

Michael Murphy – Mock Hearing Notes

Note: Michael Murphy is an entirely fictitious character created for training purposes only.

Discussions about Sexual Boundaries

- Tessa told you repeatedly that she did not want to have sex until she “knew she found The One.” She would constantly tease you that she thought you were the person. You talked about marriage constantly, but you were not planning to officially propose until graduation day. You were planning on getting your grandmother’s engagement ring redesigned for Tessa.
- Tessa did not ever say that she would never consider premarital sex. She said the opposite – that she would be willing to try it when she knew she was going to marry the person.
- Tessa broke up with you in March because she got tired of you coming over all the time, and she was really frustrated about her classes. Tessa had started to struggle with the amount of reading, so you were trying to tutor her, but it was her honors classes that were the hardest and you couldn’t really help. She broke up with you in a fit of rage one night when you came into her bedroom and asked if she wanted you to make dinner, because you were worried she wasn’t eating. A few days later when she was ready to talk, you apologized and told her that next time you would knock on her bedroom door when it was closed, and that you would be more respectful of those boundaries.
- You had always been respectful of Tessa’s sexual boundaries. Even when you stayed the night, you would each change for bed separately. You have never seen Tessa completely naked.

Prior to Arrival at Tessa’s Apartment

- You got to Tessa’s apartment at about 7:30 p.m. Before that, you had gone grocery shopping to help pick up a few things for Joe’s party, and you got a six-pack of beer for Caleb for his 21st birthday. No one carded you; they never do.
- When you arrived at Tessa’s apartment, both she and Sarah were still getting ready. You dug through Tessa’s desk to find a bow to put on the six-pack. Tessa finished getting ready and you both sat in the living room waiting for Sarah.
- You remember that Tessa was holding a glass of white wine, but she didn’t seem to be drinking it.

Party #1

- All the way to Joe’s, Tessa was talking about a trick pool shot she had learned in high school, so when you arrived at Joe’s, you all went right to the pool table. Tessa could not get it to work, even after practicing it several times.

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- By the time Tessa gave up on the trick shot, you felt like you needed to drop off the food to Joe or it would start to get warm. You had brought the stuff to make pizza rolls. You never did get to play pool.
- You left Tessa and Sarah at the pool table and went into the kitchen. Joe was pouring Fireball Whiskey, but you declined taking a shot.
- You spent time in the kitchen making pizza rolls with Joe and talking with him about current events. You also sat with him in the dining room and talked with some other friends.
- When you went back into the kitchen to get the pizza rolls out of the oven, Sarah came in and told you that she was leaving to go to Caleb's with Complainant. You told Sarah that you wanted to try some of the pizza rolls but that you'd be along to Caleb's once you had a chance to eat.
- You do not remember seeing Sarah or Tessa drink any alcohol at the party, but you weren't with them the whole time.

Party #2

- You stayed until the pizza rolls were cooled enough to eat, maybe twenty minutes, and then you had a few of them with Joe. You left for Caleb's shortly after.
- When you arrived at Caleb's, you found Sarah, Angela, and Tessa on the dance floor. Tessa was carrying a solo cup, so you asked her if she wanted another. She asked you to get her a glass of punch, so you did. The punch was green. You got yourself a glass also.
- When you came back with the punch, you handed Tessa the punch and you all went to the back of the property where there was a campfire at the bottom of a little hill. Caleb was there adding sticks to the fire. You did not observe Tessa having any difficulty walking at that time.
- There were little wooden benches around the fire, like what you might have around a patio table. The ground was uneven, and the benches were wobbly. Tessa and Sarah sat on one bench. You sat next to Tessa on the next bench.
- Caleb was joking around and pretended to sit between Tessa and Sarah, but there wasn't room. Tessa and Sarah staged a picture of kissing Caleb on the cheeks, but they almost fell backwards when they sat down.
- You remember that when Tessa almost fell, she spilled some punch on the bench.
- Caleb sat down on a bench next to Angela and the five of you talked for a bit, until Tessa finished her punch and "Shake It Off" came on the speakers. That is Tessa's favorite song, so she went to dance with Angela and Sarah.
- Not long after, Sarah came to find you and said that Tessa had tripped on one of the patio stones and had fallen pretty hard. You and Caleb both went up to see Tessa. She was sitting on the back steps to the house, and her ankle was swelling.

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- Caleb is a volunteer firefighter, and he said that Tessa had probably sprained her ankle. He apologized for the stone being loose. You told Tessa that you were going to go home and get the car. You left the party.
- You walked about ten blocks to get your car. Then you drove back to Caleb's house. Tessa was sitting by the curb. Your friends helped her get into the front seat because she couldn't put any weight on her foot. Tessa was carrying an ice pack and put her foot up on the dashboard on the drive home.
- You had Tessa lean on you heavily as you took her up the stairs to her apartment. She seemed tired and said that her foot hurt a lot. She also said she was dizzy and that the back of her head hurt. She was worried that she might have gotten a slight concussion. She asked you for some Tylenol.
- You laid Tessa down on her bed and then you went in the living room to call Caleb while Tessa was getting dressed. You closed the door behind you.
- You called Caleb to see how to check her for a concussion. (This is part of his volunteer firefighter training.) Caleb told you to get a flashlight and see if her pupils dilated equally. They did, so Caleb said that if she had a concussion, it was probably very mild. Since it was Easter weekend, he recommended just waiting until Monday to see a doctor. He also suggested that Tessa keep her leg up.
- You knocked on Tessa's door and she told you to come in. She hadn't made any progress in getting dressed, so you asked her if she wanted help. You pulled her shirt and pants off, then handed her a black nightgown. You turned your back while Tessa put it on. You saw her bra on the floor so you knew she removed it.
- Tessa told you that she felt "dizzy" and "sick," so you told her just to rest. You told her what Caleb had told you. Tessa was laying on her side, so you encouraged her to lay on her back so that you could boost her leg up with pillows. You gave her some Tylenol and a glass of water, then went into the bathroom to change into your pajama pants.
- You were worried Tessa would need something in the middle of the night, so you decided to stay. You didn't ask Tessa, but you also knew Tessa wouldn't mind because you had stayed over so much before.
- When you got back out of the bathroom, Tessa was sleeping and was back on her right side facing the wall. You "spooned" with her.
- Initially, Tessa was asleep, but after a while, she woke up and said that the pain was a lot better. She asked if you get rid of the old bag of ice, which was melted, so you poured the water down the sink in the bathroom.
- When you got back into bed, Tessa "nuzzled" into you and thanked you for taking such good care of her. She said, "It's stuff like this that makes me know that I'm going to marry you." Then she rolled over and looked you straight in the eyes and said, "I want you to make love to me now."

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- You responded, “Are you sure? I don’t want our first time to be when you’re hurting,” but Tessa said, “I’m sure. I can’t feel my ankle anyway, and I really think it’s time.”
- You helped Tessa roll onto her back and you adjusted her foot on the pillow to ensure that you wouldn’t accidentally hurt it. Then you got on top of her and began to kiss her. You were worried about putting any weight on her just in case she had a concussion, and you decided to go slowly in case she needed to stop for any reason.
- When you penetrated Tessa, she “wiggled” her hips to help you penetrate her.
- There was no discussion about a condom. You knew that Tessa was against birth control of any sort, and you weren’t concerned about STDs. When it was time, you withdrew and ejaculated into a tissue.
- You put your forehead on Tessa’s and she giggled for a moment, and you giggled back. You kissed her and then you went to the bathroom to clean up.
- When you came back out of the bathroom, Tessa was still awake. She nuzzled into you again, and you fell right to sleep.

The Next Day

- You woke up and went home to change for church. Tessa stayed back to watch it on TV.
- After you got back, you facetimes Tessa to see how she was and if she needed anything. She asked if you had had sex the night before. You told her that it was not a dream and that you had had sex. She sounded surprised and said she didn’t remember it. You felt disappointed that she didn’t remember your first time. You told her that maybe she did have a concussion. You related to her what happened, including that she had told you that she was ready. Tessa seemed withdrawn. She said she didn’t need anything other than a nap, so you hung up.
- You didn’t talk to Tessa much over the next week, which led you to believe that something was wrong. You thought Tessa probably felt guilty for having sex. When Tessa told you that she wanted to break up, you were expecting it due to the “radio silence” from her.

Instructions for playing Michael

- You are a lost soul. You had sex with your girlfriend at her request and now everything is falling apart.
- Put yourself in Michael’s shoes. If they ask you something you don’t know the answer to, make up something reasonable that seems like something he would say. Play Michael as a helpful guy who tries to please everyone.
- You had no idea that Tessa had this much to drink that night. In fact, aside from a little wine and a glass of punch, you didn’t see her drink anything.

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- Tessa didn't act intoxicated at any point in the evening. Your biggest concern about Tessa was related to the ankle injury. You thought she might have had a concussion, but Caleb really alleviated those fears. By the end of the night, you just thought she was tired and in pain.

Don't Reveal This Unless You Are Directly Questioned On It (use your judgment):

- Tessa asked you for Tylenol twice when you got back to her apartment. She didn't seem to remember that she had asked you the first time.