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# **THE JOHN MARSHALL LAW SCHOOL**

## **THE SEVENTH ANNUAL 1L INTRASCHOOL MOCK TRIAL COMPETITION**

***State v. McLove***

Friday, March 26, 2010

Sponsored by the Trial Advocacy and Dispute Resolution Honors Board,  
Council, and the Center for Advocacy and Dispute Resolution

## Information for Participants

The 1L Mock Trial Competition consists of two rounds of trials, with 30 teams competing. During each trial, two students will act as student advocates for the prosecution and two students will act as student advocates for the defense. Likewise, each team will have two students in witness roles. The roles of student advocate and witness will then switch in the second round. When serving as a student advocate, each student advocate will present either an opening statement or a closing argument, and each student advocate will conduct a direct examination and cross examination of a witness.

Each team member will be assigned a number. The judge and evaluator will award points to each team member's number. The individual scores will then be totaled to determine the team's total scores. The top five teams will be recognized at a ceremony following the competition in Room 1200.

The competition will begin at 6:00 pm. Each team will have a total of 30 minutes to present its side, providing for a possible total of 60 minutes per trial or round. Each side will present an opening statement, 2 direct examinations, 2 cross examinations, and a closing argument. No rebuttal will be permitted. No Motions in Limine are permitted.

All witnesses are gender specific and actors should maintain the witness's gender, regardless of their own gender. No witness may testify to facts outside the scope of what is contained in the record, but a witness may testify to reasonable inferences regarding background information.

Each team must call the following witnesses:

**For the Prosecution:**

Detective Brad Dewberry  
Maryann Samson

**For the Defense:**

Defendant Victor McLove  
Patricia Chiggins

The Federal Rules of Evidence will apply. *No facts outside what is presented in the record may be introduced.*

State v. McLove

Recently there have been layoffs at Hotel Jewels. The economy has been tough and Hotel Jewels was forced to make a reduction in staff. Hotel Jewels employs 15 custodial personnel. On Friday, February 6, 2009, Tony Samson, owner of Hotel Jewels, gave notice to five employees of the custodial staff that they would be laid off on Friday, February 27, 2009.

Detective Brad Dewberry has been working with the Chicago Police Department for 25 years. Detective Dewberry has specialized in kidnappings for the past 10 years and is a lead detective with the Chicago Police Department.

On Wednesday, February 25, 2009, Maryann Samson, daughter of Tony Samson, was working at Hotel Jewels. Maryann was working at the reception desk from 5 pm until 11 pm. Before Maryann left for the evening, she went to the 10<sup>th</sup> floor conference room to retrieve the notebook she left there earlier that day. At midnight, Tony Samson made a phone call to the Hotel Manager, Patricia Chiggins, asking "Have you seen my daughter?" Patricia Chiggins responded that she had not seen Maryann. She then called the police to report Maryann missing.

Detective Dewberry arrived at Hotel Jewels at 12:30 am. Patricia Chiggins explained to Detective Dewberry that Maryann finished work at 11 pm and was not seen leaving the Hotel. Her black 2000 Ford Focus was found in the parking lot.

After 5 hours of searching the hotel premises, Detective Dewberry found Maryann in a storage closet on the 13<sup>th</sup> floor of the hotel. Maryann was found with her mouth taped shut and handcuffed to a pipe in the storage closet. Maryann told Detective Dewberry that Victor McLove was the only person she remembered seeing on the 10<sup>th</sup> floor prior to being captured. Moments later, Maryann was grabbed, blindfolded, and dragged into the elevator. Maryann said that she was dragged out of the elevator and thrown into the storage closet where she was

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handcuffed to a pipe. She claimed that her blindfold fell off and she was able to see that her kidnapper was wearing a black ski mask just before he closed the door. Detective Dewberry took Maryann to the police station. Samson's statement is attached.

Based on the allegations contained in Samson's statement, Detective Dewberry arrested and mirandized Victor McLove, a custodian at Hotel Jewels. McLove's statement is attached.

## Statement of Maryann Samson

I am 17 years old and a senior at Marshall High School. My father owns Hotel Jewels. I work at Hotel Jewels at the reception desk and sometimes help my dad in the office. I usually work after school from 5 pm until 11 pm on Mondays, Wednesdays, and Fridays.

On Wednesday, February 25, 2009, I was working at the hotel behind the reception desk. I was scheduled to work there from 5 pm until 11 pm. Around 11 pm, I left the reception area and went to the 10<sup>th</sup> floor conference room to get a notebook that I left in there. I had been doing some homework in the conference room during my dinner break and left my notebook on one of the tables.

I stepped off of the elevator onto the 10<sup>th</sup> floor, which has a long hallway. As I began to walk toward the two large conference room doors, I saw Victor McLove standing next to the supply room. The supply room is in the middle of the hallway, so I had to walk past Victor to get to the conference room. He was very quiet and wouldn't look at me as I walked past.

I opened the doors to the conference room and just as I was about to enter, someone grabbed me from behind and placed a blindfold over my eyes. Before I could even think to scream, duct tape was placed over my mouth and I was dragged down the hall and into the elevator. The elevators doors opened and I was taken into the storage closet, where I was handcuffed to a pipe. My blindfold fell off and just before the storage closet door closed, I saw that my kidnapper was wearing a black ski mask, but I believe it was Victor.

I was stuck in the storage closet for hours until finally Detective Dewberry found me. I was so scared and still have nightmares about what happened to me. I dated Victor for 6 months, until he broke up with me on February 13, 2009. He was a good boyfriend for the most part. But, I did see him yell at a co-worker one time and say "If you don't pay me back by this

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weekend, something bad will happen to you.” I cannot believe that Victor would do something like this to me.

/s/ Maryann Samson Witnessed by: /s/ Detective Brad Dewberry  
Maryann Samson Detective Brad Dewberry  
Chicago Police Department

Dated: February 26, 2009

Statement of Victor McLove

I am 19 years old and I am unemployed. I worked at Hotel Jewels as a custodian from January of 2006 until February of 2009. I received a letter from Tony Samson, the owner of Hotel Jewels, on February 6, 2009 stating that I would be laid off. I wasn't too upset because I wanted to go back to school to get a degree in Hotel Management. I have applied to a few schools and I am waiting to hear back.

On Wednesday, February 25, 2009, I was working at Hotel Jewels from 3 pm until 10:45 pm. There were 3 custodians working that night. I was assigned to the 9<sup>th</sup>, 10<sup>th</sup>, 11<sup>th</sup>, 12<sup>th</sup>, and 13<sup>th</sup> floors of the hotel. Each floor has a storage closet, where we keep our equipment. Each custodian is given a key that opens all of the storage closets on each floor of the hotel.

Around 10:45 pm, I went down into the basement locker room to check out with my manager, Patricia Chiggins. She punched my time card and then I went to my locker to grab my coat before leaving. I grabbed my coat and left the Hotel sometime around 11 pm.

I dated Maryann for about 6 months until we broke up a week ago. Things hadn't been going well for about a month, so I ended things on with her on February 13, 2009. She was pretty upset and told me "you'll be sorry" and then slammed the door in my face.

I was a good employee at Hotel Jewels. The only time I ever got in trouble was when I first started working at Hotel Jewels and one of the other employees picked a fight with me and the cops came. Both of us got warnings for fighting, but other than that I have never been in trouble. I am not sure what Maryann told you, but I know she is lying. I never kidnapped Maryann.

/s/ Victor McLove Witnessed by: /s/ Detective Brad Dewberry  
Victor McLove Detective Brad Dewberry  
Chicago Police Department

Dated: February 26, 2009

STATE OF ILLINOIS  
COUNTY OF COOK  
IN THE CIRCUIT COURT OF COOK COUNTY  
COUNTY DEPARTMENT MUNICIPAL DIVISION

THE PEOPLE OF THE )  
STATE OF ILLINOIS )  
 )  
Plaintiff, ) Case No. 09 224711  
 )  
vs. ) BRANCH 49  
 )  
VICTOR McLOVE, )  
 )  
Defendant. )

The above-captioned matter came on for Preliminary Hearing before the HONORABLE MARIE LaMORRIS, on the 13<sup>th</sup> day of March, in the year of 2009.

EXCERPTED REPORT OF PROCEEDINGS

**ASA:** The State calls Detective Brad Dewberry to the stand.  
Please state your name and star number for the record.

**Dewberry:** My name is Brad Dewberry, D-E-W-B-E-R-R-Y, and my Chicago Police star number is 16549.

**ASA:** Detective Dewberry, how long have you been on the force?

**Dewberry:** 25 years

**ASA:** What is your current unit of assignment?

**Dewberry:** I am a detective in Area 4. I was a patrol officer for 15 years. I have specialized in kidnapping cases for the past 10 years. In that time, I have worked on 145 kidnapping cases, 75 of which have been solved.

**ASA:** Detective, can you tell us what happened on the evening of February 25, 2009?

**Dewberry:** Sure, sometime around midnight, I was working on some paper work at the Area when I received an assignment from the Lieutenant regarding a complaint of a possible kidnapping at Hotel Jewels at 490 Porterhouse Street. I was about to end my shift and was exhausted, but I took the case anyway. I arrived at the scene around 12:30 am and talked to Tony Samson, the hotel owner, and Patricia Chiggins, the hotel manager.

**ASA:** What did you learn when you arrived to the scene?

**Dewberry:** I learned that Maryann Samson, daughter of the owner of Hotel Jewels, had been missing since 11 pm. Maryann Samson was supposed to get off of work at 11 pm and drive home. However, Maryann never got home and her car was found parked in the Hotel's parking lot. No one saw her leave the hotel.

**ASA:** What did you do upon learning this information?

**Dewberry:** After I spoke with her father and the hotel manager, I began searching the hotel. There are 20 floors with 350 rooms. It took a long time to search all the rooms. Around 5:30 am, Katya Ferts, a hotel maid, heard a noise coming from the storage closet on the 13<sup>th</sup> floor. I opened the door and found Maryann Samson handcuffed to a pipe with duct tape over her mouth.

**ASA:** Did you speak to Maryann Samson at that time?

**Dewberry:** Yes I did. She told me that she left the reception area around 11 pm and went to the conference room on the 10<sup>th</sup> floor where she saw Victor McLove next to the 10<sup>th</sup> floor supply room. She said that just as she was walking into the conference room, she was grabbed from behind, blindfolded, duct-taped, and taken into an elevator. She then said she was taken out of the elevator and then thrown into the storage closet, where she was handcuffed to a pipe. She said her blindfold fell off and she saw that her kidnapper was wearing a black ski mask just before he closed the door. Maryann believes that her kidnapper was Victor McLove.

**ASA:** Did you seize anything for evidence?

**Dewberry:** Yes, I first found a "ransom letter," which was lying on the floor in Tony Samson's office near the door. The "ransom letter" says "Leave one million dollars at the reception desk at 9 pm this Friday and you will get your daughter back."

**ASA:** Did you collect any other evidence?

**Dewberry:** Yes. I searched Victor McLove's locker in the basement locker-room and found a letter dated February 6, 2009 informing McLove that he was being laid-off. I also found a black ski mask.

**ASA:** Where these the only items you collected?

**Dewberry:** No, while I was searching the hotel, I found a receipt for duct tape on the floor near the reception desk.

**ASA:** Did you collect anymore evidence in regards to this case?

**Dewberry:** No, at this point I already had the ski mask that was found in the Defendant's locker also with the statements made by Maryann. There really wasn't any point in looking for anything else. People need to understand that kidnapping is not a joke and there are severe consequences.

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**Court:** I find that there is probable cause. This case is set for trial on March 26, 2010.

Statement of Patricia Chiggins

I am the hotel manager at Hotel Jewels. I have worked at the hotel for the last 8 years. I am in charge of a number of daily tasks, including managing the maid and custodial staff. Each maid and custodian checks in with me when they arrive and leave work. There are usually five custodians working during each shift.

Victor McLove has been the best custodian on the staff. However, with the down economy, Victor and four other custodians were to be laid-off on February 27, 2009. On Wednesday, February 25, 2009, Victor worked his normal shift from 3 pm until 11 pm. Victor got finished early and came to check-out with me at 10:40 pm. Victor grabbed his coat and left through the back door. Around 10:45 pm, I went upstairs to the reception desk to relieve Maryann, who was getting off of work at 11 pm.

Maryann left the reception area and walked toward the elevators. I never saw her leave through the front doors of the hotel. I received a phone call around midnight from Tony Samson, asking if I had seen Maryann. After realizing that she never made it home and her car was still in the parking lot, I made a phone call to 911. Detective Dewberry arrived around 12:40 am. Around 5:30 am, Detective Dewberry found Maryann in a storage closet on the 13<sup>th</sup> floor.

I don't believe that Victor would kidnap Maryann. Victor is such a nice young man and would never hurt a soul. A few days before, on Friday, February 20, 2009, I saw Maryann bring in a bag from CJ's Hardware. She left the bag at the reception desk. I took a look inside and saw that there was duct tape inside the bag.

/s/ Patricia Chiggins Witnessed by: /s/ Detective Brad Dewberry  
Patricia Chiggins Detective Brad Dewberry  
Detective  
Chicago Police Department

Dated: February 28, 2009

## **ILLINOIS STATUTES**

### **§ 720 ILCS 5/10-1. Kidnapping.**

- (a) A person commits the offense of kidnapping when he or she knowingly:
- (1) and secretly confines another against his or her will;
  - (2) by force or threat of imminent force carries another from one place to another with intent secretly to confine that other person against his or her will; or
  - (3) by deceit or enticement induces another to go from one place to another with intent secretly to confine that other person against his or her will.
- (b) Confinement of a child under the age of 13 years, or of a severely or profoundly mentally retarded person, is against that child's or person's will within the meaning of this Section if that confinement is without the consent of that child's or person's parent or legal guardian.
- (c) Sentence. Kidnapping is a Class 2 felony.

### **§ 720 ILCS 5/10-2. Aggravated Kidnapping.**

- (a) A person commits the offense of aggravated kidnapping when he or she commits kidnapping and:
- (1) kidnaps with the intent to obtain ransom from the person kidnapped or from any other person;
  - (2) takes as his or her victim a child under the age of 13 years, or a severely or profoundly mentally retarded person;
  - (3) inflicts great bodily harm, other than by the discharge of a firearm, or commits another felony upon his or her victim;
  - (4) wears a hood, robe, or mask or conceals his or her identity;
  - (5) commits the offense of kidnapping while armed with a dangerous weapon, other than a firearm, as defined in Section 33A-1 of this Code;
  - (6) commits the offense of kidnapping while armed with a firearm;
  - (7) during the commission of the offense of kidnapping, personally discharges a firearm; or
  - (8) during the commission of the offense of kidnapping, personally discharges a firearm that proximately causes great bodily harm, permanent disability, permanent disfigurement, or death to another person.

As used in this Section, “ransom” includes money, benefit, or other valuable thing or concession.

(b) Sentence. Aggravated kidnapping in violation of paragraph (1), (2), (3), (4), or (5) of subsection (a) is a Class X felony. A violation of subsection (a)(6) is a Class X felony for which 15 years shall be added to the term of imprisonment imposed by the court. A violation of subsection (a)(7) is a Class X felony for which 20 years shall be added to the term of imprisonment imposed by the court. A violation of subsection (a)(8) is a Class X felony for which 25 years or up to a term of natural life shall be added to the term of imprisonment imposed by the court.

A person who is convicted of a second or subsequent offense of aggravated kidnapping shall be sentenced to a term of natural life imprisonment; except that a sentence of natural life imprisonment shall not be imposed under this Section unless the second or subsequent offense was committed after conviction on the first offense.

EXHIBITS

1. Hotel Jewels Letter to Victor McLove
2. Duct Tape Receipt
3. Black Ski Mask
4. Ransom Letter
5. Statements

## STIPULATIONS

1. A pretrial ruling has been entered concerning the duct tape receipt from CJ's Hardware. The judge has ruled that the receipt is a record of regularly conducted business activity and may be admissible under the proper Federal Rule of Evidence.
2. Hotel Jewels is located in the city of Chicago, county of Cook, in the state of Illinois. For purposes of this trial, Illinois has adopted the Federal Rules of Evidence in their entirety.
3. The police maintained a proper chain of custody for the letters, black ski mask, and receipt.
4. All evidence has been legally seized.
5. The enclosed pieces of evidence are the actual items that were recovered by Detective Dewberry. They are not pictures.

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# Hotel Jewels

**490 Porterhouse Street  
Chicago, IL 60612  
(312) 3-JEWELS**

February 6, 2009

Victor McLove  
165 Pale Drive  
Apt. 111  
Chicago, IL, 60611

Dear Victor:

It is with sincere regret that I must inform you that your employment at Hotel Jewels will be terminated as of Friday February 27, 2009.

As you know, we have been experiencing many budget cutbacks and employee layoffs, due to finances. I would like to make it absolutely clear that in no way does your termination reflect that the company is in any way unhappy with your work performance over the past 18 months. Unfortunately, you and 4 other employees from our custodial staff are being let go simply because of the general economic downturn in the hotel industry over the past year.

You will be able to work these next few weeks as you are normally scheduled up until February 27<sup>th</sup>. At the end of your last shift, please return the master set of keys in to the front desk.

Victor, given your qualifications and proven abilities, I am confident that you will be able to find another position in the relatively near future. If you would like, I would be pleased to write a recommendation letter for you, to help with your job search.

Sincerely,

Tony Samson  
Hotel Jewels CEO and Owner

## CJ's Hardware

820 Michigan Ave  
Chicago, IL 60614  
(773) 708-0320

1 Roll Duct Tape	\$8.34
1 Bottle Glass Cleaner	\$9.07
1 Box Garbage Bags	\$5.99
Tax	\$2.34
Total	\$25.74

Maryann Samson  
Visa \*\*\*\*\_\*\*\*\*\_\*\*\*\*-1653  
Exp 09/10

**Thank You!**

February 19, 2009 4:16pm



**L E A V E O n E**  
**m I L L I O n d O L L A R S**  
**A T T H E**  
**R E C E P T I O n d E S K**  
**A T 9 P m T H I S**  
**F R I d A y A n d y O u**  
**w I L L g E T y O u R**  
**d A u g H T E R B A C K**