

***KENTUCKY HIGH SCHOOL  
MOCK TRIAL TOURNAMENT***

***2017-18 CASE PROBLEM***

***State of Utopia v. Grayson Zayne***

Kentucky High School Mock Trial would like to thank Susan H. Johnson of the Carolina Center for Civic Education (CCCE) for granting permission to use this year's case. This case was originally authored by Jon Grode, Paul Kaufman, Jonathan Koltach, and Talia Charme-Zane for the Pennsylvania Bar Association for use in Pennsylvania's state competition, and then adapted and revised significantly by CCCE Program Coordinator Susan H. Johnson for use in North Carolina's state competition, and further edited by Thomas Parker for use in the Kentucky High School Mock Trial competition. CCCE Case Committee Chair Gordon Widenhouse, Samuel Johnson, and Katy Parker provided editorial assistance and comment for the CCCE adaptation of the case.

## INTRODUCTION

This year's case, *State of Utopia v. Grayson Zayne*, is a criminal action charging intentional homicide on a college campus. The case deals with many timely topics, including hazing, social media fads, an academic cheating scandal, the environmental impacts of foreign species lacking natural predators, and charity fund-raising events.

In creating the case, CCCE Program Coordinator Susan H. Johnson tailored it to reference previous events in the fictional state of Utopia as well as current events. One topic in particular warrants your attention: the "Save the Wolf" campaign to assist the fictional judge Carla Wolf in her fight against blood cancer.

This aspect of the case is modeled after the real 2015 "**Save the Fox**" campaign to assist North Carolina Superior Court Judge Carl Fox, a long-time supporter of the North Carolina mock trial program. At the time the case was adapted and used in North Carolina, Judge Fox was battling myelodysplastic syndrome, a rare type of blood cancer. The campaign, still ongoing, encourages individuals, particularly minorities, to join the bone marrow donor registry to help those fighting various cancers of the blood.

Registration for the national bone marrow registry, open to adults age 18 – 55, is free, simple, and painless, consisting only of a cheek swab and paperwork. By highlighting the battle facing Judge Fox, we hope to assist him and others in finding a bone marrow donor match. We encourage you to join us in this campaign to "Delete Blood Cancer." For more information, check out the "Save the Fox" Facebook page at:

<https://www.facebook.com/groups/830041923748960/>

and [DeleteBloodCancer.org](http://DeleteBloodCancer.org).

Our case also references activities that could be termed "hazing," ranging from serving older ZIP students by doing extra chores to activities that are more dangerous (the fictional "pandaing"). **The use of these examples should not be construed as condoning or encouraging such activities.** Inherent risk is involved and you could be injured if you mimic the behavior of the characters. Indeed, one of the lessons of this problem is that people can get hurt by such behavior. **DO NOT REENACT** the hazing-type acts described in this year's case.

Hazing is never appropriate and even the behavior that the fictional characters in our story accept (serving older students, taking on chores that others do not have) push the line of hazing. Many think of hazing as a rite of passage, nothing more than harmless pranks that are associated with group initiations. But just Google "hazing" and see the headlines where lines are crossed. If you are hazed, please get to safety and report it to your school and to those who care for you.

We hope you find these materials interesting, and we wish you all the best of luck!

***State of Utopia***  
**v.**  
***Grayson Zayne***

**WITNESSES**

PROSECUTION	DEFENSE
Avery Koltasch, ZIP pledge, friend of deceased Morgan McCabe, ZIP alum, former UU professor Carter Gooding, Expert Witness	Grayson Zayne, Defendant Logan Kaufmann, ZIP pledge Shelby Grody, Expert Witness

**CASE DOCUMENTS**

**Legal Documents**

- |   |                      |
|---|----------------------|
| 1. Grand Jury Indictment                | 4. Utopia Penal Code |
| 2. Order on Motion for Summary Judgment | 5. Relevant Case Law |
| 3. Stipulations                         | 6. Jury Instructions |

**Affidavits**

***Prosecution***

1. Affidavit of Avery Koltasch
2. Affidavit of Morgan McCabe
3. Affidavit of Carter Gooding

***Defense***

6. Affidavit of Grayson Zayne
7. Affidavit of Logan Kaufmann
8. Affidavit of Shelby Grody

**Exhibits**

- |                                     |   |
|-------------------------------------|---|
| 1. ZIP Bylaws                       | 7. Photo of <i>Paifang</i> gate         |
| 2. Pledge Promise (2014)            | 8. Carter Gooding CV                    |
| 3. ZIP National Anti-Hazing Webpage | 9. Shelby Grody CV                      |
| 4. Photo of Milkweed Paper          | 10. Grayson Zayne’s Lab Log Notes       |
| 5. Police Investigation Report      | 11. Photos of “Planking” and “Pandaing” |
| 6. Harper/Grayson Email Exchange    |   |

**PRONUNCIATION GUIDE**

1. Koeltzow (KELL-so)
2. Shelby Grode (SHELL-bee GROW-dee)
3. Paifang (pay-fahng)
4. Coptotermes formosanus (kahp-to-TER-meez for-moe-SAHN-uhs)
5. Formosan (for-MOE-sihn)
6. Pediculus humanis captis (pehd-IH-kyoo-luhs HYOO-mah-nuhs KAHF-tihs)
7. Reticulitermes flavipes (reh-TICK-yoo-luh-TER-meez FLAH-vih-peeze)
8. Toxicodendron vernicifluum (TOX-ih-koh-DEHN-dron vurn-IH-si-floom)
9. Xylophagy (zigh-low-FAY-gee) or (zi-LA-fah-gee)

**LEGAL  
DOCUMENTS,  
AFFIDAVITS,  
AND EXHIBITS**

**SUPERIOR COURT FOR THE STATE OF UTOPIA  
ST. THOMAS MORE COUNTY**

**STATE OF UTOPIA,**

**Prosecution,**

**v.**

**GRAYSON ZAYNE,**

**Defendant.**

**CRIMINAL ACTION  
DOCKET NO. 16-CRM-0206**

**INDICTMENT FOR VIOLATION  
OF U.P.C. Sec. 6.2 & 6.3.a  
MURDER IN THE FIRST DEGREE**

THE GRAND JURY DOES HEREBY CHARGE:

On September 15, 2014, in St. Thomas More County, State of Utopia, Grayson Zayne did purposefully, knowingly, or extremely recklessly cause the death of Harper Finch, a living person, in violation of U.P.C. Sec. 6.2 & 6.3.a.

The acts committed by the accused were as follows:

The accused did cause death to another intentionally (U.P.C. Sec. 6.2 & 6.3.a) in that the accused did place into a wooden structure, a *Paifang* archway, a wood-boring insect, the Formosan Subterranean Termite, in order to weaken said structure. The accused did then cause an individual, Harper Finch, to climb such structure, knowing that it was weakened, knowing that Ms. Finch did not know that, and intending that Ms. Finch should fall and die and/or that the structure should collapse, causing her death, and that in so doing the accused did, in fact, cause Ms. Finch to fall and/or portions of the arch to collapse, proximately causing the death of a living person, Ms. Finch.

A TRUE BILL OF INDICTMENT

*Arvind Gaballah*

\_\_\_\_\_  
Foreperson of the Grand Jury, St. Thomas More County, Utopia

*November 5, 2014*

\_\_\_\_\_  
Date

**SUPERIOR COURT FOR THE STATE OF UTOPIA  
ST. THOMAS MORE COUNTY**

**STATE OF UTOPIA,**

**Prosecution,**

**v.**

**GRAYSON ZAYNE,**

**Defendant.**

**CRIMINAL ACTION  
DOCKET NO. 16-CRM-0206**

**ORDER ON MOTION TO DISMISS**

Defendant Grayson Zayne moves to dismiss the Indictment for Murder in the First Degree in contravention of U.P.C. Sec. 6.2 & 6.3.a. Defendant argues that the evidence against Defendant in this matter is insufficient to show that Defendant's acts caused the death of Harper Finch. The Court DENIES Defendant's motion, and the matter will proceed to trial.

The Defendant's attack on the charges is threefold. First, Defendant argues that the nature of Finch's death is such that no reasonable juror could conclude that Zayne's actions caused it, and therefore that Zayne's actions fulfill the requirements, at most, of third degree (malice) homicide. Second, Defendant argues that a fall from a height of fifteen to twenty-five feet<sup>1</sup> could not reasonably have been foreseen to cause death, and thus that Defendant cannot be guilty of first degree murder. Third, Defendant argues that Defendant could not have known where Finch would climb, and thus could not have foreseen this death.

None of these arguments is availing. The State alleges that Zayne intentionally created the circumstances in which Finch died by directing Finch to a physical location – the famous *Paifang* arch on Utopia University's campus – and by directing Finch to take an action –“planking” or “pandaing” – that could only occur on a small portion of the arch. The State further alleges that Zayne took affirmative steps to ensure that Finch would fall, including infesting the arch with aggressive termites that weakened the structure.

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

By way of analogy, were Zayne accused of digging a twenty-five foot pit with a concrete floor, and then covering it over so that Finch would tumble into it, or of removing all the support screws on a guard rail at the top of a twenty-foot wall so that Finch would fall to her death, there would be no

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

question that such charges could succeed. The exotic nature of this scheme may make it more complex, but the law on point is simple and direct.

If the State makes the showings it posits it will, a reasonable jury *could* conclude that Defendant Zayne turned the ancient structure into an exotic and deadly trap, thus finding the defendant guilty of murder in the first degree. Accordingly, the case must be permitted to proceed to jury.

BY THE COURT:

**Brooke Parker**

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BROOKE PARKER

**December 3, 2014**

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DATE

**SUPERIOR COURT FOR THE STATE OF UTOPIA  
ST. THOMAS MORE COUNTY**

**STATE OF UTOPIA,**

**Prosecution,**

**v.**

**GRAYSON ZAYNE,**

**Defendant.**

**CRIMINAL ACTION  
DOCKET NO. 16-CRM-0206**

**MURDER IN THE FIRST DEGREE**

**STIPULATIONS**

1. All documents, signatures, and exhibits, including pre-markings, included in the case materials are authentic and accurate in all respects; no objections to the authenticity of the documents will be entertained. The parties reserve the right to dispute any legal or factual conclusions based on these items and to make objections other than to authenticity.
2. Jurisdiction, venue, and chain of custody of the evidence are proper and may not be challenged.
3. All statements were notarized on the day on which they were signed.
4. All evidence was constitutionally recovered and all statements were constitutionally obtained. No objection will be entertained to the constitutionality of any evidence, nor will any motions to suppress on constitutional grounds be permitted.
5. Defendant Grayson Zayne has waived the right against self-incrimination under the Fifth Amendment to the United States Constitution, and either party may refer to Zayne's decision to testify in opening.
6. Harper Finch died on September 15, 2014, when she fell from the *Paifang* arch at Utopia University. The cause of her death was the fall from a height greater than 15 feet which broke her neck and collapsed a portion of her skull.
7. Avery Koltasch, Logan Kaufmann, and Morgan McCabe were all interviewed by St. Thomas More County Police in preparing Exhibit 5. All gave statements consistent with their affidavits in all respects.
8. The report of Ertle Structural Engineering was prepared at the request of Utopia University, which was following its standard procedure for investigating whether deaths at the University were preventable, and was obtained by St. Thomas More County Police from the University.
9. Grayson Zayne pleaded guilty to Hazing, a third-degree misdemeanor violation of U.P.C. § 8.3. Hazing is defined by Section 8.3 of the statute as "Any action or situation which recklessly endangers the mental or physical health or safety of a student..." The specific example charged was the "Crazy Creme Donut Run" incident. Zayne was sentenced to one year of imprisonment, which was



suspended and would be eliminated if Zayne completed three months' probation, 360 hours of community service, and paid a \$2,000 fine.

10. Exhibits 1-2 were subpoenaed by St. Thomas More County Police from Zeta Iota Pi. Each ZIP member is given a copy of these documents upon pledging ZIP, and each member's documents are updated periodically by mail or email when policies are modified or when new policies are passed by the ZIP Board of Directors.
11. Exhibit 3 was obtained from the personal computer of Harper Finch by Utopia Police Forensics on September 17, 2014. It was stored in the memory of that computer, and it had been last visited on September 11, 2014 at 9:35:42 p.m. The original website was also reviewed, and the page from Finch's computer is accurate to what it would have displayed at that time on that day.
12. Exhibit 4 was taken by Avery Koltasch in the presence of Harper Finch.
13. Exhibit 5 is the Report of Investigation prepared by the Utopia University Police (a substation of the St. Thomas More County Police). If offered, it is admissible by any party without further foundation.
14. Exhibit 10 was retrieved by St. Thomas More County Police personally, in the form attached, from the Utopia University Entomology lab, which is responsible for keeping the records of laboratory experiments in addition to the student researcher or faculty/staff primary investigator. The records were kept by the University electronically and were date-stamped whenever modified. Their procedural compilation and accuracy have been confirmed by the Dean of Utopia University.
15. The State of Utopia is not pursuing the death penalty in this action.
16. Carter Gooding and Shelby Grody are experts in entomology and wood-boring insects. Like any other witness, they may be deemed experts in other fields if proper foundation is laid.
17. The following definitions are stipulated. It is further stipulated that these are the meaning of "planking" and "pandaing" intended by the witnesses in their statements. "Planking" (or the Lying Down Game) is an activity consisting of lying face down, sometimes in an unusual or incongruous location. Both hands must touch the sides of the body. The term planking refers to mimicking a wooden plank. Many participants in planking have photographed the activity in unusual locations and have shared such pictures through social media. ([http://en.wikipedia.org/wiki/Planking\\_\(fad\)](http://en.wikipedia.org/wiki/Planking_(fad))). "Pandaing" is a new variant in which the individual lies face down on a surface with the body fully supported and the arms and legs dangling down, similar to a position sometimes assumed by Giant Pandas when lying in trees (*see* Exhibit 11).

Chris Manger

Assistant District Attorney

Adrienne Scheef

Defendant's Attorney

Date: December 17, 2014

**UTOPIA PENAL CODE**  
**(Selected provisions)**

PART I. GENERAL PROVISIONS

**Article 2. General Principles of Liability**

SECTION 2.01. General Requirements of Culpability

- (1) *Minimum Requirements of Culpability.* A person is not guilty of an offense unless he acted purposefully, knowingly, recklessly, or negligently, as the law may require, with respect to each material element of the offense.
- (2) *Kinds of Culpability Defined.*
- (a) *Purposefully.* A person acts purposefully with respect to a material element of an offense when, if the element involves the nature of his conduct or a result thereof, it is his conscious objective to engage in conduct of that nature or to cause such a result.
- (b) *Knowingly.* A person acts knowingly with respect to a material element of an offense when, if the element involves the nature of his conduct or is the result thereof, he is aware that his conduct is of that nature or that it is practically certain that his conduct will cause such a result.
- (c) *Recklessly.* A person acts recklessly with respect to a material element of an offense when he consciously disregards a substantial and unjustifiable risk that the material element exists or will result from his conduct.
- (d) *Negligently. Omitted.*

**Article 6. Criminal Homicide**

SECTION 6.1. Criminal Homicide

- (a) A person is guilty of criminal homicide if he purposefully, knowingly, recklessly, or negligently causes the death of another human being.
- (b) Criminal homicide is murder, manslaughter, or negligent homicide.

SECTION 6.2. Murder

- (a) Criminal homicide constitutes murder when it is committed purposely or knowingly, or committed recklessly under circumstances manifesting extreme indifference to the value of human life.
- (b) Murder is a Class A felony.

SECTION 6.3. Murder, Degrees of.

- (a) **Murder of the first degree.** A criminal homicide constitutes murder of the first degree when it is committed by an intentional killing.

(b) Murder of the second degree. A criminal homicide constitutes murder of the second degree when it is committed while defendant was engaged as a principal or an accomplice in the perpetration of a felony.

(c) Murder of the third degree. All other kinds of murder shall be murder of the third degree.



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### I. Relevant Precedent

In a criminal case, the burden of proof is beyond a reasonable doubt with respect to each and every element of the offense(s) alleged. This burden is solely on the State and never shifts to the defendant. [Widenhouse v. State](#) 675 P.2d 456 (U.S.C. 1921).

The State's burden of proof beyond a reasonable doubt applies to each and every element of the crime charged, although not to each individual evidentiary or incidental fact. Where, however, the State relies in whole or in part on circumstantial evidence to prove an element of the crime, although each link in the chain of evidence need not be proven beyond a reasonable doubt, the cumulative impact of the evidence must convince the finder of fact beyond a reasonable doubt that the element has been proven. [Blocker v. State](#), 823 P.2d 921 (U.S.C. 1981).

The Utopia Supreme Court rejected the position of other jurisdictions that "beyond a reasonable doubt" should not be further defined and approved the following pattern language for jury instructions: "The term 'reasonable doubt' means a doubt based upon reason and common sense. It is a doubt for which a reason can be given, arising from a fair and rational consideration of the evidence or lack thereof. It means such a doubt as would cause a person of ordinary prudence to pause or hesitate when called upon to act in the most important affairs of life. It is not a doubt based on mere speculation or one which arises out of sympathy or a fear to return a verdict of guilty. Proof beyond a reasonable doubt is proof that fully satisfies or entirely convinces you of the defendant's guilt." [State v. Nichols](#), 800 P.2d 901 (U.S.C. 1997).

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## Testimony – Relevant Cases

Yasinovsky | Utopia Criminal Practice (Approx. 1 page)

Elise Yasinovsky  
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[Search item](#)**I. Relevant Precedent**

In all trials, finders of fact may rely on both direct and circumstantial evidence. Direct evidence is testimony by a witness about what the witness personally did, saw, or heard. Circumstantial evidence is indirect evidence from which the fact finder may infer that another fact is true. Neither type of evidence should be given categorically more weight than the other. [Britton v. Manger, 782 P.2d 678 \(U.S.C. 1976\)](#).

The fact finder must determine the credibility of each witness's testimony. A fact finder, whether jury or judge, may choose to credit all, some, or none of a witness's testimony. At all times the finder of fact may consider the witness's interest in the outcome of the case. [Parker v. Mahoney, 543 E.2d 901 \(U.S.C. 1984\)](#).

As the State of Utopia does not provide for rebuttal witnesses, in all criminal homicide cases the Court shall presume that the defendant has put both his character and the victim's character at issue. Thus, the State is allowed to provide evidence to attack the defendant's character or bolster the victim's character in the State's case-in-chief or during cross examination. [State v. Koeltzow, 625 P.2d 499 \(U.S.C. 2013\)](#).

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## **JURY INSTRUCTIONS**

*At the conclusion of a jury trial, the judge will instruct the jury how to apply the law to the evidence. Hypothetically, if the judge in your mock trial case were to provide instructions to the jury, they would look something like the following.*

*[Please note: These instructions may NOT be tendered to the mock trial jury or used as an exhibit during the competition; however, students may use these concepts in fashioning their case and making arguments to the jury.]*

### **PRELIMINARY INSTRUCTIONS**

#### **I. Role of the Jury**

Now that you have been sworn, and before the presentation of evidence, I have the following preliminary instructions for your guidance as jurors in this case.

You will hear the evidence, decide what the facts are, and then apply those facts to the law that I will give to you.

You and only you will be the judges of the facts. You will have to decide what happened. You should not take anything I may say or do during the trial as indicating what I think of the evidence or what your verdict should be. My role is to be the judge of the law. I will make legal decisions during the trial, and I will explain to you the legal principles that must guide you in your decisions.

Neither sympathy nor prejudice should influence your verdict. You are to apply the law as stated in these instructions to the facts as you find them and in this way decide the case.

#### **II. Evidence**

The evidence from which you are to find the facts consists of the following:

1. The testimony of the witnesses;
2. Documents and other items received as exhibits;
3. Any facts that are stipulated—that is, formally agreed to by the parties; and
4. Any facts that are judicially noticed—that is, facts I say you must accept as true even without other evidence.

The following things are not evidence:

1. Statements, arguments, and questions of the lawyers for the parties in this case;
2. Objections by lawyers;
3. Any testimony I tell you to disregard; and
4. Anything you may see or hear about this case outside the courtroom.

You must make your decision based only on the evidence presented in court. Do not let rumors, suspicions, or anything else seen or heard outside of court influence your decision in any way.

You should use your common sense in weighing the evidence. Consider it in light of your everyday experience with people and events, and give it whatever weight you believe it deserves. If your experience tells you that certain evidence reasonably leads to a conclusion, you are free to reach that conclusion.

Certain rules control what can be received into evidence. When a lawyer asks a question or offers an exhibit into evidence, and a lawyer on the other side thinks that it is not permitted by the rules of evidence, that lawyer may object. An objection simply means that the lawyer is requesting that I make a decision on a particular rule of evidence. Objections to questions are not evidence. You should not be influenced by the objection or by my ruling on it. If the objection is sustained, ignore the question. If it is overruled, treat the answer like any other.

### **A. Direct and Circumstantial Evidence**

Evidence may either be direct or circumstantial. Direct evidence is direct proof of a fact, such as testimony by a witness about what that witness personally saw, 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 either direct or circumstantial evidence. You may decide the case solely based on circumstantial evidence.

### **B. Credibility**

In deciding the facts, you must determine what testimony you believe and what testimony you do not believe. You are the sole judges of the credibility of the witnesses. “Credibility” means whether a witness is worthy of belief. You may believe everything a witness says or only part of it or none of it. In deciding what to believe, you may consider a number of factors, including the following:

1. The opportunity and ability of the witness to see or hear or know the things the witness testifies to;
2. The quality of the witness’s understanding and memory;
3. The witness’s manner and behavior while testifying;
4. The witness’s interest in the outcome of the case or any motive, bias, or prejudice;
5. Whether the witness is contradicted by anything the witness said or wrote before trial or by other evidence;
6. How reasonable the witness’s testimony is when considered in the light of other evidence that you believe; and
7. Any other factors that bear on believability.

In deciding the question of credibility, remember to use your common sense, your good judgment, and your experience. Inconsistencies or discrepancies in a witness’s testimony or between the testimonies of different witnesses may or may not cause you to disbelieve a witness’s testimony. Two or more persons witnessing an event may simply see or hear it differently. Mistaken recollection, like a person’s failure to recall, is a common human experience. In weighing the effect of an inconsistency, you should also consider whether it

was about a matter of importance or an insignificant detail. You should also consider whether the inconsistency was innocent or intentional.

The weight of the evidence to prove a fact does not necessarily depend on the number of witnesses who testified or the quantity of evidence that was presented. More important is how believable the witnesses were, and how much weight you think their testimony deserves.

You will now hear opening statements by the parties and the presentation of evidence. At the conclusion of the evidence, I will instruct you on the law that you are to apply to the facts.

## **POST-TRIAL INSTRUCTIONS**

### **I. Duty of Jury; apply the law**

Members of the jury, you have seen and heard all the evidence and the arguments of the lawyers. My role now is to explain to you the legal principles that must guide you in your decisions. You must not substitute or follow your own notion or opinion about what the law is or ought to be. You must apply the law that I give to you, whether you agree with it or not.

### **II. Presumption of innocence; reasonable doubt; burden of proof.**

The defendant, Grayson Zayne, pleaded not guilty to the offense charged. The defendant is presumed to be innocent. Grayson Zayne started the trial with a clean slate, with no evidence against Zayne. The presumption of innocence means that Grayson Zayne has no burden or obligation to present any evidence at all or to prove that Grayson Zayne is not guilty.

The burden or obligation of proof is on the government to prove that Grayson Zayne is guilty. This burden stays with the government throughout the trial. In order for you to find Grayson Zayne guilty of the offense charged, the government must prove each and every element of the offense charged beyond a reasonable doubt.

Proof beyond a reasonable doubt does not mean proof beyond all possible doubt or to a mathematical certainty. Possible doubts or doubts based on conjecture, speculation, or hunch are not reasonable doubts. A reasonable doubt is a fair doubt based on reason, logic, common sense, or experience. It is a doubt that an ordinary reasonable person has after carefully weighing all of the evidence, and is a doubt of the sort that would cause him or her to hesitate to act in matters of importance in his or her own life. It may arise from the evidence, or from the lack of evidence, or from the nature of the evidence. Proof beyond a reasonable doubt is proof that fully satisfies or entirely convinces you of the defendant's guilt.

If, having now heard all the evidence, you are convinced that the government proved each and every element of the offense charged beyond a reasonable doubt, you should return a verdict of guilty for



that offense. However, if you have a reasonable doubt about one or more of the elements of the offense charged, then you must return a verdict of not guilty of that offense.

### **III. Murder – First Degree. (Based upon U.P.C. § 6.2 & 6.3.a)**

The defendant has been charged with the offense of first-degree murder. To find the defendant guilty, you must find that the following three elements have been proved beyond a reasonable doubt:

*First*, that Harper Finch is dead;

*Second*, that the defendant specifically intended to kill her by acting; and

*Third*, that her death was caused by the actions defendant intended to kill her.

A person has the specific intent to kill if he or she has a fully formed intent to kill and is conscious of his or her own intention. The specific intent to kill needed for first-degree murder does not require planning or previous thought or any particular length of time. It can occur quickly. All that is necessary is that there is time enough so that the defendant can and does fully form an intent to kill and is conscious of that intention.

When deciding whether the defendant had the specific intent to kill, you should consider all the evidence regarding the defendant's words and conduct and the attending circumstances that may show the defendant's state of mind.

You may now retire to the jury room to deliberate.

## Statement of Avery Koltasch

1           My name is Avery Koltasch. In a few weeks, I'll enroll as a freshman transfer at Davidson  
2 College. Davidson is an excellent school, but it wasn't my first choice. Last fall I was one of 800 lucky  
3 freshmen entering Utopia University, my dream school. But after what happened, I just can't stay there.  
4 Grayson Zayne not only killed Harper Finch; Grayson killed my dreams of graduating from UU.

5           UU is one of the top ten universities in the nation, according to *US News*. I was the only person  
6 from my high school to be accepted, which was even more astounding because I am the first in my family  
7 to attend college. My parents immigrated to the U.S. soon after they were married, and they sacrificed a  
8 lot for us. They always told me and my siblings that school was our ticket to security, and they urged us  
9 to work hard to get scholarships.

10           Until I was 14, I did everything my parents asked. But when I entered Mayberry High School, I  
11 rebelled. I got involved with the wrong crowd and stole some DVDs as part of a dare. I got caught, which  
12 nearly broke my mother's heart. Luckily I got sent to Teen Court, and because I was truly sorry, my  
13 punishment was community service at a local hospital. That experience brought me to my senses. I swore  
14 I'd never be dishonest again, and I promised my mom I would make her proud.

15           My hard work paid off. I graduated at the top of my class. Along the way, I was elected president  
16 of the student body, editor of the yearbook, and captain of the track team. I kept volunteering at the  
17 hospital and also worked as a docent at the Mayberry Science Museum, where I taught kids about science.  
18 I discovered a passion for chemistry, and I decided to go medical school. Utopia University was the  
19 perfect place for me since its chemistry department is top five nationwide. The day I got the call about my  
20 full-ride scholarship was the happiest day of my life.

21           To be honest, I was a bit nervous about making friends at UU. I knew most of the students had  
22 wealthy parents, with graduate or professional degrees. I was pretty sure I could handle my classes, but  
23 the social scene was intimidating. So I hoped to join one of the Greek societies, both to continue with  
24 community service and to make connections. I was especially interested in Zeta Iota Pi, or "ZIP," a co-ed  
25 honor society. ZIP was the best of the best; its alumni included twelve members of Congress, dozens of  
26 renowned physicians, and even a Nobel-prize winner. And Zippers' motto was "We Stick Together" –  
27 they seemed really "tight." If I could become a Zipper, it would be my ticket to success.

28           Then I learned that ZIP didn't have "rush" like Greek societies – you couldn't even apply. You  
29 had to be selected, or "tapped" as they call it. I figured I didn't have a chance. When I was tapped on the  
30 first day of class – in Chemistry 101 – I could barely contain myself! I knew I'd never forget that day:  
31 August 18, 2014. Grayson Zayne, ZIP president and pledge master, selected me – one of only three  
32 freshmen to be so honored! I accepted immediately, without question or hesitation.

33 Our pledge class was me, Logan Kaufmann, and Harper Finch. Before we could become full ZIP  
34 members, we'd have to complete a series of challenges – “Feats of Fortitude.” The idea was to build  
35 camaraderie and separate out anyone who wasn't fully committed to ZIP ideals. The Feats weren't  
36 supposed to be easy, but they also weren't supposed to be hazing. The law, Utopia school policy, and most  
37 importantly the ZIP bylaws prohibited hazing. I knew I could handle it. Most of the challenges were fun  
38 activities, and they had a community service aspect, which I loved. For instance, the 2013 Pledge Class  
39 organized a carnival in town, and all of the money was donated to a camp for children with autism. And  
40 let's face it, joining ZIP was my choice. It was an honor to be a Zipper. No one forced me into it.

41 On August 20, 2014, we three pledges moved into the ZIP house and met with Grayson Zayne  
42 and the other ZIP leaders. We were given the ZIP bylaws and had to sign the Pledge Promise. Harper and  
43 I hit it off right away. We both liked science, and we'd both been high school valedictorians. Logan was  
44 different. Logan's older brother Chip was also a Zipper. Chip had graduated in 2012, so Logan was a  
45 “legacy,” which means Logan was tapped at least in part because of Chip. I'm not saying Logan wasn't  
46 smart, but Logan didn't seem to have the same focus and drive as Harper and me.

47 I was a bit shocked by the legacy policy, but that's the way of the world, I guess. What bothered  
48 me more was the way Grayson clearly cut Logan slack right from the start, giving Logan perks that  
49 Harper and I never got. For instance, Logan was given a nicer room, and Logan didn't have to bring  
50 breakfast to Grayson every morning at 6 a.m. like we did. I was disillusioned that the ZIP leadership  
51 wasn't adhering to their ideals the way I had expected.

52 During that meeting we learned about our Feats of Fortitude challenges. We'd have to complete  
53 four challenges, all combining social-media crazes with community service. Two of the Feats would help  
54 local groups or individuals, while the other two would help a national cause. We could put our own  
55 “spin” on them to make them more fun. Harper, Logan, and I had all been athletes in school: I ran track,  
56 Harper swam, and Logan played tennis. So we decided to add an athletic component to all of our Feats.

57 First up – the Ice Bucket Challenge for ALS. It was sweeping the country big-time. We got into  
58 the natatorium after-hours thanks to the Athletic Director, a Zipper from the class of '86. The AD filmed  
59 us swimming 10 laps in the pool – I struggled, but I made it – then we stood in a whirlpool of ice and  
60 dumped those 64-oz mega UU cups of ice on each other! It was brutal, but hilarious, and made for great  
61 video. We even had a banner that said “We Stick Together!” When we posted the video to the ZIP  
62 Facebook page, it went viral, and Zippers – and others – all across the country began donating to ALS  
63 research. A week later, more than \$40,000 had been raised! Even better, the ALS Foundation's CEO is a  
64 Zipper from 1975, and she sent us a personal thank you. Connections and publicity like that are priceless.

65 Logan was chatty when we walked back to the ZIP house after the challenge and seemed eager to  
66 share gossip about the other Zippers – especially Grayson. Logan said that Grayson was also a legacy

67 going back several generations, and Grayson’s dad gave a lot of money to ZIP. Evidently Grayson was  
68 also a horrible student – Logan said Chip was constantly helping Grayson so Grayson didn’t get kicked  
69 out of ZIP. Granted, Logan could have been exaggerating to make Chip look better. Logan also let it slip  
70 that Grayson told Logan about a class that was a “guaranteed A.” While I wasn’t sure I could believe  
71 Logan, it made me dislike Grayson even more. I should’ve quit right then, but I figured Grayson was an  
72 exception. Most of the Zippers seemed legit, and I didn’t have any other real friends at UU besides  
73 Harper.

74 On August 25, 2014, we were given our second challenge – create a dance video that highlighted  
75 what it meant to be a Zipper. We decided to use this Feat to “Save the Wolf!” Not the canine kind – Judge  
76 Carla Wolf, a respected Superior Court judge who is fighting blood cancer. Judge Wolf’s only hope for a  
77 cure is a bone marrow transplant, so we wanted to inspire Zippers (and our social media followers) to join  
78 the bone marrow donor registry. Logan already knew Judge Wolf from high school mock trial. Judge  
79 Wolf really supported the program, judging at the state finals and at summer camp. So this cause was  
80 personal, and we wanted to do it justice (no pun intended).

81 We couldn’t think of anything clever, so we sought Grayson’s help. Grayson suggested we check  
82 out the ZIP academic archives for inspiration. The archives were sort of a personal society library, with  
83 quizzes, papers, and other academic work Zippers had done over the years. It worked. Logan came up  
84 with a brilliant idea. We decided to make a video using Pharrell Williams’ song “Happy,” with all the  
85 Zippers showing off their best dance moves at various places in the ZIP house and grounds. The finale  
86 would be a dance competition in the ZIP archives. Grayson said it sounded great, as long as we were  
87 careful not to touch the files because they were the “crown jewels” of ZIP. I thought that was an  
88 overstatement, but whatever. We set the filming for August 28.

89 Everyone really got into it, and the finale was pretty awesome. At the end, we tore open our  
90 “Lifesaver Kits” and videoed how to do the easy cheek-swab so we could join the registry. I was pumped,  
91 sure that the video would get a lot of views and inspire people to help Judge Wolf. When we finished,  
92 Grayson told us pledges to clean up the entire ZIP house. Well, not all the pledges – just me and Harper.  
93 Logan got special treatment again. Cleaning in the archives room, Harper found a folder labeled “Paper  
94 Classes Spring 2013.” When we looked inside, we were shocked. It held Botany 301 midterm papers that  
95 looked like fourth graders had written them! A professor named Morgan McCabe taught the class. The  
96 papers were pitiful, and the worst was by Grayson, about the supposed virtues of milkweed as an elixir.  
97 Unbelievably, Grayson got an A-minus for it! I took a photo with my phone because it was so outrageous.

98 Harper and I decided to bring it to Grayson so no one else saw it and got the wrong idea. We  
99 thought it must be a fake; surely no professor gave an A-minus for that paper. Harper brought it when we  
100 went to Grayson’s room the next morning with Grayson’s breakfast. Instead of laughing or thanking us,

101 Grayson got very defensive and aggressive, saying that every honor society has its “secrets” and that we’d  
102 better stay quiet! Grayson even threatened us, saying that if we talked, they would “zip us up.” Grayson  
103 grabbed the file from Harper and yelled at us to get out.

104 We were shocked and confused. We had signed a promise to obey Grayson throughout the pledge  
105 period, but Grayson’s reaction was over the top. Clearly it wasn’t just a prank or just one unearned grade  
106 on one paper. We wondered what else was going on under the surface. Harper and I decided to drop it for  
107 the moment. After all, Grayson controlled our ZIP destiny. We still didn’t want to quit; we thought we  
108 could do a lot of good as Zippers, and Grayson would graduate in a year. How I regret that now.

109 A few days later – Sunday, August 31 – Harper woke up itching with bug bites. Somehow her bed  
110 had become infested with bedbugs. None of the other beds in the ZIP house had them, which was really  
111 weird since they spread so easily. In fact, no one else on campus reported problems. As I helped Harper get  
112 rid of the mattress, we wondered whether Grayson was involved somehow. It was the only logical  
113 conclusion, since Grayson is an entomology major who even worked in the “bug lab” on campus. It seemed  
114 like Grayson was hazing Harper since Harper had done most of the talking about the milkweed paper.

115 Harper decided to confront Grayson and talk it out. I was okay with that, so we went to Grayson’s  
116 room that afternoon. I thought Harper would assure Grayson that we’d keep quiet (at least until we were  
117 full members, but Grayson didn’t have to know that). Instead, she accused Grayson of hazing and said it  
118 was against Utopia laws, school policy, and the ZIP bylaws. Grayson didn’t seem fazed at all. Grayson sort  
119 of laughed and said, “bed bugs are nothing. Maggots, on the other hand...” It was creepy. I don’t know  
120 much about insects, but I do know maggots eat the flesh of dead bodies. Harper and I sort of laughed and  
121 left the room, not sure what to think.

122 The next day we were given the third Feat, which would raise money for the American Diabetes  
123 Association. Harper brightened up at that, which surprised me until Harper told me privately that she had  
124 Type 1 diabetes! I had wondered why Harper sometimes drank OJ at random times or went to the  
125 bathroom to “check on something.” Harper said she didn’t want to be treated differently, so she’d only  
126 told Grayson and the other ZIP leadership about it. She said she had given them some detailed materials  
127 on diabetes to make sure they knew how to help her if she ever had low blood sugar.

128 Grayson already had a plan for this Feat – Grayson said it would be a Crazy Creme 5K run!  
129 Participants would pay an entry fee, run half of the course, eat six donuts, and run the rest of the way. That  
130 sounded cool, and the run itself would be easy for me. As Logan and I started brainstorming how to  
131 publicize the race and register people, I saw Grayson pull Harper aside. Harper looked upset as they talked,  
132 and at first seemed to protest what Grayson was saying. Harper even started to walk away, but Grayson  
133 grabbed her by the arm and looked her in the eye very intensely while talking. Harper reluctantly nodded  
134 at Grayson then walked away. Later I asked Harper what was up, and Harper said Grayson insisted she eat

135 a dozen donuts, rather than only six “because your room at the ZIP house has been messy and you need to  
136 learn discipline.” I asked Harper if that was dangerous because of her diabetes, but Harper said she could  
137 adjust her insulin to compensate. It still sounded iffy to me.

138 We held the race on the morning of September 5, Labor Day weekend. More than 200 students  
139 had signed up – free donuts were a big draw for college kids, and Crazy Creme had even donated extra.  
140 Harper, Logan, and I took off running, and when we got to the donut station, Harper ate the whole dozen,  
141 glancing nervously at Grayson, who was there watching us. Soon we started running back, when all of a  
142 sudden Harper threw up! Harper insisted on running more, but as we neared the finish line at the ZIP  
143 house, Harper got light-headed and dizzy, and started to faint. She seemed so out of it that I got really  
144 concerned and said I’d take Harper to the hospital. Grayson was already back at the house, ready to hand  
145 out the winners’ prizes. When Grayson saw Harper’s condition, Grayson insisted on going, too. I was  
146 furious with Grayson – I figured the extra donuts caused Harper’s problems – but what could I do?

147 Once Harper was stable at the University of Utopia Medical Center (UUMC), I confronted  
148 Grayson. I said I knew Grayson was trying to hurt Harper so we’d stay quiet about the bogus paper.  
149 Grayson just looked at me and said “maybe Harper won’t be such a cockroach from now on. Who knew  
150 donuts could act as a pesticide?” Then Grayson leaned forward and said, “This is her last warning. And if  
151 you aren’t careful, you’ll be on my list, too.” Before I could say anything, the doctor called us in to see  
152 Harper. It turned out that because Harper threw up the donuts, there wasn’t enough sugar in Harper’s  
153 blood to match the increased insulin dose. Harper’s blood sugar had dropped dangerously low. It was a  
154 good thing we came to the hospital when we did. Harper just laughed it off though. We all sat around and  
155 acted like everything was fine, then drove back to the ZIP house. But I was pretty unnerved by it all.

156 The next morning I told Harper about Grayson’s threats and said maybe we should just quit. But  
157 Harper would have none of it. “Why should we let that bully drive us off?” Harper sent an email to  
158 Grayson, saying she would tell everyone about what a fraud Grayson was if Grayson didn’t back off.  
159 Harper cc’d me on it, and I got Grayson’s reply, which said something like, “You didn’t die this time.” I  
160 saved it and gave it to the police after Harper was killed.

161 Harper was serious about turning Grayson in. After dinner on September 11, Logan and I went to  
162 Harper’s room and saw Harper reading the ZIP pledge against hazing on the national site. Logan got  
163 agitated and said that we Zippers had to stick together and Harper should learn to suck it up and be quiet.  
164 I just knew Logan would go tell Grayson what Harper planned, and I was worried. But Harper was  
165 determined not to be intimidated.

166 On September 15, Grayson called the three of us together for our final Feat of Fortitude. Grayson  
167 talked about a recent fad – “planking” – where people lie down in random places as though they were a  
168 plank (or a corpse, as Grayson said). That was supposed to be our last Feat. But frankly, I thought it

169 sounded stupid, and so did Harper. Then Harper had a great idea. “Why don’t we start our own fad? Like  
170 owling or Batmanning, but even better. We’ll do ‘pandaing’ to raise money for Utopia Zoo to purchase  
171 pandas!” I was intrigued and asked what it would involve. Harper said, “Pandas like to climb trees and lay  
172 on a branch with all four legs dangling down. It’ll be a lot cooler than planking. What do you say?”

173 Logan and I thought starting a new fad could be pretty cool – maybe we’d even become memes.  
174 Grayson said okay, if we did our pandaing at the locations Grayson had already chosen. I had to panda at  
175 the Student Union. Logan had to panda at the football stadium. And Harper had to panda at the Friendship  
176 *Paifang* in the UU Botanical Gardens next to the biology building. I walked by the *Paifang* whenever I  
177 went to my Bio 101 class. It was a really old wooden gate given to UU by our sister campus in Beijing.  
178 Evidently all the rich alumni liked it. I guess they thought it was exotic. And Harper was excited about it  
179 because it would be a great photo for our panda fundraiser. Grayson reminded us all that this was our final  
180 Feat to complete our pledge project, so we had to make it good, like we’d promised.

181 We set out after dinner to get it done. I pandaed on the top of the big wooden wall outside the  
182 Union, where people posted want ads, concert invitations, and such. The wall was maybe 8 feet high –  
183 and seemed higher! We’d made a big sign that said “Panda for the Pandas. Support Utopia Zoo!” and  
184 tacked it on the wall for the photo. Lots of students gathered around and clapped, so I was psyched.  
185 Logan, trying to outdo me, shimmied up the football goal post and pandaed there. It looked cool but  
186 seemed risky to me. Lastly, we went to the *Paifang*. Clearly this was the biggest challenge. The gate had  
187 narrow legs and an ornamental top, and it was probably 30 feet high. The only place to panda was at the  
188 very top. I told Harper to forget about it; we’d just go to a tree in the garden that had lower branches. But  
189 Harper insisted, saying it was just the kind of thing to make a name among the Zippers, and besides, it  
190 would tie the whole video together. So Harper started climbing to the top of the gate.

191 As Harper climbed higher, the gate started creaking, and it kept getting louder. I told Harper again  
192 to forget about it, but Logan urged Harper on, saying, “You’re not a coward, are you? Show Grayson  
193 you’ve got fortitude.” As Harper reached the top and began to panda, she exclaimed, “What are all these  
194 bugs?!” Just then there was an awful cracking sound, almost like a rifle shot, and the entire part of the  
195 *Paifang* where Harper was pandaing snapped in half. Harper had to be at least 25 feet off the ground. She  
196 screamed in terror. I was frozen in place, stunned by what I was seeing. At the last second I tried to dash  
197 forward, but it was too late. Harper hit head-first, and her spine crumpled just like a rag-doll flung by an  
198 angry child. Logan and I gasped. Harper was gone at the moment of impact. I’m sure of that.

199 The next months were a blur of police interviews, reporters, and questions from students who  
200 were shocked by the tragedy. I moved out of the ZIP house immediately – or, I should say my parents  
201 came and moved me out. I never set foot in the place again. I couldn’t sleep because of nightmares, and I  
202 dropped out in November. Hopefully starting over at Davidson will help me to get my life back. I still



203 can't believe Harper's gone. Even if Grayson goes to prison for life, it won't be a severe enough  
204 punishment for what Grayson did.

205 Of the available exhibits, I am familiar with the following and only the following: Exhibits 1 & 2  
206 (the ZIP Bylaws and Pledge Promise); Exhibit 3 (the national ZIP webpage); Exhibit 4 (the photo of  
207 Grayson's milkweed paper); Exhibit 6 (the emails between Grayson and Harper), and Exhibit 11 (photos  
208 of "planking" and pandas). My attorney also showed me Exhibit 7, and the photos of the *Paifang* gate  
209 look right to me.

210 I swear or affirm to the truthfulness of everything stated in this affidavit. Before giving this  
211 statement, I was told it should contain everything I knew that may be relevant to my testimony, and I  
212 followed those instructions. I also understand that I must update this affidavit if anything new occurs to  
213 me until the moment before opening statements begin in this case.

Avery Koltasch

SIGNATURE

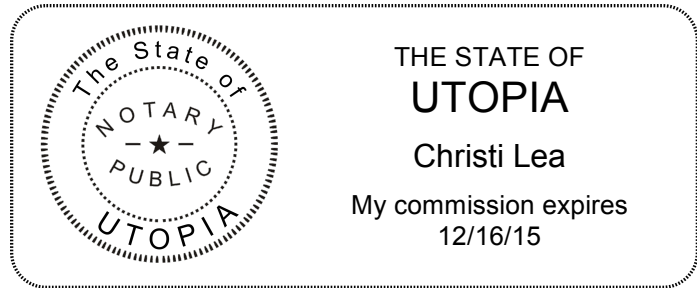
December 8, 2014

DATE

Subscribed and sworn before me this 8<sup>th</sup> day of December, 2014

Christi Lea

Christi Lea  
Notary Public in and for the State of Utopia





## Statement of Morgan McCabe

1           My name is Morgan McCabe. I used to teach botany at Utopia University, which was paradise for  
2 me. Now I'm working in the Garden Center at Wally World, trying to put my life back together after the  
3 havoc Grayson Zayne caused. At least I'm alive to put it back together. For a while I was afraid I'd be  
4 sent to jail for my part in the grade scandal, but I avoided criminal charges by testifying against Grayson.  
5 Still, my reputation is ruined, and I don't know if that will ever change. I blame Grayson for all of this. I  
6 hope Grayson goes to prison for a long time.

7           I've been fascinated by plants since I was a child. My parents are both geologists who teach at  
8 UNC-Chapel Hill, and when I was younger, we spent our summers on the road. It was funny; my dad's  
9 videos focused on the rock formations we were passing instead of us kids. We were just there to give a  
10 sense of scale! But while my parents dug up fossils and stones, I dug up plants for terrariums. In fact, I  
11 made so many that I sold them to neighbors when I got home. The money went into my college fund.

12           I'd always dreamed of attending UU. It has one of the best botany departments in the country, and  
13 its herbarium is second in size and scope only to the one at Harvard. So when I was accepted early  
14 decision, I was over the moon. Once I got there, I never wanted to leave. In fact, I stayed for my Master's  
15 and Ph.D. in botany. I also minored in entomology and did some research about the interaction between  
16 native plants and foreign insects. I'm by no means an expert in entomology, but I figured a minor would  
17 prove helpful in my job search. After I became Dr. McCabe, I looked for a teaching job, but the  
18 competition for the few openings at decent universities was pretty fierce. I was glad to stay as a post-  
19 doctoral researcher and instructor at UU when nothing else worked out.

20           I met Grayson in the fall of 2011. I was teaching an introductory biology class as part of my post-  
21 doc work, and Grayson was a freshman in the class. Botany is part of the Biology department, and as a  
22 post-doc, I got stuck with the low-level courses. I also managed the botany lab, and the Department Chair  
23 asked me to take over the entomology lab next door, too. A month after classes began, the senior pledge  
24 master at Zeta Iota Pi (ZIP), Chip Kaufmann, approached me in a panic. Chip said that Grayson was a  
25 new member, but Grayson was in danger of being asked to leave ZIP because Grayson's GPA might drop  
26 below the required 3.5 minimum.

27           I was a Zipper myself, and proud of it. ZIP has a national reputation as being very exclusive and  
28 prestigious. That's partly because ZIP "taps" the best and brightest freshman before any other Greek  
29 society can start their formal rush process. So ZIP gets the best of the best, and the connections formed  
30 are life-long and incredibly helpful. Our motto is "We Stick Together," and we take it very seriously. The  
31 academic dean and provost at UU are Zippers, and I'm sure that helped when I applied for my post-doc.  
32 No one ever really leaves ZIP, or wants to, and I stayed active in the UU chapter.

33           So I could understand why Chip was concerned for Grayson. Chip kept saying that Grayson was  
34 the most dedicated Zipper Chip had ever seen, and Grayson was destined to become ZIP president one  
35 day. Also, Grayson’s dad was a ZIP alumni and a big donor to the UU chapter, so losing Grayson would  
36 hurt everyone. But I didn’t know what I could do about it, and I said as much to Chip.

37           That’s when Chip looked at me intently and said, “But you *can* help us, Morgan. Grayson needs  
38 one more ‘A’ to stay eligible, and you can make that happen.” Chip said Grayson was still learning how  
39 to balance schoolwork and Zipper activities and just needed someone to give Grayson a break. I was  
40 taken aback. Sure, we stick together, but I told Chip I didn’t *give* anyone an A – it had to be earned. Chip  
41 was so insistent, though, that I said I’d consider Grayson’s schedule when grading Grayson’s work. Chip  
42 thanked me profusely and said I wouldn’t regret it. I wasn’t quite sure what that meant, but I soon found  
43 out when some “anonymous” gift cards from local restaurants and stores started appearing on my desk.

44           It turned out Grayson wanted more than a break on a paper or two, since Grayson didn’t show up  
45 to a single class for the next six weeks. All of Grayson’s papers were short and lacked any meaningful  
46 content. I think I wrote better papers in elementary school. When I sent out my mid-semester evaluation,  
47 Grayson’s was an “F.” Consideration is one thing, but fraud is another.

48           Two days later, Chip stormed into my lab, holding Grayson’s evaluation in one hand and the ZIP  
49 bylaws in the other. Chip demanded to know why I didn’t give Grayson an A like I’d “promised.” I told  
50 Chip I was happy to excuse a late assignment now and then, but I certainly couldn’t give As to no-shows  
51 who turned in grade-school work. Chip said Grayson was focusing on Grayson’s other classes and didn’t  
52 have time for mine. Then Chip waved the bylaws in front of my face and made me read aloud Article II,  
53 Section 5: “Zippers always stick together and help whenever possible, even when it seems impossible.”  
54 Chip leaned forward and said, “It’s *possible* to give Grayson an A, isn’t it? If Grayson goes, we lose a lot  
55 more than just one person. You know what I’m saying, right? You *have* to give Grayson an A, or our  
56 whole chapter is in jeopardy! Are you a true Zipper or not?” What could I do? I couldn’t let the whole  
57 chapter fold, so I reluctantly agreed.

58           Grayson kept skipping class and turning in junk work, but I changed Grayson’s grades to As. I  
59 hoped it would end after that semester, but that didn’t happen because Grayson kept signing up for my  
60 classes. Grayson’s work got worse and worse. When Grayson turned in a one-page paper on milkweed for  
61 my Botany 301 class last spring, I just couldn’t stomach it anymore. So I gave Grayson an A-minus  
62 instead of an A. That made me feel a little better. I should have given Grayson the F the paper deserved,  
63 but I was in too deep myself now to do anything that drastic.

64           It was frustrating because I knew Grayson was capable of more. You see, Grayson had found a  
65 passion for entomology. I didn’t teach the class, but I saw Grayson’s work in the lab, and it was really  
66 top-notch – graduate-level, even. I couldn’t help but be impressed. So when Grayson asked for a spot to

67 do independent research in the entomology lab, I agreed. In fall of 2013, Grayson’s junior year, Grayson  
68 began a massive project studying the effect of wood-boring insects on wooden structures, focusing on  
69 insects native to Utopia as well as foreign invaders. It was interesting stuff, and as the lab supervisor, I  
70 thought it might lead to a paper that I could co-author. “Publish or perish,” as they say. And when  
71 Grayson was engrossed in that research, Grayson was actually a pleasure to be around – at first, anyway.

72 But soon Grayson started hinting about other Zippers who needed a little extra “academic boost” –  
73 Zippers who were in my classes. Grayson started pushing me to help them, using the carrot-and-stick  
74 approach: flattering me as a “true Zipper” when I agreed to help, threatening to expose me if I expressed  
75 doubts. Every time, Grayson promised it would be the last request. But it never was. Eventually, because  
76 of Grayson, I gave twenty or so Zippers As for doing little to no work. My hands were tied. If I came  
77 forward now, I would lose it all: my job, my lab, my plants, and my reputation. And Grayson wasn’t shy  
78 about reminding me that I got my job because of my ZIP connections – “you got more than you deserved,  
79 too!” That wasn’t true; I earned my grades. But I kept my head down, vowing that after Grayson  
80 graduated, I’d stop the scam. Only one more year to go, 2014-15, and I’d regain my life and my integrity.

81 Grayson was on the way to graduating *magna cum laude* with a biology major and entomology  
82 minor. Of course, I knew that all of Grayson’s botany grades, at least, were bogus. It annoyed me for  
83 Grayson to be receiving undeserved honors. I also envied Grayson’s ability to play the political game of  
84 academia. Grayson even got a peer-reviewed paper published with the help of the former entomology  
85 chairperson, Shelby Grody. I never liked Shelby, especially after Shelby refused to nominate me for a  
86 tenure track job at UU. Shelby sure seemed to like Grayson, though, which irritated me. If only Shelby  
87 knew the truth about Grayson!

88 Grayson stayed at UU during the summer of 2014, working almost nonstop in the lab. At some  
89 point, Grayson had gotten really interested in the Formosan Subterranean Termite. Even though it wasn’t  
90 native to Utopia, Grayson decided to focus on it for Grayson’s senior thesis. As director of the lab, I had  
91 to approve the project. That termite was a bit more dangerous than our native termites, but I saw no harm  
92 in allowing Grayson to add it to our lab collection. We had strict procedures in the lab to prevent any of  
93 our specimens from escaping. We surely didn’t want to be the cause of any invasive species causing harm  
94 to local flora and fauna!

95 Grayson was unusually excited when the specimens arrived in early June and soon seemed  
96 obsessed with the research. Grayson would stay up all night staring at the terrarium where they were kept,  
97 making copious notes about “super termites” and separating segments of the colony for random  
98 experiments. Some of the experiments seemed so odd that I kind of quit paying attention because I was  
99 sure nothing would come of it. I was responsible for the lab, but I wasn’t advising Grayson on the thesis. I  
100 figured Shelby would be monitoring Grayson closely.

101 That fall, Grayson would be serving as the ZIP Pledge Master, with a huge say in the decision  
102 about which freshmen to “tap” into the society. On August 15, 2014, Grayson strutted into the lab and  
103 announced Grayson was about to tap the “greatest pledge class ever” – Avery Koltasch, Logan  
104 Kaufmann, and Harper Finch. But just a couple of weeks later, Grayson came into the lab looking  
105 panicked. Grayson was talking a mile a minute, something about a problem with Harper. Grayson said  
106 Harper had found one of Grayson’s old papers from my Botany 301 class and was on the way to  
107 uncovering the whole grade scheme. My heart sank. If Harper brought the scheme to light, I would crash  
108 and burn along with Grayson. Without thinking, I said we couldn’t let that happen.

109 Grayson thought that Grayson could just fail Harper out of the pledge class and it would all go  
110 away. But as the victim of Grayson’s blackmail, I knew that’s not how blackmail works. If Harper got  
111 kicked out, Harper would be more motivated to contact the university administration, not less. What  
112 would Harper have to lose? I said as much to Grayson, who nodded slowly and said that the only other  
113 solution was to scare Harper into keeping quiet. Grayson wanted Harper to know that ZIP was nothing to  
114 mess around with. Then Grayson got the idea to put bedbugs in Harper’s bed, as a warning. I didn’t like  
115 the idea, but it wouldn’t really hurt Harper. Maybe it would fix the problem. I softly said it was a bad  
116 idea, but I didn’t stop Grayson from leaving the lab that night with a Mason jar full of bedbugs. Mason  
117 jars really aren’t secure enough for most insect transportation purposes, but they were fine for bedbugs.

118 I didn’t see Grayson at the lab for a few days, so I hoped the bedbug warning had been successful.  
119 Then on September 6, Grayson stormed into the lab in a rage. Evidently Harper was still threatening to  
120 reveal what she’d found, and Grayson had decided more drastic action was needed. So Grayson had rigged  
121 the third Feat of Fortitude to be a donut challenge – which put Harper, a diabetic, into the hospital.  
122 Afterward, Harper sent Grayson an email threatening to bring down ZIP if the hazing didn’t stop. I had  
123 never seen Grayson so angry.

124 I was shocked that Grayson had put Harper in serious danger, and I told Grayson to stop the whole  
125 thing. Keeping the grade scandal quiet wasn’t worth putting someone’s life at risk. I said I thought if  
126 Grayson backed off and admitted Harper into ZIP, it would all die down. I wasn’t really sure about that,  
127 but I had to calm Grayson down. Yet Grayson would have none of it. Grayson kept saying that Grayson  
128 needed to scare Harper into silence and protect the ZIP legacy. Finally, after ranting for 30 minutes or  
129 more, Grayson calmed down and decided on the final Feat of Fortitude: requiring the pledges to “plank” at  
130 different locations around campus. I didn’t even know what that was until I looked it up on the internet.

131 Around 6 pm that night, I had a meeting with other faculty to talk about writing grants for new  
132 lab equipment. Grayson was still in the lab. I was a bit wary about leaving Grayson unattended, but  
133 Grayson assured me that Grayson just wanted to check on the termites one more time. I said ok and

134 reminded Grayson to lock up upon leaving. As I was walking to the door, I'm pretty sure I heard Grayson  
135 mutter Harper's name and the two words "breaking point."

136 The next day, September 7, was pretty ordinary. I arrived by 9 a.m. and left by 5:30 p.m. I was  
137 supposed to move a few ferns and Venus fly-traps to a new terrarium, but I couldn't find any small plant  
138 or insect transports. I searched everywhere, but none were to be found. I figured maybe I left them at  
139 home, or someone borrowed them without signing them out. As I was leaving, I passed Grayson's termite  
140 terrarium. It looked like it had a lot fewer termites crawling around than usual, but I figured many of them  
141 were just hiding in burrows or something. Granted, they'd usually be active at that time of day, but we'd  
142 had a mini-heat wave for a few days. I figured that was affecting their behavior. I also thought some  
143 might have died from a nasty bacterial contamination we'd been fighting in the lab recently, even though  
144 Grayson didn't record any contamination issues in the research log.

145 A week or so later, when I learned about Harper's death, I nearly fainted. That's when I knew  
146 where the termites went. Grayson must have taken them when I left the lab that night and deposited them  
147 on the *Paifang* gate. It was no coincidence that the police found Formosan termites on the gate. Grayson  
148 had planned it all out ahead of time. I'd been to that gate – who hasn't – it's nearly 30 feet tall! Sure, it  
149 was old, but I'd seen dozens of kids over the years climb on and hang from that gate. It wouldn't just  
150 collapse like that unless something damaged it. I am stunned Grayson would take things that far. If I'd  
151 had any idea, I'd have gone to the authorities myself. I just didn't see the signs, and now this will haunt  
152 me the rest of my life. We have some dangerous creatures in our entomology lab – tse-tse flies, black  
153 widow spiders, giant Japanese hornets – but Grayson was the real killer at Utopia.

154 Of the available exhibits, I am familiar with the following and only the following: Exhibit 1 (the  
155 Zip Bylaws); Exhibit 4 (photo of Grayson's milkweed paper); and Exhibit 10 (Grayson's lab log notes).  
156 The bottom photo of the *Paifang* gate in Exhibit 7 also looks correct to me.

157 I swear or affirm to the truthfulness of everything stated in this affidavit. Before giving this  
158 statement, I was told it should contain everything I knew that may be relevant to my testimony, and I  
159 followed those instructions. I also understand that I must update this affidavit if anything new occurs to  
160 me until the moment before opening statements begin in this case.

*Morgan McCabe*

SIGNATURE

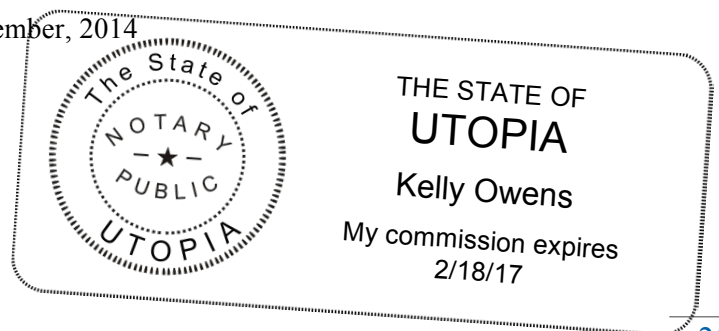
*December 10, 2014*

DATE

Subscribed and sworn before me this 10<sup>th</sup> day of December, 2014

**Kelly Owens**

Kelly Owens  
Notary Public in and for the State of Utopia



## Statement of Carter Gooding

1           My name is Carter Gooding. I am 50 years old. For the last 12 years, I have worked as a forensic  
2 entomologist in private practice, as well as serving as an adjunct professor at both Purdue and the  
3 University of Georgia. I am also a partner in the American Forensic Entomological Consultancy LLP  
4 (“AFEC”). AFEC is a group of forensic entomologists who have been given an exclusive contract to  
5 serve as entomological experts by the National District Attorneys’ Association, assisting prosecutors’  
6 offices across the U.S., Canada, and U.S. Virgin Islands. As such, we use our knowledge of insects and  
7 arthropods to help determine what happened at crime scenes. We are paid \$1500/day for our services and  
8 testimony, including travel time. That is a discount from my usual rate of \$300/hour as a private  
9 consultant. Unless subpoenaed by the defense, we testify exclusively for the prosecution. We are not as  
10 one-sided as that sounds, though. We give our honest scientific appraisal, and if our findings don’t  
11 support their theory of the case, prosecutors often won’t bring charges.

12           I have attached the forensics-focused version of my curriculum vitae for your review. In  
13 summary, I received my B.S. in biological engineering with minors in architectural engineering and crop  
14 science from Purdue University. I went on to earn my Ph.D. in entomology in 1992. I took a post-doctoral  
15 position with the Federal Bureau of Investigation and worked, first in their national criminal laboratory,  
16 and then as a member of the Evidence Response Team Unit. Ten years later, my kids were getting to be  
17 college age, so I entered private practice because of the higher pay. A few years ago I joined AFEC, and it  
18 now accounts for 15 – 20% of my income. The majority of my time I focus on agricultural or biological  
19 engineering, developing crops that are resistant to insects or helping communities fight against invasive  
20 insect species through effective pesticide use or plant selection strategies.

21           Despite the portrayal of CSI investigators on TV, we don’t work in labs full of shiny equipment  
22 or supercomputers. We mainly use our brains, experience, and some basic tools to make fairly  
23 straightforward conclusions. That’s all I’m doing in this case. Late in the evening on September 15, 2014,  
24 I received a call from the AFEC hotline, asking if I wanted to take this job. I’d never been to Utopia, so I  
25 agreed to do it. The next morning, I loaded up my gear into my truck and headed out, arriving late that  
26 night. I visited the crime scene at Utopia University (“UU”) for the first time just after dawn on  
27 September 17. I met the officer on the scene and the local police chief, who introduced me to UU’s Vice  
28 Dean for Facilities, Frankford Milam. We went together to visit the scene. According to Milam, the gate  
29 that partially collapsed was a *Paifang* donated to the university in 1868 in celebration of the Burlingame  
30 Treaty establishing cordial relations between the U.S. and China after the Opium Wars. Anson  
31 Burlingame, a Utopia alumni, negotiated the treaty. Burlingame also established an Asian Studies  
32 program at Utopia University and an exchange program between UU and Peony University in Peking  
33 (now Beijing) in 1871. I soon came to understand the importance of that historical information.



34 We arrived at the *Paifang* to find it surrounded by police tape, flowers, and candles. I was upset to  
35 see the memorial. While understandable, this display risked contaminating the crime scene by impacting  
36 the insects present. Changes in fragrance or temperature can certainly affect insect behavior. Nonetheless,  
37 after taking precautions to avoid further contamination, I crossed the tape and began my inspection.

38 The base of the *Paifang* was solid stone and was in excellent shape. The rest of the structure was  
39 lacquered wood as was the custom in archways of that time period. Considering its age, the wood  
40 generally was in decent shape. It appeared mostly solid to the eye, with a fairly recent coat of paint and  
41 lacquer covering the original decorative carving. At the top were a series of stacked wooden slats. Dean  
42 Milam advised me that there had been little or no work done on the *Paifang* since it was substantially  
43 refurbished in the 1960s and had some cosmetic work done in the 1980s. Those restorations explained the  
44 modern nails and 2x4 fragments I was seeing.

45 I had been told that the victim died after falling from the top of the archway. It was easy to see  
46 where it had happened: a large piece of wood was ripped from the western end on the northern face. As I  
47 focused on the damaged area, I could see movement. I grabbed a ladder and climbed up. Reaching the  
48 top, I immediately discerned a colony of termites crawling all over the wood near where the piece had  
49 broken. I grabbed several and was shocked to see not the telltale markings of the wood termite commonly  
50 found in Utopia – the Eastern subterranean termite (*Reticulitermes flavipes*) – but the lighter-shelled  
51 Formosan subterranean termite (*Coptotermes formosanus*).

52 It is hard to overstate how shocking this discovery was. These termites had never before been  
53 reported in Utopia! In the pest-control field, they call the Formosan Subterranean Termite (“FST” or  
54 “Formosan” for short) a “super-termite.” The FST is among the most destructive sub-species. A typical  
55 Eastern subterranean termite (EST) colony might destroy five grams of wood per day, an amount  
56 equivalent to a teaspoon of sugar. It would take a long time for an EST colony to damage a large structure  
57 like the *Paifang*. Formosan colonies can have ten times as many members, and a mature FST colony can  
58 destroy 400 grams (13 ounces) of wood per day – 80 times as much. An FST infestation can structurally  
59 undermine a full building in a couple of months and can render one unsalvageable in less than a year.

60 I’ve worked against FST invasions before, mostly in Hawaii and Florida, but there’s very little to be  
61 done against them. They have never been successfully eradicated from an area after invading it. The one  
62 saving grace for now (absent mutation) is that FST eggs will not hatch in temperatures below ~ 20 °C (68  
63 °F). As a result, they’re essentially limited to areas south of 35° North latitude, or no farther north than  
64 North Carolina. Utopia’s southernmost point is at 40 degrees, or about 350 miles north of that limit. Thus,  
65 it’s virtually impossible for the Formosan termites to have migrated to the UU *Paifang* on their own.

66 I immediately began hypothesizing ways that the FSTs could have gotten there. Most Formosan  
67 colonies that do not expand naturally from established colonies are introduced inadvertently. Formosan

68 termites are indigenous to southern China and Taiwan; they are not native to the U.S. As best we can tell,  
69 the first colonies came to Hawaii via infested wood on a boat in the late 1800s. They reached the mainland  
70 U.S. the same way shortly afterward and have been reported in 11 states: Alabama, California, Florida,  
71 Georgia, Hawaii, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Texas. Because of  
72 UU's location, it was not possible that they could have been introduced to the *Paifang* in that fashion.

73 I next considered the possibility that a dormant colony had been present in the *Paifang* for years,  
74 maybe decades. But that made no sense either. For one thing, the scientific evidence for dormancy lasting  
75 more than 10 years or so is very thin, limited to a handful of papers, mostly without scientific basis.  
76 Controlled experiments cannot rule it out, but prolonged dormancy has only worked in the most ideal  
77 laboratory conditions. The variable climate in St. Thomas More County made it extremely unlikely that  
78 dormancy could explain the Formosans' presence in the *Paifang*. Second, if there had been a dormant  
79 colony, some sort of radical environmental change would be needed to trigger the termites to become  
80 active. I was not aware of any such precipitating environmental changes in 2014, nor did Milam  
81 remember any. When I subsequently reviewed National Weather Service data, I confirmed that it had not  
82 been unusually hot or humid in the area during the summer of 2014.

83 That left intentional implantation as the most likely cause. I first surmised that someone had an  
84 anti-China agenda, perhaps a group of students who sympathized with Tibetans or the demonstrators in  
85 Hong Kong. Milam acknowledged that Utopia had some students with those ideals, but he didn't think it  
86 likely they had implanted the termites. And he didn't believe it could be the actions of rival sports fans.  
87 Apparently Utopia's biggest rival is Dartmouth, a college not known for extreme fan reactions. Besides, if  
88 opposing fans wanted to insult the Utopia teams, they would more likely vandalize the Utopia Unicorn  
89 statue outside the football stadium.

90 I was puzzled. But then I remembered seeing a group of Utopia students while I was in Florida.  
91 They were obtaining samples for the UU entomology lab. Milam told me that was impossible, but I  
92 ignored him and went straight to the CSI detective on the scene. We called Rebecca Gordon, the UU  
93 President, and obtained her permission to search the entomology lab and collect records and samples as  
94 needed. In the lab, we found Utopia's licensed laboratory FST colony. It was seemingly half-empty,  
95 without any notation in the daily lab reports to indicate the missing termites' disappearance or destination.  
96 Morgan McCabe, the post-doc in charge of the lab, stuttered something about a bacterial infection, but it  
97 sounded implausible. It turns out McCabe was more of an administrator over the lab than an entomological  
98 expert. McCabe's supervision of the lab appeared half-hearted at best.

99 The Utopia City Police Department and Elizabeth Samuels from the Utopia Department of  
100 Agriculture conducted a full audit. They reported to me, and stated in their official report, that the lab was  
101 one of the best-maintained, most compliant they had inspected in years. Only a handful of things were



102 missing: an explanation as to where half the Formosan colony went, some records regarding their bedbug  
103 laboratory, and several missing chemicals. The lab also had no records of the number of modular insect  
104 transport systems they should possess, so it is possible some of them were also missing.

105         When I reviewed the list of missing chemicals, I recognized one of them as a component used to  
106 make synthetic scents that trigger specific insect behaviors. For instance, one is used to make synthetic  
107 bedbug pheromones. Pheromones are chemical factors that trigger a social response in members of the same  
108 species. These chemicals can attract groups of insects to an area or make a particular location seem more  
109 attractive. We sometimes use synthetic bedbug pheromones in apartment buildings to keep infestations  
110 contained to one area until linens can be thoroughly washed or destroyed. The pheromone prompts the  
111 bedbugs to stay near the scent, reacting to the chemical like a moth to a flame or an undergrad to free donuts.

112         I did not recognize the other missing chemicals, so that evening I emailed Christiana Kasko, a  
113 colleague at the University of Hawaii who is an expert in the FST. Christiana had peer-reviewed an article  
114 written at Utopia a year or so earlier which theorized a path to a similar synthetic pheromone to use on  
115 Formosan colonies. As far as Christiana knew, it had never been successfully created, but she told me that  
116 UU has a reputation for “accidentally forgetting” to share new discoveries with their research partners  
117 until the new creations have been patented.

118         No actual synthetics were found at the UU entomology lab, but the police did find lab notes  
119 detailing Utopia’s FST terrarium signed by a Grayson Zayne. Dean Milam told me that Zayne was an  
120 undergraduate and student leader. The notes were thorough and well-organized; they looked like graduate  
121 level work to me. They were co-signed by the lab director, Morgan McCabe.

122         I urged the police to speak with both Zayne and McCabe since two of the chemicals mentioned in  
123 the FST lab notes were missing. Unfortunately, neither chemical was recovered at the scene or anywhere  
124 else. One chemical was water-soluble and the other evaporates rapidly, so their recovery would have been  
125 unlikely in any case. And rain the night after the tragic incident would have destroyed any trace on the  
126 wood of the *Paifang* even if there had been a valid test for them, which there isn’t.

127         I was able to conduct genetic tests on the Formosans found in the lab and those found on the  
128 *Paifang*. I also had my results verified by the independent lab run by Professor Max Nichols. The two FST  
129 colonies are virtually identical to a degree that is very unlikely to be mere chance. However, genetic drift  
130 in insects is very limited, and virtually all labs in the country primarily use FSTs from the same original  
131 set. Thus, I cannot say to a degree of scientific certainty that the termites on the *Paifang* were taken from  
132 the McCabe/Zayne lab (rather than a different lab). That’s certainly the most likely explanation, but I  
133 cannot swear to it as a matter of pure science. The genetic match does make it much less likely that the  
134 insects were part of a dormant colony. For that to be the case, the colony would have just happened to be

135 from a genetically near-identical line as our lab source. The odds against that are extremely high, perhaps  
136 on the order of 1,000,000 to 1.

137         The colony structure was also unusual. Typically, Formosans are expansionist, traveling along food  
138 sources in ever-expanding rings rather than decimating their colony center before moving to a different  
139 location. The *Paifang* colony, however, seemed to have stayed in one place, deeply weakening that location  
140 without expanding the colony in any meaningful sense. It was one of the densest groups I have ever seen!  
141 Either something in that particular wood was incredibly tasty – which occasionally happens for reasons we  
142 do not fully understand – or an artificial chemical trigger, or pheromone, was keeping them in place.

143         I must note that the degree of destruction in the *Paifang* is more consistent with an infestation of a  
144 month or more, rather than one that lasted a week. The damage was so extensive that large swaths of the  
145 area from which Harper fell turned almost to dust when touched. The pieces recovered from the ground  
146 were no better. The samples I used in my report were the best ones I found, but even those had more holes  
147 than a block of Swiss cheese. The damage to the *Paifang* was so serious that it was no surprise the wood  
148 where Harper was located broke off easily.

149         Of course, I am basing my damage assessment timeline on typical FST behavior. But pheromones  
150 can significantly change that. Pheromones commonly associated with famine have been documented as  
151 causing animals to overeat, sometimes nearly to death. If an FST expert knew which chemicals to use,  
152 that person could promote extensive damage in much less time. I have no way to estimate how much the  
153 damage could be accelerated because FSTs do not typically act that way, and no one has published  
154 findings that explain how to keep them contained.

155         I am familiar with Shelby Grody’s opinions regarding this case, and although Grody has earned a  
156 reputation for thinking outside the box, I do not agree with Grody’s conclusions. To suggest that a colony of  
157 FSTs were dormant in the *Paifang* because of an ancient sealant is possible, I suppose, but extremely  
158 unlikely – akin to throwing a pile of sand in the air, expecting it to form a sand castle as it landed. Grody is  
159 an acknowledged genius, but Grody’s best days are apparently past.

160         Indeed, science is on my side. I can state within a reasonable degree of scientific certainty that the  
161 wood of the *Paifang* was weakened by an infestation of Formosan subterranean termites. Moreover, these  
162 FSTs were, within a reasonable degree of scientific certainty, introduced by an outside vector to the area of  
163 the *Paifang* that collapsed. In addition, the highly localized and compact nature of the colony, despite the  
164 colony’s large size, suggests within a reasonable degree of scientific certainty that their behavior was  
165 affected by an outside force, such as a synthetic pheromone. Based on my experience with FSTs in other  
166 locations and my knowledge of architectural engineering design, I conclude that the infestation weakened  
167 the *Paifang* to a dangerous degree. When weight was placed on the weakened structure, specifically the

168 wooden cross-bar at the top, the material failed and collapsed. That fall is the cause of Harper Finch's death.  
169 Of course, it is not my role to surmise who placed the insects on the arch. That is a matter for the police.

170 In preparing for this case, I reviewed the statements of Avery Koltasch, Morgan McCabe,  
171 Grayson Zayne, and Logan Kaufmann and a final draft of Shelby Grody's statement. I also reviewed the  
172 following Exhibits: Exhibit 5 (Police report), 7 (photo of *Paifang* gate), and 10 (excerpt from Zayne's lab  
173 notes). I am familiar with the *curriculum vitae* of Shelby Grody as well as my own (Exhibits 8 and 9), and  
174 my opinion is based in part on the facts and experiences reflected in my CV.

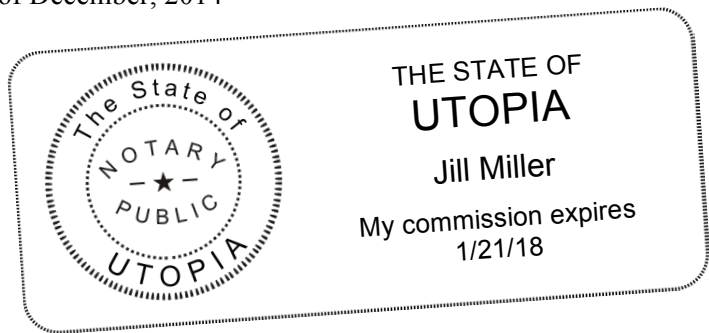
175 I swear or affirm to the truthfulness of everything stated in this affidavit. Before giving this  
176 statement, I was told it should contain everything I knew that may be relevant to my testimony, and I  
177 followed those instructions. I also understand that I must update this affidavit if anything new occurs to  
178 me until the moment before opening statements begin in this case.

Carter Gooding  
SIGNATURE

December 12, 2014  
DATE

Subscribed and sworn before me this 12<sup>th</sup> day of December, 2014

Jill Miller  
Jill Miller  
Notary Public in and for the State of Utopia



## Statement of Grayson Zayne

1           My name is Grayson Zayne. I am 22 years old. I live with my parents on their estate near Pinehurst,  
2 Utopia. I'm not in school; since getting expelled from Utopia University in early October 2014, I've been  
3 doing odd jobs and working to clear my name. Before that tragic accident involving Harper Finch, I was on  
4 a fast-track to success as an entomologist. I still hope to become a professor at an Ivy League university one  
5 day, but first I have to restore my reputation. I've made mistakes, and I'm willing to admit them. But I  
6 didn't want Harper Finch dead; it was a freak accident. If there was foul play, it wasn't me. Harper killed  
7 Harper, or fate did. Or maybe Morgan McCabe. But certainly not me.

8           I've spent a lot of time in self-reflection during this process. The threat of jail time will do that. My  
9 actions as pledge master might have been unethical, mean-spirited, and dishonorable, but they weren't  
10 murder. I'm just a science geek. I wish I were still in the entomology lab studying my termite colony.

11           For high school, I went to a well-respected boarding school near Asheville and earned top grades.  
12 School was always easy for me. I have a decent sense of humor, so I was popular, too, and was elected to  
13 homecoming court. I was always told I was the best, the smartest, the "most likely to succeed." It went to  
14 my head, and I started picking on those who weren't "cool." I never saw anything wrong with it. But I see  
15 it now. I'm a changed person, and everything I'm saying below is true.

16           I started college in the fall of 2011 at Utopia University—one of the best in the nation. Frankly,  
17 between my grades and my parents' willingness to donate money, I could've gone to any Ivy League  
18 school. But the admissions office at Utopia strongly implied that if I enrolled, I could expect a nomination  
19 to their best honor society, Zeta Iota Pi, or ZIP. That sealed the deal for me.

20           On the first day of class my freshman year, I was "tapped" to join ZIP. It was just as incredible as  
21 I'd hoped, and I spent a lot of time with the other pledges. Unfortunately, for the first time in my life, my  
22 grades started to slip. My pledge master, Chip Kaufmann, was concerned I might get kicked out for  
23 falling below the mandatory 3.5 honor society GPA. That would've reflected poorly on ZIP in addition to  
24 hurting me. So, Chip talked with my biology professor, a ZIP alum named Morgan McCabe. The three of  
25 us had a secret meeting in the ZIP house archives room. I was told I didn't have to attend that class  
26 anymore and not to worry about my grade. Well, it worked! I had time to focus on my other classes, and I  
27 got an A in biology and a GPA of 3.7 that semester. I wondered if it was wrong to cheat the system that  
28 way, but since it was arranged by ZIP, I figured it was okay – a perk for being a member of the honor  
29 society. I also figured it was a one-time thing, now that I was used to the class load in college.

30           I'm embarrassed to admit that it actually became a habit. For the next three years, I continued to  
31 enroll in every class that Morgan taught. I didn't always game the system as much as I'd done in biology  
32 – sometimes I just cut corners on a paper or two but still got a good grade. And it wasn't just me. When  
33 other Zippers heard about my sweet deal, they also started taking advantage of Morgan's classes. We

34 celebrated it as if it were a bonus for the academically privileged. By the time I became ZIP President and  
35 Pledge Master in the fall of 2014, the scandal involved almost every ZIP member. And the stakes were  
36 higher for me now. I wasn't just a participant; I was a promoter. It was kind of like going from a junkie to  
37 a dealer. People feel sorry for junkies. They hate dealers.

38         The ironic part is I did my best actual work around Morgan, too. You see, Morgan supervised the  
39 entomology lab, and entomology is my passion. I've loved bugs ever since I was a small child – studying  
40 their habits, altering their environments, figuring out what makes them tick. It's like being the emperor of  
41 an entire society. Morgan's post-doc work was in botany, but the chair of the entomology department,  
42 Prof. Shelby Grody, was essentially retired and more of a figurehead. Morgan ran the lab. Don't get me  
43 wrong; Dr. Grody would drop by the lab sometimes and we'd have fantastic chats about bugs and life. Dr.  
44 Grody was both a friend and a mentor. But Morgan gave me a lab station right away as a freshman,  
45 without my even having to be on the wait list. I started researching wood-boring insects as a sophomore,  
46 and by my junior year, I was experimenting on one of the largest Formosan subterranean termite  
47 terrariums in the country. I even had a peer-reviewed paper published with Dr. Grody's support in March  
48 2013. All of my work with the Formosans was top-notch! I would never cut corners or cheat when it came  
49 to them.

50         The Formosan termite is not native to the U.S. It had originally been introduced through trade  
51 with China, and it flourished in warm parts of the country. I am intrigued by the effect of non-native  
52 species on the overall environment. Often they can be very destructive, since they may lack natural  
53 predators. Better understanding of our most prolific pests can help us defeat them and save millions, or  
54 even billions, of dollars in damage each year. The Formosan was a particularly nasty species: powerful,  
55 destructive, and nearly impossible to eradicate. Some have called it a "Super Termite." I hoped I could  
56 play a role in bringing them under control.

57         I loved my research. But as more Zippers got involved in the grade scandal, I worried about the  
58 effect on my future if the scandal came to light. That's why I accepted the positions of ZIP President and  
59 Pledge Master. I thought I could better keep it under wraps and enhance my credentials at the same time.

60         I learned of Harper Finch the week before freshman orientation in August 2014. The head of the  
61 admissions department is a Zipper, so he always gives the ZIP Pledge Master the inside info on all of the  
62 entering freshmen. He told me that Harper was by far the smartest student entering UU that year. He also  
63 gave me the names of Avery Koltasch and one other student whom I won't reveal, because we elected to  
64 take Logan Kaufmann instead (we only take three pledges per year). Logan is Chip's younger sibling and  
65 a legacy. I owe so much to Chip, as does the entire ZIP house, and tapping Logan gave us a chance to pay  
66 Chip back. Zippers stick together, after all.

67           When students pledge ZIP, they move into the campus house. I definitely set out to make Avery  
68 and Harper my personal servants during pledge season – all in good fun. But I treated Logan more like an  
69 equal, which created some resentment right from the beginning. That’s the tradition for legacies. I knew  
70 Harper and Avery would get over it.

71           As Pledge Master, I had to devise a series of challenges for the pledges called the “Feats of  
72 Fortitude.” The Feats weren’t really that difficult, and no one could call them hazing. They were more like  
73 games to bond the pledges to each other and to the rest of the Zippers. They were also service projects to  
74 help charities. For instance, my pledge year, we all did a 100 mile bike ride and donated the money we  
75 raised to the Utopia Zoo to upgrade their safari ride. Most of the time, the Feats were linked by a theme.  
76 My idea was to use social media fads for our 2014 theme. Harper, Avery, and Logan seemed to like that,  
77 and they even decided to add an athletic component. That kind of creativity is what ZIP is all about!

78           The first Feat was the ALS Ice Bucket Challenge. The pledges had to film themselves and post it  
79 to the ZIP Facebook page. On their own, the three of them decided to get permission to go to the UU  
80 swimming pool after hours, swim some laps, and then do the ALS challenge in a whirlpool filled with ice  
81 while pouring 32-ounce jumbo UU cups of ice over each other’s heads. They also included a banner with  
82 our ZIP motto: “We Stick Together.” When the video was posted online, it drew thousands of hits and  
83 raised nearly \$40,000 from alumni in just one week! As Pledge Master, I got all of the credit, which was  
84 cool with me, and the ZIP alumna leading the ALS Foundation was thrilled by our results. I wanted to  
85 raise the bar even more for the rest of the challenges, so I could go down as the best pledge master ever.

86           On August 25, I revealed my second challenge. This time I told the pledges to create a dance  
87 video that highlighted what it meant to be a Zipper. They decided that the video would raise funds and  
88 awareness about blood cancer and the bone marrow donor registry. Logan had recently learned that one of  
89 Logan’s mentors from high school mock trial, Judge Carla Wolf, was fighting a blood cancer, so Logan  
90 wanted to support the “Save the Wolf!” campaign. I thought that sounded great. For creative ideas, I  
91 suggested they do some research, and even film, in the ZIP archives. That’s where Zippers store their  
92 class notes, papers, and quizzes – sort of a library for our own use. We emphasized that plagiarism was  
93 not permitted! It was just a helpful way to see what different professors looked for in their classes.

94           I was really pleased with how the pledges ran with the activity. The date for filming was set for  
95 August 28. They made a video using Pharrell Williams’ “Happy” song, and they got all of us members to  
96 take part. We danced all over the ZIP house – so alumni could see all the improvements! – and the finale  
97 was a dance competition in the ZIP archives! It was a blast, and I was excited about its impact on the bone  
98 marrow donor registry. When we finished, I told Harper and Avery to clean up the mess we’d all made, and  
99 I invited Logan to go with me and the other members to a mixer with the chemistry fraternity.

100           The next morning, Avery and Harper arrived at 6 a.m. sharp for their special duty, like always.  
101 But to my horror, they confronted me with my worst nightmare. While cleaning up the mess the day  
102 before, Harper came across one of my “slacker” papers for Morgan’s Botany 301 class. Harper started  
103 cracking jokes about milkweed. Harper obviously knew the paper didn’t deserve an A. She then handed  
104 me a folder from the class. I don’t have any idea how it got in the archives, but it didn’t really matter at  
105 that point. I should’ve joked back and pretended it was all a prank, but it caught me off guard. Instead, I  
106 defended the paper and vehemently claimed it was worthy of the grade. They clearly didn’t believe me. I  
107 was so flustered I shredded the paper in front of them and yelled at them to leave. My mind was racing.

108           I was paralyzed by the thought of being exposed as a fraud. I went to the lab the next day to work  
109 on my termite project and speak with Morgan. I was pretty stressed, and I blurted out how we were both  
110 at risk and needed to do something, or else Morgan could be fired and I would be expelled. Morgan  
111 remained calm and asked me questions about my conversation with Harper and Avery. After listening to  
112 my recounting of the discussion, Morgan was convinced that Harper was still a few steps away from  
113 figuring it all out, and if we distracted Harper somehow, Avery would lose interest, too. We both agreed  
114 that it would escalate matters to keep Harper out of ZIP. But I was worried if we let Harper in, Harper  
115 would lord it over me for the rest of the year. Then Morgan said, “We need to convince Harper that ZIP is  
116 not something to be messed with so Harper will back off.” I wasn’t sure how to do that, but I figured I  
117 could use the next Feat of Fortitude. Morgan promised to work on an idea as well. We knew we’d have to  
118 work quickly because we were already halfway through the pledge period.

119           That night I searched YouTube and found some videos for “Crazy Creme Challenges.” There  
120 were various types, from eating as many donuts as you could in a certain time period, to combining the  
121 donuts with a fun run to raise money for charity. I decided we’d use that model, incorporating a 5K run.  
122 We’d donate all contributions to the American Diabetes Association – an ironic cause for a donut run!  
123 Harper had told the ZIP leadership that she has Type I diabetes and given us some information, but I only  
124 skimmed it. I’m not pre-med, after all. I figured if I upped the donut requirement for Harper, it could  
125 make Harper feel a bit sick but not do any real harm. And I figured surely Harper could adjust her insulin  
126 levels to compensate for the donuts.

127           I planned to announce the third Feat on Monday, September 1. Fortunately we got a bit of a head  
128 start on scaring Harper off when she woke up on August 31 covered in small insect bites. From the  
129 pattern, I could tell the bites were caused by bedbugs. The timing was a bit ironic since Morgan and I had  
130 briefly discussed using the lab’s bedbugs against Harper, but I had nixed it as being too much, too fast.  
131 And there were no reports of bedbugs on campus, so it might make others suspicious of the lab, and us.  
132 We needed to keep our “punishments” just between us and Harper. That afternoon Harper approached me



133 and accused me of hazing with the bedbugs. I just laughed it off and said something flippant like “better  
134 to be the victim of bedbugs than maggots.” Just a little entomological humor!

135 We scheduled the race for Friday, September 5 – Labor Day weekend. A lot of students were in  
136 town, and they were happy for something fun to do – especially with free donuts! All the Zippers joined  
137 in. Instead of making everyone eat a dozen donuts, we just gave everyone six – everyone, that is, except  
138 Harper. On Monday, I had called Harper over and told her that as punishment for keeping a messy room  
139 at the ZIP house -- a room infested with bed bugs! – Harper had to eat twelve donuts. Harper tried to  
140 protest, but I said either she met the challenge or she was out. Reluctantly, Harper agreed. I didn’t  
141 announce it publicly because we were just trying to keep it between us and Harper. But I suspected  
142 Harper would tell Avery, and that was all right with me. They both needed to know ZIP meant business.

143 As soon as the race started, I hopped on my bike and rode as quickly as I could to the donut  
144 station. I wanted to videotape the fun and make sure Harper did as instructed. As the racers arrived, they  
145 had a blast snarfing down their donuts and guzzling water before heading back out. Harper, Avery, and  
146 Logan were near the front of the pack. They were laughing and joking, and I was glad to see that Harper  
147 ate all twelve donuts with no trouble. As soon as they started back, I videotaped a few more runners, then  
148 took a shortcut back to the ZIP house. I stationed myself at the finish line, and soon the pledges came into  
149 view. Harper didn’t look so good, almost like Harper was about to faint. I dashed over, and Avery said,  
150 “She’s already thrown up and almost fainted! I think something’s wrong. We need to get her to the ER,  
151 fast!” My car was right there, so I insisted on driving. Sure, I’d wanted to scare Harper, but I certainly  
152 didn’t want Harper to end up in the hospital – or worse!

153 Fortunately the ER docs stabilized Harper pretty quickly. After vomiting up the donuts, Harper  
154 almost went into diabetic shock because her blood sugar dropped too low from the extra insulin. I had no  
155 idea that could happen! I trusted Harper to speak up if the activity would be too dangerous for her. Avery  
156 looked really frustrated, and when the doc left us, Avery accused me of intentionally trying to hurt  
157 Harper. I know it looked bad. I said, “It was all in good fun; I’m not a diabetes expert!” When Harper was  
158 released, she thanked me for saving her life by getting her to the ER so quickly. I figured Harper had  
159 learned a lesson and we’d have no more problems.

160 But I was wrong. Harper emailed the next day, copying Avery, accusing me of hazing and  
161 threatening to tell the UU admin about everything. I was stunned. How could Harper act that way? I  
162 should have cooled down before responding, but I was upset and wrote something stupid in reply. Tone  
163 and intention never convey well in email. I decided I’d better talk to Morgan again.

164 Even though it was a Saturday, I knew I could find Morgan in the lab. I was in a panic, afraid  
165 Harper was going to ruin our lives. Morgan was as calm as ever and told me it was time to drop the whole  
166 thing. “If you do nothing, it will take care of itself. I promise.” But I had trouble letting it go. Finally,



167 Morgan asked me about the final Feat of Fortitude. I told Morgan I would have them do “planking” on  
168 September 15, and that they would be assigned popular locations around campus to pull off the stunt.  
169 Morgan asked where Harper would have to do it, and I said that I thought I’d assign Harper the  
170 Friendship *Paifang* in the UU Botanical Gardens right beside the biology building. Morgan looked  
171 thoughtful and said that seemed like a perfect place.

172           Then I checked on my termites and saw that half of them had died due to a weird bacterial  
173 infection that had swept through the lab! I’d neglected them the past few days, and now this had  
174 happened. I couldn’t believe it. After Morgan left, I cleaned out the terrarium and left for the night. I was  
175 so upset that I forgot to record it in my log book.

176           On the morning of September 15, I called the pledges together to announce their final Feat. I  
177 began to explain what planking was, when both Harper and Avery got disdainful looks on their faces.  
178 Granted, planking had been more popular back in 2011, but it wasn’t completely lame. Then Harper said,  
179 “I know! How about we start our own fad – ‘pandaing!’ Pandas like to crawl up on tree branches, lie on  
180 their bellies, and let their legs hang down. We can ‘panda’ to raise money for a panda at the Utopia Zoo!  
181 How about it?” I had to admit it seemed like a cool idea. The pledges all liked it, and we laughed and  
182 joked as though everything was okay.

183           I gave permission for “pandaing” and stressed that safety trumped creativity. Under no  
184 circumstances did I want anyone back in the hospital! I assigned Avery to the Student Union; Logan to the  
185 football field; and Harper to the *Paifang*. They excitedly agreed to meet right after dinner to videotape each  
186 other as they completed their feats. Right before they left for class, Logan pulled me aside and told me  
187 Logan had caught Harper looking at the ZIP national anti-hazing webpage. Logan was very concerned  
188 Harper would accuse me of hazing and told me to watch my back. I thanked Logan for the heads-up and  
189 said to make sure Harper made it back safely. I figured I’d try one more time to talk with Harper; maybe if I  
190 made Harper a ZIP committee chair, Harper would drop it all. I’d tried the stick; maybe a carrot was a  
191 better approach.

192           I almost thought about going along to cheer for them as they completed their feats, but I figured  
193 that might stress them out. They should enjoy this accomplishment on their own. Around 10 p.m., as I was  
194 studying for a quiz, the campus police came to the ZIP house and told us Harper had died after falling  
195 headfirst from the top of the *Paifang*. I couldn’t even understand what they were saying at first, I was so  
196 shocked. As the investigation continued the next couple of days, I became the center of attention. It was  
197 even picked up by the national media after Morgan revealed the paper grading scandal to the UU  
198 administration. I was suspended and then expelled. I was tried and convicted in the court of public opinion,  
199 and I think the cops charged me with murder because of all the media attention. Nothing I did even rises to  
200 the level of hazing; eating a dozen donuts isn’t some awful torture. Murder? That’s crazy talk.

201 I'll admit I deserved to be kicked out for cheating, but what happened to Harper was not on me.  
202 Everyone knew the *Paifang* was old and rickety. I told them that safety was paramount. Harper could  
203 have chosen to "panda" in a tree at the botanical gardens if she had any doubts. No one held a gun to  
204 Harper's head; she assumed the risk and tragically paid the price. I know a lot is being made of the  
205 Formosan termites on the *Paifang*, but I had nothing to do with that. Maybe some were dormant in the  
206 gate; after all, it was from China. And while I studied pheromones, I was certainly no expert on the  
207 subject. I couldn't have made them in the lab without someone knowing. I was rarely in the lab by myself  
208 – which is not true of Morgan. I don't even like to think it, but Morgan certainly had motive and skills  
209 that surpass mine. It was wrong for me to cheat, but I can move on. The scandal is the end result of  
210 Morgan's life work.

211 Of the available exhibits, I am familiar with the following and only the following: Exhibits 1 – 3  
212 (ZIP bylaws, pledge promise, and national website page); Exhibit 4 (a photo of my Botany 301 paper);  
213 Exhibit 6 (emails between me and Harper), and Exhibit 10 (my lab notes). My attorney showed me  
214 Exhibit 7, too, and the bottom photo of the *Paifang* gate looks accurate to how the gate was before  
215 Harper's accident. And the photos in Exhibit 11 accurately show planking and Harper's description of  
216 how pandas lie on tree branches.

217 I swear or affirm to the truthfulness of everything stated in this affidavit. Before giving this  
218 statement, I was told it should contain everything I knew that may be relevant to my testimony, and I  
219 followed those instructions. I also understand that I must update this affidavit if anything new occurs to  
220 me until the moment before opening statements begin in this case.

**Grayson Zayne**

SIGNATURE

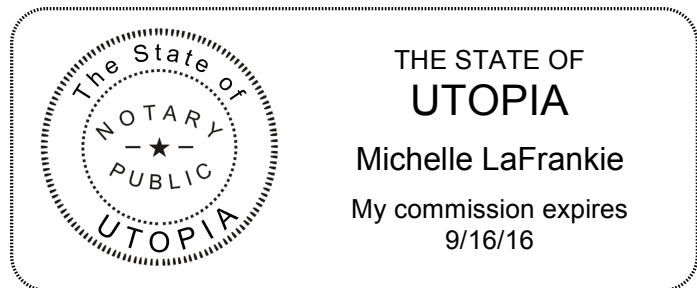
**December 8, 2014**

DATE

Subscribed and sworn before me this 8<sup>th</sup> day of December, 2014

*Michelle LaFrankie*

Michelle LaFrankie  
Notary Public in and for the State of Utopia



## Statement of Logan Kaufmann

1           My name is Logan Kaufman, and I'm a freshman at Utopia University. My first day of class, I  
2 was tapped to join Zeta Iota Pi – just like my older brother Chip. It wasn't a surprise given Chip's  
3 connections, but it was an honor nonetheless. Yet things didn't go like I expected. Our pledge class – me,  
4 Harper Finch, and Avery Koltasch – uncovered a big academic scandal in ZIP at UU. Even worse, Harper  
5 died in a freak accident during our last pledge Feat of Fortitude. Since then, I've been a pariah on campus.  
6 The rest of the Zippers were put on academic suspension and given failing grades for cheating, and Avery  
7 dropped out. People still stare when I walk across the quad, but I have a tough skin. I'll be okay.

8           ZIP lost its charter at Utopia because of the scandal. But I'm determined to bring it back and make  
9 it stronger than ever. I owe Chip, and my fellow Zippers, that much. So I have to clear the record, tell what  
10 really happened, and make sure the media doesn't sway public opinion and prevent justice. If I can build  
11 ZIP up again at UU, I'll earn my own place of honor in ZIP at UU and across the nation!

12           It's crazy that Grayson has been charged with murder. Sure, Grayson cheated on papers and faked  
13 through some of Dr. McCabe's classes, helping other Zippers do the same. But that's a far cry from  
14 murder! Grayson cared too much about ZIP and Grayson's own career to risk it all that way. Just because  
15 Grayson didn't like Harper and was fanatical about termites doesn't make Grayson a killer. This is just a  
16 blame game.

17           I still remember Chip coming home during Labor Day weekend of 2011, raving about this  
18 amazing new pledge, Grayson Zayne. Chip was a senior and the Pledge Master, and Chip said Grayson  
19 was the kind of Zipper that only comes once in a lifetime – loyal, ambitious, and selflessly dedicated.  
20 Chip said Grayson would do anything for ZIP. A month or so later, Chip told me how Grayson was  
21 struggling a bit academically, but Chip arranged some tutors to help Grayson improve Grayson's grades.  
22 Chip told me that academic performance was important – ZIP is an honor society, after all – but other  
23 things matter even more. Like loyalty and dedication to the group; Zippers stick together!

24           When I finally met Grayson last August, I understood why Chip was such a fan. I was setting up  
25 my dorm room when Grayson walked in. I recognized Grayson immediately based on Chip's description,  
26 and I was star-struck, stammering and awkward. Grayson took it all in stride and made me feel at ease  
27 immediately, joking with me and offering advice on where to put my stuff. Before Grayson left, I worked  
28 up the courage to ask about pledging ZIP. Grayson said the three pledges would be tapped on the first day  
29 of class, August 18, 2014. I must've looked nervous, but Grayson winked and said I didn't need to worry.

30           Even with Grayson's assurances, I was pretty concerned. Zippers are the best and the brightest,  
31 and while I did pretty well in high school, I wasn't a valedictorian like Chip. In high school, my teachers  
32 would comment on how I was "different" than Chip – and it wasn't a compliment. So when I was  
33 selected, I could hardly contain my excitement! The other two pledges were Avery Koltasch and Harper

34 Finch. I knew Harper a bit from class that morning. During our writing seminar, the professor gave a pop  
35 quiz on grammar. My brain froze on one question, and I snuck a glance at Harper's paper. Harper caught  
36 me and ratted me out to the professor. Can you believe it? Of course I denied it, so the professor didn't do  
37 anything, but I don't think the professor ever liked me after that. I wasn't so thrilled that Harper was also  
38 a pledge.

39         Nothing could dampen my joy when Grayson told Avery, Harper, and me to move into the ZIP  
40 house on August 20! Grayson even laughed about how I'd be setting up my room all over again. As soon  
41 as we arrived, Grayson gave an amazing speech about how all of our lives would change forever, and ZIP  
42 would help us achieve things we'd never dreamed possible. Grayson also talked about all the qualities  
43 Zippers should strive for – excellence, loyalty, selflessness, and honor—and gave a shout-out to Chip as  
44 the ideal Zipper. Afterward, Grayson came up to me and whispered that Grayson was sure I would do  
45 Chip proud. I'm pretty sure Avery and Harper were eavesdropping because they looked at me unhappily.  
46 They looked even angrier when Grayson gave me first choice of a room, but neither of them said  
47 anything. I figured they were just sore because they were both compulsive about winning everything –  
48 even room selection!

49         Grayson cut me slack in other ways, too – like not making me get up before 6 a.m. to make  
50 Grayson's breakfast and clean Grayson's room. Harper got really mad about it, barging into my room at  
51 6:30 a.m. on the third day and yelling about how it wasn't fair that I got special treatment as a legacy.  
52 Harper threatened to tell the national ZIP leadership that Grayson was hazing her and Avery. I calmly  
53 replied that I didn't know what Harper was talking about, but I doubted the national leadership would take  
54 Harper's word over the ZIP President and Pledge Master. Harper stormed out angrily, but I'm pretty sure  
55 Harper didn't do anything else because I kept sleeping in. I guess Grayson did favor me a little, but that  
56 was Grayson's right, you know? I think Grayson did it because Grayson knew I'd always been in Chip's  
57 shadow and Grayson wanted me to feel that I belonged.

58         As pledges, the three of us had to complete four "Feats of Fortitude," which are basically  
59 glorified bonding and service activities. Brilliant as always, Grayson decided to base our Feats off of  
60 recent social-media trends so we could post videos to the ZIP Facebook page and have a wider impact.  
61 Avery, Harper, and I had all been athletes in high school – I played tennis, the one sport where I could  
62 beat Chip – so I asked to add an athletic aspect as well. Grayson applauded my initiative!

63         Our first Feat was to film an ALS Ice Bucket Challenge video. I had the idea to sneak into the  
64 school natatorium (pool) after hours, swim 10 laps, and then sit in a whirlpool of ice while dumping huge  
65 cups of it over our heads. Avery and Harper were enthusiastic. Avery got the Athletic Director – a fellow  
66 Zipper – to let us in and help us fill the whirlpool. The AD even filmed us! I was sure Grayson would  
67 really like the video, and the three of us pledges were having a good time together.

68           We were, that is, until Avery and Harper started comparing their valedictory speeches on the way  
69 back to the ZIP house. I rolled my eyes a couple of times, hoping they'd get the hint, but they were  
70 obsessed about bragging about their brilliance. Finally I said, "There's a lot more to being a Zipper than  
71 your GPA, you know." Harper answered scornfully and said ZIP was an honor society, so of course  
72 academics were at the top of the list. I mumbled something about how Grayson wasn't even that good of a  
73 student, yet Grayson was a leader in ZIP. Harper asked what I meant, and I told them about the long list  
74 of tutors Chip had gotten for Grayson, and how once Chip had mentioned getting Grayson in a class that  
75 was a "guaranteed A." For once, Harper was silent. It felt good to know more than they did about  
76 something.

77           On August 25, Grayson called us into the ZIP assembly room and told us our second Feat was to  
78 make a dance video showing what it means to be a Zipper. I asked if we could donate the money we  
79 raised to the "Save the Wolf!" campaign, in honor of Judge Carla Wolf, who was fighting blood cancer.  
80 Judge Wolf had helped with mock trial when I was in high school, so I really wanted to support her  
81 campaign to raise awareness and recruit donors for the bone marrow registry. I was highly motivated to  
82 make the dance video amazing. Grayson was all for the idea, as were Avery and Harper.

83           The three of us spent hours that night brainstorming, but we couldn't come up with anything  
84 creative. The next morning, we approached Grayson for help. Grayson suggested we do some research in  
85 the ZIP academic archives room, and maybe even do some filming there as long as we didn't bother the  
86 files. That was the spark we needed, and we decided to film the Zippers dancing all over the ZIP house,  
87 using Pharrell Williams' "Happy" song for the soundtrack. We'd finish up in the archives room with a  
88 dance contest and confetti! We also planned to do the easy cheek-swab to join the registry ourselves. The  
89 other Zippers were excited by the idea, and we knew it would be an awesome video.

90           We filmed on August 28, and the shoot went perfectly! Of course, the archives room was a mess  
91 when we finished. Luckily for me, Grayson said there was a mixer between ZIP and AXS (Alpha Chi  
92 Sigma, the Chemistry co-ed fraternity) right after the shoot, and Grayson wanted to introduce me to  
93 people. That meant I didn't have to stay behind with Avery and Harper to clean up. Sweet!

94           When I got back to the ZIP house after the mixer that night, Harper and Avery were bent over  
95 some old papers that looked like the ones in the archives that Grayson had told us not to mess with. I  
96 asked what they were doing, and Harper snapped at me and told me to mind my own business. I shrugged  
97 and left, figuring Harper was ticked off because I didn't have to clean up with them.

98           A few days later, on September 1, Grayson gathered us to announce our third Feat. I think the  
99 stress of pledging must've been getting to Harper, because she looked terrible. Her eyes had deep circles  
100 like she hadn't slept, and her arms were covered in red bumps. When I asked about it, Harper said she'd  
101 been bitten by bedbugs all night! That didn't really surprise me, since Harper had snacks and food all over

102 her room. It looked like she was preparing for the end of the world or something. All those crumbs had to  
103 attract a multitude of pests. I guess I should mention that on August 30, someone who reported being a  
104 former ZIP member came by and asked me where Harper’s room was. That person told me to say “hi” to  
105 Grayson, which slipped my mind, but I did point them in the right direction.

106         The third Feat was a 5K “Crazy Creme Challenge” fun run to raise money for the American  
107 Diabetes Association. We all thought that was a cool idea. Harper seemed especially excited. Every  
108 participant would run half the distance, snarf down 6 donuts, and then run back. We scheduled it for  
109 Labor Day weekend because it gave the students who were still in town a fun thing to do. Nearly 200  
110 signed up! It was great publicity for Crazy Creme, especially since they donated the donuts.

111         On the day of the race, the three of us were ready to go. We led the pack to the donut station and  
112 began gobbling our donuts. Avery and I stopped after six, but for some reason, Harper kept going and ate  
113 a whole dozen. When I started kidding Harper about being greedy, Harper glared at me and said, “It’s not  
114 my choice. Grayson insisted.” Harper never told me why. We started running back to the ZIP house when  
115 all of a sudden, Harper ran to the curb and threw up. Harper looked kind of ill, but she insisted she was  
116 fine and started running again after a minute or so. I thought maybe Harper had food poisoning or  
117 something. When we neared the finish line, Harper stumbled and almost fell. Avery caught her and  
118 insisted on taking her to the hospital. Grayson seemed concerned, too, and offered to drive, which I  
119 thought was really nice. Several hours later they came back and said everything was fine. Avery seemed  
120 upset, though, and kept glaring at Grayson. Later I asked Grayson what had happened, and Grayson said  
121 Harper got sick after eating all the donuts. “I told her to eat 12 as a consequence for having such a messy  
122 room. It’s embarrassing that we had bedbugs in the ZIP house! I guess Harper just couldn’t handle it.” I  
123 thought that sounded a little like hazing, but I trust that Grayson was just trying to push Harper to be the  
124 best she could be – like any good leader.

125         Harper seemed kind of quiet and unhappy after that. A few days later, Avery and I stopped by  
126 Harper’s room to see if she wanted to come to dinner with us. Harper was on her computer, reading the  
127 hazing section on the national ZIP website. Harper said she was just doing research, but I was concerned  
128 she wanted to get Grayson in trouble. Doing that could hurt our whole chapter, and maybe even end up  
129 with us on probation. So I told her she couldn’t seriously think that eating extra donuts was hazing! Most  
130 students would’ve been happy to get more. She just said, “yeah, maybe…” and shut her computer.

131         On September 15 Grayson told us about our final Feat – taking a photo of each other “planking”  
132 at a famous location on campus. I thought it sounded like fun, but Avery and Harper didn’t seem  
133 enthused. Then Harper suggested a change – “pandaing” instead of planking. Evidently pandas like to lie  
134 on their stomachs on tree branches with their legs hanging down. Harper said we could start a new fad  
135 while raising money to help Utopia Zoo buy a panda! As much as I didn’t care for Harper, I had to admit



136 it sounded cool, and Grayson agreed. Then Grayson told us our assignments: the Student Union for  
137 Avery; football stadium for me; and the old *Paifang* gate near the botanical gardens for Harper. I was  
138 jealous of Harper, to be honest. Since we were raising money for pandas, I figured that photo would get  
139 the most “hits.” Grayson emphasized that we should all be very careful and not take any stupid risks. “No  
140 more trips to the hospital! Be creative, but be smart.”

141         After the announcement, Grayson pulled me aside and said how proud Grayson was of me and all  
142 the pledges. I felt like Grayson should know what Harper was doing on her computer, researching stuff on  
143 hazing. Grayson looked really angry for a second, then Grayson smiled and thanked me, saying, “I’ll take  
144 care of it.” I wasn’t sure what that meant, but I trusted Grayson to do the right thing. I have to admit, I  
145 took a bit of pleasure in tattling on Harper after the way Harper ratted me out in class.

146         The three of us met up around 7:00 p.m. to film our “pandaing” session. First we went to the  
147 Student Union, where Avery “pandaed” on the wooden wall out front where people posted ads and notices.  
148 It would’ve been kind of “meh” except Avery had made a nice “Zippers Stick Together” poster to go on the  
149 board in the photo. I wanted to be a bit more adventurous. When we got to the stadium, I shimmied up the  
150 goal post and “pandaed” on the crossbar. It was a bit scary, but I knew it made a great photo.

151         Finally we went to the *Paifang*. The only place Harper could really “panda” was on a little ledge  
152 at the very top, about 30 feet off the ground. Avery looked scared and said it was too dangerous,  
153 reminding Harper that Grayson wanted us not to take risks. She suggested Harper “panda” on a nearby  
154 tree, and we could just make sure the *Paifang* was in the photo. I thought that sounded lame, though, and  
155 I said as much. Harper agreed; she insisted on “pandaing” on the *Paifang* itself to get the best photo.  
156 Harper seemed determined to prove that she had as much fortitude as anyone. I had to admit that I was  
157 impressed – and a bit aggravated. I’d hoped my photo would be the most awesome, but it looked like  
158 Harper would show me up yet again.

159         As soon as Harper started climbing, the gate started creaking. Avery freaked out and told Harper  
160 to come down, but Harper kept going. I admit I egged her on a bit, but I swear I didn’t think anything bad  
161 would happen. When Harper finally got to the spot near the top, she exclaimed, “Eww...there’s a bunch  
162 of bugs up here!” All of a sudden there was a loud “crack,” the shingle where Harper was lying snapped,  
163 and Harper plunged to the ground headfirst. It all happened incredibly fast; I didn’t have time to react at  
164 all. We called 911, but I’m pretty sure Harper died instantly. Avery was hysterical, and I felt sick to my  
165 stomach. I did pick up a piece of wood that fell off the *Paifang* when we ran over to check on Harper, and  
166 it practically disintegrated in my hand. I didn’t see any bugs, though.

167         Of course what happened to Harper is a tragedy – for all of us, not just Harper. It’s ridiculous to  
168 blame Grayson. Harper is the one who insisted on climbing the *Paifang*, after Grayson told us all to be  
169 careful. No one made Harper do it. I know it sounds cruel to blame the one who died, but if Harper hadn’t

170 been so determined to show everyone up, none of this would've happened. Now our ZIP chapter is shut  
171 down and may never be reinstated. Harper paid the highest price, but her choices hurt a lot of other  
172 people, too.

173 Of the available exhibits, I am familiar with the following and only the following: Exhibits 1 – 3  
174 (the ZIP bylaws, pledge promise, and hazing page on the national website). The attorney also showed me  
175 Exhibit 7, and the photos look like what I saw on the night of the accident. Also, the photos on Exhibit 11  
176 are correct about “planking” and “pandaing.”

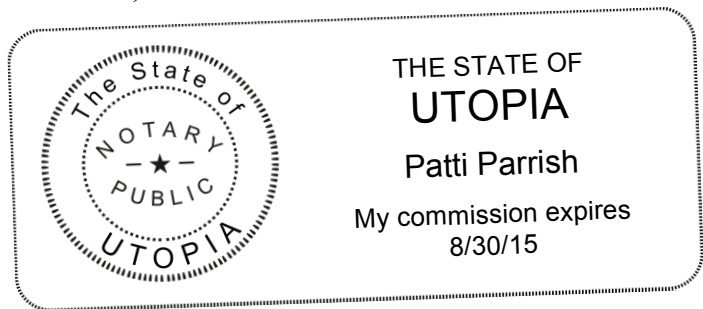
177 I swear or affirm to the truthfulness of everything stated in this affidavit. Before giving this  
178 statement, I was told it should contain everything I knew that may be relevant to my testimony, and I  
179 followed those instructions. I also understand that I must update this affidavit if anything new occurs to  
180 me until the moment before opening statements begin in this case.

Logan Kaufmann  
SIGNATURE

December 9, 2014  
DATE

Subscribed and sworn before me this 9<sup>th</sup> day of December, 2014

Patti Parrish  
Patti Parrish  
Notary Public in and for the State of Utopia





## Statement of Shelby Grody

1           My name is Shelby Grody. I am the Watson-Goodall Distinguished Professor of Biology and the  
2 Chair Emeritus of the Utopia University Department of Entomology. Indeed, my leadership was so  
3 peerless that no other Chair has even been appointed since I stepped down five years ago. I graduated  
4 from Harvard in 1952, *magna cum laude*, Phi Beta Kappa, and Zeta Iota Pi. I then received a Master's  
5 degree in Entomology from the School of Forestry at Yale in 1954, with highest honors. After taking  
6 several years off to travel East Asia, I received my Ph.D. in Entomology from Darwin College,  
7 Cambridge University, in England in 1964. I was immediately hired at Utopia as befits a person of my  
8 education and experience, and I have remained a vital part of this university ever since.

9           I am occasionally asked if I am a forensic entomologist. I always respond, "Why should I limit  
10 myself with such a label?" When I entered the field, such a designation did not even exist. My studies  
11 were never so constrained, and my mind and vision were never so limited. But if people insist, I certainly  
12 admit that I would put Dr. Mallard of *NCIS* to shame. For decades, I have been the go-to source for  
13 society's most critical needs in this regard. J. Edgar Hoover of the FBI once begged me to intervene in an  
14 intriguing homicide. Hoover hardly impressed me – too Machiavellian in demeanor, yet not Machiavelli's  
15 intellectual equal – but I agreed to assist since the puzzle itself intrigued me. As a result, my fame grew,  
16 and I have testified ten or fifteen times in court over the years. I have always refused payment beyond  
17 reimbursement for my expenses. The truth is the important thing, and the challenge!

18           It is therefore no surprise that I was contacted when this whole Grayson Zayne affair came to  
19 light. If anything, I should have been contacted sooner. Bringing in an adjunct professor – an outsider to  
20 the Utopia community, no less! It is an insult. Granted, I have been on leave quite a bit lately. Still, with  
21 an expert such as me right at hand, it boggles the mind that they would call in anyone else. Scandalous,  
22 really. I suppose they won't make that mistake again, after the mess that this incident has created.

23           It's not that Gooding is wrong per se, at least in the basics that any entomologist would know.  
24 Certainly, the Formosan Subterranean Termite – named for Formosa, which is what we called Chinese  
25 Taipei in my youth – is a powerful example of xylophagy. A xylophage is an herbivorous insect or animal  
26 whose diet consists principally of wood.

27           But to call the Formosan termite a "super termite" is a ludicrous example of the hyperbole used  
28 by this supposed expert. There is nothing supernatural or even especially remarkable about this termite. It  
29 simply lives in larger colonies and eats more than some others. Its destructive capacity, while impressive,  
30 is hardly the stuff of legend. On the other hand, I must admit that the Formosan Subterranean Termite is a  
31 remarkably hardy organism. One reason I believe that their colonies grow so large is that they seem not to  
32 suffer the same levels of wear and tear as other insects. They are tiny but tough! Their only apparent  
33 weakness is an inability to tolerate the cold.

34           Organisms that display such a weakness, from the standpoint of evolution, face two fates. The  
35 first is simply to die when exposed to intolerable conditions. Most insects exist in such huge numbers  
36 that even losing millions of individuals per year poses no threat to the species. But odds are that a  
37 number of individuals – albeit a small number – will possess a random mutation that makes them cold-  
38 resistant. Those with the mutation will live, while those without it will die. What seems like a curse – the  
39 mass death – actually becomes a blessing, strengthening the species. Only the cold-resistant insects  
40 survive to create a queen. In a random system of competition, one without the mass die-off, that gene  
41 could take many decades to spread. But in a system under stress, it takes single-digit insect generations  
42 for the improved gene to become commonplace. In a rapidly reproducing species like the Formosan  
43 Subterranean Termite, the time involved is the blink of an eye, scientifically-speaking.

44           The second adaptation to cold or other environmental hazard is akin to hibernation, although it is  
45 actually very different, biologically. Many insect species can become dormant for weeks, months, or even  
46 years before emerging. For example, certain North American *magicada* cicadas famously emerge from  
47 burrows only every thirteen or seventeen years. As a result, insects that feast exclusively upon cicadas die  
48 out. Take the cicada killer wasp, *sphecioides speciosus*. That wasp only lives three years on average, and it is  
49 adept at killing cicadas. But they must survive during the cicada dormancy by killing other things. If a  
50 mutation increased their ability to kill cicadas, the mutation would spread rapidly during the year when  
51 cicadas emerge. But such a mutation would provide no advantage during the years of dormancy, and it  
52 would likely be lost during that time because the affected individuals would gain no advantage (and might  
53 even be harmed, depending upon how it affected their ability to kill other insects). As a result, few  
54 predators are adapted specifically to kill cicadas, which is an advantage for the cicadas, one might say.

55           Turning our attention to the Formosan Subterranean Termite, we know that insects adapt to their  
56 environment, and the critical pressure on the Formosan Subterranean Termites was sudden cold snaps. It  
57 is only logical to conclude that environmental pressures would lead them to develop an evolutionary  
58 response to cold. While the observed insect samples seem no more resistant to cold than is typical of the  
59 species, a life cycle adaptation, such as the ability to go dormant, is completely plausible. Imagine that  
60 some Formosan Subterranean Termites are faced, in the late 1860s, with a cold period of weather. They  
61 burrow, as they are adapting. Then suppose the trees are cut down and covered with lacquer as they are  
62 constructed into that glorious *Paifang* gate that graces the Utopia University campus.

63           Chinese craftsmen have relied on the *Toxicodendron vernicifluum*, commonly known as the  
64 Lacquer Tree, since the Shang dynasty more than 3,000 years ago. Sap is tapped from the tree trunk and  
65 converted into a clear, hard, waterproof shell that is beautiful, weather-resistant, and nearly impenetrable.  
66 If Formosan Subterranean Termites were sealed into the wood of the *Paifang*, they would not perceive  
67 changes in the environment to trigger an end to their dormancy. Perhaps they need a certain humidity

68 level, in addition to optimum temperatures, to trigger an awakening. Sealed in their beautiful lacquered  
69 chamber, like Sleeping Beauty before her prince's kiss, the termites could slumber for years and even  
70 decades undisturbed. Until, of course, one hundred and forty-odd years of wear and tear, combined with  
71 the wet winter of 2013-14, crack open the lacquer at last. The Formosan Subterranean Termites hatch in  
72 the warmth of summer, and they immediately do what they do best – eat!

73 I must admit that we have no direct evidence that such a long dormancy occurred. The longest  
74 documented “diapause,” as it is more accurately termed, is nineteen years in the case of the Yucca moth.  
75 But we know that other invertebrates, such as the Tardigrade (commonly called a “water bear”), have  
76 survived for decades in the desert with no water, and even survived exposure to vacuum and cosmic rays  
77 on the FOTON-M3 spacecraft in 2007. So it is certainly possible that the Formosan Subterranean  
78 Termites could have survived for an unusually long time in their beautiful lacquered chamber.

79 I'll wager a year of the finest Earl Grey tea that no linear-trained, agrarian entomologist would  
80 even think of this elegant and perfectly plausible solution. Too busy racing to get a conviction, no doubt.  
81 It's a tragedy that they fumigated the *Paifang* immediately after the unfortunate incident to prevent the  
82 termites from spreading. Genetic sequencing conducted on the termites afterward shows mutations, but  
83 with no more live specimens, we will never know the mutations' effects. Still, only a Kafka-esque system  
84 devoid of justice would convict Grayson under these circumstances. It is a real scientific possibility that a  
85 cruel twist of fate and accident of evolution were the true reason for the collapse of the *Paifang*.

86 In the rush to judgment, everyone seems to be forgetting that the *Paifang* was old and not in great  
87 shape. I remember in the late 1960s when they did a shoddy rehab of the structure because it was about to  
88 collapse on its own. I also remember when they put on a fresh coat of paint in the late 1980s or early  
89 1990s because it was becoming an eyesore. I'll leave the analysis of structural soundness to others, but  
90 from my years of observation, no one was safe climbing on the ornate gate regardless of termite presence.

91 I've been asked, of course, whether Grayson might have implanted the termites in the *Paifang*. I  
92 seriously doubt it. Grayson was one of the finest young intellectuals at our august university, and Grayson  
93 had impeccable manners. We used to speak for hours about my work abroad. Grayson undeniably had a  
94 bright future, and I cannot fathom Grayson throwing it away in this fashion. In all of our interactions over  
95 the last four years, Grayson never betrayed an ounce of malice or ill will. Grayson was always very gentle  
96 with the insect specimens, and Grayson was very popular both with classmates and with members of the  
97 faculty and administration. I even appended my name on a paper or two that Grayson had written, to add  
98 some clout and distinction to the work – second author, of course, as befits my status. I suspect Morgan  
99 was peeved to be bumped to the third spot, but seniority and distinction have their privileges.

100 Frankly, I cannot imagine anyone taking a disliking to Grayson – anyone, that is, except for  
101 Morgan. Morgan was always an average talent, the kind of individual who will remain a mediocrity

102 within the university. We tried to find Morgan a junior faculty position in Kansas or Utah or one of the  
103 Dakotas, but Morgan preferred to stay here. It bemused me a bit, to be honest. Why would anyone choose  
104 to remain in a non-tenure-track position in a field as vast as botany? Morgan was simply not up to the  
105 task of earning tenure – still isn't, in fact – and the Dean and faculty have little faith in Morgan. It's not  
106 Morgan's fault, really. Some are destined to succeed, while others are not.

107         Indeed, I'm not surprised to learn that Morgan was abusing even the modest position Morgan had  
108 by participating in the unearned grades scandal. To give credit for sub-standard work is the greatest of  
109 sins. Such cheating tarnishes the reputation of everyone at Utopia University. I am sure that Morgan  
110 enticed Grayson into taking part in the façade. After all, Morgan had all the power in that relationship.

111         Why am I not surprised? Well, years ago when Morgan was first hired, we published a paper  
112 together. I allowed Morgan to be listed as the first author, and I was listed second because the work was  
113 done in the lab I built, using my own work as a foundation, although Morgan was writing primarily about  
114 botany with entomology as a minor aspect. But when the paper was published, it came under fire. It listed  
115 several significant breakthroughs, but as was soon revealed, it also contained large portions that were  
116 suspiciously similar to other authors' works. I don't stand for plagiarism, but I could hardly renounce a  
117 paper with my name on it. We fought back, and after a few phone calls to former students and colleagues,  
118 the accusations were dropped. I even received a formal letter of apology from one colleague. Still, I never  
119 again trusted Morgan in that fashion. Morgan may well have cheated to get into Zeta Iota Pi, too.

120         I know that much has been made of these missing lab records. The lab is technically under my  
121 supervision, but it's really Morgan's lab. The absence of a record noting the death of a termite colony is  
122 scientifically inexcusable, but it is also understandable. Many have been the times that I have left the lab  
123 before completing all of my records, engrossed as I was in pondering the results of my experiments or the  
124 next course of action, or mentally composing the opening paragraph of a journal article. I always returned  
125 to complete the paperwork eventually, but days could pass before that time. Grayson's explanation for the  
126 missing notation is thus quite plausible.

127         Or perhaps Grayson simply acquired poor habits from Morgan. I doubt that Morgan would ever  
128 have wandered away, lost in thought while composing a journal article. Yet our auditor found Morgan's  
129 documentation to be incomplete on more than one occasion. A lab must be run with precision, and it  
130 appears that Morgan was lax in that regard. It is possible some termites might have escaped, if Morgan  
131 paid insufficient attention to the details of protocol. I'm not certain why they would have climbed the  
132 *Paifang*, but we do know that the type of wood (food source) affects the success of a colony. They could  
133 have had a taste for wood from their ancestral home, could they not?

134         In truth, the whole thing reeks of shoddy detective work and an effort to jump to conclusions  
135 without considering all possibilities. Gooding simply cannot conclude within a reasonable degree of

136 entomological scientific certainty that those termites were deliberately planted on the *Paifang*. Nor does  
137 the pheromone theory hold up. First, there's no evidence that such pheromones were ever synthesized. If  
138 anyone had accomplished such a feat, they would have published it or patented it – honor or money, that's  
139 the driving force for most scientists! Lastly, pheromones don't break the rules of nature. The termite eats  
140 as fast as it eats, and the time allotted to the termites if Grayson had planted them on the *Paifang* would  
141 have been insufficient to cause that amount of damage.

142 I have read the statements of Morgan McCabe, Carter Gooding, and Grayson Zayne, and they  
143 contain nothing beyond specious speculation to suggest that events unfolded as the State claims.  
144 Entomology is a factual science; insects are not supernatural, and they cannot accomplish miraculous  
145 feats merely because some prosecutor wishes it to be so. There is simply no way, under the science of  
146 termites as we know it today, for someone to plant a colony of Formosan Subterranean Termites and, a  
147 week later, to have the kind of damage found on the *Paifang*. Any honest entomologist would admit that.  
148 Perhaps Morgan planted them earlier to discredit Grayson. Perhaps Morgan's lax supervision allowed  
149 them to escape, and they headed for a favorite natural food source. Perhaps dormant termites simply  
150 emerged from their accidental century of slumber. Who knows?

151 The prosecution's case is based upon conjecture. I, for one, will stick with science, with facts, and  
152 with Grayson Zayne.

153 Of the available exhibits, I am familiar with the following and only the following: Exhibits 8 and  
154 9 (Gooding's CV and my CV); and Exhibit 10 (Grayson's lab notes). The photo of the undamaged  
155 *Paifang* in Exhibit 7 also gives an accurate picture of the *Paifang* before that terrible accident.

156 I swear or affirm to the truthfulness of everything stated in this affidavit. Before giving this  
157 statement, I was told it should contain everything I knew that may be relevant to my testimony, and I  
158 followed those instructions. I also understand that I must update this affidavit if anything new occurs to  
159 me until the moment before opening statements begin in this case.

Shelby Grody

December 15, 2014

SIGNATURE

DATE

Subscribed and sworn before me this 15<sup>th</sup> day of December, 2014

Victoria Moore

Victoria Moore  
Notary Public in and for the State of Utopia



THE STATE OF  
**UTOPIA**  
Victoria Moore  
My commission expires  
7/6/18

## Exhibit List

- Exhibit 1:** ZIP Bylaws
- Exhibit 2:** Pledge Promise (2014)
- Exhibit 3:** ZIP National Anti-Hazing Policy Webpage
- Exhibit 4:** Photo of Milkweed Paper
- Exhibit 5:** Police Report of Investigation, including Structural Engineering Report
- Exhibit 6:** Harper / Grayson Email Exchange
- Exhibit 7:** Photo of *Paifang* (with close-up of termite infestation)
- Exhibit 8:** Carter Gooding CV
- Exhibit 9:** Shelby Grody CV
- Exhibit 10:** Grayson Zayne's Formosan Termite Log
- Exhibit 11:** Photos of a Human "Planking" and of Giant Pandas "Pandaing"

# Exhibit 1

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## Zeta Iota Pi Bylaws

This document shall hereafter be the constitution of the Utopia University Chapter of Zeta Iota Pi (hereinafter known as ZIP or Utopia Zip)

### Article I — Name and Purpose

The name of the chapter shall be the Utopia University Chapter of Zeta Iota Pi. It shall honor the top students at Utopia University by fostering a sense of collegiality, fraternity, and unity. ZIP obtains as its members the top students entering as freshman, as well as any other student who is deserving based on their achievements. Neither social nor athletic nor academic achievement should be given more weight than the other.

### Article II — Laws

Section 1: This chapter of Zeta Iota Pi shall be governed by these bylaws, the laws of the State of Utopia governing an honor association organized as a non-profit corporation, and the rules and regulations of Utopia University. These laws contain a full adaptation of ZIP's anti-hazing rules (1996).

Section 2: Membership shall only consist of students maintaining a 3.5 Grade Point Average (hereinafter GPA) at the conclusion of each academic semester at Utopia. Students who drop below a 3.5 GPA shall be "suspended" until the conclusion of the next academic semester in which his or her GPA is above a 3.5. Members who remain suspended for two (2) consecutive academic semesters shall be permanently removed from ZIP and shall not be readmitted.

Section 3: To become a member of ZIP, a student must be deemed worthy of membership by the Pledge Master.







Section 4: Anyone invited by the Pledge Master to become a member must complete a series of challenges known as the Feats of Fortitude. Failure to complete said challenges to the satisfaction of a majority vote of the current membership is grounds for not being permitted ZIP membership and barred from being admitted in the future.

Section 5: Zippers always stick together and help whenever possible, even when it seems impossible. Therefore the motto of ZIP shall be “We stick together.” It shall be known to all members and recited upon request of the Pledge Master. This concept is the essence of being a Zipper and should carry more weight than all other rules and regulations associated with ZIP.

Section 6: All members of the chapter shall live in the chapter house unless otherwise excused from doing so by the President.

Section 7: No money from dues shall be used to purchase alcoholic beverages.

### **Article III — Officer, Duties, and Elections**

Section 1: The executive officers of this chapter shall be the President/Pledge Master, the Vice President, the Treasurer, and the Secretary.

Section 2: The Pledge Master shall be in charge of selecting new members and ensuring the orderly operation of the chapter. The remaining officer duties shall be prescribed by the President.

### **Article IV — Amendments to the ByLaws**

Section 1: These bylaws may be amended at any regular meeting of the chapter by a two-thirds vote of the active members of the chapter present and voting; provided notice of the proposed amendment shall be given at the two preceding regular meetings of the chapter.

Section 2: Proposed amendments to these bylaws can be made by any member in good standing.



## Exhibit 2

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### *2014 Pledge Promise*

We, the chosen three of Utopia University, of our own free will and accord, in the presence of these hallowed halls where so many distinguished men and women have walked before and will walk again, do hereby promise that the principles of this honor society as they have been explained to us accord entirely with our own views.

We acknowledge that these principles, outlined in the Zeta Iota Pi By-Laws, require training of the mind and body in order to become part of ZIP. It is for this pursuit, this perception of existence, and a better understanding of the way that we function within it that we promise to become Zippers before we are acknowledged as such.

We promise to carry the right understanding, right intent, right speech, right action, right livelihood, right effort, right mindfulness, and right concentration to all efforts made and all thoughts possessed while we pledge Zeta Iota Pi.

We promise to make full effort when completing the Feats of Fortitude. We understand that the Feats of Fortitude are opportunities to show our commitment to Zeta Iota Pi and that we will never settle for commonplace. We will reach higher, stand taller, and climb to the apex of every mountain. It is on this lofty vantage where Zippers reside and in this place where Zippers thrive.

Throughout this pledge period, we acknowledge that the Pledge Master is our guide and our sage. We promise that his or her words matter most to us and his or her desires must be fulfilled. By giving of ourselves, we promise to give to Zeta Iota Pi. The Pledge Master will ferry us across this river of transition, and we promise to trust and never to question.

We promise above all else, that we, the chosen three of 2014 from Utopia University, will treat each other as we will treat members of Zeta Iota Pi should we be bestowed with membership in this, the most honorable and honored of societies. We promise to stick together and help whenever possible, even when it seems impossible.

All this we promise upon our honor, without equivocation, mental reservation or secret evasion of mind whatsoever.

## Exhibit 3

The screenshot shows the Zeta Iota Pi website. The header features the organization's name in large, stylized letters: ZETA IOTA PI. To the right of the name is a search bar and a 'User Login' link. Below the header is a navigation menu with four items: Resources, Chapters, Message Board, and National Event Calendar. The main content area is titled 'Zeta Iota Pi Hazing Policy'. It contains a paragraph stating that the organization is 100% against hazing and lists several reporting channels. A large, semi-transparent 'ZIP' logo is overlaid on the text. To the right of the text is a graphic of a hand with a red stop sign over it, with the words 'STOP HAZING' written below. The footer contains a navigation bar with links to Home, About, Leadership Team, Press Room, Contact, and Site Map, along with a copyright notice for 2014 Zeta Iota Pi.

ZETA IOTA PI

Search

User Login

Resources Chapters Message Board National Event Calendar

Zeta Iota Pi Hazing Policy

Zeta Iota Pi is 100% against hazing of any type either through the initiation process or with respect to any honor society sanctioned activity. We fully understand and appreciate that a degree of dedication and devotion must be demonstrated during the Feats of Fortitude at the discretion of our Pledge Masters. However, a true sign of intelligence, which is the hallmark of membership in this most respected and hallowed organizations, is acceptance rather than alienation, safety rather than risk; and brains over brawn.

**If you feel that you are the victim of hazing or have witnessed hazing, report it by contacting the following:**

- Your University's Office of Student Activity
- Local Authorities / Campus Police
- International ZIP Headquarters | [hazing@ZIPhonors.org](mailto:hazing@ZIPhonors.org)
- Our anonymous hazing hotline | 1-800-555-4982

Our code of Conduct and Rules of Disciplinary Procedure which cover acts of hazing can be found [here](#).

If you would like to review the applicable laws pertaining to your State, please visit our [State Anti-Hazing Law Database](#).

Home | About | Leadership Team | Press Room | Contact | Site Map | ©2014 Zeta Iota Pi

Obtained from Harper Finch's Personal Computer by Utopia Police Forensics on September 17, 2014  
Webpage page last accessed on September 11, 2014 | 21.36.42

# Exhibit 4

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Grayson Zayne  
Botony 301 – McCab  
March 21, 2014

Midterm Assignment

## **Milkweed is not a Weed and Does a Body Good Like Milk**

Milkweed has a bad name, but it doesn't deserve it. It really needs to be rebranded as something more appropriate like Milkstar or Milkmagic so people won't be scared to use it. In fact, its scientific name is *Asclepius*, which is after the Greek god of healing because a lot of people through history have used it for healing. There is a story about how the mahi mahi fish only became commercially popular after its name was changed from dolphin fish. No one wanted to eat a dolphin, but mahi mahi sounds exotic. Same could go for Milkweed.

But, this is not a paper on marketing, though I think that is interesting. This is a paper about what you can do with Milkweed.

Today society takes too many antibiotics. We should try to use natural remedies that do not need to be made in large factories with bad working conditions. No, we need to use Mother Nature to the fullest instead. Milkweed can bring us one step closer to this goal. Native Americans used the roots of the Milkweed plant as a way to cure dysentery. Why take an antibiotic when you can chew on a root? Why get a wart removed by a dermatologist and pay lots of money when you can put Milkweed sap on it? Why see an asthma doctor when you can have Milkweed tea? Sure Milkweed can be dangerous – it is a poison – but so is too much Tylenol.

In conclusion, Milkweed like milk, does a body good! Mmmmmm, good!!!!

A-  
Good work 😊

# Exhibit 5

Form No. UU 0981-21

Incident No: 09-1856-2014



## Utopia University Police Incident Report

Date(s)/Day(s) of Incident: September 15, 2014	Incident Location: Campus - Friendship Paifang	Officer: A. Hodges	Badge Number: 13459
Time(s) of Incident: 2115-2130	Station Number: UU957	Approved By: Lt. K. Vinson	Badge Number: 4976
Case ID: UU-5671		Approval Date: September 18, 2014	

Attachments: <input checked="" type="checkbox"/> Statement Forms <input type="checkbox"/> Rights Warning and Waiver Form <input type="checkbox"/> Property Checklist <input checked="" type="checkbox"/> Other	Initial Determination: <input checked="" type="checkbox"/> Criminal conduct (Hazing) <input type="checkbox"/> Accident <input type="checkbox"/> Unfounded
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**NATURE OF INCIDENT/DESCRIPTION:** At approx. 2130 hours on the date of incident, I responded to multiple emergency calls reporting a fall from the Friendship Paifang. The victim (determined to be HARPER FINCH, female, freshman, d/o/b 1/14/1996) had attempted to climb the Paifang as part of a student organization (ZETA IOTA PI) initiation. Portions of the structure of the Paifang broke/collapsed, causing the student to fall from height of 20-25 ft. In addition to hitting the ground, the student was struck by debris from the Paifang.

Victim was found on ground, dressed in casual clothing, in pool of blood. Body was surrounded by wood on which small, ant-like insects were moving. Blood volume was most significant near head area, apparently due to profuse bleeding from blunt force wound to skull. Victim's arms were splayed, and her head was bent at highly acute angle indicative of severe neck trauma. No pulse or respiration was noted by responding officer. Campus emergency services arrived shortly after reporting officer and attempted to resuscitate. Victim transported to hospital via ambulance, pronounced dead upon arrival. Observation of Paifang showed moderate structural damage in area above body, roughly consistent with apparent volume and color of wood on ground. Movement of insects on broken region was visible, even from that distance.

**PHYSICAL EVIDENCE:** Pieces of the Paifang that broke off were secured and marked as evidence. Additionally, numerous small insects not only on the wood, but also contained within it, were secured and marked.

**WITNESS 1:**                      AVERY KOLTASCH (Freshman, ZIP House)  
**WITNESS 2:**                      LOGAN KAUFMANN (Freshman, ZIP House)

See attached witness statements. Both were aware of plan to climb Paifang to ledge approximately 25 ft. from ground. Each saw FINCH at a point approximately 22 ft. from ground, and climbing, shortly before hearing scream and seeing the subsequent fall.

FINCH climbing as part of Zeta Iota Pi initiation. Individual responsible for same identified by both witnesses as GRAYSON ZAYNE (Senior, ZIP House).

Obtained contact information from witnesses, comforted witnesses that fall was not their fault. Provided them cards with contact information in case they wished to share more later.

**DISPOSITION:** Recommend referral to St. Thomas More County District Attorney for potential violations of Utopia anti-hazing statute.

**Submitted:** /s/ Hodges, 13459

**Date:** Sept. 16, 2014

**UPDATE 1 (9/16/14, 9:45 a.m.):** Witness KOLTASCH called on my cell phone wishing to discuss additional information. Met KOLTASCH at UUPD station. KOLTASCH advises that ZAYNE involved in potential cheating, recently fought with FINCH. KOLTASCH advises FINCH considered reporting cheating by ZAYNE. KOLTASCH reports threats by ZAYNE against FINCH. Called hospital, who confirmed recent Emergency Room visit by FINCH.

**UPDATE 2 (9/16/14, 12:30 p.m.):** Attempted to speak with ZAYNE at ZIP House. ZAYNE was not present. Occupants advised that ZAYNE works with insects, may be at insect lab.

**UPDATE 3 (9/16/14, 2:00 p.m.):** Consent of University obtained, insect lab searched. Insects missing: wood-boring termites. There were also chemicals missing. Lab reports seized, placed into evidence. No explanation of missing insects.

**UPDATE 4 (9/16/14, 4:00 p.m.):** Lab director MORGAN MCCABE interviewed. After being advised of rights, MCCABE made voluntary statement. MCCABE confirmed details of ZAYNE cheating. Additional ZIP students allegedly involved.

**UPDATE 5 (9/18/14 9:30 a.m.):** Documents received from Registrar. Placed in case file as Attachment 1.

**UPDATE 6 (9/18/14, 1:00 p.m.):** Case transferred to St. Thomas More County Police, Homicide Division, for investigation of potential homicide.

**UPDATE 7 (9/19/14, 9:00 a.m.):** Autopsy Report Received. Cause of death: skull and/or neck fracture secondary to fall from height. Placed in case file as Attachment 2.

**UPDATE 8 (10/21/14, 5:00 p.m.):** Ertle Engineering report received from Office of Utopia University President Gordon. Placed in case file as Attachment 3. Matter referred to St. Thomas More County District Attorney.



**ATTACHMENT 3**  
**ERTLE ENGINEERING**  
**REPORT OF STRUCTURAL COLLAPSE, 09/15/2014**

Dear President Gordon:

As requested, our structural engineering staff has conducted its examination into the collapse of a portion of the Friendship Paifang in close collaboration with the efforts of the Utopia University Departments of Anthropology and Asian Studies. We respect the importance of this matter and its cultural sensitivity to the relationship of Utopia University and its sister institution, Peony University in Beijing. The call from Assistant Secretary of State Dumas was particularly instructive. It's always nice to speak with a fellow alum.

Despite the challenges imposed by working with a structure we were barely permitted to touch, even under the strictest supervision, we have been able to reach several determinations regarding the collapse of the Paifang structure. The Paifang is made of a Chinese hardwood that has aged remarkably well, all considered. It was covered in a lacquer that appears to have largely prevented any water or environmental penetration. Nonetheless, at its present age, the Paifang as a whole is not weight-bearing. The University was wise not to allow students to climb it.

The area of the Paifang that collapsed was badly degraded by termites or similar wood-boring insects. The infestation damage was extensive, and the portion of the Paifang that fell had nearly disintegrated. Given the extent of the damage, it is impossible to determine whether the insects were inside the structure initially or bored into it from the outside. That portion of the Paifang is simply gone.

The damage also makes it impossible to determine whether the Paifang had suffered weather-related or other damage in the affected area that could have contributed to its weakness, but the remaining portion of the Paifang appears to be in solid condition. The partial collapse therefore can be directly and scientifically attributed, within a reasonable degree of certainty, to the termite damage, which appears to have been limited to that section. Without the termites, we would have expected the Paifang to hold Finch's weight for a brief time, and this terrible tragedy to have been averted.

Nonetheless, we strongly advise that you retire the Paifang. At 150 years old, the structure should not be trusted again, even without termites, and we cannot promise that every termite was located and removed. Our efforts to drill fumigation holes were soundly rebuffed by your anthropologists. Your staff had interesting ideas about how the retirement could be accomplished in a culturally-sensitive manner.

We look forward to serving Utopia University again, hopefully under better circumstances. Perhaps we can speak soon about the new library project?

Yours Truly,  
/s/ Jon Ertle, Class of 1985  
CEO and Chief Structural Engineer  
Certified Professional Engineer

# Exhibit 6

The screenshot shows an email client interface with a navigation pane on the left, a toolbar at the top, and an email thread in the main area. The email thread consists of two messages from Grayson Zayne and Harper Finch, both dated September 6, 2014.

**Mail** [dropdown] [Back] [Forward] [Info] [Delete] [Folder] [Tag] [More]

**COMPOSE** **Re: Hazing** [Inbox x] [Print] [Share]

**Inbox (1,004)**  
Starred  
Important  
Sent Mail  
Drafts (6)

**Grayson Zayne** **September 6, 2014** [Reply] [Dropdown]  
To: Harper Finch  
CC: Avery Koltasch  
09:25:47

Harper, my dear Harper. You still have so much to learn!

You didn't die . . . so you passed . . . this time! Watch where you step when you follow my lead.

**Harper Finch** **September 6, 2014** [Reply] [Dropdown]  
To: Grayson Zayne  
CC: Avery Koltasch  
08:53:13

Grayson – I want to be a member of ZIP very, very badly, but you are putting my safety at risk. You knew I have diabetes. I filled that out on my medical sheet when I took the pledge promise. If you don't knock off the hazing, ZIP will go down in a blaze. You may fool the faculty, but you aren't what you seem. I know too much, and knowing is half the battle!!!

0% full  
Using 0.29 GB of your 30 GB

[Terms of Service](#) - [Privacy Policy](#) - [Program Policies](#)

Last account activity: 3 days ago  
[Details](#)

# Exhibit 7

## Friendship Paifang – Formosan Termite Damage and Location



**Fig. 1a – 1c:**

**Wood removed from Utopia University Paifang after Harper Finch's Death 9/15/2014**

COMMENT: All samples pulled from top structure of Paifang showed considerable wear easily attributable to the Formosan Termite. Specified location of wood removal indicated in Fig. 2.



**Fig. 2**

**Utopia University Paifang circa 2013.**

Gift from Peony University in Beijing, China circa 1860

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

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





# Exhibit 8

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## **Carter Gooding, Ph.D.**

1978 Roberts Rd. • Landis, IN 47401

### **EDUCATION**

**Purdue University**, Ph. D., Entomology, 1992

**Purdue University**, M.S., Entomology, 1988  
High Departmental honors

**Purdue University**, B.S., *summa cum laude*, Biological Engineering, 1986  
Minors in Architectural Engineering, Crop Science  
Captain, Tennis Team

### **EXPERIENCE**

**American Forensic Entomologist Consultancy, LLP**, Partner, 2010-Present

Investigate legally significant questions involving insects. Give opinion and, when necessary, testimony on questions including entomologic indications of time of death, effect of insects on state of bodies, and insect-structural interactions.

Representative cases:

- *Texas v. Bays* – Genetic analysis of species found on victim matched those near defendant’s home, contrary to his account, justifying search warrant.
- *Vermont v. Maucere* – Date of death established through insect larvae, leading investigators to re-evaluate timeline, identify true killer.
- *Montana v. Harlacher* – In death of family in home collapse, established that wood boring insect infestation was not naturally occurring, leading to conviction.
- *U.S. v. Cotbran* – Determined murder was committed with subcutaneous injection of eggs of brown recluse spider, leading to apparent accidental death.

**Gooding Entomology Consulting, LLC**, Member and Chair, 2002-Present

Consult on organic and entomological solutions to agricultural concerns with major national and international companies including Archer Daniels Midland and ConAgra Foods.

**Purdue University, Depts. of Entomology and Agricultural Engineering**, Adjunct Professor, 2006-Present. Teach three courses per semester to upper-level undergraduate students.

**University of Georgia, Dept. of Entomology**, Adjunct Professor, 2004-2006

**Federal Bureau of Investigation**,

Senior Response Technician, Evidence Response Team, 1999-2002 – Member and occasional leader of forensic unit responsible for crime scene processing, evidence collection, and on site analysis.

Staff Entomologist, National Criminal Laboratory, 1994-1999 – Processed evidence collected at crime scenes, analyzed it to guide and support criminal investigations.

Entomology Fellow, National Criminal Laboratory, 1992-1994 – Trained in forensic entomology.



## **PROFESSIONAL ASSOCIATIONS**

American Entomological Society, 1990-Present

Association of Applied Insect Ecologists, 2002-Present

American Board of Forensic Entomologists, 2011-Present

# Exhibit 9

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## **SHELBY GRODY, Ph.D., CH**

540 Hoover Center | Utopia University | Utopia City, UA

### **EDUCATION**

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**Darwin College, Cambridge University**, Ph.D. Entomology, 1964

**Yale University School of Forestry**, M.S. Entomology with High Honors, 1954

**Harvard University**, B.S. Biology, *magna cum laude*, 1952

Phi Beta Kappa

Zeta Iota Pi

NCAA Champion, Squash Singles

#### ***Honorary Doctorates:***

University of Leicester, McGill University, University of Melbourne, Faber College

### **EXPERIENCE**

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**Utopia University, Department of Entomology**, 1964-Present

Chair Emeritus, 2009-Present

Chair, 1978-2009

Watson-Goodall Distinguished Professor of Biology, 1970-Present

Assistant Professor, 1964-1970

Chair emeritus and professor in prestigious department within Utopia University, one of North America's top research and undergraduate institutions. First author on over fifty publications, three treatises, twenty-two chapters, and the leading text in entomology. Credited by United States Patent and Trademark Office as originator of over thirty innovations in science and technology.

### **RECENT PUBLICATIONS**

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Grody, Shelby. (2013). *Grody's Entomology*. Cambridge, U.K.: Cambridge University Press, 17<sup>th</sup> Ed.

Grody, DeSaix. (2014). On Mendel's Flies: *Drosophila*. *Nature*, 514 (7524).

Zayne, Grody, McCabe. (March 2013). Synthetic Compounds and Insect Behavior: Pheromones – Powerhouse or Powerless? *Annals of Entomological Association of America*, 622 (1213).

Baldwin, Grody, Crews. (March 2012). *Mandotea* or *Armadillidiidae*? Challenges of Identification and Classification. *Journal of Applied Entomology*, 136 (2).

Maroni, Grody, Kingsolver. (2009). Chapter, *Bacon's Pathology of Common Insect Species*. Princeton, New Jersey: Princeton University Press.

### **PROFESSIONAL ASSOCIATIONS AND AWARDS**

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Too copious to fully enumerate. Representative associations and honors include:

- Order of the Companions of Honor
- Royal Entomological Society
- British Entomological and Natural History Society
- American Entomological Society
- Entomological Society of Canada

# Exhibit 10

Lead Investigator: **Grayson Zayne**  
 Lab Director: Morgan McCabe, Ph.D.  
 Term: Fall 2014  
 Thesis: Effects of Chemical and Natural Catalysts  
 on Colony Behavior and Reproduction



## Coptotermes formosanus

### Formosan Subterranean Termite

# Activity Log

DATE	ACTIVITY	COMMENTS	INITIAL
8.18.14	Set sub-colony for subdivision experiment on productivity	Queen and King look healthy and ready to expand colony to beta location. Primary idea is to modify the types of specialties through influence	GZ
8.19.14	Moved existing egg bank & Larvae to beta location	It is not expected that the loss of the starter colony will affect the overall annual production. Having a fresh predetermined sub-colony will help with data collection	GZ
8.20.14	Initial collection of Queen pheromone secretion	Failed! Ok – this is going to be way harder than I originally thought. But, initial test requires a larger amount of secretion in order to analyze and influence.	GZ
8.21.14	Second attempt of pheromone secretion collection	Success! Will be used to promote additional development of winged reproductive over non-winged from nymphs	GZ
8.22.14	Initial collection of King pheromone secretion	Success! Will be used to promote additional development of workers over soldiers from larvae	GZ
8.25.14	Further design of habitat	Starting to look really nice in there! I am really proud of the water source to wood ratio at the beta site. Perfect environment for rapid expansion.	GZ
8.26.14	Attempt to separate collected pheromones into active components	Failed! Alpha colony is looking particularly strong though. Workers at Alpha colony are moving through food source at strong rate	GZ
8.27.14	Attempt to separate collected pheromones into active components	Failed! Observation: Alpha colony nymphs are turning into supplemental reproductive for beta colony. I will do my best to keep them separated to keep integrity.	GZ
8.28.14	Additional secretion collection	Forced to go back and collect more secretion samples from Alpha Queen and King for experiment. At least I am getting good at this part!	GZ
8.29.14	Attempt to separate collected pheromones into active components	Failed! Concerned that beta larvae and nymphs are developing too quickly. There won't be time to introduce secretion extracts. I know it's still early!	GZ
8.30.14	Attempt to separate collected pheromones into active components	Failed! I admit it! I'm not good at chemistry. I should find someone to help me with this! Today has not been a good day at all. So FRUSTRATED!	GZ
9.1.14	Additional secretion collection	Back to the well. Concerned that collection of secretions is putting stress on Alpha Queen and King. I should be kinder to the ones I love ☺ SUPER TERMITE TIME!	GZ
9.2.14	Abandon separation plan and will just adjust amount of pheromones	By increasing the amount of secretion provided to the larvae & nymph, different specialties will be produced. Hypotheses: more will make more queens and workers	GZ

9.3.14	Initial dosage: Beta larvae	Fingers crossed that this works. I'm not even really sure I am providing the secretion correctly. Without gland secretion from the King only time will tell.	GZ
9.4.14	Built semi-permanent blockade between Alpha and Beta colony	Too many reproductive Alpha colony specimens are attempting to enter Beta colony. Even saw a small swarm in the enclosure.	GZ
9.5.14	Initial dosage: Beta nymphs	Not really sure still if this is right, but I am noticing growth amount larvae which suggests that some nutrients are permeating through dosage mechanism	GZ
9.6.14	And I am waiting! No action	It was a nice day today at the lab. I just stared at the colony and enjoyed. Sometimes I have to remember that this is what I love most. It is more than science!	GZ
9.8.14	Second dosage: Beta larvae	It looks like there has been some effect on colony. Visible accounts indicate increased number of workers from Beta larvae over Alpha larvae	GZ
9.9.14	Second dosage: Beta nymphs	Again, I am seeing some results. There seems to be a greater proportion of winged v. non-winged reproductive species forming! Nice!!! Way to go me :)	GZ
9.10.14	And another day of waiting! No action	I am very curious to see what I find out tomorrow! First count of beta colony! Alpha colony is looking particularly strong this term. Proud of my team!	GZ
9.11.14	Count results <ul style="list-style-type: none"> <li>• 2% increase in workers</li> <li>• 1.8% increase in winged</li> </ul>	Spent lab session w/ beta colony. There was an increase in desired production of certain types. But within standard deviation :( MORE Research required.	GZ

# Exhibit 11

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**“PLANKING”**



**GIANT PANDAS “PANDAING”**