A Debate on Ethics

To prepare for the mock trial, start by reading the following two articles:
- [Murder Case Tests Alexa's Devotion to Privacy [Wired]](#)
- [Amazon Echo Alexa Bentonville Arkansas Murder Case [CNN]](#)

In our mock trial, we will have the following people / organizations represented:
- **Judge**
- **Jury Member**
- **Nathan Smith** -- Arkansas Benton County Prosecuting Attorney
    - Thinks James Bates is guilty of murdering Victor Collins, and his Amazon Echo will provide valuable information on the murder
- **Kimberly Weber** -- murder suspect James Bates' Defending Attorney
    - Think James Bates is not guilty of murder, and believes there is nothing useful on the [Echo] device, and applauds Amazon for protecting her client's privacy
- **James Bates** -- murder suspect
- **Amazon's Legal Consultants** -- informed on what the United States Constitution says about search and seizure, right to privacy, etc.
    - Pushing back against Arkansas prosecutor's demand for information from murder suspect's [Echo] device
- **Amazon's Technical Consultants** -- informed about technical details of the Echo and users' implied consent
    - Informed about the kinds of information collected by Echo devices, and how much of it is available, if needed
- **Case Opener** -- one who opens the case hearing by recapping the facts (facts only, like day / time of death, any information received, etc.) for everyone

On Tuesday, we will roughly follow the steps outlined on the next page to proceed through our hearing. Familiarize yourself with the process, so you are prepared to speak when it is your turn.

Below is a list mapping students in our class to the roles defined above (assign students):

Role	Student
Case Opener & Jury Member	
Nathan Smith	
Kimberly Weber	

James Bates	
Amazon's Legal Consultant 1	
Amazon's Legal Consultant 2	
Amazon's Technical Consultant 1	
Amazon's Technical Consultant 2	
Judge	

Arkansas State Police Department (ASPD) vs. James Bates (& Amazon)

Case Objectives:
- **Is James Bates guilty of murdering former Georgia police officer Victor Collins?**
- **Should Amazon be required to turn over information obtained from the murder suspect's Echo?**

5 min -- Thought Gathering / Argument Prep (optional)
- Time for consultants to convene and discuss their arguments
- Questions to consider:
  - Why are you being taken to trial or being tried?
  - In what ways has the defendant done injury to your client?
  - In what way is the plaintiff mistaken in its case against you?
  - Why should your client be found not guilty, or why should the defendant be found guilty?
  - What evidence do you intend to present, and what witnesses to you intend to call to support your case?
  - How will you prepare to counter the opposing side's opening arguments during the next phase?

3 min -- Opening
- Case Opener states the facts
  - State everything that is known to be true
  - Refer specifically to the Alexa device -- its presence in the suspect's home, whether it is recording, etc.

6 min -- Arguments -- Round I (Evidence)
- 3 min -- Prosecuting Attorney introduces his/her argument clearly and persuasively
  - Make statements, present evidence, etc.

- 3 min -- Defending Attorney introduces his/her argument clearly and persuasively
  - Make statements, present evidence, etc.

10 min -- Arguments -- Round II (Questioning)
- 5 min -- Prosecuting Attorney gets to question any witnesses / consultants
- 5 min -- Defending Attorney gets to question any witnesses / consultants

- Questions for attorneys to consider:
    - Why are you questioning these witnesses / consultants?
    - What do you hope their testimony will show?
    - What questions will you ask?
    - What questions will you try to avoid? Why?
    - How might you try to ask questions in a way that might help the truth come to light?
    - What else do you need to consider in questioning the witnesses / consultants?

- Questions for witnesses to consider:
    - What is your background and/or relationship to the case?
    - How do you feel about the defendant and the case?
    - How does the case affect you directly?
    - Does you have any stake in the outcome?
    - Do you have any particular motive here?

5 min -- Thought Gathering / Argument Prep
- Opportunity for consultants to convene

10 min -- Arguments -- Round III (Questioning)
- 5 min -- Prosecuting Attorney gets to question any witnesses / consultants
- 5 min -- Defending Attorney gets to question any witnesses / consultants

6 min -- Closing Statements
- 3 min -- Prosecuting Attorney summarizes main arguments
    - Highlight the main pieces of evidence in the case
    - Try to persuade judge / jury to support your perspective and rule in your favor

    - Questions to consider:
        - How did the evidence support your argument?
        - What specific points did opposing counsel offer that you can directly refute?
        - What do you hope to gain from winning the case?
        - Why should the judge/jury decide in your favor?

- 3 min -- Defending Attorney summarizes main arguments
    - Highlight the main pieces of evidence in the case
    - Try to persuade judge / jury to support your perspective and rule in your favor

- o Questions to consider:
  - How did the evidence support your argument?
  - What specific points did opposing counsel offer that you can directly refute?
  - What do you hope to gain from winning the case?
  - Why should the judge/jury decide in your favor?

2 min -- Break
- Opportunity for jury to share its verdict with the judge

5 min -- Deliberation & Verdict
- Judge/jury considers the evidence and delivers a verdict and, if appropriate, a recommended sentence
- Judge might prepare a statement to explain the verdict and put it into context
- Questions to consider:
  - o What evidence was most compelling? Why?
  - o Which side made a stronger case?