

#aiTIXAdvInvestigator

IDENTIFYING INCOMPLETE FACT PATTERNS TO ENHANCE YOUR INVESTIGATION



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ACTIVITY

Identifying Incomplete Fact Patterns to a Case

(Small Groups)



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■ SCENARIO 1

- Fraternity party
- Bart and George were alone with Cassie in an upstairs room.
- The following semester, Bart ran for the office of president of the campus diversity and inclusion group.
- Upon hearing this, Cassie reports what happened as a sexual assault.

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■ SCENARIO 1

Bart's interview:

- This didn't happen.
- No one has ever accused me of anything like this.
- I would never do anything like this.
- Maybe something happened to her, but it wasn't with me.
- Her story doesn't make sense.
- I don't socialize with her sorority.
- I have so many female friends. Ask any of them. I have never done this with them.
- Sure, I drink some, but I don't get drunk.
- I have a sister – I totally respect women.
- I have a long history of community service.

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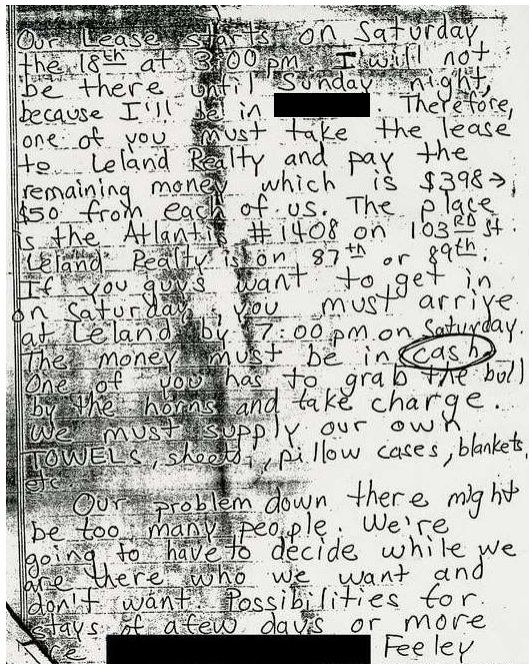
SCENARIO 1

George's interview:

- George has left the school and declines to be interviewed.

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SCENARIO 1



Our lease starts on Saturday
the 18th at 3:00 pm. I will not
be there until Sunday night,
because I'll be in [redacted]. Therefore,
one of you must take the lease
to Leland Realty and pay the
remaining money which is \$398 →,
\$50 from each of us. The place
is the Atlantis #1408 on 103RD St.
Leland Realty is on 87th or 89th.
If you guys want to get in
on Saturday, you must arrive
at Leland by 7:00 pm on Saturday.
The money must be in cash.
One of you has to grab the bull
by the horns and take charge.
We must supply our own
TOWELS, sheets, pillow cases, blankets,
etc.
Our problem down there might
be too many people. We're
going to have to decide while we
are there who we want and
don't want. Possibilities for
stays of a few days or more
Feeley

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SCENARIO 1

of [redacted] etc. If half
of [redacted] starts coming
we might have to give the boot
or else we might get it
ourselves. I think we are
unanimous that any girls we
can beg to stay there are
welcomed with open ... Anyway
I think we're all set. Remember
that the eight of us are in
charge - we get beds and we
kick people out - no one else.
The danger of eviction is
great and that would suck
because of the money and
because this week has big
potential. (Interpret as wish).
I'm leaving for [redacted] on
Wed - the 8th so someone has
to volunteer by then to be in
charge of money and signing
lease (It will still be in my
name).
FFFFF,
Bart

S It would probably be a
good idea on Sat. the 18th to
warn the neighbors that we're
loud, obnoxious drunks with
prolific poker among us. Advise
them to go about 30 miles if

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SCENARIO 2

- Two months after a sexual encounter, Jane brings a complaint against John that he forced her into non-consensual oral sex, had vaginal sex with her after she withdrew consent, and had non-consensual anal sex with her.
- She also alleged a separate inappropriate touching incident occurring about a month after the initial events.

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■ SCENARIO 2

- Jane states her roommates heard her crying.
- John states she was not crying and consented with enthusiasm.
- Jane is only witness to inappropriate touching.
- Jane initially stated non-consensual vaginal sex but later stated consent was withdrawn.
- Jane’s statement to a nurse indicated she suffered vaginal bleeding. She stated during Title IX interview she had anal bleeding.

■ SCENARIO 2

- John produced a text in which he expressed his concern about pregnancy to Jane, since they had not used a condom.
- The day after the initial events, the two texted, and Jane invited John to her room. He had a prior commitment.
- They went with a group to a fraternity party.
- John began avoiding Jane when he heard rumors that she was telling others he had done “unspeakable” things.

■ SCENARIO 2

- During interview, John is visibly angry but cooperative. He reacts negatively to questions but takes a breath and answers.
- During interview, Jane is upset and crying. It is difficult to obtain details from her as a result; although, she is not apparently avoiding the question.

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■ SCENARIO 3

- Emily, a college student from a different school, visited her sister at Texas University, and the two went out with friends, drinking.
- Emily and her friends got “buzzed” before they left for a party.
- At the party, Emily drank more and described her intoxication level as “very out of it” and stated she got very quiet, as she generally does when drunk.

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■ Scenario 3

- At approximately midnight, Emily called her boyfriend and left him a voicemail that was very slurred, nearly incoherent.
- Matt and his buddy Tony arrived at the party at about 11 p.m. Both had been drinking pretty heavily.
- Matt saw Tony kissing several different girls at the party.

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■ SCENARIO 3

- At one point, Matt was on the porch with Tony and Emily, and that was the last he saw Tony that night. He did not see Tony kiss Emily.
- At about 1 a.m., Lisa was walking past a closed restaurant on campus and saw people having sex just around the corner of the building as she was passing. When she looked, she saw the woman was unconscious.

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■ SCENARIO 3

- Lisa yelled, and the man, Tony, jumped away from Emily and started running. Lisa recognized Tony from one of her classes and called the police, who found Tony at his dorm room 20 minutes later.
- Emily remained unconscious for over three hours after she was found. She had wounds on the backs of her hands and elbows.
- When she woke up, she did not recall meeting Tony, leaving the party, or anything that happened after leaving the party.

■ SCENARIO 3

- Tony stated that he did not get Emily's name and would not recognize her again.
- He said he consciously decided to have sex but thought Emily was "into it."
- He told the school that all the women he kissed that night would say he hadn't forced them.
- He told the school that he was a good citizen and lots of other people would tell them the same.

■ SCENARIO 3

- Video of the two leaving the party at about 12:45 a.m. shows Tony supporting a very drunk Emily, who barely appeared to be moving her own legs.
- Emily appeared to push at Tony's face with one arm, after which he tucked her arm between his body and hers, and continued in the direction of the nearby, closed restaurant.

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ACTIVITY

Large Group Share Out

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QUESTIONS