

# The 2019 Mock Trial Case

The Mississippi Bar



Young Lawyers Division

## IN THE CIRCUIT COURT OF FONDREN COUNTY STATE OF MISSISSIPPI

JACKIE MITCHELL,

Plaintiff,

v.

BRETT ROBINSON,

Defendant.

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CIVIL ACTION NO: 2019-MT

***NOTE: All characters, names, events, places and circumstances in this mock trial case are fictitious or are used fictitiously. Any resemblance to any person (living or dead), place, thing or event is purely coincidental.***

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The 2019 Mississippi High School Mock Trial case, *Jackie Mitchell v. Brett Robinson*, has been adapted from the 2017 Georgia High School Mock Trial case, *Harper Bryson v. Joey Cobb*. The Mississippi High School Mock Trial Committee would like to thank Georgia for making its case available.

## INTRODUCTION

*This introduction is of **no legal consequence** in terms of the trial and is **not admissible** for impeachment purposes or for any other purpose.*

Bottom of the ninth, two outs. It's tied 4-4, and the game-winning run is on second with a runner on first. This is the moment every kid who's ever played ball has always dreamed about, and it's come true for Jackie Mitchell and the Fondren County Golden Beagles. Jackie's the kid on second. Fondren County is in the semi-finals against the Waller County Bullfrogs in a heated co-ed baseball playoff game with the winner going on to the championship. This is a moment Jackie has been dreaming about his/her entire baseball career. It's also the moment Brett Robinson has been dreaming about, albeit on the other side of the ball. Brett's the hot-armed outfielder on Waller County and has been waiting to win a championship just as long as Jackie. Brett and Jackie have been in this fierce battle on the field ever since Jackie moved to the area a few years ago. While they're opponents here, they have played on the same team during the Magnolia State summer league. Sure enough, their rivalry knows no season.

Taylor Ortiz is up to bat, and he hits a sharp grounder through the pitcher's legs where it pops off second base towards left field. Fondren County's third base coach, Carey Schueler, coaches Jackie at Fondren County during the school year and both Brett and Jackie at Magnolia State during the summer. Tony/Toni Stone is Waller County's shortstop who also plays Magnolia State summer ball with Jackie and Brett. Both have a front-row seat at the play about to happen.

Jackie takes off towards third. Brett fields the ball. Coach Schueler wants Jackie to stop at third and not test out Brett's famous arm at the plate, but Jackie steams past, losing his/her helmet along the way. The ball is fired from left field to the plate but does not make it to the catcher's mitt. Instead, it connects with the back of Jackie's head and knocks Jackie out cold. As Amari Mays, the PA announcer said, you could hear the crack of Jackie's skull all throughout the stadium. Val "Bean" Ripken, the local college/pro scout said s/he's never seen anything like it.

While this may not have been the "Game of the Century" or the "Shot Heard 'Round the World," it was a big moment for both Jackie and Brett. For Jackie, it may have ended his/her future career playing ball. For Brett, losing this lawsuit may do the same. Everyone knows Brett has the arm and the talent to hit anything on the field from out there in the outfield; Jackie's head has the proof. But, did s/he hit Jackie on purpose?

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## STIPULATIONS

1. All exhibits included in the problem are authentic in all respects, and no objections to the authenticity of the exhibits shall be entertained.
2. Stipulations cannot be contradicted or challenged.
3. The signatures on the witness statements and all other documents are authentic.
4. The Charge of the Court is accurate in all respects; no objections to the charge shall be entertained.
5. Chain of custody for evidence is not in dispute.
6. The **Introduction** provided is of **no legal consequence** in terms of the trial and **is not admissible** for impeachment purposes or for any other purpose.

7. In Exhibits 3 and 4, the icons denoted by “AM” (Amari Mays), “TS” (Tony/Toni Stone), “VR” (Val “Bean” Ripken), “BR” (Brett Robinson), and “CS” (Carey Schueler) fairly and accurately indicate each witness’s position and point of view on the field or in the stands at the time of the throw. The position of Jackie Mitchell’s icon (“JM”) indicates his/her position on the field at the point of the ball’s impact. Exhibit 3 was prepared on behalf of the defendant. Exhibit 4 was prepared on behalf of the plaintiff.
8. Many students play baseball over the summer months in a travel league with the Magnolia State organization. Magnolia State fields an A-team and a B-team for summer baseball, similar to a varsity and junior varsity team respectively. The A-team is the Magnolia State Sluggers. The B-team is the Magnolia State Bearcats.
9. The weather conditions captured in Exhibit 9 are not necessarily representative of the weather conditions at the time of the game on May 25, 2018.
10. The Fondren County Golden Beagles, Waller County Bullfrogs, and all Magnolia State summer league teams are members of the Mississippi High School Activities Association (MHSAA).

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## **WITNESSES**

*The following witnesses are available to be called by the parties. Plaintiff witnesses may not testify or be called on behalf of the Defendant. Defense witnesses may not testify or be called on behalf of the Plaintiff. A party may not call or treat its own witness as a hostile witness. All witnesses may be female or male.*

*See Rules 3, 5 and 12(f) for more details on witnesses.*

### **For the Plaintiff**

Jackie Mitchell, Plaintiff  
 Tony/Toni Stone  
 Val “Bean” Ripken

### **For the Defense**

Brett Robinson, Defendant  
 Amari Mays  
 Carey Schueler

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## **EXHIBITS**

*Teams in competition may use the following exhibits. Teams should only print and use exhibits in a black and white format; some exhibits are presented in the case materials in color to give teams a better view of the exhibit. They are pre-marked and are to be referred to by the assigned number, as follows:*

### **Exhibit Numbers and Title/Descriptions**

1. School Accident Report Form
2. FaceTube screenshot
3. Field layout, prepared on behalf of the defendant
4. Field layout, prepared on behalf of the plaintiff
5. Photo of baseball
6. Athletic Participation, Waiver, Insurance, and Consent Form and MHSAA Concussion Information Form
7. Helmet labels
8. Lineup card for May 25, 2018 game
9. Photos of playing field

**IN THE CIRCUIT COURT OF FONDREN COUNTY  
STATE OF MISSISSIPPI**

**JACKIE MITCHELL,**

)

**Plaintiff,**

)

)

**v.**

)

**CIVIL ACTION NO: 2019-MT**

)

)

**BRETT ROBINSON,**

)

)

**Defendant.**

)

**COMPLAINT**

COMES NOW Jackie Mitchell, Plaintiff in the above-styled action, and files this Complaint showing the Court as follows:

1.

Defendant, Brett Robinson, is a resident of Waller County and may be served with a copy of this Complaint within the confines of said county. Jurisdiction and venue are hereby appropriate in this Court.

2.

On Friday, May 25, 2018, Defendant willfully and intentionally made actual physical contact with Plaintiff, which was unjustified, unauthorized and unlawful when Defendant deliberately threw at and struck Plaintiff with a ball during a sporting event.

3.

As a result of the incident described above, Plaintiff suffered serious bodily injury and tremendous pain and suffering, all for which Plaintiff is entitled to compensation from Defendant.

4.

The tortious actions of Defendant shows willful misconduct, malice, wantonness, oppression, or that entire want of care which would raise the presumption of conscious indifference to consequences, and thus punitive damages are warranted in this case.

5.

Defendant has acted in bad faith in the instant matter, and has caused Plaintiff unnecessary trouble and expense, and has been stubbornly litigious, so as to entitle Plaintiff to an award of attorney's fees and expenses of litigation.



WHEREFORE, Plaintiff prays for the following relief:

- (a) that process issue and Defendant be served with a copy of this Complaint;
- (b) that Plaintiff have a trial by jury on all issues;
- (c) that Plaintiff be awarded special, general, and punitive damages in an amount to be proven at trial and as determined by a fair and impartial jury;
- (d) that Plaintiff be awarded costs and attorneys' fees in bringing this action; and
- (e) that Plaintiff be awarded such other and further relief as the Court deems just and proper under the circumstances.

This 15th day of June 2018.

Branch Rickey, Esq.

By:  \_\_\_\_\_

The Rickey Law Firm  
Attorney for Plaintiff

**IN THE CIRCUIT COURT OF FONDREN COUNTY  
STATE OF MISSISSIPPI**

**JACKIE MITCHELL,**

)

**Plaintiff,**

)

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**v.**

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**CIVIL ACTION NO: 2019-MT**

)

)

**BRETT ROBINSON,**

)

)

**Defendant.**

)

**ANSWER**

COMES NOW Brett Robinson, Defendant in the above-styled action, and files this Answer to Plaintiff's Complaint showing the Court as follows:

FIRST AFFIRMATIVE DEFENSE

Plaintiff assumed the risk of injury alleged to have been suffered.

SECOND AFFIRMATIVE DEFENSE

Plaintiff used and directed insulting words at Defendant.

THIRD AFFIRMATIVE DEFENSE

Answering paragraph by paragraph, Defendant responds to the allegations of the Complaint as follows:

1.

The allegations of Paragraph 1 are admitted.

2.

The allegations of Paragraph 2 are denied as pled. By way of further answer, Defendant denies intentionally targeting or striking Plaintiff in any way.

3.

The allegations of Paragraph 3 are denied.

4.

The allegations of Paragraph 4 are denied.

5.

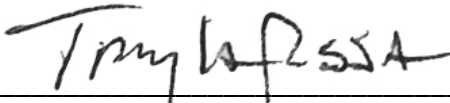
The allegations of Paragraph 5 are denied.

WHEREFORE, Defendant prays for the following relief:

- (a) that Defendant have a trial by jury on all issues;
- (b) that Plaintiff's complaint is dismissed;
- (c) That Defendant be awarded such other and further relief as the Court deems just and proper under the circumstances.

This 27th day of June 2018.

Tony La Russa

By:   
Clark Palmeiro, LLC  
Attorney for Defendant

## STATEMENT OF JACKIE MITCHELL

1 My name is Jackie Mitchell, and I am a junior at Fondren County High School. My family and I moved  
2 to Fondren County when I was about ten years old. I was already very involved in competitive  
3 baseball by that time. The best players start out young. The other baseball families didn't exactly roll  
4 out the red carpet for us – they obviously saw me as competition (which I was). I had to work extra  
5 hard to prove myself to coaches and teammates. But once they saw my talent and pure passion for  
6 the sport, I made the team at school, and everyone wanted me on their summer league and travel  
7 teams. Well, everyone except Brett Robinson. Brett realizes there is a limited future for our sport, be  
8 it in college or the pros, and Brett's chances of making it are much lower with me in the running.  
9 Anyway, when you play for different teams (school and summer leagues), you end up playing against  
10 people who were your teammates just weeks earlier. It creates opportunities to get to know a lot of  
11 people, but there's also friction and an air of competition.

12  
13 Brett and his/her family were among those who weren't on the welcome committee when we first  
14 moved here. Even though Brett goes to Waller County High School, s/he and I had to compete  
15 against each other every summer to get on the best travel team in the Magnolia State league.  
16 Magnolia State is the summer travel league a lot of us play with. We've got kids from all over, from  
17 Fondren, Waller, Ford, and Caldecott Counties. I remember the summer I was fourteen, the summer  
18 before high school. Brett and I were both trying out for the Sluggers, Magnolia State's A-team, but  
19 they couldn't take both of us. Brett ended up getting picked. Coach Carey Schueler ran that team. I  
20 wound up on the Magnolia State B-team, the Bearcats; we were still a good team with great players,  
21 but it wasn't the Sluggers. When our teams played each other that summer in a tournament in  
22 Columbus, Brett constantly heckled me about not getting picked, right in front of the coach and  
23 other players. I was just a kid then, so I let my emotions get the best of me. I threw my helmet in the  
24 dugout after I struck out. Schueler tried to get me thrown out of the game, but the umps just warned  
25 me not to do it again. I learned my lesson for sure. Even though I got stuck on what I thought was  
26 going to be a lesser team, we ended up winning the tournament, a fact Brett has never forgotten. As  
27 it turns out, Coach Schueler is the third base coach at Fondren County, so it was a bit awkward when  
28 I made the co-ed team my freshman year. It hasn't been easy to play for Coach Schueler at Fondren  
29 County. Sometimes I feel like s/he is holding me back from realizing my true potential.

30  
31 Growing up playing baseball, you learn how to play all of the positions at first. Eventually, though,  
32 you find your niche. Mine is playing first base. In my opinion, it's one of the most important positions  
33 on the field. A lot of plays are made at first base, and I'm definitely one of the best in the area at the  
34 position. I see way more action on defense than someone kicking the dirt and chasing butterflies in  
35 the outfield like Brett. The coaches are always getting on some of the lower-skilled kids like Brett for  
36 being a bunch of lollygaggers, with them lollygagging down to first, or in taking the field from the  
37 dugout. That's just another reason for him/her to be jealous of me; I know how to bring the passion  
38 to the field, every time. We were on the same team last summer after I made the Sluggers roster,  
39 but playing against each other definitely brings out our competitiveness. We both try to bring our

40 “A-game” when we face each other on the field. Brett has an amazing throwing arm – both power  
41 and accuracy. I’ll give him/her that. But s/he wastes it showboating for cameras. Throwing balls into  
42 buckets and pulling off blindfolded stunts to impress FaceTube followers is just plain careless. But  
43 hey, if s/he wants to throw out a shoulder being a showoff, it’ll hurt his/her scholarship or pro  
44 chances, but it won’t hurt my feelings. I let my skills speak for themselves on the field and in the box  
45 scores. I wasn’t planning on taking any chances with my health – but obviously Brett had other plans.  
46 Nothing like literally knocking out the competition.

47  
48 Like I said, I prefer to save my passion and energy for the field. I know some folks say I’m too  
49 passionate, but they’re just being wimps. It’s not my fault I run so hard that my helmet flies off, even  
50 though the umps seem to think I’m doing it on purpose. I do love the feel of the wind through my  
51 hair on the base path. I try to remember to reach up and grab hold of it when I’m rounding a bag but  
52 I sometimes forget. I haven’t gotten ejected for it yet. I get teased a lot about being the hatless  
53 baseman, but I’m not slowing down for anything - not a flying helmet, not the coaches, and  
54 definitely not the catcher. I plan to score no matter who thinks they can stop me. It’s called  
55 “winning;” second place is the first loser. And a little friendly heckling never hurt anyone – and it  
56 might even help the team win. If runners on first base pay too much attention to my “jokes” about  
57 their mommas, they might miss a chance to steal or get picked off because they’re caught napping.  
58 All of the major league players engage in trash talk – so I just consider it practice for when I make it  
59 to the show.

60  
61 Just finishing my junior year, I know I’ve only got one more summer league and one more school  
62 year to impress the scouts. That means playing all out – giving it my all. I guess Brett is trying to do  
63 the same thing. Heck, s/he even went so far as to try to make me look bad so s/he could make  
64 him/herself look better. S/He picked a fight at a game earlier this season. The rivalry between  
65 Fondren and Waller runs deep, so there’s always a lot of trash talk among the players. Most people  
66 know how to handle what I dish out. Not Brett though. S/He made it to first base on a lazy hit and  
67 started mouthing off as soon as his/her foot hit the bag. S/He said something about me crowding the  
68 bag or being in the base path, but it’s my bag; I’ve got to be there to get him/her out. I was just  
69 engaging in a little friendly chit chat about how two’s a crowd on my bag. But Brett lost his/her cool  
70 and the umpire had to come separate us. I bet the scouts didn’t take too kindly to Brett’s attitude.  
71 Who would really pay money to have him/her on a team with such a lousy attitude?

72  
73 Obviously, Brett blamed me for his/her embarrassment because s/he was still pouting at the big  
74 game on May 25, 2018. I call it a big game because of the rivalry, but also because college scouts and  
75 media were in attendance. The winner would advance to the state championship, and the Magnolia  
76 State coaches watch these games to help them decide what players to draft for the teams. It was the  
77 perfect opportunity to show who was really worthy of scholarships and recruiting. I knew Brett was  
78 still smarting about the earlier incident, so I took full advantage. Like I said, distracting the players on  
79 the other team only helps mine. I was giving Brett an earful every chance I got, but I don’t think I was  
80 that much worse on him/her than anyone else on his/her team. Brett gave as good as she/he got,  
81 believe me. I didn’t get too riled when Brett pestered me by saying my mouth was no match for

82 his/her arm. After all, what's a little smack talk among "friends?" I never expected Brett to react the  
83 way s/he did. To intentionally bean me like that? What does she/he think this is, dodge ball?  
84 Targeting someone like that is illegal and way out of bounds.

85  
86 It was a close game – closer than I liked for sure. In fact, we were tied 4-4 late in the game. I may  
87 have taken a shot to the head, but I remember it like it was yesterday. It was the bottom of the 9<sup>th</sup>,  
88 two outs, two on. I'm in scoring position on second; I can't remember who was on first, and our big  
89 bat Taylor was at the plate. The sun was shining on my face, making it a bit of a challenge to see the  
90 plate; thankfully, I had my Nike Show X1s on. It had been sunny most of the game and most players  
91 on the left side of the field were shaded with glasses and their hats/visors. Brett was too big league  
92 and tried to get by with just some eye black.

93  
94 Of course, as soon as I get to 2<sup>nd</sup>, Brett starts running his/her big mouth. S/He's asking me if I had any  
95 plans for the Memorial Day weekend since we'll be done with our season by then. I tell him/her  
96 where to go, and s/he says, "Tough talk from little Jackie! Don't even think about trying to score that  
97 run...there's no way you're crossing that plate with me out here! You better hope Ortiz pops it up to  
98 Chipper over there so I don't have to throw it down on you!" I've been hearing his/her trash talk for  
99 so long, I just ignored it. S/He may have a good arm but I wasn't going to let him/her steal this win  
100 from me.

101  
102 I got a gut feeling that Taylor's bat was going to connect and that I would have to run like the wind to  
103 win the game. I was ready. Sure enough, I hear that beautiful sound of the bat hitting the ball – a line  
104 drive right at me. I take off running with all I had – I knew this game was on my shoulders. The  
105 pitcher couldn't stop me – the ball shot through his feet. The second baseman couldn't stop me –  
106 the ball ricocheted off the bag and headed toward left field. I touched the base at third going full  
107 speed. Coach Schueler at third didn't want to stop me – I rounded third and headed for home. My  
108 helmet came off but that couldn't stop me. The hatless baseman rides again! Whoop! I almost felt  
109 lighter without that stupid thing as I came back to the baseline to head straight for the plate. I'm  
110 sure the fans were cheering me on, but I couldn't hear it. I only saw home plate and the catcher who  
111 was the last thing standing between me and my victory. She was moving to block the plate, waiting  
112 for the looper from Brett, her eyes getting wide seeing me focused on her like a missile to its target.

113  
114 Then, suddenly, the world went dark. Thirty-five feet from home and pain exploded in my head, and  
115 I felt myself start to tumble down the line. I don't remember much after that. I came to in a hospital  
116 room where the light hurt my eyes and my head was pounding. My teammates and coaches were  
117 there, obviously worried by the looks on their faces. The next several days are a blur. I remember  
118 that Heather told me that I was hit by the ball, and that Brett had thrown it right at me as hard as  
119 s/he could. She said it looked like the ball was a bullet fired from a cannon, heading towards the  
120 target on the back of my head. Brett never misses a target. Unfortunately, I was his/her target that  
121 day. There's no way this was an accident. A throw home from left field should never cross the  
122 baseline that far from the plate. Those of us who have been playing for years know there's always a  
123 chance of getting hurt, but that's the risk you pay for the greatness you play. But those are generally

124 the result of wild pitches or collisions at the bases. Yeah, I signed the release form at the beginning  
125 of the season when I turned in all of my paperwork; we all did. I've never heard of a player being hit  
126 in the head on purpose. Geez, I thought I was the one who would do anything to win. Apparently  
127 that title goes to Brett. To make matters worse, I heard Brett was a poor sport about my injury. S/He  
128 walked over and tagged me out just to be a jerk. Chase said it looked like Brett was almost grinning  
129 when s/he came running up to tag me out, saying "Bang! Extra innings! Let's do this thing!" That did  
130 not sit too well with my team, and it about caused a fight to break out between Brett and some of  
131 my teammates. Jan said she about threw a punch at Brett but Coach Weaver got them all back in our  
132 dugout before anything could start. Apparently the home plate ump was about to toss Brett until  
133 Coach Schueler pushed him/her towards the Waller County dugout, telling him/her to cool it and  
134 don't do anything else. I guess Brett's got Coach Schueler to thank for keeping him/her in the game.

135  
136 Thanks to Brett's spitefulness, I was in the hospital overnight for observation. The doctor said I was  
137 lucky to be alive. Nothing was broken, but I almost wish something was – at least I could point to  
138 that physical injury and blame it for my current problems. Even if we had won, I would have missed  
139 the championship game due to the concussion protocol. I still feel the effects to this day. I have  
140 constant headaches, I'm frequently dizzy, and things just don't feel right. I can already tell these  
141 issues are affecting my ability to play ball. I've been able to get back on the field, but it took a few  
142 months. This is so much worse than the last time my head got whacked during summer league last  
143 year. I was trying to stretch a single into a double, and I was smack-tagged upside my head when I  
144 was sliding head first into second. I suppose my helmet must have come off again when I rounded  
145 first, because the glove hit me right on my left temple. The umpire called me out, and I trotted back  
146 to the dugout. Things seemed fine until I got back to the dugout and Coach Schueler started asking  
147 me all sorts of questions. It turns out that my trot back was a little zig-zaggy. I answered all the  
148 questions right, put an ice pack on my head for a little while, and finished the game. I don't quit, and  
149 I wasn't about to admit that I was dizzy or had a headache. I felt better after a few days.

150  
151 I wasn't going to sue Brett or anything until I realized that I was going to miss a bunch of games; I  
152 had already missed the first four weeks of the Magnolia State season. Once I was cleared to play, I  
153 came back so late that the only spot for me was on the Bearcats. Thankfully, I didn't have to see  
154 Brett that much this summer. Bean has said s/he "doesn't think" this will affect my scholarship  
155 opportunities, but I can tell s/he's not coming around as much anymore; I don't feel very confident in  
156 what s/he's saying at this point. S/He's still taking to Brett all the freaking time...I just hope my future  
157 doesn't wind up being in ruins on that third base line.

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**WITNESS ADDENDUM**

I have reviewed this statement, given by me, and I have nothing of significance to add at this time.  
The material facts are true and correct.

Signed,

Jackie Mitchell  
**Jackie Mitchell**

SIGNED AND SWORN to me at 2:35 PM, July 1, 2018.

Yogi Berra  
Yogi Berra, Notary Public



## STATEMENT OF TONY/TONI STONE

1 Baseball runs in my family. My mom was the first female player to make the baseball team at her  
2 university. My dad was a third baseman all through high school and college. Although I don't have  
3 the arm that he does (nor do I hit as well), I'm much quicker side to side, so naturally, shortstop was  
4 the place for me. The middle infield is a unique place to play; you have so much influence all over the  
5 field. And turning a double play is one of the best parts of it. Growing up, I'd always ask my parents  
6 to tell me stories about Ozzie Smith and Barry Larkin. Alan Trammell and Lou Whitaker, who were  
7 some of their favorite players.

8  
9 A lot of people don't realize it, but a shortstop's job isn't finished when the ball is hit to the outfield.  
10 We have a lot of responsibilities, particularly when there are runners on base. We're the cutoff for  
11 our outfielders to make sure that runners don't advance any farther. When the ball is hit to right  
12 field, I'll cover second base while the second baseman is the cutoff person for the throw from the  
13 outfield, and when the ball is hit to left field, I'm the cutoff person. Depending on how many runners  
14 are on base and where they are, I may have to back up someone else, but those situations aren't  
15 quite as common. Sometimes, for me, though, with Brett in center field, I feel like I'm going through  
16 the motions. S/He has the strongest arm of anyone I've ever played with. And s/he is the most  
17 accurate, too. S/He is like the shortstop of our outfield.

18  
19 During the school year, I play on Waller County High School's co-ed baseball team, and I have now  
20 been on the team all four years of high school. A lot of the players on these teams play travel-league  
21 baseball in the summer, most in the Magnolia State organization, based in Fondren County; that's  
22 where the real competition lives. For us, the school year team is more about having fun and getting  
23 in some competition and keeping our skills up until the next travel season starts. Last summer was  
24 my last year playing organized baseball. It was fun, but I wasn't getting any scholarship offers out of  
25 it.

26  
27 By the end of my senior year, I will have lettered all four years in co-ed baseball at Waller County,  
28 and as impressive as that sounds, it's nothing compared to the accolades that Brett has piled up.  
29 S/He is truly a five-tool player. Not only is his/her arm super strong, but s/he can range all over the  
30 outfield. Sometimes his/her range gets on our coach's nerves because s/he roams into our right  
31 fielder's and left fielder's territory and takes plays away from them. I know it's just because Brett  
32 thinks that s/he can throw out players better than the others, but it's a team sport, not an individual  
33 showcase; Christa is a great right fielder and I don't know why Brett thinks s/he has to get in her way  
34 all the time. Brett is one of our best hitters, too. It's easy to see why scouts fawn all over him/her.  
35 I'm sure s/he'll get a number of scholarship offers, especially after the summer baseball season s/he  
36 had. Brett has been attracting attention to him/herself for as long as s/he has played ball. That  
37 guy/lady Bean Ripken has been talking to Brett a lot so I'm sure s/he's on the way.

38

39 Brett is always showing off for anyone who will watch, especially his/her teammates and the scouts.  
40 And his/her followers on FaceTube. We all know s/he is going places. S/He makes sure to get his/her  
41 name out there, though. His/her videos have tons of views and comments. And, they're seriously  
42 real. I spend a lot of time on FaceTube looking at videos, and his/hers are some of the best. S/He can  
43 hit the backstop at our field on the fly from the warning track, and s/he can hit the "No Pepper" sign  
44 behind home plate ten times out of ten from 2<sup>nd</sup> base.

45  
46 S/He can do all kinds of tricks, and sometimes I go out to the field to watch or even help record some  
47 of his/her "trick shots." S/He would line up batting helmets on the dugout fence and knock them  
48 down from the foul line, like a shooting gallery at the state fair. A few weeks ago, s/he recorded  
49 another one of his/her famous clips and put it up on online. I wasn't there for this one, but I  
50 definitely saw it. I get the notifications on my phone when Brett uploads a clip to his/her account. I  
51 immediately commented (*stone\_ballplayer* isn't all that original, but it works) about how amazing  
52 this clip was. S/He set up a bucket at home plate and then tilted the bucket to the side and propped  
53 it up with bricks. His/Her brother was holding the camera behind the plate through the fence so you  
54 can see Brett and the bucket. You could hear Tyler set it up by saying "So Brett, there's a runner on  
55 second wanting to score the winning run. Don't let him score!" and Brett starts sailing them in.  
56 Throughout the throws, Tyler is yelling, "hit it, Bro/Sis!" and "nail that sucker!" After each one, Brett  
57 hoots and hollers, saying "take that!" At the end, Brett runs up to the plate and dumps the bucket  
58 out and looks at the camera and says, "That's for you, Golden Beagles! No way you're getting to  
59 home with me in the field! Whoo!" S/He threw 10 balls from the warning track and filled up the  
60 bucket without missing once. Not one of them bounced! Unfortunately, when I went to show  
61 another friend the other day, the video was gone.

62  
63 We're all really competitive on the field, but off, we all usually get along, especially those of us that  
64 play together during the travel ball season. The travel ball leagues pull the competitive kids from  
65 different schools, so I'm on a team with a few of my Waller County teammates, but also with a few  
66 from Fondren County and Ford County as well. It can be a bit odd playing against our friends but we  
67 get used to it. It's not unusual to see some of us cutting up while getting pizza after a big travel  
68 tournament. When we take the field for our schools, though, it's different. When Waller and  
69 Fondren play, there's definitely no love lost. It's like we go through some weird time warp. Every  
70 time we play there is constant trash-talking and name-calling. The umpires can't look forward to it.  
71 Sometimes I get in on the action, but after, I always feel bad, because like I said, a number of the  
72 Fondren players are my friends and travel teammates. Thankfully, we're not in the same region, so  
73 we don't face off that often. In full disclosure, I'm friends with Jackie. We played on the same travel  
74 team, the Bearcats, for several seasons until Jackie moved up last summer. Brett is on the Sluggers,  
75 which is the A-team in our summer league. I haven't quite made it to the "big leagues" from the B-  
76 team but that's okay; I still enjoy it. Jackie and I work really well together during the summer and  
77 have turned some awesome double plays.

78

79 Of course, this year, our teams met in the state semifinals. I'm always nervous during the playoffs,  
80 but I get especially amped up the closer we get to the finals. You never know when your team might  
81 get another chance at a championship, and in my senior year, I wanted to end on top.

82  
83 Going into the game, everyone was tense, except for Brett. I would have felt better going in had we  
84 been playing at home and not in the lion's den, but I quickly put it out of my mind. Brett is always  
85 supremely confident, and that day was no different. As intimidating as s/he is because of his/her  
86 talent, sometimes the confidence is calming. Some see it as cocky, especially Jackie. Jackie has never  
87 really liked Brett personally, and I hear about it all the time. I always feel like I'm defending Brett  
88 with Jackie, even though Jackie may be right sometimes on Brett's attitude.

89  
90 My dad always makes fun of Fondren's field because the third baseman looks into the sun the whole  
91 time. He's a bit of a purist, and he always says, "Everybody knows that Rule 1.04 says 'THE PLAYING  
92 FIELD: It is desirable that the line from home base through the pitcher's plate to second base shall  
93 run East Northeast.'" You should see how worked up he gets about Ray Liotta batting right-handed  
94 as Shoeless Joe in *Field of Dreams*. Anyway, Fondren's field is a little unusual. Under the rule, the  
95 center fielder should be to the east-northeast of home plate, but here, the center fielder stands to  
96 the southeast, like they would in Cincinnati, Pittsburgh, Milwaukee, or the south side of Chicago.  
97 Those new stadiums don't have the same character as the classics; their designers worry more about  
98 being fancy than tradition. And I'm sure those teams did that to throw off the visiting teams who are  
99 used to the sun and shadows being in different places. Having played our home games facing the  
100 sun, we're all used to it.

101  
102 Normally, the third baseman and I would look right into the sun during the late evening games at  
103 Fondren's field, but that evening it was mostly cloudy, and the sun wasn't a real problem. Fielding  
104 popups in the infield wasn't nearly as hard as I've dealt with there before. I do remember a few  
105 occasions in the earlier innings where the sun would peek through the clouds and I had to pull my  
106 hat/visor a little lower to shade my eyes, but after the 4<sup>th</sup> inning, the sun was gone for good.

107  
108 With two outs and runners on first and second, I was playing a little deeper in the infield, almost to  
109 the outfield grass. In a tie game, like the semifinal was, you don't want a ball to sneak through the  
110 infield and let Jackie score from second. Sometimes it doesn't matter how strong Brett's arm is when  
111 only 180 feet separate a baserunner from the winning run. Unfortunately, the batter hit a full count  
112 pitch right over my outstretched glove into center field. Jackie was on second, and s/he was off with  
113 the crack of the bat. I knew it was going to be a close play at the plate, because Brett was playing a  
114 little shallow with the hopes of stopping Jackie at third. Of course, with all the talk going back and  
115 forth between Brett and Jackie throughout the game, I should've known that Jackie was going to try  
116 to score. It would've been exactly the kind of end s/he would want in front of all those scouts:  
117 making the State championship by scoring the winning run in spite of what was sure to be a great  
118 throw from his/her bitter rival.

119

120 However, in that moment, I didn't expect Jackie to try to score, so I yelled at Brett to hit me with an  
121 easy throw instead of taking the chance of throwing it away and letting Fondren win on an error. I  
122 know, it was a little dumb of me to think that Brett would ever miss Rachel, our catcher, but in a  
123 tense situation, sometimes your instincts take over. Brett being Brett, the ball sailed over my head. I  
124 don't know if Schueler was yelling "whoa" or "go" but s/he was screaming something at the top of  
125 his/her lungs. I wheeled around to try to catch the play at the plate just in time to see Jackie go  
126 down. I noticed that his/her helmet was spinning by third base, and the ball was right beside him/her  
127 halfway between third and home. Brett ran all the way in toward our dugout, picked up the ball, and  
128 tagged Jackie out. To extra innings we went. It was kind of a cheap play by Brett, but I like to win,  
129 too. Where the ball hit Jackie, Brett could've just as easily thrown him/her out at the plate, though.

130  
131

132 **WITNESS ADDENDUM**

133 I have reviewed this statement, given by me, and I have nothing of significance to add at this time.  
134 The material facts are true and correct.

135  
136  
137  
138  
139  
140

Signed,

*Tony/Toni Stone*

**Tony/Toni Stone**

141 SIGNED AND SWORN to me at 5:45 PM, August 3, 2018.

142  
143  
144  
145

*Yogi Berra*  
\_\_\_\_\_  
Yogi Berra, Notary Public

## STATEMENT OF VAL “BEAN” RIPKEN

1 My name is Val Ripken. I am 33 years old, and I was working as a scout at the semi-final’s playoff co-  
2 ed baseball game between Fondren County High School and Waller County High School on May 25,  
3 2018. I was never one to play sports. I just didn’t have the build or interest in it. I love watching  
4 sports and have been a fan all of my life. I’m a numbers guy/girl (everyone thought I would be an  
5 accountant and “Bean,” as in bean counter, became my nickname) and once you start seeing the  
6 numbers in a sport, you see it in a whole different way. Especially baseball. Baseball is all about the  
7 numbers, the stats. Batting average. RBIs. BBs. OBP. Slugging percentage. Runs allowed per game.  
8 Runs saved above average. Putouts, assists, errors. Replacement values. There are a million ways to  
9 look at what happens on the field and put it into numbers. Then you can start getting really nitty-  
10 gritty and ranking everyone and seeing trends, massaging the numbers to show a player’s strengths  
11 and weaknesses. Or from a big picture view, you can look at a box score (numbers) and tell exactly  
12 what happened in the game without seeing any of the plays live. In high school, I was the manager  
13 for both the school’s baseball and softball teams. I mainly kept the scorebook and stats for all of the  
14 games and players. I helped the football and soccer managers with their stuff, but they don’t have  
15 near the numbers as my ball clubs did. I went to the University of Southern Mississippi and got a  
16 degree in applied mathematics and statistics and then an MS in Kinesiology from Mississippi College.  
17 I wanted to get into management and scouting for a big league team somewhere, but it’s a long road  
18 and you have to know the right people. In trying to build my reputation, I’ve done a lot of scouting.

19  
20 Having been involved with the high school sports, I knew the Magnolia State organization was one of  
21 the big summer leagues for kids wanting to make a career out of professional baseball. As luck would  
22 have it, they were looking for some front-office help, and I was able to work with both the Sluggers  
23 and Bearcats traveling clubs over several summers: an enjoyable way to put bucks in my pocket, and,  
24 as it turned out, a very useful way to network. I also started doing a bunch of free-lance scouting for  
25 some of the minor league teams around the southeast, along with some of the Division II and III  
26 colleges. The scout gives the prospecting ball club a heads up on a good player. If that player is  
27 successfully recruited, the scout gets a commission. Smaller colleges don’t have the budget for a  
28 broad network of dedicated scouts, yet they need broader coverage than the big-name schools do to  
29 fill their rosters. A lot of these small schools contract scouting to freelancers like me or various  
30 scouting services to provide a look at prospects possibly willing to consider a smaller program. Being  
31 involved with the baseball program with Magnolia State allowed me to keep my finger on the pulse  
32 of some of the top talent in the area and build my reputation to hopefully get in with one of these  
33 services at the same time. This way, I can help the baseball programs at these schools.

34  
35 Some may be concerned with me promoting players I knew from the summer, but my involvement  
36 during the summer is more periphery than instructional. However, it has paid off. I’ve probably got  
37 Jackie Mitchell a spot in a Division III school in Rhode Island. Brett Robinson, though, could be my  
38 way to bigger things. This kid’s got a lot of talent and will be professional within two seasons. My  
39 ability to spot promising potential on the baseball diamond turned into an offer to scout directly for

40 a regional semi-professional league. I don't make enough from it to live well on, but the work is  
41 occasional (leaving me time to pick up other free-lance jobs until I get established), I enjoy it, I like  
42 the people – I think I must know everybody – and I don't mind commuting all over to cover games.

43  
44 Normally, I don't spend a lot of time on the high school co-ed baseball games since not many of my  
45 scouting clients field a co-ed team. I try to spend most of my efforts on what pays the bills, focusing  
46 on the non-co-ed versions of the game. However, this was a big game for the mere fact that some of  
47 the best players in the Magnolia State organization were facing off on the field and it would be  
48 another chance to see them playing in a high-stakes contest. On the day of the game, I'd arrived  
49 prepared. Coach Carey Schueler was covering the third-base line, and I stopped to gossip with  
50 him/her on my way to the stands; we've known each other from Magnolia State days. I tried to give  
51 him/her some advice on their starting lineup, based on the past 10 games' numbers. I didn't like  
52 having Jackie batting after Dana; Dana should have been after Jackie since her OBP and slugging  
53 numbers have been up in the past 6 at bats. Young's numbers of runners left on base (LOB) are the  
54 highest for the team this season, so putting her fourth didn't make sense either, but I'm not the  
55 coach. Schueler didn't want to listen to much I had to say, even though it was all free advice based  
56 on the numbers, not emotions. But what do I know? Schueler's the one with playing experience,  
57 even though it didn't get him/her very far. I think s/he likes coaching to hang on to the glory days.  
58 Schueler's nice and all and can be fun to shoot the breeze with but s/he isn't doing too much to  
59 develop his/her players' skills for the future. A lot of these kids need some guidance. Jackie Mitchell  
60 and Brett Robinson are the exception.

61  
62 I've followed Jackie and Brett extensively through the years. These kids are the real deal. These are  
63 the kind of players development coaches and scouts hang their hat on, discoveries that can change  
64 (or start) a career. Jackie is a bit of a hot-head but his/her ownership of first base is amazing. Jackie's  
65 fielding percentage is an impressive .885 with 125 putouts. With a .233 batting average and a .438  
66 slugging percentage, Jackie is a threat at the plate too.

67  
68 Brett is something of a hot-dog, amusing everyone with trick throws, even producing videos to show  
69 the masses; it's a shrewd move, most likely gaining the attention of other scouting hounds. But make  
70 no mistake, the kid has juice: both power and accuracy. Well, usually. Brett's fielding percentage is a  
71 whopping .986 with an average of 2.3 putouts per game. S/He's got an ultimate zone rating of +9.2.  
72 From the outfield, that means that Brett has essentially thrown out a runner 2-3 times a game.  
73 Those are outrageous numbers for a kid in high school. Runners who try to stretch their hit against  
74 Brett are usually gunned down, even at home. I've seen him/her nail a runner trying to take home  
75 from second when Brett fielded the ball on the left field fence. The runner should have just tagged  
76 and moved to third after Brett caught the out but he decided to make a break for home. Brett threw  
77 a perfect one-hopper from the warning track with enough time for the catcher to get the ball and  
78 then adjust his stance to block the plate for the out. It was amazing.

79  
80 I've talked to both of them about options they have. Brett is also more thin-skinned than s/he has  
81 good reason to be. I know that, as juniors, Brett and Jackie are getting anxious about college baseball

82 careers (and scholarships) – both have “let that on” to me, at one time or another – but, hey, both of  
83 them are talented and both have experience from the regular seasons and, more importantly, the  
84 summer travels. There are a lot of colleges out there, but it’s in the nature of aspiring top-notch  
85 athletes to be competitive...constantly.

86  
87 Is Brett professional level like s/he thinks everyone says s/he is? If s/he keeps playing like s/he’s  
88 been, s/he’s got a great chance. Maybe not quite amateur draft-level promising but if the right spot  
89 opened up with a team franchise, s/he might have a shot at the big leagues in a couple of seasons. If  
90 I could make that happen, that would help my big shot as well.

91  
92 This semifinal playoff game would clinch a spot in the championship game and the two of them,  
93 who’ve played with and against one another since elementary school, were hyped. I could tell it from  
94 their body language – it’s my job to read such language – and their tension built as the score tied, 4-  
95 4, going into the 9<sup>th</sup>. I was at the game earlier in the season, where Brett and Jackie came to blows at  
96 first base, but, from the shade being thrown across the batters’ boxes, dugout to dugout, their  
97 attitude hadn’t improved much with time.

98  
99 I don’t like to broadcast that I’m at a game scouting a player; you know, the Hawthorne Effect.  
100 Unfortunately, I’m a bit known from working with Magnolia State, and I spent a bit of time trying to  
101 brush off over-eager parents lobbying me and wanting some help getting their kid a spot in the  
102 futures. Oh well, it’s part of the gig. I like the seats behind the dugouts as it gives me a chance to  
103 hear the players and coaches in a more private moment of the game. As usual, Brett was one of the  
104 loudest in the dugout, either shouting encouragement to his/her teammates on the field or giving  
105 words of “encouragement” to fix a mistake made on the field. At one point, when the game was tied  
106 with a long-shot triple by Fondren County in the 6<sup>th</sup> inning, Brett let off on the team saying that “I am  
107 not going to let any of you lose this game! If I have to win this by myself, then I’ll do it! What do we  
108 do?” Several of the others responded, “Do what it takes!” It seemed to have an effect on the team as  
109 several key plays were made to get them to the 9<sup>th</sup> inning still tied.

110  
111 As I’ve said, the game was tight, and both Jackie and Brett were on fire. Jackie had already  
112 connected on a couple of double plays with Nick Barker in the game and was 2 for 3 with a walk.  
113 Brett had everyone watching center field, not wanting to test his/her arm between 2<sup>nd</sup> and 3<sup>rd</sup>.  
114 Fondren County could have had another run in the 7<sup>th</sup> but Coach Schueler was playing it safe against  
115 the gun in the outfield. It’s tied 4-4 in the bottom of the 9<sup>th</sup>, 2 outs, 2 on. Jackie was on second and  
116 Chase Katz, I believe, on first. As soon as Jackie reached second, s/he and Brett start going after each  
117 other. Brett was letting Jackie hear it and Jackie seemed to be throwing it right back. I couldn’t hear  
118 everything they said since the players in the dugouts were chattering too, but Brett did say that s/he  
119 wasn’t going to let Jackie be the one to score the winning run. Taylor Ortiz came to the plate, looking  
120 to drive in the win. Jackie was out there dancing on the bag – knowing s/he would be the winning  
121 run, if s/he made it home – and my attention quickly refocused on the field rather than on the soft  
122 drink somebody had just dribbled down my back. Despite the noise, lobbying parents and sun  
123 directly in my eyes, my scouting talents were on full alert as this crucial game came to a head. Taylor

124 hasn't been having his best season thus far, only having a .138 batting average over the past eight  
125 games, but the gods of baseball were smiling that day. Well, smiling just enough.  
126

127 It was a beautiful hit. Had Taylor been able to perform like this throughout the season, I would have  
128 been looking at him too for a program needing his skills. The ball sailed past the infield, into left field,  
129 and Brett was on it, but not before Jackie, hell-bent-for-leather, had rounded third. Coach Schueler  
130 must have seen the gods smiling and waved Jackie home. I couldn't believe it! Amari Mays didn't  
131 really need to hype the play over the PA system, but I doubt anyone was paying attention as crazy  
132 the crowd had gotten in the moment. Jackie was almost on the base-line – maybe a step or two  
133 outside of it – zeroing in on home plate. The catcher, too well trained to be lured into a run-down  
134 that the Waller infield could hardly win against Jackie, had moved a little up the baseline to position  
135 herself for the play, but nowhere near the runner yet: still protecting home plate. Good job.  
136

137 I saw Brett's arm cock, his/her body wind up for the throw. Instead of going to the cutoff, Brett must  
138 have realized that Jackie was going for the win, Brett zips it straight to the catcher. Brett is definitely  
139 something of a glory-hound (since Tony/Toni was available at shortstop for the cutoff), but, in this  
140 case, s/he was probably right to go for the long bomb to save the game and the season.  
141

142 How many times, both on video (FaceTube and game films) and in person had I watched Brett make  
143 such a spectacular and difficult throw? As I said, the kid has juice: strength and accuracy. But not  
144 today. Not for the first time, Jackie's helmet had flown off as s/he ran. It lay somewhere close to  
145 Casey, upside down between second and third bases. Considering the fact that Jackie was running  
146 away from Brett around third, I'm sure s/he had to have seen Jackie's bare head as s/he hurled it.  
147 Jackie barely made it three, four steps past 3<sup>rd</sup> before it happened. The meeting of horsehide and  
148 skull was audible (or, at least, I imagined so, over the screams of the crowd). Jackie, body arched,  
149 stumbling, limp, collapsed into the dust as though shot. Had that been thrown to the catcher, Jackie  
150 would have had no chance and Brett's throw would be remembered in a much more favorable light.  
151

152 In an instant, the field goes silent. It took a few seconds for anyone to move. Several players from  
153 the field ran to Jackie and both dugouts came out a few steps. One of Waller County's coaches was  
154 right on Jackie, trying to keep him/her still. As with all high school games, they'd arranged for  
155 paramedics to be stationed behind the stands, and they were called out right away. I found myself at  
156 the bottom of the stands on the fence, next to the dugout, watching everything. By then, Brett had  
157 made it in from left field and some of the Fondren County players started getting a little angry and a  
158 shoving match broke out. In the scuffle, I heard someone say something about a cheap shot, and  
159 heard Brett say that it had been an accident – I remember hearing the word "fluke" standing clearly  
160 against the hubbub. I do remember hearing her/him gripe in the dugout before the game about not  
161 being "allowed to win," and now his/her tone reflected (to me) more self-pity than genuine remorse.  
162 Before things got out of hand, Coach Brown and Schueler grabbed Brett by the arms and got him/her  
163 into the dugout as quick as possible. I could almost hear Schueler say to Brett, "Keep your mouth  
164 shut. Don't say anything else!" For my part, I think that throw was intentional – impulsive, quickly  
165 regretted, but deliberate at the time. Brett couldn't have missed home plate (or the catcher close to



166 it) by that much accidentally – or even under the pressure of the moment; I’ve been watching Brett  
167 play high-stakes ball too long to believe otherwise. As for Jackie, s/he should bounce back from it.  
168 Lots of players have recovered from a concussion and played a full career. Hopefully that’s the case  
169 with Jackie.

170  
171

172 **WITNESS ADDENDUM**

173 I have reviewed this statement, given by me, and I have nothing of significance to add at this time.  
174 The material facts are true and correct.

175  
176

Signed,



177  
178  
179 **Val Ripken**

180


181 SIGNED AND SWORN to me at 10:15 AM, August 15, 2018.

182

183

184

185

  
\_\_\_\_\_  
Yogi Berra, Notary Public

## STATEMENT OF BRETT ROBINSON

1 My name is Brett Robinson. I am 17 years old and just finished my junior year at Waller County High  
2 School. Go Bullfrogs! Croak! I have been on the co-ed baseball team since my freshman year, being  
3 one of the youngest starters ever. I have been playing some sort of baseball since 2009, and have  
4 always loved the game. When I was in elementary school, I tried pee-wee football, and I used to be  
5 on the neighborhood's swim team every summer. Something just sort of clicked for me when I  
6 started to play baseball. Something with baseball just felt right. You get out there, the stands are full,  
7 and everyone's cheering. It's like everyone in town came to see you. Time stands still, and you feel  
8 like you can do anything and have a great life doing it. You almost feel like you're going to live  
9 forever. It's a great game. Like Coach K.'s husband has said, "It's a part of our past. It reminds us of  
10 all that once was good and it could be again." Plus, I don't like getting wet, and football can get you  
11 hurt.

12  
13 Like most schools around here, we don't have enough students to make all-male teams for baseball.  
14 So, the state athletic board started promoting co-ed baseball. That way, those of us who want to  
15 play ball have an option each spring. Most of the co-ed players also play summer league baseball.  
16 That's where the real competition happens. Like I said, I've been playing ball since 2009 and wasn't  
17 able to play summer league until I got to high school. Magnolia State is the organization that fields  
18 the baseball teams over the summer in our part of the state. You've got to try out to make the teams  
19 and it's very competitive with everyone wanting to play on the Sluggers. If you want a future playing  
20 ball, you have to play in the travel leagues and Magnolia State is one of the best in the state. We  
21 travel to tournaments around Mississippi playing other summer teams. We've been up to  
22 Southaven, down to Gulfport, and always go to a big tournament in West Point every year. We've  
23 also gone to tournaments in Baton Rouge and Birmingham. It's a lot of work and time, but it's also a  
24 lot of fun. Since Magnolia State is our summer league, it's made up of players from several of the  
25 high schools in the area, so everyone winds up playing with and against each other over the course  
26 of several seasons. Everyone plays the summer to be a prospect, but only a few get the call.

27  
28 When I started high school, I easily made the co-ed baseball team. Coach Schueler is a summer coach  
29 in Magnolia State, and s/he put in a good word for me with Coach Brown here at Waller County.  
30 Coach Brown was impressed and got me on the roster right off the bat. Yeah, there were a few other  
31 players who were not happy that I made the team a "year early" since most really don't make it until  
32 their sophomore year. During the school year, I am the center fielder. It's a pretty active position,  
33 and I've got a fantastic arm to hold runners pretty easily. With me in center, everyone knows you  
34 have to pay attention to play the infield.

35  
36 There are limited slots on the school's team, and Coach Brown said that he needs every player to pull  
37 his/her weight to help make the Bullfrogs State Champs. Coach Brown has been drilling into our  
38 heads the importance of the state championships since I first joined the team, and we all want that  
39 trophy.

40 That's where summer ball comes in handy. Like I said, Coach Schueler from Fondren County has been  
41 my coach over the summers. While I enjoy playing on the school team, I am much more challenged  
42 by the summer travel league. This is where the best of the best play against each other; we don't  
43 have any scrubs at this level. Mostly this is because there are some steep fees to play in the summer  
44 travel league, and the practices are located two counties away from Waller County. It takes an hour  
45 each way to get to and from practice three days a week!

46  
47 Since it's so far away, we all carpool to get to practices. All of the teams practice at the same times,  
48 so we're all around each other every day in the summer. I would typically ride in the car with Chris,  
49 Sarah, and Chipper. Thankfully, Jackie lives in Fondren County; Jackie is just not one of my favorite  
50 people, so I'm fine to not have to be stuck in a car with him/her for two hours each day. I've been  
51 told that I've got a future in the game, and I'm thinking of college and possibly beyond college.  
52 Maybe the pros! I've learned in team sports that there are lots of people that you may not be friends  
53 with, but who are teammates and you need to work together to get that win. Look, this is my future.  
54 I know a lot of kids dream of the big leagues, but it's a real possibility for me. I'm not going to do  
55 anything to jeopardize that just because I don't get along with everyone I play with.

56  
57 Since most of us play Magnolia State, I've been able to play with or against many of the people that  
58 we come up against during the school's season. I feel this gives me an edge. I try to observe both my  
59 teammates and opponents so that when I play against them later, I have an advantage. Obviously,  
60 not everyone can be at my level, so the school season is more of a practice season for me.

61  
62 Jackie is one of those players that I have played both with and against over the past few years. What  
63 a showoff s/he is! Early in the season last spring, we had a non-region game against the Fondren  
64 County "Flea-Bitten Beagles." Jackie was smothering first base when I hit what should have been a  
65 double. Jackie was all over the bag and deliberately got in my way so that I was not able to make it to  
66 second. Of course, I was mad, wouldn't you be? So, I told Jackie what s/he needed to hear, and it  
67 almost got physical. Coach Kinsella got between us and shut Jackie up pretty quickly. The umpire  
68 gave us both a warning. Can you believe it?

69  
70 I know that some of the other players on both the summer and school teams think that I should keep  
71 my mouth shut with Jackie and just take it. No way! I stand up for my rights! After all, what is a ball  
72 game without a little trash talk? That's part of the game. I never take it too far and throw it around in  
73 the spirit of the game. I am a top player and some of the others are just jealous, that's all it is. To  
74 stay on top, I spend a lot of extra time practicing my throwing. You have to practice drills daily to  
75 keep your arm in good condition. I'm not just talking straight throws to the cutoff man. I mean  
76 putting the ball right where I want it as quickly as possible; that can make the difference in a game.  
77 There are lots of resources for learning to throw that will increase velocity and/or accuracy. I practice  
78 throwing at a series of stationary targets and try to hit the center of the target every time.

79  
80 Since I've gotten so good with my throws, I thought it would be fun to record my skills with some  
81 trick shots. I'm not quite Dude Perfect, but it's still a good show. My brother and I spend a lot of time

82 trying all sorts of trick shots. He sets up the camera every time, and we see what we can catch on  
83 video. Sometimes, some of my teammates are in the videos, especially Tony/Toni. I think s/he looks  
84 up to me with my skills and is hoping something rubs off on him/her being in my presence. Now,  
85 believe me it takes a lot of takes to get one of those trick shots to work! One had my brother throw  
86 his glove in the air, and I threw the ball at it, putting it right in the web. It's nothing like what Ryan  
87 Mason does, where he throws the ball right through a falling tube, but it was still pretty cool.  
88 Another favorite was when I fielded a one hop ball in left field and quickly turned to throw it into a 5-  
89 gallon paint bucket set up at home base. Talk about a hole in one! It had 117,672 hits on that one on  
90 FaceTube. I've even managed to hit the catcher's mitt at home blindfolded a couple of times, though  
91 most of them sailed a bit wide. After Jackie got hurt, Coach Schueler suggested I take them all down  
92 until the dust settles.

93  
94 I think that the FaceTube videos of my throws helped with scouts finding me. The state rules say that  
95 I can't be contacted by college recruiters or pro scouts until the end of my junior year. Up until then,  
96 the recruiters cannot call or e-mail the students. But, the recruiters can talk to coaches and see the  
97 players in action during games before then. During Magnolia State before my junior year, Coach  
98 Schueler told me we had a lot of scouts at our game looking at me. There were a few at the Ford  
99 County games too. However, I know once we got to the playoffs, I was getting more attention.

100  
101 I was looking forward to the end of the co-ed season, so I could actually talk to some of these folks  
102 about my future. However, since that game on May 25, 2018, there seems to have been a damper  
103 on the number of recruiters and coaches who have called me or taken my calls to them. I've left lots  
104 of messages and sent out e-mails, but few have responded. That showboat Jackie is the one to  
105 blame, not me!

106  
107 This past season had been one of our best seasons; we could feel everything falling our way. We got  
108 to the semifinal round of the state playoffs and came up against Fondren County. There has always  
109 been a lot of tension and high energy when we've played them. One big omen I should have seen  
110 was that Kermit, the Waller County mascot, was missing for this game. In the quarterfinal game  
111 against Caldecott County, Peyton, the kid who wears the Kermit costume, tried to go old school with  
112 his routine on top of the home dugout and jump through a flaming hoop. Peyton didn't get quite  
113 enough air and, well, let's just say that polyester and foam aren't the most flame-resistant materials  
114 and make a horrible stench when they burn. Thankfully, Peyton was okay but ol' Kermit is done for  
115 the season. Despite Kermit's absence, this was supposed to be one of those life-changing games on  
116 the way to the championship, but it changed my life in a different way.

117  
118 Okay, so what happened is it was the bottom of the 9<sup>th</sup> with Fondren up to bat. It had been a close  
119 game all day. We were tied up 4-4, and Jackie managed to get him/herself to second base. Taylor  
120 Ortiz hit a shot right through our pitcher's feet; it almost took Chris out. I naturally took off towards  
121 2<sup>nd</sup> to grab the ball and throw Jackie out at 3<sup>rd</sup>. Before I knew it, the ball then ricocheted off the bag  
122 and shot into left field, no bother. I sprint over to it, scoop it up just behind Tony/Toni and glance at  
123 Jackie as s/he was getting to 3<sup>rd</sup>. I was planning on hitting Tony/Toni directly at 3<sup>rd</sup> to keep Jackie

124 there. Just before I fired the shot, I saw Jackie was rounding 3<sup>rd</sup> and heading for home. Coach  
125 Schueler was losing his/her mind trying to get Jackie to stop, but I guess the hot shot knew more  
126 than the coaching staff that day, and s/he just ran right through Schueler's stop signs. There was no  
127 way that slob was going to steal home and the game from me like that. S/He must have thought I  
128 had taken a vacation out there thinking s/he could beat my throw to the plate, but I was going to  
129 show him/her how wrong s/he was. I grabbed the ball out of my glove, crow hopped towards the  
130 plate, and sent the ball to home, getting it there long before Jackie stumbled his/her way to the  
131 plate. Rachel saw what was happening and made the perfect target for the throw; it was going to be  
132 one for the ages! I've done this a thousand times before, in games, in practice, on video. I really  
133 don't know what happened. It was pretty late in the day, and there were some fierce shadows  
134 everywhere. I had my hat/visor low and the sun wasn't a problem. I swear I sent the ball to Rachel's  
135 mitt, not at Jackie's head. I must have been a bit off balance when I had to adjust towards home  
136 plate after fielding the ball from a weird angle. It went wide and should have wound up in the fence  
137 behind the plate. Rachel may have been able to grab it before Jackie got there, but it would have  
138 been close. Jackie should not have been way out there, no way.

139  
140 The next thing I know Jackie goes down in the dirt about 10 feet outside of the third base line. I ran  
141 over to see if s/he was okay. Right up against the Waller County dugout, about 10 feet from where  
142 Jackie was lying in the dirt, I found the ball. The ball was still live, and it was just instinct, you know. I  
143 picked it up and went over to tag him/her out to end the inning. I didn't mean anything by it, but you  
144 would have thought the Fondren players thought I had kicked Jackie in the head while s/he was lying  
145 there the way they reacted. The umps had to pull players apart, and they suspended the game to  
146 sort it all out and get Jackie out of the dirt. I couldn't tell if Jackie had his/her helmet on or not, but I  
147 wasn't paying attention to that. If s/he wasn't wearing it, what am I supposed to do? Throw it softer?

148  
149 I know Jackie says I beaned him/her on purpose, but I would never do that! I know I've got skills but  
150 nothing like that. With my running, losing balance, throwing on the fly, Jackie running away from me  
151 and being so far off the target, there's no way I could have nailed him/her like that if I tried. Yeah,  
152 Jackie is a snot who will never make it beyond Magnolia State, but why would I throw away my  
153 entire future with a throw like that?

154  
155  
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165

166 **WITNESS ADDENDUM**  
167 I have reviewed this statement, given by me, and I have nothing of significance to add at this time.  
168 The material facts are true and correct.

169  
170 Signed,  
171 *Brett Robinson*  
172  
173 **Brett Robinson**

174  
175 SIGNED AND SWORN to me at 4:20 PM, July 28, 2018.

176  
177 *Yogi Berra*  
178  
179 Yogi Berra, Notary Public

# STATEMENT OF AMARI MAYS

1 My name is Amari Mays. If you listen to sports-talk radio or follow high-school sporting events in  
2 Fondren County, you've probably heard my voice a million times.

3  
4 "You have the perfect radio voice!" That's what people always said to me back when I started  
5 attending Metropolitan University. So, I decided to sign up to be a volunteer disc jockey at the  
6 campus station WMPU. From there, I worked my way into doing play-by-play commentary for the  
7 university basketball games after the student announcer graduated.

8  
9 This was back in the good old days when the students ran the station, and their programs were  
10 broadcast over the airwaves 24/7. As luck would have it, the station manager of Newtonville's  
11 sports-talk station, WNLT, was a huge basketball fan, and listened to my play-by-play all the time.  
12 Next thing I knew, the manager offered me a part-time producer job, so I was working in real radio  
13 for real pay at the same time I was working as a college radio volunteer.

14  
15 I went full-time at WNLT after I graduated. At first, I mostly did lots of production work, voicing a lot  
16 of the commercials that aired on the station and promos/bumpers for other programs. But then I  
17 was able to add a new Sunday morning show—*The Breakfast Hash*—for fans to call in and rehash the  
18 college games from the day and/or week before.

19  
20 *The Breakfast Hash* developed a core audience of Metropolitan University fans, and I was hoping to  
21 broaden the subject matter with an eye towards syndication. But that's when the media  
22 conglomerate that owned WNLT suddenly decided to change the station format to hip-hop oldies to  
23 improve ratings. The corporate brass jettisoned the entire staff—said we were just a bunch of sports  
24 jocks who didn't have the sense to know that you never play Notorious B.I.G. back-to-back with  
25 Tupac, and that you sure can't play Lil' Nemesis T next to Ludacris because it just sounds weird. Go  
26 figure!

27  
28 I got a small severance package, which I combined with my little bit of savings, to buy some  
29 equipment for a home recording studio. My initial plan was to continue producing voiceover work  
30 for radio and television commercials. But it also occurred to me that I could build on my past  
31 experience as a college play-by-play announcer. I didn't want to just be sitting around the house  
32 talking to myself. I missed going to games. It was summertime, so I started helping out coaching a bit  
33 with a summer league baseball team made up of players from various high schools, the Sluggers. I  
34 didn't have that much experience but for being a fan, but I did what I could, mainly running drills for  
35 the kids. The team was part of the Magnolia State organization, based in Newtonville at the Pearl  
36 River Sports Complex. These are kids who are hoping to make it to the next level after high school.  
37 All the players come from the various high schools around this part of the state, with a good number  
38 from Fondren, Waller and Ford Counties. It was fun to be involved with the best baseball players  
39 around as they traveled to different tournaments around the southeast. We even had a few of the

40 players make the regional All-Star team that played in Ohio. I was surprised how much of a following  
41 both the Magnolia State ball teams had over the summer. That's when it occurred to me that there  
42 might be a market for coverage of high school sports in Fondren County.

43  
44 At first, sort of as a pilot project, I set up a network to stream play-by-play coverage of Fondren  
45 County High School games and events. I called my new venture, Play-By-Play Sports Productions, Inc.  
46 It was an immediate success! By the end of the first school year, several other schools wanted  
47 broadcast programming for their softball, football, basketball, soccer, and lacrosse games. There was  
48 even demand for some of the lesser-watched events like fencing and swim meets.

49  
50 As Play-By-Play Sports Productions grew, adding new schools to the broadcast network, we also  
51 added more services to create a fuller sports media package—everything from public address and  
52 play-by-play announcers, web streaming of games, to team marketing and digital scouting services.  
53 We had enough interest in the area to add a Sunday afternoon call-in show to talk about the  
54 previous week's games and preview what was coming up. It worked really well, almost becoming a  
55 regional sports "network" for the high schools and counties in the area.

56  
57 The best part of being the founder of Play-By-Play Sports Productions is that I get first choice of the  
58 games I want to cover myself. Naturally, on May 25, 2018, I wanted to be at the semifinal co-ed  
59 baseball playoff between the Waller County High School Bullfrogs and the Fondren County High  
60 School Golden Beagles. After all, there was a lot riding on this game. Not only would it determine  
61 who would advance to the state championship series, but also featured a couple of the key players  
62 that were being scouted for scholarships or even pro offers. On a personal level, it's fun for me  
63 because I know some of the players from my days coaching the Sluggers—such as Fondren County  
64 catcher Regan Young and Waller County 2<sup>nd</sup> baseman Sarah Fleming and right fielder Christa  
65 McDaniel. I knew a number of other players from the summer leagues as well.

66  
67 Another draw to the game was the rivalry between Fondren County and Waller County. There is no  
68 love lost between these teams. It's odd, in a way, since during the summer, some of the kids play on  
69 the same travel teams together and do it quite well. But not during the high school season. This  
70 game is always high on tension and competitiveness. This is in large part due to the rivalry between  
71 Brett Robinson and Jackie Mitchell. Every time they are on the same field, there's talking, chattering,  
72 insults, and all-around aggressiveness. They don't give an inch and try to take a mile from each  
73 other. Around here, it's become one of the biggest rivalries in sports, up there in the echelons of  
74 Manning vs. Brady, Allison vs. Yarborough, A-Rod vs. everyone. True to form, Jackie and Brett didn't  
75 hold back during the game. Every time they came close to each other at first, it got loud. The umpire  
76 gave them each a warning and Annie Kinsella, Waller's first base coach, had her hands full keeping  
77 them in check. Jackie also got a warning from the umpires about his/her helmet coming off in the 3<sup>rd</sup>  
78 inning at second base. A 2<sup>nd</sup> warning on the same issue gets you an early trip to the showers.

79  
80 Having covered so many games, I've seen firsthand the talent that both Jackie and Brett have. Brett  
81 is probably the better player all around, but Jackie's ego makes up for it. S/He tried to get me to play



82 walk-up music every time s/he came to bat but we don't do that. S/He also wanted me to introduce  
83 him/her as "Number 9 in your programs, but number 1 in your hearts!" or some tripe like that.  
84 Whatever just play the game kid! Brett's arm is legendary and one of a kind. We've linked to a few of  
85 his/her FaceTube videos as part of our media package, and they do help drive up viewers to our site.  
86 I was excited to see his/her cannon in action this afternoon. So were some scouts. They tend to skip  
87 the co-ed games since there aren't that many female baseball players in their organizations yet, but  
88 you can still see some of the raw talent on display during these games.

89  
90 While my roots are in doing the play-by-play, with so many management commitments these days, I  
91 find that I'm best suited to making the public address announcements. With it being such a big  
92 game, I had Steve Dillard handle the play-by-play in the booth next to me, which was great. He's a  
93 big name in these parts and has a great social media following on Twitter. It's less stressful—you  
94 don't have to focus quite as intently as you do for the play-by-play. But you still get to sit in one of  
95 the best seats in the house—the press box above home plate. There's nothing like having a bird's  
96 eye view of the field. And the school principals are always up there watching the game, which gives  
97 me time between innings to brainstorm with them about ways Play-By-Play Sports Productions can  
98 help them with their sportscast needs.

99  
100 The Waller-Fondren match up was proving to be a real nail biter going into the ninth inning. Play had  
101 been underway for about two hours, and the game was all tied up 4-4.

102  
103 In the bottom of the ninth, the first Fondren County batter, the center fielder Dana DiMaggio, was  
104 swinging for a walk-off home run. S/He exercised extraordinary patience, waiting through three balls  
105 for a perfect pitch right in the wheelhouse. DiMaggio connected, but didn't get quite enough power  
106 on the ball to take it over the fence, flying out to Waller County right fielder Christa McDaniel. One  
107 out.

108  
109 Next up was first baseman Jackie Mitchell, who jumped on the first pitch for a precisely placed single  
110 to shallow center field. Jackie moved from first to second base when Fondren's catcher Regan Young  
111 laid down a sacrifice bunt, which dribbled perfectly down the third-base line. That must have rattled  
112 Waller County pitcher Chris Gant, who walked the next batter, Fondren's short stop Chase Katz. Chris  
113 must have let the pressure of the moment get to him; he got flustered trying to put it down the  
114 middle of the plate but kept dropping it too deep behind the plate and out of the strike zone.

115  
116 Now, with Jackie on second and Chase Katz on first, Fondren's right fielder Taylor Ortiz strode up to  
117 the plate. The crowd is really getting into it and the players in the dugout are chattering up a storm. I  
118 could even hear some of the chirping from the players on the field; this was getting good. At first it  
119 looked like Ortiz was on the ropes, running the strike count to 0-2 with two fouls into the stands  
120 down the third base line. Gant's next two pitches were a bit low, trying to get Ortiz to ground one in  
121 the infield for an easy third out. The heat on the field was getting up there, definitely helped by the  
122 bright setting sun coming in low, right over the Fondren County dugout, casting the long shadows on  
123 that beautiful spring afternoon. On the 2-2 count, Ortiz connected with a perfect pitch, shooting the

124 ball straight up the middle through Gant's feet. At first, it looked like the ball was headed straight  
125 between Brett Robinson and Christa McDaniel. I was on my feet, excited for one of my players to  
126 have the chance to end the threat from Fondren County and the inning. Instead, the ball hit the bag  
127 at second base just left of the inside corner, ricocheting into left field and bouncing toward the foul  
128 line well behind 3<sup>d</sup> base. But in a flash, Brett shifted his/her direction on a dime, sprinting about 20  
129 feet to snag the ball before it reached Waller County's left fielder, Jerrado Gregory. I winced a little  
130 bit seeing that Jerrado had a perfect line to the ball and then to Tony/Toni Stone, the  
131 shortstop/cutoff looking back to the outfield.

132  
133 But I shouldn't have been surprised at this; Brett is known for his/her incredibly accurate and strong  
134 arm. I mean there were FaceTube videos of him/her throwing trick shots into a bucket at home plate  
135 and knocking Coke cans off the dugout fence from the pitcher's mound—that's how s/he got the  
136 attention of the scholarship scouts. So, when Carey Schueler, Fondren County's third base coach,  
137 saw that Brett had snagged the ball, s/he gave Jackie the stop sign to stop him/her at third base and  
138 load the bases.

139  
140 I don't know if Jackie, who had taken off at the crack of the bat, willfully ignored the sign, didn't see  
141 it, or just had too much momentum going to stop. But there seemed to be no stopping. S/He  
142 rounded wide around third and kept on barreling toward home plate, losing his/her helmet at the  
143 bag, which bounced to a stop right at the coach's feet.

144  
145 Schueler is yelling "STOP!" Joe Hodges is pointing at and yelling "HOME!" to Brett from third base.  
146 Brett digs the ball out of his/her glove. Jackie is around third, turning to home. The helmet is in the  
147 air, spinning to the ground. The crowd is losing its mind. This is it folks! This is why you parted with  
148 your hard-earned money this afternoon! Call grandma and make sure she's got her radio on, so she  
149 won't miss this one! Brett cocks his/her arm. The catcher is lining up, giving a target for the throw,  
150 for the out, for the game. Brett lets it loose and sends the ball on a line to the plate – but  
151 something's off...it doesn't quite look right; the way Brett throws the ball. Nevertheless, it's going to  
152 be a close one! Can Jackie beat the throw and win the game? But wait! The throw goes wide! Rachel  
153 sees it and starts to move to her left to catch the ball. Will it be too far from the plate to make a  
154 play? Oh! Jackie's down! Jackie's down! The ball shoots up to the right and into the net above the  
155 Waller dugout. Jackie's still down. What is going on?

156  
157 It took me a second, but then it came together: Brett fired wide and nailed Jackie right in the back of  
158 the head as s/he was halfway between third and home. The ball made a sickening "Thwumpt" when  
159 it hit, and Jackie face-planted right into the base path, about 20 feet from the plate. I heard it when it  
160 happened but didn't realize what it was.

161  
162 The crowd gasped, then fell silent. Not a sound. Many in the stands appeared to be praying as the  
163 coaches and umpire rushed to Jackie. Players ran in from the field out of instinct. Brett trotted in  
164 toward the crowd, late to the scene. I thought s/he was going to check on the injured player since

165 his/her shot felled the runner; instead, s/he picked up the ball and tagged Jackie on the leg as s/he  
166 lay unconscious on the field.

167  
168 I've seen Brett make a million perfect throws all over the diamond -- I am so familiar with the  
169 mechanics of his/her throw, I see it in my sleep. In fact, I am looking forward to seeing it in the big  
170 leagues one day. This throw was different: Brett held onto it just a millisecond longer, and it resulted  
171 in a wild throw that, unfortunately, caused a nasty injury. You could tell the throw was different from  
172 the moment it left Brett's hand. Was it the sun shining full on Brett's face? Was it the sweat on  
173 his/her fingertips from the stress of the play? Was it nerves finally getting to the great Robinson? It  
174 may have been as simple as Brett being forced to readjust in the midst of the throw when s/he saw  
175 Jackie passing third base. I don't know. What I do know is that If Brett really wanted to hit Jackie,  
176 there's a good chance that s/he could have done it. But it would have looked the same as Brett's  
177 other throws that season. This was a gut-wrenching accident, nothing more.

178  
179 As many games as I've called over the years, I've never seen anything like this. Sure, I've seen batters  
180 beamed by a pitch, and infielders spiked by a runner. I've heard an ACL pop from the box. Still, it's  
181 hard to believe that this shot was payback. I'm glad I wasn't calling the play-by-play. I probably  
182 would have been at a loss for words.

183  
184

185 **WITNESS ADDENDUM**

186 I have reviewed this statement, given by me, and I have nothing of significance to add at this time.  
187 The material facts are true and correct.

188  
189

Signed,  
  
\_\_\_\_\_

**Amari Mays**

193  
194 SIGNED AND SWORN to me at 9:15 AM, August 12, 2018.

195  
196  
197   
\_\_\_\_\_  
198 Yogi Berra, Notary Public

## STATEMENT OF CAREY SCHUELER

1 What're you lookin' at? Oh, right. So, you mighta hearda me. I'm Carey Schueler. I'm originally from  
2 Sudlersville, Maryland, but moved south to play college ball on scholarship at Ole Miss. I was one of  
3 the most highly-sought-after high school catchers in the country, but once I got to college, the only  
4 record I ended up setting was for most career ejections. I was eventually tossed from the team when  
5 I got angry and threw my bat a little too close to some teammates, and I dropped out of college.  
6 Shiftless, I tried to select a career path that fit with my disagreeable personality, short fuse, and  
7 thinly-veiled contempt for humanity. I became a parking meter attendant for a while, but the thrill of  
8 ruining peoples' days eventually gets old. For a year, I provided "customer service" for an internet  
9 service provider, which certainly fit with my skill set, but in the end, the game is in my blood. It was  
10 inside me, I quit trying to deny it. So, to scratch that itch, I got into coaching several years ago after I  
11 finished my online degree in business management from Corinthian College.

12  
13 Now, I monitor in-school suspension by day at Fondren County High School and help coach the  
14 baseball team by night. One day, I was on the toilet, reading my contract, and it turns out, I get a  
15 bonus based on how far Fondren County advances in the post-season. Who knew?! Now, I have  
16 several expensive habits – er, hobbies – so you can imagine my delight. I was even inspired to coach  
17 the Magnolia State summer league, so I could mentor the Fondren County talent and scope out the  
18 competition.

19  
20 In the summer league, I coached a young gun named Brett from Waller County. Even though s/he's  
21 not on my team during the school year, I couldn't help taking an interest and got him/her on the  
22 Sluggers for travel play. S/He's got some real, raw talent. I gotta admit, his/her smack talk and hot-  
23 headedness remind me of myself at his/her age. With his/her talent, you expect to have some of  
24 that cockiness and drive. I can see Brett doing big things in the game, which is why it's so important  
25 that s/he learns that just because s/he has talent, doesn't mean s/he has the world by the tail. I  
26 would hate to see that talent squandered. Brett is being looked at by a number of scouts. S/He can  
27 definitely get a ticket to a Division I school without blinking. There's one scout, Bean Ripken, who  
28 thinks s/he can get Brett a contract with a minor league team. Bean's been hanging around the  
29 ballfields during the summer, trying to work his/her way into the front office somewhere. S/He's  
30 always trying to chat me up and give me all of this great advice based on his/her latest computer  
31 calculations, who to bat when, who should start where, all that garbage. I know the game. I know  
32 these kids and see them play every freakin' day. I don't need numbers and charts to know how to  
33 coach them up.

34  
35 During the summer season in 2017, I had Brett and Jackie Mitchell together on the Sluggers. Brett  
36 has always been the center fielder on the A-team for Magnolia State, but Jackie finally made enough  
37 progress to move up from the Bearcats after a few summers. During the school year, Jackie is my  
38 starting first baseman. However, Jackie and Brett have always had a tumultuous rivalry, even when  
39 they were on the same team that summer. I hate to say it, but I think Jackie knew Brett had a future

40 in the game, and Jackie's own future potential was not quite as certain. It was not unusual to hear  
41 them goin' after each other in the clubhouse or the dugout. Brett was bragging after a particularly  
42 stellar performance, and I remember Jackie huffing, "You're like school on Saturday. No class!" To  
43 which Brett responded, "Hey Dana? What's the difference between Jackie and a newborn puppy?  
44 The puppy stops whining after a few weeks." Jackie shot back, "B, you're the reason there are  
45 instructions on hand soap," which led to a shoving match that I quickly broke up. I don't really like all  
46 of this business between the two of them, but it does give me a little hope that this generation still  
47 has a bit of that fire we had back in my day.

48  
49 Jackie's a good kid. However, s/he can also be a bit of a hot-head and pretty thin skinned. My first  
50 interaction with him/her was a game a few years ago where Jackie threw his/her helmet across the  
51 infield after not getting a call his/her way. It almost took out the shortstop from my team, and I  
52 almost lost it. Who the heck does this kid think s/he is? I was all up in the ump's face, trying to get  
53 him to toss Jackie for this display, but he wouldn't do it, just gave Jackie a warning. To his/her credit,  
54 I never saw him/her do anything like that again, so maybe it was a lesson of some sort.

55  
56 Now we're in the school season. Fondren County has been surprising everyone with the streak we're  
57 on. I wanted to ride this train for as long as it would take us! Waller County was at the top of their  
58 region as usual, mainly because of Brett's talent in the outfield. S/He has gunned down several  
59 runners trying to stretch a single to a double or a double to a triple. There have been a few Sports  
60 Center plays at the plate from center field too. Makes me kinda proud, you know? So, both of our  
61 seasons got us together for the semi-finals. Everyone knew this was going to be one of those annual  
62 "game of the century" kinds of deals. It was a huge crowd and was being broadcast on radio. A  
63 couple of news stations had cameras set up for footage. Tons of students showed up; Fondren even  
64 had their own cheerleaders. Cheerleaders at a baseball game? Of course, Bean was there and even  
65 gave me some "free advice" about the team and his/her "latest metrics" or some other mumbo  
66 jumbo. While it was going to be a great game, I knew the beef between Brett and Jackie was going to  
67 be part of the main attraction.

68  
69 I guessed right, and it didn't take long for their mouths to flow. I'm pretty sure I overheard Brett tell  
70 Jackie s/he'd allow Jackie to mow her/his lawn once Brett got to the big leagues. There was a lot of  
71 glaring and trying to intimidate each other on both sides. In the middle of the ninth inning as Brett  
72 was jogging to the outfield and Jackie was heading to the dugout, I heard Jackie taunt, "Grab a  
73 spoon. It'll help you to taste defeat." I chuckled and shook my head as I got in my third base coach  
74 position. That was a pretty good one.

75  
76 The game was a tight one, tied in the bottom of the ninth. The crowd was really into it. You could  
77 feel the electricity in the place. It was impossible to not get that this was a big moment, from the  
78 crowd, to the scouts, to the radio call and game being streamed on the internet. This is why players  
79 give up so much for the game. This is why I came back to the game after being gone so long. We've  
80 got two outs, but things were looking promising for the Golden Beagles because we had two runners  
81 on base, Jackie on second and Chase on first, with one of our most consistent hitters at the plate,

82 Taylor Ortiz. Brett and Jackie kept it up while Jackie was on second. I didn't pay any attention to  
83 them; it was all the same garbage they've been saying to each other all season. Sure enough, Ortiz  
84 gets a base hit up the middle, and Jackie takes off towards me at third base. I've been the third base  
85 coach for every team I've ever coached because I don't trust anyone else to strike that delicate  
86 balance between aggressive base-running and stupidity. I watch as the ball hits second base and  
87 dribbles toward left field. Brett runs at top speed to beat the left fielder to the ball, and I hold up  
88 both hands emphatically—the universal symbol for STOP! Jackie is preparing to round third anyway,  
89 so I jump up and down and yell “STOP!,” desperately trying to get Jackie to stay safely at third to  
90 load the bases for our slugger, Jan Levinson, set to bat next. Instead, Jackie blasts through third base  
91 and barrels past me, helmet flying off in the process. What part of “STOP” do you not understand??  
92 Plus, this thing with the helmet really gets my goat; it happens all the time with Jackie. S/He's been  
93 warned by the ump once already in the game, but no matter what I or any of the coaches say, it  
94 comes off a lot. I mean, the team provides the standard MHSAA approved helmets everyone has to  
95 wear. I guess you could get your own, but they're all the same. With as big as Jackie's let his/her  
96 head get, I figured every helmet we have would be a tight fit on him/her and wouldn't come off so  
97 freaking easily. By the time I turn towards the outfield to see where the ball was, Brett's fielded it,  
98 and winds up her/his cannon to deliver a powerful rocket towards home. I have to admit, after Jackie  
99 blew through me on his/her own hero agenda, I kinda hoped Brett would get the ball to home  
100 before Jackie, just to teach him/her a lesson. No harm; it would have put us into extra innings and  
101 we would have gotten it done in the 10<sup>th</sup>.

102  
103 The crack of the ball hitting Jackie's skull was stomach-churning. Jackie hit the dirt like a sack of  
104 potatoes, and Brett ran from the outfield to the third-base-line where Jackie lay motionless. Picking  
105 up the ball and tagging Jackie out on his/her arm might not've been the most sympathetic move, but  
106 Brett is a merciless competitor, and technically, the ball was still live. The out had to be made. Brett  
107 immediately dropped the ball and went to the Waller County dugout and sat down looking a good  
108 bit shaken. I went over there after they had gotten Jackie on the stretcher and off the field to check  
109 on Brett and tell him/her that freak accidents happen. I was interviewed by Mickey, the principal, for  
110 the incident report. It is something the district requires for every injury. I suppose they have to do  
111 that and keep them somewhere in the front office for that school year as part of the legal process or  
112 something.

113  
114 What do I think really happened? I don't know. It's baseball. Things happen you can't control. It's  
115 part of the game. You have to learn to live with the stuff you can't control and either use it to your  
116 advantage or put it out of your mind. You can't help the slob in the stands who's trying to get in your  
117 head by all the smack they're yelling. You can't help the weather. Yeah, it was a sunny day. There  
118 were some clouds that came through now and then, but these kids don't see that stuff. The stuff the  
119 pros use has gotten down to the little leagues now, with the fancy sunglasses, eye black and  
120 everything, to the Tommy Copper bands and other “performance enhancing equipment” they find  
121 online. Back in the day, your glove was your sunblock and you learned to work through it. So what  
122 happened? Just pure dumb luck. Not really luck, but you know what I mean. Maybe Jackie messed  
123 with Jobu or something, but that throw just went wide. It happens.

124 This lawsuit against Brett is preposterous. I hate what happened to Jackie as much as anyone, but to  
125 try to hold another high school athlete legally responsible boggles the mind. How in creation would  
126 Brett have planned this? Why would Brett do this? They don't get along and want to beat the other  
127 one every time. But this isn't how Brett plays. No, this is on Jackie. Maybe Jackie is hoping to cash in  
128 on Brett's possibly very lucrative career, or maybe Jackie is trying to sabotage her/his old rival's  
129 future since Brett's got a much better chance down the road. No, Jackie just couldn't take the  
130 pressure and reality of his/her skill level and future and is now taking this cheap shot on his/her way  
131 out of the game. All sports have risks. Every player gets hurt at some point in their career. You just  
132 suck it up, wipe off the dirt and move along. You don't sit there and whine and point fingers. There's  
133 no crying in baseball! The bottom line is, Jackie didn't have on a helmet in one of the most  
134 dangerous situations in the game—a play at home plate—and Jackie disregarded my very clear order  
135 to stop on third base. If you ask me, Jackie was blinded by her/his desire to be the hero, at least for  
136 one game.

137  
138

139 **WITNESS ADDENDUM**

140 I have reviewed this statement, given by me, and I have nothing of significance to add at this time.  
141 The material facts are true and correct.

142  
143  
144  
145  
146  
147


Signed,



**Casey Schueler**

148 SIGNED AND SWORN to me at 2:00 PM, August 8, 2018.

149  
150  
151  
152



---

Yogi Berra, Notary Public

# Legal Authorities

## Statutes

### **Miss. Code Ann. § 99-17-19. Assaults; insulting words admissible.**

In all trials for assault and battery, or for an assault, the defendant may give in evidence, in excuse or justification, any insulting words used by the person on whom the assault or assault and battery was committed, at the time of the commission thereof, toward the defendant, and the jury may consider and determine whether such words were or were not a sufficient excuse for or justification of the offense committed.

### **Miss. Code Ann. § 37-24-3. Definitions.**

As used in this chapter, the following words and phrases have the meanings as defined in this section unless the context clearly indicates otherwise:

- (a) “Health care provider” means a licensed physician or a licensed nurse practitioner, licensed physician assistant or licensed health care professional working within the person’s scope of practice and under the direct supervision or written consultation of a physician. All health care providers referred to in this chapter also must be trained in the evaluation and management of concussions.
- (b) “School athletic event” means activities sanctioned by the Mississippi High School Activities Association (MHSAA) or the Mississippi Association of Independent Schools (MAIS), and school-sponsored activities in Grades 7 through 12 of schools that are not members of the MHSAA or the MAIS which activities are organized and conducted in a manner substantially similar to activities that are sanctioned by the MHSAA or the MAIS.

### **Miss. Code Ann. § 37-24-5. Concussion management and return to play policy; components.**

Each local board of education, administration of a nonpublic school, and governing body of a charter school shall adopt and implement a concussion management and return to play policy that includes the following components:

- (a) Parents or guardians shall receive and sign a copy of the concussion policy before the start of the regular school athletic event season.
- (b) An athlete who reports or displays any symptoms or signs of a concussion in a practice or game setting shall be removed immediately from the practice or game. The athlete shall not be allowed to return to the practice or game for the remainder of the day regardless of whether the athlete appears or states that he or she is normal.
- (c) The athlete shall be evaluated by a health care provider working within the provider’s scope of practice.
- (d) If an athlete has sustained a concussion, the athlete shall be referred to a licensed physician, preferably one with experience in managing sports concussion injuries.
- (e) The athlete who has been diagnosed with a concussion shall be returned to play only after full recovery and clearance by a health care provider.
- (f) An athlete shall not return to a competitive game before demonstrating that he or she has no symptoms in a full supervised practice.
- (g) Athletes shall not continue to practice or return to play while still having symptoms of a concussion.



## **Case Law**

*The following excerpts are from “Case Law” concerning the legal issues raised in this mock trial case. Only portions of the opinions are provided, and only those portions may be used in the course of the trial. Citations and internal quotation marks are omitted in the excerpts of the cases that follow.*

An assault occurs where a person (1) acts intending to cause a harmful or offensive contact with the person of the other or a third person, or an imminent apprehension of such a contact, and (2) the other is thereby put in such imminent apprehension. A battery goes one step beyond an assault in that a harmful contact actually occurs. A battery, therefore, occurs when a person intends to cause a harmful or offensive contact to another person and such contact actually occurs.

***Banks v. Lockhart*, 119 So. 3d 370, 372 (Miss. Ct. App. 2013)**

An action done without the requisite intent does not make the actor liable to the other" for the apprehension [or contact] caused, although the act involves an unreasonable risk of causing it . . . . Intent is an emotional operation of the mind, and is usually shown by acts and declarations of the defendant coupled with facts and circumstances surrounding him at the time. Defendant's intention is manifested largely by the things he does. While the question of intent generally is a question of fact reserved for the jury, it is well settled that intent may be shown by circumstances.

***Sanderson Farms, Inc. v. McCullough*, 212 So. 3d 69, 75-76 (Miss. 2017)**

In the case of *Choate v. Pierce*, the Court held that this statute, Miss. Code Ann. § 99-17-19, should be applied in civil as well as criminal actions for assault and battery.

***Holliman v. Lucas*, 32 So. 2d 259, 260 (Miss. 1947)**

While insulting words would not excuse or justify assault and battery with a deadly weapon, the party insulted might use a stick, provided he did not use it in the manner of a deadly weapon.

***Choate v. Pierce*, 219, 88 So. 627, 628 (Miss. 1921)**

Upon consideration of the reasoning in *Knight v. Jewett* and *Nabozny v. Barnill*, which we find to be sound, we hereby adopt these decisions as binding law in the State of Mississippi.

***Ferrell v. Wahlberg*, 201 So. 4th 905, 908 (Miss. 2017)**

The overwhelming majority of the cases . . . that have addressed the issue of co-participant liability in such a sport, have concluded that it is improper to hold a sports participant liable to a co-participant for ordinary careless conduct committed during the sport—for example, for an injury resulting from a carelessly thrown ball or bat during a baseball game—and that liability properly may be imposed on a participant only when he or she intentionally injures another player or engages in reckless conduct that is totally outside the range of the ordinary activity involved in the sport.

***Knight v. Jewett*, 834 P.2d 696, 710 (Cal. 1992)**

This court believes that when athletes are engaged in an athletic competition; all teams involved are trained and coached by knowledgeable personnel; a recognized set of rules governs the conduct of the competition; and a safety rule is contained therein which is primarily designed to protect players from serious injury, a player is then charged with a legal duty to every other player on the field to refrain from conduct proscribed by a safety rule. A reckless disregard for the safety of other players cannot be excused. To engage in such conduct is to create an intolerable and unreasonable risk of serious injury to other participants. We have carefully drawn the rule announced herein in order to control a new field of personal injury litigation. Under the facts presented in the case at bar, we find such a duty clearly arose. Plaintiff was entitled to legal protection at the hands of the defendant. The defendant contends he is immune from tort action for any injury to another player that happens during the course of a game, to which theory we do not subscribe.

It is our opinion that a player is liable for injury in a tort action if his conduct is such that it is either deliberate, willful or with a reckless disregard for the safety of the other player so as to cause injury to that player, the same being a question of fact to be decided by a jury.

**Nabozny v. Barnhill, 334 N.E.2d 258, 260-61 (Ill. Ct. App. 1975)**

**IN THE CIRCUIT COURT OF FONDREN COUNTY  
STATE OF MISSISSIPPI**

**JACKIE MITCHELL,**

**Plaintiff,**

**v.**

**BRETT ROBINSON,**

**Defendant.**

)  
)  
)  
)  
)  
)  
)  
)  
)  
)

**CIVIL ACTION NO: 2019-MT**

**THE CHARGE OF THE COURT**

**Introduction**

You have been considering the case of *Jackie Mitchell v. Brett Robinson*. You have heard the evidence and the allegations of the parties, and I will not repeat them here. It is now my duty to instruct you on the law which you will use to render a verdict in this case.

**Burden of Proof; Generally; Preponderance of Evidence, Defined**

Plaintiff has the burden of proof, which means that the plaintiff must prove whatever it takes to make out his/her case, except for any admissions by the defendant. Plaintiff must prove his/her case by what is known as a preponderance of the evidence, that is, evidence upon the issues involved which, while not enough to wholly free the mind from a reasonable doubt, is yet sufficient to incline a reasonable and impartial mind to one side of the issue rather than the other.

Your verdict will only deal with liability – the issue of damages will be reserved for a later time.

**Credibility of Witnesses**

The jury must determine the credibility of the witnesses. In deciding this, you may consider all of the facts and circumstances of the case, including the witnesses’ manner of testifying, their intelligence, their means and opportunity of knowing the facts about which they testify, the nature of the facts about which they testify, the probability or improbability of their testimony, their interest or lack of interest in the outcome of the case, and their personal credibility as you observe it.

**Stipulations**

The parties have entered into certain stipulations that have been approved by the court. Where parties stipulate facts, this is in the nature of evidence. You may take that fact or those facts as a given without the necessity of further proof. However, you are not required to do so, and even such matters may be contradicted by other evidence. You make all decisions based on the evidence in this case.

**Conflicting Evidence; Reconciliation**

Any conflicts in the evidence are to be reconciled wherever possible. All witnesses are presumed to speak the truth and, if possible, you should not attribute a false statement to any of them. If you find that this cannot be done, then you should believe the evidence that is most reasonable and believable to you and decide the case by the preponderance of the evidence as you find it to be.

### **Circumstantial Evidence; Direct Evidence**

Direct evidence is evidence, which immediately points to the question at issue. Indirect or circumstantial evidence is evidence, which only tends to establish a fact; it must be such as to reasonably establish that fact rather than anything else. The comparative weight of circumstantial and direct evidence on any given issue is a question of fact for you to decide.

Stated differently, direct evidence is the testimony of a witness who has seen or heard the facts to which the witness testifies and which, if believed, is sufficient to prove or establish these facts.

Circumstantial evidence is the testimony of a witness who has seen or heard the facts to which the witness testifies where from such facts, if believed, you may find other facts to exist, which are reasonable and believable to you in the light of your experience.

Where circumstantial evidence is relied upon to establish a fact or theory, it must be such as to reasonably establish that fact or theory rather than anything else.

### **Admissions**

An admission is a statement by a party, which tends to aid the cause of the opposing party. All admissions shall be carefully considered.

### **Impeachment of Witnesses**

When witnesses appear and testify, they are presumed to speak the truth unless impeached in some manner provided by law.

To impeach a witness means to discredit the witness, or prove the witness unworthy of belief.

A witness may be impeached:

- a. By disproving the facts to which the witness testifies; or
- b. By proof of contradictory statements previously made by the witness about matters relevant to the testimony and to the case.

If any attempt has been made in this case to impeach any witness by proof of contradictory statements previously made, you must determine from the evidence:

- a. First, whether any such statements were made;
- b. Second, whether they were contradictory to any statements the witness made on the witness stand; and
- c. Third, whether it was material to the witness's testimony and to the case.

When a witness is successfully contradicted as to a material matter, the witness's credibility as to other matters shall be a question for the jury.

Since believability of witnesses is a matter to be determined by the jury under proper instructions from the court, if an effort is made to impeach a witness, it is the duty of the jury to determine whether the effort has been successful and whether the witness is to be believed.

### **Prior Statements**

You may determine whether there was evidence that a witness testified falsely about an important fact during the course of the trial as opposed to some other time before this trial.

In doing so, you may make a determination whether the misstatement was because of an innocent lapse in memory or an intentional attempt to deceive. You should consider all the facts and circumstances of any prior statements.

**Battery**

Battery is when one person intentionally and harmfully touches another person without consent, or intentionally causes another person to be touched or suffer a harmful or offensive contact without consent. A person who commits a battery is legally responsible for any injuries resulting from the battery. A person who commits a battery as a result of having insulting words stated to the person may not be legally responsible for any injuries as a result of the battery if you, the jury, determine the battery was justifiable or excusable as a result of the insulting words.

**Intent**

Intent may be shown in many ways, provided you, the jury, believe that it existed from the proven facts before you. It may be inferred from the proven circumstances or by acts and conduct, or it may be, in your discretion, inferred when it is the natural and necessary consequence of the act. Whether or not you draw such an inference is a matter solely within your discretion.

**Form of Verdict**

If you believe from a preponderance of the evidence that the plaintiff is entitled to recover, you would find for the plaintiff and the form of your verdict would be: "We, the jury, find for plaintiff and against defendant on the issue of liability."

If you believe from a preponderance of the evidence that the defendant is entitled to recover, you would find for the defendant and the form of your verdict would be: "We, the jury, find for defendant and against plaintiff on the issue of liability."

If neither party proves his/her case by a preponderance of the evidence, your verdict would be "We, the jury, find for defendant."

**Verdict in Writing**

Whatever your verdict in the case, it must be agreed to by each juror, it must be in writing, dated and signed by your foreperson, and it must be returned and read in court. You may write your verdict on the back of plaintiff's petition.

**Verdict; Unanimity**

Your verdict must be unanimous. If you cannot unanimously agree on a verdict, the judge is required by law to declare a mistrial and retry the case before another jury. Jurors should carefully consider all the evidence in the case, consult with one another, and deliberate with a view toward reaching a unanimous verdict, consistent with your consciences and oaths as jurors.

Avoid premature fixed opinions. Do not hesitate to reexamine your views and change your opinions if, after fair and impartial discussions and deliberations with your fellow jurors, you are honestly convinced that your opinion should be changed. However, no juror is required to surrender an honest opinion differing from that of another juror merely for the purposes of reaching a unanimous verdict.

**Court Has No Interest in Case**

I want to emphasize that anything the court did or said during the trial of this case was not intended to, and did not intimate, hint, or suggest to you which of the parties should prevail in this case. Whichever of the parties is entitled to a verdict is a matter entirely for you to determine, and whatever your verdict, it must be agreed upon by all of you.

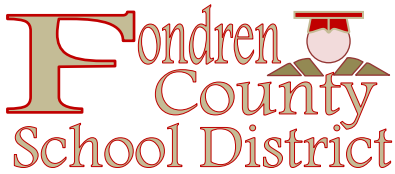
The court's interest in the matter is that the case be fairly presented according to law and that you—as honest, conscientious, impartial jurors—consider the case as the court has instructed you and return a verdict that speaks the truth as you find the truth of the case to be.

**Jury; Final Instructions**

One of your first duties in the jury room will be to select one of your number to act as foreperson, who will preside over your deliberations and who will sign the verdict to which all twelve of you freely and voluntarily agree.

You should start your deliberations with an open mind. Consult with one another and consider each other's view. Each of you must decide this case for yourself, but you should do so only after a discussion and consideration of the case with your fellow jurors. Do not hesitate to change an opinion if convinced that it is wrong. However, you should never surrender honest convictions or opinions in order to be congenial or to reach a verdict solely because of the opinions of the other jurors.

You may go now to the jury room, but do not begin your deliberations until I send you the pleadings and exhibits, which I will do shortly. Then you may begin your deliberations.



## School Accident Report Form

Use the STUDENT ACCIDENT REPORT form to report each serious student accident coming under the jurisdiction of the school's authority. This form, when completed, should be filed in the office for future reference for the school's protection in case litigation may result from the accident at some future date. Minor accidents such as scratches, bruises, etc., need not necessarily be reported.

### General Information

School Fondren County High School  Student  Employee

Name of injured Mitchell Jackie  
Last First Middle Initial

Grade 11 Age 17

### Accident Information

Time of Accident 7:55 a.m. /  p.m. Date 5/25/18

Supervised Activity?  Yes  No If yes, person in charge Babe Ruth, Ath. Director

Nature of Injury (may be completed after medical examination)

- |                                              |                                                |                                                |                                   |
|----------------------------------------------|------------------------------------------------|------------------------------------------------|-----------------------------------|
| <input checked="" type="checkbox"/> Abrasion | <input type="checkbox"/> Bump                  | <input type="checkbox"/> Dislocation           | <input type="checkbox"/> Puncture |
| <input type="checkbox"/> Amputation          | <input type="checkbox"/> Burn                  | <input type="checkbox"/> Fracture              | <input type="checkbox"/> Sprain   |
| <input type="checkbox"/> Bruise              | <input checked="" type="checkbox"/> Concussion | <input checked="" type="checkbox"/> Laceration | <input type="checkbox"/> Strain   |
| <input type="checkbox"/> Other _____         |                                                |                                                |                                   |

Part of Body Injured (check all that apply)

- | Head                                      | Trunk                            | Arms                                          | Legs                               |
|-------------------------------------------|----------------------------------|-----------------------------------------------|------------------------------------|
| <input checked="" type="checkbox"/> Scalp | <input type="checkbox"/> Chest   | <input type="checkbox"/> Shoulder             | <input type="checkbox"/> Hip       |
| <input checked="" type="checkbox"/> Back  | <input type="checkbox"/> Abdomen | <input type="checkbox"/> Upper Arm            | <input type="checkbox"/> Upper Leg |
| <input type="checkbox"/> Front            | <input type="checkbox"/> Back    | <input type="checkbox"/> Elbow                | <input type="checkbox"/> Knee      |
| <input type="checkbox"/> Eyes             |                                  | <input checked="" type="checkbox"/> Lower Arm | <input type="checkbox"/> Lower Leg |
| <input type="checkbox"/> Ear              |                                  | <input checked="" type="checkbox"/> Hand      | <input type="checkbox"/> Foot      |
| <input checked="" type="checkbox"/> Nose  |                                  | <input type="checkbox"/> Fingers              | <input type="checkbox"/> Toes      |
| <input checked="" type="checkbox"/> Mouth |                                  |                                               |                                    |
| <input type="checkbox"/> Tooth            |                                  |                                               |                                    |
| <input type="checkbox"/> Neck             |                                  |                                               |                                    |

Kind of Accident

Where Accident Occurred

- |                                                                         |                                                    |                                               |
|-------------------------------------------------------------------------|----------------------------------------------------|-----------------------------------------------|
| <input type="checkbox"/> Animal bite or insect bite                     | <input checked="" type="checkbox"/> Athletic Field | <input type="checkbox"/> School Bus           |
| <input type="checkbox"/> Collision with student                         | <input type="checkbox"/> Cafeteria                 | <input type="checkbox"/> School Grounds       |
| <input type="checkbox"/> Contact with hot or toxic substance            | <input type="checkbox"/> Classroom                 | <input type="checkbox"/> Shops/Labs/Tech area |
| <input type="checkbox"/> Fall or slip                                   | <input type="checkbox"/> Gym                       | <input type="checkbox"/> Stairway             |
| <input type="checkbox"/> Fighting                                       | <input type="checkbox"/> Hallway                   | <input type="checkbox"/> Parking Lot          |
| <input type="checkbox"/> Struck by auto, bike, etc.                     | <input type="checkbox"/> Locker Room               | <input type="checkbox"/> To or from school    |
| <input checked="" type="checkbox"/> Struck by object (swing, bat, etc.) | <input type="checkbox"/> Playground                | <input type="checkbox"/> Other: _____         |
| <input type="checkbox"/> Student collided with object                   | <input type="checkbox"/> Restroom                  |                                               |

**Accident Description**

*Describe the accident in your own words. Please give all details so this accident report may be used to prevent other similar accidents.*

During the 9th inning of the baseball game, Jackie was hit by a throw from opposing team's center fielder, Brett Robinson. Jackie was running from 3rd base to home. The throw came from left field and hit Jackie on the back of his/her head and knocked him/her down, injuring his/her right forearm and scrapes to the face. Jackie's helmet came off before the throw as s/he ran past 3rd. Schueler says Jackie had been warned by umpires in 3rd inning of losing his/her helmet. Jackie was out for about 6 minutes and taken to hospital by Fondren County EMS. Schueler said it was ultimately Jackie's fault for not stopping at 3rd as instructed. When I mentioned that this all appeared to be a horrible accident, Schueler smirked. P.S. I was in the press box talking to Mickey and did not see the play. All information is from Coaches Brown and Schueler.

**Immediate Action Taken**

First-aid provided: by whom? EMS personnel on scene.  
Description of first-aid: Immediate first aid with ice bags and bandages for arm

Sent to nurse

Sent home

EMS called By whom? \_\_\_\_\_  
Sent to hospital?  Yes  No Name of hospital Fondren Co. Memorial

Was parent or guardian notified?  Yes  No If yes, by whom? Lou Brown (coach)

Name of contact: Howard Mitchell Means of contact In person

If no, explain: \_\_\_\_\_

**FCSD Action Taken**

- Discussed at staff meeting
- Discussed in each class as part of regular instruction
- Discussed with parent
- Personal instruction given to injured
- Personal instruction given to person in charge
- Presented as a subject of assembly program
- Policy review undertaken by principal or district

**Signatures**

<u>Mickey Mantle</u> Principal	<u>5/26/18</u> Date	<u>Mickey Mantle</u> Print Name
<u>Babe Ruth</u> Activity Supervisor	<u>5/26/18</u> Date	<u>Babe Ruth</u> Print Name
<u>Babe Ruth</u> Person completing form	<u>5/26/18</u> Date	<u>Babe Ruth</u> Print Name

*This form must be completed and filed with the secretary of your school within 1 school day of accident.*





COMMENTS • 732

Comments are closed for this video.

Top comments

- Dawg Nation** 2 weeks ago  
Awesome job!  
Reply · 4  
View all 4 replies
- WallerBall15** 2 weeks ago  
Holy cow! How far is that throw?  
Reply ·  
View all 2 replies
- BrettRobinson1** 2 weeks ago  
About 170 feet  
Reply · 3
- stone\_ballplayer** 2 weeks ago  
i'm really glad I don't have to play you in the playoffs!!!  
Reply ·  
View all 2 replies
- Jackie Mitchell 9** 2 weeks ago  
+stone\_ballplayer I wouldn't worry anyway...it's all show  
Reply · 3
- Bean Ball** 2 weeks ago  
Impressive, Brett.

Throwing home from the warning track

**BrettRobinson1**

**Subscribe** 25,058

117,672 views

+ Add to ... Share

54,114 7,859

Published on April 28, 2018

You can't beat my arm! 10 balls. 1 bucket. 10 throws. 0 misses.

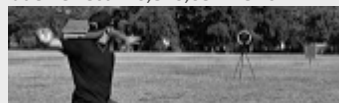
Dude Perfect Top 10 Trick Shots  
Dude Perfect 570,475 views



Golf Trick Shots | Dude Perfect  
Dude Perfect 7,918,043 views



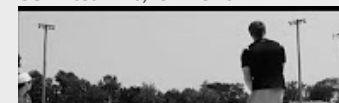
Blitzball Trick Shots | Dude Perfect  
Dude Perfect 16,810,034 views

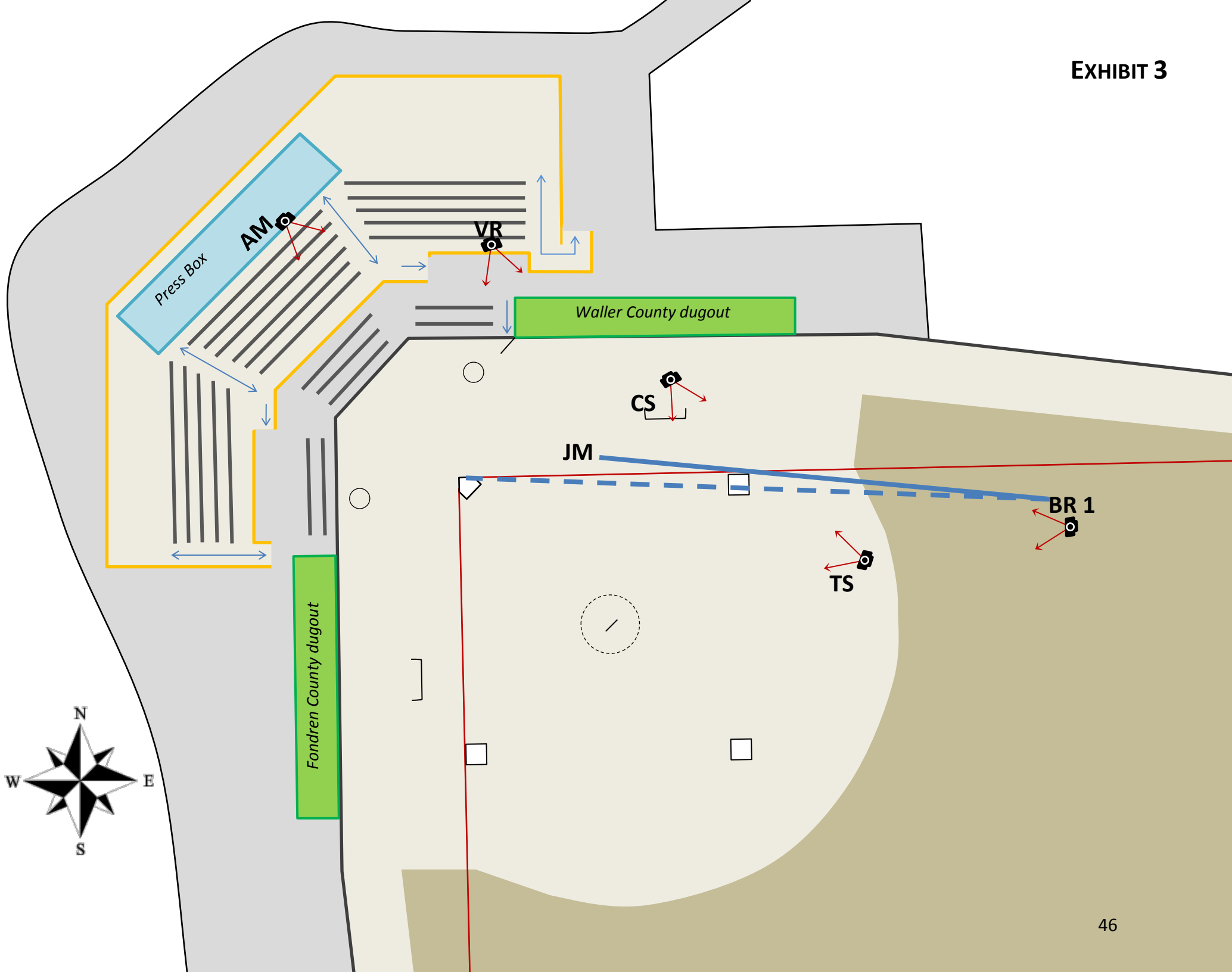


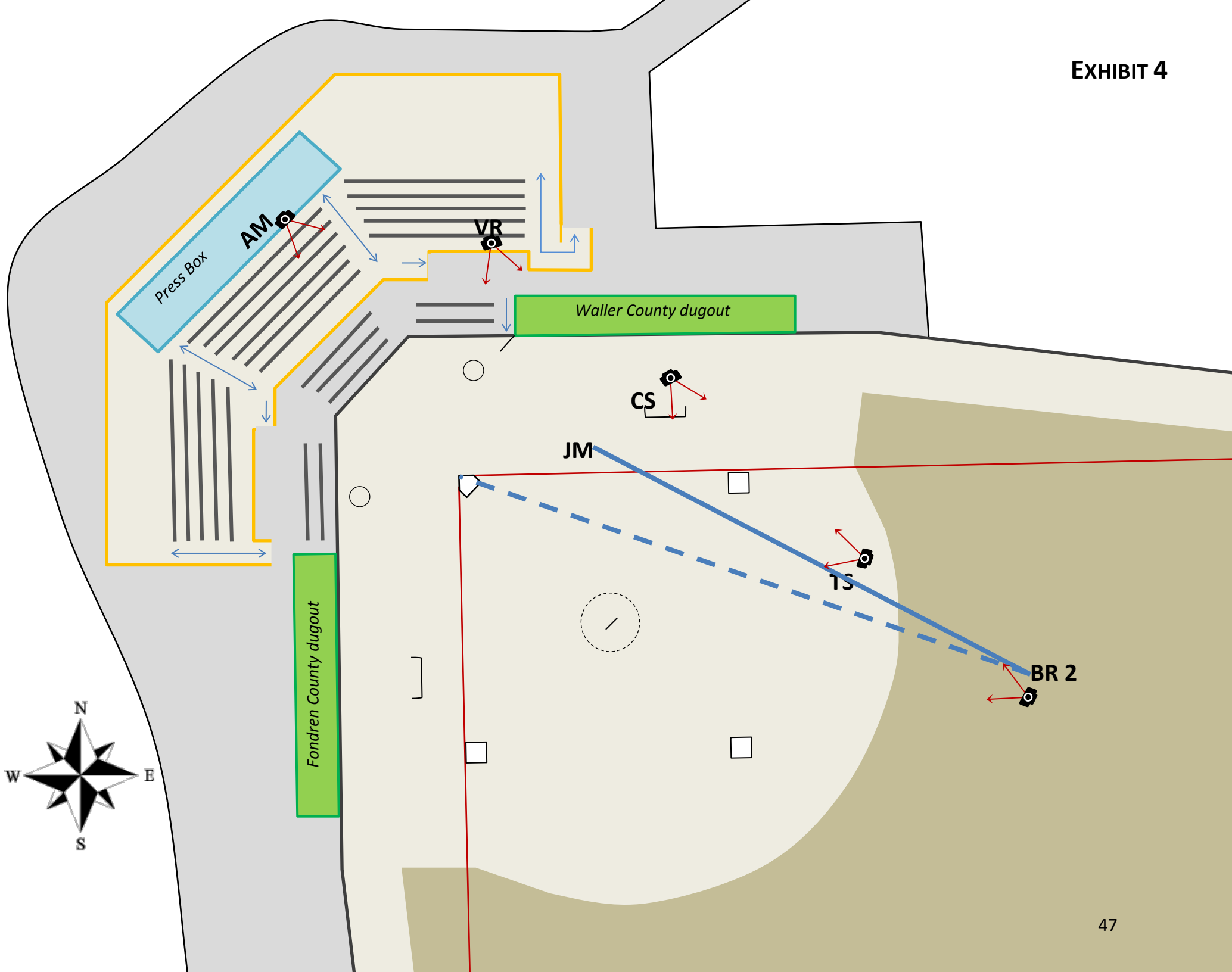
Bass Pro Edition | Dude Perfect  
Dude Perfect 12,179,675 views



Baseball Trickshots  
GOAT team 6,434 views









MHSAA approved baseball

**2017-2018 School Year**

**ATHLETIC PARTICIPATION, WAIVER, INSURANCE, AND CONSENT FORM**

*\*Parent/Guardian(s) and Student signature required at bottom of form & initials required as indicated below*

**PLEASE PRINT**

Student Name \_\_\_\_\_  
(Last) (First) (Middle) (Grade Level 2017-18)

Address \_\_\_\_\_  
(Street) (City) (Zip)

\_\_\_\_\_  
(Parent Cell Phone #) (Parent Alternate Phone #) (Year Entered 9th Grade) (Date of Birth)

**PARENT/GUARDIAN CONSENT FOR ATHLETIC PARTICIPATION**

*\*Parent/Guardian and Student must both initial in blanks before each **bold** section below*

*Parent/Guardian*

*Student*

**ACKNOWLEDGEMENT OF RISK:** I understand and acknowledge that participation in inter-scholastic sports teams/clubs and events is voluntary and by its very nature possesses an actual or potential risk of emotional and physical injury/illness, which may range in severity from minor to long term catastrophic injury, up to permanent

paralysis or death. While it is not possible to eliminate this risk, Students have the responsibility to help reduce the chance of injury. Students must obey all safety rules, report all physical problems to their coaches or supervisors follow a proper conditioning program and inspect equipment daily. Parents/Guardians or Students who do not wish to accept this risk should not sign this form.

*Parent/Guardian*

*Student*

**INSURANCE COVERAGE:** I am aware there is no District insurance coverage for medical treatment of personal injuries or property damage which may arise out of Student's participation in inter-scholastic athletics, sports clubs and events. I understand my Student must have insurance coverage in order to participate.

***Please CHECK one of the following statements regarding insurance coverage for Student for the current school year:***

\_\_\_ Student is adequately and currently covered by accident insurance that will cover injuries sustained while participating in inter-scholastic athletics, sports teams/clubs and events.

Insurance Company: \_\_\_\_\_ Company Phone Number: \_\_\_\_\_

Name of Insured: \_\_\_\_\_ Policy Number: \_\_\_\_\_

\_\_\_ I wish to purchase the Benefit Plan provided by the County School System.

*Parent/Guardian*

*Student*

**PHYSICAL EVALUATION AND MEDICAL TREATMENT:** Per Mississippi High School Activities Association (MHSAA) a **Pre-participation Physical Evaluation** must be performed by a physician (MD/DO), nurse practitioner or physician assistant to medically screen each student who participates in District athletic programs. I

understand that this medical evaluation is general in nature and only performed for purpose of determining fitness for athletics. In case of an emergency or accident on/off school grounds during any school activity or athletic event, which in the opinion of school authorities requires immediate medical or surgical attention, I hereby grant permission to physicians, consulting physicians, certified athletic trainers, emergency medical technicians, and other healthcare providers selected by school authorities to provide medical care and treatment (including hospitalization if deemed appropriate) unless I am present and request otherwise or until I later request otherwise.

Parent/Guardian

Student

**REVIEW OF ATHLETIC HANDBOOK (including Board Policy IDF-R Athletic Code of Conduct):** I acknowledge that I have reviewed and consent to the guidelines of the Student/Parent Athletic Handbook, which can be found on the Athletics page of the County School District website, the local high school website, or by request of a

hardcopy to the local high school. I understand that both Student and Parent/Guardian are subject to the rules outlined in this handbook and that violations may result in school discipline and consequences up to Student's loss of the privilege of athletic participation and/or loss of Parent(s)/Guardian(s)' privilege of attending athletic events. **I have read and understand the consequences of certain behavior(s) as outlined in the Code of Conduct.**

Parent/Guardian

Student

**TRANSPORTATION AND TRAVEL:** I acknowledge my understanding of the travel-related guidelines as outlined within the Student/Parent Athletic Handbook, including the responsibility of parent/guardian to arrange transportation when not District-provided. I consent for my Student to participate in school-sponsored

athletic trips.

Parent/Guardian

Student

**WAIVER:** I assume all liability and responsibility for any and all potential or real risks, injuries or even death which may result from Student's participation in inter-scholastic athletics, sports teams/clubs and events. I represent and warrant that I know of no mental or physical condition that would make it unsafe for Student to

participate in inter-scholastic athletics, sports teams/clubs and events. I understand, acknowledge, and agree that the County School District shall not be liable for any injury/illness suffered by the Student which arises out of and/or is associated with preparing for and/or participating in inter-scholastic athletics, sports teams/clubs and events.

I hereby release, discharge, indemnify, and agree to hold harmless the District, Members of the Board of Education, its past, present and future officers, attorneys, agents, employees, predecessors and successors in interest, and assigns, hereinafter "releasees", from any and all liability arising out of or in connection with Student's participation in inter-scholastic athletics, sports teams/clubs and events. For purpose of this Release, liability means all claims, demands, losses, causes of action, suits, or judgments of any kind that Student or Student's parents, guardians, heirs, executors, administrators, and assigns have or may have against the releasees because of Student's personal, physical, or emotional injury, accident, illness or death, or because of any loss of or damage to property that occurs to Student or his or her property during Student's participation in inter-scholastic athletics, sports teams/clubs and events due to acts of passive or active negligence by releases other than actions involving fraud or actual malice.

By signing below, you acknowledge that you have carefully read this voluntary Waiver and understand the potential dangers incident to engaging in inter-scholastic athletics, sports teams/clubs and events, and are fully aware of the legal consequences of this agreement.

**SIGNATURE:**

**By signing below, Parent/Guardian and Student hereby agree to/give consent for participation in inter-scholastic athletics, sports teams/clubs and events for County School District of the below-indicated Student. You acknowledge that you have carefully reviewed and agree to all terms of athletic participation, including the voluntary waiver, verify that all information contained herein is accurate, and understand that any false information may result in Student's ineligibility for athletic participation.**

_____ Signature(s) of Parent(s)/Guardian(s)	_____ Printed name of Parent(s)/Guardian(s)	_____ Date
_____ Signature(s) of Student	_____ Printed name of Student	_____ Date

MISSISSIPPI HIGH SCHOOL ACTIVITIES ASSOCIATION, INC.

**Concussion Information Form**

*(Required by MHSAA Annually)*

A concussion is a brain injury and all brain injuries are serious. They are caused by a bump, blow, or jolt to the head, or by a blow to another part of the body with the force transmitted to the head. They can range from mild to severe and can disrupt the way the brain normally works. Even though most concussions are mild, **all concussions are potentially serious and may result in complications including prolonged brain damage and death if not recognized and managed properly.** In other words, even a “ding” or a bump on the head can be serious. You cannot see a concussion and most sports concussions occur without loss of consciousness. Signs and symptoms of concussion may show up right after the injury or can take hours or days to fully appear. If your child reports any symptoms of concussion, or if you notice the symptoms or signs of concussion yourself, seek medical attention right away.

**Symptoms may include one or more of the following:**

- Headaches
- “Pressure in head”
- Nausea or vomiting
- Neck pain
- Balance problems or dizziness
- Blurred, double or fuzzy vision
- Sensitivity to light or noise
- Feeling sluggish or slowed down
- Feeling foggy or groggy
- Drowsiness
- Change in sleep patterns
- Amnesia
- “Don’t feel right”
- Fatigue or low energy
- Sadness
- Nervousness or anxiety
- Irritability
- More emotional
- Confusion
- Concentration or memory problems (forgetting game plays)
- Repeating the same question/comment

**Signs observed by teammates, parents and coaches include:**

- Appears dazed
- Vacant facial expression
- Confused about assignment
- Forgets plays
- Is unsure of game, score, or opponent
- Moves clumsily or displays incoordination
- Answers questions slowly
- Slurred speech
- Shows behavior or personality changes
- Can’t recall events prior to hit
- Can’t recall events after hit
- Seizures or convulsions
- Any change in typical behavior or personality
- Loses consciousness

**(Continued on next page)**

**What can happen if my child keeps on playing with a concussion or returns too soon?**

Athletes with the signs and symptoms of concussion should be removed from play immediately. Continuing to play with the signs and symptoms of a concussion leaves the athlete especially vulnerable to greater injury. There is an increased risk of significant damage from a concussion for a period of time after that concussion occurs, particularly if the athlete suffers another concussion before completely recovering from the first one. This can lead to prolonged recovery, or even to severe brain swelling (second impact syndrome) with devastating and even fatal consequences. It is well known that adolescent or teenage athletes will often fail to report symptoms of injuries. Concussions are no different. As a result, education of administrators, coaches, parents and students is key to a student-athlete’s safety.

**MHSAA Concussion Policy:**

- An athlete who reports or displays any symptoms or signs of a concussion in a practice or game setting should be removed immediately from the practice or game. The athlete should not be allowed to return to the practice or game for the remainder of the day regardless of whether the athlete appears or states that he/she is normal.
- The athlete should be evaluated by a licensed, qualified medical professional working within their scope of practice as soon as can be practically arranged.
- If an athlete has sustained a concussion, the athlete should be referred to a licensed physician preferably one with experience in managing sports concussion injuries.
- The athlete who has been diagnosed with a concussion should be returned to play only after full recovery and clearance by a physician. Recovery from a concussion, regardless of loss on consciousness, usually take 7-14 days after resolution of all symptoms.
- Return to play after a concussion should be gradual and follow a progressive return to competition. An athlete should not return to a competitive game before demonstrating that he/she has no symptoms in a full supervised practice.
- Athletes should not continue to practice or return to play while still having symptoms of a concussion. Sustaining an impact to the head while recovering from a concussion may cause Second Impact Syndrome, a catastrophic neurological brain injury.

Remember, it is better to miss one game than to miss the whole season.

**I have reviewed this information on concussions and am aware that a release by a medical doctor is required before a student may return to play under this policy.**

\_\_\_\_\_  
Student-Athlete Name Printed

\_\_\_\_\_  
Student-Athlete Signature

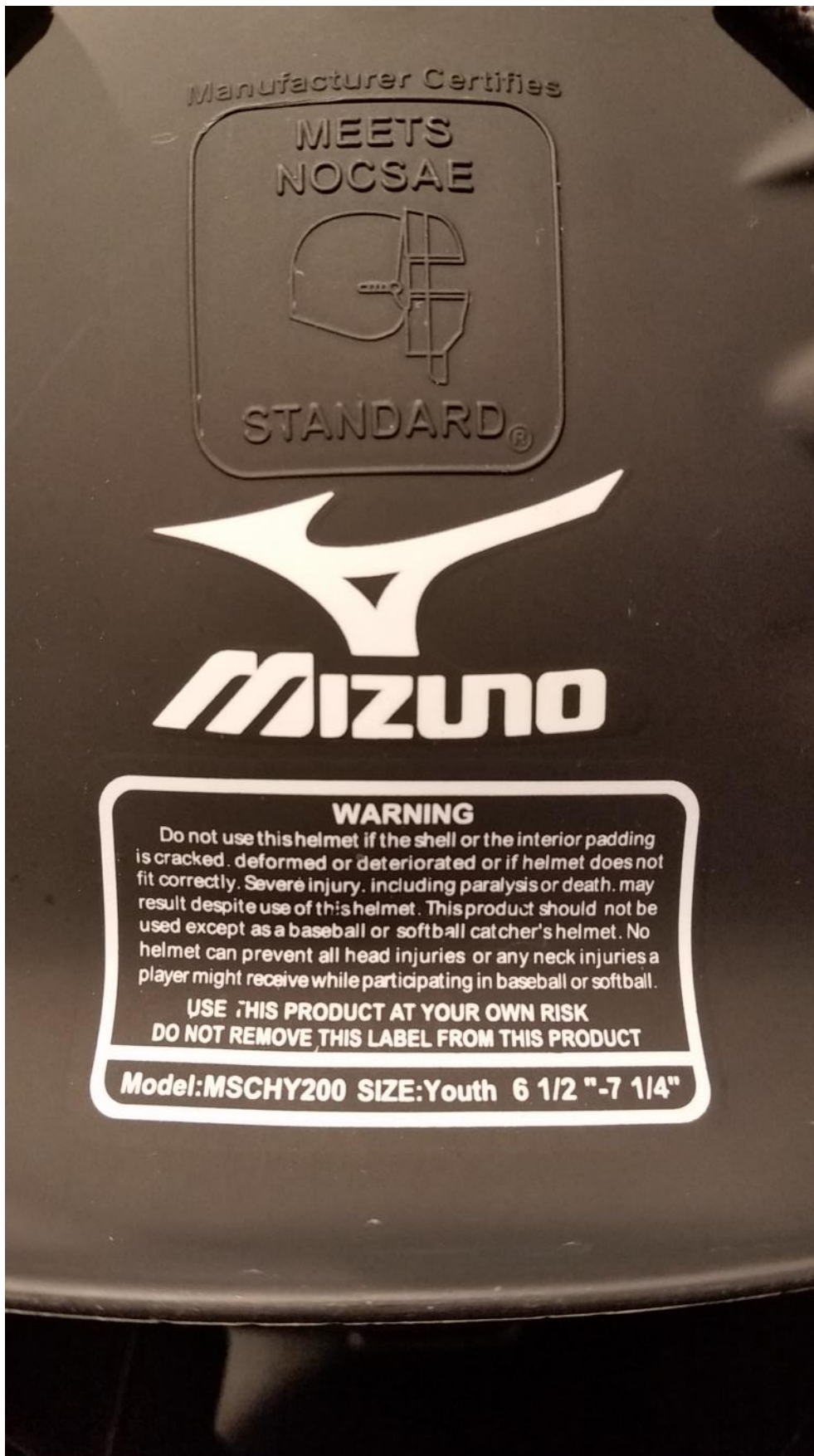
\_\_\_\_\_  
Date

\_\_\_\_\_  
Parent Name Printed

\_\_\_\_\_  
Parent Signature

\_\_\_\_\_  
Date





MHSAA approved Mizuno catcher's helmet

MHSAA approved Adidas batting helmet



**WARNING**

DO not use this helmet if the shell is cracked or deformed or if the interior padding is deteriorated. Severe head or neck injury including paralysis or death may occur to you despite using this helmet. No helmet can prevent all head injuries or any neck injuries while a player might receive while participating in baseball or softball. For maximum performance this helmet must be fitted and attached properly to the player's head in accordance with the fitting instruction. Recommended Life of Helmet is 1 Year.

**WARNING**

This Helmet can be damaged by accidental, incidental, or intentional contact with common substances (for example: certain solvents, cleaners, hair treatment, etc.) and this damage may not be visible to the user. Clean ONLY with plain soap and water. DO NOT PAINT.

# EXHIBIT 8

## WALLER COUNTY HIGH SCHOOL at FONDREN COUNTY HIGH SCHOOL

Fondren County High School | Newtonville, MS | May 25, 2018

MHSAA Co-Ed Baseball Playoffs – Semi-Finals

### WALLER COUNTY BULLFROGS

	STARTING	POS	SUBSTITUTE
1	<del>Roy Hobbs</del>	1 <sup>st</sup>	Chipper Freeman
2	Sarah Fleming	2 <sup>nd</sup>	
3	Jerrado Gregory	LF	
4	Brett Robinson	CF	
5	Christa McDaniel	RF	
6	Tony/Toni Stone	SS	
7	Chris Gant	P	
8	Joe Hodges	3 <sup>rd</sup>	
9	<del>Dottie Hinson</del>	C	Rachel Jackson

### FONDREN COUNTY GOLDEN BEAGLES

	STARTING	POS	SUBSTITUTE
1	<del>Amanda Whurlitzer</del>	P	Natalie Barker
2	Dana DiMaggio	CF	
3	Jackie Mitchell	1 <sup>st</sup>	
4	Regan Young	C	
5	Chase Katz	SS	
6	Taylor Ortiz	RF	
7	Jan Levinson	LF	
8	Heather Gould	3 <sup>rd</sup>	
9	Nick Barker	2 <sup>nd</sup>	

#### AVAILABLE SUBSTITUTES

<del>Rachel Jackson</del>	Alan McClendon
<del>Chipper Freeman</del>	

#### AVAILABLE SUBSTITUTES

Michael Palledorous	Stillwell Gardner
<del>Natalie Barker</del>	

#### COACHES

Lou Brown – Head Coach
Annie Kinsella – 1 <sup>st</sup> Base
Max Mercy – 3 <sup>rd</sup> Base

#### COACHES

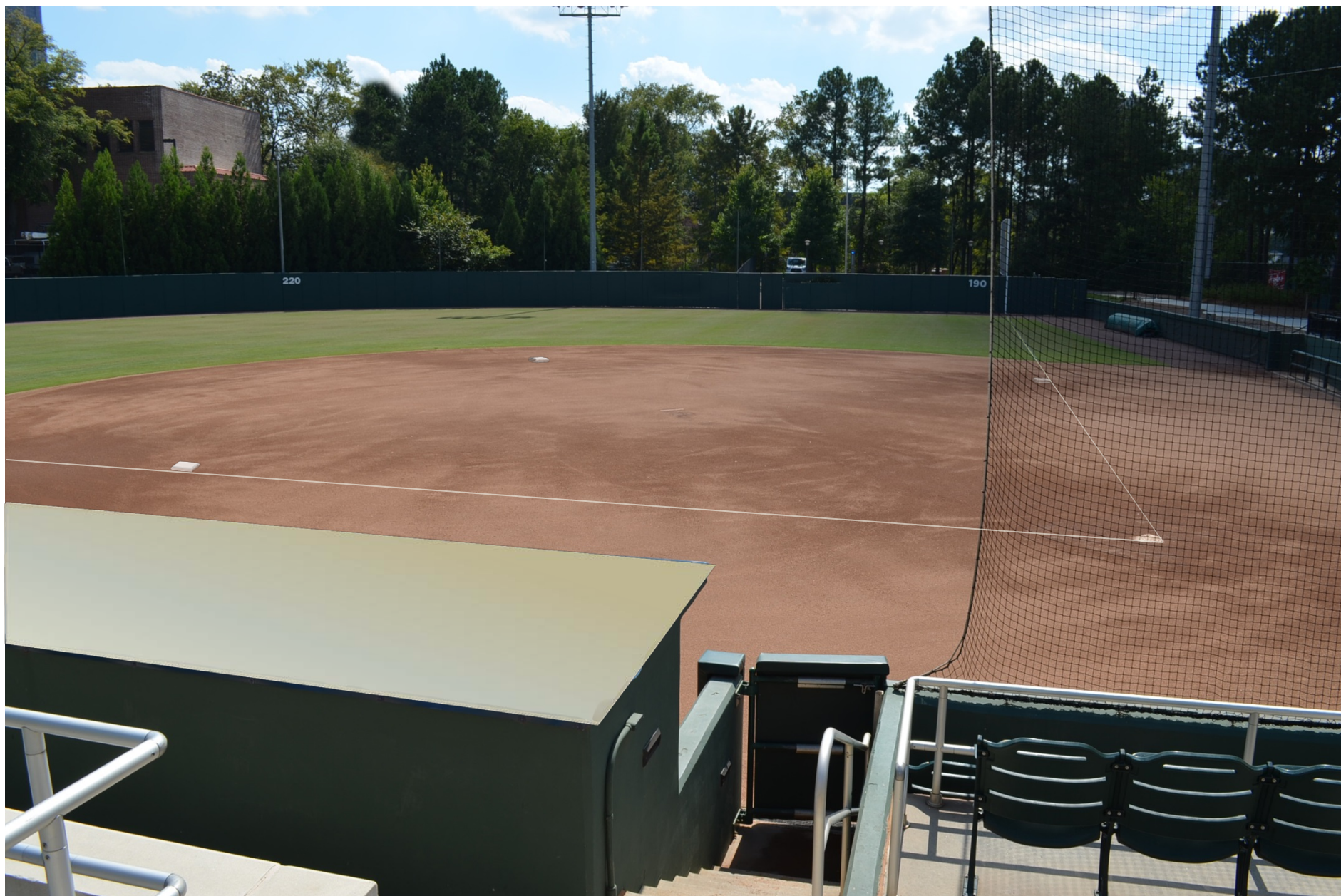
Trisha Weaver – Head Coach
Pop Fisher – 1 <sup>st</sup> Base
Carey Schueler – 3 <sup>rd</sup> Base





*View from Amari Mays' seat - AM*





*View from Val "Bean" Ripken's seat - VR*





*View from Tony/Toni Stone's position - TS*





*View from Carey Schueler's position - CS*





*View from left field – BR1*





*View from left field – BR2*