



Virginia Mock Trial

2013 Tryout Information

How to try out

- Step 1: Sign up for a tryout time*
- Step 2: Fill out the online questionnaire*
- Step 3: Prepare your witness portrayal(s)*
- Step 4: If you're interested in being an attorney, prepare a 2-3 minute speech*
- Step 5: Attend your tryout!*

Step 1: Sign up for a tryout time

Tryouts will be held Friday, August 30; Saturday, August 31; and Sunday, September 1. Each tryout will last about 20 minutes. You can sign up on the Join page on our website, www.virginiamocktrial.org.

Step 2: Fill out the online questionnaire

When you sign up for a tryout time, please fill out our short online questionnaire. It's on [the same page](#) as the tryout sheet. We promise it's not too long; we just ask for a little background and contact info so that we can get in touch with you about your tryout.

Step 3: Prepare your witness portrayal(s)

Everyone who tries out must prepare at least one witness. If you want to be considered as an attorney, you must prepare *either* a witness named Quinn Brown or one named Brett Miller. If you don't plan to give a speech to be considered as an attorney, you'll *also* need to prepare another witness named Chase Tuchmont.

For this part of the tryout, a current program member will act as the attorney and ask you questions, like you're testifying at a trial. Each witness has a brief script of 10-15 questions and answers, which you can find at the back of this packet. You should feel free to alter or expand on all the answers in the scripts we've written, and there's also a question in each script where we give you the chance to write an entire answer yourself.

If you're trying out as an attorney, it's fine to have the script with you for your witness portion. If you're only trying out as a witness, we'd ask you to memorize at least one of the two scripts.

Be creative in preparing your witness(es)—come up with a character, wear a costume, use an accent. For tips about creating a great witness, see the one-page “Tips For Creating A Great Witness” sheet later in this packet.

Step 4: Prepare a 2-3 minute speech

If you want to be considered as an attorney, you'll also need to prepare a 2-3 minute speech. Specifically, we'd like you to write a closing argument for either the prosecution or the defense for a trial involving a fictional character. For example, in the past, we've had people defend Scar against charges of murdering Mufasa or prosecute Batman for violating an anti-vigilante law.

Be creative! You pick the crime, you name the defendant, and you tell us why s/he should or shouldn't go to jail. Feel free to make up any facts, witness testimony, or evidence that you'd like. Have fun with it.

Don't worry: we're not grading you on the format of your speech or your knowledge of the law. What we care about are your public speaking ability and your ability to develop a compelling argument. We're looking for presence, passion, persuasiveness, and poise. For that reason, we'd ask that you not use any notes when giving your speech.

Step 5: Attend your tryout!

Obviously, the most important part of the tryout process is ... the tryout. A few things to remember for the day of:

- Please arrive at least 5 minutes before your scheduled tryout time and call our President, Ellen Chapin at (703) 965-6401 if you're having any trouble.
- *Dress code:* If you want to be considered as an attorney, wear a suit if you have one. If not, no big deal: we'd suggest a collared shirt or blouse and slacks or a skirt. We strongly encourage costumes for witness tryouts. Please arrive at your tryout dressed for whatever part you'd like to do first.

What happens next?

Our tryout process has two rounds. We'll let you know if you made it to the second round no later than the evening of Monday, September 2. The second round of tryouts will be Tuesday, September 3; Wednesday, September 4; and Thursday, September 5.

Questions?

Please contact our President, Ellen Chapin at (703) 965-6401 or ejc5ys@virginia.edu.

Tips for Creating a Great Witness

1) Come up with a character.

- a. Creating a great witness starts long before you walk in the room. What is this person's story? How old is (s)he? Where is (s)he from? Does (s)he speak with an accent? Be creative!

2) Make them interested in you.

- a. You only get one shot to make a memorable first impression, so you want to attract the judges' attention before even sitting down on the witness stand.
- b. *Suggestions: Wear an interesting costume that makes sense with your character, have a distinctive walk up to the stand, and make eye contact with the judges before beginning your direct examination. Make your first words count with volume and confidence, and speak slowly enough to be easily understood.*

3) Make them like you.

- a. Our judges are people: They always want to give more points to witnesses that they actually like and that make judging fun.
- b. *Suggestions: Choose a personality that people will enjoy and want to listen to. Smile when appropriate and be enthusiastic about what you're discussing. Don't talk too fast; judges are constantly playing a game of catch-up between writing down comments and paying attention to what's going on in trial.*

4) Make them believe you.

- a. Yes, mock trial is fake. But it's your job is to make everyone forget that, even if it's just for a few minutes. That means creating a character that could be someone you know and talking and acting the way a real-life person would talk and act.
- b. *Suggestions: Avoid overacting or caricature; it will make you seem less believable. Don't be afraid to use your hands when telling a story or making a series of points. If something goes wrong, just keep going as though nothing happened--there are no "right" answers in this activity, and we probably won't even notice.*

Defense Direct Examination of Quinn Brown

The basic facts about Quinn Brown are included in the affidavit that follows this script. For question number 3, we ask you to make up your own answer that fits with your character. In addition to that, feel free to alter or expand on all of the answers below in a way that is consistent with the character you have created.

Chapter 1: Introduction

1. **Please introduce yourself to the jury.**
 - a. Good [time of day]. I'm Quinn Brown.
2. **What do you do for a living?**
 - a. I design children's toys. I work at HappyLand Toy Company.
3. **How did you get interested in designing toys?**
 - a. *The answer to this question isn't in the affidavit. Feel free to make up a brief answer that gives a backstory appropriate for your character.*
4. **How are you involved in today's case?**
 - a. I designed a toy for HappyLand called Princess Beads. I was asked to come talk about how the Princess Beads were made and the safety measures we took when we were designing them.

Chapter 2: Designing the Beads

5. **Could you tell us what the Princess Beads are?**
 - a. Jewelry set, beads stick together with water instead of string
 - b. *Feel free to expand on this answer.*
6. **How did you make that toy work?**
 - a. Our chemistry team at HappyLand found a chemical that gets sticky when it's wet, and then dries together like glue. So we coated the Princess Beads with that chemical.
7. **You told us you were putting that chemical on a toy for children. Do you know if that chemical has any safety risks?**
 - a. That was one of the first things we looked at—we take safety very seriously. We found that if it's swallowed in very large quantities, the chemical can be toxic. So we took a bunch of precautions to make sure that wouldn't happen.
8. **What kind of precautions did you take?**
 - a. We put lots of warning labels on the Princess Beads box saying that they shouldn't be swallowed and that they weren't made for young children. We also coated every bead in a chemical called denatonium.
9. **Why did you use denatonium?**
 - a. That was to make the Princess Beads taste really bad. We used it so that kids wouldn't want to eat the Princess Beads.
10. **Did you ever test to see if the denatonium would be effective?**
 - a. Of course!
11. **What were the results of those tests?**
 - a. The denatonium worked really well. None of the little kids we tested ate more than a single bead, and almost all of them spit out the beads right away.
12. **Well is the amount of that chemical in one Princess Bead enough to hurt someone?**
 - a. No, absolutely not.

1 **AFFIDAVIT OF QUINN BROWN**

2 After being duly sworn upon oath, Quinn Brown hereby deposes and states as follows:

3 My name is Quinn Brown. Toy design has always been my passion. I've been designing
4 stuff since I was old enough to hold a glue stick. I kept designing plenty of gadgets through high
5 school. For college, I went to Gershbain Design School in New York where I majored in Product
6 Design. I learned a lot there, and when I got an offer from HappyLand, accepting was a no-
7 brainer. My other offer at the time was from the Haughey Toy Company, famous for developing
8 the line of dolls with big cackles. The pay at the Haughey Toy Company is good, but
9 HappyLand does all its own manufacturing, marketing, and, best of all, designing. I joined
10 HappyLand in 2004 as a Project Leader, which meant my own design team and free reign over
11 what projects I wanted. It was and still is my dream job.

12 One product that originated from my designs is the make-your-own-jewelry set called the
13 Princess Beads. The idea was completely my own. I first had the idea in January 2008 and I
14 knew right away it was going to be amazing. The idea behind the Princess Beads is really
15 simple: I wanted girls to be able to make their own jewelry. There are already a lot of kits that
16 allow kids to string beads together, but I wanted my product to be even easier for the girls to use.
17 Ideally, I wanted a box of pretty beads that would become sticky when sprayed with water and
18 then harden in place when they dry. The first name that came to me was Princess Beads. I
19 thought this would be a great product for girls in high school. They could make their own
20 jewelry. And since the product was going to be aimed at a more mature crowd, we wouldn't
21 have to be as worried about choking hazards or other sorts of misuse.

22 Of course, the challenge was finding the technology to make the toy. I needed the Beads
23 to become sticky only after they became wet. Otherwise, the Beads would clump together in the
24 box and the whole toy would be pointless. Fortunately, being a Project Leader means I can leave

the hard math and science to the whiz kids in our technology department. So I contacted our chief engineer, Colin Rodriguez- he's the brains behind a lot of HappyLand's most successful products. On January 3, 2009, I walked into Colin's office and told him, "Colin, I'm ringing in the new year with a new idea. Princess Beads. Every high school girl will be wearing them by the end of the year." I told him that I needed two solutions from him. First, I needed a way to make the Beads stick together when wet and then stay stuck together after they dried. Colin promised that his team would figure something out.

Colin figured out how to get the beads stick together that April. The solution was to coat the beads in a chemical called 1,4 butanediol, which would make the beads sticky when they got wet. HappyLand had never used 1,4-butanediol before and I had never heard of it either. But I trusted Colin—I know that he does good work. We also got approval from the CEO of our company, Blake Lexington, to use the chemical on the beads.

We did have concerns that young kids might swallow the beads, so when we decided to coat the Princess Beads with 1,4-butanediol, we labeled the product as being for kids aged 9 and up. HappyLand coated each pearl and ring with 50 milligrams of 1,4-butanediol. With 700 beads in each box, that meant each box contained only 35 grams of 1,4-butanediol.

We started advertising the Princess Beads on June 1, 2009. It was such a thrill to see my product featured on HappyLand's television commercials! I love the jingle we played on the radio ads: *You don't need a castle to be a princess! / You don't need a crown to be the queen! / Just make yourself a Princess necklace / You'll be the coolest girl your school has ever seen!* By July 1, the Princess Beads were being sold exclusively online to families across the country.

All of that excitement came crashing down when I received an email from our CEO on August 14, 2009. I was vacationing at the time when my Blackberry delivered the worst news of

my career: the Midlands Department of Health was investigating the Princess Beads and we had ordered a halt to the sales of the Princess Beads. We were even contemplating a recall of the Beads we'd already sold. Apparently, one family claimed their kid had been killed by some Princess Beads. Obviously, my heart goes out to that family—the Davises, I think.

But there was nothing dangerous about the Beads. Yes, the chemical binding agent we used in the beads was 1,4-butanediol, which can metabolize into GHB when ingested. Like I said, I'm no scientist. But I read all the literature about 1,4-butanediol and GHB, so I know that GHB is only dangerous in certain quantities. Each of our beads only contained 50 mg of 1,4-butanediol, which, from what I've been told, means a child weighing about 30 pounds would need to consume about 50 Princess Beads for the Beads to prove fatal. That's absurd. When designing the Princess Beads, I assumed no kid would swallow 50 beads. I didn't do any research on this point, but that's just common sense.

Of course, I took other precautions—design precautions and labeling precautions. Back in May 2009, I had Colin Rodriguez research different tastes and odors we could apply to the Beads so that children would find the Beads foul and unappealing. The most effective flavor for deterring swallowing was a chemical called denatonium.

Denatonium is an odorless, colorless substance that, even in the smallest amounts, is unbearably bitter to most humans. It has no known health risks to humans. When we put denatonium on the Beads, no kids—not even the ones who put everything in their mouths—ingested a Princess Bead more than once. Of the ten children in the room with the denatonium-coated beads, 1 swallowed a single bead; 4 put a single bead in their mouth and almost immediately spit it out without swallowing; and the other 5 did not mouth any Beads in the first place. In other words, once they tasted the denatonium, they stopped eating the Princess Beads.

71 This completely assuaged my concerns. There wasn't nearly enough 1,4-butanediol in a single
72 bead (ring or pearl) to hurt anyone, so if a kid wouldn't eat more than one Princess Bead, no one
73 could possibly get hurt.

74 Nonetheless, HappyLand took additional precautions with the packaging. Every box of
75 Princess Beads says, "Not for consumption." The warning is right there on the box. It's the
76 parents' job to monitor their children. Our warning label also included two age restrictions. The
77 box says the Beads are for kids ages 9 and up, and it also says that children younger than 3 years
78 old should not be playing with the Beads. I hear that the child who died was younger than 3.
79 Again, I feel terrible for that family. But as a toy designer, I can only do so much. I can only tell
80 people how to use the toy—I can't make someone follow the directions.

81
82
83 _____
Quinn Brown

84 Subscribed and sworn before me on this, the 18th of March, 2010.

85 _____
86 Susan Coffey, Notary Public

Plaintiff Direct Examination of Brett Miller

The basic facts about Brett Miller are included in the affidavit that follows this script. For question number 3, we ask you to make up your own answer that fits with your character. In addition to that, feel free to alter or expand on all of the answers below in a way that is consistent with the character you have created.

Chapter 1: Introduction

- 1. Please introduce yourself to the jury.**
 - a. Good [time of day]. I'm Brett Miller.
- 2. What do you do for a living?**
 - a. Well, I don't work full time, but I babysit and I take classes at Midlands State.
- 3. How did you get involved in babysitting?**
 - a. *The answer to this question isn't in the affidavit. Feel free to make up a brief answer that gives a backstory appropriate for your character. You can make Brett Miller young, middle-aged, or old – it's up to you.*
- 4. How are you involved in today's case?**
 - a. I used to babysit for the Davis family. I was babysitting Joey on the day...he passed away.

Chapter 2: Background

- 5. How long had you been working for the Davises?**
 - a. A couple of years. After Andy's husband died, Andy needed a lot of help with the kids, so I spent a lot of time with Joey and his big sister Hillary.
- 6. Mr./Ms. Miller, we need to talk about the day Joey died. What time did you get to the Davis house that day?**
 - a. About 10 in the morning. Andy had a job interview so I was going to watch the kids.
- 7. Where were the Davis children when you got there?**
 - a. Hillary was still asleep – she likes to sleep in. But Joey was up and ready to go. He was in the kitchen eating breakfast at the table.
- 8. What did Joey and you do after Ms. Davis left?**
 - a. Not a lot. Played a few games, watched some cartoons in the living room. He usually calmed down after his mom left, but that day he wouldn't settle down. I thought he might be hungry, so I went into the kitchen to fix him some lunch ... macaroni and cheese, his favorite.
- 9. How long were out your of the room?**
 - a. Ten minutes. Just ten minutes.
- 10. And where was Joey when you came back into the living room?**
 - a. He was lying on the floor, by the coffee table. He wasn't moving, I couldn't get him to make eye contact with me. He looked terrible.
- 11. So what did you do?**
 - a. I ran upstairs and woke up Hillary and I drove them straight to the hospital.
- 12. Mr./Ms. Miller, you told us you found Joey lying next to the coffee table. Could you tell the jury whether you saw anything near him when you came back into the room?**
 - a. Yes. Hillary had this toy called Princess Beads. When I left there had been a big bowl. But when I came back, they were all over the coffee table and I saw one of them just a couple inches from Joey's mouth.

1 **AFFIDAVIT OF BRETT MILLER**

2 My name is Brett Miller and I live here in Midlands City, Midlands. I take classes at
3 Midlands University and also work as a babysitter.

4 I advertise my babysitting services by posting signs in the neighborhood. I do a lot of
5 babysitting for the Palmer family and they recommended me to the Davis family. I started
6 babysitting for the Davis family in July 2008, just after Lee Davis passed away. Andy Davis was
7 one of the nicest parents I've worked for and Andy's two kids were among my favorites. When I
8 began babysitting the Davises, Hillary was almost 9 years old and Joey was almost 2 years old.

9 Joey was a pretty happy kid. He loved to play with toys and he was almost always in a
10 good mood—a lot better than a lot of the kids I babysit. But Joey also wasn't the healthiest kid. I
11 noticed that, for the entire time I knew him, Joey was teething. Even after he turned two-and-a-
12 half, I would often see him put things in his mouth—his fingers, building blocks, clothing, his
13 toy soldiers, you name it. He was sick a lot—nothing more than the common cold, but still, you
14 never like to see that.

15 I was there on August 1, 2009, when Hillary opened the Princess Beads at her birthday
16 party. I was there to watch Joey so that Andy could supervise the party. Hillary and her friends
17 seemed very excited about the Beads. I remember that Joey also seemed very excited about the
18 Beads. He pointed at the Beads and squealed with delight. During the birthday party, Joey never
19 touched the Princess Beads but he seemed focused on them as the girls played with them.

20 Andy asked me to babysit the kids on Saturday, August 8, 2009. I showed up at the
21 Davis apartment at 10 a.m. Andy had an interview that day and needed me to watch the kids.
22 Andy said Joey had already had cereal for breakfast. Hillary was still asleep when I arrived but
23 Joey was wide awake and very excited. He was wearing his absolute favorite shirt—a green and
24 yellow football jersey with the number twelve on it. He was running around the apartment,

25 jumping on the couch and giggling. Joey is normally a high-energy kid but this amount of
26 energy and enthusiasm was unusual, even for him. Andy left around 11 a.m. I tried to get Joey
27 to settle down and watch some cartoons in the living room but he wouldn't sit still. He told me
28 he was hungry so, at about noon, I went into the kitchen to make Joey some lunch. When I left
29 the living room, there were exactly two items other than furniture in the living room: the TV
30 remote and the Princess Beads. None of my belongings was in the room. I cooked Joey's
31 favorite—macaroni and cheese—from scratch. The kitchen is just off the living room, but I
32 couldn't see Joey the entire time I was in there because of the positioning of the stove, though I
33 could hear fine and I didn't hear anything especially unusual. I figured Joey was just playing
34 with his toys.

35 I came back to the living room at 12:10 p.m., carrying the macaroni and cheese. Joey
36 was lying on the floor next to the coffee table. He was on his side, facing me. His eyes were
37 open but they looked glazed over. I could tell immediately that something was wrong. Joey
38 looked far, far worse than during one of those breathing episodes I mentioned earlier. I asked
39 him if was okay and he shook his head no. "What happened?" I asked. He just said very slowly,
40 "Don't feel good." That's the last thing I ever heard him say. He looked confused. I picked him
41 up. He wasn't bleeding and he didn't seem to have any injuries. I looked around the room.
42 None of Joey's toys were in the living room. The only objects I saw were the remote control,
43 resting on the arm of the couch where I left it and Hillary's Princess Beads, on the coffee table.
44 About 100 Beads—assorted rings and pearls—were in open plastic containers. About 50 Beads
45 were loose on the coffee table. One ring was on the floor next to Joey, inches from his mouth. I
46 couldn't tell whether there were fewer Beads on the coffee table when I came into the living
47 room at 12:10 p.m. than when I left at 12:00 p.m.

I didn't see Joey swallow the Beads, but I figured he must have swallowed some of the Beads and that was why he was sick. I decided I needed to get him to the emergency room as soon as possible. I woke up Hillary, told her what was happening, and the three of us went to Polk General Hospital. I called Andy but Andy didn't pick up. I called a few times. I left Andy a message explaining what happened and telling Andy I was taking the kids to Polk General.

The Davises live close to the Hospital, so we were there by 12:30 p.m. I carried Joey into the hospital. His eyes were droopy, he seemed weak, and he wasn't saying anything. He was staring off into the distance and it didn't look like he was actually looking at something. The nurses and doctors asked me what happened and I told them everything I've said in this statement. They let me stay in the emergency room with Joey. Hillary was there too. She was obviously very upset. Joey started shaking violently and then he threw up. I saw that his vomit contained about 25 rings, all of which looked like Princess Beads. I didn't see any pearls. A few minutes later Joey fell asleep. The doctors tried to wake him but he stayed asleep.

At 1:30 p.m., Andy got to the hospital. The doctors filled Andy in on what was going on. Andy asked me to leave. Andy said that if I paid attention while I was babysitting, this never would have happened. I understand Andy was upset, but that's really unfair. I was only out of the room for a few minutes and, besides, I wasn't the one that let Hillary leave those Beads out. I don't think I did anything wrong. I don't think I am at all responsible for Joey's death.

I was about to leave the hospital at about 2:00 when one of the doctors came over to me and asked me to look at something. The doctor—Dr. Chase Tuchmont—showed me the Beads that had been in Joey's vomit. Tuchmont removed the beads from Joey's stomach contents and put them in a separate bag. Tuchmont asked me if I recognized the beads. I said they were the same beads—the rings from the Princess Beads—that Joey was lying next to when I found him

71 on the floor. There were about 20-25 beads, all of which were rings. Princess Beads come in
72 about ten colors and it looked like most or all of the colors were in the bag. I asked if Joey was
73 going to be okay. The doctor told me Joey had just died. I couldn't believe it.

74

75

Brett Miller

Plaintiff Direct Examination of Dr. Chase Tuchmont

The basic facts about Chase Tuchmont are included in the affidavit that follows this script. For question number 10, we ask you to make up your own answer that fits with your character. In addition to that, feel free to alter or expand on all of the answers below in a way that is consistent with the character you have created.

Chapter 1: Introduction

1. **Please introduce yourself to the jury.**
 - a. Good [time of day]. I'm Dr. Chase Tuchmont.
2. **What do you do for a living?**
 - a. I'm a clinical toxicologist. I work in the Emergency Room at Polk County General Hospital.
3. **How are you involved in today's case?**
 - a. A young boy named Joey Davis was brought into the emergency room on August 8, 2009. I was the doctor who treated him.

Chapter 2: Events at the Hospital

4. **Could you tell us what Joey's condition was like when he was brought into the hospital on August 8?**
 - a. He was showing the classic symptoms of a poisoning: drowsiness, confusion, and a weak pulse.
5. **What did you do?**
 - a. We were deciding whether to order an ultrasound. But before we could do anything, Joey had a seizure, and less than a minute later he vomited.
6. **Did you notice anything about his vomit?**
 - a. Yes. There were about two dozen small plastic beads in Joey's vomit. I recognized them as Princess Beads, a toy made by HappyLand Toy Company.
7. **What happened to Joey after that?**
 - a. His breathing began to slow, his pulse weakened and he eventually went into a coma. There was nothing we could do. At 2pm, he went into respiratory arrest. A few minutes later, Joey was pronounced dead.

Chapter 3: GHB

8. **Doctor, were you ever able to figure out the cause of Joey Davis's death?**
 - a. I was. Based on a blood test I ran, I determined that the cause was elevated levels of a poison called GHB.
9. **Were you able to identify the source of that poison?**
 - a. Yes. In Joey Davis's case, the GHB most likely came from an external source, so of course the first place I looked was at the Princess Beads I found in Joey's vomit. I ran a test to see what exactly those beads contain.
10. **Could you tell us how that test works?**
 - a. *Explain how the test works, using an analogy. For example, if you were explaining the function of the parts of a cell, you could say it's like a city—the mitochondria are the power plants, the nucleus is city hall, the DNA is the blueprint of the city, etc.*

11. What did you learn from that test?

- a. We found that the beads contained a significant amount of something called 1,4 butanediol.

12. What's 1,4 butanediol?

- a. It's a chemical that—when ingested—turns into GHB.

13. So Doctor, were you ultimately able to come to a conclusion in this case?

- a. Yes, I was.

14. What was that conclusion?

- a. In my medical opinion, the GHB in Joey's system caused his death, and the source of that GHB was the Princess Beads.

1 **AFFIDAVIT OF CHASE TUCHMONT**

2 After being duly sworn upon oath, Chase Tuchmont hereby deposes and states as follows:

3 My name is Dr. Chase Tuchmont. I am a clinical toxicologist. Currently, I am the
4 Director of the Midlands Department of Poison Control. I also work on-call at Polk County
5 General Hospital in the Emergency Room. When someone is poisoned, my job is to identify the
6 possible source, the probable cause, and the best way to prevent another occurrence.

7 On August 8, 2009, I was in the emergency room, working with a patient who had
8 attempted to commit suicide by carbon monoxide poisoning. At 12:30 p.m. that day, I was about
9 to head back to the lab when a young child, Joey Davis, arrived in the care of his babysitter, Brett
10 Miller. I heard the babysitter tell the admitting nurse that the child had started acting drowsy,
11 confused and off-balance at about 12:15 p.m. Because the ER was understaffed and on the off
12 chance poisoning was involved, I assisted the lead physician—Dr. Casey French—with the
13 treatment of Joey Davis.

14 We followed all the normal protocols in treating Joey Davis. At approximately 12:32, just
15 after we had gotten Joey in an ER bed, we asked him what was wrong. He touched his stomach,
16 though I can't say whether he was touching it in pain or in answer to our question. Dr. French
17 immediately ordered an ultrasound but before the nurse could even step out of the room to get
18 the equipment, Joey started seizing. The seizing lasted approximately 45 seconds and was over
19 by 12:34. Given the seizing and apparent stomach pain, I asked Miller if the child had eaten
20 anything that day. Miller said, "He had breakfast before I got there. I think he just had cereal.
21 Must have been before 10."

22 Dr. French and I were debating whether to order an ultrasound or just immediately induce
23 vomiting but at 12:35, as we were contemplating the options, Joey vomited on his own. There
24 was nothing remarkable about the vomit other than the fact that it contained dozens of beads—all

of which appeared to be rings from a Princess Beads set that I recognized because I had bought a set for my daughter. I preserved those rings. After seizing and vomiting, Joey looked especially dazed and, while his eyes remained open, he didn't speak or respond to questions. At 12:37, I drew blood and sent it to the lab for a toxicology screen

At 1:00 p.m., Joey fell into a deep sleep and subsequent efforts to revive him were unsuccessful. At 1:50, Joey's heart rate began dropping and his breathing slowed. At 2:00, he went into respiratory arrest and, though we tried everything, it wasn't enough. At 2:02, Joey died of respiratory arrest.

I then ran a toxicology screen. The toxicology screen showed a significant amount of gamma-hydroxybutyric acid (GHB) in Joey's blood. The mere presence of GHB is unsurprising since a normal, healthy human body naturally produces small amounts of GHB—usually less than 10 micrograms per milliliter. (A microgram is a thousandth of a milligram, which is a thousandth of a gram.) But Joey's blood contained GHB in amounts of 148 milligrams per liter.

Given Joey's medical history, all signs pointed to poisoning as the cause of Joey's GHB levels. The beads were an obvious suspect but I wanted to be sure. I ran a test called a gas chromatographic / mass spectrometric (GC/MS) test in order to determine the chemical composition of the beads. The GC/MS tests works in two steps. First it separates the molecules in the sample based on their size. Then, it identifies the individual elements in each molecule by bombarding them with electrons and analyzing the resulting ion fragments.

The GC / MS test showed that the Princess Beads were made of three compounds: a basic plastic compound, a nontoxic chemical called denatonium, and a third chemical called 1,4 butanediol. When ingested by the body, 1,4 butanediol metabolizes into GHB.

GHB can cause respiratory depression and, at higher blood levels, it can cause respiratory arrest and death. I assisted the coroner with the autopsy and together we concluded Joey Davis died from respiratory arrest caused by GHB overdose. In my professional opinion, ingestion of the Princess Beads resulted in the elevated GHB in Joey's bloodstream, and that GHB caused his fatal respiratory arrest. In my professional opinion, Princess Beads killed Joey Davis. However, the Beads were only fatal because they were ingested. Had Joey simply handled, smelled, or briefly put the beads in his mouth, the Princess Beads would not have produced a fatal result.

I've dealt with GHB more than a dozen times, usually after college students decide to experiment with GHB at a rave and then end up in the emergency room a few hours later. However, it doesn't require experience or expertise to know that 1,4-butanediol can metabolize into GHB. Any article, Google search, or textbook that mentions 1,4-butanediol also mentions that it metabolizes into GHB.

I should acknowledge that there is one weakness to my theory that Joey's death was caused by the Princess Beads. The amount of GHB I found in Joey's blood is not usually enough to cause death. Given that fatal dose of GHB or 1,4-butanediol is generally 150 mg/kg, a child of Joey's size would theoretically need to consume 2.25 grams of GHB or 1,4-butanediol. That is the amount contained in 45 Princess Beads and Joey swallowed 25. Moreover, when the GHB concentration in blood is 148 mg/L (as in Joey's case), it usually produces a general anesthetic effect or a comatose state. But I have never seen (except in the case of Joey Davis), nor has any known study found, a peak GHB blood concentration of 148 (or lower) mg/L to be fatal. It is important to understand, however, that the concentration of GHB in the blood is not static. The 148 mg/L concentration I found was probably not at its peak. The body metabolizes GHB quickly—that's one of the reasons it's so dangerous.

Notwithstanding these shortcomings, it is my professional opinion that the only way Joey Davis could have gotten GHB into his body was through the ingestion of Princess Beads. Based on his health history and my investigation, it was the 1,4-butanediol from the Princess Beads that caused his medical emergency. I called Andy on August 10, 2009, the same day I analyzed the Princess Beads and concluded that they were what killed Joey. Andy seemed devastated and said HappyLand Toy wouldn't get away with this. I hope Andy is right.

Chase Tuchmont

Subscribed and sworn before me on this, the 18th of March, 2010.

Susan Coffey, Notary Public