

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT,
IN AND FOR LEON COUNTY, FLORIDA.

STATE OF FLORIDA

CASE NO. 07-0001
Criminal Division

Prosecution,

v.

Jesse Sunderson,

Defendant.

STIPULATED FACTS

On January 7, at 1 p.m. many firecrackers exploded in an empty locker at Jefferson School, causing great damage to the lockers and the walls. Luckily, no one was injured. Mr. Stuart, the assistant principal, searched the other lockers and found more firecrackers in a locker assigned to Jesse Sunderson. Jesse has been charged with possession of firecrackers and damage to property.

ISSUES: Did the firecrackers belong to Jesse? Did he put them into the empty locker?

DEFENSE: Jesse will try to prove that he is a victim of retaliation. Because he informed Coach Price about the use of alcohol by two students, Jesse believes the two students planted the firecrackers in his locker.

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Prosecution Witness Statements

Leslie Stuart, Assistant Principal

I have been assistant principal at Jefferson School since 1989. Before that I was a social studies teacher at Olsen High School.

On January 7, I was called to the west wing after an explosion which damaged the lockers and the walls. I looked over the damage and quickly decided that I had to make certain that there were no more firecrackers in the lockers so I used my master key to open the lockers. In locker 633 I found a large grocery bag full of unexploded firecrackers. I took the firecrackers to my office and looked up the student assigned to locker 633. The student was Jesse Sunderson. I then called the police.

Mickey Price, Coach

I have been a coach at Jefferson for the last three years. Jesse Sunderson is on my soccer team. I had a meeting with Jesse's parents and Jesse a week ago. I explained that Jesse was being suspended from the team because of poor grades. The school has a policy that all athletes must maintain a B-average to play in school sports. Jesse's average has slipped to C-. Jesse became very angry and complained that it wasn't fair to suspend one player for poor grades, while other players could keep playing even though they were using alcohol. Upon questioning, Jesse gave me the names of two other players who have since, after much investigation, also been suspended from the team.

Shawn Dettmer, Student

I'm a student at Jefferson and I was on the soccer team until the coach kicked me off. Apparently, Jesse Sunderson ratted me out that I drank beer. He's such a jerk. He has messed up my chances at getting a scholarship. He should be expelled. He must've gotten the fireworks from that little fireworks stand at the state border. I think I saw him with some bottle rockets from that place.

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Defense Witness Statements

Jesse Sunderson, Defendant

I did not plant the firecrackers in the empty locker, and I have no idea how the firecrackers got into my locker. The lockers have combinations and I have not given my combination to anyone. I am a good student, I participate in sports and music activities, and I have a part-time job delivering newspapers.

I usually get along with the students at Jefferson. Except at the moment, a couple of kids are very angry with me for telling the coach that they drink beer. I told on them because I didn't think it was fair to punish me for breaking a rule and not punish others. I heard them tell some other kids that they would "get back at me!" I think they might have planted the firecrackers in my locker which is located in the west wing.

Kyle Hadley, School Janitor

I have been the janitor at Jefferson School for five years. On the morning of the explosion, I noticed my locker master key was missing. I usually leave it on the hook by the door to my supply closet. I had seen two of the boys from the soccer team hanging around the door to my supply closet earlier that morning.

Erin Thompson, Student

I am a seventh grader at Jefferson. I am a member of the Marching Band. I like school a lot and spend most of my time working on my computer or talking with my best friend.

I have a locker in the west wing next to one of the kids who was suspended from the soccer team. I hear the student blaming Jesse for all his problems. I also saw this student with some friends walking down the hall in the west wing a few seconds before the explosion. I was on my way to the office to meet my older brother who was taking me to the orthodontist.

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Instructions to the Jury

After Evidence is presented

Members of the jury, you have heard all of the testimony concerning this case. It is now up to you to determine the facts. You and you alone, are the judges of the fact. Once you decide what facts the evidence proves, you must then apply the law as I give it to you to the facts as you find them.

The defendant is believed to be innocent of the charges. This presumption remains with the defendant throughout every stage of the trial and is not overcome unless you are convinced beyond a reasonable doubt that the defendant is guilty. The defendant is not required to prove his innocence.

The prosecution has the burden of proving the guilt of the defendant beyond a reasonable doubt. This burden remains on the prosecution through the trial. The prosecution must prove that a crime was committed and that the defendant is the person who committed the crime. However, the prosecution is not required to prove guilty beyond all possible doubt or to a certain percentage. Nor is the prosecution required to disprove every conceivable circumstance of innocence.

A reasonable doubt is a doubt founded upon reason. Proof beyond a reasonable doubt requires such proof that would convince you to rely upon a fact enough to make an important decision in your own business or personal affairs. However, if you are not satisfied of the defendant's guilt to that extent, then reasonable doubt exists and the defendant must be found not guilty.

The LAW

609.595 DAMAGE TO PROPERTY
Aggravated criminal damage to property.

Whoever intentionally causes damage to physical property of another without the latter's consent may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both if the damage to the property caused a reasonably foreseeable risk of bodily harm.

624.21 SALE AND USE OF FIREWORKS PROHIBITED.

Except as otherwise provided in sections 624.20 to 624.25, it shall be unlawful for any person to offer for sale, expose for sale, sell at retail or wholesale, possess, advertise, use, or explode any fireworks.

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_____ /

VERDICT FORM

We, the jury, in the case of State of Florida versus Jesse Sunderson find the defendant

_____ Guilty

_____ Not Guilty

of the charges of Damage to Property and Possession of Fireworks.

We agree unanimously.

Signature of Foreperson

Date