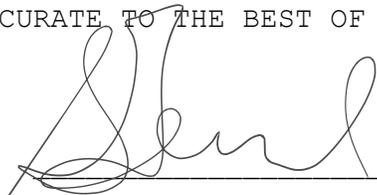
OFFICERS INVOLVED: C.O. Sandy Terrell #9115  
C.O. Sam Bruna #1299  
Sgt. Darshana MacGinnis #221, Special Incident Unit  
C.O. Evan Breckenridge #502, Special Incident Unit  
C.O. Magnus Cunégonde Vogels #554, Special Incident Unit  
C.O. Leigh Bonham #6297, Special Incident Unit

INMATES INVOLVED: Taylor Hulme  
Pat Warrick

DESCRIPTION:

*At 1730 hours, Inmate Hulme struck Inmate Warrick in the back of the head with a closed fist while in the cafeteria line. When Inmate Warrick fell to the ground, Inmate Hulme jumped on top and continued punching. Other unknown inmates joined in the fight. STU Team on duty called to assist. Inmate Warrick suffered concussion and taken to Infirmary for treatment. As Inmate Hulme was being detained, he stated in substance: LAST TIME PAT TALKS SHIT BEHIND MY BACK. Inmate Hulme incurred bruise to arm while being restrained by STU. Placed in Special Housing Unit Segregation, per Sgt MacGinnis.*

THE FOLLOWING IS TRUE AND ACCURATE TO THE BEST OF MY BELIEF.

  
C.O. SIGNATURE BADGE # 9115

## Old York School Transcript

Name: Taylor Hulme

Birth Date: 05/23/1995

Address: 2306 Avery Lane

Alexandretta, Utopia 345341

School Name: Alexandretta High School

Graduation Date: 5/2015

Phone: 999-211-3333

Person to Contact: Barb Diggins, Registrar

### 2010- 2011

Grade 9

Course Title	1st	2nd	Final	Total	GPA	Credits	Disciplinary Record
Algebra I	D	C-	F	D	1.0	3.0	Y*
Geography	C	C-	D+	C-	1.7	3.0	N
English I	B-	D	C	C	2.0	3.0	Y*
Psy Ed	B+	B-	B	B	3.0	1.0	N
Biology I	D	F	F	F	0.0	0.0	Y*
Art I	N/A	D	D-	D	1.0	1.0	N
Music I	B-	N/A	C	C+	2.3	1.0	N

### SUMMER SESSION REQUIRED

#### Comments-

*Taylor has severe issues in dealing with authority, and problems with work ethic and focus. Taylor has some natural talent when properly motivated and interested in a subject but often becomes bored and acts out. Taylor also must learn to take responsibility for Taylor's own mistakes instead of placing blame on fellow classmates or staff.*

### 2011-2012

Grade 10

\*Y means that the student was disciplined on at least three (3) occasions while in that class for a violation of the student code. Violations of the code include, but are not limited to disobedience, use of drugs or alcohol, violence against fellow students, violence against faculty or staff, repeated lateness, and plagiarism.

Course Title	1 <sup>st</sup>	2 <sup>nd</sup>	Final	Total	GPA	Credits	Disciplinary Record
Algebra II	D	D	F	D	1.0	3.0	Y*
Psy Ed	B	B	C-	B-	2.7	1.0	N
US History	C-	D+	F	D	1.0	3.0	N
English II	B	C-	D	C-	1.7	3.0	N
Spanish I	F	D	F	F	0.0	0.0	Y*
Chemistry I	B+	B	C+	B	3.0	3.0	N

**SUMMER SESSION REQUIRED**

**Comments-**

*Taylor continues to be a disruptive force in the class room when disinterested or frustrated. Taylor has demonstrated the ability to contribute and flourish in certain settings when engaged. However, when Taylor is in class room settings with authority figures who challenge Taylor, or is Taylor is confronted by subjects that require more effort and concentration, chaos ensues. In those situations not only does Taylor fail to grasp the material, but often will lash out at staff or other students trying to help. Taylor's behavior in those situations impacts the learning environment for all students. If Taylor doesn't show marked improvement in summer session, a new school may be necessary.*

**STUDENT DID NOT RETURN FOR 2012-2013 ACADEMIC YEAR FOLLOWING AN INCIDENT DURING SUMMER SESSION. STUDENT EXPELLED.**

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

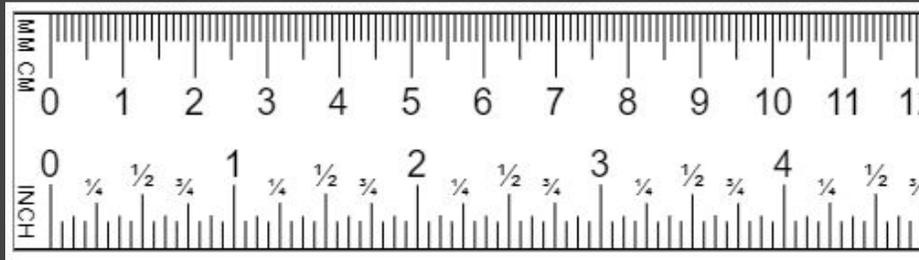
\*Y means that the student was disciplined on at least three (3) occasions while in that class for a violation of the student code. Violations of the code include, but are not limited to disobedience, use of drugs or alcohol, violence against fellow students, violence against faculty or staff, repeated lateness, and plagiarism.



000088



EXHIBIT I



Seized from Juvenile Taylor Hulme  
Photograph taken 18 August 2012 2205 hrs

/S/

Detention Officer Gene Alvarez

# HOLESWORTH

A Private Facility for the Public Good

Holesworth is a new type of correctional facility. Taking the lessons from yesterday and applying them to the adults of tomorrow. Young people come to Holesworth lost. They learn hard work, discipline, they experience nature. They leave rehabilitated.

*"I can't say whether it was the setting or the people, but I can say if not for the time I spent in Holesworth I wouldn't be alive today."*

000090

# Would you like these kids as your neighbors?



*Let's bring law and order back to juvenile court.  
Let's show delinquent youth some TOUGH LOVE.  
Let's end the revolving door of the juvenile "justice" system.*

**Vote**  
**Frances Mosley**  
**for Juvenile Court Judge**  
**November 8, 2011**

The only candidate for Juvenile Court Judge endorsed by  
the Old York Police Benevolent Association.

Paid for by the Frances Mosley Campaign.

# The Old York Post

Date: June 10, 2017  
Page: A2  
Author: Georgina Clifford

## **DISGRACED JUDGE OFF THE HOOK**

ALEXANDRETTA, O.Y.: Looks like law-and-order ex-judge Frances Mosley isn't going to get a taste of their own tough-on-crime medicine after all. A unanimous jury acquitted hizzoner of all charges in connection with a bribery scandal that rocked Old York's juvenile court.

"We're stunned by the jury's decision but respect it," said Assistant Attorney General Daniel Newton.

The three week trial began with bombshell testimony by former Mosley pal, Casey Fitzhugh, who described in excruciating detail bribes paid to Judge Mosley and others.

Mosley was removed from office by the Old York Supreme Court shortly after news of the scandal broke.

The law-and-order judge ran on a get tough on crime platform that really resonated with voters. Once in office, the judge quickly gained a reputation for handing down tough sentences.

He testified in his own defense that it was this judicial philosophy, not supposed bribes, that influenced his decisions. Mosley claimed that cash received from his pal Fitzhugh was an unspecified loan and that trips to Fitzhugh's Bahamas vacation home and basketball tickets were gifts based on their long friendship.

In his closing argument to the jury, noted defense attorney Harris Avila argued that Fitzhugh had no credibility, cutting what the lawyer said was a "sweetheart deal" with the AG's office.

For his part, Fitzhugh—who ran the Family Justice Centers for many years—reflected on his jailer-turned-jailed status. "I'm terribly sorry for the harm I've caused," Fitzhugh said through tears on the witness stand.

Meanwhile, Judge Mosley's legal troubles aren't over yet. Civil suits were filed by numerous juveniles hizzoner sentenced.

# THE OLD YORK TIMES

Date: May 6, 2008  
Page: Metro 4  
Author: Jordan Mandelbaum

## SCRUTINY ON PRIVATE PRISONS FOR JUVENILES

ALEXANDRETTA, O.Y.: The state's increasing use of private prisons to incarcerate juvenile offenders is raising eyebrows in the state Senate, which will hold hearings on this practice.

Between 2004 and 2008, five new facilities opened for housing youth between the ages of 14 and 21 who committed crimes. Four are run by private companies, causing legislators to wonder whether these facilities will provide costly rehabilitative services to these troubled youth or institutionalize them and bank the profit.

Julia Park, Executive Director of the state's Juvenile Justice Commission, which oversees the juvenile system in Old York, defended the practice.

"Regardless of who runs a juvenile correctional facility, the Commission independently ensures that juveniles committed to state custody are receiving the rehabilitation services to which they are entitled," Ms. Park, a former juvenile court judge said. "We hold all facilities, private and public, to high standards. At the same time, we have a responsibility to the taxpayers of Old York. Given limited budgets and tight resources, we have found private companies at times better able to deliver services in a cost-effective manner."

One such company is Family Justice Centers of America, founded by former Commission employee Casey Fitzhugh. Between 2004 and 2007, FJCA reported profits of over \$10 million annually to its shareholders. It operates two juvenile correctional prisons in Old York. Fitzhugh declined to be interviewed for this story but provided the following written statement:

"Family Justice Centers is about providing juveniles with the tough love they need to become fully functional, law-abiding members of society. Our centers are not prisons. We have schools, classes, vocational training, anger management, and drug treatment, all in rural environments that promote healthy living."

Not all agree. Senator Marcia Thorley of New Brunswick County, chair of the Criminal Justice Committee, ordered hearings after this newspaper published accounts of abuse and neglect of inmates at the New Alefield Correctional Institute, owned and operated by Family Justice

Centers. Fitzhugh or Family Justice Centers declined to attend the hearing. Senator Thorley is weighing the possibility of subpoenas.

“Private prisons are an affront to our democracy,” said Senator Thorley. “Their profit motive necessarily causes them to cut corners, as your fine publication documents.”

The Times’ expose highlighted the fact that teachers at New Alefield lacked state certification and that there were numerous instances of guards abusing inmates. The Times also showed deplorable living conditions, including inmates forced to endure sweltering conditions during the notoriously hot Old York heat waves.

In their written statement, Family Justice Centers denied the accusations. “We pride ourselves on providing juveniles with top-notch care, but we’re also not running a vacation resort. While our New Alefield location experienced a temporary failure of its air conditioning units for a brief period last Summer, we worked to restore service quickly.” Family Justice Center did not respond to the Times’ finding that its teachers were not state-certified, as required by law. As to the reports of abuse and neglect, the private prison company said, “Regrettably, at times our youth counselors are required to use force to break up fights and protect staff. All such incidents are reported to the Juvenile Commission, which has never cited our company for violations of its standards.”

Senator Thorley wasn’t buying it. “This is as much an investigation of the Juvenile Commission as of the Family Justice Centers and other private prisons. We intend to get to the bottom of whether youth are being put at risk to save a few bucks.”

Hearings begin today.

# THE OLD YORK TIMES

Date: December 10, 2008  
Page: Metro 22  
Author: Jordan Mandelbaum

## **JUVENILE JUSTICE REFORM STALLS IN STATE SENATE**

ALEXANDRETTA, O.Y.: With control of the state Senate changing from the New Whig to the New Federalist Party on January 1, juvenile justice reform is all but dead, say experts.

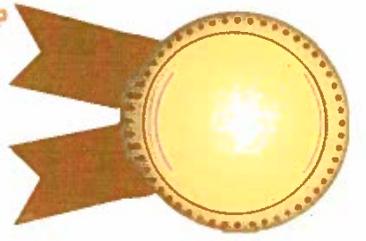
Melissa Petrovic, Professor of Political Science at the State University of Old York, New Alefield Campus, told the Times that she did not expect the Senate to take up such weighty issues as private prisons or lowering the age for maxing out of juvenile prisons to 18.

“The New Federalists were swept into office on a law-and-order platform. I doubt they will be interested in continuing where the Whigs left off,” Professor Petrovic said.

Senator Marcia Thorley of New Brunswick County, the outgoing New Whig chair of the Criminal Justice Committee, reluctantly agreed. “The New Federalists just aren’t interested in reforming our broken juvenile justice system.”

Senator Kalpana Mohren of Old York City, who is expected to become the new chair of the Criminal Justice Committee, disagreed. “I agree with my friends across the aisle who say our juvenile justice is broken. Too many offenders are being let off on technicalities by soft-on-crime judges. The system certainly needs to be reformed, just not in the way the other side would like.”

No doubt breathing a sigh of relief are the Family Justice Centers of America, which had come under fire for its operation of private juvenile prisons in Old York. Its CEO, Casey Fitzhugh, declined comment.



# CERTIFICATE OF COMPLETION

This certifies that

**CASEY FITZHUGH**

has completed the course "The Philosophy and Theology of  
Punishment"

  
Rev. Hunter Popper

  
Rabbi Sidney Davidson

Casey Fitzhugh <BigMoneyCaseyFitz@gmail.com>

*Our Conversation*

9 Messages

Casey Fitzhugh [BigMoneyCaseyFitz@gmail.com](mailto:BigMoneyCaseyFitz@gmail.com)  
To: Francis Mosley <HeresComesTheJudgeFM@gmail.com>

Wed. Feb 1, 2012 at 2:57PM

Frank,

I am really excited about our little chat from yesterday. I always suspected you were the sort of practical guy who I could connect with. A law and order Judge like yourself is going to need someone and somewhere that understands how to teach lessons to our most problematic youth. Holesworth is exactly that place. The kids win because they are being taught tough love, I win because my company benefits, and you win... well best not to put that in writing ;).

The transition from the private sector into the public one is never easy, especially for those of us who have gotten used to a certain standard of living. So my place on the beach, my hoops tickets, and whatever else I might be able to do to help ease that transition, only say the word mon frere.

I'll be in touch.

---

Francis Mosley [HereComesTheJudgeFM@gmail.com](mailto:HereComesTheJudgeFM@gmail.com)  
To: Casey Fitzhugh <BigMoneyCaseyFitz@gmail.com>

Thu. Feb 2, 2012 at 3:14PM

Fitz,

Holesworth sounds like music to my ears, and my wife's. The era of soft justice is coming to an end for this state. A facility that will teach lessons is exactly what I promised when I ran and its exactly what I tend to deliver. Probation and the rest of the court system will fall in line.

I am looking at taking a week off late next month- do you think you'll be using the place? Email or text.

Always good to see you Fitz.

JFM

---

Francis Mosley [HereComesTheJudgeFM@gmail.com](mailto:HereComesTheJudgeFM@gmail.com)  
To: Casey Fitzhugh <BigMoneyCaseyFitz@gmail.com>

Thu. May 10, 2012 at 3:45PM

Fitz,

Hoops tickets for tonight? Got an old college roommate in town for the weekend and he's a big fan. Judge Law and Order needs some time to unwind you know?

JFM

Casey Fitzhugh [BigMoneyCaseyFitz@gmail.com](mailto:BigMoneyCaseyFitz@gmail.com)  
To: Francis Mosley <HeresComesTheJudgeFM@gmail.com>

Thu. May 10, 2012 at 4:20PM

Frank,

Happy to. I am out of town anyway, I will leave them at will call under your name.

I hope that the my little gift is helping the transition into the belt tightening of the public sector. Stay committed to keeping things tough and there will be a HOLE lot more where that came from.

Send the wife my best.

Casey

---

Casey Fitzhugh [BigMoneyCaseyFitz@gmail.com](mailto:BigMoneyCaseyFitz@gmail.com)  
To: Francis Mosley <HeresComesTheJudgeFM@gmail.com>

Fri. Jan 25, 2013 at 5:45PM

Frank,

Just wanted to check in and see how things were going. I hope you enjoyed the house last month, don't be afraid to use the pool, the beach is great, but sometimes its nice to sip a martini lounging on those deck chairs. I am getting more and more feedback that CSU just has no idea how to properly ensure these kids are handled the right way. No one ever learns if all anyone ever does it tell them how special they are and nothing is there fault. Say what you will about private facilities, but they understand that, and the kids are better for it. Why it matters if someone gets an extra rolex out of it is beyond me. Anyway, I am just ranting. Numbers look great. Let me know if you've got any ideas to get CSU in line.

Casey

---

Francis Mosley [HereComesTheJudgeFM@gmail.com](mailto:HereComesTheJudgeFM@gmail.com)  
To: Casey Fitzhugh <BigMoneyCaseyFitz@gmail.com>

Mon. Jan 26, 2013 at 9:05AM

I told you certain things are better spoken about in person or over the phone.

Thanks for the house, I am using the seats Saturday night. Call me about anything else.

---

Casey Fitzhugh [BigMoneyCaseyFitz@gmail.com](mailto:BigMoneyCaseyFitz@gmail.com)  
To: Francis Mosley <HeresComesTheJudgeFM@gmail.com>

Mon. Jan 26, 2013 at 9:07AM

My mistake. Phone calls moving forward. I'll call tonight.

000098

Francis Mosley [HereComesTheJudgeFM@gmail.com](mailto:HereComesTheJudgeFM@gmail.com)  
To: Casey Fitzhugh <BigMoneyCaseyFitz@gmail.com>

Thu. March 13, 2014 at 10:15AM

Fitz,

Thank you again for the house last week. I am beginning to think the locals know me and my family better than they know you. I am turning into a sun worshiper thanks to that pool.

Unrelatedly, can we meet some time next week. Got some things I want to run by you- maybe the Hoops? We can go together this time, instead of my rotating group of guest stars.

Call me.

JFM

---

Francis Mosley [HereComesTheJudgeFM@gmail.com](mailto:HereComesTheJudgeFM@gmail.com)  
To: Casey Fitzhugh <BigMoneyCaseyFitz@gmail.com>

Wed. Nov 2, 2016 at 8:00AM

Casey,

Your phone is off and the office said you're traveling. Just wanted to remind you that I appreciate all you did out of friendship to me. No matter what happens, I will always value someone who was generous and kind without expecting or receiving anything but friendship and counsel in return.

000099

**FJCA Old York Facility Log Book  
2009-2017**

	A Facility	B State	C Year	D		E Releases	F Total
				New Commitments			
1							
2	New Alefield	Old York	2009	21		11	10
3	Holesworth	Old York	2009	31		28	3
4	New Alefield	Old York	2010	45		28	17
5	Holesworth	Old York	2010	24		35	-11
6	New Alefield	Old York	2011	47		32	14
7	Holesworth	Old York	2011	40		41	-1
8	New Alefield	Old York	2012	65		27	38
9	Holesworth	Old York	2012	81		21	60
10	New Alefield	Old York	2013	67		20	47
11	Holesworth	Old York	2013	109		44	65
12	New Alefield	Old York	2014	65		25	40
13	Holesworth	Old York	2014	103		30	73
14	New Alefield	Old York	2015	77		40	37
15	Holesworth	Old York	2015	131		51	80
16	New Alefield	Old York	2016	69		22	47
17	Holesworth	Old York	2016	91		49	43
18	New Alefield	Old York	2017	21		45	-24
19	Holesworth	Old York	2017	4		36	-32

EXHIBIT Q

## SETTLEMENT AGREEMENT AND RELEASE OF ALL CLAIMS

This Settlement Agreement and Release (“**Settlement Agreement**”) is made as of this 24th day of September, 2017 by and between Taylor Hulme (“**Plaintiff**”), and Casey Fitzhugh (“**Defendant**”) (each a “Party” and collectively the “**Parties**”)

### Recitals

**WHEREAS**, on or about January 30, 2017, Plaintiff commenced a civil action against Defendant in the United States District Court for the Eastern District of Old York, No. 2017-134 (the “Litigation”);

**WHEREAS**, the Parties to the Litigation have agreed to amicably resolve and settle the claims and defenses in the Litigation; and

**WHEREAS**, the Parties wish to memorialize the terms of their agreement and to do so in this document; and

**WHEREAS**, the Parties acknowledge that they are entering into this Settlement Agreement voluntarily and after consultation with counsel of their choosing;

**NOW, THEREFORE**, for good and valuable consideration, the receipt, adequacy, and sufficiency of which is hereby acknowledged, and intending to be legally bound, the Parties agree as follows:

1. **Recitals.** The foregoing Recitals are expressly incorporated as part of the Settlement Agreement, and the Parties confirm and represent to one another that said Recitals are true and correct to the best of their knowledge, information, and belief.
2. **No Admission of Liability.** It is expressly understood that this Settlement Agreement and the settlement it represents are entered into solely for the purpose of allowing the Parties to avoid further litigation. This Settlement Agreement does not constitute an admission by either Party of any wrongdoing, contractual obligation, or of any duty whatsoever, whether based in statute, regulation, common law, or otherwise, and each Party expressly denies that any liability or any such violation has occurred.
3. **Terms of Settlement.** In consideration for the Plaintiff’s release of claims and execution of this Settlement Agreement, and in exchange for the promises, waivers, and releases set forth in this Settlement Agreement, the Defendant agrees to pay to the Plaintiff’s counsel in the amount of \$10,000.00 (the “**Settlement Payment**”), less applicable withholdings and deductions, for which the Defendant shall issue a Form W-2. The Parties agree that the payment constitutes full compensation for all of the Plaintiff’s claims. The Parties acknowledge and agree that they are solely responsible for paying any attorney’s fees and costs incurred in the Litigation and that neither Party nor its attorneys will seek any award of attorney’s fees or costs from the other Party, except as expressly provided herein.
4. **Tax Consequences.** The Parties make no representations regarding the Settlement Agreement’s tax consequences. Each Party agrees that it will not assert a claim against the other Party for the payment or reimbursement of any tax consequences resulting from any payment made pursuant to this Settlement Agreement.

5. **Sufficient Consideration; Release of Claims.** The Parties acknowledge that the consideration provided to the Plaintiff under this Settlement Agreement is sufficient. In consideration for the payments herein provided, Plaintiff, to the maximum extent permitted by law, hereby irrevocably and unconditionally releases and discharges Defendant and its past or present predecessors, parents, subsidiaries, affiliates, successors, assigns, officers, directors, shareholders, attorneys, and employees, and any related or affiliated corporations or entities, and their past or present predecessors, parents, subsidiaries, affiliates, successors, assigns, officers, directors, shareholders, attorneys, and employees, and any person or entity acting through or in concert with any of the preceding persons or entities (all of the preceding persons and entities, severally and in the aggregate, will be referred to as Releasees) from any and all actions, claims, demands, debts, reckonings, contracts, agreements, covenants, damages, judgments, executions, liabilities, appeals, obligations, attorney's fees, and causes of action from the beginning of time to the date of this Settlement Agreement, known or unknown, asserted or unasserted, including but not limited to all claims arising under 42 U.S.C. § 1983, emotional distress, punitive damages, or attorney's fees and costs, and any and all other claims arising under any law, rule, regulation, order or decision.
- Excluded from this release are:
- Claims that cannot be waived by law
  - Claims for enforcement of this Settlement Agreement
6. **No Other Pending Claims.** Plaintiff agrees and represents that it has no other pending legal actions or claims against Defendant, including in any court, arbitration forum, governmental or administrative forum or agency, or other dispute resolution forum that are in any way related to the Litigation or dispute described herein.
7. **Dismissal of Litigation.** Within 10 days after receipt of the Settlement Payment, Plaintiff and its counsel shall take any necessary actions to ensure that the Litigation is dismissed in its entirety, with prejudice and without costs or fees. Defendant will cooperate with Plaintiff in securing the dismissal of the Litigation as appropriate.
8. **Non-disparagement.** Each Party agrees that it shall not disparage the other Party, or any present or former officer, director, agent, or employee of either Party, whether to any current or former employee of either Party, the press or other media, or any other business entity or third party.
9. **Attorney's Fees.** Should any Party bring an action to enforce or interpret this Settlement Agreement, the prevailing party shall be entitled to an award of reasonable attorney's fees, in addition to any other relief to which the prevailing party may be entitled.
10. **Entire Agreement.** This Settlement Agreement comprises the entire agreement between the Parties and supersedes any and all prior oral and written agreements between them. This Settlement Agreement may not be altered, amended, or modified except by a further writing signed by the Parties.
11. **Severability.** If any of the provisions, terms, or clauses of this Settlement Agreement are declared illegal, unenforceable, or ineffective by an authority of competent jurisdiction, those provisions, terms, and clauses shall be deemed severable, such that all other provisions, terms, and clauses of this Settlement Agreement shall remain valid and binding upon both Parties.
12. **Choice of Law.** The validity and construction of this Settlement Agreement shall be governed by the laws of Old York, without regard to the principles of conflicts of laws.

Any action to enforce this Settlement Agreement shall be brought only in the United States District Court for the Eastern District of New York.

13. **Severability.** A court's ruling rendering any provision(s) of this Settlement Agreement invalid or unenforceable shall not affect the validity of the remaining provisions of this Settlement Agreement.
14. **No Interpretation of Ambiguity Against the Drafter.** This Settlement Agreement has been negotiated and prepared by both Parties and their counsel. If any of the Settlement Agreement's provisions require a court's interpretation, no ambiguity found in this Settlement Agreement shall be construed against the drafter.
15. **Opportunity to Consult Legal Counsel.** The Parties confirm that they have reviewed and considered this Settlement Agreement and consulted with their attorneys regarding the terms and effect thereof.
16. **Authority to Settle.** Each Party represents and warrants that the person signing this Settlement Agreement has authority to bind the Party and enter into the Settlement Agreement.
17. **Counterparts.** This Settlement Agreement may be executed in two or more identical counterparts, all of which constitute one and the same Settlement Agreement. Facsimile or other electronically-transmitted signatures on this Settlement Agreement shall be deemed to have the same force and effect as original signatures.

**IN WITNESS WHEREOF**, and intending to be legally bound, the Parties hereto have caused this Settlement Agreement to be executed as of the date(s) set forth below.

On Behalf of Defendant:

By: 

Printed Name: Casey Fitzhugh

Dated: September 24, 2017

On Behalf of Plaintiff:

By: 

Printed Name: Taylor Hulme

Dated: September 24, 2017

**EXHIBIT S**

today 11:52 AM

So frustrated with the situation in Alexandretta.

How so?

I feel like I'm throwing money away.

At you-know-who?



Not delivering?

Just the opposite. We'd be getting the same numbers without our arrangement. This judge is as law and order as they come. No additional incentives needed. 💰



Delivered

## PJJ Clarification Questions

1. I wondered if we could get a copy of the PJJ fact pattern that had page numbers on the bottom of the pages? Our trial team coach has expressed a strong interest in having the page numbers for more expedited practice sessions.

**Answer: The updated problem is Bates-stamped.**

2. In reference to Exhibit F, are the following dates correct (specifically the year 2017):  
DATE COMPLETED: 25 Dec 2017  
INCIDENT DATE: 25 Dec 2017

**Answer: Both dates are incorrect. The years should be 2012, not 2017. The exhibit has been updated to reflect the correction.**

3. Would it be possible to bates stamp or otherwise number the entire binder so that competitors can easily reference pages to the judges? For example: the complaint, answer, order, and exhibits are all unnumbered.

**Answer: The updated problem is Bates-stamped.**

4. Mosley, p.3 line 41 reads “Stabbed a teacher, as I recall.” We assume this is intentional?

**Answer: No response is provided.**

5. Exhibit C, p. 2, Sam Boyer’s first line reads “...we are recommending probation.” Is this meant to say detention or commitment?

**Answer: Correct. It should say “commitment.” The exhibit has been updated to reflect the correction.**

6. When were Mosley/Fitzhugh arrested? Are there dates more specific than “November, 2016” or should we just operate with the information that they were arrested at some point during that month?

**Answer: Both individuals were notified on Wednesday, November 2, 2016, to self-report the following morning (November 3, 2016) at the Old York State Police to be arrested and processed. This has now been added as a stipulation.**

7. On page 9:34-35 of Casey’s deposition, it looks as though the response is mislabeled as a question. Is there a question is missing?

Answer: The deposition has been updated.

8. On page 2 of Exhibit C, was Sam Boyer supposed to recommend probation? Porter seems to be arguing as though Boyer had recommended commitment.

Answer: Correct. It should say "commitment." The exhibit has been updated to reflect the correction.

9. In terms of demonstratives, can we bring in an easel and draw on it, or are we precluded from bringing in any kind of materials?

Answer: Yes, this is permitted, subject to the Federal Rules of Evidence. See also Rule 36.

10. Who is responsible for determining the release of juveniles committed to state custody? Is it the Juvenile Parole Board or the Commission of Juvenile Justice?

Answer: The Juvenile Parole Board is part of the Commission. The statute has been updated (§ 16-10).

11. In Exhibit C, Transcript Page 2, Sam Boyer says "we are recommending probation." Is this intentional or a typo?

Answer: Correct. It should say "commitment." The exhibit has been updated to reflect the correction.

12. In Exhibit Q, FJCA Old York Facility Log Book, several numbers in "Total" column are off by one. Is this correct/intentional?

Answer: No response is provided.

13. In Exhibit F, the FJCA Disciplinary Incident Report form, it says 25 Dec. 2017, shouldn't this be 2012?

Answer: Both dates are incorrect. The years should be 2012, not 2017. The exhibit has been updated to reflect the correction.

14. In Judge Mosley's Deposition p.2 line 20-22: "How many judges are on the Alexandretta court?" Is this referring to the JDR Court in Alexandretta?

Answer: Yes.

15. How do we authenticate exhibit S? The screenshot of the text message conversation doesn't have the phone numbers or names of the people in the conversation where they should (usually at the top of the chat)

Answer: No response is provided except to note that a new stipulation (#22) has been added.

16. Is there any information about whether the vacations and basketball tickets provided by Fitzhugh to Mosley began before or after he became a Judge?

Answer: Mosley's transcript has been updated (page 9, line 32).

17. Is it possible to add consecutive page numbers throughout the whole packet to easily reference certain pages during competition?

Answer: The updated problem is Bates-stamped.

18. Who took the photos of the injuries, both the stab wound and the head injury? Can Sam Boyer authenticate these?

Answer: No response is provided except to draw readers' attention to an amendment to Taylor Hulme's transcript on the last page.

- a. Were these photos in Taylor's case file that Sam prepared, and Casey reviewed? (Fitzhugh Deposition p. 7 line 37) If this is true, then can it be inferred that this case file was reviewed at the hearing?

Answer: No and no.

19. What constitutes as improper supervision of the CSU? (p. 62 of the PDF, jury instructions)

Answer: No response is provided.

20. Could Mosley have committed Taylor to Holesworth without the recommendation from Sam Boyer?

Answer: No response is provided.

21. Exhibit C, p. 2 – Sam recommends probation. Is this a typo? Did the packet mean to say commitment?

Answer: Correct. It should say "commitment." The exhibit has been updated to reflect the correction.

22. Regarding Rule 31, is re-cross allowed to impeach a witness for prior inconsistent statements?

Answer: Re-cross is only allowed to impeach a witness based on invention of a material fact. That impeachment may take place through any means allowable under the Federal Rules of Evidence.

23. Would it be a reasonable extrapolation for Fitzhugh to say he reviewed exhibit D (the draft Boyer report) because a copy was included in Hulme's file?

Answer: No. It was a draft report. Only the final report would be sent to the Commission. This is now clarified in the Boyer deposition.